

before administrative authorities. For example, legal assistance is granted to refugees for appeal against expulsion orders, for establishing their status, or for obtaining the annulment or deferment of a prohibition to reside ; otherwise neither integration nor even emigration would be possible. This won't wait. Final decisions by the high courts are useful as precedents to be invoked in subsequent similar cases. They thus often contribute to clarifying questions which are dependent on the interpretation of the 1951 Refugee Convention and of other international legislative instruments safeguarding the interest of refugees and stateless persons.

THE GENEVA CONVENTIONS AND THE UNITED NATIONS

The Annales de droit international médical (No. 11, 1964) includes an article written jointly by a Colonel, Dr. A. Guérisse and two Doctors of Laws, Mr. A. Jacquemin and Mr. G. Kellens. The title is " The Armed Forces of the United Nations and their Humanitarian and Medical Mission ". Consideration is first given to what the United Nations Armed Forces are, what were the reasons for their organization and in what circumstances they have been called upon to act. The authors then explain the need for the attachment of a medical service to these armed forces and, in a chapter of which the main substance is reproduced below, they analyse the problem of the application of the Geneva Conventions by the U.N. forces.

The problem of the relationship between the U.N. and the International Red Cross is of long standing. As early as 1947, the question was raised whether the Red Cross should retain its complete independence from the other international organizations, particularly the U.N. In a resolution of the General Assembly, the United Nations praised the International Red Cross and recommended its member States to support Red Cross activities whilst it was agreed that that organization should remain separate from the U.N. At that time not all member States of the Red Cross were members of the United Nations. To include the Red Cross within the organization of the United Nations could mean a reduc-

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tion in the number of States involved in its activities. For that reason it appeared preferable for the Red Cross to remain independent. However, from that time on, the International Committee of the Red Cross and the League of Red Cross Societies have been considered as the fountainhead of international humanitarian law.

It was in this context that the question arose of instruction to the U.N. forces in the Geneva Conventions and their application of these Conventions.

Already in 1956 the International Committee drew the attention of the United Nations Secretary-General to the necessity of ensuring the application of the Geneva Conventions by the Emergency Forces made available to the U.N.

On November 8, 1961, during the United Nations intervention in the Congo, the President of the International Committee of the Red Cross, Mr. Léopold Boissier, wrote to U. Thant, Secretary-General of the U.N., stating: "The Geneva Conventions of 1949 constitute the most recent and most complete standards according to the human person the essential guarantees for his protection in time of war or disturbances".

The President of the International Committee asked the U.N. to undertake officially and publicly to observe the Geneva Conventions under all circumstances. In his reply, Mr. Thant confirmed that "the United Nations is determined that its armed forces in the field shall apply the principles of the Geneva Conventions as scrupulously as possible". He added that so far as the official and public undertaking to observe the Geneva Conventions under all circumstances was concerned, provision to this effect had been embodied in Article 44 of the regulations issued by the Secretary-General, in conformity with the General Assembly's resolution 1001 (ES-I). That article was worded as follows: "Members of the Force shall respect the principles and the spirit of general international conventions relevant to the behaviour of military personnel".

The root of the problem is the fact that the United Nations as an organization has not acceded to the Geneva Conventions. Consequently, each State is separately responsible for the application of the Conventions when it supplies a contingent of troops to the U.N. It is therefore before leaving their own country that these troops should be instructed in the observance of the Conventions.

In addition, States called upon to provide contingents and which have signed the Geneva Conventions, have undertaken not only to respect these Conventions but also to ensure that they are respected. They have undertaken to suppress any breaches thereof.

These considerations as a whole were already expressed in the memorandum which the President of the International Committee of the Red Cross, Mr. Boissier, sent on November 10, 1961, to governments of States parties to the Geneva Conventions and to members of the United Nations.

