

Official Ceremony for the Signature of the Geneva Conventions of August 12, 1949, for the Protection of War Victims

Thursday 8 December 1949, 3 p.m.

President: Mr. Max PETITPIERRE, President of the Diplomatic Conference

The PRESIDENT: Fellow Delegates, Ladies and Gentlemen,

When the Diplomatic Conference, which met in this hall from April the 22nd to August the 12th, had completed its work, several delegations stated that they were ready to sign the Geneva Conventions forthwith; others, on the contrary, asked for a certain delay, so as to enable their Governments to subject the texts to a final examination.

In order to meet those two different requirements, it was decided to hold two official signature ceremonies, one on August the 12th and the other on December the 8th. Sixteen delegations signed the four new Conventions on the 12th of August; two delegations only signed three of them. The remaining delegations reserved the right to sign them later.

There were no signatures between August the 12th and December the 8th.

In accordance with the decision taken by the Diplomatic Conference, we have invited all the States which took part in the work of the Conference to send representatives to this final meeting. The Federal Council thanks your Governments for having responded to its invitation by sending you to Geneva, and it gives me great pleasure to welcome you here in its name.

We have received a telegram informing us that the aeroplane on which the Delegation of Greece was to have travelled to Switzerland has been held up by bad weather.

We have just heard that the aeroplane on which the Delegations of the Union of Soviet Socialist Republics, the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic

are travelling has been held up in Vienna by fog.

We are extremely sorry that these inopportunities have occurred. The Delegations concerned will sign the Conventions on their arrival, either today or tomorrow. I propose that we should consider their signatures as having been given during the present ceremony, even if they are in fact appended to the Conventions after the conclusion of this meeting.

The Conference had decided that the Credentials Committee instituted by it should carry out its duties for the last time on December the 8th under the chairmanship of H. E. Mr. Auriti, Head of the Italian Delegation. The Committee met this morning.

I now ask Mr. Auriti to be so good as to submit his Report.

Mr. AURITI, Chairman of the Credentials Committee:

The Credentials Committee held its seventh meeting on December 8th, 1949, at 10 a.m. Five of its members were present, viz. the Delegates of Finland, Hungary, Italy, the Netherlands and Syria. The Delegations of New Zealand and Venezuela, who had also formed part of the Committee, were not present. The Delegation of the United Kingdom, Switzerland and the Union of Soviet Socialist Republics were called in to take their place. The last-named Delegation was not, however, able to take part in the meeting, as it did not arrive in Geneva in time on account of weather conditions.

The Committee examined the credentials submitted by 25 delegations for the purpose of

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signing the Conventions. They found them to be in good and due form. The Delegations concerned were those of the following States: Argentina, Belgium, Byelorussia, Bolivia, Brazil, Canada, Ceylon, Egypt, Spain, Ethiopia, Finland, France, Greece, Hungary, Israel, Italy, the Lebanon, Luxemburg, the Netherlands, the United Kingdom, the Holy See, El Salvador, Sweden, Czechoslovakia and the Union of Soviet Socialist Republics.

In the case of 12 other delegations, the Secretariat of the Conference produced telegrams or letters mentioning that the delegations in question were authorized to sign the Conventions. The Committee decided that those delegations should be allowed to sign, but should be asked to submit credentials in good and due form to the Swiss Government as soon as possible. The Committee also proposed that the latter Government should be requested to get into touch with the signatory States on the subject of the credentials which are at present lacking. Documents serving provisionally in lieu of credentials have been submitted on behalf of the Delegations of the following States: Afghanistan, Albania, Austria, Burma, Bulgaria, the United States of America, India, Iran, Mexico, the Philippines, Poland and the Ukraine.¹

The PRESIDENT: I thank H.E. Mr. Auriti for his extremely precise Report and I also thank all the members of the Committee for having been willing to give us their help once again.

Are there any observations on this Report?

As no delegation wishes to speak, the Report is adopted.

I now invite you to fulfil your mandate. The Secretary-General will call out the names of delegations, who are requested to come up to the table placed at the foot of the presidential rostrum and to append their signatures to the documents which have been placed on it. Delegates who have reservations to make will please read them aloud at the time of signature.

