AN APPEAL TO THE DEANS OF LAW SCHOOLS WORLDWIDE

"International law, only yesterday a seemingly quiet backwater in human affairs, is reaching into hitherto unimagined fields. The nations of the world have acceded to an unprecedented number of agreements in virtually all branches of human activity - from the ocean floor to the planet’s climate to outer space - in only the last forty years. There has been a truly astonishing growth of public international law which will accelerate into the coming century. The pressing need for an international system based on law has never been so evident."

Dear Colleague,

This message at the dawn of the new millenium should reach you through the Legal Adviser of the Ministry for Foreign Affairs of your country or through some other channel. Irrespective of how it has found its way to you, I ask you to take a few minutes of your busy time to read it.

The message concerns you in your capacity as Dean of a Law School, and the decision you will make after reading it will be of great importance for all those who study and will study law at your institution and for whose education you bear a responsibility.

As it appears from the quotation, international law has become an ever more important ingredient in the finely spun web that connects us all both within countries and across borders. New dimensions have been created through cyberspace, and the Internet makes it possible for people to communicate all around the globe in a matter of seconds.

New phenomena pose challenges to mankind and those who are set to govern it. Many of these phenomena are positive and contribute to our development and the ability for human beings around the world to lead a dignified life. Others pose serious threats to our common security and have to be addressed accordingly. Borders no longer have the same meaning as in the past, and many act as if they hardly existed; transnational enterprises are a case in point. Unfortunately, there are negative forces that act in the same way; transnational crimes have become a threat to organized society.

Most lawyers who graduate from law school will enter their profession at the national level. For the great majority of them, their task will be to deal with matters either of private, economic or criminal law. Others will join government or the administration.

However, as always, the law has to be adapted to development. Phenomena that were not even known a few years ago now pose major challenges to lawmakers. Legislation has traditionally been a very national activity, and certain parts of national law are distinct expressions of particular traditions and customs within a national State. However, in parallel, there has been an unprecedented development in the field of international law.
This development has sprung from the need for States and their peoples to interact and the consequent necessity of creating a common international legal order. One of the purposes of the United Nations is to create an international society respecting the principle of the rule of law. An important element in this connection is the protection of human rights.

In discussing with colleagues from academia how best to make these international legal norms better known around the world, it has come to my attention that many law schools do not have international law in their curricula. In schools where international law is taught, it is sometimes given marginal attention, while at other schools international law is more in focus, not to say one of the most prominent features of the institution's education.

To those of you who represent law schools where international law is not taught, I would like to say the following. The argument that is often given for not teaching international law is that there is no interest among the students for this particular topic. In their future careers they will have very little use for international law. It simply "does not pay" to study international law. While it is true that in any particular generation of law students not so many would devote their future career exclusively to international law, a lack of knowledge and understanding of this important part of the law will be a serious setback for the young professional.

It is sometimes argued that in business you do not have to focus on international law, but on other topics. May I suggest that, today, this is definitely not true. In the business community, there is a growing understanding of the necessity of being familiar with international law and how this law interrelates with the more traditional topics. Attention should be drawn to the important work that has been done in this field by, for example, the United Nations Commission on International Trace Law (UNCITRAL). Therefore, lawyers who work in the business community and who have knowledge of international law in addition to their other competencies will have an advantage over colleagues who are not familiar with this discipline.

For those lawyers that serve at the national level in other capacities too, it is important to have an understanding of international law and the extent to which many national rules are based on commitments that their States have undertaken in international treaties negotiated under the auspices of the United Nations or other international inter-governmental organizations.

Therefore, out of consideration for the students who attend your law school, you have a great responsibility in ensuring that international law is taught also at your law faculty.

To those colleagues who are deans at law schools where international law is taught, I would like to say the following. In your case, too, it is important that you are familiar with the need for a good curriculum in the topic of international law. In some cases, you may of course be the professor who is directly responsible for the topic. But, even if you are not, it is important that you have understanding for the views expressed by your colleague who is charged with this responsibility. When the entire curriculum of the law school is next revised, please make certain that it is understood that all students that graduate from your school should have at least some basic knowledge of international law. In other words, the topic should be compulsory before a law degree is granted to the law student.

