TEACHING IN THE SOCIAL SCIENCES

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INTERNATIONAL LAW

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INTERNATIONAL LAW

by

RENÉ-JEAN DUPUY

Based on reports by

G. Haraszti, P. K. Irani, G. Arangio-Ruiz, S. Tsuruoka, E. Jimenez de Arechaga, E. I. Nwogugu, E. I. Hambro, G. I. Tunkin, Boutros Boutros-Ghali and Malek Gabr, K. R. Simmonds, J. M. Sweeney, S. Janković

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PREFACE

In view of the increasingly important part played by the social sciences in education and training and in clarifying problems relating to economic, social and cultural development in the present-day world, Unesco has, since 1950, been carrying out a series of international surveys of the programmes, methods and circumstances of social science teaching at university level. In the first phase, these surveys, in which Unesco usually had the collaboration of the appropriate international associations of specialists, dealt with the principal disciplines among the social sciences: sociology, social psychology and cultural anthropology, international relations, law, political science, economics, statistics, criminology, demography.

Other subject fields that it was thought desirable to survey in this way were certain specialized branches of major disciplines or what might be called 'composite' sciences, in which systematic use is made of analytical methods and knowledge drawn from a number of disciplinary sources.

Three further studies were thus published in 1958, 1961 and 1964 respectively on public administration, industrial sociology and business administration. The present study, which continues the series, is to be considered as contributing to the implementation of Resolution 2099 (XX) of the United Nations General Assembly, emphasizing the need to promote the teaching, study, dissemination and wider appreciation of international law. In it an attempt is made to assess the current status, problems and trends of the university teaching of international law. It was prepared under the general editorship of Professor R.-J. Dupuy, of the Faculty of Law and Economic Sciences, University of Nice (France), recently appointed Secretary-General of the Curatorium of the Academy of International Law in The Hague, with contributions from the following rapporteurs: Messrs: E. Jimenez de Arechaga (Argentina), G. Haraszti (Hungary), P. K. Irani (India), G. Arangio-Ruiz (Italy), S. Tsuruoka (Japan), E. I. Nwogugu (Nigeria), E. I. Hambro (Norway), G. I. Tunkin (Union of Soviet Socialist Republics), Boutros Boutros-Ghali and Malek Gabr (United Arab Republic), K. R. Simmonds (United Kingdom), J. M. Sweeney (United States of America), S. Janković (Yugoslavia).

The chapters on France and the Academy of International Law in The Hague were contributed by Professor Dupuy.

In taking stock of the present developments in this discipline Unesco had the intention of establishing a basis from which a wider range of activities could be planned. Thus, the present study constitutes the first element needed for further research with a view to determining the future orientation of the teaching of international law, in the hope that scholars benefiting from such teaching will be in a better position to adapt the rules of law to the requirements of their time.

Unesco wishes to take the opportunity of thanking Professor Dupuy and the national rapporteurs, as well as the International Association of Legal Sciences, under whose auspices the inquiry was conducted. It should be added that the authors were left entirely free to express their own ideas, which are not to be taken as representing the views of Unesco itself.

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GENERAL REPORT ON THE TEACHING OF INTERNATIONAL LAW

R.-J. DUPUY
University of Nice

Internationalists are currently much concerned with the methodology involved in the teaching of international law and the position which such teaching occupies in university syllabuses and in research institutions.

It is true that the problem is not a new one, but the radical changes which have occurred in international society since the Second World War have, to a large extent, given it a new aspect. It is not enough to apply formal logical reasoning to international legal problems as was still done at the beginning of the century, since international life today is of unprecedented complexity owing to the proliferation of new States and the fact that the unity of the law of nations is being questioned by recently independent peoples. The latter challenge certain rules which were applied to them within an imperialistic context and simultaneously demand a certain body of specifically regional standards and an active role in the establishment of universal standards.

The emergence of international organizations has likewise given rise to new problems, not only in regard to the mutual relationships between these organizations and their relationships with States but also in regard to the internal operation of their constituent bodies. There are also a great many implications in the development of a type of relations between private bodies and States which P. Jessup has grouped together under the term 'transnational law'.

In addition to this wide range of juridical problems, however, there is also the new importance of political considerations: the constitution of socio-cultural blocs, some of them based on military treaties, the struggle against underdevelopment, the problems of living peacefully together, the effects of the utilization of nuclear energy or of the space race on international relations, the influence of public opinion. This explains the significant development of questions of international relations, which are more the concern of political science, side by side with the growing complexity of legal aspects.

Because of these various factors, the teaching of international law, as was stressed during a very interesting symposium held in Geneva in 1956,[1]

1. Paul de Visscher, *Rapport sur le Colloque de Genève sur l'Enseignement du Droit International*, RGDIP, 1956, p. 569.

must 'make adequate allowance for discussion of the social realities underlying the standards of positive law' and, for the same reason, it is essential to organize studies specifically concerned with international relations. The purpose of the survey which Unesco entrusted to the International Association of Legal Science consisted precisely in determining the present position in regard to the teaching of international law and, although the situation with respect to international relations was not exhaustively examined, it nonetheless seemed desirable to appraise the place allotted to it in educational institutions and curricula.

What institutions are actually involved? Is the fact that international questions have become an important element in the life of peoples reflected in a development of educational institutions? While the law faculties would seem the natural centres for teaching the law of nations, an effort must be made to determine whether they also cover international economic or political relations or whether these subjects are taught in specialized institutions.

The truth is that all the different problems overlap and it is by no means easy to classify them.

The questionnaire which we drew up and submitted to the national or regional rapporteurs does not claim to cover all the problems or to avoid repetition. When such repetition is inevitable, it does at any rate appear in a new light while, in order to make it as broad as possible, the field of vision of the survey is wide-angled and ranges from institutions to teaching methods, taking in the problem of teachers (specialized or otherwise, pure jurists, economists or historians), questions of a specifically pedagogic nature, the point at which the study of international law or international relations should begin, the structure of the syllabuses, the place allotted to symposia, congresses, round tables, etc.

The questionnaire, moreover, was purely indicative and designed to facilitate the task of the rapporteurs rather than to limit its scope.

The choice of countries may seem arbitrary or incomplete. The need to investigate the great traditional States is surely incontestable and, from this point of view, the absence of Germany is more especially to be regretted. As far as the developing countries are concerned, India, Nigeria and the United Arab Republic unquestionably provide us with typical examples just as, in respect of the socialist democracies, Hungary and Yugoslavia supplement the information obtained from the Union of Soviet Socialist Republics. Finally, Latin America was the subject of an extensive investigation carried out in virtually all the republics, while the Scandinavian States provide a very valuable complement to the observations assembled in the Western European countries.

The general rapporteur was not responsible for choosing the countries to be covered by the survey, so he feels free to contend that, notwithstanding the perhaps unduly rigorous limitation to thirteen countries, the observations assembled constitute a body of information which

provides a reasonable picture of the world situation as regards the teaching of international questions.

EDUCATIONAL INSTITUTIONS

Universities and specialized institutions

In both the economically developed countries and the developing countries, the main institutions for the teaching of international law are still the universities, and within the universities, the law faculties. It would, moreover, be wrong to imagine that universities in the latter countries are still few and far between; on the contrary, the effort which has been made to develop them is striking. This is not at all surprising in the United Arab Republic where the teaching of law is an ancient tradition. With its three law faculties and its political science and economics faculty, Egypt gives prominence to teaching about legal problems and international politics.

India, with twelve doctorate degree courses in its forty-two universities, also comes high on the list. Nigeria has established four universities since achieving independence and has made a most encouraging start, even though no post-graduate courses are so far available in the universities.

In the older States, where higher educational institutions are multiplying fast, international law and international relations are likewise included in the curricula of the political science or economics faculties. This is the case in Italy, Japan and the United States of America (in the latter country, the overcrowding in the universities has led to the establishment of schools of law).

Due allowance must therefore be made for institutions parallel to the classical type of faculty—e.g., the institutes for political studies in France. This type of institution is also to be found in Italy and Latin America but, generally speaking, does not exist in the English-speaking or Scandinavian countries. These, however, do have political science departments within the universities which provide for international studies.

On the other hand, such studies are conducted for preference in specialized institutes. The virtual monopoly exercised by the classical type of university means that these institutes are unusual in the United States or Japan. Other countries, however, frequently establish them, some specializing in research, others (such as the Institut des Hautes Études Internationales in Paris or the equivalent institute in Geneva) providing courses, and others again, such as the British Institute of Comparative Law, organizing large conferences.

The institutes generally combine the teaching of international law with the teaching of international relations—a subject for which specific institutions are but seldom set up.

Finally, the situation of vocational education must be noted: this is provided in diplomatic schools (Latin America) or even in military

academies (United Arab Republic) where international law is taught to future naval, air force, army or police officers. Mention may also be made of the Academy of Foreign Trade of the U.S.S.R. The present survey confirms the observations forthcoming at the 1956 Geneva symposium to the effect that the place allotted to international law is still inadequate in examinations governing access to certain professions which call for legal knowledge, more especially the bar.

One initial conclusion may be stated as follows: (a) universities are pre-eminent in the teaching of international law and international relations; (b) research institutions and educational institutions specializing exclusively in the latter subject are comparatively rare.

Teaching staff

The problem of teachers would seem to raise a number of questions: has their training been solely of a legal kind? On what basis are they recruited? What is the proportion of those with practical experience? Is is possible to estimate the numerical importance of teachers of international law? How is the teaching staff organized in the various institutions? Finally, are certain specialists exempt from any teaching duties and solely concerned with research?

One thing is certain: those teaching international law have primarily had a university and legal training. This is confirmed in the thirteen countries to which the questionnaire was sent. What is involved is general legal training with specialization in public international law developing over the years. It may happen, however, that some universities offer courses of an historical rather than a legal kind and, more especially, are concerned with the history of treaties or with diplomatic history; this is the case, for instance, in France and Italy. Similarly, with regard to the international organizations and still more international relations, there are teachers who, having completed their legal or historical or even sociological studies, have become political scientists specializing in these fields.

The recruitment of teachers varies in accordance with criteria imposed more by the general organization of higher education in the countries concerned than by considerations specifically relating to the subject taught. It is impossible to single out any one principle valid for all countries. It may be taken, however, that the basic rule is that of selective co-optation involving a procedure which may be roughly divided into three stages:

1. The various applicants for a teaching post submit their candidatures together with a detailed curriculum vitae. As mentioned in the Scandinavian report, candidates may submit works dealing with a wide range of legal questions but it is obvious that, generally speaking, works relevant to the professorship sought will be given preference by the recruiting body.

