

**CONFERENCE ON “ENTERING THE 21<sup>ST</sup> CENTURY: TOWARDS  
THE RULE OF LAW IN INTERNATIONAL RELATIONS”**

**“INTERNATIONAL RULE OF LAW AND THE MANDATE OF  
THE UNITED NATIONS”**

**Address**

**by**

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The Legal Counsel of the United Nations**

**Moscow, 2 November 2000**

Excellencies,  
Ladies and Gentlemen,  
Dear Colleagues,

It was with great pleasure and great expectations that I accepted your kind invitation to address this Conference on “Entering the 21<sup>st</sup> Century: Towards the Rule of Law in International Relations”. The organizers of the Conference have expressed the hope that I would be able to deliver an authoritative input on the role of the United Nations in promoting the existing global legal framework and encouraging States to act strictly in accordance with international law.

A point of departure for this Conference is the Secretary-General’s report “We the peoples: the role of the United Nations in the twenty-first century”, the so called “Millennium Report”.<sup>1</sup> In this report, the Secretary-General states inter alia:

“Taking a long-term view, the expansion of the rule of law has been the foundation of much of the social progress achieved in the last millennium. Of course, this remains an unfinished project, especially at the international level, and our efforts to deepen it continue.”

Let us now take a closer look at what all this means. I will attempt to do three things in my presentation:

- To explain the concept of the rule of law;
- To explain the role of the United Nations, its Member States and its Secretariat, in enhancing the rule of law in international relations; and
- To explain what you can do to contribute to the rule of law – at the national as well as the international level.

### Rule of law

Let us first look at the concept of the rule of law at the national level. This concept has an old history. The expression is English, but similar expressions exist also in other languages – état de droit in French, Rechtsstaat in German. In Russian, I am told, you could call it ГОСПОДСТВО ПРАВА or ПРИМАТ ПРАВА or ПРИМАТ ЗАКОНА. Much has been written about the concept, but I will not go into too much detail about its history and its meaning.<sup>2</sup> Suffice it to say that rule of law implies that within a State, the exercise of power in the public domain should be performed with full respect to the laws that apply. This means that everyone, including the Head of State, the parliament, the government, the judiciary and other authorities are bound by the constitution of the State and must act within the parameters set by the same. They are also bound by the statutory provisions enacted by the parliament and by rules issued

at lower constitutional levels, be it by the government or other bodies entrusted with legislative power.

Rule of law means that also the legislative bodies have to bow to the laws that they themselves have adopted. This is important, in particular with respect to the parliament, which in its legislative activities is bound by the limits drawn up by the constitution. Certainly, the constitution can be amended, but that requires that certain procedures be observed. Sometimes, there is a requirement that amendments are made by two consecutive decisions. In some cases the constitution requires that parliamentary elections be held between the two decisions.

The judicial instances and other public authorities in the exercise of their functions are subject to the existing law. This means that, unless this is specifically prescribed for certain cases, there is no room for discretion on the part of those who apply the law. On the contrary, what is required is an impartial and independent application of the law by the judiciary. Other state or local authorities are required to apply the law objectively in accordance with its letter and intent. In short, authority in the public domain should be exercised “under the laws”.

In this context, I think that it is of great importance to emphasize that the requirement of rule of law presupposes that the application of the law is entrusted to persons with the necessary integrity, independence and impartiality. This applies especially to the judiciary. Those who apply the law are not supposed to seek or receive instructions from other bodies, in particular not from political instances. I cannot stress enough how important it is that the judiciary and the courts of a state are independent and impartial. I refer in this context in particular to Article 14 of the International Covenant on Civil and Political Rights of 1966<sup>3</sup> and Article 6 of the European Convention on Human Rights. However, rule of law requires that not only the judiciary and the courts but also all who exercise power in the public domain act with similar objectivity and that they demonstrate the necessary integrity to command respect among the general public.

### Rule of law in international relations

The question is then, if the principle of rule of law can be applied at the international level, or more specifically, in international relations. My answer is an unequivocal yes!

Let me first draw your attention to the Charter of the United Nations.<sup>4</sup> In its preamble it is said that the peoples of the United Nations are determined “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”. Furthermore, Article 1, paragraph 1 of the Charter states that one of the

purposes of the United Nations is “to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”. According to paragraph 3 of the same Article another purpose is to achieve international cooperation “in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”.

