

interpreted in the light of the purpose which it is to serve and few treaties exist whose purposes are so obvious as those of the 1949 Geneva Convention on the Treatment of Prisoners-of-War.

This Convention is designed for the protection of prisoners-of-war and their humane treatment at all times. The categorical language of Article 118 was intended to prevent the detention of prisoners long after any military necessity for their captivity has disappeared.

At the same time the drafters of the Geneva Convention did not wish to place an obligation on detaining powers to extend permanent asylum to all prisoners-of-war unwilling to be repatriated. The reason for this is obvious -- traditionally each state grants asylum at its own discretion and its freedom of choice in this regard cannot be fettered. The Geneva Conference therefore decided that no obligation could be placed on the captor country to grant asylum. It was clearly recognized, however, that states were not meant to be prohibited from granting asylum where it is reasonable to conclude that prisoners-of-war would suffer persecution if they were returned and if the prisoner himself opposes repatriation so strongly that it can be effected only by using force.

Speaking on this subject during the debate in the Assembly I expressed the Canadian position in these words:

"The Indian draft resolution affirms the right of all prisoners-of-war - under the Geneva Convention of 1949, the well-established principles and practice of international law and the relevant provisions of the draft armistice agreement - to release and repatriation. The right of repatriation is admitted without equivocation.

The right of repatriation is one thing; the use of force in its implementation is something else. It is inconceivable to admit that such force was contemplated by those who drew up the Geneva Convention; and such an interpretation will certainly not be endorsed by the vast majority of this Assembly."

As you know, the Soviet claim of forcible repatriation was not endorsed by the Assembly. The Indian Resolution was adopted overwhelmingly and the principle of non-forcible repatriation which it embodies has now been successfully carried out in Korea.

Now let me turn to a discussion of certain recent developments in international law which are of particular interest to Canada. I propose to deal primarily with the work being done by the United Nations in promoting the progressive development and codification of international law.

In doing so, I am mindful of the fact that your Association was originally founded in 1873 to study "the Reform and Codification of the Law of Nations" and still maintains a close interest in this general subject. I should like also to offer a few observations on the Canadian