2. Examination of each candidate's file and published works is accompanied by an appraisal of his personal qualities. In Scandinavia, for example, professors may be appointed on a trial basis, while in the U.S.S.R. refresher courses are organized for lecturers, assistant lecturers and auxiliaries in the higher educational or research institutions; in India, candidates are required to have had five to ten years' teaching experience. Finally, in some countries, e.g., the United States, Nigeria and India, candidates are normally interviewed by the dean of the faculty or a selection board, although this is not an absolute rule.
3. The final decision is then taken by an authority which apparently is almost always a committee, membership of which varies greatly. This committee is appointed by the university or faculty (United Kingdom, Scandinavia, Yugoslavia) or by the professorial board of the faculty (Japan). In the U.S.S.R., professors and lecturers are elected by the 'legal councils' of the law faculties, legal institutes and other higher educational institutions. In India, the committee includes not only professors but also judges and barristers.

This pattern, which also exists in Hungary and Italy, comprises a competitive examination on the basis of qualifications. Not many countries hold written examinations, although this system is used in certain Latin American countries for the State faculties when, as in Spain, an examination organized for a professorship of international law includes tests which are all devoted to this subject. In this connexion, the French system would seem to be of a very particular kind: in France, professors of international law have passed the law faculty *agrégation* examination which is held on a centralized basis and offers access to the various French faculties of law and economics. International law comes under the public law *agrégation* which includes papers on other subjects in this branch of law. Although the candidates' degrees and works are taken into consideration, the competitive examination, held before a jury of five, is primarily intended to reveal the teaching abilities of those concerned.

It was deemed desirable to establish the proportion of practical experts engaged in the teaching of international law. In principle, courses should as far as possible be given by professors occupying a chair or by lecturers.[1] Almost everywhere, however, the services of practitioners are called on for seminars and practical work. This is more especially the case in the U.S.S.R., Yugoslavia and Scandinavia. It is more unusual for outside experts to be asked to give regular lectures in the universities. In this connexion, the younger States seem anxious to entrust courses to professors rather than to men outside the teaching profession. Given the shortage of professors, however, they are sometimes compelled, as in the case of India, to rely on barristers or jurists.

1. Although in certain countries, such as Italy and the Latin American countries, professors may combine their duties with work as lawyers.

In countries where there is a large number of highly qualified jurists, these considerations do not come into play in the same way. On the other hand, practitioners are commonly invited to give lectures in the specialized institutes which thus benefit by knowledge combined with experience.

The experts who help the universities and the higher educational institutions in this way come from a wide range of categories: barristers or solicitors, legal experts, international officials, ministerial officials (especially from the Foreign Affairs Departments).

This does not mean that professors of international law cannot themselves engage in active practical work: according to the United States report, it is difficult for a full-time professor to undertake such work simultaneously but, on the other hand, professors of international law are commonly called on to go beyond their teaching activities and to serve as consultants or even to plead before an international jurisdictional court of arbitration.

The average number of professors of international law is difficult to estimate since it varies greatly from one country to another. It is safe to say that the average number of professors of international law is between two and four in each institution. Certain significant figures may be given for single countries in their entirety: 120 in the United States, 100 in Japan, 40 in India, approximately 40 in France (counting full professors only), over 30 in Yugoslavia and 28 in Italy. The percentages hardly figure in the survey, except for Japan, where professors of international law represent only 9 per cent of the total number of law professors (1,200), for Nigeria 25 per cent and for France approximately 30 per cent, although this latter figure includes professors who do not teach international law exclusively.

Generally speaking, therefore, the proportion is low.

In all countries covered by the survey there is a body of assistant lecturers or deputy professors who are recruited on the basis of their qualifications and works and whose duties vary greatly. Their designation also varies but they are commonly known either as assistants, assistant lecturers or lecturers. It should be noted that, generally speaking, after a certain number of years which are regarded as a probationary period and after publication of certain works, assistants proceed to higher positions in the teaching profession. Some countries, e.g., the United Kingdom, employ a seemingly complex classification (professor, reader, senior lecturer, lecturer, assistant lecturer) but, at any rate in that country, this in no way affects the teaching provided in the institutions. Other countries, such as Italy, have three levels of assistants (regular salaried assistants, deputy salaried assistants and unpaid volunteer assistants). In the United States, there are also part-time professors who form a specific category. Although they do exist, assistants are infinitely

less common in the United States and the United Kingdom than in other countries. The role of the assistants and assistant professors is either, as in Scandinavia and the English-speaking countries (or, in Latin America, in respect of assistant professors, temporary professors or replacement professors) to assist professors in their research and in carrying out certain of their duties or, as in the case of France and the U.S.S.R., to supervise practical work. In Hungary and the U.S.S.R., assistants may occasionally be responsible for regular courses. In France, apart from full professors, the only categories entitled to give such courses are lecturers and auxiliary lecturers, the latter, unlike the others, not being members of the teaching body but carrying out teaching duties until such time as they have passed the *agrégation* examination.

All these types of assistants are also engaged in research work.

The problem of organizing research consists in determining whether certain internationalists are allocated by regulation to research and not engaged in any teaching. The survey reveals that generally the professor or lecturer carries out research while also teaching. This would seem to be entirely natural. It would be difficult to separate teaching from research. In both France and the United Kingdom, most professors devote a considerable proportion of their time to their own research.

In some countries, e.g., the U.S.S.R., they may even be released from normal teaching duties over a certain time for this purpose. This applies to those in the United Kingdom who are 'detached' (without salary). On the other hand, in the American universities, there is the sabbatical year which enables professors to devote themselves to research while continuing to be paid. This system is only very rarely employed in Latin America and is non-existent in France.

In the latter country, the National Centre for Scientific Research includes, among others, internationalists who are not attached to universities and who are concerned solely with research. There are also several specialists in Hungary who are concerned with the same work while still remaining in the faculties.

Treatises and textbooks

It also seemed worth while to ascertain whether treatises and textbooks or casebooks were published in the countries covered by the survey.

The replies were closely linked—not surprisingly—to the development of international law in the country concerned, such development being itself conditioned by the general level of higher education. There is still in the developing countries a measure of deficiency in national production of books on international law. Nevertheless, India, which publishes an interesting *Indian Yearbook of International Law*, has produced half a dozen textbooks prepared by Indian authors. While the Indian rapporteur considers these as being of poor quality and directly based on foreign

works, they nevertheless represent an encouraging beginning. Special mention should be made of the United Arab Republic among the developing countries: Egyptian universities have produced a number of important works on international law of excellent quality, more especially those by Professors Ali Sadok, Abu Heif, Hamed Sultan, Mohamed Hafiz Ghanem and Boutros Boutros Ghali, and so important is the place allotted to the study of international law and international relations in the ancient land of Egypt that this list could easily be extended.

In the older countries, so many distinguished international experts have produced works of this kind that it would be impossible to list them all. While education in all these countries relies primarily on locally produced books, foreign works inevitably have an important place everywhere in the training of international experts. There is thus a common pool which, as the survey revealed, includes the works of Bishop, Brierly, Briggs, Castberg, Hambro, Jessup, Lauterpacht, McNair, Oppenheim, Schwarzenberger, Sorensen, Waldock in English; Battifol, Cavaré, Niboyet, Reuter, Rousseau, Garges Scelle, Sibert in French; Kelsen and Verdross in German; Accioly, Arechaga, Bustamante, Miaja de la Muela, Moreno-Quintana in Spanish; Ago, Anzilotti, Balladore Paglieri, Fedozi, Morelli in Italian, and to these must be added such Slav authors writing English or French as Avramov, Andrassy, Bartos, Jancović and Zourek.

It should be noted that the U.S.S.R., whose distinguished international experts include Korovin and Tunkin, also has one textbook, which was prepared by the Institute for International Relations in 1964, and another prepared by the Institute of Legal Correspondence Courses.

TEACHING SYSTEMS

The purpose of the institutions described above is to teach and the question arises as to whether the methods applied to the subject taught —international law—display rules common to all the countries covered by the survey. Can the aims of this teaching, the forms in which it is provided and the curricula which are followed be compared and reduced to a certain number of types? Is the place which such teaching occupies, the importance attached to it, the influence it exercises, the same in Western European countries, in Marxist-type democracies and in the developing countries?

At this point, an attempt will be made to answer these questions.

Purpose of the courses

The rules governing relations in international society, which are the subject of the teaching dealt with here, may be classed in two separate categories: those involving States are known as rules of public international law, while those directly involving private persons only (individuals and corporate bodies) are known as rules of private international

law. The problem is, therefore, to determine whether public international law and private international law should be taught on the basis of separate programming.

The survey reveals that all countries draw a distinction between public and private international law in courses and examinations. This is very apparent in the United Kingdom, the United States and Japan. The Scandinavian and Hungarian reports emphasize the link established in these countries between private international law and civil law. In the U.S.S.R., where the subjects are regarded as absolutely separate, private international law is only taught in the Moscow and Leningrad universities, at the Institute of International Relations and in the financial and economic institutes.

In France, experts in private international law have passed the private law section of the *agrégation* examination, whereas their colleagues specializing in public international law have passed the public law *agrégation* examination. The same distinction between experts in public and private law is to be found in Egypt.

Certain exceptions, should, however, be mentioned: in principle, Italy draws no distinction between public and private international law, although the rapporteur for this country notes that the present trend is towards specialization and he refers to the example of Milan where there are two separate professorships. Finally, the Scandinavian report points out that, in Stockholm, there is only one professorship for international law and that this covers the two branches; another professorship of this type is to be established at Uppsala.

It is, however, not enough to establish the outer limits of public international law; attention must also be paid to the limits of the sector covered by the teaching of this subject.

Does the teaching of public international law cover the whole subject or is it selective, giving preference to a particular series of questions (tenets concerning the nature and basis of the law of nations, the history of the law of nations, laws of war and neutrality, international trade, investments and nationalization, international organizations)? The enumeration of the questions dealt with undoubtedly varies to a significant extent from country to country and the lists do not entirely coincide. There are, however, a number of questions which may be regarded as covered by basic teaching common to all the countries involved in this survey. These are: the origins of international law (and, more especially, the study of treaties) international responsibility, the peaceful settlement of disputes, the laws of peace and the laws of war.

Certain specific features however, may be singled out.

1. In France, where the tendency is towards centralization, syllabuses are the same in all the universities, at any rate for courses leading up to the *licence*, with the preparation for doctorates including special courses whose syllabuses are chosen by the professor; in many countries,

on the other hand, apart from a certain common basis, the syllabus varies from one institution to another: this is the case in the United Kingdom, the U.S.S.R., the United Arab Republic, if only because the faculties themselves are sometimes specialized, as in Egypt, where, in addition to a faculty of law, there are faculties of commerce or economics and political science.

