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## INTERNATIONAL COMMITTEE OF THE RED CROSS

### *RECENT ACTIVITIES*

*Indo-China.* — The situation created by the armistice agreements, signed in Geneva on July 20, caused the International Committee of the Red Cross to be faced with new duties, which made it necessary to modify its representation in Viet Nam. Prior to that date M. J. de Reynier had already been sent on a mission to the Zone to the North of the 17th parallel, while M. A. Durand continued his work in the Southern Zone and in Laos and Cambodia <sup>1</sup>.

In the course of the last few months the International Committee's delegates have been present during several exchanges of prisoners of war and military internees held by either side. They accompanied the convoys of prisoners belonging to the Viet Nam People's Forces, who had until then been in French hands, whose camps they had often visited in the past few years. With the approval of the parties concerned they were able to proceed to the exchange posts. On several occasions they were also present during the return of members of the French Union Forces who had been prisoners of the Democratic Republic of Viet Nam. The delegates of the International Committee informed the two military commands of the points which had thus been brought to their notice in regard to the prisoners' condition after the period of their captivity.

These duties were soon followed by others, made necessary by the tragic plight of the refugees. The cease fire provided for the free passage of civilians wishing to proceed from one zone to another, and as a result several hundred thousand persons streamed into the assembly centres in Tonking, to be evacuated

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<sup>1</sup> See *Revue internationale de la Croix-Rouge*, July 1954, p. 530.

to the South. To meet the serious situation caused by this exodus, the Government and the Red Cross of Viet Nam asked, as we know, for the assistance of the International Red Cross agencies in Geneva<sup>1</sup>. The two appeals to the generosity of the National Red Cross Societies, the first launched by the International Committee on August 27, and the second by the League on the 31 of the same month, met with a favourable response on the part of some twenty Red Cross Societies, which were able to send relief supplies at once to the area, or to announce contributions in the near future. As already stated the work was shared between the International Committee and the League, the latter dealing with Red Cross relief supplies for the Southern Zone, while the International Committee held itself in readiness to fulfil the same function in the Northern Zone.

The close of hostilities has thus by no means diminished the duties which the International Committee has to perform in Viet Nam. In Saïgon in particular—where before the arrival of Dr. Thurler, the delegate of the League, M. Durand had received and stored the first relief consignments—the work of the delegation rapidly increased, making it necessary to nominate a second delegate, M. Nicolas Burckhardt. The latter, who was previously one of the International Committee's delegates in Korea, took up his post at the end of September and immediately started to visit refugees in camps and the dispensaries where they were being cared for by the Viet Nam Red Cross, while the International Committee studied the question of financing relief action on their behalf from its funds. In addition, the delegates began to make stores in Saigon of gift consignments received from National Societies for possible relief action in the North. It may here be mentioned that M. de Reynier remained in Hanoi after October 10, on which date the Democratic Republic of Viet Nam Forces took possession of the city. A short time previously the International Committee instructed one of its former delegates, Dr. Aguet, to discuss various medical and pharmaceutical questions with M. de Reynier. Dr. Aguet has just returned to Geneva to give a report on his mission.

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<sup>1</sup> See *Revue internationale de la Croix-Rouge*, September 1954, p. 703.

*Reuniting of families.* — Over 2,000 children of German origin or German-speaking have so far been able to leave Jugoslavia in order to join their relatives in other countries.

The most recent convoy arrived on October 26 at the Austrian frontier, where members of the Yugoslav Red Cross Society handed over to the delegates of the International Committee of the Red Cross, and the National Red Cross Societies concerned, 201 children of whom the majority were proceeding to Germany and Austria, whereas about fifteen were awaited in Belgium, the USA, Canada, Venezuela and Australia.

The convoy had been extremely well organised by the Yugoslav Red Cross Society, for the ninth time in succession. As on previous occasions, the individual assembling of the children had required long and careful tracing on the part of this Society's services. It should also be mentioned that, apart from these convoys, many children accompany their parents who, themselves beneficiaries of the general action for the reuniting of families, leave Jugoslavia to join their near relatives.

