



Twentieth session
Agenda item 89

TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY, DISSEMINATION
AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SPECIAL
COMMITTEE ON 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. The General Assembly, at its eighteenth session, on 16 December 1963, adopted resolution 1968 A, B and C (XVIII) entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law". The operative paragraphs of resolution 1968 A (XVIII) read as follows:

"1. Decides to establish a Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law - composed of Afghanistan, 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 by 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 that session."

The operative paragraphs of resolution 1968 B (XVIII) read as follows:

"1. Requests the Technical Assistance Committee to consider the report of the Secretary-General and to advise the Special Committee, established under resolution 1968 A (XVIII) 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."

The operative paragraphs of resolution 1968 C (XVIII) reads as follows:

"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 and experts, as well as 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."

2. Prior to the session of the Special Committee established by General Assembly resolution 1968 A (XVIII), the following actions in implementation of resolution 1968 (XVIII) were taken:

(a) Pursuant to General Assembly resolution 1968 A (XVIII), paragraph 1 (d), the Secretary-General, by a letter and attached questionnaire of 8 January 1964, invited Member States to supplement any general comments on the subject of that resolution or replies to the questionnaire which might have been previously submitted or to submit them for the first time. In the same letter the Secretary-General recalled resolution 1968 C (XVIII), in particular paragraphs 2, 3, 5, 6 and 7, and requested any relevant information on steps taken by Member States to implement them. The Secretary-General also asked Member States to bring paragraph 5 of that resolution, relating to voluntary contributions, to the attention of national organizations, institutions, foundations and other persons active or interested in this field. The replies received by the Secretary-General were subsequently reproduced in documents A/5744 and Add.1, 2 and 4. In a note of 20 November 1965 (A/5790), the Secretary-General informed the General Assembly that no voluntary contributions had been received from any Member State, interested international or national organizations and institutions or individuals.

(b) Pursuant to paragraph 4, of resolution 1968 C (XVIII), the Secretary-General, in a letter dated 16 January 1964, informed seventeen international organizations and institutions active in the field of international law of current topics which were before the organs of the United Nations dealing with legal problems and requested them to communicate to the Secretary-General any relevant information on steps taken in accordance with paragraph 4 of resolution 1968 C (XVIII) or any other observation which they might wish to make on that resolution. The replies received from six of those organizations and institutions were reproduced in documents A/5744 and Add.3

(c) Pursuant to General Assembly resolution 1968 B (XVIII), the Technical Assistance Committee considered the request and the invitation contained therein at its 1964 summer session and summarized its conclusions in paragraphs 54-60 of its report to the Economic and Social Council (E/3933). The Secretary-General transmitted these conclusions to the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law, established by General Assembly resolution 1968 A (XVIII), and to the General Assembly in document A/5791. The substance of these conclusions was also recorded in paragraph 346 of the report of the Economic and Social Council to the General Assembly.^{1/}

3. The Special Committee held four informal and preparatory meetings on 31 March and 9 April 1964 and a formal session between 25 November 1964 and 29 January 1965, in the course of which nine meetings were held. The report of the Special Committee (A/5887) was submitted to the General Assembly pursuant to paragraph 2 of resolution 1968 A (XVIII), on 17 February 1965.

4. In accordance with resolution 1968 C (XVIII) and on the basis of the report of the Special Committee, transmitted by the Secretary-General to the United Nations Educational, Scientific and Cultural Organization (UNESCO), the latter submitted to the Secretariat a written account of actions undertaken or considered by it, coming within the scope of technical assistance in the field of international law (A/C.6/L.565).

5. The item entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law" was not considered by the General Assembly at its nineteenth session. In accordance with the statement made by the President of the General Assembly at that session^{2/} it was placed by the Secretary-General on the provisional agenda of the twentieth session.

6. At its 1336th plenary meeting, held on 24 September 1965, the General Assembly decided to include the item in the agenda of its twentieth session, and to allocate the item to the Sixth Committee.

7. The Committee considered this item at its 857th to 870th meetings, from 21 October to 5 November 1965.

^{1/} Official Records of the General Assembly, Nineteenth Session, Supplement No. 3.
(A/5803).

^{2/} Ibid., Annexes, annex No. 2, document A/5884, para. 6.

II. PROPOSALS AND AMENDMENTS

8. On 29 October 1965, a draft resolution was submitted by Afghanistan, Algeria, the Central African Republic, Ceylon, Chad, Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, India, Iran, the Ivory Coast, Kenya, Lebanon, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Nigeria, the Philippines, Senegal, Somalia, Syria, Togo, Tunisia, Turkey, Uganda, the United Arab Republic and Upper Volta (A/C.6/L.567 and Corr.1) later joined by Cameroon, Niger, Pakistan and Zambia (A/C.6/L.567/Add.1). Under the preamble of the draft resolution, the General Assembly would recognize the need for the strengthening of the role of international law in international relations, and note that a large number of Member States have expressed the view that a programme of assistance and exchange should be established and administered by the United Nations and UNESCO for the purpose of furthering the objectives of the United Nations and of assisting Member States, in particular developing countries, in the training of specialists in the field of international law and in the promotion of teaching, study, dissemination and wider appreciation of international law. The operative paragraphs read as follows:

"1. Expresses appreciation to the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law and to the United Nations Educational, Scientific and Cultural Organization for the work accomplished in the preparation of the programme of assistance and exchange in the field of international law;

"2. Decides to establish a programme of assistance and exchange in the field of international law consisting of:

(a) steps to encourage and co-ordinate existing international law programmes carried out by States and organizations and institutions, such as those proposed by the Special Committee in part I, section A of its report to the General Assembly (A/5887); and

