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INTERNATIONAL LAW: OUR COMMON LANGUAGE 3 March 1995

AUDIO

INTRO. BY LEGAL COUNSEL, H. CORRELL --

VIDEO

speaking at Congress on Public Int'l Law, '95

notes

Since its inception 1945, the United Nations has strived to achieve a common language of International Law, based on the universal aspirations of the Charter.

Mix of Voices reading Preamble

Historical footage of Charter - in Various languages

The Charter binds member States to refrain from the use of force and to settle disputes by peaceful means, in conformity with International Law. It is a treaty based on the principle of sovereign equality.

As the United Nations was born, the old colonial order was coming apart.

Images of colonialism

Across the globe, the demand for independence became more urgent.

In the long and sometimes difficult process of decolonization, the United Nations played an important role in supporting the aspirations of all colonized peoples.

Conflict, independence struggles, independence ceremonies

The United Nations helped establish the legal rights to self-determination..

Independence ceremony

...and a formal declaration to end colonialism was issued by the General Assembly in 1960.

General Assembly

Chairman F. Boland (Ireland)

"We will now proceed to vote on proposals relating to the item entitled Declaration on the Granting of Independence to Colonial countries and Peoples..."

O.C.

Mr. Ismael Toure (Guinea), speaking in French:

"Africa offers the hand of friendship, but it insists that the final links of the chain of foreign domination shall be severed. It is not a question of hatred, despite all that we have suffered in the past. It is merely a question of turning over a new page and thereby confronting the future."

Mr. Asha (United Arab Republic):

"The freedom-loving people of the world must exert all the pressure they can to strike the last nail in the coffin of colonialism, so that peace, stability and friendly relations, based on respect of human rights, may prevail."

Flags

The success of the United Nations' work is reflected in the emergence of many nations in Africa, Asia, the Pacific and the Americas.

UN membership has grown from 51 countries in 1945 to 185 today.

From decolonization to independence - new legal challenges have emerged

Togo - elections
Posters in Namibia

Today, the UN's mandate calls for new tasks in peacekeeping, including the promotion of democratic election and monitoring of a wide range of human rights.

Scene from elections in Namibia

Namibia celebrations

The United Nations has formulated International Law in the area of human rights ever since the 1948 Universal Declaration of Human Rights.

Eleonor Roosevelt (USA)

"We stand today at the treshold of a great event, both in the life of the United Nations and in the life of mankind. The Universal Declaration of Human Rights may well become the international Magna Charta of all men everywhere."

O.C.

V.O.

Rene Cassin (France):

"Our declaration is the most emphatic and necessary protest of humanity against the atrocities that have brought so much suffering to millions of human beings throughout history, and especially in the period between the two world wars."

O.C.

The horrors of war crimes committed during WWII lead to the establishment of the principle that persons who commit serious violations of human rights are held responsible, and liable for punishment, under international law.

Concentration camps WWII

Yugoslavia fighting

As ethnic and nationalist

Civilians taking shelter, graves

conflict erupted in the former Yugoslavia, the Security Council established a Commission to collect evidence of violations of international humanitarian law.

Bosnian Woman (from Medecins sans Frontieres), in Serbo-Croat w/English transl:

“ They came into the camps with flashlights, they picked the women they liked, they brought them back the next day, beaten-up, raped, hysterical. It was horrible, it was awful. They picked girls 13-years old, maybe younger, it was horrible to watch mothers clutching their daughters and the Serbs ripping them away from them. We were forced to watch and put up with all that. Why?”

O.C.

**Interview footage belongs to Medecins sans Frontieres

In 1993, the United Nations created the first International Tribunal for the prosecution of war crimes since the Nuremberg Trials.

Antonio Cassese swearing in:

“ I hereby swear to fulfil my duties etc.”

Antonio Cassese (Italy), President of International War Crimes Tribunal:

“ Those suspected of outrages against humanity must be brought to justice at the international level. If found guilty, they must be sternly punished by a truly international and truly impartial body before the very eyes of the whole international community.

You members of this Assembly have decided that massacre, rape, ethnic cleansing, the wanton killing of civilians affect each and every one of us whatever our nationality and wherever we live."

In Rwanda, ethnic conflict turned to genocide.

Soldiers

As in the former Yugoslavia, the Security Council first set up a Commission of Experts to examine the crimes committed in Rwanda.

