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I. INTRODUCTION

1. The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was established by the General Assembly under its resolution 2099 (XX) of 20 December 1965 and has been continued under relevant resolutions repeated annually until 1971 and biennially thereafter.

2. In its most recent resolution concerning the Programme, namely resolution 42/148 of 7 December 1987, the General Assembly authorised the Secretary-General to carry out in 1988 and 1989 the activities specified in the report that he had submitted at the forty-second session (A/42/718). The Assembly expressed its appreciation to the Secretary-General for his constructive efforts to promote training and assistance in international law within the framework of the Programme, in particular for the organization of the twenty-second and twenty-third sessions of the International Law Seminar, and for the participation of the Office of Legal Affairs of the Secretariat and its Codification Division in the activities related to the Programme. The Assembly also expressed its appreciation to the United Nations Institute for Training and Research (UNITAR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) for their participation in the Programme.

3. In paragraph 13 of that resolution, the General Assembly requested the Secretary-General to report to it at its forty-fourth session on the implementation of the Programme during 1988 and 1989 and, following consultations with the Advisory Committee on the Programme, to submit recommendations regarding the execution of the Programme in subsequent years.

4. In accordance with the request of the General Assembly, the present report deals with the implementation of the Programme during 1988 and 1989 and submits recommendations regarding the execution of the Programme in subsequent years. The report, as in previous years, gives an account of the activities performed or planned by the United Nations itself and of those in which the Organisation has participated, as well as a description submitted to the Secretary-General by UNITAR and UNESCO concerning their own activities.

II. IMPLEMENTATION OF THE PROGRAMME DURING THE BIENNIUM 1988-1989

A. Activities of the United Nations

1. Geneva International Law Seminar

5. Pursuant to General Assembly resolution 42/156 of 7 December 1987, the United Nations Office at Geneva organized the twenty-fourth session of the International Law Seminar during the fortieth session of the Commission. Twenty-four candidates of different nationalities and mostly from developing countries were selected. Eighteen of the selected candidates as well as four United Nations-UNITAR Fellowship holders were able to participate in the 1988 session of the Seminar. The session was held at the Palais des Nations, from 6 to 24 June 1988.

6. Participants in the 1988 Seminar were from the following countries: Algeria, Argentina, Australia, Belgium, Brazil, Bulgaria, Burma, Chile, Finland, Germany, Federal Republic of, Honduras, India, Kenya, Lesotho, Mexico, Morocco, Nigeria, Peru, Philippines, Sri Lanka, Sweden and Togo. 4/

7. Furthermore, and pursuant to General Assembly resolution 43/169 of 9 December 1988, the United Nations Office at Geneva organised the twenty-fifth session of the International Law Seminar during the forty-first session of the Commission. Twenty-four candidates of different nationalities and mostly from developing countries were selected. Twenty-two of the selected candidates, as well as three United Nations-UNITAR Fellowship holders were able to participate in the 1989 session of the Seminar. The session was also held at the Palais des Nations, from 2 to 30 June 1989.

8. Participants in the 1989 Seminar were from the following countries: Argentina, Australia, Bangladesh, Benin, Bolivia, Burundi, Cuba, Czechoslovakia, Ecuador, Egypt, Finland, Germany, Federal Republic of, Ghana, Guatemala, India, Indonesia, Mali, Peru, Poland, Switzerland, Tanzania, Tunisia, Turkey, Viet Nam and Zaire. 5/

9. The dates of the Seminars were set in consultation with the Office of Legal Affairs so as to permit United Nations-UNITAR fellows also to participate in the sessions. 6/

10. During the three weeks of each session, the Seminar participants attended the meetings of the International Law Commission. In addition, a number of lectures were given at the Seminar. Some of these were delivered by members of the International Law Commission; others were given by officials of the United Nations Office at Geneva and of the secretariats of other international organizations at Geneva, as well as the International Committee of the Red Cross.

11. The Seminar is funded by voluntary contributions from Member States and through national fellowships awarded by Governments to their own nationals. The Commission noted with particular appreciation that in 1988 the Governments of Argentina, Austria, Denmark, the Federal Republic of Germany, Finland and Sweden, and in 1989 the Governments of Austria, Finland, the Federal Republic of Germany, Ireland, Mexico, Sweden and Switzerland had made fellowships available to participants from developing countries through voluntary contributions to the appropriate United Nations assistance programme. With the award of those fellowships it was possible to achieve adequate geographical distribution to participants and to bring from distant countries deserving candidates who would otherwise have been prevented from participating in the sessions. In 1988, 9 fellowships and in 1989, 12 full fellowships (travel and subsistence allowance) and 4 partial fellowships (travel or subsistence allowance only) were awarded. Thus, of the 558 participants, representing 124 nationalities, who have taken part in the Seminar since its inception in 1964, fellowships have been awarded to 280. 7/

12. The Commission also stressed the importance it attaches to the sessions of the Seminar, which enables young lawyers and especially those from developing countries to familiarize themselves with the work of the Commission and the activities of the

many international organizations which have their headquarters at Geneva. While in 1988 it had expressed concern at the fact that that year only nine fellowships, as against 15 of the previous year, could be awarded, in 1989 the Commission noted with great satisfaction that fellowships could be awarded to all those who had applied for financial assistance and it recommended that the General Assembly should again appeal to States which could do so to make the voluntary contributions that were needed for the holding of the Seminar in 1990 with as broad a participation as possible. 8/

13. While in 1988 the Commission had noted with concern that at that session the Seminar was held solely in the English language, no interpretation services having been made available to it, in 1989, the Commission noted with satisfaction that in the current year full interpretation services had been made available to the Seminar and it expressed the hope that every effort would be made to continue to provide the Seminar at future sessions with the same level of services and facilities despite existing financial constraints. 9/

2. Activities of the Office of Legal Affairs

(a) Public international law and other activities

14. As in the past, the Office of Legal Affairs of the United Nations and, in particular, its Codification Division continued to perform various functions connected with the goals of the Programme.

15. Pursuant to the relevant recommendations of the Secretary-General and resolutions of the General Assembly, 10/ the Office participated with UNITAR in the decision-making process on the various aspects relating to the general orientation of the United Nations-UNITAR Fellowship Programme in International Law, such as the selection of the fellows and the appointment of teaching experts for the Programme.

16. In that connection, the officers responsible for the conduct of the Fellowship Programme in the Codification Division of the Office of Legal Affairs and in UNITAR acted in close consultation to ensure the implementation of the guidelines of the Fellowship Programme as approved by the General Assembly. Furthermore, the Programme Planning and Budget Division has vested in the Office of Legal Affairs the certifying authority for expenditures against the accounts related to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. The Office also supervised a number of fellows assigned to spend a period of training in the Office.

17. Furthermore, the Office received and assigned interns to participate in activities related to some of its projects. Internships may be of two kinds: (a) ad hoc and (b) within the framework of the Department of Public Information. In the former case, the Office, in co-operation with the Office of Human Resources Management (OHRM), selects the interns and the duration and type of their training, which may consist in attaching the intern to a project of the Office of Legal Affairs related to matters in which the intern has a special interest, because of academic or other reasons. For those within the framework of the Department of

Public Information, the internship is part of a broader programme organised by that department, the main **purpose** of which is to familiarise the interns with the United Nations **system** in general and in particular **with** the department of the Secretariat in which **the** intern may have expressed a special interest. The duration of the programme is about one month. None of the interns entail **any financial** burden for the **Organization**.

18. Members of the staff of the Office of Legal Affairs, upon the proposal of the Department of Public Information, have also lectured at **Headquarters** and occasionally, upon invitation, elsewhere, on various aspects of international law and the law of international organisations to groups of foreign office officials and university students.

19. The Codification Division, among other activities related to the Programme, also performed secretariat functions for the Advisory Committee on the Programme **and** has been involved in the preparation of the report of the **Secretary-General** on the implementation of the Programme. The Division services the Sixth Committee of the **General** Assembly, which discusses legal items, including the agenda item concerning the Programme, and it assists **in** the dissemination of information regarding United Nations work **on** the codification and progressive development of international law.