2. Some countries attach particular importance to the teaching of certain subjects. This applies to peaceful co-existence and the international legal relations of the socialist countries, which are subjects given considerable prominence in the U.S.S.R. In Latin America, American international law, the principle of non-intervention and the right of sanctuary occupy an important place in the universities.
3. Conversely, some countries exclude certain problems: the study of the laws of war does not exist in Hungary, in the United Arab Republic, in Guatemala or in Uruguay.
4. The current interest in international organizations is apparent in all the reports. The United Nations naturally comes first in the Western democracies, the socialist democracies and the developing countries alike. This does not alter the fact that there is a certain 'regionalization' of interests: naturally, the European countries (including the United Kingdom) include European institutions in their teaching, whereas the Latin American countries, although they do not exclude these, are more concerned with the Organization of American States, while Nigeria attaches a certain importance to the Organization of African Unity.

Generally speaking, it is unusual for the international organizations to be dealt with in specific institutions. In the faculties of law, economics or political science, they either constitute part of the general course in public international law—as is specifically the case in the U.S.S.R. and Latin America—or are the subject of special courses as in France and Japan.

The approach adopted also raises a problem of choice: does teaching deal with the theoretical or practical aspects, the normative and institutional aspects, or does it introduce historical, sociological and economic factors?

There is virtually no exclusive concentration on either a theoretical or practical approach. The distinction lies rather in the organization of courses; e.g., in Italy, the theoretical side tends to come under the authority of the professorial chairs while practical work is done through seminars, as is also the case in the U.S.S.R. and France.

Nevertheless, some countries, such as Japan and Yugoslavia, tend to stress theoretical studies whereas in the United Kingdom and the United States the emphasis is on the British or American practice of international law. The trend would, therefore, seem to be towards a system which, subject to certain variants, reflects the views of Charles de Visscher who urged that teaching should 'sift out, through more extensively informed

criticism, the rules and practices of international law as seen in their actual day-to-day application.[1]

The historical conditions, however, are not always given an important place, owing to lack of time, according to certain reports. As to the sociological or economic approach, although this is not overlooked anywhere, it is still, by and large, a comparatively neglected aspect of international law. This omission may be due to the distinction which exists between international law and international relations and which results in the aspects of the life of peoples, as revealed by the political sciences, being regarded as falling within the latter category.

Forms of teaching

One observation must be made forthwith; in all the countries covered by the survey, teaching is mainly provided through formal lectures.[2] In the United Kingdom, these lectures are devoted to the general principles of public international law, international organizations and relations between States. They are combined with the utilization of the 'case-study method'.

This is by no means the general rule; the case-study method is traditionally regarded as a specific feature of the English-speaking countries although the report on the United Kingdom reveals that it has never been exclusively used in that country. One of the particular features of the teaching of law in the United Kingdom is the large number of essays or written papers which students must produce. This requirement obviously varies from one university to another. In Oxford, where the method was applied for the first time, students very often have to prepare an essay every week. It should also be added that this obligation to produce written papers is apparently less onerous in studies of public international law than in studies of other legal branches. Students, therefore, regard the public international law courses as being 'privileged'. The case-study method is gaining ground in Italy, where it is extended to institutional courses and seminars. It is most frequently utilized in the latter. It is also used in this way in Nigeria and the United Arab Republic and is not unknown in France (where it is increasingly employed in 'practical work' sessions), Hungary and Yugoslavia. Not all seminars, however, rely exclusively on the case-study method: some faculties use seminars to hold far-ranging discussions on a given problem and this is also the approach in the 'study circles' in the U.S.S.R. which bring students together to discuss a question previously postulated by one of them—a method which is also current in France.

The survey revealed a definite expansion of the use of seminars in all countries covered, except in Latin America, although even here the

1. Charles de Visscher, *Théories et Réalités en Droit International Public*, 2nd ed., p. 499.
2. It can safely be said, however, that formal lectures have been completely done away with in the United States, where they are replaced by a diversified utilization of the case-study method.

Montevideo Faculty of Law organizes a seminar based on the exposition and analysis of practical cases. While they frequently overlap with the practical work sessions similar to those organized in France during *licence en droit* courses, seminars tend to acquire a character of their own through the discussions which form the basis for this type of exercise. This accounts for the fact that they fit naturally, as was stressed by the Indian and Scandinavian reports (although the remark applies equally to other countries), into the post-graduate study of international law in as far as those attending them are required to participate actively.

Do professors deal with the whole syllabus in their formal lectures or do they leave part of it to be covered by students' individual work?

Professors would seem to have considerable powers of discretion in this respect. A group of subjects is laid down by the ministerial or university authorities, depending on the country concerned, but professors are free to stress a given part of the syllabus, as revealed in the reports concerning the United States, Italy, the United Kingdom, Hungary, Scandinavia and the U.S.S.R. It is not surprising that this freedom of choice on the part of the professor should increase with the transition from undergraduate to post-graduate studies.

In the latter case, the system based on the professors' preferences is due to the highly specialized level of teaching whereas, at undergraduate level, the reports mostly attribute the fact that the professor has to limit himself to certain questions which he considers fundamental, to the lack of time available in which to absorb a very extensive subject.

In some countries, however, there would seem to be virtually a statutory or moral obligation to cover the whole syllabus: this is the case in the Latin American countries although, within the syllabuses approved by the university authorities, the professors have a large measure of freedom to decide on the most appropriate form which the course should take. But this freedom of choice only concerns the subjects dealt with and not the number of hours devoted to those subjects. It should be noted that in Nigeria lectures are required to cover the whole of the syllabus even if this should mean that the professor has to put in extra hours of work. This in fact frequently happens in France where, although not required to deal with everything, the professors try as far as possible to cover the bulk of the syllabus. The Hungarian report stresses that the same trend exists in that country.

In the United Kingdom, however, it is common for students to be required to study the whole course by individual reading. A detailed discussion between the professor and his students subsequently makes it possible to go more thoroughly into a given part of the syllabus which calls for close attention because of the problems involved.

If only in order to study the questions which are not dealt with in lectures, group work should have a place in undergraduate study.

The system of group work is very much favoured in Oxford and Cambridge; students in these universities maintain contact with the responsible professor through the 'tutorial method' which was taken as a basis in France for the 1955 reform of the *licence en droit* course when compulsory group work was introduced from the first year onwards.

In most of the countries, however (more especially the United States, Italy, Japan and the Scandinavian countries), work in small groups has primarily been developed at post-graduate level.

This serves in part to demonstrate that teaching methods and forms evolve with educational cycles for international law as for other subjects.

Chronology of courses

Two problems arise in this connexion: at what point does international law or international relations occur in the course? For how many years are these subjects taught during the course?

As a general rule, international public law is not taught at the beginning of studies. It is taught in the second and third years in the United Kingdom and the United States, from the second year in Yugoslavia, in the third and fourth year in Italy; it is taken up in the second and fourth years in the United Arab Republic and continues from the second to the fourth year in Japan. In the U.S.S.R., it is taught at the end of the cycle.

In Latin America, on the other hand, the subject is taught as early as the first year; the same applies to France with the course on international institutions which includes the history of the law of nations and general aspects of relations between States and which is primarily concerned with the international organizations. When taught in the universities, the subject of international relations is taken up at the end of the study cycle, as noted in the French and Nigerian reports.

The average duration of courses would seem to be two years (France, Italy, Japan, United Kingdom and Yugoslavia) although it may last only one year (e.g., in India). Information concerning this level is, however, not sufficiently detailed since it should be possible to take account of the number of hours set aside for each of the subjects: a course in international law may last two years at a rate of 40 hours per year or only one year at a rate of 80 hours. These figures, which refer to France, indicate the diversity of the possible solutions.

These solutions are largely governed by the arrangement of the curricula.

Syllabuses

These raise a great many questions.

In all the countries covered by the survey, public and private international law are the subject of at least one course in the basic cycle. It will be

remembered that the latitude granted to professors in conducting their courses means that the syllabus is reduced to certain subjects of international law. Most of the replies specify that a general course in private international law is provided for in basic university education either, as already noted, in the form of a general course covering public international law or in the form of a specific treatment, as in the case of France, Hungary and Japan in particular. It may be noted that in the United States forty-five law faculties teach international law applied to business.

The development of international organizations over the last twenty years raises the question of whether they are the subject of special courses in the faculties at basic university level, as in the case of France and certain British, American, Scandinavian and Italian faculties. Conversely, in such countries as Hungary, the course devoted to international organizations is only part of the general course. As a general rule, however, special courses on the international organizations occur at post-graduate level and are given in specialized institutes. This is true of Latin America and also of the U.S.S.R. which has its Institute of International Relations.

It should be noted that Western European countries are developing institutes specializing in the study of European organizations; France, Italy and Belgium, in particular, have several such institutes which enjoy an excellent reputation.

Some progress has also been made in the United Kingdom in the study of European institutions, more especially the Council of Europe and the European system for the protection of human rights and fundamental freedoms.

To some extent, therefore, there is inevitably a certain regional cleavage in the criteria adopted for the study of international organizations. While the United States and the U.S.S.R. are primarily concerned with institutions which are world-wide in scope, the Latin American countries, although they do not neglect the latter, give particular attention to organizations coming within the inter-American regional system. In this connexion, it is noteworthy that greater interest is being displayed in international economic institutions, more especially those concerned with the major problems involved in Latin American economic integration. The development of economic organizations also explains the fact that the political science and economic faculties in Italy attach increasing importance to this type of institution and provide optional courses on them.

It may be added that in France the creation of a *licence ès sciences économiques* as distinct from the *licence en droit* has led to a greater interest in these institutions.

The teaching of international relations is part of the teaching of political science. Is it provided in the faculties, at undergraduate level, or in specific institutes?

The first step is to distinguish between the types of institution.

In the United States and Italy, for example, international relations are taught in the political science faculties and not in the law faculties. Two hundred faculties of this type provide such teaching in the United States. In Italy, there are five professorships for international relations. There are also political science faculties which allot a place to this subject in their syllabuses. In these countries, therefore, there is a certain trend towards institutional specialization.

In France, all the institutes for political studies offer lectures on international relations and the political study institute of the University of Paris provides a particularly large number. It should also be noted that the National Foundation for Political Sciences includes an international relations study centre which is a research body of the greatest value. This institutional specialization is also to be found in other countries. The U.S.S.R. has an Institute of International Relations which provides very thorough training in this subject. Italy, with the Institute for International Political Studies in Milan and the University Institute for European Studies, likewise has institutions where international relations are given prominence.

