



**REVUE
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CROIX-ROUGE**

SUPPLEMENT

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RESERVATIONS TO THE 1949 GENEVA CONVENTIONS

Many theoretical studies have been made in recent years on the subject of reservations to multilateral treaties. It will be recalled that the reservations entered by several States Parties to the Convention on the Prevention and Punishment of the Crime of Genocide were considered by the United Nations General Assembly, which asked the International Court of Justice for an advisory opinion on the matter. The United Nations International Law Commission has also studied the problems raised by reservations in its discussions on the law of treaties.

Our purpose is not to join in these discussions, interesting though they are, but to set forth the various reservations made with regard to the Geneva Conventions and to determine the exact meaning which should be assigned to them.

It should be recalled, however, that a reservation is traditionally a declaration of will by which a state, while accepting a treaty in general, excludes from its acceptance one or more provisions of the treaty, or changes their purport with regard to itself. The opinion generally held until the last few years was that a reservation, to become effective, required the consent, explicit or implied of all the States parties to a treaty. If a State Party to a treaty or a convention refused to accept the reservation made by another State, this latter could not remain a party to that treaty or convention. More recently, the International Court of Justice at The Hague, in its advisory opinion

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concerning the reservations to the Genocide Convention, stated that an objection to a reservation only entailed the exclusion of the State concerned, if the reservation was incompatible with the aims and objects of the Convention.

It may be noted that, although reservations have been maintained by certain states in ratifying, or acceding to, the 1949 Geneva Conventions, no objection to them has yet been raised, so that there is no doubt but that the States which have entered reservations remain Parties to the Conventions.

* * *

On July 31, 1957, 67 States were bound by the 1949 Conventions¹.

On signature in 1949 the following countries made reservations: Albania, the Argentine Republic, Byelorussia, Brazil, Bulgaria, Canada, Czechoslovakia, Hungary, Israel, Italy, Luxemburg, New Zealand, the Netherlands, Poland, Portugal, Rumania, Spain, the United Kingdom, the United States of America, the Ukraine and Yugoslavia². Canada, New Zealand and Portugal have not yet ratified the Conventions. The other States have exchanged ratifications, but have maintained their reservations, except in the case of Brazil, Italy and Luxemburg which have not confirmed them. Spain has only abandoned one of her reservations.

¹ The following is a list of these States in chronological order of ratification or accession: Switzerland, Yugoslavia, Monaco, Liechtenstein, Chile, India, Czechoslovakia, the Holy See, the Republic of the Philippines, Lebanon, Jordan, Pakistan, Denmark, France, Israel, Norway, Italy, Union of South Africa, Guatemala, Spain, Belgium, Mexico, Egypt, Japan, the Republic of El Salvador, the Grand Duchy of Luxemburg, Austria, the Republic of San Marino, Syria, South Vietnam, Nicaragua, Sweden, Turkey, the Republic of Liberia, Cuba, USSR, Rumania, Bulgaria, the Ukraine, Byelorussia, the Netherlands, Hungary, Ecuador, the Federal Republic of Germany, Poland, Thailand, Finland, the United States of America, Panama, Venezuela, Iraq, Peru, Libya, Greece, Morocco, the Argentine Republic, Afghanistan, Laos, the German Democratic Republic, the People's Republic of China, Iran, Haiti, Tunisia, Albania, the Democratic Republic of Vietnam, Brazil and the United Kingdom.

² The text of these reservations is given in the Final Record of the Diplomatic Conference of Geneva, Vol. 1, pp. 342-357.

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Pakistan and the People's Republic of China, which had made none on signature, entered some reservations on ratification.

The German Democratic Republic and the Democratic People's Republic of Vietnam entered reservations on accession to the Conventions.

Finally, the United States which had made one reservation on signature added another when ratifying the Conventions.

Thus, out of the 67 States at present bound by the 1949 Geneva Conventions, 18 have made their acts of ratification or accession subject to reservations.

GENERAL DECLARATIONS

In signing the Conventions, several delegates made declarations deploring the fact that one subject or another had not been dealt with by the Conference, or that one provision or another had not been more generous in tenor. The Bulgarian and Hungarian delegations expressed their Governments' deep regret that the majority of the Diplomatic Conference had not accepted the Soviet delegation's proposal for the unconditional banning of atomic weapons and other weapons for the mass extermination of the population. As is known, the Diplomatic Conference, when this proposal was put forward, declared it unacceptable, most delegations considering that this problem was outside the scope of the Conference.