(b) Activities concerning international trade law

20. In its resolutions 42/152 of 7 December 1987 and 43/166 of 9 December 1988, the General Assembly reaffirmed the importance, in particular for developing countries, of the work of the United Nations Commission on International Trade Law (UNCITRAL) concerned with training and assistance in the field of international trade law and the desirability for it to sponsor seminars and symposia, in particular those organised on a regional basis, to promote such training and assistance. The Assembly also expressed its appreciation to those regional organisations and institutions that had collaborated with the UNCITRAL **secretariat** in organising regional seminars and symposia in the field of international trade law and welcomed the initiatives undertaken by the Commission and its secretariat to collaborate with other **organizations** and institutions in the organisation of regional seminars. The Assembly further invited Governments, **international** organisations and institutions to assist the UNCITRAL secretariat in financing and **organizing** regional seminars and symposia, in particular in **developing** countries, and invited Governments, the relevant United Nations organs, organisations, institutions and individuals to make voluntary contributions for the award of fellowships on a regular basis to candidates from developing countries to enable them to participate in such seminars and symposia,

21. The UNCITRAL secretariat (the International Trade Law Branch of the Office of Legal Affairs) organised a seminar on international trade law at Maseru, Lesotho, from 25 to 30 July 1988. The Seminar was jointly sponsored by the Preferential Trade Area for Eastern and Southern African States (PTA) and the Government of the Kingdom of Lesotho. Participants in the seminar were the following:

34 individuals, including senior government officials, representatives from chambers of industry and commerce and from the universities, from 14 countries,

namely Burundi, Djibouti, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Mosambique, Rwanda, Swaailand, Uganda, United Republic of Tansania, Zambia and Zimbabwe; as well as 36 persons from Lesotho.

22. The discussions covered the work of UNCITRAL in the following fields: international sale of goods; international commercial arbitration and conciliation; Legal Guide on Drawing up Contracts for the Construction of Industrial Works; international transport of goods; and international payments. Funding was provided by voluntary contributions from the Governments of Denmark, Finland, Ireland, the Netherlands, Norway, Sweden and the United States of America.

23. UNCITRAL noted that the results of the seminar had been discussed at the meeting of the PTA Committee of Legal Experts held at Lusaka from 6 to 8 October 1988, where the Committee had concluded that, "considering the relevance of these texts to the success of the PTA economic arrangement, the PTA Member States should be urged to consider and possibly adopt these texts." 11/ The report of the seminar was noted by the PTA Council of Ministers at its 13th meeting, held at Arusha, Tansania, from 26 to 29 November 1988. The Council noted that "the most important aspect of the Seminar was that the participants appreciated that the adoption by Member States of the UNCITRAL legal texts would contribute to the objectives of the PTA because they were intended to minimise discrepancies in existing national legislations. The Council was informed that the participants would recommend to their Governments that they adopt the different UNCITRAL texts." 12/

24. UNCITRAL expressed its satisfaction with the results of the seminar. It requested the Secretariat to remain in contact with the PTA secretariat and with the participants in the seminar with a view to maintaining their interest in the work of UNCITRAL and of the consideration and possible adoption by the States concerned of the texts prepared by UNCITRAL.

25. UNCITRAL also co-sponsored with the Cairo Regional Arbitration Centre a seminar on international commercial arbitration at Cairo from 28 to 31 March 1988. Participants were drawn from all countries of the region. Furthermore a two-week workshop on international trade law and practice for personnel of enterprises engaged in international trade was held at Qingdao, China, from 11 to 22 July 1988 in co-operation with the Economic and Social Commission for Asia and the Pacific (ESCAP).

26. It is also to be noted that four interns received training with the UNCITRAL secretariat during 1998 and were associated with current projects of the Commission.

27. In 1989, the UNCITRAL secretariat organised a symposium on the work of UNCITRAL during the second week of the twenty-second session of the Commission, from 22 to 26 May 1989, at Vienna. Approximately 250 applications for the seminar were received from 90 countries. Funds had been available to award 32 scholarships to cover the travel expenses of participants from developing countries. An additional 48 individuals participated without financial support. Lectures on the conventions and other legal texts prepared by the Commission were given by

representatives and observers who had participated in ~~the~~ preparation of the texts and by members of the secretariat.

28. UNCITRAL considered the subject of the teaching, study, dissemination and wider **appreciation** of international trade law at its twenty-first **session**, from 11 to 22 April 1988. In the report on the work of that session, **13/** it was noted that, beginning with its first session, the Commission had expressed the view that its activities in the field of training and assistance were important.

29. There was general **agreement** with the conclusion expressed in a note by the Secretariat (A/CN.9/311) that in order for the Commission and its secretariat to carry on a viable programme of training and assistance an adequate and assured source of funds had ~~to~~ be available. The Commission noted that difficulties were experienced in planning a seminar or symposium when the funds were not **available** sufficiently in advance to make ~~the~~ necessary commitments and when the level of contributions was inadequate.

30. A discussion followed regarding the suggestion by the Secretariat that the Commission recommend to Governments, the relevant United Nations organs, **organizations**, institutions, and individuals that they contribute on an annual basis to the trust fund already in existence to finance symposia organised by the Commission. It was recognised that the suggestion was essentially the **same** as that contained in General Assembly resolution **42/152**, paragraph 5 (d), but the view was expressed that if such a recommendation was made by the Commission, after discussion of the topic it could be expected to elicit a favourable response. A further view was expressed that any such recommendation **should** make it clear that contributions to the trust fund or any other contributions would be purely voluntary. Any target figure for total annual contributions, such as the smount of \$US 150,000 suggested by the Secretariat, would be only in the nature of a guideline and would not **constitute** a commitment of the Government to continue to contribute to the trust fund, or to continue to do so in the same amount, in the future. Several representatives expressed support for the suggestion and stated that their Governments would actively consider **contributing** to the trust fund on an annual basis. Other representatives stated that, while they could see the purpose behind the suggestion, it would be easier for their Governments to contribute for a specific symposium or other specific purpose rather than to the trust fund in general. Nevertheless, in the light of the willingness of some Governments to consider making such an **annual** contribution, those representatives were willing to bring the suggestion to the attention of their Governments. After discussion, the Commission decided to invite Governments, the relevant United Nations organs, organisations, institutions and individuals to make voluntary **contributions** on an annual basis to the existing trust fund for UNCITRAL symposia, **14/**

31. Also, at its twenty-second **session**, from 16 May to 2 June 1989, UNCITRAL considered aspects related to the teaching, study, dissemination and wider appreciation of international trade law. **15/**

32. URCITRAL expressed its appreciation to all those who had helped to organize, and who had given lectures at, both the 1988 seminar in Lesotho and the Vienna 1389 symposium. In particular, the Commission expressed its appreciation to ~~the~~

Governments of Denmark, Finland, the Netherlands, Norway, Sweden and the United States, which had contributed to the financing of the seminar in Lesotho, and to the Governments of Austria, Canada, Denmark, Finland and Sweden, which had contributed to the financing of the Vienna symposium. The Commission took note with appreciation that Finland had pledged the sum of 100,000 markka (approximately \$23,000) per year for a period of four years for the support of the Commission's programme of training and assistance. The Commission also noted with appreciation that Switzerland had pledged the sum of 50,000 Swiss francs per year for a period of four years for the support of the general programme of the Commission, and that it had been possible to use some of those funds for the symposium.

33. UNCITRAL was informed that the Secretariat **expected** to intensify even further its efforts to organise or co-sponsor seminars and symposia on international trade law, especially for developing countries. In view of the interest in the symposium held during the 1989 session, and of the advantages of holding symposia in connection with the sessions of the Commission when they were held at Vienna, the location of the **Commission's** secretariat, it was intended to organise a symposium on the occasion of the twenty-fourth session of the Commission in 1991.

34. A seminar for the purpose of promoting the texts prepared by UNCITRAL amongst the Asian States members of the Asian-African Legal Consultative Committee (AALCC) would be held at New Delhi in October 1989 jointly with AALCC. The Secretariat had been invited to participate in two seminars to be **organized** during 1989 by the Caribbean Community on the carriage of goods by **sea** at which the Hamburg Rules would be one of the major subjects of consideration.

35. A seminar on the work of UNCITRAL was planned to be held in Moscow in March 1990 for participants from developing countries. The seminar **would** be financed from a trust fund established by the Soviet Union with the United Nations Development Programme (UNDP) for the training of individuals from developing countries.