*Repatriation of Greeks from Rumania.* — 568 Greek nationals, who had been in Rumania for several years, have been able to leave that country and return to Greece. They embarked at Constanza on October 28 and arrived the following Saturday in Salonika. Arrangements for repatriation had been made between the Rumanian and Greek Red Cross Societies, through the International Committee of the Red Cross and the League of Red Cross Societies, in Geneva. Two delegates of these organisations were present in Constanza and accompanied the repatriated persons to Greece. An earlier repatriation of a similar nature took place in August last.

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## *THE RED CROSS AND THE MENACE OF TOTAL WARFARE*

During the recent session of the Executive Committee of the League of Red Cross Societies, numerous representatives of National Societies participating in the session met at the headquarters of the International Committee of the Red Cross, in order to take cognizance of the work the latter is doing to strengthen the legal protection of populations against the dangers of modern warfare.

This work follows the meeting of experts convened by the International Committee last April, in Geneva, and the resolution which was unanimously adopted by the National Red Cross Societies in Oslo, in the spring.

The representatives of the International Committee laid particular emphasis on the fundamental idea on which its studies are based namely, that the conversations initiated on a governmental level on disarmament and the prohibition of weapons for mass destruction should be accompanied by an effort on the humanitarian plane, by the Red Cross movement as a whole, to reaffirm, specify and induce Governments to admit the rules and limits essential for the safeguard of civilian populations, which belligerents should always respect, whatever type of weapon may be employed. The Red Cross cannot remain indifferent to a conception of warfare which is fundamentally opposed to the principles which inspire its action.

The delegates of the National Societies who took part in the session encouraged the International Committee to pursue its work according to the plan outlined, whereby the ICRC will submit draft regulations, conferring this essential protection, to the next International Red Cross Conference, which is to be held in New-Delhi in 1956.

A wish was also expressed that the public should be widely informed by the ICRC of the work that it is pursuing in this field, with the help of the National Red Cross Societies.

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## *THE SLAVE QUESTION*

### IV.

#### DOES THE PROBLEM OF SLAVERY STILL EXIST TODAY?

The Covenant of the League of Nations only refers to slavery in connection with the institution of mandates in Africa and the islands of the Pacific. The mandates expressly provide for the suppression of the slave-trade and the prohibition of forced labour (for other than essential public purposes and against a fair wage). The African mandates also lay an obligation upon the mandatories to suppress domestic or other slavery as soon as possible, and in so far as social conditions allow.

It should be observed that the signatories to the Covenant of the League of Nations had in mind merely the servitude or forced labour of populations under the administration of Colonial Powers. At the time nobody visualized situations similar to those which, in Europe itself, accompanied the seizure of power by totalitarian States or the Second World War and its prolonged effects.

Nevertheless, in 1922 the League of Nations Assembly decided to place the question of slavery on its agenda and requested the Council of the League of Nations to submit a report on the information received on the subject. It was simply a matter of asking States "in the present territory and colonial possession of which slavery has been known to exist in the past to consider the possibility of communicating to the Council information...".

After the very successful issue of the anti-slavery campaign of the XIXth Century, and at a time when peace between

nations appeared to be definitely established in an atmosphere of general well-being, one might well ask whether slavery was not merely a relic of times past. It was soon realised, unfortunately, that this was not the case, and the noteworthy report submitted in 1925 by the Temporary Slavery Commission, the investigating body composed of experts assembled by the League of Nations Council, disclosed traffic, institutions and customs which proved that slavery and the slave-trade, in their traditional form, were not only still in existence, but that numerous and varied practices, involving important groups of persons all over the world, often perpetuated conditions similar to slavery. As an example of such right of constraint upon persons, the Commission cited the acquisition of girls by purchase disguised as payment of dowry, the enslaving of persons disguised as the adoption of children, and numerous examples of the pledging or enslavement of persons for debt or other causes.

As the same time as the Temporary Slave Commission submitted its report to the League of Nations Assembly, the British Government, which had never slackened in its abolitionist efforts, submitted a draft international Convention on slavery. The two documents served as a basis for the discussion of the Convention signed in Geneva, on September 25, 1926, by the representatives of 36 States.

We will now make a detailed survey of that important document which, even at the present time, is a codification of the international law existing on the subject.

