

FOREWORD

This book consists of a series of studies designed to highlight a number of the more significant aspects of public international law that have emerged during the past thirty years or so. Since the United Nations Organisation came into being in 1945 there have taken place many developments which call for special attention from students of contemporary international law, and it is the aim of the present study to attempt a survey of the field in this series of outline essays, many of which were subjects of lectures while others were research studies designed to deal with matters of concern to those who have considered the subject seriously. The various topics dealt with cannot naturally be regarded as projecting a systematic presentation of the field, but they are rather an attempt at an analysis of concepts and questions that seem to require attention.

Thus there are three main divisions of the book. In the first part are examined certain aspects of the new trends in contemporary international law in which the contributions made by the Third World, especially Asia and Africa, to international law have been outlined with regard to the new initiatives taken by the United Nations Organisation in establishing the International Law Commission and certain economic bodies like the UNCTAD and the UNCITRAL which have been called into being largely by the needs of the developing countries. Also, in this part, an attempt is made to look at the growth of modern diplomatic law within the framework of the International Law Commission and the General Assembly of the United Nations. But probably the most significant development of the period has been the adoption by a Diplomatic Conference of the Vienna Convention on the Law of Treaties, which is important because of its reformulation and progressive development of aspects of the Law of Treaties such as *pacta sunt servanda*, fundamental change of circumstances, new grounds of invalidity of Treaties, particularly the doctrine of *jus cogens* which makes certain types of Treaties invalid *ab initio* in specified circumstances. An interesting aspect of the same subject is the draft Convention on State Succession which attempts to

bring up-to-date the law on the subject of the rights and duties of new States in relation to the Treaties they have inherited at independence. Another important new development is the Third Conference on the Law of the Sea which is an attempt to recodify existing customary international law on the subject as well as the various Law of the Sea Conventions of 1958.

In the second part of the book, which is devoted to the judicial process, attempts have been made to examine present trends and future prospects of the International Court of Justice, especially the problem of the varied composition of the Court, the jurisdiction of the Court in regard to whether or not it should be expanded to entertain entities other than sovereign States and to even human individuals. A new development which is also analysed is that of the judicial review function of the International Court of Justice; this has been made particularly important in view of the development of new areas such as international constitutional law and the work of the International Court of Justice in dealing with appeals from other international tribunals like the United Nations Administrative Tribunal.

In another chapter is examined at some length the role of the International Court of Justice as the highest judicial organ of the United Nations charged with the responsibility for the search for peace in all its ramifications. An attempt is made to examine how the Court's jurisprudence is developing towards the achievement of the goal of peace. The part on the judicial process is rounded up with a case study of hijacking in international law, a subject that has become very significant within the last decade or so and the law on which is still at the stage of development.

In the third part of these studies are considered the development and analysis of human rights and humanitarian law. The question of human rights is discussed both from the point of view of the Universal Declaration of Human Rights and the two international covenants on human rights generally, and from the point of view of human rights with special reference to developing countries. The problems posed by decolonization have included the emergence of liberation movements, guerrilla warfare and mercenaries in Viet Nam and other parts of South East Asia as well as in Africa. The Geneva Conventions of 1949 have proved inadequate to deal with these new problems and the International Committee of the Red Cross recently provided the forum for a series of conferences in Geneva which, in December 1977, adopted two Protocols in an effort to up-date the law on the subject. A brief outline of the development of international humanitarian law concludes the present study.

The book is, therefore, no more than an attempt to survey a very

wide field in a series of studies designed to draw attention to these new horizons in the field of contemporary international law. It is not a comprehensive or even an exhaustive study of the various topics selected for treatment. It is designed rather to indicate the new trends which require further studies in order to demonstrate the expanding frontiers of public international law. Each of the aspects dealt with is capable of more extended treatment and will no doubt be taken up by students of the subject when some of the topics like modern diplomatic law and the Law of Treaties have been developed by State practice; and, in the case of the Law of the Sea, the final shape and scope of the codified law must certainly await the concluding conference on the subject. One important aspect of the whole matter is the realisation that, because of these new trends in the horizons of public international law, no single treatise or textbook can be regarded as adequately encompassing the entire field of public international law today.

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T. O. Elias