36. The Secretariat **reported** that it was holding discussions for further seminars to be held in developing countries in different parts of the world. It was hoped that financing would be available both for larger seminars and symposia based on the model of the seminar in Lesotho and the symposium held at the current session and for smaller events that might involve fewer participants and a more restricted list of subjects. It was said that both types of events **were** useful in a programme of seminars and symposia for the promotion of the work of UNCITRAL,

37. UNCITRAL expressed its approval of the efforts of the Secretariat to conduct an increased programme of seminars and symposia. It recalled the invitation of the General Assembly in **paragraph 5 (c)** of its resolution **43/166** of 9 December 1988 to Governments, the relevant United Nations organs, **organizations**, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Symposia Trust Fund for the financing of such activities. UNCITRAL also recalled its own invitation made at its **twenty-second** session that such voluntary contributions be made, where possible, on an annual basis. **16/**

3. Activities of the Office for Ocean Affairs and the Law of the Sea: Hamilton Shirley Amerasinghe Memorial Fellowship

38. The Amerasinghe Memorial Fellowship programme consists of a period of six to nine months' specialized research and study. The research and study facilities are made available by one of the educational institutions that have offered facilities under the programme. This is followed by a period of internship of up to three months with the Office for Ocean Affairs and the Law of the Sea. The institutions currently participating in the programme are as follows: Centre for Ocean Law and Policy, University of Virginia, United States; Dalhousie Law School, Halifax, Canada; Graduate Institute of International Studies, Geneva; Marine Policy Center, Woods Hole Oceanographic Institution, Massachusetts, United States; Netherlands Institute for the Law of the Sea, University of Utrecht; Research Centre for International Law, University of Cambridge, United Kingdom of Great Britain and Northern Ireland; School of Law, University of Georgia, United States; School of Law, University of Miami, United States; School of Law, University of Washington, United States; and William S. Richardson School of Law, University of Hawaii, United States.

39. The Hamilton Shirley Amerasinghe Memorial Fellowship was launched in accordance with General Assembly resolution 35/116 of 10 December 1980. 17/

40. The primary objective of the fellowship is to provide facilities for successful candidates to carry out post-graduate level study or research and training in the law of the sea, its implementation and related marine affairs which will advance the fellows in their chosen professions or vocations and lead to the acquisition of additional knowledge on, better understanding of, and greater specialisation in the fields of study related to the law of the sea and its implementation and contribute to the development of their countries.

41. The rules and guidelines for the award are consistent with the appropriate practices of the United Nations regarding the award of fellowships under its programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. The rules and guidelines together with application forms for the fellowship are distributed globally through the offices of the resident representatives of the United Nations Development Programme and through the United Nations information centres.

42. A preliminary review of the individuals' applications and nominations which are received from Governments, government agencies, institutions and bodies in response to the invitations is carried out by the Office for Ocean Affairs and the Law of the Sea in co-operation with the Office of Legal Affairs, and a short list of candidates is drawn up for evaluation by the Advisory Panel. 18/

43. In accordance with the rules and guidelines, the Advisory Panel is composed of eight eminent persons in international affairs, the law of the sea and related fields and is constituted to evaluate the candidates and make recommendations, on the basis of which the Special Representative of the Secretary-General for Ocean Affairs and the Law of the Sea makes the award.

44. The Special Representative of the Secretary-General for Ocean Affairs and the Law of the Sea, Mr. Satya N. Nandan, has thus, on the recommendation of the Advisory Panel, made three awards since 1986. The first was made in 1986 to a lawyer from the Ministry of Foreign Affairs of Nepal; the second, **in** 1987, to a lawyer from the Ministry of Foreign Affairs of the United Republic of Tanzania; and the third award was made in 1988 to another lawyer, a legal adviser attached to the Ministry of Foreign Affairs of Chile.

45. The **fellow** chosen for the third award is commencing her fellow-in-residence programme in October 1989 at the Research Centre for International Law, University of Cambridge, United Kingdom, under the supervision of Professor E. Lauterpacht.

46. During the period of study and research the fellow is provided **with a** subsistence allowance on the basis of established United Nations rates for fellowships. Subsistence is also paid during the internship period with the Office **for Ocean Affairs and the Law of the Sea** in New York. Round-trip air travel is provided from the home country to the educational institution and thereafter to United Nations Headquarters and thence back to the home country.

47. The fellows are required under the terms of the rules and guidelines to prepare **a** dissertation on a subject of special relevance which would be utilised in the preparation of a study on the subject to be published by the Office for Ocean Affairs and the Law of the Sea.

48. The annual fellowships **are** funded from the available interest accrued from the Hamilton Shirley Amerasinghe Fellowship Fund. This year, the Advisory Panel will **meet** on 5 December 1989 to decide on a candidate **for** the **fourth** award. The award will thereafter be announced by the Special Representative.

49. Due to the limited income available from the Fellowship Fund and the high costs involved in travel and subsistence, it will again be possible to **accommodate** only one fellowship for 1990. The Special Representative would welcome further contributions to the Fellowship Fund from Member States, philanthropic organisations, international organisations and individuals in order to permit the award of **more** than one annual fellowship, **thus** enabling an **expansion** of the current programme and **the more** effective utilization of the opportunities offered by the participating universities.

4. Co-operation with other organisations

50. Several international organizations and institutions **19/** have continued to participate as observers in various meetings of United Nations bodies dealing **with** the **progressive** development of international law and its codification. For instance, such international organisations and institutions participate **as** observers in the work of the Sixth Committee, and International Law Commission, **UNCITRAL** and other committees created for the purpose of drafting international instruments. It is also to be noted that between 9 and 11 **October** 1988 a joint meeting of the members of AALCC and the International Law Commission present in **New** York was held in co-operation with the Secretariat to discuss a number of topics of mutual interest to the two bodies.

/...

5. Publicity

51. The UN Chronicle has frequently included information on the current legal activities of the United Nations, 20/

6. Provision of United Nations legal publications

52. Pursuant to paragraph 92 (f) of the 1987 report of the *Secretary-General on the Programme of Assistance (A/42/718)* and paragraph 1 of General Assembly resolution 42/148 authoriaing its implementation, copies of United Nations legal publications issued during 1988 and 1989 have been provided to the institutions in developing countries that have been receiving such publications under the Programme and to other institutions in the developing countries for which requests for such publications have been made by the Member States concerned. 21/ The International Court of Justice continued to provide copies of its publications to institutions receiving assistance under the Programme. In this connection, the Court has reported that in the recent past it has substantially increased the number of universities and institutions, particularly from developing countries, receiving its publications on a regular basis. 22/ Furthermore, the Court has included in its free distribution list United Nations information centres recently established in some developing countries. 23/ Several questions relating to the distribution and translation of the publications of the International Court of Justice into languages other than English or French are dealt with in a report of the Joint Inspection Unit (JIU) and in comments by the Secretary-General and by the Court in an annex to that report. 24/ Furthermore, under section IV, paragraph 3, of General Assembly resolution 42/225 of 21 December 1987, a report of the Secretary-General is expected on these matters at the present forty-fourth session of the General Assembly.

7. Fellowships offered at national institutions

53. The Secretary-General circulated to Member States, at the request of the Permanent Mission of the Ukrainian Soviet Socialist Republic to the United Nations, a communication from that State giving information about two fellowships for study of international law at the Kiev State University with a duration, starting in 1989, of one year for specialists with a knowledge of Russian and two years for specialists with no knowledge of Russian.

B. United Nations-UNITAR Fellowship Programme in International Law

54. Under paragraph 2 (a) of General Assembly resolution 42/148, the Assembly authorised the Secretary-General to award a minimum of 15 fellowships each in 1988 and 1989. Accordingly, the United Nations and UNITAR jointly sponsored 20 fellowships in 1988 and 16 fellowships in 1989.

55. As provided for in paragraph 1 of General Assembly resolution 42/148 and paragraph 77 of the previous report of the Secretary-General (A/42/718), the Office of Legal Affairs, in particular its Codification Division, and UNITAR collaborated in various aspects of the Fellowship Programme such as the selection of fellows, the appointment of teaching experts and financing of the Programme. As in previous years, UNITAR was responsible for the day-to-day administration of the joint programme. The Fellowship Programme is financed partly from a budgetary allocation (see para. 94 below) and partly from a trust fund of voluntary contributions earmarked for the Fellowship Programme (see paras. 94 and 95).

56. While the United Nations fellowships are open only to candidates from developing countries, UNITAR has in the past financed out of its own budget up to two fellowships for candidates from developed countries. Owing to budgetary constraints, however, UNITAR was unable to finance those fellowships in 1988-1989.

57. The objectives of the Programme are to enable qualified persons, in particular middle-grade government legal officers and young teachers of international law, (a) to deepen their knowledge of international law, particularly those questions of special interest to developing countries; (b) to acquire practical experience of the legal work of the United Nations and its associated agencies; and (c) to have an opportunity for frank and informal exchange of views on legal problems of common interest or of special concern to their respective countries.

58. The Programme being open to candidates from developing countries, 78 applications from 50 countries were received in 1988, and 45 applications from 31 countries in 1989. In the selection of candidates, special consideration was given to the qualifications of individual applicants, the needs of their respective countries and their normal fields of work, while also bearing in mind the desirability of ensuring a balanced geographical distribution. The equitable participation of males and females was also considered. In keeping with usual practice, preference was given to candidates from countries whose nationals had not been awarded a fellowship in the immediately preceding years. A certain preference was also given to the poorest among the developing countries and to those which had recently gained independence,

59. The fellows chosen in 1988 were from the following countries: Argentina, Bahrain, Brazil, Burma, Congo, Fiji, Gambia, Guinea-Bissau, India, Kenya, Malawi, Mexico, Niger, Nigeria, Pakistan, Seychelles, Solomon Islands, Suriname, Trinidad and Tobago and Tunisia.