Taking up the question as it stood on the revision of the General Act of the Brussels Conference of 1890 by the Convention of St. Germain-en-Laye in 1919, the signatories to the new agreement referred, in the Preamble, to the Powers' intention, according to former treaties, " of securing the complete suppression of slavery in all its forms and of the slave-trade by land and sea ". They also declared that it was " necessary to prevent forced labour from developing into conditions analogous to slavery ".

Starting from that dual principle, let us consider the provisions of the Convention of September 25, 1926, in detail :

Article 1 defines slavery and the slave-trade :

For the purpose of the present Convention, the following definitions are agreed upon :

1. Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

2. The slave-trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery ; all acts involved in the acquisition of a slave with a view to selling or exchanging him ; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.

The preparatory work on this text shows that the authors had in mind not only domestic slavery, but all the conditions mentioned by the Temporary Slavery Commission, i.e. debt slavery, slavery disguised as the adoption of children, the acquisition of girls by purchase disguised as payment of dowry, etc. " Even if these last practices do not come within the definition of slavery, as it is given in Article I " added the Rapporteur, " the Commission is unanimously of the opinion that they must be combated ".

Article 2 reads as follows :

The High Contracting Parties undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, so far as they have not already taken the necessary steps :

- (a) To prevent and suppress the slave-trade ;
- (b) To bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms.

The formula may have appeared somewhat weak to enthusiastic abolitionists, but on close examination the Temporary Slavery Commission, who were provided with a vast amount of data on the subject, had seen (as Mgr. Lavigerie had in the past) that the question was not a simple one. The Chairman, M. Gohr, Director-General of the Belgian Colonial Office, stated, according to the records of the discussions : " Careful students of colonial affairs are coming more and more to realise that the customs of primitive peoples are, as it were, an echo of natural environment or of mentality and religious beliefs or of the

economic level attained—an echo, that is, of their stage of social development. Most of their social customs arise from actual needs. *These needs still exist.* Therefore it is only in regions in which the conditions of life can be transformed (and only to the extent to which such a transformation can take place) that new rules of life can supplant the old. Suddenly to substitute one system for another would be to take away the supports for the building and replace them by other supports having no foundation or unadapted to the form of construction. The house of course would fall.”

While declaring ruthless war on slave-traders, the Temporary Slavery Commission thus recognised that, in many cases, slavery should not be suppressed by a stroke of the pen. It stated in its Report that “The situation is such that sudden abolition would almost certainly result in social and economic disturbances which would be more prejudicial to the development and well-being of the peoples than the provisional continuation of the present state of affairs”.

That prudent opinion was endorsed by the signatories to the Convention.

According to Article 3 :

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 in the Convention of 17 June 1925, relative to the International Trade in Arms (Articles 12, 20, 21, 22, 23, 24 and paragraphs 3, 4, 5 of Section II of Annex II) with the necessary adaptations...

It is not surprising that in this connection the British draft had once more suggested the assimilation of the slave-trade to piracy, with a view to exercising the right of search. But, as the Rapporteur pointed out, a great many members of the Sixth Committee of the League of Nations Assembly thought that the suggestion of Great Britain would raise serious difficulties ; they therefore preferred to envisage, instead of the

right of search, the possibility of similar measures to those employed for the repression of the arms traffic, which only entailed the right to ascertain the ship's identity. As a matter of fact, the proposed new general Convention was never even negotiated.

Article 4 provides that :

The High Contracting Parties shall give to one another every assistance with the object of securing the abolition of slavery and the slave-trade.

In particular, this text opens the way for the conclusion of bilateral agreements for the pursuit of offenders across inland frontiers.

Article 5 reverts to forced labour :

The High Contracting Parties recognise that recourse to compulsory or forced labour may have grave consequences and undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery.

It is agreed that :

(1) Subject to the transitional provisions laid down in paragraph (2) below, compulsory or forced labour may only be exacted for public purposes.

(2) In territories in which compulsory or forced labour for other than public purposes still survives, the High Contracting Parties shall endeavour progressively and as soon as possible to put an end to the practice. So long as such forced or compulsory labour exists, this labour shall invariably be of an exceptional character, shall always receive adequate remuneration, and shall not involve the removal of the labourers from their usual place of residence.

