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INTERNATIONAL COMMITTEE OF THE RED CROSS

THE PROTECTION
OF THE CIVILIAN POPULATION IN ATOMIC,
CHEMICAL AND BACTERIOLOGICAL WARFARE

As reported in the April number of the Revue, the International Committee of the Red Cross convened a private meeting of some fifteen legal and military experts at Geneva during the spring, the purpose of the meeting being a joint examination, by the Committee and the experts, of the possibility of giving the civilian population increased protection, by a development of international law, against the dangers of war from the air and the use of blind weapons. It is hardly necessary to recall the growing concern with which the Committee views these dangers. At it pointed out in its appeal of April 1950, they constitute a menace to humanitarian action itself.

Since then the National Red Cross Societies have been more fully informed of the work and results of the meeting and have been asked to send their observations on the subject to the International Committee. They have in the meantime already had an opportunity, at the 23rd Session of the Board of Governors of the League of Red Cross Societies which was held in Oslo in May, of showing the great interest they take in the International Committee's initiatives in this field. At this Session they adopted, by, be it noted, a unanimous vote, a resolution, submitted by the Brazilian Red Cross and worded as follows:

The Board of Governors,
Considering the resolution passed in its present session exhorting the Powers to renounce the use of atomic weapons, chemical and bacteriological warfare,
Considering that the role of the Red Cross is to protect civilian populations from the devastating and indiscriminating effects of such warfare,

Requests the International Committee of the Red Cross to make a thorough examination of the subject and propose at the next International Conference of the Red Cross the necessary additions to the Conventions in force in order to protect civilian populations efficiently from the dangers of atomic, chemical and bacteriological warfare.

When this resolution was being considered, the representative of the International Committee, its Vice-President, Mr. F. Siordet, spoke a few words. He thanked the authors of the resolution and recalled the efforts pursued by the International Committee for the purpose of strengthening the legal protection of civilian populations. Mr. Siordet emphasised the extreme importance to the Red Cross of the question raised by the Brazilian resolution. He pointed out that the use of blind weapons was in fundamental contradiction with the respect and application of Red Cross principles, in particular because it would no longer be possible to make any distinction between combatants and non-combatants and—more serious still—because the Red Cross itself could no longer bring to the victims the help which it must always be able to give them.

While he admitted that the experts convened by the International Committee had been fairly pessimistic on some points, and that some of the old rules of the Law of War had perhaps lost part of their value, Mr. Siordet emphasised that it was certainly no sufficient reason for being resigned to the present situation. He declared in forcible terms that "The Conventions were intended to protect human beings; they were drawn up for their benefit and not in the interests of weapons of war. Our duty, therefore, seems absolutely clear: we must see that the rules of the Hague Conventions which are still valid receive fresh life and force—for we are not concerned here with the Geneva Conventions of 1949, which answer their purpose to the full."

Mr. Siordet concluded by saying that the International Committee of the Red Cross, in accordance with its traditions, wished therefore to forge ahead, fully aware that it would be setting out on a difficult path but knowing, also, that it would be accompanied by all members of the great Red Cross.
family. He added that “It is in this spirit that the International Committee gladly accepts the draft resolution submitted to you, accepts it as evidence of the common interest taken in this problem, and as a mark of encouragement to pursue its efforts without respite.”

It will be observed that the resolution quoted above refers mainly to atomic, bacteriological and chemical warfare. The recent studies undertaken by the International Committee convinced it that it was necessary for it to concern itself with the dangers with which persons not taking part in the hostilities are threatened as a result of aerial warfare in general, irrespective of the methods or arms employed. But it goes without saying that in these studies the new weapons, and in particular the atomic arm, are given the attention which their great importance warrants.

Bacteriological and chemical warfare have also long engaged the attention of the Red Cross world. In the period between the two wars, and again recently, the International Red Cross Conferences asked States to renounce the use of such methods of warfare. The International Committee of the Red Cross, for its part, can but pursue its efforts in this field, endeavouring in particular to ensure that international agreements prohibiting bacteriological and chemical warfare are respected as widely as possible, and really applied.