60. In 1989 the fellows chosen were from the following countries: Bangladesh, Benin, Chad, Côte d'Ivoire, Democratic Yemen, Guatemala, Guinea, Honduras, Iran (Islamic Republic of), Mali, Mozambique, Peru, Sudan, United Republic of Tanzania, Uruguay and Viet Nam.

61. As in previous years, the fellows were offered the choice of the following schemes:

(a) Attendance for six weeks at the annual lectures in private and public international law at The Hague Academy of International Law and participation in

the special lectures and seminars organised by UNITAR, which are held concurrently with the Academy's lectures. All fellows pursued this scheme³

(b) Attendance for six weeks at the lectures at The Hague Academy of International Law and the UNITAR special seminars as in scheme (a) above, and participation in the Geneva International Law Seminar, organised by the Office of Legal Affairs in conjunction with the annual session of the International Law Commission. Four fellows pursued this scheme in 1988 and three fellows in 1989;

(c) Attendance for six weeks at the lectures at The Hague Academy of International Law and the UNITAR special seminars as in scheme (a) above, followed by a three-month practical training period in the Office of Legal Affairs of the United Nations or in the legal departments of the various United Nations specialised agencies or bodies. Because of budgetary constraints, only three fellows were selected to pursue this scheme in 1988 and only one in 1989.

62. The study programme at The Hague comprised, in addition to the metier of lecturer on private and public international law given at the Academy, an intensive programme of seminars and exercises specially organised by UNITAR for the benefit of the fellows,

63. Topics for the 1988 special seminars were as follows: the new international economic order; the United Nations Convention on the Law of the Sea; legal aspects of international trade, settlement of disputes in international commercial transactions; legal aspects of development financing; international humanitarian law; international régime for the protection of refugees; international protection of human rights; some aspects of the codification process of international law in the United Nations negotiations and drafting of treaties and other international legal instruments; and settlement of international conflicts. 25/

64. Topics for the 1989 special seminars were the following: basic principles of international economic law; the new law of the sea; role and function of a legal adviser; legal aspects of international trade; settlement of disputes in international commercial transactions; legal aspects of development financing; international humanitarian law; international régime for the protection of refugees; international protection of human rights; some aspects of the codification process of international law in the United Nations; negotiation and drafting of treaties and other international legal instruments; and settlement of international conflicts. 26/

65. The International Law Fellowship Programme remains a useful and relevant training activity and continues to be high in demand by government lawyers and university teachers from all parts of the developing world. This year again, participants unanimously confirmed, in the evaluation exercise conducted by UNITAR at the end of the course, that the programme had met a felt need and that it had successfully achieved its stated objectives,

C. Activities of the United Nations Institute for Training and Research: regional training and refresher course in international law for Latin America and the Caribbean

66. As in previous years, and in accordance with General Assembly resolution 42/148, UNITAR organised a two-week regional training and refresher course in international law. The regional course for 1988 was intended for the region of Latin America and the Caribbean and took place at Brasilia from 21 November to 1 December. The course was held at the Instituto Rio Branco at the Ministry of Foreign Affairs of Brazil and was co-sponsored by the Government of Brazil.

67. The basic objective of the programme was to provide young government legal advisers and university teachers with an opportunity to update and deepen their knowledge of recent developments in international law of particular relevance to the region and, more generally, to help to promote international law as a means of strengthening international peace and friendly relations among States.

68. Twenty-eight course participants were selected from the following countries: Argentina, Barbados, Brazil, Chile, Colombia, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Uruguay and Venezuela.

69. The curriculum, which was designed by experts and scholars from Latin America and other parts of the world, 27/ included the following topics: legal aspects of development finance; legal aspects of international trade; regional integration in Latin America and the Caribbean) recent developments in international law; a regional perspective) legal aspects of transfer of technology; basic principles of international economic law; the new law of the sea; international protection of human rights; peaceful settlement of disputes and diplomatic and consular law.

70. The Secretary-General of the United Nations and the Executive Director of UNITAR wish to express their thanks and appreciation to the Government of Brazil for its willingness to co-sponsor the regional training and refresher course and for acting as host to the course, thus contributing to the successful organisation of one of the activities within the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

71. It is also to be noted that because of lack of funds, UNITAR did not implement the regional training and refresher course in international law which had been scheduled in 1989 for the African region. UNITAR hopes to be able to organise the course in 1990 partly with budgetary funds under the Assistance programme allocated for the new biennium and partly from voluntary contributions of States earmarked for the regional courses. (See para. 99 below.)

D. Activities of the United Nations Educational, Scientific and Cultural Organization

72. UNESCO's contribution for 1988-1989 to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law falls within the framework of Major Programme XIII (Peace,

international understanding, human rights and the law of nations), and more specifically under **subprogramme X111.1.1** (Consideration of factors contributing to peace) of the programme and budget for 1988-1989 approved by the **General Conference** at its twenty-fourth session, held in Paris from 20 October to 20 November 1987.

73. The activities undertaken are designed to develop the role of UNESCO in teaching and research in international law, including humanitarian law.

74. In the area of teaching activities, UNESCO organised a regional post-graduate training course on international law at Bujumbura from 7 to 13 January 1988, in co-operation with the University of Burundi.

75. Workshops were set up in order to prepare a fictitious arbitration concerning a dispute on the right of transit involving three States. In order to familiarise the participants with the possible ramifications of such a dispute, related questions on land-locked States, State responsibility, the succession of a State to treaties, etc., were also brought into the picture.

76. The aim of the seminar was to familiarize participants with the procedures for the peaceful settlement of disputes between States and the preparation of a brief.

77. The seminar was attended by some 60 participants, including six teachers, a score of public officials, ministerial advisers, judges and legal advisers and about 30 final-year law students. The vast majority of the participants were Burundian, but three were from Cameroon, Gabon and Zaire.

78. The seminar proved particularly stimulating for all participants as well as for the teachers from the Bujumbura Faculty of Law who attended some sessions. It gave all concerned an opportunity to become actively involved in the preparations for arguing the case face-to-face and in the discussions,

79. The seminar format proved particularly suitable for the teaching, study, dissemination and wider appreciation of international law. Accordingly, UNESCO plans to repeat the experiment, holding another international post-graduate training seminar on international public law in 1990, in collaboration with the University of Algiers, focusing on recent developments and the growth of international public law.

80. From 4 to 8 September 1989, UNESCO held an international meeting of experts on the study and teaching of international law at the invitation of the Government of Tunisia and in co-operation with the Tunis Association of International Studies. The meeting, held under the aegis of the Tunis Interdisciplinary Chair of International Relations, brought together experts and observers to consider, first, present trends, evaluation and future prospects for the study and teaching of international relations, and then the inputs of other disciplines, such as anthropology, the political sciences, economics and international public law, into the development of the study and teaching of international relations,

81. In connection with research and publications in the field of international law, the following may be mentioned:

(a) A French version of The International Bill of Human Rights • study of normative and institutional development published in English by the organisation in 1986) was prepared for UNESCO by the Netherlands Institute of Human Rights (SIX) in 1988;

(b) The first issue for 1988 of the liaison bulletin International Law was published at Bangkok by UNESCO in June, and contained news and information from Asia and the Pacific;

(c) World directory of human rights teaching and research institutions, (BERG/UNESCO 1988), 216 pp.;

(d) World directory of peace research and training institutions (UNESCO/BERG 1988), 271 pp.;

(e) Humphrey, John, No distant millenium. The international law of human rights, (Paris, UNESCO, 1989), 204 pp.

82. Furthermore, true to its calling, UNESCO has committed itself to the preparation and publication of teaching material on international law. Next year it will publish an introductory manual on international public law, which will present as complete a picture as possible of the field covered by international law and try to reflect currents and schools of thought in this area in order to do justice to the richness of the current debate on the subject. It will also issue the second edition of the World directory of international law teaching and research institutions.

III. RECOMMENDATIONS OF THE SECRETARY-GENERAL REGARDING EXECUTION OF THE PROGRAMME IN THE BIENNIUM 1990-1991

83. The General Assembly, in paragraph 13 of its resolution 42/148, requested the Secretary-General, following consultation with the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, to submit recommendations regarding the execution of the Programme in subsequent years. The Secretary-General's recommendations with respect to the conduct of the Programme activities in 1990 and 1991, which were considered by the Advisory Committee at its twenty-fourth session, are set out below.