(3) In all cases, the responsibility for any recourse to compulsory or forced labour shall rest with the competent central authorities of the territory concerned.

Article 6 deals with the repression of infractions by "severe penalties".

Article 7 provides for the communication to the Secretary-General of the League of Nations of any laws and regulations enacted for the purpose of the application of the Convention.

Article 8 refers to the Permanent Court of International Justice, or to a court of arbitration, the settlement of disputes arising between the Parties to the Convention, as to its interpretation.

The last Articles 9, 10, 11 and 12 concern the reservations in regard to the application of the Convention in certain territories, and the procedure for notification, denunciation, accession and ratification.

In a general appreciation of the Treaty, the Rapporteur of the Sixth Committee of the League of Nations General Assembly stated that he would like to emphasise the fact that " the Committee does not hold up this document as the ultimate aim to be achieved in the international effort to do away with such abuses as the slave-trade, slavery and conditions analogous thereto. It represents merely what the Committee considers to be the highest minimum standard which can be set forth in formal international arrangements at the present time ".

In 1929, three years after the signature of the Convention, it had been ratified by 14 Powers only. The League of Nations Assembly, much concerned by the slow progress made in bringing the agreement into force in the majority of States, decided to entrust separate agencies with the task of following up the application of the principles of the Convention relating, first to forced labour, and, secondly, to the slave-trade, slavery and other practices akin thereto.

The International Labour Office, entrusted with the study of the forced labour question, caused a draft Convention to be adopted in June 1930 by the International Labour Conference. It was specified in the text of the draft that " Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period. With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only, and as an exceptional measure, subject to the conditions and guarantees hereinafter provided ".

With regard to slavery in itself, the League of Nations

Assembly appointed a further Committee of Experts in 1931, to ascertain how far the 1926 Convention had been successful in suppressing it. The Committee also had the task of enquiring into the means by which States, which so desired, could be assisted in abolishing slavery on their territory.

Only one of the Governments concerned, namely Liberia, applied for such assistance. A Commission of Enquiry was sent to that country but, after three years' fruitless effort, the Council of the League of Nations, in 1934, decided to withdraw its offer of assistance.

The Committee of Experts was then succeeded by a small Advisory Committee of Experts which (according to its statutes) was appointed for an undefined term, the Council of the League of Nations merely retaining the right of renewing the membership of the Committee every six years. The vast amount of data collected by the Advisory Committee has been published, classified methodically, as a Memorandum by the Secretary-General to the United Nations on the work of the League of Nations for the suppression of slavery<sup>1</sup>. The classification under geographical headings includes the Arabian Peninsula, the Persian Gulf, Ethiopia, the Sudan and Ethiopian Border, Eritrea and Somaliland, the Sahara Desert Area, West Africa, Central Africa, East, South and South West Africa, India, Burma Frontier Districts, the East Indies, China and America. The work of the Advisory Committee was interrupted by the Second World War.

The amount of information collected by the League of Nations was therefore considerable. As regards executory measures, its work is resumed in the Convention of September 25, 1926. At the time when the United Nations took over the succession of the League of Nations 45 States were bound by the Convention<sup>2</sup>.

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<sup>1</sup> Memorandum by the Secretary-General to the United Nations on the Work of the League of Nations for the Suppression of Slavery (E/AC.33/2) of January 23, 1950, Pages 32 and following.

<sup>2</sup> On July 9, 1944, the position in regard to signatures, ratifications and accessions was as follows (League of Nations Official Journal, Special Supplement No. 193).

It must be admitted that the events which led to the Second World War, and the circumstances of the latter, often revealed a moral relapse of humanity. Rights which had been considered as acquired by the individual, by virtue of civilisation, were questioned and one saw deportees, prisoners of war and political detainees subjected to forced labour, in spite of international conventions and usage. The victorious Powers therefore felt the need for restoring standards of civilisation when re-establishing Peace.

The aim of the United Nations Organization, by the terms of its Charter, was "to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion". This re-affirmation of the democratic ideal inspired the Universal Declaration of Human Rights, proclaimed by the General Assembly of the United Nations in Paris, on December 10, 1948, which states in Article 4 that "No one shall be held in slavery or servitude; slavery and the slave-trade are to be prohibited in all their forms".