(b) forms of direct assistance and exchange, such as seminars, training and refresher courses, fellowships, advisory services of experts, provision of legal publications and libraries and translations of major legal works;

"3. Authorizes the Secretary-General to initiate the preparatory work for this programme in 1966 within the total level of appropriations approved for that year;

"4. Requests the Secretary-General to make provision in the budget estimates for the financial years 1967 and 1968 for the activities set out in the annex to the present resolution;

"5. Invites UNESCO to participate in carrying out the programme mentioned in paragraph 2 of this resolution and requests the Secretary-General to make suitable arrangements with the Director-General of UNESCO, subject to any necessary approval of the competent organ of each organization, as to which of the elements of the over-all programme should be financed and administered by each of the two organizations;

"6. Requests the Secretary-General to publicize the programme envisaged in this resolution and to endeavour to obtain voluntary contributions from Member States, interested international or national organizations and institutions or individuals, for the purpose of financing additional activities in accordance with the report of the Special Committee (A/5887) which would facilitate the enlargement of the scope of the programme established in the Annex to the present resolution;

"7. Decides to establish an Advisory Committee on Assistance and Exchange in International Law composed of to serve for a period of three years, which shall meet at the request of the Secretary-General in order to advise him on the substantive aspects of the programme and to report as appropriate to the General Assembly on its work;

"8. Requests the Board of Trustees of the United Nations Training and Research Institute to consider ways of giving the proper place to international law within the activities of the Institute in the light of the report of the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/5887) and the views expressed in the Sixth Committee on this item;

"9. Reiterates its appeal to Member States made in its resolution 1968 (XVIII), to offer foreign students fellowships in the field of international law at their universities and institutions of higher education and to consider the inclusion, in their programmes of cultural exchange, of provision for the exchange of teachers, students and experts, as well as books and other publications in that field;

"10. Calls the attention of Member States to the existing arrangements whereby, apart from the programme mentioned in paragraph 2 above, requests may be made

(a) under part V of the regular budget for assistance with respect to any international legal aspects involved in development projects, and under the human rights advisory services programme for assistance relating to the field of international law;

(b) under the Expanded Programme of Technical Assistance for assistance in specific fields of international law related to economic, social or administrative development, provided such requests are included in country programmes in accordance with the relevant rules and procedures;

"11. Requests the Secretary-General to report on the implementation of the present resolution and decides to include in the provisional agenda of its twenty-first session an item entitled Technical Assistance to promote the teaching, study, dissemination and wider appreciation of international law."

In the annex to the draft resolution the sponsors outlined a programme for 1967, consisting of:

- (a) A regional training and refresher course in Africa of four weeks' duration being the first of such courses to be held by rotation in Africa, Asia and Latin America;
- (b) Award of ten fellowships at the request of Governments of developing countries;
- (c) Advisory services by up to three experts, if requested by developing countries;
- (d) Provision of a set of United Nations legal publications to up to fifteen institutions in developing countries;
- (e) Preparation of a survey of certain of the principal examples of the codification and progressive development of international law within the framework of the United Nations.

In the same annex they also outlined a programme for 1968, consisting of:

- (a) A seminar of up to three weeks' duration, its location to be decided on in the light of offers received by the Secretary-General;
- (b) Award of fifteen fellowships at the request of Governments of developing countries;
- (c) Advisory services by up to five experts, if requested by developing countries;
- (d) Provision of a set of United Nations legal publications to up to twenty institutions in developing countries;
- (e) Publication of a survey of certain of the principal examples of the codification and progressive development of international law within the framework of the United Nations

9. On 2 November, Austria, Belgium, Finland, Italy, Sweden and the United Kingdom of Great Britain and Northern Ireland submitted amendments (A/C.6/L.568) to the draft resolution (A/C.6/L.567 and Corr.1 and Add.1). The amendments read as follows:

"1. After the third preambular paragraph, which begins 'Having also....', insert the following new preambular paragraph:

"Taking into account the success of the seminar organized by the European Office of the United Nations in conjunction with the International Law Commission which was held during the course of the seventeenth session of the Commission,".

"2. In operative paragraph 2:

- (i) Replace 'Decides to establish' by 'Draws up',
- (ii) Before 'assistance' insert 'co-ordination'.

"3. Replace operative paragraphs 4 and 5 by the following paragraphs 4 to 7:

"4. Defers until the twenty-first session of the General Assembly the question whether provision should be made in the budget estimates for subsequent financial years for any of the activities set out in the annex to this resolution for which voluntary contributions may not be forthcoming and requests the Advisory Committee in consultation with the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions to examine this question and report thereon to the General Assembly;

"5. Invites UNESCO and the United Nations Training and Research Institute to participate in carrying out the programme mentioned in paragraph 2 of this resolution, and to this end:

(a) Requests the Secretary-General to make suitable arrangements with the Director-General of UNESCO, subject to any necessary approval of the competent organ of each organization, as to which of the elements of the over-all programme should be financed and administered by each of the two organizations;

(b) Requests the Board of Trustees of the United Nations Training and Research Institute to consider ways of giving the proper place to international law within the activities of the Institute in the light of the report of the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/5387) and the views expressed in the Sixth Committee on this item;

"6. Requests the Secretary-General to obtain and to circulate to all Member States information concerning existing and future projects relating to the teaching, study, dissemination and wider appreciation of international law and sponsored by UNESCO, UNITAR, or other international or national organizations, whenever he considers that such information would be of interest to Member States for the better co-ordination of activities in this field;

"7. Requests the Secretary-General to maintain close contact with UNESCO and UNITAR and other inter-governmental organizations in order to co-ordinate activities in this field and to avoid unnecessary duplication of work in the carrying out of this resolution;"

"4. In former operative paragraph 6, replace the words 'for the purpose of financing additional activities in accordance with the report of the Special Committee (A/5887) which would facilitate the enlargement of the scope of the programme established in the Annex of this resolution' by the words 'within and in addition to the programme drawn up under the present resolution'.