¹ Twenty Delegations have signed the Conventions on 8 December 1949, or at a later date, without having been able to submit previously their credentials in good and due form. The Delegations concerned were those of:

Afghanistan	Iran	Portugal
Albania	Ireland	Rumania
Australia	Mexico	Ukraine
Austria	New Zealand	United States
Bulgaria	Paraguay	of America
China	Philippines	Venezuela
India	Poland	Yugoslavia

The Swiss Government has received from all these Delegations the credentials in good and due form. For information the Swiss Government has sent a Report to the Signatory States.

May I ask the Secretary-General to call out the names of the delegations.

The SECRETARY-GENERAL proceeded to call out the names of delegations.

In succession, the Delegations of the following States appended their signatures to the Conventions:

AFGHANISTAN

ARGENTINA

Mr. SPERONI, First Secretary to the Argentine Legation in Berne, made a reservation to the four Geneva Conventions (*see Vol. I, p. 343*).

AUSTRIA

Mr. WILDMANN, Austrian Minister in Switzerland, only signed the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, as the other three Conventions had been signed by the Austrian Delegation on August 12th.

BELGIUM

BOLIVIA

BRAZIL

Mr. PINTO DA SILVA, Consul-General of Brazil at Geneva, made reservations to the Geneva Convention relative to the Protection of Civilian Persons in Time of War (*see Vol. I, p. 344*).

CANADA

Mr. WERSHOF, Counsellor, Office of the High Commissioner for Canada in London, made a reservation to the Geneva Convention for the Protection of Civilian Persons in Time of War (*see Vol. I, p. 346*).

CEYLON

Mr. COOMARASWAMY, C.M.G., Deputy High Commissioner for Ceylon in London, did not sign the Convention for the Protection of Civilian Persons in Time of War.

EGYPT

SPAIN

Mr. CALDERON Y MARTIN, Spanish Minister in Switzerland, made a reservation to the Geneva Convention relative to the Treatment of Prisoners of War (*see Vol. I, p. 346*).

UNITED STATES OF AMERICA

Mr. VINCENT, Minister of the United States of America in Switzerland, only signed the Geneva

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Convention relative to the Protection of Civilian Persons in Time of War, the United States Delegation having signed the other three Conventions on August 12th. Mr. Vincent made a declaration. *Vol. I, p. 346.*

ETHIOPIA

FINLAND

FRANCE

HUNGARIAN PEOPLE'S REPUBLIC

Mrs. KARA made reservations (*see Vol. I, p. 346*).

IRAN

ISRAEL

Mr. KAHANY, Delegate of Israel to the European Office of the United Nations and to the International Committee of the Red Cross, made a declaration (*see Vol. I, p. 348*).

ITALY

Mr. AURITI, Ambassador, made a declaration concerning the Convention relative to the Treatment of Prisoners of War and Resolutions 6, 7 and 9 of the Diplomatic Conference of Geneva (*see Vol. I, p. 348*).

LEBANON

Mr. MIKAOUÏ, Minister of the Lebanon in Switzerland, made the following declaration:

"I am not speaking in order to explain a reservation, for I shall shortly have the honour of signing the four Conventions in the name of the Lebanese Government without any reservation other than that of ratification by the Lebanese Parliament.

Nor do I intend to make a speech, because I am conscious of the fact that we are taking part in a formal meeting for the signature, and not in a mere plenary meeting. But since a delegation has made a reservation concerning the use of the Shield of David, I must state that the Diplomatic Conference, having, in a final manner, in both Committee and Plenary meetings, rejected the proposal to include the Shield of David among the internationally recognized signs, my Government considers that the reservation made by that delegation has no value for the States signatories to the present Conventions.

I should be extremely grateful if the President would kindly arrange for my declaration to be included in the minutes of the present meeting."

LUXEMBURG

Mr. STURM, Chargé d'Affaires of Luxembourg in Switzerland, made a reservation (*see Vol. I, p. 349*).

MEXICO

NETHERLANDS

Mr. BOSCH, Chevalier VAN ROSENTHAL, Minister of the Netherlands in Switzerland, made a declaration (*see Vol. I, p. 349*).

PHILIPPINES

Mr. SEBASTIAN, Minister of the Philippines in Italy, made the following declaration:

"I feel highly honoured to represent my country at this Conference and to sign these four Conventions on behalf and in the name of the Government of the Republic of the Philippines.

