

I. International Law in General

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United Nations Decade of International Law—Report of Secretary-General—Replies received from States on the implementation of the programme

The following is extracted from the report of the Secretary-General on the United Nations Decade of International Law (UN Doc A/48/312):

I. INTRODUCTION

By its resolution 44/23 of 17 November 1989, the General Assembly declared the period 1990–1999 the United Nations Decade of International Law. The main purposes of the Decade, according to paragraph 2 of the resolution, should be, *inter alia*:

- (a) To promote acceptance of and respect for the principles of international law;
- (b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;
- (c) To encourage the progressive development of international law and its codification;
- (d) To encourage the teaching, study, dissemination and wider appreciation of international law.

On 28 November 1990, the General Assembly adopted a resolution entitled “United Nations Decade of International Law”, to which was annexed the programme for the activities to be commenced during the first term (1990–1992) of the United Nations Decade of International Law.

The replies from States and international organizations are analytically summarized in section II of the present report under five headings corresponding to the five main sections into which the programme is divided. As a rule, the specific paragraphs of those section 8 containing requests to States and international organizations have provided the framework for the organization of the material under each heading.

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II. ANALYTICAL REPRESENTATION OF THE REPLIES RECEIVED FROM THE STATES AND INTERNATIONAL ORGANIZATIONS

A. Promotion of the acceptance of and respect for the principles of international law

1. Promoting the acceptance of multilateral treaties¹

Several States and many international institutions have reported efforts in promoting international law through the acceptance of multilateral treaties. Thus, Australia has presented a proposal to achieve greater regional harmonization in international trade law through the Australian Pacific Economic Cooperation Committee. To this end, an information kit has been developed that contains an indicative list of trade law and other instruments which could be adopted more widely in the Asia-Pacific region. Australia has further recently acceded to the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, and has signed the 1992 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

2. Assistance and technical advice to States to facilitate their participation in the process of multilateral treaty-making²

Australia stated that it was playing an active role in informing regional countries about the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and that it was taking steps to assist those countries in their implementation of the Convention.

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- 1 Under paragraph 2 of this section of the programme, States are invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded are invited to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties and, if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties that have not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.
- 2 Under paragraph 3 of this section of the programme, States and international organizations are encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of such multilateral treaties, in accordance with their national legal systems.

3. *Ways and means of implementation of multilateral treaties*³

Australia pointed out that, in January 1993, it made declarations respectively under article 14 of the 1966 International Convention on the Elimination of Racial Discrimination, articles 21 and 22 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 41 of the 1966 International Covenant on Civil and Political Rights, accepting the jurisdiction of relevant international human rights committees in relation to complaints under those conventions.

B. Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice⁴

1. *Suggestions by States for the promotion of means and methods for the peaceful settlement of disputes between States*

Australia noted that, during the forty-seventh session of the General Assembly, it had suggested that it might be timely for the Sixth Committee to undertake a review of the working methods and resources of the International Court of Justice so as to encourage greater use of the Court in the peaceful settlement of disputes.

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- 3 Under paragraph 4 of this section of the programme, States are encouraged to report to the Secretary-General on ways and means provided for in the multilateral treaties to which they are parties, regarding the implementation of such treaties. International organizations are similarly encouraged to report to the Secretary-General on ways and means provided for by the multilateral treaties concluded under their auspices, regarding the implementation of such treaties. The Secretary-General is requested to prepare a report on the basis of that information and to submit it to the General Assembly.
- 4 Under paragraph 1 of this section of the programme, States, the United Nations system of organizations and regional organizations, including AALCC, as well as the International Law Association, the Institute of International Law, the Hispano-Luso-American Institute of International law and other international institutions working in the field of international law, and national societies of international law, are invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

*2. Promotion of the teaching of International Law for students and teachers at schools and at higher education levels and international cooperation for that purpose*⁵

Australia pointed out that the Department of Foreign Affairs and Trade had continued its programme of guest lectures at university law schools throughout the country. The theme of the 1993 lecture series was "The importance of International Law to Legal Practitioners". In addition to these lectures, the Department had conducted a Security Council simulation exercise aimed at providing university students with a practical appreciation of international law. The Department actively supported the participation of university law schools in the Philip C. Jessup International Law Moot Court Competition. The Department was also working together with governmental and non-governmental organizations (such as the Law Association for Asia and the Pacific) to provide texts on international law and treaty documentation to developing countries, particularly in the Asia and Pacific region. As far as suggestions of national societies with respect to the teaching of international law are concerned, the inclusion into the curricula of secondary schools of introductory courses on international law was mentioned.

*3. Organization of international and regional seminars and symposia for experts on international law*⁶

Australia mentioned that the first annual meeting of the revived Australian and New Zealand Society of International Law was held at the Australian National University from 28 to 30 May 1993. This meeting provided a forum for Australian and New Zealand academics and government officials to discuss particular issues of international law. Australia further reported that national societies had made several suggestions for activities in the framework of the Decade, including an annual international law oration; regional conferences for branches of international law associations; weekend or evening seminars to

5 Under paragraph 2 of this section of the programme, States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Cooperation between institutions at the university level among developing countries, on the one hand, and their cooperation with those of developed countries on the other, should be encouraged.

Under paragraph 3, States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

Under paragraph 6, cooperation among developing countries, as well as between developed and developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law is encouraged.