"5. In former operative paragraph 7, replace the words 'at the request of the Secretary-General in order to advise him' by the following words:

"at the request of the Secretary-General or at the request of a majority of the Committee in order to advise and assist him".

"6. Delete former operative paragraph 8.

"7. In former operative paragraph 10, delete the words 'apart from the programme mentioned in paragraph 2 above'.

"8. Renumber former paragraphs 6, 7, 9, 10 and 11 to read 8, 9, 10, 11 and 12.

"9. In the annex to the resolution, in the Programme for 1967:

(i) Insert new item (a) as follows:

"(a) Organization of a seminar to be held in conjunction with the International Law Commission".

(ii) Reletter former items (a) to (e) to read (b) to (f)."

10. On 2 November Argentina, Bolivia, Chile, Costa Rica, Ecuador, Honduras, Jamaica, Mexico, Nicaragua and Peru, later joined by Guatemala, also submitted amendments (A/C.6/L.569 and Corr.1 and Add.1) to the draft resolution (A/C.6/L.567 and Corr.1 and Add.1). The amendments read as follows:

"1. Add the following new operative paragraph 2:

"2. Decides to include the topic 'The teaching, study and dissemination of international law' in the technical assistance programmes, and requests the bodies responsible for drawing up these programmes to bear this new activity in mind;"

"2. As a consequential amendment, the present operative paragraphs 2 and 3 will become paragraphs 3 and 4.

"3. Replace the present operative paragraphs 4, 5, 6, 7 and 8 by the following:

"5. Requests the Secretary-General to publicize the above-mentioned programme and invites interested Member States, national and international institutions and organizations, and individuals to make voluntary contributions towards the financing and possible expansion of this programme, in accordance with the report of the Special Committee (A/5887);

"6. Requests the Secretary-General, after taking into consideration the voluntary contributions referred to in the foregoing paragraph and the projects which may be included in the technical assistance programmes in conformity with paragraph 2 above, to make such additional provision as may be necessary in the budget estimates for 1967 and 1968 in order to carry out the activities specified in the annex to this resolution;

"7. Invites UNESCO to participate in implementing the programme mentioned in paragraph 3 above and requests the Secretary-General to reach agreement with the Director-General of UNESCO, subject to any necessary approval by the competent authorities of each organization, on which parts of the programme are to be financed and administered by each of the two organizations;

"8. Requests the Board of the United Nations Training and Research Institute to consider the way in which international law is to be given its proper place among the activities of the Institute in the light of the report of the Special Committee (A/5887) and of the views expressed on the subject in the Sixth Committee;

"9. Decides to establish a Committee on Technical Assistance to promote the Teaching, Study, Dissemination and Wider Appreciation of International Law. This Committee shall consist of ten members to be elected every three years by the General Assembly. A representative of UNESCO and a representative of the United Nations Training and Research Institute shall be invited, whenever necessary, to its meetings. The Committee shall advise the Secretary-General on the performance of the duties assigned to him by the present resolution and propose to him the action necessary for the progressive execution of the programme specified in paragraph 3. The Committee shall meet whenever it is convened by the Secretary-General or by a majority of its members and shall submit an annual report on its work to the General Assembly."

"4. As a consequential amendment, operative paragraphs 9, 10 and 11 will become, respectively, paragraphs 10, 11 and 12.

"5. In the annex, replace item (a) of the Programme for 1967 by the following:

"(a) A regional training and refresher course of four weeks' duration, which will be given in Africa and will be the first of a series of such courses to be held every two years, in rotation, in Africa, Asia and Latin America."

"6. In the annex, replace item (a) of the Programme for 1968 by the following:

"(a) A regional seminar of three weeks' duration, which will be held in Latin America and which will be the first of a series of such seminars to be held every two years, in rotation, in Latin America, Africa and Asia."

11. On 4 November 1965, a new draft resolution was submitted by Afghanistan, Algeria, Argentina, Bolivia, Cameroon, the Central African Republic, Ceylon, Chad, Chile, Costa Rica, Democratic Republic of the Congo, Cyprus, Dahomey, Ecuador, Ethiopia, Ghana, Guatemala, Guinea, Honduras, India, Iran, Ivory Coast, Jamaica, Kenya, Lebanon, Liberia, Libya, Madagascar, Mali, Mauritania, Mexico, Morocco, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, the Philippines, Senegal, Somalia, Syria, Togo, Tunisia, Turkey, Uganda, the United Arab Republic, Upper Volta and Zambia (A/C.6/L.570). This draft resolution, which is reproduced with minor changes in section VI of the present report, was adopted by the Committee (see paragraph 27 below).