More detailed provisions on pacific settlement of disputes appear in Chapter VI of the Charter, and, as you know, one of the six principal organs of the United Nations is the International Court of Justice.

Against this background, it is fair to say that one of the purposes of the United Nations is to contribute to the establishment of the rule of law in international relations.

That rule of law at the international level is increasingly accepted by States is today also demonstrated by the way in which States act. Additional areas are identified in which States determine to regulate their relations through treaties. Great efforts are made by the contracting States to abide by their commitments, and, if differences occur, States make their best efforts to settle them by using the peaceful means that exist. Furthermore, if it is suggested that a State is in violation of international law, the State shows great concern and attempts to defend itself against the allegation; to be suspected for, or accused of, a violation of international law has become an embarrassment, and if it occurs, it often draws criticism against the government by the general public at the national level.

### What law does exist at the international level?

Let us now see what law exists at the international level. The most important source of international law today is the law that is laid down in treaties. No major activity in the world today, whether at the personal level or at the level of States, takes place without some treaty having an impact on it.

Since the end of World War II in 1945, States have concluded many thousands of treaties. More than 500 treaties are deposited with the Secretary-General of the United Nations. As a matter of fact in October this year, the Secretary-General was the depositary of 517 multilateral treaties.<sup>5</sup>

These treaties form a comprehensive framework of legal norms, regulating the conduct of nations, and also, in a sense, the conduct of persons.

Many key multilateral conventions addressing critical concerns of the international community were negotiated under the auspices of the United Nations. The range of treaties covering human rights and fundamental

freedoms has been negotiated within the Organization.<sup>6</sup> The United Nations Commission on Human Rights played an important role here. The International Law Commission drafted other instruments. The United Nations Conventions on Diplomatic and Consular Relations, on treaty law, on terrorism and related issues could be mentioned as examples.<sup>7</sup> A number of trade law related conventions were negotiated within the United Nations Commission on International Trade Law (UNCITRAL).<sup>8</sup>

These treaty norms of conduct cover the spectrum of human activity: human rights; humanitarian affairs; economic and financial relations; the environment; health; postal and telecommunications; communications by road, air and the seas; use of outer space, etc. The list of treaties displays a remarkable variety of matters where Member States have seen it necessary to join together to solve problems of common interest. They also reflect the desires of States to establish enforceable rights and obligations among themselves – in effect, to further enhance the international rule of law. But they also reflect the concerns and dreams of ordinary people and of civil society and they do have a distinct potential of improving their lives.

It is important to note, however, that customary international law, too, plays an important role in addressing common concerns. Customary international law is created through the actions of States that form a pattern that gradually will develop into rules that are considered binding by States.

In this context, I would like to point to Article 38 of the Statute of the International Court of Justice, which forms an integral part of the Charter of the United Nations. In deciding in accordance with international law, such disputes as are submitted to it, the Court shall apply, inter alia:

- international conventions, whether general or in particular, establishing rules expressly recognized by the contesting States;
- international custom, as evidence of a general practice accepted as law;
- the general principles of law recognized by civilized nations.

Of particular importance is the fact that treaty law by time can develop also into customary international law. This means that, when a treaty is accepted by a large number of States, and the conduct prescribed by that treaty becomes an accepted State practice, the contents of the treaty may constitute the customary norm upon which all States and the International Court of Justice will act. The Conventions on Diplomatic and Consular Relations are good examples. Even if these Conventions have not received universal ratification or accession, they now constitute at least in most respects customary international law.

Furthermore, a document that originally was adopted only as a declaration can, by time, develop into law that is considered binding. I venture to suggest

that the 1948 Universal Declaration of Human Rights, which was adopted as a General Assembly resolution, today constitutes customary international law.<sup>9</sup>

It is therefore clear that, today, there is a vast body of law that is accepted by States and which forms the basis upon which they interact. A problem is, however, that this law is not always respected at the international level. At the national level, everyone is subject to the jurisdiction of the national courts. Ultimately, national authorities execute the judgments of these courts. However, there is no comparable arrangement at the international level. Let us examine this issue.