The declaration once more covers, in a concise form, the provision of the 1926 Convention in their entirety.

During the discussion of Article 4 by the Commission on Human Rights, the representatives of the United States, France and Australia thought a special mention should be made of forced labour; the representatives of the United Kingdom and China opposed the idea, preferring a brief and general formula. Agreement was reached on a compromise draft, specifying that it applied to slavery and the slave-trade "in

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*Ratifications or definite accessions:* Afghanistan, United States of America, Belgium, Great Britain and Northern Ireland, Burma, Canada, Australia, New Zealand, Union of South Africa, Ireland, India, Bulgaria, China, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Estonia, Finland, France, Syria and Lebanon, Germany, Greece, Haiti, Hungary, Iraq, Italy, Latvia, Liberia, Mexico, Monaco, the Netherlands, Nicaragua, Norway, Poland, Portugal, Rumania, Spain, Sudan, Sweden, Switzerland, Turkey, Yugoslavia.

*Signatures or accessions not yet perfected by ratifications:* Albania, Colombia, Dominican Republic, Ethiopia, Iran, Lithuania, Panama, Uruguay.

*Open to accession by:* Saudi Arabia, Argentine Republic, Bolivia, Brazil, Chile, Costa Rica, Free City of Danzig, Guatemala, Honduras, Iceland, Japan, Liechtenstein, Luxembourg, Paraguay, Peru, Salvador, San Marino, Thailand, USSR, Venezuela.

all their forms", and it was stated in an additional note that, in the opinion of the Drafting Committee, the ideas implicitly conceived in that part of the sentence should be developed in the Covenant on Human Rights. The representative of the USSR suggested stating that "slavery is prohibited by law" but, in view of the general nature of the declaration, it was thought preferable not to raise the question of methods of application; it was therefore decided to maintain the text as given above, which proclaims the prohibition of slavery as a principle, without referring to specific cases which, moreover, had in a good many instances been already embodied in the international Conventions in force.

An interesting amendment (which was not however put to the vote) was proposed by the Venezuelan Delegation; it read as follows: "Unless already in existence, a legal system should be set up, designed to avoid working conditions which might in any way undermine the freedom and dignity of human beings. The idea, couched in such terms, could hardly find its place in the Universal Declaration of Human Rights; this is to be regretted for it would have had the advantage of placing the whole question in its true perspective in relation to human dignity.

In spite of the extensive data on slavery already collected by the League of Nations, the United Nations thought it necessary to have fuller and completely up-to-date information on the subject. It therefore set up an Ad Hoc Committee "to survey the problems of slavery and of institutions or customs akin thereto".

Four highly qualified experts were engaged in the survey for two years, and their report, submitted in 1951, revealed that on the territory of most of the States signatory to the 1926 Convention slavery had died out, or was practised rarely and in isolated cases only, which made it possible to apprehend delinquents. The Report stated that "In other territories the machinery for apprehending offenders and for protecting sections of the population especially exposed to the operations of slave dealers, or the revival of practices analogous to slavery, has greatly improved. And yet, the task of suppression has

not yet been fully met. War and famine, disruption of social bonds that have held individual greed in check, loss of authority on the part of classes or age-groups formerly empowered by custom and tradition to keep watch over the social welfare, economic changes that break up old culture patterns, new temptations brought to distant and isolated places by world trade, and many other causes still threaten in many places the right of individuals to dispose of their own persons." The experts gave detailed descriptions of various institutions which, although they did not generally meet with public disapproval in the places where they existed, nevertheless constituted forms of servitude which "existed to a considerable extent in many portions of the world". The principal examples of these practices were debt slavery, the *mui ts'ai* system, particularly prevalent in the Far East, serfdom, peonage and various forms of exploitation of Indian man-power in America, not to mention the forced labour of political detainees which the United Nations had thought fit to entrust to the survey of another Ad Hoc Committee.