To those colleagues who are deans of law schools where international law is a prominent topic and where your law school has gained international reputation in this field, I would like to say the following. Please continue to set a good example. Also, to the extent possible, try to support your colleagues in law schools that are not in the same fortunate situation as yours. In particular, try to respond to requests for advice or support or for ideas about how the curriculum should be framed.

In order to assist you in your further thinking in this matter, I have contacted a few persons from academia who have expressed an interest in this endeavour and who will be pleased to assist you to the extent that it is within their powers to do so. In particular, it is important that a suitable curriculum be
created and that teachers be found to spread the knowledge. Also, there are available video presentations and other material that can be disseminated rather cheaply and assist in the first steps in making the students acquainted with international law.

The persons I have contacted all have or have had some connection to the United Nations. They are (for details, see Annex): Professor Nisuke Ando (Japan), Professor John Dugard (South Africa), Professor Thomas M. Franck (U.S.A.), Professor Maurice Kamto (Cameroon), Professor Francisco Orrego-Vicuña (Chile), Professor Alain Pellet (France), Professor Bruno Simma (Germany), Professor Birgitte Stern (France), and Professor Christopher Weeramantry (Sri Lanka). Many scholars have elaborated comprehensive curricula with different emphasis, reflecting their own interests. One curriculum that may serve as a model or stimulus for English speaking students can be found in the Yearbook of the Institute for International Law, Vol. 67, Session de Strasbourg, 1997 (pages 123 - 219). There are also institutes and academies that can assist in this respect, e.g., The Hague Academy of International Law.

In addition, Professor Sharon A. Williams (Canada) has declared that she is prepared to assist, if you contact her. Her task would be to create contacts and see to it that as many people as possible can be engaged in this endeavour, in short to act as a focal point. As a matter of fact, this coordination could be a first step towards the creation of a "Worldwide Law School Network".

You will notice that my references are solely to representatives of academia. This is important, since university curricula should be developed in full academic freedom. However, the United Nations Office of Legal Affairs is of course also prepared to assist, in particular by providing the information that can be found on the Organization's web-site (www.un.org). The icon "International Law" will take you to many important sources of information and, in addition, to hyperlinks to other institutions with a focus on international law.

May I close on the following note. Over the last century, and in particular since the creation of the United Nations, international law has developed in an unprecedented way. The most prominent feature at the moment is the work that is being undertaken by the Preparatory Committee for the Establishment of the International Criminal Court. Through the creation of this Court, it is hoped that, by holding individuals accountable for atrocities, it will finally be possible to break the culture of impunity and the repetition of the mistakes of the past that have caused suffering for millions of people. Furthermore, the system of conventions for the protection of human rights is becoming ever more important. As a matter of fact, in many cases they stand as models for constitutions adopted or revised around the world. Other important areas are: the Law of the Sea, environmental law, international trade law, law on treatment of foreign investments, etc. Because of this, it is important to create among the general public the same understanding for the need for international law as they have for their national customs and traditions and the moral values that form the basis of the legislation adopted by their democratically elected parliaments.

However, one cannot expect that knowledge of international law among the general public can be spread unless those who are responsible for the legal work and the legal traditions of the country are not themselves fully familiar with the topic. Therefore, lawyers have a special responsibility at the national level, as well as at the international level, to spread the word about international law. To be able to do this, they have a moral obligation to educate themselves in this topic.

Irrespective of where in the world you are and irrespective of your race, sex, language or religion, to quote the Charter of the United Nations, you have a common responsibility in ensuring that international law becomes a prominent part of the education of future generations of lawyers in your country. We should be grateful for our diversity. But, in order to protect ourselves and coming generations, we must have something in common to be handed on as an inheritance to coming generations. That common denominator is international law.

I wish you well in your future endeavours. Irrespective of the category of law school to which you consider yourself to belong, it is my sincere hope that you do not put this paper aside without further
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action. For you, and you in particular, have not only a unique responsibility, but also a unique opportunity to do something that, in the long-term, could change the situation in the world for the better. Knowledge is power, and a solid knowledge of international law, its principles and spirit, is the best protection that mankind can create for a better world.

Hans Corell
Under-Secretary-General for Legal Affairs
The Legal Counsel

The present appeal and translations into Arabic, Chinese, French, Russian and Spanish will be available on website http://www.un.org/law/counsel/info.htm


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