for genocide.

Administrative developments: Reports of administrative inefficiencies and irregularities at the ICTR have persisted over the years. UN audits have noted significant improvements but have emphasized that serious administrative problems remain to be overcome. Public relations, security and protection of witnesses have been identified as areas where improvement is needed. In May 1999, the Secretary-General constituted an Expert Group to conduct a review of the operation and functioning of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, with the objective of ensuring the efficient use of the resources of the Tribunals.

Defence lawyers: Considerable controversy has been generated by the Registrar's decision to exclude Canadian and French lawyers from the list of defence lawyers available to assist indigent accused. The Registrar defended the move on the basis that Canadian and French lawyers are over-represented, and that steps were needed to ensure equitable geographic representation. Canada has urged the ICTR to consider a different approach, in order to ensure an impeccable standard of justice. The exclusion of lawyers based on their nationality has created in the eyes of many an appearance of impropriety. For example, the Yugoslav Tribunal permits indigent accused to choose their counsel, and does not restrict this choice on the basis of nationality. Canada's concern with this matter has been communicated to a United Nations group of experts struck to evaluate the workings of the ad hoc Tribunals.

Canadian support: Several Canadians are working for the Tribunal in a variety of capacities. Canada has provided $1 million in voluntary contributions, but much of this sum has remained unused to date. Canada has also provided other forms of assistance, such as the donation of a special collection of legal articles and publications on the law of genocide for the use of the Tribunal and its judges. In June 1999, amendments to the *Extradition Act* and several other statutes which permit surrender of indictees directly to the Tribunal were adopted.

3. THE CASE ON THE LEGALITY OF THE USE OF FORCE BEFORE THE INTERNATIONAL COURT OF JUSTICE (*YUGOSLAVIA* v. *CANADA*)

On April 29, 1999, the Federal Republic of Yugoslavia (FRY) instituted separate proceedings before the International Court of Justice (ICJ) against Canada and nine other NATO members (USA, UK, France, Germany, Italy, the Netherlands, Belgium, Portugal and Spain), alleging that they had violated international law by, among other things, the illegal use of force, intervention in the internal affairs of a state, failure to protect civilian populations, damage to the environment, violation of human rights and fundamental freedoms, interference in free navigation, use of prohibited weapons, and the infliction of conditions calculated to cause the physical destruction of a national group (genocide).

In the first phase of the proceedings, the FRY requested from the Court an indication of provisional measures for an immediate cessation of the use of force by Canada and other NATO members. On June 2, 1999, the Court rejected the FRY's request for provisional measures against Canada by a majority of 12 to 4. It accepted Canada's argument that the Court lacked *prima facie* jurisdiction on the basis that the FRY's April 25, 1999 declaration accepting the compulsory jurisdiction of the Court came into effect after the dispute arose (the commencement of air strikes on March 24). The Court noted that it did not have to consider Canada's argument that the FRY, as a non-member of the United Nations, was not a party to the ICJ Statute. It rejected the FRY's