In submitting its conclusions, the Ad Hoc Committee on Slavery recognised that the abolition of the various types of servitude raised a great many different problems, according to the regions of the world where they were practised. The Committee also agreed that such institutions and customs, which were to be deplored on moral and legal grounds, could not apparently be abolished until some means had been found of replacing them by a system which would guarantee advantages at least equivalent to those which were, in spite of everything, enjoyed by the persons concerned. It would be advisable, for instance, in the case of agricultural debt bondage, to solve this problem by "making land available to the agricultural workers (accompanied by the provision of financial services to enable them to cultivate it), and instruction in modern methods of cultivation and co-operative marketing of their produce; or where land is not available they should seek to make it available by

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<sup>1</sup> This custom consists of the sale of the working capacity of a child, who is brought up in a family other than its own, marries within the said family and serves for the whole of its life.

reclamation of land, transfer of population or by establishing other industries into which agricultural workers could be absorbed". It is obvious that, considered from that angle, the suppression of such customs raises very great problems for governments, either those directly responsible for the welfare of the populations in question, or the whole international community, if it is agreed that the respect of liberty and human dignity in all regions of the world is the common responsibility of all nations.

For that reason the Secretary-General of the United Nations, having been asked for his personal suggestions following the survey, made a very clear distinction between the measures, of a somewhat limited nature, which could be taken immediately, and decisions concerning measures for the future which, he did not deny, would be fraught with difficulties and have far-reaching effects. He definitely agreed upon the expediency of the former measures, but showed far more reserve with regard to the others, and left the decision to the United Nations Assembly. His report, published in 1953, first of all recommended the accession of Powers which were not so far bound by the Convention of 1926 (certain provisions of which would be amended in view of the changes which had taken place in the international organisation)<sup>1</sup>; on the other hand, however, he prudently suggested that additional information should be obtained to define the various forms of international assistance which any supplementary Convention for the abolition of practices akin to slavery should in justice involve.

The United Nations General Assembly has not as yet given its decision on the suggestions of the Secretary-General, but it is hard to see how it could reject them. The problem of slavery is therefore far from being solved.

How does the question stand at the present day?

In order to reply to this question, the idea of slavery must first be clearly defined. The members of the Ad Hoc Committee

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<sup>1</sup> An additional Protocol to the Convention of 1926 attributes respectively to the Secretary-General of the United Nations and the International Court of Justice the functions previously performed by the Secretary-General to the League of Nations and the Permanent Court of International Justice.

themselves observed that the definition of slavery varied considerably from one region to another and from one enquirer to another. This is so true that, in addition to the general report, the four members of the Committee each made a special report ; the four documents were annexed to the general report, for information and under the authors' own responsibility. In reality the question of slavery resolves itself into a series of questions of varying importance. Some of them may be considered as settled, whereas others remain to be solved.

Slavery, in its true sense, as it was practised in ancient times, or in the United States before the adoption of the XIIIth Amendment to the Constitution, only subsists today in the form of domestic slavery, especially in certain Moslem countries. That is no doubt the cause of what would appear to be a survival of the slave-trade, principally in the direction of the Arabian Peninsula. The references made by the Secretary-General of the United Nations <sup>1</sup> on the subject show, moreover, that it is almost entirely limited to children, and that the numbers involved are small. Like Saudi Arabia, Ethiopia has officially taken the necessary legislative measures to suppress the traffic. It must, moreover, be admitted that domestic slavery, in so far as it subsists in the former country, has lost much of its harmful nature since King Ibn Saud issued a decree in 1936 which gives slaves rights of protection as well as the right to buy their liberty.

There is in fact much to be said for domestic slavery. Strange as it may seem to those accustomed to the practice of democratic liberties, this form of servitude sometimes constitutes a privileged state for those who are subject to it.

We have seen that, in ancient times, slaves in Athens became rich, and in Rome the slaves lived with their masters' families and were often very well treated, whereas this was not the case in the *latifundia*—the large rural estates which were exploited on an industrial basis. In our times, in places where a certain patriarchal conception of life still existed, domestic slavery continued to be practised without glaring abuses. In

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<sup>1</sup> Report of the Secretary-General to the United Nations, E/2548, February 26, 1954, Page 91.

