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Chairman: Mr. José María RUDA (Argentina).

AGENDA ITEM 72

Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law (A/5455 and Add.1-6, A/5585 and Corr.1).

1. Mr. TABIBI (Afghanistan) said that a firm foundation of law and justice was more necessary now than ever. However, the present age was characterized by a decline in the role of international law, the growing influence of balance of power considerations and rapid scientific progress. The discovery of nuclear weapons had made international law even more important, and as a result had increased the responsibility of jurists, whose role was just as essential as that of statesmen.

2. It was gratifying to note that for the last two years at least the Sixth Committee had been able to revitalize the role of international law in the United Nations and throughout the world. The discussion that had just taken place on the agenda item relating to the principles of international law concerning friendly relations and co-operation among States had proved, by the lofty tone of the statements made, that the members of the Committee were aware of the magnitude of their task. It was in that spirit that the Sixth Committee had adopted resolution 1816 (XVII) concerning technical assistance to promote the teaching, study, dissemination and wider appreciation of international law, which was the subject of the present discussion. The support given by the members of the Sixth Committee to resolution 1816 (XVII) and the comments on it received from Governments and international organizations and institutions (A/5455 and Add.1-6) showed the great interest aroused by the implementation of the resolution. The proposals made by Member States and international organizations and institutions were clearly set out in the Secretary-General's report (A/5585 and Corr.1), part III of which contained the outline for an initial programme of assistance and exchange in the field of international law, which might serve as a basis for a programme like the one contemplated in resolution 1816 (XVII). The prospects for a United Nations Decade of International Law also seemed good, especially when one considered the

reasons which had inspired the proclamation of the United Nations Development Decade and the International Co-operation Year. All the programmes proposed by the Secretary-General in parts II and III of his report might, if approved, come within the scope of the Decade. He drew attention, in that connexion, to the proposals made by his Government, which appeared in document A/5455. Most States had supported the proclamation of a Decade in principle, and in paragraph 47 of his report the Secretary-General set out the suggestions which had been particularly stressed for giving practical value to that Decade. All those ideas were very useful, and might be included in a resolution recommending a programme of assistance and exchange in the field of international law. On the basis of the Secretary-General's report and of the statements made during the general debate, his delegation was prepared to make certain specific proposals for achieving the fundamental aims of resolution 1816 (XVII), which was an important step towards the revitalization of international law and the reign of peace.

3. Mr. BENAVIDA (Chile) said that his delegation had been in favour from the outset of placing the question of technical assistance on the agenda of the Committee; many States unfortunately had neither the personnel nor the practical means necessary for ensuring the proper application of international law or the teaching of international law at the higher level. In 1959, Mr. C. Wilfred Jenks had drawn the attention of the American Society of International Law in an article "The Challenge of Universality" to the almost complete absence from the legal libraries of the new countries of books and periodicals on international law. That was the more serious in that the scope of international law was at present expanding. International law no longer applied only to the political and military relations between States; it now governed questions such as international air traffic, the use of nuclear energy, respect for human rights and fundamental freedoms, international financial co-operation, outer space exploration, international commercial arbitration and the operation of regional and international organizations. For that reason, specialists must be trained who were capable of solving the legal problems arising in those new fields, and the necessary resources must be placed at their disposal. If that was to be done, many countries needed suitable technical assistance.

4. Such technical assistance should conform to certain principles. Since the assistance given would, of necessity, be limited it should be selective and aim at quality rather than quantity. It should promote the dissemination of truly international law—which necessitated a judicious choice of teaching personnel and equipment. It should take into account the special needs of the region assisted and, lastly, should deal with the most urgent matters in the order of their priority.

5. The guiding principles having been thus defined, the question arose how the proposed assistance should be provided. First of all the preservation of existing institutions should be ensured. The Hague Academy of International Law, for example, which offered courses of a high standard, was at present going through a financial crisis. The Academy should be granted an international subsidy, and helped to increase the number and value of its fellowships. Next, all the forms of technical assistance which the Secretary-General mentioned in his report (A/5585 and Corr.1) would be useful. The Chilean delegation was particularly interested in the establishment of regional centres, which could begin in a modest way with a limited administrative staff and teachers recruited on a temporary basis. Later on such centres might organize seminars and grant fellowships. They would be meeting places where the jurists of the region could keep up the contacts which all true scientific activity required. He proposed that a centre of that kind be established in Chile at Santiago, whose university was already attended by many foreign students. The provision of expert advisory services and the creation of legal libraries or improvement of the international law sections of existing libraries would also be extremely useful.

6. Whatever form technical assistance took it should be viewed in an essentially practical light, due regard being had to the local situation and the available financial resources.

7. Mr. PEIN (Austria) said that his delegation had voted in favour of resolution 1816 (XVII), in which the General Assembly had urged Member States to undertake board programmes of training, including seminars, grants and exchanges of teachers, students and fellows, as well as exchanges of publications in the field of international law.

8. In its written statement (see A/5455) his Government had already pointed out that in Austria public international law was a compulsory subject in the law and political science faculties. At the University of Vienna, for instance, lectures were given on the following subjects: general public international law, the law of neutrality, the Charter and activities of the United Nations, international organizations, legal science and international law, diplomatic history, current problems of international law, the sociological foundations of foreign relations, and modern foreign policy. Under a law passed in 1962 international law would also be taught in senior high schools. Vocational schools, too, would begin to include some international law in their programmes. Adult education, which played a great role in Austria, also included questions of international law. Finally, if the knowledge imparted by the Press, radio and television were taken into consideration, it could be said that some knowledge of international law was already part of general education in Austria.