International relations are taught in the law faculties in three different ways:

1. They sometimes form a part of a general course in public international law and, in this context, the level and importance attributed to them vary from country to country. In the U.S.S.R., for example, students taking the general course in international law are provided merely with basic data on international relations. In Yugoslavia, international relations in this general context may serve as an introduction to the analysis and interpretation of contemporary institutions of international law or may take the form of a body of decisive problems of immediate interest in international life. International relations are not covered by a separate course in India and are not included in the basic university cycle.
2. They may be the subject of a special course given within the context of the basic cycle or the post-graduate cycle. An example of this is provided by France, where international relations, at the level of the *licence*, represent half the course devoted to major contemporary political problems which lasts throughout the fourth year. This teaching may also be supplemented by seminars.
3. The seminars devoted to international relations are in fact very rare in the law faculties. Virtually the only example is the United States which has several seminars for the study of the links between international law and foreign policy.

This diversification of the forms of teaching concerning international relations and international law raises the question of the place which international law occupies in legal studies as a whole.

The place of international law in legal studies as a whole

A series of different viewpoints indicate the place allotted to international law in the countries covered by the survey. Whether this subject is compulsory or optional shows how much importance is attached to it. The proportion of students attending these courses and the time devoted to this subject are likewise particularly significant criteria.

In most of the countries covered by the survey, courses in international public law are compulsory: ten countries out of thirteen have adopted this solution. While this compulsion may not always involve regular attendance at lectures, it none the less implies that the student has received a general training in public international law and is therefore required to sit for an examination at the end of the year. The general principle of compulsion, however, should not be regarded as cut and dried. In a number of countries, public international law is the subject of either a compulsory or an optional course, depending on the institution concerned. This is in fact a matter basically determined by the institutional specialization of the educational establishments, although government directives concerning the curricula may have something to do with the compulsory or optional status of the course concerned.

In the United Kingdom, for instance, eleven out of twenty-three institutions make public international law compulsory in basic law courses; the others include it in their curriculum as an optional subject. The same applies to the United States, Japan, India and Nigeria, where a relative degree of specialization would seem to have developed in the political science and law faculties, some of which make the subject compulsory while others do not.

The situation in the Scandinavian countries deserves to be still more carefully examined. Finland is the only one of these countries where public international law is compulsory, although the very keen interest which students in Norway and Sweden have always displayed in international law has made this course in fact compulsory, even though it is officially an optional subject.

The socialist countries seem to be the only ones where there are no variations, since all three—Hungary, the U.S.S.R. and Yugoslavia—make the teaching of international law a compulsory course in the basic cycle.

It is not enough, however, to establish whether this subject is compulsory or optional; in either case, it is desirable to determine the proportion of students engaged in such studies.

There are no figures which indicate the proportion of students in public international law where the subject is compulsory in the basic cycle. Various examples, however, may perhaps give us some idea of the breakdown. In the United Arab Republic, for the university year 1962/63,

537 students took the course in international law in the last undergraduate year and 843 in the fourth year. In 1963/64, the figures totalled 470 and 917 respectively. In France, the example of a provincial faculty—at the University of Nice—reveals that during the 1964/65 academic year, 550 students attended the course on international institutions (compulsory in the first year of the *licence en droit* course).

Where the course in public international law is optional, it is still more difficult to give details since, as the United States rapporteur very rightly remarked, the choices made are greatly influenced from one university or faculty to another by the personality and reputation of the professor and the interest aroused in the students. This is equally true in the French law faculties, more especially for the third year of the *licence*, where the course is left to the students' choice. This element was also highlighted by other rapporteurs who provided only partial replies for individual institutions and not for the country as a whole. It should perhaps be added that the difficulties experienced by the rapporteurs in assembling figures at the national level also impelled them to limit their replies to a selection of educational institutions. At all events, it will be observed, for example, in the United Kingdom report that one-third of the students attending Liverpool University chose the public international law course. In Japan, there are marked variations from one faculty to another. In the law faculty of the University of Kyoto, which has a total enrolment of 250, 80 per cent of students opt for public international law and 20 per cent for private international law. In France, it would seem that almost half of the third year *licence* students choose international law. The number of those who opt for the European organizations or the major contemporary political problems (international relations) during their fourth year represents approximately one-third of the total. In India, only 20 per cent of the students choose the international law course where this is optional, and in Nigeria approximately 30 per cent.

The proportion of those who choose this course would therefore seem to be curiously uneven but none the less indicative of a reasonable interest in international law, with the branches of municipal law attracting a far greater number of students, mainly because of the wide range of openings which these afford. Does this also apply to the post-graduate level which attracts students interested in high-level international careers, teaching or research?

No cut and dried answer is possible. It would seem reasonably clear from the different reports that the proportion of students who study international law at post-graduate level is in itself fairly low. In any case, this is certainly the impression derived from the answers given by the United States rapporteur or the Japanese rapporteur, the latter adding certain figures: in the law faculty of the University of Tokyo, for instance, between 5 and 10 per cent of students take up the post-graduate study of international law; at the law faculty of the University of Kyoto, the proportion is

10 per cent. The developing countries find themselves in the same position as the industrialized countries since in India, for example, barely 10 to 15 per cent of students engaged in post-graduate studies opt for public international law. In the United Arab Republic, the proportion is more or less the same: at the University of Ein-Shams twenty-eight students studying for the higher education diploma opted for courses in public international law, i.e., barely 10 per cent of the total number of students.

This analysis, the results of which would seem modest, reveals two exceptions: Italy and the United Kingdom where, according to the investigators, the proportion of students taking up the post-graduate study of international law is fairly high.

It may fairly be asked whether there is not to some extent a relationship between the number of students opting for public international law and the proportion of time devoted to the study of international law (as compared to other branches of law). This is the question to which we must now seek an answer.

It would seem scarcely possible to single out general statements valid for all the countries covered by the survey. While the conditions analysed in the various reports may not each imply a particular solution, it is none the less true that the time devoted to the teaching of public international law varies from one country to another and sometimes from one educational institution to another.

The truth is that, here again, a relative degree of specialization seems to be emerging and the number of hours involved in the courses appears to vary according to the institution.

In the law faculties, bearing in mind that the average duration of under-graduate studies in the strict sense of the term is four years, it would seem that, proportionately, public international law is taught during one whole year. This, in any case, is the unmistakable solution in such countries as Italy, the United Kingdom, Hungary and the United Arab Republic. France comes first since, in a four-year study cycle, it offers the possibility of four and a half semesters of international studies in various forms and at three different stages: in the first year, the international institutions (a half-yearly course of 40 hours), in the third year, advanced international public law (a one-year course of 80 hours) and, in the fourth year, the European organizations (a half-year course of 40 hours) and international relations, within the framework of the course devoted to major contemporary political problems (a half-yearly course of 40 hours).

This review of the courses available in France leads to another concept of the time devoted to the teaching of public international law, namely the number of hours set aside for such teaching in the university year. This number of hours is generally calculated per week. In most of the law faculties covered by the various surveys, it amounts to 3 or 4 hours per week. This applies to the United States, the United Arab Republic,

the U.S.S.R. and Yugoslavia. In the latter country, an extremely detailed list drawn up by the rapporteur indicates that, in the Belgrade, Nis, Pristina, Zagreb, Split, Ljubljana and Skopje law faculties, the number of hours per week devoted to international law is never less than 3 and never more than 4. The same would seem to apply to Japan, although the criterion adopted is no longer that of the hours taught but of 'units'. The number of such units devoted to the teaching of international law represents 13 per cent of the total in respect of the law faculties of the universities of Tokyo and Kyoto. In France, as for all subjects taught for the *licence*, the rate of courses is three per week comprising 40 hours for a half-yearly course and 80 hours for a year-long course. If we consider the place which international studies occupy in the *licence en droit* it will be seen that this includes a compulsory minimum of 40 hours devoted to these subjects but offers the possibility of 200 hours. Is the situation any different in educational institutions of another type?

The political science or economics faculties also teach public international law but the number of countries which draw a sharp distinction between the law faculties and the political science faculties is so small that it is impossible to get an exact idea of the time devoted to public international law in institutions of the latter type.

Two interesting examples, however, may be noted. In the United States, the political science faculties teach public international law throughout one half-year term at the rate of 3 hours per week. In the United Arab Republic, 4 hours per week are devoted to the teaching of the subject.

We could hardly conclude better than by quoting an observation from the Yugoslav rapporteur, who expresses his regret at the absence of any teaching of public international law in the economics faculties, a lack which he considers prejudicial to the professional qualification of economists and particularly to be deplored at a time when international economic problems are of ever-growing importance. It is true that courses on international economic relations, centred on purely economic phenomena, do not always allot sufficient place to international institutions.

Notwithstanding these weaknesses and inadequacies, is the influence of international law throughout the world ensured by ancillary educational activities which encourage its development (symposia, round tables, etc.)?

Symposia, congresses and round tables

It may safely be said that most countries are tireless in their conduct of constructive and persistent action in this field—the cases of Nigeria or the Latin American countries being regarded as exceptions, which the rapporteurs of these countries are the first to regret.

Responsibility for initiating these meetings would seem to belong to both the law faculties and the institutes specializing in the study of international relations. Mention may be made of the example of Italy,

with the Società Italiana per l'Organizzazione Internazionale, the United Kingdom, with the British Institute of International and Comparative Law, Japan with the Japanese Institute of International Law, the Japanese Institute for the Study of International Problems, the Japanese Institute for International Politics and the Japanese Association for the United Nations.

It would seem reasonable, however, to attribute a particularly important role in this respect to the various sections of the International Law Association in the countries concerned. In the Scandinavian countries and Yugoslavia, for instance, these sections have organized a large number of congresses, meetings and symposia on international law, the proceedings of which are regularly published in the specialized journals.

In France, too, many symposia on international law are organized, either of a general kind or restricted to a particular field, e.g., dealing with Europe or the United Nations.

Finally, mention should be made of the part played by student groups in two socialist countries: Hungary and the U.S.S.R. In these countries, the organization of conferences for students and meetings in which professors, lecturers and students take part provide an opportunity for real debates.

Some symposia, however, take place at a higher level, e.g., those which bring together various faculties or different legal institutes, more especially that of the Academy of Sciences of the U.S.S.R. Discussions are also organized within the framework of the annual congresses of the U.S.S.R. Association of International Law.