I have been instructed, however, to make a general reservation, and make it off record, that these Conventions shall only be binding on us after their formal ratification by the Philippine Senate, in accordance with the provisions of our Constitution."

POLAND

Mr. PRZYBOS, Polish Minister in Switzerland, made reservations concerning the four Geneva Conventions (*see Vol. I, p. 350*).

UNITED KINGDOM

The Rt. Hon. Sir Robert CRAIGIE, Foreign Office, made a declaration (*see Vol. I, p. 352*).

HOLY SEE

EL SALVADOR

SWEDEN

Mr. SÖDERBLOM, Swedish Minister in Switzerland, made the following declaration:

"In view of the requirements of the rules of our Constitution, I must add the following reservation to our signature:

subject to ratification by the Government of His Majesty the King of Sweden with the approval of the Riksdag."

CZECHOSLOVAKIA

Mr. TAUBER, Minister of Czechoslovakia in Switzerland, made reservations (*see Vol. I, p. 353*).

The SECRETARY-GENERAL: Is there any delegation whose name has not been called out?

The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field has just been signed by 27 delegations. It had already been signed by 18 delegations on August the 12th. That makes a total of 45 delegations which have signed it up to today.

The Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea has just been signed by 28 delegations. It was signed by 17 on August the 12th. That makes a total of 45 delegations which have signed it up to today.

The Geneva Convention relative to the Treatment of Prisoners of War has just been signed by 27 delegations. It was signed by 18 on August the 12th. That also makes a total of 45 delegations.

The Geneva Convention relative to the Protection of Civilian Persons in Time of War has just been signed by 27 delegations. It was signed by 17 on August the 12th. That makes a total of 44 delegations.

The PRESIDENT: On the 21st of April, the Diplomatic Conference opened in this hall. Its task was to improve the lot of war victims. Taking account of the tragic experiences of the world during the past years, it had to draw up a legal system which would as far as possible protect not only wounded members of the armed forces and prisoners of war, but also civilians, from the blind brutality which any armed conflict inevitably provokes.

Our work came to an end on August the 12th. The Conventions which it was our task to draw up were finished. Your Governments had, however, intimated that they would like to examine them once again before authorizing you to sign them.

That final act has now been accomplished. You have just appended your signatures to the new Geneva Conventions. By so doing, you have shown that they have, with certain reservations, received the approval of your Governments. Your signatures, added to those which were already there, bring the number of delegations which have given their official approval to the work of the Diplomatic Conference to 45. I am certain that all those who contributed to that work are experiencing, today, a lively sense of gratification. The efforts made to harmonize the different points of view represented have not been in vain. The texts they drew up have now been accepted by the majority of States. It can be truly said that they answer a universally felt need.

On August the 12th, when closing the Diplomatic Conference, I said that it was not possible for us to judge the results of our work as we could not yet

see it in the proper perspective. Four months have elapsed since then, and during that time we have been able to go over our texts again, considering once more the solutions upon which we settled and judging the effect they will have. The opinions which have been expressed regarding the new Conventions allow us to affirm that the latter are satisfactory. If the world should ever again be torn up by a new conflict—against the will of its people, of that we may be sure—the new Conventions will prevent, or at least lessen, the horrors which have been witnessed by our generation.

Our task was clearly defined. It was not up to us either to redraft the Kellogg Pact which had outlawed war, or to revise the Hague Agreements which had attempted to establish rules for the conduct of war. We have been criticized for not exceeding the limits laid down for us. I think that if we had done so, we would have jeopardized our work. The latter, to be effective, had to take account of realities.

Without wishing to analyse the Geneva Conventions, may I remind you here of their meaning, of their value and of the spirit which breathes through them.

Their meaning. The principles of the Red Cross, on which the two Conventions of 1929 were based, had stood the test of time. Where those Conventions had been applied, they had saved thousands of lives. They had, on the whole, been respected by the countries which had signed them. If they had not made it possible to avoid all the atrocities that have been committed, that was mainly because their field of application was too limited and because their provisions were not specific enough. The new agreements make good the most serious deficiencies revealed by the last world war. While retaining the fundamental ideas which inspired the old Conventions, the new Conventions extend and develop them. They adapt them to the requirements of modern warfare. They extend the protection given so as to include civilians, providing the latter with physical and moral safeguards which they have until now been entirely without. They thus ensure that all persons who do not take part in military operations and all those who are placed hors de combat by sickness, wounds or captivity, are protected and respected.