Remains from fighting

Four months later, the International Criminal Tribunal for Rwanda was established to consider genocide, crimes against humanity and other violations of international humanitarian law.

slow pan down waterfall reveals ...

.... Bodies in River

Pasteur Bizimungu (Pdt Rwanda)
6 Oct 1994 (Trans from French):

"Our rivers swept thousands of dead bodies downstream. Churches and schools became veritable slaughterhouses, and even now they smell of human flesh, the flesh of thousands of innocent people who had hoped to find refuge there."

"The construction of a new society based on social justice and respect for fundamental human rights will be possible only if those prosecuted for the Rwandese tragedy are prosecuted."

Colin Keating (New Zealand):

"Genocide is the most heinous of

international crimes. Article 7 on the prevention and punishment of the crime of genocide envisages action under the Charter to suppress genocide, and Article 6 of that Convention envisages the establishment of an International Tribunal to try persons charged with genocide. The Council is therefore acting within the framework of international law

...

Pdt SC Margaret Albright (USA)
"Will those in favor of res. # xxx please raise their hands"

The modern principle of human rights, as developed through the United Nations , also includes specific legal obligations with respect to cultural, economic and political rights.

Throughout the world, UN actions in the field of human rights, have protected refugees, prevented torture and won the release of prisoners

Prisoners

Cambodia
 El Salvador

Rigoberta Menchu (Guatemala), Nobel Peace laureate, in Spanish w/ English translation:

"Respect can only be earned through action. We can pray for human rights every day, but we must also push for action at the local, regional and national levels. We must understand that the struggle for human rights is not a fad. It is a permanent struggle, it is the struggle of a

lifetime.

As the scope of United Nations' peacekeeping operations has broadened, the spotlight of UN attention has proven to be a powerful tool for curbing abuses.

El Salvador jails

El Salvador pamphlet distribution

Many countries have written the provisions of UN treaties into their national legislation.

UN field officer speaks to prisoners in Cambodia:

"It's important for you to know that this decision to release you implies the recognition by the Ministry for national security that the principles of human rights apply to prisoners..."

Cambodia: release of prisoners

The General Assembly has no legislative power, but can set the standards for international conduct through declaratory resolutions.

One example is the 1993 call to halt exports of anti-personnel landmines.

Prince Sisowath Sirirath
(Cambodia) GA 19 Oct '93:

"The people in my country refer to land mines as the eternal sentinel, who never sleeps and is always ready to strike. As Cambodia supposedly closes a chapter on the horror of war during the last 21 years, the Cambodian people, however, continue to suffer a series of man-

made disasters from land-mines that were planted all over the fields on the country.

Across the globe, more than 1200 people are injured or killed by landmines every month.

The call to halt exports of anti-personnel landmines is part of a worldwide effort to reverse this situation.

Mr. Kamal (Pakistan) GA 19 Oct 93:

“The problems posed by the indiscriminate laying of millions of mines in many parts of the world are now of such great magnitude that they can only be resolved by the concerted efforts of the international community. Most of the countries that are affected by the problem of uncleared mines lack the expertise to clear and neutralize the unexploded mines.

The United Nations agencies and the member states can be of immense help by setting up institutional mechanisms for exchange of information and know-how as well as in the training of personnel in mine-clearing techniques.”

To help clear landmines, the Secretary-General has established a special trust fund...

...and the General Assembly, through its declaratory resolution, has ensured that more and more states feel

UN camp in Pakistan
Experts show Afghans how to defuse landmines.

compelled to observe the ban on exporting these deadly weapons.

Under Chapter VII of the UN Charter, the Security Council is authorized to impose a variety of sanctions in response to violations of International Law.

South Africa

SOUTH AFRICA - apartheid

The question of South Africa's racial policies was first raised in the United Nations in 1946.

Over the years, the policies of apartheid brought South Africa severe criticism and isolation from the international community.

As the conflict over apartheid intensified, the Government of South Africa's credentials were rejected by the General Assembly in 1974

Pdt of GA Abdelaziz Bouteflika (Marocco) 12 Nov 74:

"The General Assembly has approved the Report of the President of the Verification Commission which rejects the powers of South Africa. Which means, in explicit terms, that the General Assembly refuses to allow South Africa to participate in its session."

And in 1977, the Security Council applied a mandatory arms embargo against South Africa.