1854 Henry Dunant, who was to become the promoter of the Red Cross, pointed out in his " Notice sur la Régence de Tunis " the great difference which then existed between the relatively humane treatment of slaves in Mosiem countries and the conditions for negro slaves in the United States. When one considers that, in our organised society, every free man depends to some extent upon his fellow-man, and that he must earn his living by his labour, one realises that the immoral aspect of domestic slavery is not its dependence, or the work it entails (even unpaid labour if it is accompanied by allowances in kind equivalent to wages), but the fact that the master has the right to sell his servant, in the same way as an animal or a piece of furniture. It is the exercising of this right of sale which is incompatible with the principle of respect for human dignity. Thus, in her famous book, Mrs. Beecher Stowe gives an idyllic picture of Uncle Tom's life until the day he was sold on account of his master's business difficulties. It was only then that Tom ceased to be part of the family in which he, and his own family, had known happiness in helping to make his owners happy. The Convention of 1926 rightly took as the criterion of slavery the condition of a person over whom the powers of ownership are exercised.

The *mui ts'ai* system, and other forms of servitude, should be judged in the light of the same extenuating circumstances ; this is proved by the United Nations records in which it is stated that the Social Welfare Departments were severely handicapped by the " almost complete unwillingness and lack of co-operation of the victims to help them in their work " <sup>1</sup>.

It is obvious that in over-populated countries, exposed to famine through the absence of an adequate economic system, the first organised elements, composed of families in possession of some reserve stocks, constitute the only effective protection against sickness and death. Hence the advantage for those who are unable to find the necessary means of subsistence in their own families, to be attached, in some capacity or another, to those who can provide such means. It is merely the practice

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<sup>1</sup> Memorandum by the Secretary-General to the United Nations, E/AC.33/8, February 16, 1950, Page 6.

of this bondage for immoral purposes which renders its cessation desirable. But, in all fairness, the desired result cannot be attained unless some other means are found of providing for the needs of those concerned.

From ancient times until the present day the distress of mankind has been relieved by charity. Hierarchical societies had recourse to it to combat poverty. Taking as a principle "noblesse oblige", and on religious grounds, an equilibrium was sought by means of the patriarchial system. In the XIXth Century the progress of science and the universal development of industry precipitated a movement which had already been foreshadowed by the ideas of the French Revolution. The Christian philosophers, for their part, made a prolonged study of the question. Ozanam wrote that the greatest Christians were wrong in thinking that they had fulfilled their duties towards their fellowmen once they had ministered to the poor, as though there was not a huge community, neither destitute nor poor, which did not ask for charity but for institutions; and during the recent assembly of French bishops it was said that there were too many human beings, too many families and nations which had not yet benefited by the progress of civilisation. The keynote of Socialist thought is social justice rather than charity.

It is stated, in an article by Max Sørensen<sup>1</sup>, that the difficulty lies in fixing the exact limits of State intervention. The right to work could be assured without great difficulty if slavery were to be reintroduced, and it is often pointed out in liberal circles that economic and social rights can only be assured at the expense of the right of freedom. In that connection forced labour, the subject of Article 5 of the 1926 Convention, raises special difficulties and the United Nations therefore placed the study of the question in the hands of a separate Committee from that on Slavery—the Ad Hoc Committee on Forced Labour. The conceptions of certain Governments at the present time have made the right to practise forced labour one of those State prerogatives, the mere discussion of which is considered by them to be contrary to sovereign independence.

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<sup>1</sup> Bulletin de la Croix-Rouge danoise, October 1952, Page 171.

One is therefore brought to consider that, at the two extremes of the conception of the life of society, there still remains the possibility of abuses which perpetuate slavery in its inhuman forms and, even at the present day, hold moral ethics and humanitarian law at bay. When charity is missing from the traditionalist societies and when justice is scorned by the others, human dignity is also in danger.

This aspect of the question should not induce us to take a depreciatory view of the important results achieved by the abolitionist campaign of the XIXth Century, or of the value of the 1926 Convention, nor, above all, of the Universal Declaration of Human Rights. But between the proclamation of principles and their implementation, and even between the enactment of municipal legislation and its application, there often exists a gap which we should endeavour to fill.

This is the vocation of humanitarian thought, which is, above all, attached to human values and which, being inspired by justice and charity, holds good for all systems.

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