These meetings are open to all, specialists and non-specialists alike, but it is safe to say that only specialists, members of universities or those professionally concerned with the subject, take part.

For the sake of completion, particular stress should be laid on the importance of certain international initiatives. Everyone is aware of the importance of the Institute of International Law which brings its members together every two years in a different city and which, for nearly a century past, has been responsible for considerable progress in the field of international law.

Reference should also be made to the value of the congresses of the International Law Association and, for international relations, those of the International Political Science Association.

Finally, reference should also be made to the symposia held under the auspices of certain international organizations which are attended by highly specialized university representatives.

NATIONAL REPORTS

FRANCE

R.-J. DUPUY
University of Nice

TEACHING ESTABLISHMENTS

Universities and specialized institutions

In France, the universities are the natural seat of instruction in international law, although certain elementary teaching may be given outside, particularly in connexion with higher military studies.

The centre of study and research on this subject is, of course, the faculty of law, but the institutes of political studies which exist today at certain universities in the provinces on the model of the Institute of Political Studies in Paris, the successor to the old and celebrated Free School of Political Science, devote a part of their courses to international law, to international organizations or to international relations. The National Foundation for Political Sciences includes an International Relations Study Centre which is a research body operating within the framework of the cycle of advanced political studies and of the 'third cycle'.

Certain institutes specializing in the teaching of international law or of certain subjects deriving therefrom should also be mentioned:

In Paris, mention should be made of the Institute of Higher International Studies of the University of Paris, with a two-year study cycle, and the College of Economic and Social Sciences, where certain courses on international affairs are given. It should also be noted that attached to the Faculty of Law and Economics in Paris is an Institute for the Study of European Communities where courses are given on the institutional, juridical, economic and political aspects of European organization within the framework of the Paris and Rome treaties.

In the provinces, mention should be made of the European University Centre at Nancy, where the instruction given to European or even non-European students deals extensively with problems of international law; while covering European private law, economics, literature and culture in general, it also includes the study of political science problems at the international level.

Strasbourg University has an Institute of Higher European Studies

which also offers instruction very largely devoted to international problems, and which publishes the results of the symposia organized by it.

Since 1965, an Institute of Higher European Studies, a private body established on the initiative of the International Centre for European Education in Paris, has existed at Nice. It is a post-graduate teaching institution intended for teachers of various nationalities, and it comes under the direction of the University of Nice.

Finally, at Bordeaux, there is the Centre for African Studies which is attached to the Institute of Political Studies in that city. It is a research centre operating within the framework of the 'third cycle', like the Centre for North African Studies at Aix.

To sum up, the law faculties provide instruction in international law and international relations, while the specialized institutions concentrate more on the latter subject.

Teaching staff

In France, instruction in international law is given by professors of law. In the law and economics faculties or institutes of political studies, they often also teach international relations. However, in the latter type of institution or in the specialized institutes, international relations are also taught by professors who are not themselves jurists and come from the faculties of letters: historians or geographers who approach these subjects in a different spirit and from a different angle.

Teaching and research inevitably benefit from the co-operation between these professors representing different disciplines.

Professors of international law are recruited by means of the competitive *agrégation* examination of the faculties of law. It is a specialized examination in four sections: private law, history of law, economics and public law. The professors of international law are recruited on the basis of the last-mentioned section. The *agrégation* examination in law, public law section, gives considerable prominence to public international law. There is a compulsory oral examination on the subject, apart from which there may also be a written examination. The oral examinations take the form of 45-minute lectures delivered *ex cathedra* by the candidate before a five-man board. It is evident, with this system of competitive examination where the candidates have to pass in constitutional law, administrative law, financial studies and international law, that their specialization will develop in the course of their career rather than from the examination itself. However, the candidates being necessarily doctors of law, some of them will have submitted a thesis on international law and thus already have acquired a degree of specialization, but this cannot be exclusive and they must have training in the other three subjects.

Teaching of international law is thus essentially given by professors who have their *agrégation*. It is possible, however, for legal practitioners to be entrusted with a teaching post in law and economics faculties. On

the and, in fact, a faculty may assign a course to a particular person because of his special competence, provided he holds the degree of doctor of law which he has to have in order to be given a teaching post. On the other hand, a faculty may also appoint a French or foreign professor, whose collaboration is desired as a teacher or director of research, as an 'associate professor'.

These fairly strict rules are not, however, applied in institutes of political studies and in specialized institutions, which aim specifically at employing the services of a wide variety of persons comprising both practitioners and university graduates.

The numbers of professors of international law at law faculties vary. In Paris there are six, and in the provinces there is an average of two, making a total of thirty for the whole of the fourteen French faculties.

In this connexion, two points should be noted: not all of the professors are exclusively specialized in the teaching of international law. Some of them, particularly the most junior ones, are also responsible for other subjects. Their specialization in international law is primarily demonstrated by their personal work and by their publications in this field.

It should also be pointed out that in France professors of economics at law and economics faculties are responsible for certain aspects of the teaching of international subjects, within the framework of the *licence* in economics established by the decree of 6 August 1960.

In France, side by side with the professors recruited on the basis of *agrégation*, there is a special group of assistant teachers. The latter, who are appointed by the Minister of Education on the strength of their work, are doctors of law or economics and either conduct courses or direct seminars.

The seminars may also be conducted by assistants appointed by the faculty to posts created by the ministry. The assistants are young doctors of law or candidates for law degrees who already hold a diploma for higher studies and are considered by the faculty to be capable of supervising practical work sessions. They are usually young persons who intend sitting for the *agrégation* in law.

Cases occur where certain specialists in international law are exclusively concerned with research, but they work outside the faculties which are essentially teaching institutions (even though the professors necessarily keep up their own research work).

The specialists exclusively concerned with research are attached to particular institutions such as the National Centre for Scientific Research or the International Relations Study Centre of the National Foundation for Political Sciences.

Treatises and textbooks

France has at its disposal of a very large number of authoritative treatises and manuals on public international law, for instance those by Fauchille,

Sibert, Gidel, Scelle and Cavaré, to mention only the names of writers belonging to the first half of the century and since deceased. In private international law, the works of Niboyet and Professor Lerebour-Pigeonnière are held in high esteem.

Students working for the *licence* at present have at their disposal works based on the examination syllabus: those in the Thémis series, by Professor Paul Reuter: *Institutions Internationales* (1st year), *Droit International Public* (3rd year); and those in the Dalloz series: *Institutions Internationales*, by Professor G. A. Colliard, and *Droit International Public*, by Professor Charles Rousseau. In the field of private international law, mention should be made of the treatise by Professor Battifol (published by the Librarie Générale de Droit et de Jurisprudence), and the Dalloz *précis*, by Professor Loussouarn. There is also the five-volume *Juris Classeur de Droit International*, on public and private international law, in which a number of authors have collaborated.

It is impossible to cite here all the works on private international law by French authors. The periodicals should, however, be mentioned. They are: *La Revue Générale de Droit International Public*, founded in 1894 by Pillet and Fauchille and now directed by Professor Charles Rousseau; and *L'Annuaire Français de Droit International*, founded in 1955 and directed by Madame Paul Bastid. The *Journal du Droit International*, founded in 1874 by Clunet, has the special quality of being concerned with both public and private international law. There is also a special publication on the latter entitled *La Revue Critique de Droit International Privé*.

Then there are the casebooks, La Pradelle and Politis, *Recueil des Arbitrages Internationaux* and the collection *Recueil de Textes de Droit International Public*, by Le Fur and Ch. Klaver (2nd ed., Paris, Dalloz, 1933); *Droit International et Histoire Diplomatique*, by C. A. Colliard (3rd ed., Paris, Domat-Montchrestian, 1956); and *Textes et Documents Diplomatiques*, by P. Reuter and A. Gros, (Paris, Presses Universitaires de France, 1960).

Foreign works are of course commonly used by French specialists in international law. They include those of Jessup, Oppenheim and Lanterpacht, Brierly, Kelsen, Guggenheim and Tunkin, those of the prolific Italian school, and also works by Spanish or Latin American authors (it being understood that the authors or schools concerned are cited here only as examples).

TEACHING SYSTEMS

Purpose of the courses

A distinction is made in France in organizing instruction and examinations, between public international law and private international law. The first is taught by professors who have their *agrégation* in public law and the second by professors who have their *agrégation* in private law.

In the case of public international law, instruction covers all the topics relating to that discipline but the arrangement of the courses indicates the provision, parallel with the general instruction, given in the third year of the *licence* course, of more specialized instruction: on international institutions in the first year and on European organizations in the fourth year. At the doctorate level, the work for the diploma for higher studies in public law comprises a course of public international law bearing on a special subject chosen by the professor, and a course on international organizations which may also be restricted to a category of institutions or to one aspect of them.

It cannot be said that instruction in France in public or private international law places the main emphasis either on the theoretical or on the practical aspects. Whatever may be the doctrinal choices of the professors, positive law is generally considered to be essential. While certain of them incline to theoretical developments, they tend to do so from the aspect of real life.

It may be concluded, on this score, that French professors generally tend to consider that international law must always be taught in the light of historical, political, economic and social data governing legal standards and institutions.

Forms of teaching

Instruction is essentially given in the form of 1-hour lectures for the *licence* and doctorate alike.

However, seminars are organized side by side with the general third-year course and are offered to students to choose from.

For the *licence*, the professor is required to cover the whole of the syllabus. In fact, however, this is not always the case, either because the extent of the syllabus does not permit him to maintain a level of instruction of a higher standard sufficient to cover the whole, or because he deliberately prefers to make certain cuts. In all cases, he refers the students to specialized works to enable them to complete their training.

Although the lecture courses, from the *licence* stage, make abundant reference to diplomatic, arbitral or juridical precedents, instruction in case law is most effectively given in the seminars.

The method of working in small groups is applied from the *licence* stage, in the third year. Following the 1955 reform, practical work sessions in respect of international institutions were provided as from the first year. Since 1962, unfortunately, this subject, still taught in the first year, is no longer included among those for which practical instruction is prescribed. In certain faculties, however, practical work sessions are still organized in this field. During the third year, when public international law is the subject of practical instruction side by side with a lecture course, the students are divided into groups of not more than twenty-five, in principle. This gives them the opportunity, on the one hand, for personal

work, the teacher in charge of their studies assigning them the task of preparing digests and analyses of books, texts, and arbitrational or jurisdictional rulings, and the opportunity, on the other, of participating in actual seminar sessions on the basis of guided discussion. It is at the doctorate level that seminar sessions preponderate. However, the decree of 15 June 1959 provides that for each subject, direction of studies and researches should total at least ten 1½-hour sessions annually. In principle, the standard of the students enables them to participate more actively in these sessions. Whereas the doctorate courses relate to a subject chosen by the professor, the seminars make it possible to deal with questions relating to the public international law syllabus in general. It should be noted that, since 1948, on the initiative of Professor Paul de la Pradelle, the *licence* and doctorate students at the law and economics faculty at Aix-en-Provence, run a Student Court of International Justice, the sessions of which provide them with an opportunity of studying current problems of international life in an original setting.

