



Eighteenth session
Agenda item 72

TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY, DISSEMINATION
AND WIDER APPRECIATION OF INTERNATIONAL LAW

Report of the Sixth Committee

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I. INTRODUCTION

1. At the seventeenth session of the General Assembly, during the debate in the Sixth Committee on the item "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations", the question of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law was raised as a related question.^{1/} Subsequently, the General Assembly, at its seventeenth session, adopted resolution 1816 (XVII) on 18 December 1962, entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law". The operative part of that resolution stated the following:

"1. Urges Member States to undertake broad 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;

"2. Requests the Secretary-General, together with the Director-General of the United Nations Educational, Scientific and Cultural Organization and in consultation with Member States, to study ways in which Members could be aided, through the United Nations system and other channels, in establishing

^{1/} Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 75, document A/5356.

and developing such programmes, including in this context the possibility of proclaiming a United Nations Decade of International Law dedicated to the dissemination of international law, and to report on the results of such study to the General Assembly at its eighteenth session;

"3. Decides to include in the provisional agenda of its eighteenth session an item entitled "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".

2. Pursuant to this resolution the Secretary-General, by a letter and attached questionnaire of 30 March 1963, invited Member States to supply information and comment on various points relevant to paragraphs 1 and 2 of the resolution. A similar invitation was addressed to fourteen international organizations and institutions active in the field of international law. Thirty-eight Governments and ten international organizations and institutions replied to these communications.^{2/}

3. On the basis of these consultations and in conjunction with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Secretary-General made the study requested in paragraph 2 of the above resolution and reported the results of it to the eighteenth session of the General Assembly (A/5585).

4. At its 1210th plenary meeting, held on 20 September 1963, the General Assembly decided to include the item entitled "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" in the agenda of its eighteenth session and to allocate that item to the Sixth Committee.

5. The Sixth Committee considered the item at its 826th to 828th, 830th and 834th to 836th meetings, held from 5 to 7 December and from 11 to 12 December 1963.

6. At its 828th meeting, the Committee established a working group constituted of the representatives of States which sponsored last year's resolution on this item and amendments thereto, namely Afghanistan, Belgium, Ghana and Ireland. The working group was requested to prepare a draft resolution based on the views expressed in the general debate on this item.

^{2/} The replies have been circulated in documents A/5455 and Add.1-6.

II. PROPOSALS AND AMENDMENTS

7. The working group submitted a report with a draft resolution annexed thereto (A/C.6/L.544). The operative paragraphs of part A read as follows:

"1. Decides to establish a special committee ... for the purpose of drawing up a practical plan and proposals, taking into account:

- (a) The suggestions made by the Secretary-General in his report (A/5585),
- (b) Proposals, suggestions and information submitted by Member States and international organizations and institutions,
- (c) The views and suggestions made by the representatives of Member States during the seventeenth and eighteenth sessions of the General Assembly;

"2. Requests the Special Committee to complete its report in sufficient time so that it may submit the report to the Technical Assistance Committee at its session to be held in June 1964;

"3. Requests the Secretary-General to provide the Special Committee with such facilities and assistance as may be made available within existing resources;

"4. Decides to place an item entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law" on the provisional agenda of its nineteenth session to be discussed by the Sixth Committee as early as possible at its next session."

The operative paragraphs of part B read as follows:

"1. Requests the Technical Assistance Committee to consider the report of the Secretary-General (A/5585) and the report of the Special Committee as envisaged in part A of this resolution, and to advise, in the light of these reports, the extent to which technical assistance programmes for the purpose of strengthening the practical application of international law could be implemented within the Expanded Programme of Technical Assistance, with particular attention to the kinds of technical assistance which would be acceptable under existing objects and principles of the Expanded Programme;

"2. Invites the Technical Assistance Committee, to the extent that revision in the existing principles and objects would be required in order to make country requests in the field of international law acceptable for Expanded Programme financing, to suggest to the Economic and Social Council and to the General Assembly any necessary changes in the legislation governing the Expanded Programme of Technical Assistance;

"3. Further invites the Technical Assistance Committee, in the light of General Assembly resolutions 1797 (XVII) and 1768 (XVII), at a suitable time in its consideration of the annual levels of the Secretary-General's initial estimates for part V of the regular budget, to include in its recommendations such views as it may deem necessary on the question of the possible provision of funds under part V for programmes of technical assistance in the field of international law."