III. DEBATE

General observations

12. Many representatives who participated in the debate emphasized the role which international law should play in the building of a world community, the establishment of international order based on international peace and security, the promotion of constructive international co-operation, the settlement of international disputes and the achievement of a better understanding among peoples. It was pointed out that violations of the principles of international law were to be found at the root of most international conflicts and situations which threatened peace and international co-operation. Several representatives observed that the scope of international law was rapidly broadening and that its nature was changing. Many questions which had previously been considered as falling entirely outside the scope of international law have been transformed into matters of international concern and there were now few aspects of human activity which international law did not affect. Accession of many countries to independence had created new fields of international law and had raised questions affecting the significance and scope of a number of principles of international law. The need for measures designed to promote the teaching, study, dissemination and wider appreciation of international law was therefore accepted by all members of the Committee.
13. It was pointed out that the duty of the United Nations under the Charter to encourage the codification and progressive development of international law and the study and dissemination of international law were complementary and led to the same objective: the establishment of a recognized body of laws for the international community. Several representatives recalled that United Nations technical assistance activities had until now been concerned almost exclusively with problems of economic and social development and that it was time to devote a special sector of those activities to the dissemination of international law. It was also said that a similar place should be given to the promotion of respect for and the codification and progressive development of international law.
14. Several representatives stressed that technical assistance to promote the teaching, study, dissemination and wider appreciation of international law was of great importance for the newly independent States which needed United Nations aid in training specialists and in the establishment of appropriate institutions.

Assistance provided through international organizations should in their view complement bilateral or multilateral assistance. Some representatives, however, did not consider the question before the Committee as affecting only developing countries and thought it was a matter of general interest. Some felt that technical assistance in the field of international law should obtain the participation of schools based upon varying legal systems.

15. The Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law was praised for the work it had done. Many representatives expressed the view that the measures proposed by it provided useful guidance for the work of the Sixth Committee by striking a sound balance between the ideal and the practical.

16. Many representatives furnished information on the system of teaching and dissemination of international law in their respective countries and also gave examples of assistance provided to other countries. Other representatives expressed their appreciation for bilateral assistance already granted and expressed the hope that such assistance would be effectively increased. However, they also felt that bilateral agreements were necessarily limited in scope and that not all States needing such assistance were receiving it. Certain countries were reluctant, for various reasons, to accept assistance directly from other countries. They considered, therefore, that United Nations machinery should be used on a world-wide basis to complement national programmes with a view to ensuring the most rational and effective use of all available resources and facilities. Almost all the measures proposed by the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law in its report to the General Assembly (A/5887) were supported as elements of a United Nations programme to promote the teaching, study, dissemination and wider appreciation of international law.

17. Many representatives indicated that the nature of United Nations activities in this field had to be conditioned by available resources. Having in mind the financial situation through which the United Nations was passing, a number of them stressed that particular care should be taken to avoid duplication. Others asserted, however, that it was still to be proved that present activities and means were adequate to meet needs. Some representatives questioned the role of a multi-national organization as representing the best means of meeting the need

in the field under consideration and stated that the most important function it could perform was to act as a catalyst for increased bilateral efforts.

18. Members of the Committee recognized that improved co-ordination would make it possible to avoid duplication and would make more rational use of available facilities and reserves. Some representatives therefore suggested that the scope and role of existing programmes and of measures which were already executed or planned by States or various organizations and institutions should be studied and a more complete analysis of them undertaken. Some representatives also stressed the need for more effective co-ordination of the activities of the United Nations, UNESCO and other specialized agencies, and the United Nations Institute for Training and Research (UNITAR). States and national and international organizations should, in the view of many representatives, be encouraged to make a maximum contribution to the promotion of the objectives set forth in General Assembly resolutions concerning this subject.

19. Many representatives considered that UNESCO should be invited to co-operate with the United Nations in the implementation of the programme to be established and that it should be especially entrusted with the task of determining the teaching methods and techniques. They expressed their appreciation to UNESCO for actions already undertaken in pursuance of resolution 1968 (XVIII) and for further actions under its consideration, as outlined in the communication received from UNESCO (A/C.6/L.565). The representative of UNESCO stated that the Director-General of UNESCO regarded the matter as serious and important and that the work done by his Organization in this respect showed steady progress.

Discussion of specific measures

20. As regards specific measures for proper co-ordination of existing programmes and activities, special attention was drawn to the following:

(a) The representative of UNESCO informed the Committee that a Survey on the Teaching of International Law was being carried out with the assistance of the International Association of Legal Sciences. The publication of the Survey would provide the foundation for the studies which had been included in UNESCO's 1967-1968 programme and which were aimed at the development of international law in general. Various representatives noted these plans with satisfaction.

(b) Some representatives expressed the view that the United Nations or UNESCO should act as an information centre concerning fellowships which were available. Governments should be encouraged to contribute to that end by the award of additional stipends or fellowships. The representative of UNESCO informed the Committee that UNESCO was ready to administer scholarships or fellowships provided by the Expanded Programme of Technical Assistance as well as those granted by Member States or other international organizations and, if necessary, to issue a publication describing scholarship and fellowship opportunities.

(c) Various representatives expressed their approval of the proposals of the Special Committee concerning the promotion by the United Nations and UNESCO of exchanges of experts and scholars. One representative, while agreeing in principle with the proposals of the Special Committee to this effect, suggested that the question should be re-examined with a view to devising a more effective method of circulating the requests from countries wishing the services of international law specialists and thus facilitating their acceptance.

(d) Great emphasis was laid by several representatives on the co-ordination and encouragement of exchange, dissemination and grants of legal books, other publications and libraries. The representative of UNESCO stated that his organization could assist in the exchange of international law publications as a part of its own programme.

(e) Certain representatives also expressed interest in the co-operation between the United Nations and UNESCO, on the one hand, and other organizations and institutions active in the field of international law on the other. One representative expressed certain reservations with regard to the co-sponsorship of international meetings by the United Nations and UNESCO, as proposed by the Special Committee. He said that it would not be desirable to support activities over which the United Nations could not exercise adequate control.