Although public international law is subject to direction of studies and research, within the framework of the diploma for higher studies in public law, private international law, which is only an optional subject for the diploma for higher studies of private law, does not benefit from such direction, and constitutes a seminar subject only if the faculty has so decided. The same applies to the course on international organizations for the diploma for higher studies of public law.

Chronology of courses

The international law aspect, including the course on international institutions, features in the curriculum from the very first year of the *licence* course.

There has been a very marked extension of instruction on international law and international relations in law and economics faculties.

Until 1955, international law was the subject of only one of a number of optional half-year courses available to candidates for the second oral part of the examination for the third and final year of the *licence*, and it recurred only at the doctorate level. The 1955 reform of the *licence* increasing the total duration of studies to four years was followed by the introduction, starting from the first year, of a course on international institutions covering the history of international law, the first elements of inter-State relations (diplomats and consuls, recognition of States and governments, and an outline of the law of treaties) and centred more particularly on international organizations. This subject was compulsory. On the other hand, a more thorough optional half-year course in international law covering the law of relations between States was offered in the third year: nature of State competence, law of treaties, peaceful settlement of disputes, law of the sea, of the air and communication routes, laws of war. The decree of 10 July 1962 amending the study and examination system

for the *licence* in law resulted in a further extension of instruction in public international law. International institutions remain the subject of a first-year course, with a compulsory written or oral examination, depending on the decision of the dean of the faculty, who specifies the topics to be covered by the written tests.

The decree also provides for the same course to be given to second-year students taking the *licence* course in economics.

Finally, in the fourth year of the *licence* in law, a course on European organizations and a course on overseas law and co-operation are provided. Although the latter subject covers questions not relating to international law, it also concerns multilateral co-operation (action by international, regional and, more specifically, European organizations) and bilateral co-operation (including action by the Great Powers). It also concerns studies on co-operation between France and individual Afro-Malagasy States (co-operation agreements, agencies and procedures for providing aid) as well as groups of African States.

Apart from the fact that practical work sessions are organized in the third year whereas the decree on the *licence* in law makes them no longer compulsory in the first year, it could hardly be claimed that the methods of instruction evolve as the cycle of studies proceeds. In the fourth year, the faculty has the right to designate the topic for the second of the two weekly teaching sessions.

Syllabuses

In France, the syllabuses seem to be rigidly determined: ministerial texts apportion international questions between the various 'international' courses for the first, third and fourth year of *licence* work. The general course on international law is arranged for the third year, and covers all the fundamentals: 'Systematic principles of public international law (basis, division, relations with other legal systems), sources of law and international juridical instruments, international status of the State (State competence, territory, State successions), general theories concerning the international organizations; the sea, international canals and rivers, air and space; procedure for settlement of international disputes (in particular arbitration, judgement, role of international organizations); rules relating to recourse to force (prohibition, legitimate defence, collective and organized methods of international intervention); war, neutrality and civil war.'

As regards private international law, provision for teaching which is made in the fourth year of the *licence* course, the syllabus is as follows: 'Nationality, status of aliens, physical persons and corporate bodies; conflict of laws, general theory and its applications; conflicts of jurisdiction, competence of French courts, procedure, effects of judgements, arbitration awards, foreign public acts.'

As far as public international law is concerned, it should be noted that

this subject is to some extent divided up according to years of instruction. In point of fact, although the third-year syllabus covers almost all of the topics involved, the first-year syllabus essentially comprises a fairly well-developed historical introduction followed by a more or less elementary approach to legal relations between States (diplomatic and consular agents, recognition of a State and a government, treaty law) and primarily concerns the description and analysis of international, political and technical organizations of a universal or regional nature.

In the fourth year, the course on European organizations covers the following topics: sociological, political and economic data of problems of the organization of Europe; historical evolution of the organization of Europe since 1815; classification of European organizations, methods of unification, institutional and juridical aspects; European regionalism and universal organization; Europe and the United Nations; European organizations for political, military, technical and economic co-operation; Council of Europe and the protection of human rights; organizations for co-operation and development and restricted economic union; the North Atlantic Treaty Organization and the Western European Union; Eastern Europe and its institutions; the European Communities; political, juridical and economic aspects.

It will be seen, from these various syllabuses, that in France the international organizations constitute the central element of the first-year course as well as of the fourth-year course dealing specially with the European institutions which have already been studied, although less thoroughly, as from the first year.

At the doctorate level, a course on international organizations is prescribed for the diploma for higher studies in public law (post-graduate course).

The criteria adopted for the study of international organizations are extremely diverse, since in principle the various bodies are studied from different angles: there is the structural and functional criterion, in the first year, narrowed down by geographical criteria in the fourth year; whereas in the third year, as part of the general course, there is a general theory of international organizations which has the advantage of permitting a synthesis.

International relations are mainly studied during the fourth year of the *licence* course, in which they make up half of the course on major contemporary political programmes, covering the following topics: 'International life and East-West relations, blocks, the cold war, co-existence and peaceful competition, neutrality, security, disarmament, and new States.'

In addition to this specific course, mention may be made of a course of instruction covering numerous aspects of international relations and entitled 'Overseas law and co-operation'. This again, is a fourth-year subject. The syllabus is as follows: 'Introduction, the colonial problem. (1) Colonization, history and comparative public law; international action

in dependent territories (origin, League of Nations and United Nations, trusteeship, regional institutions). (2) The end of colonization; new States and the problems of development; part I: French overseas law; part II: co-operation, introduction to social conditions; legal and political cadres in States in process of development (more particularly, States that have concluded co-operation agreements with France); multilateral co-operation (action by international, regional and, more specifically, European bodies) and bilateral co-operation (action by the Great Powers); co-operation between France and the Afro-Malagasy States; co-operation agreements and agencies, (procedure for providing aid); laws of the Afro-Malagasy States.'

The place of international law in legal studies as a whole

For the *licence* in law, only the first-year course on international institutions is compulsory for all students. It is also compulsory in the second year for students preparing for the *licence* in economics, who also have to take the course in international economics in the fourth year.

On the other hand, the third and fourth year courses for the *licence* in law are optional in the sense that for those years the students themselves arrange their examination programme by presenting a certain number of optional subjects in addition to the compulsory ones.

It is difficult to assess what proportion of students select international law. In France, taking the Faculty of Law of the University of Nice as an example, the proportions for 1965 are as follows:

Third year of the *licence* course: 78 students out of 133 chose public international law (i.e., 59 per cent).

Fourth year of the *licence* course: 32 out of 91 chose the course on European organizations (i.e., 35 per cent).

Fifth year of the *licence* course: 35 out of 91 took the course on major contemporary political problems (i.e., 38 per cent).

It would appear, judging from the information available to us, that these proportions correspond approximately to those of the faculties in general, although the influence exerted by the personality of the professors responsible for teaching these subjects also has to be taken into account.

At the doctorate level, it is equally difficult to estimate what proportion of students decide to go in for international law, as this subject is associated with the diploma for higher studies in public law, where it co-exists with administrative law, constitutional law and comparative constitutional law.

However, it would seem that in the case of the studies leading to the acquisition of this diploma, those specializing in international law are slightly fewer in number than those specializing in administrative and constitutional law combined.

In France, the number of theses on international law submitted remains fairly high.

The amount of time devoted to the study of international law in preparing for the *licence* in law ranges from a compulsory minimum—40 hours for the course on international institutions in the first year—to the 200 hours possible if the students take the general course for the third year (80 hours), the half-year course on European organizations (40 hours) and the course on major contemporary political problems, 40 hours of which concern international relations. To this total may be added the 40 hours of the course on the laws of overseas countries and co-operation.

The course on private international law is a six-month one (40 hours). The course on international economics, within the framework of the course for the *licence* in economics, represents a total of 80 hours.

It is hardly possible to establish a relationship with the other branches of law or political science in view of the general and varied nature of the optional systems.

Symposia, congresses and round tables

Meetings of this kind are fairly frequent in France, and deal, in particular, with questions of economic international law (oil, fisheries), in which case they are attended not only by university professors but also by leading practitioners and experts of very different kinds; with problems relating to international organizations, e.g., the Congress on the Adaptation of the United Nations to the World of Today, which was held in Nice in 1965;[1] or with European organizations. Noteworthy, in this connexion, was the creation in 1964, under the auspices of the information service of the European communities, of the Commission for the Study of the European Communities, which is attended by representatives of the French law faculties and which promotes the organization of various specialized symposia within the faculties.

Questions concerning international relations are also the subject of symposia held either under the auspices of the National Foundation for Political Sciences or within the framework of the French Association of Political Sciences or, as far as European problems are concerned, within that of the Association for the Development of European Political Science.

1. Cf. the proceedings of this congress, published by the Librairie Pedone (Paris, 1966).

HUNGARY

G. HARASZTI
University of Budapest

THE EVOLUTION OF THE TEACHING OF INTERNATIONAL LAW IN HUNGARY

In the past, international law played only a very minor role in Hungary in respect to juridical science and higher education alike. This is true both of the time of the dual monarchy, i.e., the Austro-Hungarian regime (1867-1918), and of the Horthy era.

This fact may be explained, for the whole of the period concerned, by the special situation in which the country found itself. A detailed analysis of that situation, however, would obviously be beyond the scope of this report: nevertheless, a brief account of the essential points seems indicated.

It must be emphasized first of all that, at the time of the monarchy, Hungary had no international personality and was a subject of international law; hence the ruling classes had no interest in drawing attention to international law, the main role of which is to regulate relations between sovereign States. That being the case, the study of international law in the universities and law schools was relegated to the background; and while it was not found feasible to exclude the study of international law altogether, the aim was to treat it, rather, as a discipline coming within the area of the philosophy of law and to detach it as far as possible from positive law. Hungarian literature on international law was very poorly developed during that period, and the first courses in international law to appear during the second half of the last century were below the world standard at the time.