A. Activities of the United Nations

84. The following recommendations were made by the Secretary-General:

(a) Geneva International Conference. It is expected that if sufficient voluntary contributions from States continue to be made, new sessions of the Seminar will be held in 1990 and 1991 in conjunction with those of the International Law Commission. The scheduling of the sessions of the Seminar should be done in such a way so as to make it financially possible for

United Nations-UNITAR international law fellows selected for scheme (b) referred to in paragraph 61 above also to participate in such sessions. In connection with the organisation of the seminar, attention is also drawn to paragraphs 12 and 13 above.

(b) Activities of the Office of Legal Affairs

- (i) Public international law and other activities.** During the biennium 1990-1991 the Office of Legal Affairs and its Codification Division are expected to continue performing the various functions connected with the goals of the Programme, as described in the present report, namely, participation with UNITAR in the United Nations-UNITAR Fellowship Programme; training of interns; lecturing on international law topics; secretariat functions to the Advisory Committee and to the Sixth Committee on the item concerning the United Nations Programme of Assistance and the dissemination of information regarding the codification and progressive development of international law.
- (ii) Activities concerning international trade law.** The steps to promote training and assistance in international trade law are of particular concern to developing countries, and the activities of the UNCITRAL secretariat in this area are discussed in paragraphs 20-37 of the present report. The Secretary-General, through the International Trade Law Branch of the Office of Legal Affairs, will take the requisite action during the biennium 1990-1991 in order to implement the recommendations addressed to him in this regard by UNCITRAL and the General Assembly.

(c) Activities of the Office for Ocean Affairs and the Law of the Sea regarding the Hamilton Shirley Amerasinghe Fellowship. It is expected that the Office for Ocean Affairs and the Law of the Sea, after having awarded an Amerasinghe Fellowship in 1987, 1988 and 1989 will continue to award at least one fellowship annually, in accordance with the rules and guidelines referred to in paragraph 41 of the present report. In this connection, however, attention is drawn to paragraph 49 of the present report;

(d) Publicity. The United Nations Secretariat shall continue its efforts to see that adequate publicity is given to the legal activities of the United Nations, in particular, by the regular inclusion in the UN Chronicle of matters of legal interest;

(e) Provision of United Nations legal publications. Copies of United Nations legal publications issued during 1990 and 1991 will be provided to the institutions in developing countries that have been receiving such publications under the Programme and to other institutions in the developing countries for which requests for such publications are made by the Member States concerned. Each new request shall be reviewed on its own merits, taking also into account the availability of the legal publication in question,

(f) Fellowships and scholarships offered at national institutions. Information received from Governments regarding the fellowships and scholarships offered at national institutions will, at the request of those Governments, be circulated to all Member States.

85. In summary, the Secretary-General recommends that in 1990 and 1991 the activities referred to in paragraphs 5 to 53 of the present report should continue to be conducted by the United Nations Secretariat along the same lines as they have been conducted in the past, leaving room for new initiatives. In the event that extra funds were to become available, the matters should be looked at afresh. The activities listed above represent, in the view of the Secretary-General, a practical and effective use of the means at present available for the purposes of the United Nations participation in the Programme and, as such, should be continued.

B. United Nations-UNITAR Fellowship Programme in International Law

86. The Secretary-General recommends that the United Nations Office of Legal Affairs-UNITAR Fellowship Programme in International Law be continued in 1990-1991 as in the past, with a minimum of 15 fellowships each year to be awarded under the United Nations regular budget by the selection procedure followed in previous years.

87. An additional number of fellowships may also be awarded from the Trust Fund of the Programme of Assistance, subject to the voluntary contributions received each year and to the advisability of ensuring against irregularities in the flow of voluntary contributions.

88. Extreme caution should be used in the allocation of sums from the Trust Fund to finance administration and other expenses of the Fellowship Programme. As in previous years, it is to be stressed that guidelines contained in General Assembly resolutions should be followed, in particular the desirability to use, as far as possible, the resources and facilities made available by Member States, international organisations and others, as well as the need, in appointing teaching experts for the Fellowship Programme, to secure the representation of major legal systems and balance among various geographical regions.

89. Taking particularly into account the ongoing financial crisis of the Organisation, maximum use should be made, in the implementation of the International Law Fellowship Programme, of mobilising human and material resources of the Organisation so as to achieve the best possible results within a policy of maximum financial restraint. To the extent possible, teaching experts for the special seminars should be recruited from among the staff of the Organisation, reducing to a minimum consultants' fees and travel expenses and thus making full use of the expertise of the staff of the Organisation in international law and related areas. The officials responsible for the conduct of the Fellowship Programme in the Codification Division of the Office of Legal Affairs and in UNITAR should act in close consultation to promote the implementation of these guidelines. As the International Law Fellowship Programme is a United Nations-UNITAR joint programme, both the Office of Legal Affairs of the United Nations and UNITAR will exercise jointly the decision-making on the various aspects relating to the general orientation of the Programme, such as the selection of the fellows and the appointment of teaching experts. As in previous years, UNITAR will continue to conduct the day-to-day administration of the Programme, subject to decisions regarding the future of UNITAR and its funding.

C. Activities of the United Nations Institute for Training and Research

90. The Secretary-General points out the desirability that the cycle of regional training and refresher courses organized by UNITAR pursuant to previous General Assembly resolutions should be continued in the biennium 1990-1991, subject to decisions regarding the future of UNITAR and its funding.

D. Activities of the United Nations Educational, Scientific and Cultural Organization

91. Within the framework set by its budgetary allocations, the UNESCO contribution to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law will **continue** to develop during the biennium 1990-1991 by means of activities tending to strengthen further the specific role of **UNESCO** concerning the development of both the research and the teaching of international law.

IV. ADMINISTRATIVE AND FINANCIAL IMPLICATIONS OF UNITED NATIONS PARTICIPATION IN THE PROGRAMME

A. Biennium 1988-1989

92. Among the activities carried out under the Programme during 1988 and 1989, the following items are related to budgetary allocations of the regular budget: the supply of United Nations legal publications to institutions in developing countries; the provision of a minimum of 15 fellowships each year under the joint Fellowship Programme (United Nations Office of Legal Affairs-UNITAR); and assistance in the form of a travel grant for **one** participant from each developing country invited to regional training and refresher courses organized by UNITAR.

93. The cost of handling and shipping of United Nations legal publications to institutions in developing countries has been covered under section 29.28 (1) 3 (Conference and library services, Distribution service) and section 28 (Administration and Management, Office of General Services, Communications, Mail operations) of the United Nations budget for the 1988-1989 biennium. The cost itself of producing the publication falls under the respective allocations **for** the substantive programmes to which each publication belongs.

94. As for the cost of provisions by the United Nations of a minimum of 15 fellowships **each** year and travel grants for participants in the regional seminars and refresher courses, a total of \$264,100 was appropriated in the regular budget **sources** under section 26.40 (Legal Activities, Progressive development and codification of international law) of the programme budget for the biennium 1988-1989. Furthermore, and in accordance with paragraph 10 of General Assembly resolution 42/148, the Secretary-General addressed a note on 30 March 1988 and on 24 March 1989 to Member States drawing their attention to paragraphs 10, 11 and 12 of that resolution, whereby the Assembly requested Member States, organizations and individual⁸ to make voluntary contributions towards the financing of the Programme.

95. In that connection, subsequent to the issuance of the previous report of the Secretary-General (A/42/718), contributions from the following Governments were received in 1988 and for the International Law Fellowship Programme: Argentina, \$10,000; Austria, \$569; and Greece, \$3,000. In 1989, the following contributions were received: Argentina, \$10,000; Austria, \$456; and Greece \$3,000.

96. For the International Law Seminar, the following Governments made contributions during 1988 : Argentina, \$3,000; Austria, \$265; Denmark, \$4,687) Finland, \$6,219) Germany, Federal Republic of, \$5,811) and Sweden, \$5,000. In 1989 the following contributions were received: Argentina, \$3,000; Austria, \$214; Finland, \$5,995; Ireland, \$3,576; Germany, Federal Republic of, \$4,915; Sweden, \$5,000; Switzerland, \$2,857) and Mexico, \$3,000.

97. For the Hamilton Shirley Amerasinghe Memorial Fellowship, a contribution of \$500 was received during 1988 from the Government of the Bahamas. In 1989 a contribution of \$2,500 was received from Mr. J. R. Stevenson.

98. For the UNCITRAL symposia, the following Governments made contribution⁶ during 1988: Denmark, \$15,212~ Finland, \$17,192; Ireland, \$3,995; Netherlands, \$25,987; Norway, \$14,941) Sweden, \$15,000) and United States, \$50,000. In 1989, the following contributions were received: Denmark \$4,076; Sweden, \$5,516; and Switzerland, \$30,545.

