

In essence, Mr. Vyshinsky's talk was a fervent plea for the restoration of the primacy of law in international relations. Speaking as a lawyer, he said that the lawyers around the Lord Chancellor's dinner table constituted a group who could appreciate the importance of this plea. As a gathering of lawyers, they all spoke the same language. To them he expressed an unequivocal conviction that the peace and security of the world were inseparable from international law.

What a contrast between these professional protestations after a hearty meal and Mr. Vyshinsky's subsequent diatribes on practical problems intimately related to the rule of law in international affairs!

One illustration, among many, arose during the discussions of the prisoner-of-war issue in the Korean armistice negotiations. The debate concerned Article 118 of the Geneva Prisoners-of-War Convention which provides that:

"Prisoners-of-War shall be released and repatriated without delay after the cessation of hostilities".

In the debate at the seventh session of the United Nations, Mr. Vyshinsky, as the representative of the Soviet Union, insisted that this obligation was absolutely unconditional and that all prisoners must be repatriated, if necessary by force. Canada, in common with other Western countries, took an entirely different view, based on the ground that the right to be repatriated after the Geneva Convention, is a right which is provided for the benefit of the prisoner himself, not of his state, and therefore applies only to those prisoners who desire repatriation. Any reasonable interpretation of the Convention supports the conclusion that no force can be used to effect their return.

However, to Mr. Vyshinsky the literal meaning of Article 118 was the only possible interpretation. According to him, the Article had to be read as requiring the detaining powers to release and repatriate all prisoners-of-war the cessation of hostilities no matter what the prisoners might wish and no matter what deprivations might await them on their return home.

Replying to Mr. Vyshinsky's arguments on that occasion I read to the First Committee of the Assembly the following passage from his own book, "The Law of the Soviet State:"

"The practice in international relations of granting persecuted foreigners the right of asylum rests on an international custom of over a thousand years' standing."

Since this debate took place I have wondered whether I was not doing Mr. Vyshinsky an injustice by referring to this passage since it may be confined to the case of political refugees.

Fortunately there is no need to rely on Mr. Vyshinsky's own book to rebut the arguments he put forward on the prisoner-of-war issue. A treaty must be