The International Court of Justice can certainly adjudicate disputes, provided that the States in question have accepted the jurisdiction of the Court. However, once the judgment is handed down, the States themselves are obliged under the Charter (Article 94, paragraph 1) to see to it that the judgment is executed. The Security Council may be seized of the matter and may make recommendations and decide upon measures to give effect to a judgment if there is non-compliance (Article 94 (2) of the Charter). However, it has not taken any action under this provision. We sometimes see that States do not respect this obligation. On the whole, however, it is fair to say that States do adhere to the judgments by the International Court of Justice and do execute them in good faith.

Gradually, we have also seen the development of other court structures at the international level, in particular in the field of human rights. The International Tribunal for the Law of the Sea should also be mentioned in this context.<sup>10</sup> Furthermore, regional organizations are setting up courts to adjudicate matters that fall within the competence given to these institutions.<sup>11</sup>

I should also like to mention, in particular, the 1998 Rome Statute for the International Criminal Court.<sup>12</sup> The Statute will enter into force when 60 States have ratified it; there are presently 21 ratifications. Through the creation of this Court, a link that was missing in the international legal system was created. It is to be hoped that the coming into being of this Court will contribute radically to peace and security in the world. In the words of Secretary-General Kofi Annan, the Court could be seen as “a gift of hope for future generations”.<sup>13</sup>

But, what happens if a State does not respect a judgment by the International Court of Justice? To be frank, there are no readily available means to ascertain acceptance. Unfortunately, the more powerful the State in violation of the judgment, the less the likelihood that it will adjust its behaviour if it has decided to go its own way.

However, ultimately, there is the option that a State which does not execute or adhere to a judgment by the International Court of Justice, can be seen by the Security Council of the United Nations as causing a threat to peace

and security. The Council can then apply Chapter VII of the Charter allowing for coercive measures in order to ascertain that the judgment is respected. But this option is probably rather unlikely.

The role of the United Nations, its Member States and its Secretariat in enhancing the rule of law in international relations

I have now come to the second part of this presentation: What is the role of the United Nations, its Member States and its Secretariat, in enhancing the rule of law in international relations? I purposely distinguish between the Organization as such and the Secretariat.

If we focus on the Organization, the recently adopted Millennium Declaration highlights, among other priority tasks of mankind, the need to strengthen the rule of law, as well as the role of the Organization in the 21<sup>st</sup> century. The outcome of the Millennium Summit of Heads of State and Government, which took place on 6-8 September this year, is a result of the multifaceted efforts by the entire international community, including those aimed at creating a proper legal framework for a new globalized international society. The United Nations plays a central role in this process.

Among the recent examples of the contribution of the United Nations to the establishment of the rule of law in international relations is the United Nations Decade of International Law (1990 -1999). As stated in a General Assembly resolution of 17 November 1999: "the Decade has contributed significantly to the strengthening of the rule of international law".<sup>14</sup> This has been achieved by promoting the means and methods for the peaceful settlement of disputes between States; by encouraging the progressive development of international law and its codification; and by encouraging the teaching, study, dissemination and wider appreciation of international law.<sup>15</sup>

The Decade was a success due to the concerted efforts of States, international organizations and institutions and international society at large, including eminent representatives of the legal profession, practitioners and academics alike. The contribution of the Decade to the promotion of the rule of law may be illustrated by the adoption of many major conventions, including such a historic achievement as the adoption of the 1998 Rome Statute of the International Criminal Court, which I just mentioned. It has had great importance for the establishment of an effective system of enforcement of international law and creating a powerful tool for fighting the most heinous crimes on the Planet.

Another important contribution to the strengthening of the rule of law was the Centennial celebrations of the 1899 First International Peace Conference organized at the initiative of Russia and the Netherlands. As stated by Secretary-General Kofi Annan: "The results of the discussions held in The

Hague and St. Petersburg not only significantly advanced the themes of the First Peace Conference, but also helped energize a vital global debate on the role of the United Nations in preventing conflict and halting gross and systematic violations of human rights.”<sup>16</sup>

The Conference that I have the honour to address now, organized jointly by the United Nations and the Russian Association of International Law, continues the tradition of active involvement of Russia and its international lawyers in finding solutions to the most topical issues on the agenda of the international community, including those relevant to the strengthening of the international legal order. It is another important step in active cooperation between the representatives of States, the United Nations and such an important professional segment of civil society as the international lawyers from all over the world.

