

sketch of Henry Dunant's life. The second part discusses the four Geneva Conventions, as well as the efforts made by the International Committee of the Red Cross to ameliorate the protection of civilians against the dangers of indiscriminate warfare. The third part relates to the world organization of the Red Cross, whilst the fourth is reserved, as it should be, for the Swiss Red Cross. These two sections are particularly well expounded and documented. The last part, and by no means the least significant, is devoted to Red Cross doctrine. It takes its stand on the declaration of the fundamental principles of the Red Cross recently stated by the Vienna Conference, together with a commentary which aptly summarizes the doctrine established so far. Finally, the annexes are well assembled and include a number of basic texts, historic documents, a summary of the Geneva Conventions now in force, charts and a selection of thoughts drawn mainly from Huber's writings.

One can strongly recommend Hans Haug's work to readers of the *International Review*. In compact size and easily accessible form they will find much substance and a host of facts hitherto without cohesion.

J. P.

FINN SEYERSTED : " UNITED NATIONS FORCES IN THE
LAW OF PEACE AND WAR " ¹

Several legal works on the United Nations forces have recently been published, but none have made such a thorough examination as Mr. Seyersted of the problems raised by the application of the laws of war to and by these forces.

A legal expert at the Norwegian Ministry of Foreign Affairs, he has a wide knowledge of the problems of international organizations, since he was also for many years legal adviser to the International Atomic Energy Agency in Vienna. Finally, as a Norwegian he is familiar with the problems raised by the organizing of a contingent to be placed at the disposal of the United Nations Organization, as

¹ A. W. Sijthoff, Publisher, Leyden, 1966, 447 p.

his country is part of the Scandinavian element recently created to be made available to the United Nations, when the need arises.

After initially describing cases in which the UN forces have been raised, Mr. Seyersted examines the powers vested in the bodies of the United Nations to create such forces and ensure their command.

The author then goes on to deal with the application of the laws and customs of war by the United Nations forces and practice adopted in the various military actions undertaken in the name of the United Nations. He shows the weakness of procedures followed so far and the dangers which can result therefrom, not only for the reputation of the United Nations Organization, but also for the security and safeguard of those forming a part of these armed forces. He then determines the position of United Nations troops during hostilities and demonstrates that this should always be similar to that of the forces of a State which is a victim of aggression. Certainly, in bello such a distinction has no importance, but post bellum it can lead to certain consequences. For example, equipment belonging to United Nations forces should never be considered by an adversary, if he captures it, as war booty. In addition, even if military action has to be undertaken against an aggressor State which is not a member of the United Nations, or against an Authority not presenting the characteristics of a State, the situation should not be different and, in a case of this kind, a United Nations force should be bound by the rules of war applicable to warfare between States.

In chapter VIII, Mr. Seyersted broaches the subject of greatest interest from our point of view, namely the application of the laws and customs of war in military actions undertaken by the United Nations. The author shows that the United Nations as such have their own right to conclude international treaties and that consequently there is nothing to prevent them from becoming parties to multilateral agreements concluded between States.

Mr. Seyersted then examines whether the Conventions which relate to the laws and customs of war are open to the accession of the United Nations and he arrives at the following conclusion¹:

The conclusion thus is that the United Nations is entitled to accede to the 1907 Hague and the 1949 Geneva Conventions. The same must

¹ Translation.

apply in respect of other conventions of warfare whose accession clauses use similar terms, viz. the Hague Declaration of July 29, 1899 renouncing the use of bullets which expand or flatten easily in the human body, which is open for accession by " les Puissances non signataires ". On the other hand it is submitted that the United Nations is not entitled to accede formally to the 1954 Hague Convention on the Protection of Cultural Property. The same may even be true of the earlier conventions which are open for accession by " States " only

As regards the material possibility, for the United Nations, to apply the laws and customs of war, Mr. Seyersted sees no serious objection. If, for practical reasons, the United Nations Organization was not in a position to apply a particular provision of one of the Conventions relative to the law of war, it could without difficulty entrust its application to one of the States providing military contingents.

Concerning the procedure for becoming party to the Conventions relative to the law of war, Mr. Seyersted considers that the United Nations could, according to the respective clauses of the Conventions in question, accede to the Conventions of Geneva and The Hague.

