Article 3 (The Slave Trade at Sea)

The High Contracting Parties undertake to adopt all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags.

The High Contracting Parties undertake to negotiate as soon as possible a general Convention with regard to the slave trade which will give them rights and impose upon them duties of the same nature as those provided for in the Convention of June 17th, 1925, relative to the International Trade in Arms (Articles 12, 20, 21, 22, 23, 24, and paragraphs 3, 4 and 5 of Section II of Annex II), with the necessary adaptations, it being understood that this general Convention will not place the ships (even of small tonnage) of any High Contracting Parties in a position different from that of the other High Contracting Parties.

It is also understood that, before or after the coming into force of this general Convention the High Contracting Parties are entirely free to conclude between themselves, without, however, derogating from the principles laid down in the preceding paragraph, such special agreements as, by reason of their peculiar situation, might appear to be suitable in order to bring about as soon as possible the complete disappearance of the slave trade.
i. 1925 British Draft Protocol

ARTICLE 5

The act of conveying slaves on the high seas shall be deemed to be an act of piracy, and the public ships of the signatory States shall have the same rights in relation to vessels and persons engaged in such act as over vessels and persons engaged in piracy.

Vessels and slaves captured in accordance with this article shall be brought before the courts of the country whose ship effected the capture and dealt with in accordance with its laws. Persons on board such vessels who are engaged in the act of conveying slaves on the high seas shall be handed over to the authorities of their own country to be brought before its courts. The slaves shall in all cases be set at liberty.¹

As originally proposed, the substance of Article 3 of the 1926 Slavery Convention was included as Article 5 of the 1925 Draft Protocol put forward by the British Government. As conceived, this provision, which deals with suppression of the slave trade at sea, was meant to assimilate the trade to piracy. In proposing this article, Viscount Cecil pointed to the Temporary Slavery Commission, which in its Final Report, had suggested “that the transport of slaves by sea be considered as an act of piracy”.² Including such a provision in the Draft Protocol, he wrote “would certainly have a psychological value in solemnly decreeing by the greatest international authority now existing that the slave trade was the most heinous of crimes”.³ However, he also recognised that the attempt