6 Under paragraph 4 of this section of the programme, States, the United Nations system of organizations and regional organizations should consider organizing seminars, symposia, training courses, lectures and meetings and undertaking studies on various aspects of international law.

inform practitioners of recent developments in international law; and the development of opportunities for addresses to Australian audiences by visiting jurists of distinction.

*4. Training in international law for legal professionals and government officials organized by States and international organizations*⁷

Australia observed that its Department of Foreign Affairs and Trade had, since 1990, required all graduate entrants to the Department to undertake a semester-long course in international law run by the Australian National University. This course was also open to other officers in the Department and to the staff of diplomatic missions based at Canberra. In addition, the Australian Government sponsored participation in the course by Foreign Ministry officials from other countries. There were 10 participants from regional countries attending this year's course. The Australian Government also provided financial assistance to officers who wished to undertake higher degrees in international law. The Department of Foreign Affairs and Trade was also developing a human rights manual for the purpose of fostering a deeper understanding of human rights issues amongst officers of the Department, who may expect to encounter such issues in the course of their daily responsibilities at Canberra and posts overseas. The manual included a detailed summary of the main treaties and organizations relevant to a good understanding of international human rights law and practice. Australia further indicated that a scholarship has been established to assist in the training in international law of government lawyers from Pacific Island countries, in collaboration with the Attorney-General's Department and the Australian International Development Assistance Bureau. The scholarship, to be awarded annually, would be available for as long as there was demand.

*5. Publication of the practice of States, and international and regional organizations in the field of international law*⁸

Australia reported that the Department of Foreign Affairs and Trade, in conjunction with the Attorney-General's Department and the Australian National University had continued to publish *The Australian Year Book of International Law*, which included a section on Australian practice in international law...

7 Under paragraph 5 of this section of the programme, States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries as well as military personnel. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, The Hague Academy of International Law, regional organizations and the International Committee of the Red Cross are invited to continue cooperating in this respect with States.

8 Under paragraph 7 of this section of the programme, States and international and regional organizations should endeavour to publish, if they have not done so, summaries, repertories or yearbooks of their practice.

E. Procedures and organizational aspects...**3. *Establishment of national, subregional and regional committee for implementation of the programme***⁹

Australia stated that the Department of Foreign Affairs and Trade continues to be responsible for implementing Australia's activities for the Decade. In carrying out this task, the Department works closely with the Attorney-General's Department and national societies. Many of the national and regional activities commenced in the first biennium of the Decade are continuing and further activities are being implemented in the second biennium.

United Nations Decade of International Law—Statement to Sixth Committee by representative of Australia

The following is extracted from the statement to the Sixth Committee of the General Assembly concerning the Decade of International Law delivered on 18 November 1993 by the representative of Australia, Mr Matthew Neuhaus:

Australia was one of the States which submitted information to the Secretary-General on the activities undertaken as part of the Decade. Support for the Decade is a responsibility which my government takes very seriously, and we are pleased that the working group has noted the contributions made by States. The Australian delegation exhorts States to seize the opportunity provided by the Decade to promote international law, both domestically and internationally, and to use the decade as an occasion for the advancement of international law.

In its statement on the report of the International Court of Justice, the Australian delegation noted that the Decade of International Law provided an appropriate context for States to reassess their acceptance of the jurisdiction of the court. Delegations will be aware of the Secretary-General's invitation to all member States in his Agenda for Peace, to accept the general jurisdiction of the court under Article 36 of its statute. The Australian delegation believes that a wider acceptance of the jurisdiction of the court is one of the most practical ways to realise the objectives of the decade.

As the principal judicial organ of the United Nations, the ICJ is the preferred forum for the settlement of legal disputes under Article 92 of the Charter, but it is not, of course, the only peaceful settlement mechanism available. The Permanent Court of Arbitration (PCA) can provide a valuable complement to the ICJ. At the meeting of members of the PCA in September 1993, a resolution was passed recommending that State parties to the conventions establishing the PCA consider having recourse to the PCA when seeking to settle disputes which could not be resolved by other means. The PCA offers a range of dispute settlement mechanisms, including mediation, conciliation, and arbitration. We welcome the statement made by the Secretary-General of the PCA yesterday, at which he highlighted its possibilities. In his report to the General Assembly, the President of the ICJ referred to the increasing appreciation that some disputes are not capable of resolution by submission to a court. The flexibility of the PCA

9 Under paragraph 5 of this section of the programme, States are encouraged to establish, as necessary, national, subregional and regional committees which may assist in the implementation of the programme for the Decade.

may give it greater value in the peaceful resolution of disputes where political considerations are the determining factors.

The progress that has been made this year in the International Law Commission towards the establishment of an international criminal court is an encouraging sign of a broadening commitment in the international community to two of the objectives of the Decade—promotion of the acceptance of and respect for the principles of international law, and encouragement of the progressive development of international law and its codification. The Australian delegation welcomes the development of a draft statute for the proposed court. The Decade of International Law will have fulfilled its promise if it marks an era of broadening and strengthening of international judicial machinery and peaceful dispute settlement mechanisms.

Madam Chair, we look forward to adopting by consensus later in this session the draft resolution on the Decade. This year it will highlight the two important areas which have been the focus of our discussion this year, namely the congress of law, and the issue of the environment in times of armed conflict. We have achieved important progress in both areas, and must be careful to maintain the cooperative approach that has marked the decade thus far. Convinced that where law flourishes, peace follows, we welcome the continuing success of this Decade of International Law.