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The Permanent Mission of Canada
to the United Nations
New York

La Mission Permanente du Canada
auprès des Nations Unies
New York

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ITEM 149: DECADE OF INTERNATIONAL LAW

STATEMENT DELIVERED BY
AMBASSADOR PHILIPPE KIRSCH, Q.C.
DEPUTY PERMANENT REPRESENTATIVE OF CANADA
TO THE UNITED NATIONS
NOVEMBER 17, 1989

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UNGA 44: ITEM 149
DECADE OF INTERNATIONAL LAW

Mr. President,

The item currently before us, a proposal for declaring 1990-1999 as a Decade of International Law, is one which most delegations agree has important implications. We fully share that assessment. After all, the United Nations Charter itself calls for progressive development of international law. Respect for the rule of law and recourse to peaceful methods for the settlement of disputes are cornerstones in the whole structure of international relations.

Canada thus supports in principle the draft resolution before us. Nevertheless, we believe that it is extremely important for the Decade's programme to be developed with realistically achievable objectives that are broadly acceptable. It should, among other things, give impetus to efforts of the international community to have States implement their international obligations more consistently, especially in the fields of human rights and counter-terrorism. In the same vein, the Decade should emphasize the concept of the primacy of international law rules concerning the threat or use of force. We must encourage States to resort to peaceful measures such as negotiation, mediation, judicial settlement and international arbitration to solve problems instead of turning to violent confrontation. The same approach should govern States' relations with national liberation movements: support for armed struggle and for resort to force should be avoided and, instead, the use of peaceful methods, so well provided for in international law, should be encouraged. The use of terrorist violence often brutalizes its perpetrators, so that the successor regimes they ultimately establish offer no greater hope of freedom or peace than the governments they have overthrown.

On a related topic, my delegation views the protection and preservation of the earth's environment as of paramount importance. The programme of the Decade should foster evolution of the rules of international law on State responsibility, to require States exploiting their resources to act more carefully so as to avoid harm to other States and the international community. In recent years, legal instruments

addressing such questions as the protection of the ozone layer and the movement of hazardous wastes, are testimony to the ability of the world community to respond to potential and actual environmental threats. Still, much more effort is needed to address the many pressing environmental problems that threaten our planet, including the greenhouse effect, marine pollution, acid rain, land degradation and the extinction of numerous animal and plant species. The Decade should help galvanize the international efforts in that domain.

Mr. President,

In the past, Canada has expressed concern for the proliferation of international years and decades within the United Nations which have often proved costly and unfocussed. We consider it important to plan well all aspects of the Decade so as to avoid the pitfalls that have proved so costly with other decades, in terms of both financial and human resources.

The Economic and Social Council, at its 16th Plenary Meeting on May 24th this year, recommended to the General Assembly for adoption this year a set of revised Guidelines for International Decades in Economic and Social Fields. Without focusing on the question of whether international law is implicitly included in these fields, we are of the view that these Guidelines, endorsed by such an important body as ECOSOC, provide important direction for the item before us. They stipulate, inter alia that:

"Proposals for international decades should include a draft program of action with well defined objectives and activities to be carried out at the international, regional and national levels. The activities should be directed towards clearly defined objectives. The draft program of action should indicate the proposed organizational arrangements and modalities for financing, from both budgetary and extra-budgetary sources, as well as procedures for monitoring implementation."

Mr. President,

In conclusion, I would simply like to emphasize the importance that Canada attaches to the success of the proposed decade of international law, and to confirm that we will do all in our collective power to ensure that the Decade is a productive one.

Thank you.

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