1 Thus Resolution No. 24 of the XVIIth International Conference (Stockholm 1948) and Resolution No. 17 of the XVIIIth International Conference (Toronto 1952) requested States which had not yet adhered to the Geneva Protocol of June 17th, 1925, to do so.
III.

THE ANTI-SLAVERY CAMPAIGN IN THE XIXTH CENTURY

England was the champion of the anti-slavery campaign during the XIXth Century.

The country which had succeeded, early in the previous century, in being granted the monopoly of the slave trade as the reward of a victorious conflict, and which had reaped the greatest profit from an immoral commerce, was later, by its tenacious action, to induce other nations to repress the slave-trade in the first place, then slavery itself, and finally to conclude under the auspices of the League of Nations the International Convention of September 26, 1926, concerning slavery.

The sudden change of attitude which occurred in England at the close of the XVIIIth Century was not only the issue of an ideological campaign of generous inspiration, but was also due to the great change which had taken place in the country's material interests.

With the loss of the American Colonies through the independence of the United States, the British Crown had no longer the same reasons for favouring the slave-trade, the object of which was to procure man-power for the planters of the New World. On the other hand the possession of the East Indies, with a superabundant population, enabled the British to solve all questions of man-power in that new colony, without having recourse to slavery, and even to consider competing with the Americans by cultivating rival plantations in the colony.

1 See Supplement, October 1954, p. 196.
The conflicts of the time, of the French Revolution and the Empire, which gave Great Britain the opportunity of occupying numerous overseas territories, also accustomed the powerful British Navy, present in all seas, to the supervision of all international trade by exercising the "right of search".

By suppressing the slave-trade which it no longer needed England was thus able to continue to exercise the precious "right of search" which was so favourable to its commercial interests.

It was obvious that the above circumstances could but encourage the movement started by Wilberforce, friend of William Pitt and Member of the House of Commons, who had founded the Abolition Society in 1787, and submitted the cause of the abolition of slavery to Parliament in 1790; it cannot be denied, however, that both Wilberforce and his followers showed great merit in devoting their services to a moral cause and to human fellowship.

When the Empire fell the British Government obtained a declaration from the Government of France in conformity with its views. It may be imagined that Talleyrand seized the opportunity of giving diplomatic circles across the Channel a pledge for which he intended to reap due payment in the course of future negotiations. The Treaty of Paris of 1814 stated that "His Most Christian Majesty, in full agreement with His British Majesty's sentiments in regard to a trade which is repellent to the principles of natural justice and the enlightened era in which we live, undertakes to join all his efforts to those of His British Majesty at the forthcoming Congress, in order that the abolition of the negro slave-trade may be declared by all the Christian Powers" 1.

By its famous declaration of February 8, 1815, the Congress of Vienna in fact condemned the slave-trade by stating that it was "repugnant to the principles of humanity and moral ethics", and proclaimed the desire of European Sovereigns "to put an end to a scourge which has for so long caused distress in Africa, degraded Europe and afflicted humanity". But in

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1 Translation from the original French.
practice the plenipotentiaries assembled in Vienna confined themselves to concluding that "the fixing of the period when this trade must be universally abolished will form the object of future negotiations."

If, therefore, the Congress of Vienna was of great importance as the starting point of the universal movement for the abolition of slavery, it must be admitted that the Congress itself did not achieve any practical result. The abolition of the trade was consequently discussed again by each of the Diplomatic Conferences which followed the peace negotiations in Vienna, i.e. at London (in 1817 and 1818) at Aix-la-Chapelle (in 1819) and at Verona (in 1822). At Verona, in particular, Lord Castlereagh, the apostle of anti-slavery, proposed that the negro slave traffic should be assimilated to piracy, a measure which would have subjected any merchant vessel suspected of being engaged in the slave-trade to the right of search in peace-time. But France, then represented by Chateaubriand, would not consent to such a right in favour of the British Navy.

Being unable to settle the question it had so much at heart by general agreement, the Cabinet of St. James then pursued the negotiations it had undertaken with a view to reaching a settlement, step by step, by individual bilateral agreements.