99. For UNITAR regional courses, a contribution of \$2,000 was received in 1989 from the Government of Mexico.

B. Biennium 1990-1991

100. Assuming that the Secretary-General's recommendation in paragraph 84 (e) above regarding the provision of legal publications is accepted, the cost of handling and shipping the United Nations legal publications issued in 1990 and 1991 should be covered by the estimates under section 29.32 (4) 3 (Conference and library services, Distribution service) and section 28.D 54 (Administration and Management, Office of General Services, Communications, Mail operations), of the proposed programme budget for the biennium 1990-1991.

101. With regard to the provision of fellowship⁸ within the United Nations Office of Legal Affairs-UNITAR Programme and of travel grants for participant⁸ in regional courses to be organised by UNITAR during 1990 and 1991, an amount of \$300,400 is included in the regular budget sources under section 26.37 (Legal activities, Progressive development and codification of international law) of the proposed programme budget for that biennium, assuming that the General Assembly approves the Secretary-General's recommendation (see paras. 86-90 above) on those programmes.

102. The Secretary-General would repeat his efforts, if the General Assembly so decides, in requesting voluntary contributions towards the Programme. It is proposed that, as in past years, the funds accruing from such contribution⁶ have, as a main goal, subject to considerations of a practical nature, the increase of the number of fellowship grants to candidate⁸ from developing countries in addition

to the minimum that would be authorised by the General Assembly under the appropriations from the regular budget.

**V. MEETINGS OF THE ADVISORY COMMITTEE ON THE UNITED NATIONS
PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY,
DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW**

A. Membership of the Advisory Committee

103. In accordance with paragraph 14 of General Assembly resolution 42/148, the membership of the Advisory Committee for the period 1 January 1988 to 31 December 1991 is as follows: Bangladesh, Cyprus, France, Ghana, Libyan Arab Jamahiriya, Mexico, Netherlands, Romania, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela and Zaire.

B. Twenty-third session

104. In paragraph 13 of its resolution 42/148, the General Assembly requested the Secretary-General to report to the Assembly at its forty-fourth session on the implementation of the Programme during 1988-1989.

105. As part of the preparation of the report requested under the above resolution, the Secretary-General prepared an interim report covering the activities carried out during 1988 by the various bodies that participated in the execution of the Programme.

106. For the discussion of the interim report of the Secretary-General, the Advisory Committee held its twenty-third session on 14 December 1988. The session was attended by the representatives of the following members of the Advisory Committee: France, Ghana, Libyan Arab Jamahiriya, Mexico, Netherlands, Romania, Turkey, Union of Soviet Socialist Republics, United Kingdom and Venezuela. It was chaired by Mr. Clifford Nii Amon Kotey (Ghana), who was elected Chairman for the four-year membership period of the Advisory Committee running from 1 January 1988 to 31 December 1991. It was agreed that in case of absence of Mr. Kotey his replacement in his mission would act as Chairman of the Committee,

107. The Deputy to the Legal Counsel of the United Nations and Director of the General Legal Division of the United Nations, Mr. Paul Saass, represented the Secretary-General at the session, Mr. Manuel Rama-Montaldo, Senior Legal Officer, Codification Division, Office of Legal Affairs, acted as Secretary of the Advisory Committee.

108. The Advisory Committee considered the Secretary-General's interim report, which was introduced by the Deputy to the Legal Counsel of the United Nations.

109. The representatives of the Office of the Special Representative of the Secretary-General for the Law of the Sea and of UNITAR made statements elaborating on the sections of the interim report concerning their respective offices.

110. ~~Some~~ representatives made general comments on the purposes of the Programme and on the role of international law in international relations,

111. One representative underscored the usefulness of the Programme in familiarising many young jurists from around the world, particularly from developing countries, with the norms of international law, thereby promoting the development of peaceful international relations. He also stressed the meaningful role that international law played in shaping a more humane and peaceful world in which to live, and the importance of ensuring the primacy of international law in international relations. He also indicated that great efforts were carried out by his country in the teaching and dissemination of international law, by training a great number of students and post-graduate students, particularly from the developing countries, at universities and other academic institutions.

112. Another representative noted with concern what he characterized as a certain regression in the contemporary teaching of public international law in the world. He cited a reply by UNESCO (A/43/530) to a letter from the Secretary-General on the agenda item of the General Assembly entitled "peaceful settlement of disputes between States" and stated that a fragmentation of programmes for the teaching of public international law had occurred in academic institutions of some countries. Furthermore, the subject had often acquired an optional rather than compulsory character, and even when it was compulsory, the number of hours devoted to the subject was not always sufficient. He also stressed the need for the publication of repertoires of the international practice of States of the third world and of the regional and subregional organisations created by them as a means of contributing to a truly universal approach in the elaboration of international law. He also pointed out several areas of international law which in his view deserved special consideration in the future, from both an academic and a practical point of view. These areas were: the universally recognised principles of international law; the question of the primacy of international law in the conduct of all States; recent developments concerning the principles of non-use of force and of peaceful settlement of disputes as well as the question of the prevention and removal of disputes in international relations, the democratisation of international life and of international relations as an objective of the rule of international law; and the role of the United Nations in the codification and progressive development of international law.

113. Several representatives expressed the wish that the concern voiced by the International Law Commission at its forty-third session concerning the provision of interpretation services for the International Law Seminar would be heeded.

114. The Secretary stated that every effort was being made by the Secretariat with a view to ensuring that the Seminar would be provided with adequate services and facilities at the next session of the Commission.

115. One representative made an inquiry regarding the topics of the lectures by members of the staff of the Office of Legal Affairs referred to in paragraph 108 above.

116. The Secretary of the Committee explained that the topics dealt with various aspects of international law and the law of international organisations,

particularly in connection with the work of the United Nations. The subjects, however, did not correspond to a pro-established plan but were determined primarily by the interests expressed in the requests received from the groups of foreign office officials and university students to whom the lectures were addressed.

117. Another representative expressed the hope that the report on the Programme would make reference to some examples of information on matters of legal interest contained in the UN Chronicle.

118. One representative expressed the wish that a mention could be made somewhere in the report of the fact that under section IV, paragraph 3, of General Assembly resolution 42/225 of 21 December 1987, a report was expected from the Secretary-General at the forty-fourth session of the Assembly on the question of the dissemination of judgments and advisory opinions of the International Court of Justice, including their translation into languages other than English or French.

119. With regard to the financial aspects of the Programme, the question was asked whether the budgetary allocation for the Programme covered also to some extent the aspect related to the printing and distribution of publications. It was also wondered whether voluntary contributions of States could not be used for that purpose.

120. The Secretary of the Committee pointed out that in accordance with the resolutions of the General Assembly the budgetary funds were being used for the International Law Fellowship Programme and the UNITAR regional courses, in particular for the granting of fellowships and the allocation of travel grants, respectively. This was being complemented by voluntary contributions, but each State was free to indicate to which activity of the Programme it wished its contribution to be earmarked. No voluntary contribution had been received by the Secretariat with the specific purpose of financing the production and distribution of publications on international law. This was financed not by the budgetary allocation for the Programme but rather by the budgetary allocation of the programme or subprogramme to which each publication was related. It was also to be noted that some of those publications were revenue-producing activities, as they were also for sale,

C . Twenty-fourth session

121. The Advisory Committee held its twenty-fourth session on 31 October 1989 in order to consider the draft report of the Secretary-General to the General Assembly referred to in paragraph 104 above. The session was attended by representatives of all members of the Advisory Committee (see para. 103) above). In accordance with paragraph 106 of the present report, the meeting was chaired by Mr. Edward Obeng Kufuor (Ghana) who acted as Chairman in replacement of Mr. Clifford Nil Amon Kotey (Ghana). In the absence of the Legal Counsel of the United Nations, Mr. Vladimir Kotliar, Director of the Codification Division of the Office of Legal Affairs, represented the Secretary-General at the session. Mr. Manuel Rams-Montaldo, Senior Legal Officer, Codification Division, Office of Legal Affairs, acted as Secretary of the Advisory Committee.

122. The Advisory Committee considered the draft *report* of the **Secretary-General**, which was introduced by the Director of the **Codification** Division of the Office of Legal Affairs *on* behalf of the Legal Counsel of the United Nations.

123. The representatives of the Office for *Ocean* Affairs and the Law of the Sea and of UNITAR **made** statements elaborating on the sections of the draft *report* concerning their respective offices.

124. Some representatives *expressed* general comments *on* the purposes of the United Nations Programme of Assistance *and* on the role of international law in international relations.

125. In this connection, several representatives stressed the vitality of the Programme of Assistance, which had been able, through its various components and activities and during the past 24 years, to provide assistance to countries of the various regions of the world, in particular developing countries, in the fostering of a deeper knowledge of international law and a wider **appreciation** of its rules. The importance of international law in international relations was also stressed by several representatives, one of them, in particular, underlining the meaningful role it could play in connection with the existence and independence of States, **especially** small ones which often found in a reaffirmation of the rules of international law the only effective guarantee of their survival.