The interest of the international community in a follow-up action to the Decade of International Law is reflected in the final resolutions of the General Assembly on this item.<sup>17</sup> These resolutions underscore that States, international organizations and institutions should continue to encourage and promote activities in the legal field aimed at contributing to the main purposes of the Decade.

The Decade can be seen as a precursor to the appeal to fortify the legal foundation of modern civilization contained in the Secretary-General’s “Millennium Report”, to which I made reference at the outset, and the Millennium Declaration, adopted by the Summit Meeting of the General Assembly on 8 September 2000.<sup>18</sup>

The Secretary-General’s report underlines the need to strengthen respect for law both in international and in national affairs. In particular, the agreed provisions of treaties on the control of armaments and international humanitarian and human rights law should be respected. The Secretary-General invited all governments that have not done so to sign and ratify the various covenants, conventions and treaties that form the central corpus of international law. He has stressed, *inter alia*, the need to end “the culture of impunity” and to create the International Criminal Court. He also proposed to provide technical assistance to States so as to facilitate their participation in international legal instruments.

In devising new forms and norms of global governance, says the Secretary-General, States and intergovernmental organizations had been joined by “many diverse and increasingly influential non-States actors” – non-governmental organizations, private sector institutions and multilateral agencies. The Secretary-General, in this connection, stressed the need to adapt the work of the Organization so that it can benefit fully from the contributions of civil society.



In order to translate fundamental values essential to international relations in the twenty-first century into actions, the Millennium Declaration had identified certain key objectives, including those in the legal field. Let me quote the following five elements:

- To strengthen respect for the rule of law in international as in national affairs and, in particular, to ensure compliance by Member States with the decisions of the International Court of Justice, in compliance with the Charter of the United Nations, in cases to which they are parties.
- To make the United Nations more effective in peaceful resolution of disputes.
- To ensure the implementation by States Parties of treaties in areas such as arms control and disarmament and of international humanitarian law and human rights law, and to consider signing and ratifying the Rome Statute of the International Criminal Court.
- To take concerted action against international terrorism, and to consider acceding, as soon as possible, to all the relevant international conventions.
- To minimize the adverse effects of United Nations economic sanctions on innocent populations, to subject such sanctions regimes to regular reviews and to eliminate the adverse effects of sanctions on third parties.

In the Declaration, Member States also made the following pledge, followed by a number of detailed commitments (paragraphs 25 and 26):

“We will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development.”

The most important contribution that the Organization as such can make to the rule of law in international relations is supporting and sustaining the rules set out in the existing body of treaties, since this is crucial for the effective operation of international society. However, several of these treaties, though they have been open for signature, ratification or

accession for some time, have not, even now, attracted universal participation.

In May this year the Secretary-General accordingly wrote to all Heads of State and Government inviting them to take the opportunity presented by the Millennium Summit to sign and ratify, or accede to those treaties. In his letter, he encouraged Heads of State and Government to pay special attention to a core group of 25 multilateral treaties that he identified as being representative of the objectives of the Charter and reflective of the Organization's key values.<sup>19</sup>

This initiative was an unqualified success. A total of 273 treaty actions were executed over the three days of the Summit. There were 187 signatures and 86 ratifications or accessions.

Particularly gratifying were: the 59 signatures and 2 ratifications that took place of the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the 12 signatures and 4 ratifications of the Rome Statute of the International Criminal Court; and the 7 ratifications of and accessions to the Conventions on the Safety of United Nations and Associated Personnel.

However, the goal of universal participation in the multilateral treaty framework is still far from being realized. Furthermore, to realize the rule of law in international affairs, it is not enough for States to establish their consent to be bound by treaties. If the peoples of all nations are to participate in the emerging global legal order and enjoy its benefits, it is necessary that States also respect and implement the obligations laid down in the treaties that they have concluded. And this is where the focus is on the Member States themselves. The treaty making process is a concerted effort that has to be complemented by adherence to the commitments by the States individually.

Let us now focus on the activities of the Secretariat and the United Nations funds and programmes. In the pursuit of the rule of law objective, the United Nations Secretariat takes a broad range of measures to help create conditions that will ensure that rules of international law will in fact be implemented in practice.