England had already concluded agreements for the repression of the slave-trade with Portugal and Spain in 1815, the Netherlands in 1818 and the new States of Spanish America towards 1821. It signed a treaty with Norway and Sweden in 1824 and entered into negotiations with the United States; but the latter country was opposed to the right of search in the vicinity of American coasts, which prohibited any agreement. With regard to France, the Revolution of 1830 and the return to State affairs of Talleyrand (appointed as Ambassador in London by the new regime) were favourable to the resumption of negotiations. A treaty was drawn up in 1831 and confirmed in 1833, whereby France and England mutually agreed to accept the right of search for the repression of the slave-trade, on condition that prizes would be brought for judgment before their national courts—an important success for British policy. The success soon became greater with the accession of Denmark
and Sardinia in 1834, and the Hanseatic Towns and Tuscany in 1837, to the Franco-British Treaty.

The Papal Brief of 1839 also prohibited the slave-trade and declared that offenders were unworthy of the name of Christians. Great Britain then judged that the time was appropriate for giving effect, by an agreement of a general scope, to the Declaration of the Vienna Congress. In agreement with the French Government, Lord Palmerston sent invitations to Austria, Prussia and Russia, to meet in London; the invitation was accepted and resulted in the signature of the Treaty of the Five Powers in London, on December 20th, 1841.

The High Contracting Parties to the Treaty assimilated the slave-trade to the crime of piracy and laid down that any attempt by a vessel to engage a vessel in the trade would cause it to lose thereby all right to the protection of its flag. In consequence, it was mutually agreed that their warships should exercise a right of search over all merchant vessels carrying the flag of any one of the States concerned.

By the combination of individual treaties and the new Treaty of the Five Powers, England thus succeeded in grouping 26 great and small Powers—16 European and 10 American—in a pacific blockade directed against the slave-trade, which covered the African coasts and part of the coast of America.

The result achieved was all too brilliant, for the slave-trade was not the only question involved. The right of search gave the British Navy, by far the largest in the world, a mission of policing the seas which threatened to hamper trading and favour British competition. The question was viewed in that light by the United States in particular, which was the reason for the lack of agreement between the British and American Governments. For since 1794 the United States, while continuing to practice slavery within their own frontiers, had forbidden American citizens to engage in the slave-trade; the importing of slaves had, moreover, been prohibited by a law passed in 1808, and the U. S. Congress had declared in 1819 that their importation would incur the death penalty. But the right of search of an American merchant vessel by a foreign warship was firmly refused. The most that was conceded was that the
American Navy might, in certain waters, be given instructions to keep a check on United States merchantmen. An agreement on the above basis was finally reached between London and Washington by the Ashburton Treaty of 1842.

The negotiations for the treaty in question had an unexpected repercussion in regard to the Treaty of the Five Powers. While the question of the ratification of the latter Treaty was being considered in Paris, an anonymous pamphlet was published in English and French under the title "An examination of the question now in discussion between the American and British Governments concerning the right of search, by an American". It soon became known that the author was none other than the United States Ambassador, Mr. Cass. Public opinion in France, which had all along been opposed to the right of search—even though it was allowed under the Treaty of 1831—urged Guizot to bring his policy into line with the American principle. France refused to ratify the Treaty of the Five Powers, and opened negotiations with England for a new treaty which provided that the right of search and of visit should be conferred upon a squadron of 26 vessels on either side, each squadron only being authorised to search vessels of its own nationality.

Towards 1860, the French and British naval authorities finally agreed upon a definition of the right of search, having established that the term right of visit in English merely implied the right to ascertain the ship's identity, whereas the droit de visite in French was equivalent to right of search in English. It was thus possible to put an end to the fraudulent practice of displaying the flag of a Power which was not subject to control, in order to escape lawful investigation. The United States also agreed that their flag could not be used to cover trading under false colours. Mr. Cass himself, who had become Secretary of State in 1850, acknowledged this.

Finally, in 1862, when the War of Secession was at its height, the United States and Great Britain agreed to grant each other the right of visit and search. France refused to grant the right of search; she continued however to recognise the right to ascertain the ship's identity.
The various international agreements to which the Declaration of the Vienna Congress gave rise only sought the prohibition and repression of the slave-trade, but made no reference to the actual practice of slavery. They provided for more or less efficient measures for preventing the transport of slaves by sea, but had no effect upon national legislation in regard to slavery itself. We will now examine the principal stages of the campaign against slavery within the States.