The situation did not improve to any decisive extent during the Horthy era. Although a substantial change had occurred in the international juridical status of the country—since Hungary had become an independent subject of international relations and was sending its own diplomatic representatives abroad, while a large number of foreign States were represented in Budapest, the interest shown in international law had not increased in consequence to any very considerable extent. This phenomenon was due to the fact, primarily, that international jurists in line with the interests of the ruling classes devoted their talents first and foremost to the service of abortive revisionist propaganda, the important problems

of international law being pushed into the background. But there was no reason, actually, to expect from Horthy's Hungary, which had made itself notorious for its violations of international law and whose own activities had largely led to the framing of conventions for the prevention of currency forgery and terrorism, that it would distinguish itself particularly by its scientific and pedagogical work in the field of international law.

Neither did the Horthy regime occupy itself seriously with instruction in international law. For many years, the chair of international law at the University of Budapest remained unoccupied, without international law even being an examination subject: for the sake of appearances, candidates taking the examination in the philosophy of law were asked a single question about international law, but their replies had no effect whatever on the examination results. However, the situation changed somewhat towards the middle of the 1930's, perhaps as the result of the well-known ruling of the Permanent Court of International Justice in the matter of the Péter Pázmány University *versus* the Czechoslovak State. The University of Budapest having, in fact, won its case before the Permanent Court, it was deemed useful to attach greater importance to international law in higher studies, and a regular professor was accordingly appointed to the chair, although international law remained associated with the philosophy of law.

However, despite the static nature of the situation at that time, it has to be stated, in all objectivity, that Horthy's Hungary did produce some works on international law of undoubted value. It is also a fact that some of the faculties in the provinces had already had their professors of international law, long before the Budapest faculty, but it must also be emphasized that the work of these chairs of international law was primarily influenced by revisionist propaganda. The case may be cited, as a typical example, of the faculty at Pécs, where the chair of international law was actually merged with the very active Institute of Minorities. As a result, the chair's scientific work was solely confined to the study of problems relating to minorities and to the revision of the peace treaties.

As to the teaching of international law, a radical change occurred only after the liberation of Hungary at the end of the Second World War. International law finally acquired a distinctive place in the post-war curricula commensurate with its importance, and scientific work also went rapidly ahead. An account of the present situation in the teaching of international law is given below.

EDUCATIONAL INSTITUTIONS

Carrying socialism into effect, the new Hungary abolished the law schools, and instruction in law is now given only in the university faculties of political and juridical sciences. Even before the war, in fact, the law schools provided a lower level of instruction and were not qualified to train students for their final examinations: that right was confined to the

university faculties. At present, there are three faculties of political and juridical sciences in Hungary—at Budapest, Pécs and Szeged. International law is also taught at the Karl Marx University of Economic Sciences in Budapest to students attached to the recently established section for the study of international problems. However, it should be pointed out that the instruction given there is for experts in international relations, not jurists. Courses on international law are compulsory for students of the faculties of political and juridical sciences, and for the students at the above-mentioned section of the University of Economic Sciences. There is also a working group on international law at the Institute of Political and Juridical Sciences of the Hungarian Academy of Sciences which is concerned with scientific research on international law problems. The institute is not concerned with teaching, but the research workers it employs may on occasion participate in teaching international law at the other establishments.

TEACHING SYSTEMS

Morning courses, evening courses and correspondence courses

In reviewing the instruction given in the faculties of political and juridical sciences, a clear distinction must first be drawn between morning, evening and correspondence courses. The morning courses are designed for young students who have completed secondary school and intend to devote themselves to legal studies. The course of instruction, of the 'traditional' kind well known in law faculties throughout the world, covers four years, with a course in international law in the fourth year. The advantage of this system is that the students have already acquired a fairly thorough knowledge of the various branches of domestic law, which obviously facilitates a better understanding of the problems of international law.

The evening and correspondence courses were instituted after the liberation for persons employed during the day and wishing to engage in law studies without interrupting their regular work. The evening courses are attended by workers living in the locality in which the faculty is situated, and the correspondence courses are for workers living outside, in areas which may be far distant from the faculty. To facilitate their studies, consultation centres have been set up in the main centres of each province where the students living in the provinces assemble periodically and follow courses organized for them and run by legal practitioners (judges, attorneys, lawyers, etc.) on the basis of textbooks written by the faculty teachers. The students are also able to consult the practitioners on particular problems connected with their studies. So far, unfortunately, there has been no possibility of organizing courses in international law at the centres, as the jurists living in the province generally have little opportunity to perfect the knowledge of international law acquired by them during their university studies, and are, therefore, unable to conduct courses and

consultations on the subject. To remedy that deficiency, consultations on international law for correspondence students are organized by the faculties towards the end of each semester. They are generally held for two consecutive days (for one day at provincial faculties), the professor and his assistants explaining the most important questions of international law to the students and answering their questions. Apart from these collective consultations, the international law sections also give individual attention to students living in the provinces who submit their problems to them.

Chronology of courses

The duration of studies is five years for evening and correspondence students, with courses and consultations on international law during the fifth year.

At the University of Economic Sciences, the recently established chair of international relations provides four-year courses for its students; international law and certain specific problems of it being included in the syllabus in the third and fourth years, instruction in international law being inaugurated during the current year for third-year students.

Purpose of the courses

The teaching of international law in Hungary concerns public international law only, which does not mean that the importance of private international law is not fully appreciated. That is by no means the case, but Hungarian lawyers, almost without exception, take the view that public international law and private international law are two separate disciplines, the second being essentially a specialized branch of civil law. Instruction in private international law is, therefore, given by specialists in that discipline, with courses extending over only one semester and compulsory for all students. They are given in the same year as those on public international law.

Instruction in public international law covers all the topics customarily associated with international law, but in line with recent developments teachers attach special importance to the problem of international organizations, with special emphasis on the United Nations. They also seek to explain the theoretical and practical aspects of international law, and at the same time to give an idea of the historical evolution of the various international institutions. The importance of new progressive principles of international law is specially emphasized in the courses. The teachers are naturally free to choose, at their own discretion, which particular problems they consider more important and to place special stress on them. Didactic reasons lead the teachers to deal more fully with the more difficult problems as well as with those not adequately covered in the manual used or regarding which important changes have occurred since the last edition of the manual (in 1961). Obviously, the number of these

problems steadily increases. Meanwhile, it can be noted, in general, that instruction on the law of war and of neutrality is relegated to the background. This phenomenon is mainly due to lack of time, which is a formidable enemy of all teachers of international law, but also to the hope that the importance of the law of war will continue to diminish, and that in accordance with the rules of new international law it will be possible to eliminate war from the life of peoples. To sum up, it should be emphasized that even if the teachers do not deal in their courses in detail with all questions associated with international law, they expect the students to use the textbooks at their disposal in order to brief themselves on all these questions whether they are covered by the lecture course or not. It is also customary for the teachers to organize optional courses extending over one or more semesters on special topics chosen by themselves.

As indicated above, the aim of the instruction is to give the students an insight into the theoretical and practical aspects of international law. In the past, as already explained, international law was treated as a purely theoretical discipline having no relation to positive law, and traces of that conception can still be noted here and there in courses on the subject. It can, nevertheless, be stated that the accent is now on the generally accepted rules of international law, and the great majority of teachers proceed from the concept that international law is a positive discipline, just like civil law, the penal code, and so on in domestic law, while bearing in mind that the characteristic features of international law must be emphasized in the courses. All that has been stated so far does not imply that the Hungarian teachers of international law accept the positivist theory of law, for that is by no means the case. The starting point taken in the teaching of international law and the conduct of scientific work is, of course, the Marxist conception of law. It is therefore unnecessary to stress—and we mention the fact only in reply to one of the questions raised—that the teachers responsible for giving instruction in international law try to make their students understand the economic, social and political background which plays a decisive part in the establishment of its normative rules.

Forms of teaching

Teaching is based on lecture courses. The professor generally deals with all the subject matter of international law in his courses, but, as already stated, he goes more thoroughly into certain important questions which he has himself selected and may leave aside certain other questions and advise the students to refer to their manual. The morning and evening students follow courses in international law for two semesters, with three lessons a week for the first category and two for the second. The courses are supplemented by compulsory seminars for the morning students. At present, the seminars are held during the second semester only, the seminars for the first semester having been abolished when various measures were adopted to avoid overloading the students. Each seminar is made up of

some twenty students. The problems dealt with relate to the international law courses, and the main aim is the practical application of the course material imparted. Concrete cases are analysed, and the participants study specific rulings and advisory opinions handed down by the Permanent Court of International Justice and the International Court of Justice. However, the work is not confined to analysing judicial practice: it also extends to diplomatic practice. A detailed study is made of major treaties (this, obviously, cannot be done during the courses), and key theoretical questions are also discussed by the participants. The students are free to recommend specific problems for discussion at seminars. Seminar instruction thus helps to provide a better understanding of the subject matter of the lecture courses by adding an acquaintance with practical work and a thorough analysis of theoretical problems. The very limited amount of time at present assigned to international law seminars under the teaching programme obviously precludes the achievement of all the objectives set, and it is for this reason that the teachers have to make a judicious selection of the principal problems the detailed discussion of which in the seminar is likely, in their view, to yield the most fruitful results.

The teaching of international law at the University of Economic Sciences differs in some respects from the picture given above. It is taught there for two semesters, with two lessons a week, the lessons being supplemented by seminars throughout. In view of the special training given at this university, as already mentioned, the law of international organizations, consular law, problems of cultural relations and other topics normally dealt with in courses on international law are the subject of separate courses.

In addition to the lecture courses, the international law manual is an important teaching instrument. As stated, the last edition of the manual appeared in 1961, and it therefore needs to be brought up to date in many respects. The manual is by Hungarian authors, no foreign textbooks being used for teaching international law in Hungary. So far, no casebooks have been published in Hungary; however, a Hungarian monograph on the jurisprudence of the International Court of Justice is used, particularly for seminar work, but as it dates from 1958 it obviously does not deal with the court's recent findings.

With regard to the teaching of international law by faculties of political and juridical sciences, a few words may be said about the work of students' scientific groups. The students so desiring may apply for admission to one of these groups specializing in the various branches of law, including the group concerned with international law, provided they have obtained good marks during their studies. Students admitted to one of these groups prepare, with guidance of one of the professors, short scientific papers on topics chosen by themselves and present them at a group meeting. The ensuing discussion is sometimes very lively. The number of members admitted to a group ranges from ten to twenty; experience has shown that with more than twenty the efficiency of the work decreases. The groups

meet twice a month on average, except during the examination period, and the meetings usually last from 2 to 3 hours, and sometimes longer. Every two years, the scientific groups of all the universities of the country hold a general conference at which the best papers are presented and discussed by all the members of the scientific groups concerned. It provides the students of different faculties who are interested in the same disciplines—for example, international law—with an opportunity to make personal contact with one another and discuss scientific questions of common interest.

