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COMMENTS RECEIVED FROM GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS AND
INSTITUTIONS REGARDING TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING,
STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

Addendum

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Part one: Observations from Governments of Member States

CANADA^{1/}

[Original: English]

30 August 1963

FURTHER VIEWS IN RESPONSE TO QUESTION 5 OF THE UNITED NATIONS
QUESTIONNAIRE OF 20 MARCH 1963

In the views of experts who met in Ottawa on 25 and 26 July at a Seminar convened by the Canadian National Commission for UNESCO, concurred in by the Canadian Government:

A.

The United Nations should give consideration to:

1. Recalling periodically to the attention of Member States General Assembly resolutions 137 (II) and 176 (II) of 17 and 21 November 1947 respectively concerning the teaching of international law and the development of wide-spread consciousness as to the role of law in national and international communities.
2. Calling upon intergovernmental and voluntary organizations concerned with social sciences and law to consider ways and means of achieving the objectives outlined in General Assembly resolution 1816 (XVII) of 18 December 1962, e.g., the development of programmes of teaching and the dissemination of knowledge as to international law and to send to the Secretariat periodic reports on the progress of their efforts in these fields.
3. Continuing to publicize the United Nations Charter and the efforts both under United Nations auspices and regionally in the field of human rights as important aspects of modern international law.
4. Giving more emphasis to the role and the importance of international law in its own information activities.

^{1/} A reply by the Government of Canada to the Secretary-General's letter and questionnaire of 20 March 1963 is contained in document A/5455. In its reply to question 5 the Government of Canada indicated its intention to forward additional information in answer to this question (A/5455, page 14). That additional information is contained in the present document.

5. Ensuring that its own publications, dealing with subjects of international law, e.g., the United Nations Treaty Series, the proposed Juridical Yearbook, those of the International Court of Justice and the International Law Commission be made available quickly to national agencies (foreign offices, law schools, universities and central libraries) concerned with international law.
6. Including international law subjects within the programme of studies to be undertaken by the proposed United Nations Institute for Training and Research, recommended in General Assembly resolution 1827 (XVII) of 18 December 1962.
7. Inviting the Secretariat to study the possibility of undertaking additional studies on subjects of current or potential importance in the field of international law.
8. Informing Member States periodically of the results of the action recommended above.

B.

The United Nations should consider inviting Member States to:

1. Arrange whenever possible for publications recording their activities in the field of international law.
2. Whenever possible open their archives to specialists and researchers so that national attitudes in regard to current problems may be fully documented, thus assisting in the process of codification and development of international law.
3. Take further measures at the earliest possible date to encourage the teaching of international law in all its phases, including its development and codification, in the universities and higher educational institutions of each country or to initiate such teaching where it is not yet provided as previously recommended, in General Assembly resolution 176 (II) of 21 November 1947.
4. Submit periodical reports concerning national developments in regard to the teaching and dissemination of knowledge of international law.
5. Provide facilities within their bilateral aid schemes for the study and practical training in international law.

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6. Encourage the exchanges of professors of international law and private publication with other countries as part of their cultural exchange programmes and the holding of seminars and other programmes to disseminate the knowledge of international law.

C.

The United Nations should consider inviting UNESCO to:

1. Urge member countries to review carefully the role assigned to the teaching of law and in particular of international law in developing balanced programmes of educational and national development.
2. Extend its documentation center facilities, exchange of persons programmes, and other UNESCO activities to include international law.
3. Issue a list of standard reference works on international law, and when items on this list are not readily available, to take appropriate steps to promote their re-edition.
4. Investigate the possibility of holding seminars on international law involving the participation of Foreign Legal Advisers, private practitioners and professors so that they can mutually benefit from their varied experience in this field.'