The operative paragraphs of part C read as follows:

"1. Requests UNESCO to collect from Member States on a periodic basis detailed information on training in international law offered by their universities and institutions of higher education and to transmit it to the Secretary-General for circulation to Member States;

"2. Invites Member States to offer fellowships in the field of international law for foreign students at their universities and institutions of higher education;

"3. Calls upon Member States to consider the inclusion, in their programmes of cultural exchanges, of provision for the exchange of teachers, students, experts, books and other publications in the field of international law;

"4. Requests the Secretary-General to inform organizations or institutions in the field of international law of topics which are before the Sixth Committee, the International Law Commission or other organs of the United Nations dealing with legal problems so that such organizations or institutions might consider including these topics in their own programmes of work;

"5. Invites Member States, interested international or national organizations and institutions or individuals to make voluntary contributions to the United Nations programmes of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law and authorizes the Secretary-General to accept contributions made specifically for this purpose."

8. At the 835th meeting the representative of Ghana informed the Committee orally that the working group had made the following changes in its draft resolutions.

(a) Operative paragraph 2 in part A was amended to read as follows:

"Requests the Special Committee to report to the General Assembly at its nineteenth session;"

(b) The beginning of paragraph 1 in part B was amended to read as follows:

"Requests the Technical Assistance Committee to consider the report of the Secretary-General (A/5585) and to advise the Special Committee and the General Assembly, in the light of this report, on the extent to which technical assistance programmes ...";

(c) Paragraph 2 in part B was deleted;

(d) Paragraph 3 was renumbered and the word "further" deleted.

9. The representative of the United Arab Republic orally submitted at the same meeting two amendments:

(a) To add a new sub-paragraph (ā) to the first operative paragraph in part A reading as follows:

"(d) Any other proposals or views which Member States may submit to the Secretary-General for transmission to the Special Committee, before 15 February 1964;"

(b) To add the words "and the international regional organizations" at the end of the first paragraph in part C.

10. The first amendment of the representative of the United Arab Republic was accepted by the working group. The second amendment was withdrawn.

11. At the same meeting the representative of Afghanistan orally submitted three amendments:

(a) To replace the words "thorough knowledge" in the fifth preambular paragraph of part A by the words "wider appreciation",

(b) To add a new sub-paragraph to the first operative paragraph in part A, reading as follows:

"(d) The views and suggestions of the Technical Assistance Committee on the possibility of rendering assistance";

(c) To replace the last paragraph in part C by the following three new paragraphs:

"5. Invites Member States, interested international or national organizations and institutions or individuals to make voluntary contributions to the United Nations programmes of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law;

"6. Authorizes the Secretary-General to accept on behalf of the United Nations contributions made specifically for this purpose;

"7. Further requests the Secretary-General to inform the General Assembly accordingly."

12. The second amendment of Afghanistan was later withdrawn.

13. The representative of Afghanistan proposed orally at the Committee's 836th meeting that, in order to accommodate a point raised by the representative of the Union of Soviet Socialist Republic, parts A, B and C of the draft resolution should be considered as three separate draft resolutions. Consequently, the first three preambular paragraphs of part A were added to parts B and C of the original draft resolution.

III. DEBATE

14. The representatives who intervened in the debate stressed the positive role which international law had to play in governing international relations and expressed the view that this role might be strengthened through improved teaching and study and wider dissemination of international law.

15. Certain representatives expressed the view that a programme of assistance and exchange in the field of international law might contribute to the promotion of the law itself.

16. Many representatives considered that broader dissemination of international law was necessary and that education in international law should be generally directed on the basis of principles of the United Nations Charter, with the view to strengthening peaceful co-operation and understanding among nations.

17. Representatives were in general agreement that a programme of assistance and exchange in the field of international law should be initiated, covering certain of those elements contained in paragraphs 52-93 of the report of the Secretary-General. Some stressed, however, that no United Nations programme should duplicate or compete with programmes carried out by Governments or by other organizations and institutions and that this should be a selective programme, satisfying the needs of developing Member States. Some of the representatives stated that a comprehensive study of those needs would be necessary.

18. Representatives attached particular importance to various elements which might comprise part of the programme to be initiated, including the organization of regional training courses and centres, organization of seminars, universal

and regional, and granting of fellowships for study and research abroad. They also stressed the exchange of teachers and students, advisory services to countries requesting this assistance, exchange of books and assistance to libraries of new States, training of foreign service officials, one of the possibilities being the advanced training provided directly by the United Nations, training of teachers, etc. Some representatives showed interest in getting assistance for their countries from abroad, others offered assistance and expressed the wish to participate in international exchange. It was pointed out that only some of these projects would be suitable for United Nations action, for financial and other reasons; others might better be left to Governments and other institutions.