The delegations of Byelorussia, Rumania, the Ukraine and the USSR expressed their regret that the IVth Geneva Convention relative to the Protection of Civilian Persons in Time of War did not cover the civilian population in territory not occupied by the enemy and, for this reason, did not completely meet humanitarian requirements. The meaning of this statement is not absolutely clear, but it may be taken to refer to the protection of the civilian populations of the belligerent countries against the dangers resulting from the use of weapons of mass destruction. It is true that the IVth Convention apart from the protection of civilian hospitals and the suggested establishment

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of safety and neutralized zones contains no provision against these dangers.

The Hungarian Delegation noted with regret that Article 4 of the IVth Convention excluded from the category of protected persons the nationals of States which had not adhered to that Convention and pointed out furthermore the dangers which might arise from the derogations listed in Article 5.

These various declarations, however, from the legal point of view do not constitute reservations. Doubtless, the Powers who made them would have wished the Conference to go further, but it must be admitted that the results actually obtained in 1949 were considered by many impartial observers to have been beyond all expectation. Of course, it would have been highly desirable for the Diplomatic Conference to have drawn up texts showing still greater humanitarian feeling, but the prime necessity was to ensure that the Conventions were ratified by a large number of States, and in particular by all the great Powers. That result has almost been achieved and is a matter for congratulation. Furthermore, there is nothing to prevent certain of the liberal ideas expressed in the declarations made at the Conference from one day becoming part of international law ¹.

The United States' Government in ratifying the four Conventions made in the case of each Convention, with regard to the reservations entered by other States, a declaration in identical terms, which reads as follows for the IVth Convention :

Rejecting the reservations—other than to Article 68, paragraph 2 ²—which States have made with respect to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, the United States accepts treaty relation with all parties to that Convention, except as to the changes proposed by such reservations.

¹ It should be mentioned, for the sake of completeness, that in signing the Conventions, the New Zealand Delegate stated that, as there had been insufficient opportunity to study the reservations made on behalf of other States, his Government for the present reserved their views in regard to such reservations. New Zealand, which has not yet ratified the Conventions, has so far made no use of this proviso.

² This refers to the possibility of passing sentence of death in occupied territories.

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The meaning of this declaration is not at first sight very clear, especially for European legal experts not very used to American legal terminology. On more thorough study the following facts will emerge :

- (a) The United States does not accept any of the reservations entered by other States, except those made with regard to Article 68, paragraph 2.
- (b) They declare themselves bound by the Conventions in respect of all the States which have ratified or acceded to them, even with reservations.
- (c) The obligations from which some States have discharged themselves by making reservations are not binding on the United States in respect of those States. The same applies to the new or different obligations to which the application of these reservations may give rise.

In fact, the position, with regard to the reservations, of the other States Parties to the Conventions is no different from that of the United States, although they have made no explicit statement to that effect.

It is obvious that a State which wishes to release itself from a particular obligation under the Convention, cannot claim that other States should observe that same obligation towards it. Furthermore, the fact that a State Party to the Conventions does not raise an objection to a reservation entered by another State means that it is willing to be bound in its relations with that State by the Convention as a whole, except in respect of the substance of the reservation. In other words, the position of States which have made no statement of their attitude towards reservations entered by other States is no different from that of the United States.

(To be continued.)

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INTERNATIONAL COMMITTEE OF THE RED CROSS

A MISSION OF THE ICRC IN CZECHOSLOVAKIA AND EAST GERMANY

Czechoslovakia. — On his way to Dresden, and on his return journey, Mr. H. G. Beckh, delegate of the International Committee of the Red Cross, stopped at Prague where he was cordially welcomed by Dr. Janouch, President, and Mr. Blaha, Director, of the Czechoslovak Red Cross.

Various problems of interest to both organisations were discussed. The delegate of the ICRC supplied information concerning the work in progress on the Draft Rules, and in particular the putting into effect of Resolution XIII of the International Conference of the Red Cross in New Delhi. For his part, Mr. Blaha gave various details concerning the reuniting of families. Mr. Beckh informed Mr. Blaha of the numerous applications which the ICRC continues to receive in this connection, and told him what the Committee had done and was still doing in this field.