As we have seen, in the early XIXth Century slavery had been abolished for many years in the home territories of the majority of Christian Powers, but this was by no means the case in the colonies of the said Powers. Moreover, the Moslem countries and several American States still practised slavery; serfdom still flourished in Russia in conditions equivalent to slavery.

The Czars of Russia, dependent as they were upon the support of the nobility, from whom the officer classes of the army were drawn, were led to ignore deliberately practices which were similar to slavery in all respects. The serf, who could be sold and be torn from his family for that purpose, was in reality a slave. Catherine II, who was a friend of the Philosophers and desired to follow the principles of the Encyclopedists, submitted a draft order for the liberation of the serfs to a legislative committee in 1767. The text was rejected and in spite of her sovereign power the Empress took heed of the refusal, having realised, with some resentment, that she "reigned over a nation of slaves and by the will of the owners of the slaves". She gave vent to her indignation by merely stating in a written message to the Committee "If the serf is not to be recognised as a human being, then you should say, without more ado, that he is an animal, which, in the eyes of the world, would reflect no great credit on our love for our fellow-men. All that you say about slaves applies to animals and is, moreover, invented by animals".

Serfdom remained unchanged. In 1785 the Charter of Nobility gave the nobleman an absolute right over everything his property contained, whether men, animals or objects.

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Further, as State control over industry (then in its first growth) had been suppressed by the Ukase of 1780, and the Customs tariff of 1782 limited the importation of manufactured products, a great many noblemen availed themselves of their rights by setting up factories and exploiting their serfs as factory workers.

Catherine's successors had the same scruples as that illustrious Sovereign. Her grandson, Alexander I, who was a pupil of Laharpe and also imbued with philosophical ideas, published a law in 1806, giving noblemen the right to free their serfs, but the law was not applied. A Russian refugee in France, the memorialist Nicholas Turgeniev, wrote in 1847 that men were at that time still being sold by auction, even within sight of the Imperial Palace.

Nicholas I often said that the serfs would be freed before his death. He used to point to a cupboard in his study and say "There are documents which will enable me to take action against slavery." His death occurred however before any action was taken. Moreover, most of the serfs were handed over as security to their owners' creditors. It was estimated that at the time of the Czar's death, 9 million out of 11 million male serfs were mortgaged.

The honour of having liberated the serfs is due to his son, Alexander II. A few days after the conclusion of the peace which brought the Crimean War to a close, he declared to the representatives of the nobility that it did not seem possible to him to keep indefinitely in force a statute which concerned the "property of souls". He instituted a secret committee for improving the situation of the peasantry, and on the sixth anniversary of his succession to the throne (February 19, 1861) he signed a manifesto to his people proclaiming the abolition of serfdom. The measure made no provision however for giving land to the peasants, who generally only owned their own house and yard. In most cases the land continued to be the collective property of rural communities. In consequence the population's mental outlook continued to be very different to that of farmers in Western Europe and when, at the time of the 1917 Revolution, Kerenski was faced with the mass desertion of troops who rushed away in order to share in the land, all
he could do was to give way to vain indignation, and taunt them with being "slaves in revolt".

In the United States the mass importation of negroes had been brought to an end by the measures taken to suppress the slave-trade. Nevertheless, until the War of Secession, slaves continued to increase in numbers through smuggling, and above all as a result of the natural excess of births over deaths. Slavery had become essential to the economic equilibrium of the Southern States which, on account of their tropical climate, could probably not have been cultivated with a view to large-scale agricultural production by white man-power. The Northern States on the contrary, with their established industry, had no need of slaves, the increasing flow of white emigrants being sufficient for their economic development by a free population. The idea of slavery fostered the antagonism between the North and the South. The very puritan North blamed the South for the practice, on moral and religious grounds, but the South, accustomed to what it called its own "domestic institution", remained strongly in favour of slavery; nor could it imagine how it could exist without it. Many planters, who believed themselves to be good Christians, viewed the matter in the same light as one of the characters in Mrs. Beecher Stowe's book¹ "Uncle Tom's Cabin" (which, published in 1852, created such a stir and had so important an effect upon the campaign for the abolition of slavery on account of its moving and truthful appeal): "Slavery is a very bad thing, a great many people think so; I do myself. I heartily wish there were not a slave in the land, but then I don't know what is to be done about it." The Americans of the Southern States replied to those of the North, or to the British who tried to reason with them, that no scruples were felt by Manchester industrial circles in purchasing cotton produced by slave labour from the United States. When Mrs. Beecher Stowe visited London, the Times published the letter of a dressmaker's apprentice, who said that the dress ordered by the illustrious guest was being made, piece by piece, in the most revolting,