19. Czechoslovakia offered five fellowships for training in international law at its universities for candidates from developing countries. Some representatives offered facilities for holding seminars and other meetings or the establishment of regional centres in their respective countries. The view was expressed that United Nations publications should get the widest possible circulation, that they should be developed and brought up-to-date, that appropriate United Nations documentation should be provided to new Member States, and that States should publish digests of their practice in international law. Some representatives thought that institutions like the Hague Academy of International Law should be encouraged. One delegation proposed the establishment of a United Nations University for the study of international law.

20. Several representatives provided the Committee with information on the teaching and dissemination of international law in their respective countries.

21. Most of the representatives who intervened in the debate supported the idea of a decade of international law, including, among others, the suggestions expressed by Member States and summarized in the Secretary-General's report.^{3/} Some representatives stressed, however, that the idea of a decade required further study. One representative considered that the idea might give rise to undue expectations, being a programme of relatively short duration and with modest means, and was therefore unprofitable.

22. Some of the representatives drew attention to the fact that financial resources available would at present limit any ambitious programme. Some of them suggested therefore that the United Nations should now undertake only activities not requiring additional finance and that other forms of assistance and exchange in this field be further studied.

^{3/} A/5585, para. 47.

23. Certain representatives suggested, in this respect, extending the present technical assistance programmes to the field of international law and stated that full use should be made of existing resources, both Governmental and private. Some representatives suggested that economically developed States should make special contributions to this programme. One representative stated that the regular budget should not be used for the financing of technical assistance and that the Expanded Programme of Technical Assistance should be used mainly for the industrial and economic development of the recipient countries. Another representative considered that social and legal development was closely connected with economic development, that assistance in international law did not differ very much from that provided in the social and human rights fields and that all financial resources should be explored and used.

24. During the debate on the report of the Working Group and on the draft resolution annexed to it, certain representatives stated that they would support the draft resolution as a first step in the right direction. Some representatives strongly opposed the proposal that the General Assembly should consult the Technical Assistance Committee before the Assembly had the opportunity to consider the results of the work of the Special Committee.

25. At the 834th meeting of the Committee, the representative of the Secretary-General stated, in compliance with rule 154 of the rules of procedure of the General Assembly, that no additional expenditures would arise if the Assembly were to adopt the draft resolution as contained and as elaborated upon in document A/C.6/L.544. At the 836th meeting of the Committee he further explained that his previous statement was based upon the understanding that the Special Committee would either meet in Geneva and work in only one language, or at Headquarters in August 1964 when it could be serviced within existing appropriations.

26. The representative of UNESCO stated that the Director-General of UNESCO would be prepared to undertake the function conferred on that organization in draft resolution C, provided this did not involve any new expenditure for the Agency during 1965 and 1966.

27. At the 836th meeting the Chairman informed the Committee that the Special Committee would consist of the representatives of Afghanistan, Belgium, Ecuador, Ghana, Hungary, and Ireland and that it would hold its meeting at United Nations Headquarters in August 1964.

IV. VOTING

28. At its 836th meeting, on 12 December 1963, the Sixth Committee adopted the three draft resolutions. The voting was as follows:

- (a) The oral amendment of Afghanistan to consider parts A, B and C of the draft resolution submitted by the working group as three separate draft resolutions and to add to parts B and C, as a preamble, the first three paragraphs of the preamble of part A, was adopted by the Committee by 65 votes to none, with 6 abstentions;
- (b) Draft resolution A, as amended, was adopted unanimously;
- (c) At the request of the representative of the Union of Soviet Socialist Republics a separate vote was taken on the last paragraph of draft resolution B. This paragraph was then retained in the resolution by a vote of 58 to 10 and 4 abstentions. Draft resolution B as a whole, as amended, was adopted by a vote of 61 to 10, with 1 abstention;
- (d) Draft resolution C, as amended, was adopted unanimously.