Their value. The approval which most of the Governments of the world have just given to the Geneva Conventions gives them considerable importance. They will, however, only attain their full value when they have been ratified by all the Governments which have signed them. They will then take their place as part of the law of nations. According to the terms of their provisions, they will come into force six months after two instruments of ratification have been deposited. I hope,

therefore, that the ratifications will take place without delay. I should be grateful if you would transmit that recommendation to your Governments. I hope that the countries which helped to draw up the Conventions, but which have not yet been able to sign them, will do so as soon as possible. Some among them have already informed us that they intend to sign before the 12th of February next. In order that the fullest possible advantage may be drawn from the Geneva Agreements, it is essential that they should be universally accepted.

Their spirit. The day after tomorrow we shall celebrate the anniversary of the Universal Declaration of the Rights of Man which was adopted by the General Assembly of the United Nations on December the 10th, 1948. It is, we think, interesting to compare that Declaration with the Geneva Conventions. Our texts are based on certain of the fundamental rights proclaimed in it—respect for the human person, protection against torture and against cruel, inhuman or degrading punishments or treatment. Those rights find their legal expression in the contractual engagements which your Governments have today agreed to undertake.

The Universal Declaration of the Rights of Man and the Geneva Conventions are both derived from one and the same ideal, which humanity pursues unceasingly in spite of passions and political strife and which it must not despair of attaining—namely that of freeing human beings and nations from the suffering of which they are often at once the authors and the victims.

In August, before dispersing, the delegates to the Diplomatic Conference unanimously adopted a Resolution expressing their earnest desire to see all the Powers settle their differences by peaceful means. We know today that a war never solves the problems which caused it to break out. It is always followed by long years of suffering for both the vanquished and the victors. The evils engendered by war are out of all proportion to the advantages gained by it.

If we can congratulate ourselves on the fact that our Conference has accomplished the aims which were planned for it, we know, nevertheless, that it has not solved—that it could not solve—any of the great problems which weigh today so heavily on the life of the nations. But we desire to express the earnest wish that the feeling of humanity, which gave birth to the idea of the Red Cross and which inspired the Conventions we have just signed, may develop and may one day give the nations a sense of their common interests, which are greater than anything that divides them. This feeling of humanity will then no longer limit itself to lessening the evils of war, but will undertake the task of fighting the very idea of war and of ensuring that peace is finally victorious. (*Applause*)

The PRESIDENT: Mr. Jacquinet, Head of the French Delegation, will now speak.

Mr. JACQUINET (Minister for Ex-Service Men and War Victims): I thank both the Town and the Republic and Canton of Geneva for the cordial and traditional welcome which they have given to the French Delegation.

I must profit by this solemn occasion to express our gratitude to the Swiss Confederation and to its Government for the help they gave to our compatriots during both the first and the second world wars—to our prisoners of war (by sending parcels and by arranging for them to receive and send correspondence), to our refugees and deported persons, to those in hospitals, to numerous children and to all classes of suffering people.

It was natural that the Conventions should be signed in the country of Dunant, the creator and organizer of the Red Cross. Nearly sixty countries have drawn them up in an atmosphere of great mutual understanding and with the firm intention of succeeding.

It was also natural that it should be the Swiss Government which, inspired by the same tradition, took the initiative of inviting the States of the whole world to take part in this work of peaceful understanding.

A very large part of its success has been due to the enlightened direction which our President, Mr. Petitpierre, Federal Councillor, has given to our work. (*Applause*)

Let us hope, Ladies and Gentlemen, that this agreement will be extended and applied to wider fields, that in spite of the hard work which has been put into these Conventions there may be no occasion to apply them, and that peace will at last reunite all peoples of good will. (*Applause*)

The PRESIDENT: Mr. Auriti, Head of the Italian Delegation, will now speak.

Mr. AURITI: It cannot be denied that the most important part of all our work has been the drafting of a Convention for the protection of civilian persons in time of war.