The United Nations could also make use of the clause contained in article 2 common to the four Geneva Conventions and declare in each particular case that they accept to apply the four Geneva Conventions.

In this chapter's conclusions, Mr. Seyersted criticises the objections which have been made to the United Nations' accession to the Geneva Conventions. He shows that these objections, which are of a theoretical character, do not stand up against the practical advantages which a clear and unambiguous participation in the Conventions relative to the laws and customs of war represents for the United Nations and the members of their armed forces. He recalls the invitations which have been addressed on this subject to the United Nations by different sessions of the Red Cross and in particular, in the last place, by the XXth International Conference of the Red Cross, meeting in Vienna, in its Resolution XXV.

Finally, we would quote two passages from Mr. Seyersted's general conclusions :

The humanitarian rules embodied in the traditional laws of war must be fully observed even by a United Nations Force. The overriding need to protect military personnel and civilians on both sides, as well as neutral civilians, from undue suffering applies as fully if the aggressor is resisted by a United Nations Force as if he is resisted by States. The same is true of the need to protect cultural property. This applies to the rules concerning the treatment and protection of the wounded and the sick, prisoners and civilians, and to those parts of the law of military occupation which are designed to protect the population of the occupied territory. It also applies to the rules concerning the actual conduct of hostilities, except that it is not clear whether the outlawry of nuclear weapons declared by the United Nations General Assembly, inter alia on the basis of certain earlier treaties, applies also to the United Nations itself. Similarly the Geneva Conventions of 1949 and the Hague Convention of 1954 for the Protection of Cultural Property must apply equally to both sides, both because they are concerned with the humanitarian laws of war and because they were adopted at a time when governments were aware of the illegality of war and should have made any modifications in the texts of the Conventions which this fact might call for if they had considered any discrimination between aggressor and victim justified and expedient. Only the Hague Conventions of 1907 can be considered as having been superseded by the treaties outlawing war, under the principle that recent law supersedes earlier law that is inconsistent therewith.

The last paragraph of this work, in which Mr. Seyersted recommends the clear and definite accession of the United Nations, deserves to be brought to light :

Such accession must not be allowed to be prevented by the feeling that the United Nations is more than and above States, and therefore for political reasons could not accede to these Conventions on the same level as States. This would be premature. The world has not reached the stage where the United Nations could effectively exercise supra-national powers. In this situation one must, in respect of those legal questions which have not been answered by the provisions of the Charter, be content to have the United Nations enjoy the same rights and duties as States. If the Organization in these respects does not claim and exercise

equal rights with States, it is more likely to fall below the level of States than rise above it. Thus, a failure by the United Nations to accede to the Geneva Conventions is not likely to lead to greater rights for the Organization than for States in an armed conflict. It is more likely to result in the United Nations Force enjoying less protection than the forces of States do, and in the Organization exercising less control over its Force than it otherwise could.

C. P.

The Leprosy problem in the world, *Boletín de la Oficina Sanitaria Panamericana*, Washington, 1966, No. 5.

The data compiled or published on the prevalence of leprosy in most countries do not represent the real situation, because case-finding has not reached the desired level in many of them. The authors have attempted to provide more realistic figures which reflect more accurately the situation that exists in each continent and country. To this end, they have availed themselves of information supplied by each country and each WHO regional office in reply to a questionnaire, reports of visits to countries by WHO headquarters staff and short-term consultants, reports of the WHO Leprosy Advisory Team on the assessment of certain leprosy control projects, data available in the literature and official reports published by governments or international organizations, and finally, the reports of leprosy conferences and seminars organized by WHO.

In the estimates, the observations of the WHO Leprosy Advisory Team have been taken into account with regard to Africa, Asia, and the Americas, in the course of random-survey population samples. It is certain, however, that, in some countries the existence of a margin of error is likely, and the authors stress that in presenting the aforementioned figures they have merely attempted to give an indication of the magnitude of the leprosy problem throughout the world.

With the above-mentioned reservations, and on the basis of certain criteria, they have estimated the number of cases that exist in a given country by multiplying the number of registered cases by a variable coefficient determined by whether the country in question has a program for case-finding which is satisfactory, adequate or inadequate. In all, there are 2,831,775 registered patients and 10,786,000 estimated cases.