

International Covenant on Civil and Political Rights

Excerpt from Preamble

*The States Parties to the present
Covenant,*

*Considering that, in accordance
with the principles proclaimed in the
Charter of the United Nations,
recognition of the inherent dignity
and of the equal and inalienable
rights of all members of the human
family is the foundation of freedom,
justice and peace in the world,*

*Recognizing that these rights derive
from the inherent dignity of the
human person,*

*Recognizing that, in accordance
with the Universal Declaration of
Human Rights, the ideal of free
human beings enjoying civil and
political freedom and freedom from
fear and want can only be achieved
if conditions are created whereby
everyone may enjoy his civil and
political rights, as well as his
economic, social and cultural rights.*

The ILC's list of accomplishments is long. It includes the completion of such treaties as the Convention on Diplomatic Relations, the Convention on Consular Relations, and the Law of Treaties. Together, these agreements form the heart of the day-to-day relations among states.

The second body is the Sixth Committee of the General Assembly — the Legal Committee. This group reports to the General Assembly, and the people who serve on it do so as representatives of their governments. Canada is an active participant in the Sixth Committee, contributing to the drafting of new conventions.

Interpreting existing law is among the roles of the International Court of Justice (ICJ). The ICJ sits in The Hague, Netherlands, and comprises 15 justices from a variety of national legal systems.

A domestic court can enforce its rulings and the decisions of one court can be legally binding on other cases of a similar nature. However, the opinions of the ICJ cannot be enforced on member states not involved in a particular dispute before the court. As part of the Decade of International Law, a wider recognition of the decisions of the ICJ is being promoted.

These three bodies are responsible for the bulk of the UN's work in international law, but other organs can and do get involved in law-making. International law is made when member states come together to draft a treaty or convention that is later ratified by them. Among the most important examples of this process were agreements on human rights, including the Covenant on Civil and Political Rights, and the Convention on the Elimination of all Forms of Racial Discrimination.

Enforcing International Law

Within a nation, the law can be enforced by police. For the international legal system to be effective, it must rely on the voluntary compliance of member states. But the UN is not a toothless tiger. If a member state violates the UN Charter, it may have sanctions applied against it. This means that other UN member states are required to stop all trade with the offender. If trade sanctions fail, the UN can move on to military action.

A recent example of this was the Gulf War. In August 1990, Iraq invaded and occupied neighbouring Kuwait on the Persian Gulf. The UN applied sanctions to Iraq in an effort to get it to withdraw. When sanctions failed to move the Iraqi government, the Security Council went to the next step. Under Resolution 668, it authorized the use of military force to remove Iraqi troops from Kuwait. Canada supported this action and was part of the multilateral force that operated under the UN in the Gulf War. In January 1991, this force began an attack on Iraq, pushing it out of Kuwait.

New Frontiers

Canada has a long tradition of being at the forefront in the expansion of international law into new areas such as space exploration and women's rights. We are continuing