As has already been said, we know that we have produced a work which, like all human work, is not perfect. The mainspring of all man's activity is the desire for perfection, to which he can approach more and more closely without ever being able to attain it. Besides, our task was not to produce an ideal Convention, but one which would reconcile human rights with the requirements of war and on which all the delegations, even when they had divergent views, would finally agree. That is why some of the provisions in this Convention must be judged in the light of the spirit of compromise in which they were drafted.

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I do not think that we shall be guilty of vanity in saying that we are satisfied with the result of our work. It is unnecessary to remind you once again that the wise, impartial and sympathetic way in which our President, Mr. Petitpierre, Federal Councillor, directed our work has greatly contributed to its success.

Having thus seen our task through, we hope that a future Diplomatic Conference will take up our work again and enable it to make further progress in the application of humanitarian principles. For this purpose it will be necessary for a spirit of peace to reign throughout the world. No country has a greater desire for peace than Italy, or a greater need of it. Anyone who asserted that that was not so, would show that he did not know or did not wish to recognize the spirit of the Italian people, whose wish is to work peacefully and yet maintain their liberty and their dignity. In order, however, that peace should be firmly established and therefore lasting, it must be founded on justice in the relations both between

the sovereign States and in the interior of those States. In fact, individuals must not be swallowed up by collectivity, but must be considered, on the one hand, as entities which are superior to it, and on the other hand, as being united by a bond of fellowship with a view to achieving a common purpose at once spiritually and materially advantageous to all. (*Applause*)

The PRESIDENT: Does anyone else wish to speak? There are no further speakers.

I thank the delegates who have just spoken for their kind words.

I have just received news from Vienna that the three delegations which were held up in that town will not be able to leave today; they hope to leave early tomorrow and to arrive in Geneva in the course of the morning, which will allow them to sign the Conventions at once.

The meeting is closed. (*Applause*)

The meeting closed at 5.30 p.m.

Signatures and Reservations made from 10 December, 1949, till 12 February, 1950

CHINA, PARAGUAY

The Delegations of China and Paraguay signed the four Conventions in Berne on December 10th.

The Delegations of the Byelorussian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics, having arrived in Berne on Monday, December 12th, signed the four Geneva Conventions, making the following reservations:

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Mr. KOUTENIKOV, Head of the Delegation of the Byelorussian Soviet Socialist Republic, made reservations (*see Vol. I, p. 343*).

UKRAINIAN SOVIET SOCIALIST REPUBLIC

Mr. BOGOMOLETZ, Head of the Delegation of the Ukrainian Soviet Socialist Republic, made reservations (*see Vol. I, p. 354*).

UNION OF SOVIET SOCIALIST REPUBLICS

General SLAVIN, Head of the Delegation of the Union of Soviet Socialist Republics, made reservations (*see Vol. I, p. 355*).

PEOPLE'S REPUBLIC OF ALBANIA

On December 12th, the Delegation of the People's Republic of Albania also signed the four Conventions.

Mr. MALO, First Secretary to the Albanian Legation in France, made reservations (*see Vol. I, p. 342*).

INDIA

(16 December 1949)

REPUBLIC OF IRELAND

(19 December 1949)

GREECE

(22 December 1949)

BULGARIAN PEOPLE'S REPUBLIC

(28 December 1949)

Mr. KOSTA B. SVETLOV, Minister of Bulgaria in Switzerland, made a declaration (*see Vol. I, p. 344*).

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AUSTRALIA

(4 January 1950)

THE FEDERAL PEOPLE'S REPUBLIC OF
YUGOSLAVIA

(10 February 1950)

Mr. Milan RISTIĆ, Minister of Yugoslavia in Switzerland, made a declaration (*see Vol. I, p. 356*).

RUMANIAN PEOPLE'S REPUBLIC

(10 February 1950)

Mr. Joan DRAGOMIR, Chargé d'Affaires of Rumania in Switzerland, made a declaration (*see Vol. I, p. 351*).

VENEZUELA

(10 February 1950)

PORTUGAL

(11 February 1950)

Mr. Gonçalo CALDEIRA COELHO, Chargé d'Affaires of Portugal in Switzerland, made reservations (*see Vol. I, p. 351*).

NEW ZEALAND

(11 February 1950)

Mr. George Robert LAKING, Counsellor of Embassy in Washington, made a declaration (*see Vol. I, p. 349*).

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