(f) Some representatives supported the idea of the preparation of a model curriculum, which would contribute towards the co-ordination of the various approaches to the teaching of international law. It was said that it should be possible to fix priority topics for a model curriculum on the basis of the law already developed by the United Nations and the generally accepted rules and

principles of the Charter, taking into account the changing nature of contemporary international law. Some other representatives, however, expressed apprehension that the establishment of such a curriculum could mean a loss of flexibility and might even lead to an encroachment on academic freedom. It was also pointed out that UNESCO was currently undertaking preliminary studies in this field and that any preparation of a model curriculum should await the completion of these studies. In the view of one representative it was desirable for the General Assembly to make some general recommendations regarding the spirit which should prevail in the teaching of international law, in order that States should display more tolerance and understanding in their attitudes to each other, and in order to achieve a general spirit of conciliation and compromise, which was essential for peaceful coexistence and international co-operation.

(g) Many representatives felt that within the over-all activities in the field of international law a significant part should be played by the United Nations Institute for Training and Research. Numerous requests have been made that a special part of the Institute's functions be devoted to the teaching, study, dissemination and wider appreciation of international law. It was suggested that the Institute should include among its activities research in the field of international law, the organization of training courses intended in particular for the nationals of the newly independent States, and the formulation of standards for teaching of international law. At the 869th meeting of the Sixth Committee the Executive Director of the Institute made a statement on the plan of the Institute's activities in the field of international law and expressed, in particular, his intention to request an appropriation of \$100,000 for 1967 and possibly also for succeeding years for an intensive course in international law which would train from ten to fifteen persons a year. Various representatives expressed their satisfaction with that statement.

(h) Some comments were also made on the United Nations programme of training of foreign service officers from newly independent countries. Some representatives endorsed the Special Committee's view that professors and lecturers should be recruited on as wide a geographical basis as possible, taking into account the principal legal systems of the world. One representative expressed the criticism that only specialists in the Western juridical systems were chosen as teachers and that insufficient importance was given to the juridical system of the USSR

or the legal doctrines of the developing countries. Some representatives also criticized the selection of legal topics for the programme and a number of suggestions were submitted in this respect.

(i) Some representatives proposed in the course of the debate additional actions which would contribute to the dissemination and better knowledge of international law. One representative proposed that an International Day should be established along the lines of United Nations Day and Human Rights Day. During that day, international law as a factor for promoting peace and friendly relations among States could be discussed. Another representative proposed the compilation, by competent scientific institutions, of a list of basic materials and documentation available on the subject of international law to be issued by the United Nations and distributed to developing countries.

21. Apart from measures designed to encourage other organizations and institutions and States to take additional steps to promote the teaching, study, dissemination and wider appreciation of international law and apart from measures designed to co-ordinate existing programmes and activities, many representatives favoured the establishment of a limited United Nations programme of direct assistance and exchange in the field of international law. Concrete elements of such a programme for the next three years were proposed in annexes to the draft resolutions, reproduced in paragraph 8 above. Some representatives said that in view of the close interrelation between international law and the purposes of the United Nations, the slight increase involved in the United Nations budget seemed justified. Other representatives, while agreeing in principle with the usefulness of certain activities to be undertaken directly by the United Nations, felt that, in view of the financial difficulties of the Organization, the time was not opportune for the inclusion in the budget of a new item involving additional expenditure from the regular budget of the Organization.

22. The following elements, in particular, of such a programme of direct assistance and exchange were discussed by the Committee:

(a) Seminars: Several representatives considered that seminars should form one of the elements of the proposed programme. The view was expressed that in such seminars experts of recognized authority should examine subjects of a legal nature, such as those which were on the agenda of the General Assembly and that their organization might be similar to that of seminars held on the subject

of human rights. One representative favoured the idea of holding a special seminar for teachers of international law with a view to improving their teaching methods. In the view of another representative, a thorough examination of the interaction between international and internal law on the one hand, and between public international and private law on the other, might be the purpose of seminars and special courses. It was made clear that participants of a seminar must already have a sound basic knowledge of the subject under discussion and that seminars should give their participants a realistic approach to the application and interpretation of international law. The proceedings of seminars should then be published and distributed widely and at low cost. Many representatives pointed out that the seminar organized in 1965 by the European Office of the United Nations in conjunction with the International Law Commission should be supported and encouraged and some representatives felt that it might serve as a useful model for the seminars proposed by the Special Committee. The representative of Sweden informed the Committee that his Government had decided to place at the disposal of the Secretariat a stipend of up to \$1,500 to cover the travel expenses and subsistence costs of one participant selected by the Secretariat to take part in the seminar to be organized by the European Office of the United Nations in 1966.

(b) Training and refresher courses: Many representatives supported the recommendations of the Special Committee for such courses and some of them offered comments on their purposes and organization. Certain representatives thought that training courses would be useful only if the curriculum was concerned with clearly defined principles, rules and practices of international law and if the subjects taught were of a strictly legal nature and related to areas where the law was well established and universally recognized and was not a matter of major contention between countries with different legal, political and social systems, such as the law of diplomatic and consular relations, regional political and economic integration, international rivers or the role of the legal adviser in national ministries of foreign affairs. Certain other representatives took the position that it was precisely those topics on which there were divergent approaches, such as the principles of international law concerning friendly relations and co-operation among States, that were most suitable for the kind of training envisaged, since information on well-defined topics was available in libraries and textbooks. One representative suggested that before training courses

were undertaken, a small working group should study thoroughly their organization, methods and procedures, in collaboration with the specialized agencies, including UNESCO and the United Nations Institute for Training and Research. The Committee noted with satisfaction the intention of UNESCO to conduct a training course in Africa during 1967-1968, which would further the work being done in the direct improvement of the teaching of international law. Certain representatives felt that that course could take the place of the training and refresher course proposed by the sponsors of the draft resolutions for 1967. Many representatives expressed their appreciation of the offer made by the Government of Tanzania to provide facilities for a training and refresher course in Africa.