A number of offices, departments, programmes, funds and agencies of the United Nations provide governments, on request, with assistance in drafting the laws that are needed at the national level to ensure implementation of the treaty commitments that they have assumed or that they intend to assume in the future.<sup>20</sup>

Similarly, a number of United Nations entities help governments in running training programmes in particular aspects of international law for those whose work involves them in its application. For example, law enforcement officers, prison officers, social workers and immigration officers are provided with training.<sup>21</sup>

It is evident, once more, that much remains to be done. All too often, individuals, groups and corporations find that they are denied the rights and benefits for which international law and treaties provide.

Sometimes, this stems from a deliberate refusal on the part of national authorities to recognize and respect their obligations under international law. More often, though, it is because those authorities simply lack the necessary expertise or resources to ensure that those obligations are properly implemented and applied. What is needed is to draft and adopt the appropriate legislation, to put in place the necessary procedures and administrative arrangements, to train those involved in their application and to familiarize them with international rules which they are designed to implement.

In order to contribute to the strengthening of the rule of international law, the United Nations Secretariat has developed an Action Plan which includes a number of measures that can be taken by various units within the United Nations system. The following could be mentioned:

Encouraging participation in multilateral treaties. Actions taken to this end include:

- Systematically advocating the signature and ratification of treaties. Target audiences of such advocacy include not only States, but also non-State actors, non-governmental organizations and other groups in civil society with a particular interest in specific treaties, with a view to enlisting their support;
- Raising consciousness amongst parliamentarians, public policy research centres, legal professional associations and the public at large both of the “core” 25 treaties that were the subject of the Secretary-General’s Millennium appeal in May and of their status as to signature and ratification;
- Providing technical assistance to Governments regarding the completion of the necessary treaty formalities.

Assisting States to prepare necessary implementing legislation. A number of Secretariat units, programmes, funds and agencies provide assistance to Governments in drafting or reviewing national laws to implement their international obligations. It is recognized, though, that such assistance should, if possible, be provided on a more systematic, coordinated and widespread basis. The possibility of enlisting the assistance of relevant intergovernmental

organizations or non-governmental organizations, as appropriate, is also being explored.

Training of judges and practising lawyers. The Secretariat, programmes, funds and agencies are actively:

- Promoting courses in international law which sitting judges and practising lawyers may take on a voluntary basis;
- Advocating the adoption of a qualifying requirement for the judiciary and for practising lawyers that they have taken a course in international law during their professional training;
- Enlisting the assistance of international and national associations of lawyers who are active in the field of international law.

Training of other persons involved in the application of international law. The United Nations currently runs a considerable number of training programmes on specific aspects of international law for those involved in its application at the national level. The Secretariat is considering steps to encourage the coordination of these training activities.

Education and dissemination of international law. It is desirable that lawyers and administrators be aware of international law and have some familiarities with its basic concepts and methodology. However, international law is not taught even in all law schools. The Secretariat, programmes, funds and agencies are therefore considering steps to encourage the wider teaching of international law at universities and at other institutions of higher education, in law courses and in courses on international relations, business and public administration.

In this context, I would like to mention that, recently, I wrote to the deans of Law Schools throughout the world highlighting the importance of teaching international law.<sup>22</sup> The reason is that, as I have already mentioned, even today, international law is not taught in all law schools. Where it is taught, it is usually not a “core” or compulsory subject of study – though the law of human rights in some form often is. Moreover, the subject is generally not taught in courses in public administration or in politics. To assist those universities who may need help in developing suitable curricula for courses in international law and identifying relevant teaching materials, I have enlisted the assistance of a team of prominent academic lawyers. I would encourage you to join this network or, as the case may be, to take advantage of the resources that it offers.<sup>23</sup>

Furthermore, to continue with the contents of the Action Plan, the general public should have readily available to it the necessary information to be able to

advocate and secure its proper implementation. In this context the following activities should be mentioned:

- Publications of a legal nature are regularly distributed to developing countries and information on the work of United Nations legal bodies is now being offered over the Internet.
- Efforts are under way to maintain an audiovisual library of tapes for distribution mainly to developing countries for their use in enhancing national educational programmes.
- Web sites have been established for: the International Court of Justice; the International Criminal Court; the International Law Commission; the Codification, Development and Promotion of International Law; Treaties; UNCITRAL; the Law of the Sea; the Sixth Committee and the web site of the Legal Counsel.<sup>24</sup>
- The United Nations is also contributing to the Global Legal Information Network (GLIN), administered by the United States Library of Congress, in providing data on the work of the United Nations to the GLIN database.