During the Centenary Congress of the Red Cross in Geneva in 1963, the Council of Delegates' resolutions on this subject were no more than a repetition of the declaration contained in the 1961 memorandum :

These resolutions were as follows :

The Council of Delegates,

considering that the States which are parties to the Geneva Conventions have undertaken to respect and to ensure the respect of these Conventions ;

considering that it is necessary that the United Nations Emergency Forces shall observe and be protected by these Conventions ;
expresses its appreciation for the efforts already made by the United Nations to that effect and recommends

- (a) that the United Nations be invited to adopt a solemn declaration accepting that the Geneva Conventions equally apply to their Emergency Forces as they apply to the forces of States parties to the said Conventions ;
- (b) that the Governments of countries providing contingents to the United Nations should as a matter of prime importance give them before departure from their country of origin adequate instruction in the Geneva Conventions as well as orders to comply with them ;
- (c) that the Authorities responsible for these contingents should agree to take all necessary measures to prevent and repress any infringements of the said Conventions.

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In response to these resolutions, several governments (USA, German Federal Republic, Austria, Philippines, Denmark, Ireland, Saudi Arabia) asserted their agreement and determination to achieve universal application of the Geneva Conventions. Most of them stated that the study of these Conventions was included in their national military training programmes.

Similarly, the World Medical Association approved and supported the invitation to the United Nations to "adopt a solemn declaration accepting that the Geneva Conventions apply to their Emergency Force".

These reactions are symptomatic of the prevailing uneasiness. It can be noticed that there is nothing new in these resolutions. They are the necessary repetition of principles which have always been advocated by the International Committee of the Red Cross.

This deadlock in attempts to disseminate and apply the Geneva Conventions to the United Nations Emergency Forces seems to suggest the existence of a serious problem.

That is why the instruction of U.N. troops must be reconsidered from a different angle.

The question is included in the general considerations which have been voiced in connection with the necessary improvement of the present status of the Emergency Forces.

We have already mentioned the importance of giving consideration to the setting up of a U.N. Emergency Forces General Staff in order to ensure effective military co-ordination. We have observed that, in the same order of ideas, it was essential to organize a medical service in the framework of the U.N. Forces and to set up a medical HQ.

Once these projects are under way, it will be easier to solve the problem of giving instruction to the U.N. troops in the Geneva Conventions and of applying the Conventions. It will be accepted as normal that the General Staff should ensure instruction in these humanitarian Conventions. It would no longer be the States alone which would assume this task; they would be seconded by the U.N. This line of action seems much more promising than that whereby the U.N. incurs no responsibility and which entails complete dependence on the action of each State individually.

This change in the present organization of the United Nations assumes a general probing of conscience on the part of the delegates at the General Assembly. Inasmuch as it appears evident that the rôle of the Emergency Forces is essentially pacific and humanitarian, to the extent that the Red Cross, Red Crescent and Red Lion and Sun make their wide humanitarian experience and their means of disseminating the principles of the Geneva Conventions available to the United Nations, there should result an even more constructive co-operation between these two great international organizations.

Development of international relations having reached a certain stage, a qualitative advance must now be achieved ; the alternative is stagnation. The time is at hand for the U.N. to make the choice. Either it resigns itself to a position of weakness from which its Emergency Forces' authority and organization must rely on improvisation, so that its ability to solve international conflicts peacefully will be impaired ; or it will set up the structure which is essential to enable it to maintain peace in the world and respect for the humanitarian conventions.

Let us hope that the latter alternative will soon be adopted.

AN INTERNATIONAL YOUTH COMMITTEE

What can young people do and what can one do for the young today ? These problems were studied by the International Consultative Committee on Youth Activities, set up by UNESCO, at its first session which was held in Paris in May 1965. The Committee, which consisted of leading specialists from 23 countries of Europe, Africa, Asia and America, was instituted in order to advise the Organization in the preparation of programmes concerning youth activities and assist it in putting these into effect. In this capacity it will, for example, study problems raised by the intensification of extra-curricula studies and the long-term service of young volunteers. The latter, especially if they possess technical qualifications, are capable of giving a considerable amount of aid to the developing countries, as has already been shown by work carried