V. RECOMMENDATION OF THE SIXTH COMMITTEE

29. The Sixth Committee, therefore, recommends to the General Assembly the adoption of the following draft resolutions:

Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law

A

The General Assembly,

Recalling its resolution 1816 (XVII) of 18 December 1962 on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law,

Noting that the General Assembly, as early as 1947, by its resolution 176 (II) of 21 November 1947 requested the Governments of Member States to take appropriate measures to extend the teaching of international law in all its phases, including its development and codification, in universities and institutions of higher education,

Having considered the report of the Secretary-General,^{4/} which contains certain practical suggestions relating to the proclamation of a United Nations decade of international law and to an initial programme of assistance and exchange in the field of international law,

Taking into account the valuable proposals, suggestions and information submitted by Member States and international organizations and institutions,

Believing that promotion, dissemination and wider appreciation of international law and its teaching in universities and institutions of higher education contribute to the progressive development of international law and to friendly relations and co-operation among States,

Believing further that, for the practical implementation of the provisions of resolution 1816 (XVII), comprehensive study of the suggestions and proposals made by the Member States, international organizations and institutions as well as by the Secretary-General is required,

1. Decides to establish a Special Committee composed of Aghanistan, Belgium, Ecuador, Ghana, Hungary and Ireland for the purpose of drawing up a practical plan and proposals, taking into account:

(a) The suggestions made by the Secretary-General in his report;

(b) The proposals, suggestions and information submitted by Member States and international organizations and institutions;

(c) The views and suggestions made by the representatives of Member States during the seventeenth and eighteenth sessions of the General Assembly;

(d) Any other proposals or views which Member States may submit to the Secretary-General for transmission to the Special Committee before 15 February 1964;

2. Requests the Special Committee to report to the General Assembly at its nineteenth session;

3. Requests the Secretary-General to provide the Special Committee with such facilities and assistance as may be made available within existing resources;

4. Decides to include an item entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law" in the provisional agenda of its nineteenth session, to be discussed by the Sixth Committee as early as possible at the next session.

B

The General Assembly,

Recalling its resolution 1816 (XVII) of 18 December 1962 on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law,

Noting that the General Assembly, as early as 1947, by its resolution 176 (II) of 21 November 1947 requested the Governments of Member States to take appropriate measures to extend the teaching of international law in all its phases, including its development and codification, in universities and institutions of higher education,

Having considered the report of the Secretary-General,^{5/} which contains certain practical suggestions relating to the proclamation of a United Nations decade of international law and to an initial programme of assistance and exchange in the field of international law,

1. Requests the Technical Assistance Committee to consider the report of the Secretary-General and to advise the Special Committee, established under resolution A above, and the General Assembly, in the light of this report, on the extent to which technical assistance programmes for the purpose of strengthening the practical application of international law could be implemented within the Expanded Programme of Technical Assistance, with particular attention to the kinds of technical assistance which would be acceptable under existing objects and principles of the Expanded Programme;

2. Invites the Technical Assistance Committee, in the light of General Assembly resolutions 1768 (XVII) of 23 November 1962 and 1797 (XVII) of 11 December 1962, at a suitable time in its consideration of the annual levels of the Secretary-General's initial estimates for part V of the regular budget, to include in its recommendations such views as it may deem necessary on the question of the possible provision of funds under part V for programmes of technical assistance in the field of international law.

C

The General Assembly,

Recalling its resolution 1816 (XVII) of 18 December 1962 on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law,

Noting that the General Assembly, as early as 1947, by its resolution 176 (II) of 21 November 1947 requested the Governments of Member States to take appropriate measures to extend the teaching of international law in all its phases, including its development and codification, in universities and institutions of higher education,

Having considered the report of the Secretary-General which contains certain practical suggestions relating to the proclamation of a United Nations decade of international law and to an initial programme of assistance and exchange in the field of international law,^{6/}

1. Requests the United Nations Educational, Scientific and Cultural Organization to collect from Member States on a periodic basis detailed information on training in international law offered by their universities and institutions of higher education and to transmit it to the Secretary-General for circulation to Member States;
2. Invites Member States to offer foreign students fellowships in the field of international law at their universities and institutions of higher education;
3. Calls upon Member States to consider the inclusion, in their programmes of cultural exchange, of provision for the exchange of teachers, students, experts, books and other publications in the field of international law;
4. Requests the Secretary-General to inform organizations or institutions in the field of international law of topics which are before the Sixth Committee, the International Law Commission or other organs of the United Nations dealing with legal problems, so that such organizations or institutions might consider including these topics in their own programmes of work;

5. Invites Member States, interested international or national organizations and institutions or individuals to make voluntary contributions to the United Nations programmes of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law;

6. Authorizes the Secretary-General to accept on behalf of the United Nations contributions made specifically for this purpose;

7. Further requests the Secretary-General to inform the General Assembly accordingly.