What can you do to contribute to the rule of law – nationally and internationally?

As it appears, there are many things that the United Nations does and will do in order to strengthen the rule of law in international relations both conceptually and practically. The third part of my presentation is a question: What can you do to contribute to the rule of law – nationally and internationally? I simply cannot miss this opportunity to appeal to you for your support and for the support of the institutions and organizations to which you belong or which you represent. I appeal to you to take whatever action you reasonably can to raise consciousness – amongst parliamentarians, public society research centers, legal professional associations, students, and the public at large – of the key multilateral treaties that international community has concluded over the past half century and of the pressing importance that your government sign and ratify, or accede to them, if it has not already done so.

More generally, though, it is of fundamental importance that steps be taken to increase awareness of international law, both among the public at large, and more importantly, among those who are involved in the application of the law, in particular, legal practitioners and judges.

As international law develops to regulate more and more fields of daily life and business, it plays an even greater part in the laws of each nation. This imposes a special responsibility on lawyers and on those who educate them and train them. International law can no longer – if it ever could – be considered an “optional extra”, in which lawyers may or may not be trained, as they wish. To

satisfy the fundamental demands of the rule of law, lawyers need, nowadays, to be familiar with international law – to be schooled in its methods and to know how to research it and to apply it when the occasion demands.

It is against this background you should see the actions taken by the Secretary-General and my appeal to the Deans of the Law Schools worldwide.

I would accordingly encourage you, and the organizations to which you belong or which you represent, to ensure the running of courses in international law which sitting judges and practising lawyers might take on a voluntary basis.

I would call on you, furthermore, to advocate the adoption of a qualifying requirement for the judiciary and for practising lawyers that they have taken a course in international law during their professional training.

And, in so far as it may be within your power, I would ask, if you come from a jurisdiction where there is a requirement that practitioners undertake continuing legal education, that you actively promote recognition of courses in international law as fulfilling applicable requirements.

However, while such training courses may increase awareness of international law among legal practitioners and judges, a longer term strategy is needed to ensure that international law is more widely and better known by all those who are involved in public affairs. It is obvious that much remains to be done here.

### Conclusion

To conclude:

- I hope that I have been able to explain in very simple terms what is meant by the rule of law, both at the national and the international level.
- I hope that I have made clear that there exists a rich body of international law and that what is really needed is universal acceptance and full respect for this law.
- I hope that I have been able to explain the role of the United Nations in enhancing the rule of law in international relations and the work that has been done and is being done by the Organization to achieve this.
- I hope that I have been able to make you aware of the contribution that you can make to the rule of law, not only at the national level but also at the international level.

Knowledge is power, and a solid knowledge of international law, its principles and its moving spirit, is the best protection that mankind can create against repeating the errors of the past and the best bridge that you can build towards a better world – a world where, in the affairs of men and women of all nations, the rule of law will finally prevail.

The commitments we make to strengthen and advance the international rule of law will be a lasting legacy for future generations. Let us hope that we can confidently leave behind a different world; for the most of history the world has been governed by fear and brute force. Let us hope that we can enter an era governed by commonly agreed and predictable norms of conduct – a world in which people can lead their lives in dignity.

I thank you for your attention.

<sup>1</sup> UN doc. A/54/2000. The quotation is from paragraph 326.

<sup>2</sup> Sir Arthur Watts, "The International Rule of Law", German Yearbook of International Law, vol.36 (1993), pp.15-45. This writing provides an excellent overview of the questions relevant to the topic. Of particular interest in the present context are the references to the statute of the Council of Europe and to the Conference on Security and Cooperation in Europe (CSCE; now OSCE), as well as the references to statements on "the primacy of international law in politics" by Mikhail Gorbachev in Pravda on 17 September 1987, and to the speeches by Edvard Shevardnadze and Mikhail Gorbachev at the 43<sup>rd</sup> session of the United Nations General Assembly, UN Docs. A/43/PV.6, 68 and A/43/PV.72, 22. See also Ian Brownlie, *The Rule of Law in International Affairs*, Martinus Nijhoff Publishers, 1998, 242 p.