INDONESIA

/Original: English/

3 September 1963

I. General observations

1. In considering resolution 1816 adopted by the seventeenth session of the United Nations General Assembly it is pertinent to distinguish between (i) international law as an academic discipline and (ii) the application of international law in the relations among States. The academic understanding of international law is the necessary groundwork for preparing its effective application in state-intercourse. Being so, however, the extent of its application will depend in final analysis upon the willingness and the actual ability of States to submit themselves to the authority of that body of customary and treaty rules constituting international law.
2. It follows, therefore, that the programming of the implementation of the above resolution will have to consider two levels of operation. The first level is academic and the programming must consequently be designed to acquire a greater store of scientific knowledge about the dimensions of international law. The second level of operation should popularize and evoke a wider appreciation of international law among the peoples of the world. The latter, which may be conveniently called "the public level programme" and which will have as its objective the creation of a sense of recognizing the necessity, is an absolute precondition for enhancing an internationally collective willingness to adhere to the express rules of law.
3. Since reference has been made to resolution 176 (II) dated 21 November 1947 it is desirable that the programming of resolution 1816 (XVII) should take into consideration the work that has been initiated since the adoption of resolution 176 (II). The progress of the work as well as the difficulties encountered since 1947 will undoubtedly facilitate the drafting of the implementation programmes of resolution 1816 (XVII).
4. It is further desirable that a comprehensive survey should precede the drafting of resolution 1816 (XVII) implementation programmes. The survey should

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include a description of the present state of international law both in its public understanding aspect and its potentialities as a science.

5. It is recommended that the General Assembly appoint a committee in charge of drafting the actual implementation programmes of resolution 1816 (XVII) to be composed of outstanding individuals with interdisciplinary backgrounds (e.g. international lawyers, political scientists, educators, psychologists, economists, sociologists). To ensure that the needs of the developing countries are duly taken into regard it is further recommended that at least half of the total members be representatives of the developing countries although membership of the committee is on an individual basis. The committee's terms of appointment should include:

- (a) evaluation of the present status of international law as a force in maintaining international peace and order;
- (b) formulation of effective programmes on the academic level include the design of an efficient flow of information and ideas between universities and research institutes (see paragraph 2 above);
- (c) formulation of effective programmes on the public level (see paragraph 2 above);
- (d) proposal to set up regional institutes for international law.

6. The proclamation of a United Nations "Decade of International Law" is strongly supported upon the condition that the act of proclaiming be accompanied by an internationally supported programme of action on both the academic and the public level covering the "Decade".

7. Finally, it is suggested that the term "technical assistance" should in no way be construed as a one-way traffic proposition. Technical assistance should in this context also mean providing opportunities for outstanding nationals from the developing countries to present their knowledge and particular experience to the world at large.

II. Answers to Questionnaire

Question (1): So far no operational programme has been designed to promote the study and the exchange of publications in the field of international law except some efforts on an incidental basis. International law is traditionally taught

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in Indonesia as part of the law curriculum at law schools attached to universities although the subject was also taught at the Foreign Service School of the Ministry of Foreign Affairs (dissolved) and some schools of social and political sciences. Case-study methods are little in use and no special publication is available at present. Furthermore, there is evidence that not all individuals who have studied international law are at present directly engaged in the advancement of the study and research of international law. At a recent Conference of Schools of Law (1962) a proposal has been submitted to set up a centre of international law which to date has not been followed up.

Question (2): The Government is interested in both obtaining assistance from abroad and arranging exchanges with other countries. Physical and financial facilities not requiring foreign currency may be provided domestically, but an active operational programme must be supplemented by the provision of experienced teachers from abroad, foreign study grants, visitorships, and library and other educational material. As a preliminary measure it is recommended that a refresher course be set up regionally such as already undertaken by the several UNESCO regional offices for scientific co-operation. The refresher course should be attended by nationals from the region who have studied or taught international law and who are committed to promote its study and research either directly or indirectly.

Question (3): The Government through its Ministry of National Research may consider the possibility of setting up such a refresher course for the benefit of the Southeast Asia region. Other assistance that may be provided consists of fellowships for research in the field of the history of international law in Indonesia with particular reference to sea law.