German Democratic Republic. — In Dresden the delegate of the ICRC began his mission by a meeting with members of the Presidential Bureau and members of the staff of the General Secretariat of the Red Cross of the German Democratic Republic, during which matters of common interest were discussed in full. It was stressed, first of all, that one problem of the present day is that of peace and, in particular, greater protection for humanity against the danger of weapons of mass destruction. The Red Cross is also concerned with this problem, as proved by Resolution XVIII of the New Delhi Conference.

The German Red Cross was pleased to learn, in this connection, that in accordance with this Resolution the ICRC is

pursuing actively its efforts under the mandate entrusted to it concerning the Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War. It noted with satisfaction the work already done by the ICRC in this field, and that it proposed to add a Memorandum to the documents to be sent to all the Governments¹. The German Red Cross suggested that, when sending the documents, Governments should be requested (at the same time or shortly afterwards) to give their views concerning the convening of a Diplomatic Conference in Switzerland in 1959.

The German Red Cross stated once more that it was prepared to give its active support, in all ways possible, to the International Committee's efforts to strengthen the protection of the civilian population, and to promote peace, by encouraging the evolution of international humanitarian law.

When referring to the result of his two first missions in the German Democratic Republic, Mr. Beckh laid stress on the International Committee's gratitude towards the Government for having given it the possibility of visiting prison establishments. He then gave a survey of the humanitarian activities of the ICRC in Algeria.

The German Red Cross of the German Democratic Republic acknowledged the useful purpose served by the work of the ICRC, and stated its readiness to support the Committee's efforts for the development of activities outside the scope of the Geneva Conventions. In addition it informed the delegate of the ICRC of some details of its aid to the Hungarian people, and to Algerian refugees and wounded. Mr. Beckh confirmed that the ICRC is prepared to publish in the *Revue internationale*, the reports by the German Red Cross on its relief action in Algeria, and other activities.

On May 2, 1958, Mr. Beckh was received by the Deputy Minister for Foreign Affairs, Mr. Schwab. The representative of the German Red Cross, Dr. Ludwig, and Mr. Zachmann of the Ministry of Foreign Affairs were present at the interview. Various questions concerning Mr. Beckh's mission and the

¹ See *Revue internationale*, May 1958.

co-operation of the Red Cross of the German Democratic Republic with the ICRC were discussed; the possibility was considered of entrusting the Permanent Delegate in Geneva of the German Democratic Republic with the establishment of regular contacts with the ICRC.

From May 3 to 6, Mr. Beckh visited, at his request and accompanied by Dr. Ludwig, the Bautzen and Waldheim prisons, Kleinmeusdorf Prison Hospital, near Leipzig, and a prison work camp at Wiesenbad, in the Erzgebirge. Mr. Beckh visited the various departments of these establishments and conversed freely, without witnesses, with some forty detainees of his choice. He was thus able to ascertain that detention conditions in the places visited were in conformity with normal humanitarian practice. The medical care given to detainees in Kleinmeusdorf Hospital may be considered as excellent. Although this hospital gives treatment to detainees only, it is exactly similar to a well-organised civilian hospital, as regards medical care, installations, surgical equipment, food and accommodation.

In Wiesenbad work camp, the accommodation, food and working conditions are no different from those of the civilian population; nevertheless, the detainees are only entitled to receive part of their wages.

In connection with these various missions¹, the delegate of the ICRC has so far visited the following prison establishments: Berlin-Rummelsburg, Brandenburg, Schwarze Pumpe, Röcknitz, Bautzen (twice), Kleinmeusdorf Hospital, Waldheim (prison and hospital) and Wiesenbad. In order to have a general view of the matter, he expressed his wish to visit other establishments at a later date, to be arranged by the authorities concerned.

During his visit to the German Democratic Republic, Mr. Beckh observed the excellent organisation of ambulance units, and mountain rescue and life-boat services which are all operated under the auspices of the Red Cross; he saw that a great number of voluntary first-aid workers give devoted service in the Red Cross.

¹ See *Revue internationale*, in particular May and August, 1957.

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CHINA

The Revue Internationale de la Croix-Rouge is always happy to be able to inform its readers of the special activities of Red Cross Societies which may interest other National Societies and encourage them to undertake new types of work.

It will be remembered that the Revue recently published an account of a visit by Mr. F. Siordet and Mr. M. Borsinger to China, where they had the opportunity of seeing for themselves various aspects of the work of the Chinese Red Cross Society. The Chinese Red Cross has kindly sent us an article on two of its activities, which we are happy to publish below.