<sup>3</sup> United Nations Treaty Series, Vol. 999, p.171. The Russian Federation ratified the Covenant on 16 October 1973.

<sup>4</sup> United States, Treaty Series, No. 993.

<sup>5</sup> <http://untreaty.un.org>

<sup>6</sup> An extensive account of the role of the United Nations can be found in "United Nations and Human Rights 1945-1995", Blue Book Series, Vol. VII, Sales No. E.95.I.21.

<sup>7</sup> Convention on Diplomatic Relations, done at Vienna on 18 April 1961, United Nations Treaty Series, Vol. 500, p.95. (The Russian Federation ratified the Convention on 25 March 1965.)

Convention on Consular Relations, done at Vienna on 24 April 1963, United Nations Treaty Series, Vol. 596, p.261. (The Russian Federation acceded to the Convention on 15 March 1989.)

Convention on the Law of Treaties, done at Vienna on 23 May 1969, United Nations Treaty Series, Vol. 1155, p.331. (The Russian Federation acceded to the Convention on 29 April 1986.)

Convention on Succession of States in Respect of Treaties, done at Vienna on 23 August 1978, document A/CONF.80/31.

Convention on the Law of Treaties between States and International Organizations or between International Organizations, done at Vienna on 21 March 1986, document A/CONF.129/15.

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly on 14 December 1973, United Nations Treaty Series, Vol. 1035, p.167. (The Russian Federation ratified the Convention on 15 January 1976.)

<sup>8</sup> See <http://www.uncitral.org>

<sup>9</sup> General Assembly resolution 217 A (III) of 10 December 1948.

<sup>10</sup> See <http://www.un.org/Depts/los/index.htm>

<sup>11</sup> The European Court of Human Rights and the Inter-American Court of Human Rights are good examples. See <http://www.dhcour.coe.fr> and [www.oea.org](http://www.oea.org), respectively.

<sup>12</sup> Document PCNICC/1999/INF/3 and <http://www.un.org/law/icc/index.htm>

<sup>13</sup> The Secretary-General's statement at the ceremony on Campidoglio in Rome on 18 July 1998 – <http://www.un.org/icc/speeches/718sg.htm>

<sup>14</sup> General Assembly resolution 54/28 of 17 November 1999.

<sup>15</sup> See Article 13 of the Charter of the United Nations.

<sup>16</sup> Document A/54/PV.54.

<sup>17</sup> General Assembly resolutions 54/27 and 54/28 of 17 November 1999.

<sup>18</sup> Document A/RES/55/2.

<sup>19</sup> They comprise: the Genocide Convention, the Convention on the Elimination of Racial Discrimination, the International Covenant on Civil and Political Rights and its two Optional Protocols, the Convention on the Elimination of Discrimination Against Women and its Optional Protocol, the Torture Convention, the Convention on the Rights of the Child and its two new Optional Protocols, the Convention on the Protection of the Rights of Migrant Workers, the 1951 Geneva Convention on Refugees and its Protocol of 1967, the Convention on the Safety of UN and Associated Personnel, the Convention for the Suppression of Terrorist Bombings, the Rome Statute of the International Criminal Court, the 1980 Inhumane Weapons Convention and its Protocols, the 1992 Chemical Weapons Convention, the Comprehensive Nuclear-Test-Ban Treaty, the Ottawa Landmines Convention, the Kyoto Protocol to the UN Convention on Climate Change, the Convention on Biological Diversity and the Convention to Combat Desertification.

<sup>20</sup> Such assistance is given *inter alia* by – The Office of the High Commissioner for Human Rights; the Office of the High Commissioner for Refugees; the UN Environment Programme; the International Trade Law Branch of the Office of Legal Affairs; UNICEF; UNDP.



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<sup>21</sup> Office of the High Commissioner for Human Rights; the Office of the High Commissioner for Refugees.

<sup>22</sup> See <http://www.un.org/law/counsel/info.htm>

<sup>23</sup> Professor Sharon Williams is the point of contact. She can be reached at sharonw@yorku.ca

<sup>24</sup> See <http://www.un.org/law>