Question (4): At present there is little feasibility of helping training and dissemination programmes of other countries through non-governmental sources.

Question (5): It is recommended that regional programmes be initiated by the Governments concerned in co-operation with the United Nations, UNESCO and related agencies. Under their co-operative auspices a regional research institute for international law should be established to be attended by promising scholars and professionals from the region and staffed by outstanding nationals from the region and from abroad. The research institute should also have

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provision for advanced training and a periodical exclusively devoted to the study of international law. A regional documentation centre for international law could be attached to the research institute. Such activities should be financed by contributions from the Governments of the region, the United Nations and other agencies, and interested non-governmental organizations.

Question (6): As suggested in paragraph 6 under General observations above, the proclamation of a United Nations "Decade of International Law" needs to be accompanied by an effective operational programme of action covering the period. Other than training programmes and active academic and research endeavours it is desirable that the dissemination of international law not be limited to adults but also be extended to the youth. The introduction of mock conferences based upon actual cases of international law, mock courts, and national or regional competition in the writing of subjects related to international law can be effectively initiated at the high school level or college. The "Decade" will have practical effect if and when, through the use of modern educational methods, public acceptance of the recognition of its necessity will become a reality. In short, the main feature of the "Decade" should be a serious attempt in making international law through effective academic and public programmes what sociological jurisprudence calls "living law".

IRAQ

[Original: English]

29 July 1963

Question (1): A general course on Public International Law and another general course in Private International Law are being taught at present in the College of Law, University of Baghdad.

Question (2): The Government of Iraq is most certainly interested in receiving assistance with regard to activities in the field of International Law such as provision and training of teachers; lectures; seminars, grants and fellowships for study or research abroad; establishment of standards of teaching and to participate in other forms of co-operation to promote the teaching, study, dissemination and wider appreciation of International Law.

Question (3): Unfortunately such programmes are non-existent at present.

Question (4): No such sources are available at present.

Question (5): We have no comment to make on this point at present.

Question (6): Apart from training programmes a "Decade of International Law" could have, in our opinion, practical effects by the arrangements of lectures to the public on the subject. Such lectures could have a great impact if they are given through radio and television.

Part two: Observations from international organizations
and institutions

INTERNATIONAL ACADEMY OF COMPARATIVE LAW

[Original: English]

25 August 1963

The Academy is indeed engaged in the discussion of international law and in education regarding it. While the Academy's principal concern is with a comparison of municipal law, its congresses have always included panel discussions of currently interesting topics in the fields of international public and private law. You are undoubtedly aware of the nature of these congresses which have been held at intervals of five years, the last one having been held at the VI Congress at the University of Hamburg in August, 1962. The general reports have been published, and the reports from scholars on the law of their own states have often appeared as special issues of the journals of comparative law published by their centers of comparative law.

In considering the assistance that might be given to the Academy by the United Nations in furthering education in international law, it occurs to me that our major need is for sufficient funds to assist scholars from the developing countries to attend our congresses, as well as younger scholars from established regions where funds are inadequate to pay travel costs for junior men and women. While the congresses have always been well attended, the representation from the developing areas has been small, and those who attend from other areas have tended to be the prominent scholars to whom funds are available from their universities or from foundations.

The Academy plans to inaugurate a series of annual round tables limited to its membership, which cannot be larger than forty persons plus a smaller number of associate members. The first of the round tables will take place in Paris in November 1963.

INTERNATIONAL ASSOCIATION FOR THE TEACHING OF COMPARATIVE LAW

[Original: English]

26 August 1963

In the years since the founding of the Faculty at Strasbourg, the Faculty has reached a large number of students from many countries and every continent. Our Professors come from an equally large number of countries and represent many different systems of law.

The courses do not include the traditional ones taught by the Academy at The Hague, but they relate closely to them. Thus, there are courses in many aspects of the international communities and in comparison of municipal law without which international public law can no longer be studied.

Scholarships are provided our students by many of their governments, but there is still need for more aid for students from the developing countries.