126. Several representatives drew attention to the proposal before the General Assembly at its current **session** to declare a "United Nations decade of international law" and to the "Hague Declaration of the Meeting of the Ministers of Foreign Affairs of the Movement of Non-Aligned Countries to discuss the issue of Peace and the Rule of Law in International Affairs" adopted on 29 June 1989 (*see* A/44/191). In their view, the United Nations Programme of Assistance could play a meaningful role in the implementation of the ideals underlying the proposed declaration of a United Nations Decade in International Law. In this connection **some** representatives also expressed the view that, as in previous years, the General Assembly should authorise *the* Secretary-General to request further voluntary contributions from States for the various components of the Programme, particularly in the light of the objectives of the proposed United Nations decade on international law. One representative in particular stressed the peaceful settlement of disputes between States as one of the priority areas in which the Programme of Assistance could continue and further develop its **activities**.

127. One representative stressed the importance of the repertoires or digests of international practice *for* the process of elaboration and application of the rules of international law and asked whether under the Programme of Assistance some action had been undertaken to foster the publication of such repertoires or digests of practice.

128. The Secretary replied that as far as the practice of the United Nations organs was concerned, there existed two repertoires namely. the Repertory of the Practice of the United Nations Organs which summarised the practice under each article of the United Nations Charter, and the Repertory of the Practice of the Security Council, which was specific for this organ. For its part, the Juridical Yearbook

of the United Nations contained a summary of the legal activities of the United Nations and related intergovernmental organisations, such as decisions, recommendations, reports, legal opinions and decisions of administrative tribunals. The Juridical also contained international and national practice, such as treaty provisions, legislative texts and judicial decisions concerning the legal status and other questions relating to the United Nations and related intergovernmental organizations. All these publications were of a standing character and their financing was provided for under various programmes and subprogrammes of the regular budget of the Organisation. As to possible assistance to States for the publication of their own digests or repertoires of international or diplomatic practice, the Programme of Assistance had no budgetary allocation for this purpose, which, as reflected in paragraph 94 of the present report is intended for the United Nations-UNITAR Fellowship Programme in International Law and travel grants for UNITAR regional courses.

129. In connection with the above, several delegations underscored the usefulness of the Juridical Yearbook of the United Nations in disseminating matters of legal interest concerning the United Nations and its related agencies, as well as the fact that its publication in various official languages of the Organisation ensured an easy consultation by jurists and interested persons in all regions of the world.

130. Referring to paragraph 71 of the report, one representative expressed his concern at the cancellation of the projected UNITAR regional training and refresher course in Africa for 1989 and inquired as to the actual circumstances of the cancellation as well as on the source of funding for the UNITAR regional and refresher courses.

131. In reply, the representative of UNITAR stated that UNITAR attached an equal importance to the United Nations-UNITAR Fellowship Programme in International Law and the UNITAR regional courses. While the Programme was intended mainly for middle-level officials and university teachers, the regional courses had in mind especially senior and top officials who could not be absent from their posts during prolonged periods. Three sources went into the financing of the regional courses: budgetary funds as reflected in paragraph 94 of the report, offers from countries of the region to act as host, and voluntary contributions. Some offers to host the 1989 regional course in Africa had been forthcoming! but it was his understanding that the budgetary allocation for the Programme of Assistance had not been sufficient to finance a second regional course in the biennium in addition to the two Hague international law fellowship programmes and the 1988 regional course in Latin America. Furthermore, no sufficient voluntary contributions had been received earmarked for the regional courses. The cancellation of the 1989 regional course had been done before any invitation to submit applications had been extended or selection of candidates made. UNITAR would renew its efforts to obtain from Governments more voluntary contributions for the regional courses.

132. In connection with paragraph 52 of the report, one representative inquired on the procedures and criteria employed to determine the institutions of developing countries to which United Nations legal publications were being provided.

133. The Secretary indicated that while depository libraries of United Nations publications regularly received United Nations publications of a legal nature,

requests from institutions were considered by the Office of Legal Affairs on a case-by-case basis, taking into account, inter alia, the availability of the publication concerned and the individual merits of the request, such as the potential benefit to be obtained from the requested publication⁶ and their relevancy in connection with the goals of the requesting institution.

134. One representative pointed out the desirability that the sending of publications to depository libraries in developing countries be done as regularly as possible so that the latest up-to-date material⁸ may be easily consulted.

135. Also in connection with paragraph 52 of the report some delegations inquired whether the recommendations of the Joint Inspection Unit regarding the translation of the judgements and advisory opinions of the International Court of Justice into official languages of the Organization other than English and French (see A/41/591) had been the subject of some measure of implementation.

136. The Secretary replied that, in his understanding, the proposal of the Joint Inspection Unit had been based on the concept that potential savings could be achieved by means of a series of recommendations concerning the present publication⁸ practice of the Court. For its part, the Court, while sharing the ultimate ideal of ensuring the widest possible dissemination of its judgements and advisory opinions, had had serious reservations as to the pertinence or convenience of some of the above-mentioned recommendations and the feasibility of the savings envisaged, which reservations were developed at length in the comments of the Court on the report of the Joint Inspection Unit (A/41/591/Add.1, annex II). It was also to be noted that the above-mentioned recommendations did not contain any proposal for additional budgetary resources.

137. Some delegations expressed the wish that, notwithstanding the circumstances described in the preceding paragraph, further consideration could be given to the proposal concerning the translation of the judgements and advisory opinions of the International Court of Justice into official languages of the Organisation other than English and French,

138. At the conclusion of the discussion, the Advisory Committee adopted the draft report as a whole.

Notes

1/ Resolutions 2204 (XXI) of 16 December 1966, 2313 (XXII) of 14 December 1967, 2464 (XXIII) of 29 December 1968, 2550 (XXIV) of 12 December 1969, 1698 (XXV) of 11 December 1970, 2838 (XXVI) of 18 December 1971, 3106 (XXVIII) of 12 December 1973, 3502 (XXX) of 15 December 1975, 32/146 of 16 December 1977, 34/144 of 17 December 1979, 36/108 of 10 December 1981, 38/129 of 19 December 1983 and 40/66 of 11 December 1985 and 42/148 of 7 December 1987. Information concerning action taken under the Programme in previous years is contained in the following reports of the Secretary-General to the General Assembly: Official Records of the General Assembly, Twenty-first Session, Annexes agenda item 86, document A/6492 and Add.1; *ibid.*, Twenty-second s e -

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agenda item 90, document A/6816) ibid., Twenty-third Session, Annexes, agenda item 89, document A/7305; ibid., Twenty-fourth Session, Annexes, agenda item 91, document A/7740; ibid., Twenty-fifth Session, Annexes, agenda item 90, document A/8130; ibid., Twenty-sixth Session, Annexes, agenda item 91, document A/8505 and Corr.1 and 2; ibid., Twenty-eighth Session, Annexes, agenda item 98, document A/9242 and Corr.1; ibid., Thirtieth Session, Annexes, agenda item 117, document A/10332; ibid., Thirty-second Session, Annexes, agenda item 114, document A/32/326; ibid., W&Y-fourth Session, Annexes, agenda item 111, document A/34/693; ibid., Thirty-sixth Session, Annexes, agenda item 113, document A/36/633) ibid., Thirty-eighth Session, Annexes, agenda item 122, document A/38/546; ibid., Fortieth Session, Annexes, agenda item 128, document A/40/893, and ibid., Forty-second Session, Annexes, agenda item 127, document A/42/718.

2/ Official Records of the General Assembly, Forty-first Session, Supplement No. 10 (A/41/10), chap. VIII, sect. F.

3/ Ibid., Forty-second Session, Supplement No. 10 (A/42/10), chap. VI, sect. H.

4/ Ibid., Forty-third Session, Supplement No. 10 (A/43/10), para. 591, note 283.

5/ Ibid., Forty-fourth Session, Supplement No. 10 (A/44/10), para. 753, note 278,

6/ A/42/718, para. 77, and General Assembly resolution 42/148, pars. 1.

7/ Official Records of the General Assembly, Forty-third Session, Supplement No. 10 (A/43/10), para. 597, and ibid., Forty-fourth Session, Supplement No. 10 (A/44/10), para. 758.

8/ Ibid., Forty-third Session, Supplement No. 10 (A/43/10), para. 598, and ibid., Forty-fourth Session, Supplement No. 10 (A/44/10), paras. 758 and 759.

9/ Ibid., Forty-third Session, Supplement No. 10 (A/43/10), para. 599 and ibid., Forty-fourth Session, Supplement No. 10 (A/44/10), para. 760.