9. He wished, in conclusion, to congratulate the *Secretariat* on the excellent compilation it had made in document A/5585 and Corr.1.

10. Mr. OSEI-TUTU (Ghana) was pleased to note that in their written comments (A/5455 and Add.1-6) Member States had shown considerable interest in the question under consideration and had put forward many suggestions for the implementation of General Assembly resolution 1816 (XVII).

11. In its own comments, his Government had emphasized the urgent need for creating research facilities in many legal areas relevant to African development, and had stated that the University of Ghana had accordingly formulated plans for the establishment of a centre for advanced legal studies which would support and carry out research in many fields of law, including public international law. It would welcome attendance by holders of United Nations fellowships. The Ghanaian Government had also pointed out that financial assistance would be needed if the proposed centre was to be established. It would have to rely on the help of the developed countries.

12. In paragraphs 56 *et seq* of his report (A/5585 and Corr.1) the Secretary-General made suggestions regarding the implementation and financing of a technical assistance programme. The Ghanaian delegation wished to stress that available financial resources should be taken into account before drawing up an ambitious programme. In its statement (see A/5585 and Corr.1), the United Nations Educational, Scientific and Cultural Organization (UNESCO) had already emphasized that point. It would be wise at the present stage to request the Secretary-General to carry out the activities which did not demand extra-budgetary measures. The Secretary-General could then make a detailed study of the financial implications of the full programme and report to the General Assembly at its nineteenth session. His delegation had no objection to the appointment of a small advisory committee, as suggested by the Secretary-General in paragraph 100 of his report.

13. In conclusion he thanked the Secretary-General for providing the Committee with clear and detailed information about the item under consideration.

14. Mr. ALCIVAR (Ecuador) congratulated the Secretary-General on his report (A/5585 and Corr.1) and also congratulated the Governments of Member States, UNESCO and the international scientific organizations which had supplied information or submitted proposals.

15. His delegation particularly favoured the organization of regional and world seminars, which would be a most useful contribution to the teaching of international law and to wider understanding of the various more or less ancient legal systems applied in the different countries of the world. Such seminars might also help in the preparation of the work of the International Law Commission.

16. The exchange of students and teachers was another interesting feature of the proposed programmes; such exchanges would considerably promote the development of international law, for some countries had very well equipped universities and scientific centres where they could share their long experience, particularly with the developing countries. The proposal that the Chilean delegation had made in that connexion was worth noting. Exchanges of that kind could help in the training of jurists, e.g. for the diplomatic service. Advisory services of experts would also be very useful for the new States.

17. The proclamation of a Decade of International Law, as proposed by the Secretary-General, seemed possible. Of course, an over-ambitious programme was out of the question, since the financial resources of the United Nations were, as everyone knew, limited. However, the Organization's main task would be to co-ordinate all the activities, with the material and financial support of the other organizations con-

cerned, with a view to inaugurating an extensive long-term programme which would begin with the Decade.

18. He therefore formally proposed that the Committee should set up a working group to sketch the general lines of the United Nations programme to promote the teaching and appreciation of international law, and assess its financial implications. That procedure would help to save time while the general discussion of the item continued.

19. The CHAIRMAN invited the Committee to take a decision on the proposal made by the representative of Ecuador.

20. Mr. DADZIE (Ghana) said that the Ecuadorian representative's proposal was a very useful one; he felt that the Committee, which had a great deal of documentary material on the question under consideration, would not object to setting up a working group, after hearing the views of the various representatives.

21. Mr. MOLINA (Venezuela) referring to the Secretary-General's report (A/5585 and Corr.1) said that the proposed working group ought to include at least the representatives of the four delegations (Afghanistan, Belgium, Ghana and Ireland) which had taken the initiative at the seventeenth session of proposing the inclusion of item 72 in the agenda of the present session.^{1/} The Chairman of the Sixth Committee could appoint the other members.

22. Mr. DADZIE (Ghana) supported the Venezuelan proposal in so far as it concerned the representation in the working group of the four delegations he had mentioned.

23. Mr. TABIBI (Afghanistan) pointed out that the Committee had barely begun its consideration of the item. He was prepared to support the Ecuadorian proposal provided that the Committee did not set up the working group until it had devoted at least one

more meeting to the general discussion, and subject to the statements made by representatives.

24. Mr. ZABIGAILO (Ukrainian Soviet Socialist Republic) supported the Afghan representative's proposal.

25. Mr. HERRERA (Guatemala) said he did not agree with the proposal. The setting up of a working group was a matter of urgency, for the group would first have to look into the financial implications of the proposed study. It was most essential to know what amount the Committee could reasonably propose to the General Assembly.

26. Mr. ALCIVAR (Ecuador) said he had never intended to cut the general discussion short; it would continue in the normal way while the working group, whose members would in any case take into consideration the opinions of other delegations, began its work.

27. The CHAIRMAN pointed out that the proposals of the delegations of Ecuador and Afghanistan were by no means mutually exclusive. In any case, in view of the lateness of the hour the working group could not be set up at the present meeting. He therefore suggested that it should be set up at the following meeting of the Committee.

28. Mrs. KELLY (United States of America) supported the Venezuelan proposal, and asked that all representatives who wished to be members of the working group should be admitted.

29. Mr. TABIBI (Afghanistan) accepted the Chairman's proposal, on condition that the general discussion was continued.

30. The CHAIRMAN believed he was rightly interpreting the feeling of the Committee in proposing that a working group should be appointed at the end of the 827th meeting to study the proposals submitted while the Committee continued its general discussion of the item under consideration.

It was so decided.

The meeting rose at 12.20 p.m.

^{1/} See Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 75, document A/C.6/L.510.