(c) Experts: While provisions for advisory services of experts were made in the draft resolutions submitted to the Committee, no detailed discussion of this subject took place during the debate. One representative thought that if advisory services were provided it should be in the field of the teaching and dissemination of international law, as experts called upon to act as advocates in a dispute with another State might generate ill feeling on the part of that State towards the United Nations.

(d) Publications and libraries: Many representatives stressed that the lack of proper library facilities was a serious disadvantage in public administration, teaching and research. Assistance was therefore requested for the establishment of legal libraries at institutions of higher learning in the developing countries, containing most of the basic textbooks, scholarly journals and United Nations publications. Some representatives also proposed the translation of the most important works on international law into languages of the developing countries. One representative proposed the establishment of a periodic and systematic bibliography in which all works of importance would be listed and briefly summarized in the official languages of the United Nations. Another representative suggested the publishing of more important works in paperback editions.

(e) Assistance provided to non-governmental institutions: Several representatives endorsed the recommendation of the Special Committee that

"UNESCO should be invited to consider further the possibility of providing financial and other assistance to international non-governmental academic institutions... which promote the study and teaching of international law".

Among such institutions The Hague Academy of International Law was mentioned prominently by several representatives. One representative mentioned also the Institute of International Law and the International Law Association. Doubts were, however, expressed by one representative, about calling upon the United Nations to subsidize international non-governmental institutions active in the field of international law, however meritorious their work might be.

(f) Establishment of new institutions: Several representatives felt that the establishment of an institute for post-graduate study in international law located in Africa should be encouraged but emphasized their desire that the institute should be truly international and that it should accept students from all regions. Other representatives warned that undue haste must be avoided in establishing new institutions and recommended the investigation of the extent to which use had been made of the opportunities afforded by existing institutions. Many representatives expressed their appreciation of the generous offer of the Government of Tanzania to be the host of an institute but made it clear that it would be necessary to determine whether sufficient funds were available before such an institute was established.

(g) Survey of certain of the principal examples of the codification and progressive development of international law within the framework of the United Nations: One representative said that it would be very difficult to prepare the survey proposed by the Special Committee and by the sponsors of the draft resolutions and that it would also duplicate to some extent other publications, as there was no real shortage of material of the type that the survey was designed to assemble. Another representative proposed that Russian be added to the languages in which the survey should be published.

(h) Fellowships: General support was expressed during the debate for the idea of grants of fellowships by the United Nations as recommended by the Special Committee. The representative of UNESCO indicated that UNESCO could also grant fellowships.

Financing of the programme

23. Considerable attention was devoted by the Committee to the financial implications and the possible sources of financing of a programme of assistance

and exchange comprising all or some of the elements described in paragraphs 20 and 22 above. The Committee recognized, as did the Special Committee, the very real discrepancy which existed between the needs of the developing countries for extensive assistance and the limited financial and other resources available to the United Nations and its specialized agencies. A great number of representatives felt that special funds should be earmarked in the regular budget of the United Nations so that the programme could be started in 1967; some of them also felt that voluntary contributions, country or regional requests under the Expanded Programme of Technical Assistance and part V of the regular budget, the United Nations Institute for Training and Research, the help of other organizations and other resources should offer additional possibilities for carrying out supplementary activities. Another group of representatives considered that voluntary contributions, funds made available following the requests submitted by Governments under the existing technical assistance programmes, the Expanded Programme of Technical Assistance and part V of the regular budget should be used towards the financing and possible eventual expansion of this programme. Funds from a new item in the regular budget should be used only to the extent that the above sources were insufficient for carrying out the minimum programme. Another group of representatives took the position that in view of the Organization's financial difficulties, the programme should be completely financed from sources outside the regular budget. Certain representatives in this group were in favour of initiation of the preparatory work in 1966 but proposed postponing for one year the establishment of the programme of direct assistance; also, they proposed further examination of the question whether provision should be made in the budget estimates for future years for any of the activities of the programme for which voluntary contributions might not be forthcoming. A large majority, however, opposed postponing the adoption of the programme. As the discussion developed, the view finally prevailed that preparatory work for the programme should be initiated in 1966, within the total level of appropriations approved for that year. These representatives considered that the programme should become operative as of 1967. It should be financed and eventually expanded from voluntary contributions. An appropriation request under the regular budget should be made, after consultation with the Advisory Committee on Administrative and Budgetary

Questions, in case that voluntary contributions and funds received from the Expanded Programme and part V of the regular budget were not received in the amount required.

24. With regard to the individual resources from which the programme could be financed, the following views were expressed:

(a) Expanded Programme of Technical Assistance: The Committee generally agreed that the Expanded Programme funds should be used for the financing of technical assistance in international law. Several representatives considered unfounded the distinction drawn by the Technical Assistance Committee between international law projects which had a bearing on economic, social or administrative development and those which did not. These representatives held that the knowledge and wider appreciation of contemporary international law were of vital importance for any effective international or national public administration. The Committee authorized its Chairman to bring the views expressed by its members to the attention of the Chairman of the Second Committee and to request that the relevant rules governing technical assistance programmes be interpreted in such a way as to permit the consideration of requests for assistance in the general field of international law or to amend the rules to this effect. At the 869th meeting, the Executive Chairman of the Technical Assistance Board informed the Committee that, without a change in the legislation of the Expanded Programme, Governments might, in submitting to the Technical Assistance Board, request the implementation of certain parts of the programme for strengthening international law, which would contribute to economic or social development or development of public administration. Governments were entitled to give to the relevant projects whatever priority they deemed necessary. The Technical Assistance Board was prepared to approve such requests and to accord them the priority assigned to them by the Governments themselves. Requests from Governments should be specific with priorities well defined.