A CHINESE RED CROSS HEALTH POST IN A TEXTILE MACHINERY FACTORY AT SHANGHAI

Before 1949 in this factory there was only one part-time doctor and three nurses, working in two small rooms, to provide medical care for the workers. By 1957 the medical staff had increased to five doctors and eighteen nurses, with a clinic consisting of two buildings ; we had also built a sixty-bed sanatorium. These doctors and nurses carry out their work on behalf of the workers and their families according to the principle that emphasis must be laid on prevention, and medical services are allocated by districts in accordance with the experience of the Soviet Union. In mid-June 1957, we began to recruit Red Cross members in our factory with the assistance

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of the local Red Cross Society, and in this way great progress was made in our medical and health work.

By the middle of November 1957, our membership had grown to 270 out of a total of 3,000 workers, most of them young. 35 members received first-aid training and qualified in first-aid after 40 days of spare-time study. Afterwards, they were organized into six Red Cross health posts in the workshops and combined their productive work for the factory with enthusiastic service for the health of their fellow-workers. The members of the Red Cross and those qualified in first-aid helped in the campaign for the prevention of occupational diseases of frequent occurrence and chronic ailments. They took part in the anti-TB Publicity Month and the Common-Cold Prevention Week. They also assisted in the mass radiography examination intended for all employees. During their spare time they organized themselves into publicity teams with gongs and drums, and wore colourful paper hats with slogans against indiscriminate spitting and so forth. In the workshops, the club house, the lounges and the dining hall, they talked to the workers over the loud-speaker system. The dangers of indiscriminate spitting were explained simply but with much wit and humour. Patient explanations were given to the audience at exhibitions of pictures and lantern-slides connected with the anti-TB campaign. As soon as the X-ray examinations had begun, our members took the lead in themselves submitting to the examination and urging their fellow-workers to do likewise. Some helped the nurses to keep order and others took over the task of persuading the reluctant and even offered to accompany them to examination. Their efforts were successful in helping many workers to understand the importance of mass radiography. Shieh Shiao-tien, a Red Cross member in the Assembly Shop laid stress, during the publicity campaign, on the benefits of everyone being examined and finally all the workers underwent these examinations. In other preventive measures such as those against benzene and lead poisoning, the members of the Red Cross co-operated closely with the medical staff, kept them posted regarding the sanitary conditions in the workshops and helped them to carry out the necessary

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measures. Hwang Wei-ming, a qualified first-aid worker in the Paint Shop, always found time to advise his fellow-workers on the methods of preventing benzene poisoning and the importance of washing their hands. Publicising knowledge of prevention led to the elimination of benzene poisoning in the factory.

Sanitary conditions in the workshops are constantly inspected and supervised by members of the Red Cross, who give constant publicity to the national sanitation campaign and take the lead in keeping the workshops and their surroundings clean. Chen Ken-chuan, an energetic first-aid worker in the Rolling Shop, quite often spends his free time together with other workers in this section, in weeding the grass and filling up ditches outside the workshops. They also organized a group to exterminate the flies and mosquitoes which hibernated in the kitchens during the winter. Since the health posts were set up, minor injuries in the workshops have been taken care of by Red Cross first-aid workers. Hsu Yung-kang, in the Mechanical Engineering Shop No. 3, treats eight to ten cases of cuts and bruises etc. every day. He handles every case with extreme care and not one of the cases he has dealt with has ever become infected. Koo Shiang-pao and Chen Ken-chuan of the Rolling Shop, have taken upon themselves the responsibility for sending serious cases and emergency cases to hospital. Once, when a man named Wu Pei-shing injured his left arm, they accompanied him to the hospital for the operation. They also took it in turns to visit patients at home during the holidays.

Accident and disease prevention is rather a complex matter in industrial plants, because it has to be carried out thoroughly and on a large scale. The development of Red Cross work in our factory has enabled the medical staff to carry out their work more thoroughly than before and the result has been an improvement in sanitation and a rise in the standard of health among the workers.