10/ See note 6.

11/ Report of the 1st meeting of the PTA Committee of Legal Experts, PTA/TC/LEG/I/9, para. 6 .

12/ Report of the 13th meeting of the Council of Ministers, PTA/CM/XIII/5, paras. 347 and 348.

13/ Official Records of the General Assembly, Forty-third Session, Supplement No. 17 (A/43/17), chap. IX.

Notes (continued)

14/ Ibid., paras. 94 and 95.

15/ Ibid., Forty-fourth Session, Supplement No. 17 (A/44/17) paras. 272-287.

16/ Ibid., Forty-third Session, Supplement No. 17 (A/43/17) para. 97.

17/ The Amerasinghe Fellowship was initially authorised by the General Assembly by resolution 35/116. For a discussion on how the fellowship became integrated into the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, see A/36/633, paras. 55-57 and 84-86.

18/ The Advisory Panel constituted for the fourth award to be made in 1989 comprises Mr. T. T. B. Roh, Ambassador of Singapore to the United States; Mr. John Norton Moore, Director of the Centre for Ocean Law and Policy, University of Virginia; Mr. Paul Bamela Engo, Permanent Representative of Cameroon to the United Nations and former Chairman of the First Committee to the Third United Nations Conference on the Law of the Sea; Mr. Felipe Paolillo, Permanent Representative of Uruguay to the United Nations and former Director and Deputy to the Special Representative of the Secretary-General for the Law of the Sea; Mr. Tom Eric Vraalsen, Permanent Representative of Norway to the United Nations; Mr. Igor Ivanovich Yakovlev, Senior Counsellor to the Permanent Mission of the Soviet Union to the United Nations and former senior delegate to the Third United Nations Conference on the Law of the Sea; Mr. Carl-August Fleischhauer, Under-Secretary-General and Legal Counsel of the United Nations, and Mr. G. E. Chitty, Secretary to the Panel and Nominee of the Special Representative of the Secretary-General for the Law of the Sea.

19/ Such organisations and institutions include the following: Arab Commission for International Law, Asian-African Consultative Committee, European Committee on Legal Co-operation, Council for Mutual Economic Assistance, Inter-American Juridical Committee, Commission of the European Communities, The Hague Conference of Private International Law, International Institute for the Unification of Private Law, Organization of American States, The Hague Academy of International Law, European Economic Community, Latin American Economic System, League of Arab States and Organization of African Unity.

20/ See, for instance, the June 1989 issue (vol. XXVI, No. 2), p. 34, article on the work of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries; September 1989 issue (vol. XXVI, No. 3) p. 33, 35 and 76, notes or articles concerning legal questions related to outer space, sea-bed treaty, proposals on disputes settlement, etc.

21/ Developing countries whose institutions received United Nations publications include the following: Afghanistan, Argentina, Bangladesh, Bolivia, Brazil, Burma, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guatemala, Honduras, Iceland, India, Indonesia,

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Jamaica, Kuwait, Lebanon, Madagascar, Mexico, Nicaragua, Pakistan, Peru, Philippines, Senegal, Sierra Leone, Sudan, Syrian Arab Republic, Tunisia, Uruguay, Venezuela, Zaire and Zimbabwe. See further discussion on the question during the seventeenth session of the Advisory Committee (A/38/546, paras. 83 and 84), and at its nineteenth session (A/40/893, paras. 84-87).

22/ **Institutions** from the following countries have been included among the recipients of publication⁸ from the International Court of Justice: Argentina, Brazil, Egypt, India, Morocco, Mozambique, Niger, Pakistan, Papua New Guinea, Poland, Spain, Syrian Arab Republic, Viet Nam and Zimbabwe,

23/ Those recently established information centres are located at Brazzaville, Dhaka, Harare, Managua and Ouagadougou.

24/ A/41/591 and Add.1; Official Records of the General Assembly, Forty-second Session, Supplement No. 34 (A/42/34), paras. 58-65.

In 1988 the United Nations-UNITAR special seminars were given by Mr. [redacted] (Senior Special Fellow of UNITAR and former Director of the United Nations Conference on Trade and Development (UNCTAD), Geneva); Mr. K. H. Birkman (Treaties Preparation Section, Ministry of Foreign Affairs of the Netherlands); Mr. Philippe Cuvreur (Secretary of the International Court of Justice); Mr. Adair Dyer (First Secretary, The Hague Conference on Private International Law); Mr. Pierre-Michel Fontaine (Office of the United Nations High Commissioner for Refugees (UNHCR), Geneva); Mr. Louis Forget (Legal Adviser, Policy and General Affairs, the Legal Department, World Bank); Mr. Hans-Peter Gasser (Legal Adviser to the Directorate, International Committee of the Red Cross, Geneva); Mr. Hans J. Geiser (Special Adviser to the Executive Director of UNITAR on Training Programmes, New York); Mr. Gerold Herrman (Senior Legal Officer, UNCITRAL, Vienna); Judge Manfred Lachs (International Court of Justice); Mr. E. T. Liu (former United Nations Assistant Secretary-General for Special Political Affairs, New York); Mr. Stephen Marks (Programme Officer, International Human Rights Governance, the Ford Foundation, New York); Mr. M. L. Pelichet (Assistant Secretary-General, The Hague Conference on Private International Law); Mr. Manuel Rama-Montaldo (Secretary of the Programme of Assistance and Senior Legal Officer, Codification Division, Office of Legal Affairs, United Nations, New York); Judge Stephen M. Schwebel (International Court of Justice); Mr. Tullio Travas (Professor of International Law and Legal Adviser at the Permanent Mission of Italy to the United Nations, New York); Mr. Arthur T. Witteveen (Secretary in Charge of Information Matters, International Court of Justice); Mr. Ralph Zacklin (Principal Officer, Office of Legal Affairs, United Nations, New York). Mr. Mohamed Fahmy (Training Officer, UNITAR, New York) had the responsibility for the general organisation and co-ordination of the special seminars.

26/ In 1989 the United Nations-UNITAR special seminars were given by Mr. Paul Berthoud (Senior Special Fellow of UNITAR and former Director of UNCTAD, Geneva); Mr. Schellekens (Treaties Preparation Section, Ministry of Foreign Affairs of the Netherlands); Mr. Philippe Cuvreur (Secretary of the International Court of

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Justice) ; Mr. Achol Deng (Ambassador, Permanent Representative of Sudan to the United Nations); Mr. Pierre-M. Fontaine (Office of the United Nations High Commissioner for Refugees, Geneva)) Mr. Mpoy-Kamulaye (Legal Adviser, Legal Department, the World Bank); M r . (Legal Adviser to the Directorate, International Committee of the Red Cross, Geneva); Mr. Hans J. Geiser (Special Adviser to the Executive Director of UNITAR on Training Programmes, New York)) Mr. Gerold Hermann (Senior Legal Officer, United Nations Commission on International Trade Law, Vienna)) Judge Manfred Lachs (International Court of Justice), Judge Keba Mbaye (Vice-President, International Court of Justice); Mr. F. T. Liu (Former United Nations Assistant Secretary-General for Special Political Affairs, New York); Mr. Manuel Rama-Montaldo (Secretary of the Programme of Assistance and Senior Legal Officer, Codification Division, Office of Legal Affairs, United Nations, New York); Mr. van Loon (First Secretary, The Hague Conference on Private International Law); Mr. Arthur T. Witteveen (Secretary in Charge of Information Matters, International Court of Justice); Mr. Ralph Zacklin (Director and Deputy to the Under-Secretary-General, Office of Legal Affairs, United Nations, New York). Mr. Hans J. Geiser (Special Adviser to the Executive Director of UNITAR on Training Programmes, New York) and Mr. Marcel Boisard (Director, Geneva UNITAR Office) had the responsibility for the general organization and co-ordination of the special seminars.

The UNITAR training and refresher courses were given by M r . (Senior Counsel, World Bank); Mr. Lennox Ballah (Ambassador, Trinidad and Tobago); Mr. Paul Berthoud (Senior Special Fellow, UNITAR European Office)) Mr. Michel Doo Kingue (Under-Secretary-General and Executive Director of UNITAR); Mr. Hans J. Geiser (Special Adviser to the Executive Director of UNITAR); Mr. Eduardo Jiménez de Aréchaga (former President of the International Court of Justice); Mr. Geraldo E. Do Nascimento e Silva (Ambassador, Brazil); Mr. Felix Peña (Deputy Manager of Integration, Inter-American Development Bank); Mr. Pedro Roffe (Acting Chief, New York Office of UNCTAD); and Mr. Antonio Augusto Cançado Trindade (Legal Adviser, Ministry of Foreign Affairs, Brazil).