(b) Part V of the regular budget: As stated in paragraph 23 above, certain representatives favoured an appropriation in the regular budget of the United Nations for financing the programme and, in that connexion, the use of part V of the budget, entitled "Technical programmes", was suggested. Information regarding that part of the budget was furnished to the Committee by a representative of the Controller who pointed out, in particular, that as in the case of the

Expanded Programme, applicant Governments indicate their own priorities when they make their requests and could request technical assistance in the international legal aspects of projects contributing to economic or social development. Except for human rights and narcotic drugs, there is no field for which specific allocations are at present made. The projects concerning international law which had been submitted to the Sixth Committee could only be financed under part V by taking funds away from development activities to which the Economic and Social Council, the General Assembly and the Governments concerned had already given high priority. Consequently, the Secretary-General had informed the Special Committee that in view of the present ceiling of \$6.4 million, part V funds could not be used to finance activities of the type or magnitude recommended. However, if the Assembly so decided, the necessary additional funds could form a separate section of part V and could be specifically earmarked and kept separate from the existing appropriations for economic and social development. In the subsequent debate some representatives thought that a new section should be added to part V of the budget and earmarked for the financing of a programme of assistance in the field of international law. Others considered that certain activities in the field of international law connected with administrative development could be financed under part V of the regular budget at its present level.

(c) Regular budget outside part V: The representative of the Controller indicated that the Assembly was empowered to authorize the appropriation of additional budgetary funds which would form a new section of the part of the budget devoted to special expenses. This would, of course, mean an increase in the level of the budget. Some representatives stated that the promotion of the teaching and dissemination of international law was so important that the Committee should not hesitate to ask for additional funds. Others, however, asserted that they could not support the suggestion that the programme should be financed by funds from the regular budget, for the Organization's financial situation was critical enough without imposing a further drain on its resources. Some representatives opposed the idea of financing the programme from the regular budget on the grounds that all other financing possibilities should be explored first, or opposed using the regular budget to finance a programme of technical assistance as a matter of principle.

(d) Voluntary contributions: Representatives who spoke on this subject took note that no financial contributions had so far been received but many of them felt that this was no reason to be unduly or prematurely pessimistic, and that voluntary contributions might still play an important role in the financing of the programme. Suggestions were made that the appeal for financial and other contributions should be renewed and the hope was expressed that there might be a greater response to that appeal on the part of States, governmental or private organizations and institutions or individuals when the programme, approved by the General Assembly, was announced. A suggestion was also made that contributions could be earmarked by the contributors for specific projects.

25. Before voting on the draft resolution some of the sponsors explained that the over-all procedure envisaged in the solution reached as a result of different views expressed, was that the Secretary-General would try to obtain such voluntary contributions as would be necessary for the carrying out of the programme; such voluntary contributions might include funds or assistance which may be allocated from existing United Nations programmes in conformity with the provisions governing the operation of such programmes. In the event that funds received from these sources would prove insufficient for carrying out the programme described in the annex to the draft resolution, the Secretary-General would make provision for such additional funds as may be necessary in the regular budget estimates. Prior to that, he would consult with the Advisory Committee on Administrative and Budgetary Questions.

Advisory Committee

26. Members of the Committee concurred with the proposal of the Special Committee that an advisory committee should be established to advise the Secretary-General on the implementation of the programme. It was proposed that the Secretary-General should make an annual report on the programme to the General Assembly and that the advisory committee might also report to the General Assembly as appropriate. One representative suggested that any countries or organizations which helped to finance a particular project should be invited to take part in the discussions of that project in the advisory committee. The sponsors of the draft resolution requested the Chairman of the Sixth Committee to select Member States which would be represented on the advisory committee, subject to confirmation by the General Assembly.

IV. VOTING

27. At its 870th meeting, on 5 November 1965, the Sixth Committee voted on the forty-nine-Power draft resolution (A/C.6/L.570, see paragraph 11 above). A separate vote was requested on operative paragraph 5, which was then adopted by 55 votes to 6, with 22 abstentions. The draft resolution as a whole was adopted by 75 votes to 2, with 10 abstentions.

V. APPOINTMENT OF THE MEMBERS OF THE ADVISORY COMMITTEE

28. At the 879th meeting, on 19 November, the Chairman announced that the following Member States would be proposed as members of the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law, to be established under paragraph 8 of the draft resolution: Afghanistan, Belgium, Ecuador, France, Ghana, Hungary, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and United States of America. The Sixth Committee was in agreement on the composition of the Advisory Committee.

VI. RECOMMENDATION OF THE SIXTH COMMITTEE

29. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

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

The General Assembly,

Recalling its resolutions 1816 (XVII) of 18 December 1962 and 1968 (XVIII) of 16 December 1963,

Having considered the report of the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law,^{1/}

^{1/} A/5887.