Andrew Young (USA):

"It is important that the members of the international community,

including the government of South Africa, have a clear understanding of why this resolution has been adopted and what it means. This is the first time that Chapter 7 sanctions have been adopted against a member of this organization. We have just sent a clear message to the Government of South Africa."

M.J. Makatini (ANC) 25 Oct 77:
"South Africa belongs to all those who live in it and no government can justly claim authority unless it is based on the will of all the people."

SG Boutros-Ghali:

"Today South Africa regains its rightful place in Africa, in the U.N., and in the family of Nations."

S. AFRICA Vote,
 INDEPENDENCE

Pdt South Africa Nelson Mandela:

"Thank you and thank you again, that the respect for your own dignity as human beings inspired you to act and ensure the restoration of our dignity as well."

Rep of Canada:

"We are determined to repond to the challenge of Iraq's aggression, which goes to the heart of all we've been trying to do and through the United Nations for the past 45 years: our attempt to build a workable world organization, able to prevent and reverse the most blatant of international offenses - the acquisition of another country's

Iraq

Kuwait Oil fields

territory, and, in this case, the attempt to extinguish a U.N. member in its entirety.”

Rep. of Ethiopia, SC 29 Nov 90:
“The people of Kuwait rightfully demand the immediate restoration of their sovereignty. We must not therefore wait much longer, for justice delayed, as is often said, is very often justice denied.”

Following the Iraq-Kuwait war, the Security Council applied a variety of sanctions to prevent and punish military aggression.

Rolf Ekeus: ADD
“The Council members recognize that the weapons themselves constitute a threat to international peace and security, and are prepared to take action directly toward weapons and not only to a political situation.”

The measures adopted by the Council included the destruction of Iraq’s chemical and biological weapons.

A commission was set up to define the international boundary between Iraq and Kuwait.

And an observer mission was set up to monitor the demilitarized zone.

The United Nations is a centre for the peaceful settlement of disputes by means of negotiation, mediation, arbitration and judicial settlement. Its principal judicial organ is the

**International Court of Justice,
in the Hague.**

The International Court of Justice has reviewed more than 80 cases of international disputes.

It has made significant contributions to the development of the law of treaties, of maritime delimitations, and of international organizations.

sir Robert Jennings (UK) Pdt of ICJ

"We're used now to look at many problems, environment, human rights and so on, none of which can be solved except internationally, and one state can do very little about them. In other words, more and more, the whole society of nations and our own fulfillment of national ambitions even, depends on a working system of international law. Now the function of the Court is to interpret and apply and to some extent develop that international law.

Under the auspices of the United Nations, a web of more than forty thousand treaties and agreements has come into existence.

These treaties regulate activities that occur daily, without any violation of international law.

They make possible such everyday activities as international travel,

communications and trade.

They cover fields as diverse as drug control and copyright law, diplomacy ... disarmament ... population ...and the environment.

As a centre for the development, codification and application of International Law, the United Nations has produced the most comprehensive treaty ever on the uses of the oceans: the United Nations Convention on the Law of the Sea.

One of the most outstanding achievements of the United Nations has been in regulating the uses of the seas.

Fishing

The General Assembly has issued a resolution to stop drift-net fishing.

Drift-nets

But above all, the Convention on the Law of the Sea has established a comprehensive set of rules, from fisheries to navigation, and from mineral resources to scientific research.

**It seeks to protect the seas from pollution...
...and to encourage the rational management of marine resources.**

Tommy Koh (Singapore):
"We have come to the end of a long and arduous journey. When we first set out on this journey, in quest for a convention on the Law of the Sea, there were many who told us that our goal was

ambitious and not attainable. We have proven the skeptics wrong, and we have succeeded in adopting a convention covering practically every aspect of the uses of the sea.

We worked not only to promote our individual national interest but also in pursuit of our common dream of writing a constitution for the oceans”

The Convention on the Law of the Sea marks the culmination of a process of intensive negotiation and patient codification of law.

Tug boats

This process looks to the present needs of Member states.

It looks to the past, by considering customary law.

And it looks ahead, to future developments such as sea-bed mining.

Sea-bed mining

It is an example of how international law has been developed more in the past fifty years, through the United Nations, than in all its previous history.

bird flies over water

Signing Convention

SG Boutros-Ghali:

“The dream of a comprehensive law for the oceans is an old one. Turning this dream into a reality has been one of the greatest achievements of our era. It is one of the decisive contributions of our era. It will be one of our most enduring legacies.”

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