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A CHINESE RED CROSS HEALTH POST ON PEARL RIVER

On the Pearl River in Canton, there are sixty thousand boat dwellers. In the old days, they were looked down upon and oppressed by others. Their living standards, not to mention their health and the sanitary conditions under which they lived, were very poor. After the founding of the New China, as a result of the Government's concern for the people's welfare, public health work has undergone tremendous changes and has developed by leaps and bounds. For instance, the Red Cross, starting from scratch, has developed rapidly among the boat dwellers. By the end of 1957, there were among the boat dwellers 3,085 Red Cross members, of whom 691 were qualified first-aid workers, working in 20 health posts. In these few years, their efforts have yielded good results. An excellent example is the New Dam District health post. There are 45 first-aid workers in this post, all of whom live by rowing ferry-boats on the Pearl River. Since the establishment of the post, they have aided and cared for about 300 persons, 60 of whom they have saved from drowning. In June 1956, a six-year-old child, Liang Yiao-kwang, was carried away by a swift current while playing near the river bank. Fortunately, he was seen by Hwang Yiao-chia, the head of the health post, who jumped into the water, swam quickly to the child's rescue and saved him.

The New Dam District Health Post is situated near a busy intersection of roads and waterways, with many boats coming and going, a very swift current and frequent shipwrecks. The first-aid workers in the post are always ready for their work of life saving, whether it is day or night, and even if tempest and hurricanes are blowing. They unhesitatingly rush to the rescue whenever an accident occurs.

In August 1953, a small boat from a village, with some two hundred ducks on board, capsized in a storm through lack of skill on the part of her crew and the fact that she was overloaded. This occurred near the Custom House. As soon as the first-aid workers learned of the accident, they rushed to the scene and within twenty minutes saved four lives and the entire cargo. During the rescue, first-aid worker Lui Lao saw

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a peasant drowning; he swam courageously towards him but the peasant clutched hold of him and both of them were in danger of drowning. Just at that critical moment, Lui Lao got hold of a rudder which enabled him to struggle out of danger together with the peasant. This humanitarian spirit of saving those in distress and helping the injured is frequent among the Red Cross first-aid workers.

On August 14, 1956, a boat sailing towards Canton from an agricultural producers' co-operative in Hu Yuan village, in the Soon Kang District of Nam Hai Hsien, with a crew of six and a cargo of 1,600 catties of melon and 200 catties of ginger, sank through sailing with too heavy a load through rough water. Timely action by first-aid worker Chan Chia-tao and seven others resulted in all crew and the cargo being saved.

On another occasion, at 4 a.m., on January 12, 1957, a large barge with a cargo of 300 bundles of umbrella handles, docked near Da Chi-tou, suddenly struck some wooden stakes which pierced the hull in two places. The leak became uncontrollable and the barge threatened to sink. As soon as the first-aid workers learned about it, they rushed to the scene and in spite of the severe cold, stopped up the holes in the hull with their own bodies and baled out the water from the barge. At the same time, they called on the dock hands to unload the cargo, which was saved. First-aid workers have also saved boats carrying bananas, bamboo, furniture, rice, sand, etc. When they appear on the scene, salvage is certain and the boat dwellers on the Pearl River say that whenever a boat falls into danger, it will almost certainly be saved if the Red Cross first-aid workers know about it in time.

The Red Cross workers in this post also play an active part in helping those in distress during typhoons, floods and other natural calamities. They also show great concern for the sick and injured. An old lady who lost her loved ones during the war against Japanese imperialist aggression, was taken seriously ill with dropsy. First-aid workers carried her on a stretcher to the Canton Red Cross Hospital, but unfortunately after ten days, despite all the efforts to cure her, she passed away. The first-aid workers then made arrangements

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for her burial. The people say: "In the past, if you had no children, you were constantly worried that there might be nobody to take care of you during your old age, or to arrange for your burial. Now, under the leadership of the People's Government, such worries no longer exist". Furthermore, first-aid workers are also active in helping to carry out vaccinations, in the nation-wide campaign for better sanitation, in the campaign for the elimination of the four pests — flies, mosquitoes, mice and grain-eating sparrows — in cleaning the streets and in sterilizing drinking water. Ordinarily, they spread knowledge on health matters through wall newspapers, blackboard newspapers, poster exhibitions and daily talks. Some first-aid workers also help to teach others the elements of first-aid. During the past few years, owing to their selfless spirit of service to the people, their quick response to calls for help, their steadfast vigilance and their devotion to duty regardless of loss of time or money, they have won the people's appreciation and trust. The Cantonese Daily often publishes articles praising their work, and they have sometimes won banners. In 1956, this post was placed third among the advanced health units of Canton City and Canton Province, while its chief, Hwang Yiao-chia was elected second among the advanced health workers of the City of Canton and attended the provincial congress of advanced workers.