Having also considered the report of the Technical Assistance Committee,^{2/} the report of the Economic and Social Council,^{3/} the reports of the Secretary-General,^{4/} the communication by the United Nations Educational, Scientific and Cultural Organization,^{5/} as well as the replies received from Governments of Member States and from interested international organizations and institutions,^{6/}

Recognizing the need for the strengthening of the role of international law in international relations,

Having noted the valuable work which is being undertaken by some institutions and other bodies in the promotion of the teaching, study, dissemination and wider appreciation of international law,

Considering nevertheless that much remains to be done in this field,

Noting that a large number of Member States have expressed the view that a programme of assistance and exchange should be established and administered by the United Nations and the United Nations Educational, Scientific and Cultural Organization for the purpose of furthering the objectives of the United Nations and of assisting Member States, in particular developing countries, in the training of specialists in the field of international law and in the promotion of the teaching, study, dissemination and wider appreciation of international law,

Bearing in mind the limited financial means available for this purpose and the desirability of avoiding any duplication of programmes established and carried out by States and by other international and national organizations,

Considering that even a limited programme will contribute towards meeting some of the most pressing needs for a better knowledge of international law as a means of strengthening international peace and security and of promoting friendly relations and co-operation among States,

1. Expresses its appreciation to the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law and to the United Nations Educational, Scientific and Cultural Organization for the work accomplished in the preparation of the programme of assistance and exchange in the field of international law;

2. Decides to establish a programme of assistance and exchange in the field of international law consisting of:

(a) Steps to encourage and co-ordinate existing international law programmes carried out by States and by organizations and institutions, such as those proposed

^{2/} A/5791.

^{3/} Official Records of the General Assembly, Nineteenth Session, Supplement No. 3 (A/5803), chapter VII, section III, para. 346.

^{4/} A/5585, A/5790.

^{5/} A/C.6/L.565.

^{6/} A/5455 and Add.1-6, A/5744 and Add.1-4.

by the Special Committee in part I, section A, of its report to the General Assembly;

(b) Forms of direct assistance and exchange, such as seminars, training and refresher courses, fellowships, advisory services of experts, the provision of legal publications and libraries, and translations of major legal works;

3. Authorizes the Secretary-General to initiate the preparatory work for this programme in 1966 within the total level of appropriations approved for that year;

4. Requests the Secretary-General to publicize the above-mentioned programme and invites Member States, interested national and international institutions and organizations, and individuals to make voluntary contributions towards the financing of this programme or otherwise towards assisting in its implementation and possible expansion, in accordance with the report of the Special Committee;

5. Requests the Secretary-General, taking into consideration the voluntary contributions which may have been received in terms of paragraph 4 above and in consultation with the Advisory Committee on Administrative and Budgetary Questions, to make in the budget estimates for 1967 and 1968 such provisions as may be necessary to carry out the activities specified in the annex to the present resolution;

6. Invites the United Nations Educational, Scientific and Cultural Organization to participate in implementing the programme mentioned in paragraph 2 above and requests the Secretary-General to reach agreement with the Director-General of that organization, subject to any necessary approval by the competent authorities of the two organizations, on which parts of the programme are to be financed and administered by each organization;

7. Requests the Board of Trustees of the United Nations Institute for Training and Research to consider the ways in which international law is to be given its proper place among the activities of the Institute in the light of the report of the Special Committee and of the views expressed on the subject in the Sixth Committee;

8. Decides to establish an Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law - composed of ten Member States to be appointed every three years by the General Assembly - which shall meet at the request either of the Secretary-General

or of a majority of its members, shall advise the Secretary-General on the substantive aspects of the programmes contained in the report of the Special Committee and on the implementation of the present resolution and shall report, as appropriate, to the General Assembly; a representative of the United Nations Educational, Scientific and Cultural Organization and of the United Nations Institute for Training and Research shall be invited, whenever necessary, to the meetings of the Advisory Committee;

9. Reiterates its appeal to Member States made in its resolution 1968 C (XVIII) to offer foreign students fellowships in the field of international law at their universities and institutions of higher education and to consider the inclusion, in their programmes of cultural exchange, of provision for the exchange of teachers, students and experts, as well as books and other publications in that field;

10. Calls the attention of Member States to the existing arrangements whereby, apart from the programme mentioned in paragraph 2 above, requests may be made:

(a) Under part V of the regular budget for assistance with respect to any international legal aspects involved in development projects, and under the human rights advisory services programme for assistance relating to the field of international law;

(b) Under the Expanded Programme of Technical Assistance for assistance in specific fields of international law related to economic, social or administrative development, provided such requests are included in country programmes in accordance with the relevant rules and procedures;

11. Requests the Secretary-General to report on the implementation of the present resolution and decides to include in the provisional agenda of its twenty-first session an item entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law";

12. Requests the Secretary-General to explore the possibility of including the topic "The teaching, study, dissemination and wider appreciation of international law" among the subjects of technical assistance programmes and to report thereon to the General Assembly at its twenty-first session.

ANNEX

Programme for 1967

- (a) A regional training and refresher course of four weeks' duration, which will be given in Africa and which will be the first of a series of such courses to be held every two years, in rotation, in Africa, Asia and Latin America;
- (b) Award of ten fellowships at the request of Governments of developing countries;
- (c) Advisory services of up to three experts, if requested by developing countries;
- (d) Provision of a set of United Nations legal publications to up to fifteen institutions in developing countries;
- (e) Preparation of a survey of certain of the principal examples of the codification and progressive development of international law within the framework of the United Nations.

Programme for 1968

- (a) A regional seminar of three weeks' duration, which will be held in Latin America and which will be the first of a series of such seminars to be held every two years, in rotation, in Latin America, Africa and Asia;
- (b) Award of fifteen fellowships at the request of Governments of developing countries;
- (c) Advisory services of up to five experts, if requested by developing countries;
- (d) Provision of a set of United Nations legal publications to up to twenty institutions in developing countries;
- (e) Publication of a survey of certain of the principal examples of the codification and progressive development of international law within the framework of the United Nations.