

be interpreted in such a way as to exclude discussion of an item once it has been placed on our agenda."

Finally I would like to mention some problems which have risen out of the conflicts in Korea and our participation in NATO.

The Korean conflict is the first effective example of collective police action taken under the control and authority of an international organization in order to restore peace to an area where aggression had occurred. For the United Nations this action has been conducted by an international field force designated as the United Nations Command and the Armistice Agreement was signed by the Commander in Chief of this unified force.

International unified commands of the forces of several countries are not new. There were, for example, unified Allied commands in the principal theatres of the Second World War and NATO has a unified command structure. However, NATO troops are still national troops, raised, supplied and administered on a national basis. They preserve their political and military identity and seem to possess no more legal homogeneity than did similar troops in World War II despite their integration in the supreme command. The Treaty constituting the European Defence Community envisages what would seem to be the first truly international force, wearing the same uniform, subject to a common code of discipline and owing allegiance to the Defence Community.

The laws of war, however, have developed in the context of wars between states. The Geneva Conventions of 1949, as an example, were signed by states and do not envisage the conduct of hostilities by forces acting under a unified international command. Under the provisions of the Prisoners-of-War Convention, prisoners may only be punished for acts forbidden by the law of the Detaining Power or by international law and must be tried by the same courts and according to the same procedure as in the case of members of the armed forces of the Detaining Power.

If prisoners are to be regarded as being held in the custody of an international military command acting as the Detaining Power, what law is to be applied in trying them for offences and what courts and procedure should be used? Similar problems arise in the determination of responsibility for violations of international law. In the Korean conflict an attempt was made to solve some of these difficulties by the voluntary assumption on the part of the United Nations Command of the obligations created by the Geneva Conventions of 1949.

For the future, it may be necessary to consider the desirability of permitting an international military command itself to become a party to conventions relating to the conduct of hostilities. This possibility is already recognized by the Special Protocol annexed to the EDC Treaty which binds the member governments to facilitate the adherence of "the Community as such" to international conventions on the laws of war. The alternative would seem to be special provisions to take account of situations where a number of states act through the agency of an international command.