¹ See Revue internationale de la Croix-Rouge, December 1952, p. 949.
poverty-stricken slums of London, by poor people, unfortunate white slaves, who suffered far worse treatment than the slaves on American plantations. Which goes to prove that great circumspection should be exercised when passing judgment upon institutions!

Strictly speaking the abolition of slavery was not, as is too often believed, the issue at stake in the United States War of Secession. The war was the result rather of the economic and political rivalry between the North and the South. At the outset its only object was to save the Union and Lincoln wrote, as late as 1862, that if he could save the Union without setting a single slave free he would do so. But it happened that, in the course of hostilities, the United States troops freed slaves whom they had confiscated as "war contraband". In retaliation the Confederates seized the property in Southern territory of citizens of the Northern States, to which the Lincoln Government replied by freeing all slaves in the States opposed to the Union.

The victory of the Northern States finally led in 1865 to the total abolition of slavery throughout the territory of the Union, in accordance with the terms of the XIIIth Amendment to the United States Constitution.

In Spanish America slavery had been prohibited by the Bolivar Constitution since 1821.

In Brazil, however, in spite of the measures taken by Pombal, the traffic in African negroes had reconstituted a large slave population. In 1866, the Minister Eusébio de Queiroz caused a law to be voted which recognised the freedom of all the children of slaves at birth, although obliging them to remain in the service of their parents' owners until they attained their majority. In 1888, the "great abolitionist movement" led by Joaquim Nabuco, joined its efforts to those of the Holy See, which issued an encyclical letter to the bishops of Brazil, and the abolition of slavery was proclaimed in that country, some 800,000 slaves being thus set free.

With regard to slavery in the colonial territories of European Powers, it should be recalled that the Code Noir of 1685 recognised the practice in countries under the authority of France. In 1788 the Société des Amis des Noirs, under the leadership of Mirabeau and the Abbé Grégoire, started to rouse public
opinion on the question of slavery. In the following year the Declaration of the Rights of Man and of the Citizen proclaimed the equality of all races, which immediately gave rise to a protest on the part of the French West Indies settlers. In 1794 however, the Abbé Grégoire secured the unanimous adoption by the National Convention, of a law abolishing slavery. It is true, however, that as a result of pressure by the settlers, the law was repealed by the First Consul in 1802 (which led to the Santo Domingo rebellion), and it was not until 1848 that slavery in the French possessions was finally abolished by the provisional Government of the Second Republic.

In England, as in France, the anti-slavery campaign met with opposition on the part of the settlers. In 1823 Canning had 800,000 slaves transferred to England, in order that they might be freed and given work. Measures for the final abolition of slavery were taken in 1838.

The exploration of Africa strengthened the hold of European Powers upon territories where slave-traders were still recruiting slaves, either for domestic service in Moslem countries, or for contraband slave traffic. The Berlin Act of February 26, 1885 (also known as the Congo Act), signed by 13 European States, including all the great Powers of the time as well as the United States, provided in Article 9 that: “... in conformity with the principles of international law as recognised by the signatory Powers... the Powers which do or shall exercise sovereign rights or influence in the territories forming the Conventional Basin of the Congo declare that these territories may not serve as a market or means of transit for trade in slaves of whatever race they may be. Each of the Powers binds itself to employ all the means at its disposal of putting an end to this trade and for punishing those who engage in it.

