

I. International Law in General

United Nations Decade of International Law

The following are extracts from the Australian statement in the Sixth Committee of the General Assembly during its 49th Session under this item on 16 November 1994.

The Secretary-General's report on this item outlines measures taken by members of the international community to strengthen the role of public international law. The Agreement of 28 July 1994 relating to the Implementation of Part XI of the UN Convention on the Law of the Sea is an important example of the international community's endeavours to develop universally applicable legal regimes in order to secure international harmony.

In this context, Australia ratified the United Nations Convention on the Law of the Sea and the Agreement Implementing Part XI of that Convention on the 5th October 1994. We regard the entry into force of this Convention as a most important development in international law, and one in which the world community can exhibit justified pride. The Convention's entry into force is an example of the successful promotion of the acceptance of multilateral treaties, which is one of the objectives of the decade.

Another example of outstanding work undertaken to develop international law is the work done by the International Law Commission on the elaboration of a draft statute of an International Criminal Court. The ILC's report has been considered by the sixth committee in this session. We regard the work towards the creation of an International Criminal Court as contributing to two of the objectives of the decade: promotion of the acceptance of and respect for the principles of international law; and encouragement of the progressive development of international law and its codification. We feel that the success of efforts to establish such a Court would represent a crowning achievement of the Decade...

Mr Chairman,

In seeking to further the main purposes of the Decade, three major concerns of the Australian Government have been to promote acceptance of, and respect for, the principles of humanitarian law; to encourage the development of international humanitarian law and its further codification; and to encourage the teaching, study, dissemination and wider appreciation of the principles of international humanitarian law.

These concerns reflect our perception that in recent years there has been an alarming decline in the effectiveness of, and international respect for, the principles of international humanitarian law. In an effort to promote respect for the doctrines of international humanitarian law and to stimulate practical recommendations for the development of this area of the law, a Regional Conference on Humanitarian Law will be held at the Australian Defence Force Academy in Canberra, Australia, from 12 to 14 December 1994...

But there are other steps that can be taken to promote and enhance respect for international humanitarian law.

One step which Australia welcomes is the work currently being done by this Committee and the International Committee of the Red Cross to promote the understanding and acceptance of the laws relating to the protection of the environment in times of armed conflict...

Another step which Australia would like to propose is that a year in the decade could be designated the "International Year of Humanitarian Law". Once identified in this manner, we envisage that this year could provide a common focus for a program of international activities and events designed to promote acceptance of, and where necessary develop the principles of, humanitarian law and to encourage the teaching, study and dissemination of international humanitarian law.

We would propose consideration of the year 1999 as an appropriate year to be designated the "International Year of Humanitarian Law". This year will mark the centenary of the 1899 Hague Peace Conference where the first detailed and systematic attempt to codify the laws of armed conflict was made. It will be recalled that the Hague Conference succeeded in adopting the text of a Convention with Respect to the Laws and Customs of War on Land (with annexed Regulations)...

Mr Chairman,

Australia regards the United Nations Congress on Public International Law to be held next year as an important forum for discussing major issues of public international law. Like other delegations, my delegation sees much merit in providing for a more flexible format for the Congress, including by holding workshops and working groups, even if this leaves less time for formal lectures. In this way, the Congress will be better able to maximise the exchange of views and contributions from a large number of participants...