It will be observed that this text extends to slave traffic on land the censure and prohibition which had until then only been applied to slave-trading on the seas. There was still no question of the total abolition of slavery in territories where the practice, in accordance with national customs, could be considered as essential. Cardinal Lavigerie, the apostle of the abolition of slavery, recognised in a lecture given in Saint-
Sulpice Church, Paris, on September 20th, 1890, that “Slavery is an essential factor in African social conditions; its sudden disappearance would lead to incalculable ruin, to immense chaos where nothing would survive. For the moment we must be content with fighting the slave-trade; it is the slave-trader, the torturer of millions of men, who must be hunted down and mercilessly destroyed” 1. The previous year he had envisaged calling a general Anti-Slavery Congress in Berne, but the project was not successful. It was taken up by King Leopold II of Belgium who, in agreement with the British Government, convened in Brussels the Powers signatory to the Berlin Act, as well as the representatives of the Congo State, the Shah of Persia and the Sultan of Zanzibar. The object was to complete the Congo Act, which organised the policing of the western regions of Africa, by extending it to the eastern side of the continent.

The Act of the Brussels Conference, signed and ratified by 17 States including the Ottoman Empire, Persia and the Sultan of Zanzibar, effectively repressed the slave-trade in the Red Sea and Indian Ocean. It established an international central office in Zanzibar, and a similar office in Brussels (attached to the Belgian Ministry of Foreign Affairs), for the centralization and exchange between participators in the Brussels Act of all relevant information relating to legislation, seizures, judgments and reports calculated to assist in tracking down slave-traders.

A consequence of the First World War was the abrogation, by the Treaty of St. Germain-en-Laye in 1919, of the Berlin and Brussels Acts, in regard to the signatories, that is to say the victorious Allies (the United States, Belgium, the British Empire, France, Italy, Japan and Portugal). Article II of the Treaty provided that those Powers should, in particular, make every effort to ensure the total abolition of slavery in all its forms, and of the negro slave-trade on land and on sea.

The provision required, of course, to be defined in greater detail. This was to be the work of the League of Nations.

(to be continued).

1 Translation from the original French.
PRESS RELEASE

THE STANDING COMMISSION
OF THE INTERNATIONAL RED CROSS


The Standing Commission of the International Red Cross met on November 11, 1954, in Geneva, under the Chairmanship of M. André François-Poncet.

Present at the Meeting—M. Paul Ruegger, President of the International Committee of the Red Cross, and M. R. Olgiati; Judge Emil Sandström, Chairman of the League of Red Cross Societies, and the Countess of Limerick; Mr. J.T. Nicholson; Mr. T.W. Sloper.

The place of Princess Amrit Kaur, Member of the Commission, was occupied by Mr. Sen, Indian Consul-General in Geneva, and that of Professor Pachkov, Vice-President of the Alliance of Red Cross and Red Crescent Societies of the USSR, by Mr. Tchikalenkov.

After taking note of the minutes of the Meeting of the Three Presidents (Standing Commission, International Committee of the Red Cross and the League of Red Cross Societies), held in London on September 30 last, the Commission examined the questions raised by the numerous relief actions which had recently been carried out to meet a number of exceptionally serious disasters. The Commission decided that a summary report of the relief actions should be submitted to the next International Red Cross Conference. The public would thus have a clearer view of the enormous and efficient efforts of human solidarity which were made, in all circumstances and in
all parts of the world, by the International Red Cross organisation. This International Conference, which is held at intervals of four years, will be convened between November 1956 and January 1957.

In addition, the Standing Commission was informed of the services rendered by the International Red Cross organisations, in conjunction with the Guatemalan Red Cross Society, to improve conditions for political detainees in Guatemala. That example made it possible to consider that political detainees might subsequently be the object of conventions similar to those which now deal with the wounded and prisoners of war, and the protection of civilian populations.

The Commission took note of the recognition by the International Committee of the Red Cross of the Afghan Red Crescent Society, and the Red Cross Society of the German Democratic Republic. As a result of the representations made by the Three Presidents, two-thirds of the signatories to the 1949 Conventions have now obtained the ratification of the Conventions by the parliaments of their respective countries.

The Commission fully approved the plan to erect a monument on the Solferino battlefield to commemorate the initiative taken by Henry Dunant, which was the starting point of the Red Cross movement throughout the world.

With regard to the International Conference which will be held in India between November 1956 and January 1957, the Standing Commission studied the draft agenda for the Meeting. It will examine the list of items for discussion, and make a study of the important subjects of general interest which should lead to a vast exchange of international views.

The Standing Commission will hold its next Meeting in the spring of 1955.