The scientific groups are open to the students of all cycles, without distinction. Nevertheless, the members of international law groups are recruited mainly from among students in their final year, as this discipline is a fourth-year subject; however, each year, some of the second- and third-year students are also admitted, this constituting an advantage from the standpoint of the continuity of the work, for the obvious reason that the fourth-year students leave the group on termination of their university studies. Naturally, the admission of second- and third-year students to the group is confined to those who, through their personal studies, have already acquired a knowledge of the fundamentals of international law.

Syllabuses

There is a single syllabus for instruction in international law for the three faculties of political and juridical studies, and a separate one for the chair of international relations of the University of Economic Sciences. All competent specialists in international law have had a hand in preparing these syllabuses, which list the principal questions to be covered by instruction but without rigidly prescribing them. The professor himself chooses, within the framework of the syllabus, the problems he wants to deal with in a more detailed manner and those regarding which he may invite the students to consult the manual. In connection with the recent reform in higher education, a new syllabus for international law was drawn up designed to modernize the teaching of this discipline. It provides a very good basis for university courses, and at the time of formulation a simultaneous attempt was made to revise the actual conception of the science of international law. However, the new conception cannot yet be considered to have been completely worked out.

The syllabus for private international law is totally distinct from that for public international law, which includes the subject of international organizations. This subject is treated differently in the instruction given at the University of Economic Sciences, where it is covered by a special course. The same applies to consular law and cultural relations.

At the faculties of political and juridical studies, international relations are not the subject of a special course, whereas at the University of Economic Sciences the section repeatedly referred to is particularly concerned with analysing such questions.

At the faculties, every student taking the morning course has to sit a compulsory examination in international law at the end of the fourth year. The evening and correspondence students have to appear twice for examinations in international law during the fifth year at the end of the first and second semesters respectively. The first examination covers the material taught during the first semester, while the second covers the entire subject of international law as presented in the manual used in the faculties. The University of Economic Sciences also has a compulsory examination in international law which the students have to take at the end of their studies.

The place of international law in legal studies as a whole

As regards the amount of time devoted to studies of international law in proportion to other branches of law, it can be said that the position in the faculties is fairly satisfactory. Only the most fundamental subjects for the training of lawyers (e.g., civil law, criminal law and administrative law) enjoy a more privileged situation.

Symposia, congresses and round tables

A long-standing problem of the faculties is that of developing closer links with legal practitioners, especially those working in the field of international law. The solution of this problem might enable the practitioners to refresh and enrich their theoretical knowledge, but collaboration would obviously also be advantageous to the professors of international law, who could thus acquaint themselves directly with the new problems arising in daily practice. It was these considerations which led the chair of international law of the Budapest faculty to set up a working group on international law. It has now been in existence for thirteen years, and collaborates closely with the International Law Section of the Association of Hungarian Lawyers. The members of the group are recruited from among teachers of international law, on the one hand, and the staff of various ministries, institutions and undertakings as well as among lawyers whose daily work is related to international law, on the other. From time to time, the working group and the International Law Section organize joint meetings at which one of the members delivers a lecture, with a discussion to follow.

Problems of international law are also discussed within the International Law Association's Hungarian section, to which the professors of public international law and private international law belong. As the International Law Association is concerned with both disciplines, the specialists in both branches meet in the Hungarian section to discuss problems featuring in the agenda of the association's biennial conferences and to arrange for the publication, at each conference, of a volume in English containing articles by members of the section on various problems

of public and private international law. The Hungarian section is now in its sixth year, and the third of these volumes is at present in the press. The Hungarian section, which is thus a meeting place for teachers and practitioners, participates in the organization of conferences in collaboration with the working group of the Budapest chair of international law and the International Law Section of the Association of Hungarian Lawyers.

Teaching staff

The professors and other members of the staff teaching international law, both in the faculties and at the University of Economic Sciences, are all lawyers. Among the teaching staff, a distinction should be made between professors, readers, lecturers and assistants, all of whom are recruited by competitive examination and who are appointed on the recommendation of the faculty. The professors are appointed by the Council of Ministers, readers by the Ministry of Culture and other teachers by the rector of the university. The whole of the scientific work done by the candidate is taken into account, but it is his work in the field of international law which is the primary factor.

There is nothing to prevent practitioners from participating in the teaching of international law and giving special courses, and it is very desirable that they should. Nevertheless, they do not do so at present, and the instruction is given exclusively by teachers belonging to the chair of international law. This situation is due to the scarcity of practitioners engaged in international law and to their overwork. It should be mentioned, however, that the teaching staff of the faculties includes persons who have had recent experience of practical work in the field of international law.

The teaching of international law is directed in each faculty by a professor, but at the faculty of Budapest there is a second professor of international law besides the regular one. Each faculty has a body of readers, lecturers and assistants. The number of staff members teaching international law varies, according to the faculties, between two and four. The readers, lecturers and assistants are normally in charge of seminars, but they sometimes also conduct courses and serve on examination boards. It should also be noted that the chairs of international law at present suffer from a certain shortage of teaching staff. This may be due to the special nature of international law and the scarcity of practitioners working in this field, which sometimes make it difficult to appoint qualified persons to vacant posts.

During the past few years, there have been several occasions when specialists were attached to chairs of international law. They were assigned exclusively to research work, and were exempted from teaching. At present, no research worker in this category is attached to any of the chairs of international law, but the Institute of Political and Juridical Sciences of the Hungarian Academy of Sciences does have a number of specialists in this field who are exclusively concerned with research.

CONCLUSION

It will be seen, from the foregoing, that the teaching of international law in Hungary has made substantial progress. The discipline has been given its due place in teaching, and the standard of teaching has risen considerably. Much, of course, remains to be done: the shortage of teaching staff has already been mentioned, and this problem calls for a solution as soon as possible. It is also necessary to produce a new manual adapted to the international law syllabus recently evolved. It is highly encouraging to see the faculty students show such keen interest in international law, and this fact is bound to encourage teachers to make new efforts to raise the standard of teaching of this discipline to a still higher level.

INDIA

P. K. IRANI
University of Bombay

EDUCATIONAL INSTITUTIONS

Universities and specialized institutions

International law is now taught in most Indian universities and is given exclusively in the faculties of law as part of the LL.B. and LL.M. programmes. Some twelve Indian universities also offer a doctorate degree in law which is purely a research degree, the only requirement being submission of a written thesis supplemented by a *viva voce* test. International law is one of the subjects for research for the doctorate degree.

International law is not taught as a separate subject in the faculties of political science of Indian universities with the exception of the University of Delhi. Most of these faculties do, however, offer international relations as one of the subjects for the M.A. degree, and for research for the Ph.D. degree. Some aspects of international law are touched upon in these courses.

There is as yet no special institute of international law in any Indian university, but the University of Bombay is planning to establish an Institute of International and Comparative Law in the near future. The only special institute in India devoted to international relations is the Indian School of International Studies, New Delhi, which is affiliated with the University of Delhi. The teaching of international law at this institute has invariably been done by lawyers.

Teaching staff

In Indian universities, except for one or two political scientists teaching international law in the University of Delhi, the subject is taught by lawyers. Few of these teachers have received academic training in international law and almost none have had practical experience. Those who have had academic training are almost exclusively the products of English and American universities, lack of knowledge of European languages being an obstacle to study at European universities. As yet, there are few purely Indian-trained teachers as the training imparted by Indian

universities is considered insufficient and advanced study at a foreign university is deemed essential for those aspiring to teach international law.

Owing to the lack of a sufficient number of qualified people, persons who have no training or background in international law are entrusted with the teaching of the subject. Furthermore, some law teachers who are not qualified to do so insist on teaching the subject because of its supposed prestige value. Most international law teachers in Indian universities, in fact, have acquired their knowledge of the subject purely from reading books, with the result that there are very few really competent teachers of international law in India.

Teachers of international law in Indian universities, like those of other branches of law, are required to possess at least one post-graduate degree in law and it is preferred, but not required, that they have published work to their credit. Those with foreign qualifications are given precedence. In addition, teachers required to take post-graduate classes must have teaching experience for a period varying from five to ten years, according to the University and the status of the post.

The selection of law teachers is on a competitive basis but there is no examination in the formal sense. The selection is done by a committee consisting of judges, senior legal practitioners and senior law teachers. The committee interviews each applicant and attempts to assess his general ability and capacity for the post concerned. The interview covers a wide field and is not confined to the subject or subjects for which the appointment is to be made. An applicant for the post of teacher of international law may be questioned about his knowledge of other subjects. There is no general pattern of selection as the testing of applications is a subjective process.

International law is not taught by legal practitioners as a rule, because there are few legal practitioners having a background in international law. Some practising lawyers have been pressed into service as teachers of this subject owing to the lack of qualified academic staff.[1]

Exact statistics on the number of teachers, the average number per university, or the proportion of teachers of international law are not available and only rough estimates can be given. The average number of international law teachers per university is two and the total number for the whole of India is about forty. Of these, not more than one-third have had any academic or practical training in the subject. There are roughly 800 law teachers in India (of whom about 200 are full-time) and, on the above estimate, the ratio of international law teachers to other law teachers would be one to twenty.

The vast majority of law teachers in Indian universities are practising lawyers who teach part-time, but, with very rare exceptions, there are no part-time teachers of international law. There are no part-time assistants

1. It may be noted that out of thousands of cases decided by the Supreme Court and the State High Courts every year, there are rarely more than half-a-dozen cases dealing with international law.

but some universities have full-time research assistants some of whom are engaged in research in international law. Only a few assistants are exempted from teaching and employed exclusively on research.

Treatises and textbooks

Not more than half-a-dozen textbooks on international law have been written by Indian authors and published in India. They are all of poor quality and consist largely of material taken from foreign books; none makes any serious attempt to evaluate contemporary Indian practice. No Indian textbook is prescribed for study in Indian universities. The principal foreign textbooks in international law used in Indian universities are the following: Oppenheim-Lauterpacht, Brierly, Starke, Hyde, Fenwick and Jessup (*Modern Law of Nations*). Bishop, Briggs and Green are the casebooks most commonly used. In addition, specialized works on the United Nations (Goodrich and Bowett most commonly), the International Court of Justice and the use of force by States (Stones and Brownlie most commonly) are also recommended for study.

Very few students know any foreign language other than English so that European books are not prescribed for study. Students are also required to read journals like the *American Journal of International Law*, the *International and Comparative Law Quarterly*, the *British Year Book of International Law* and the *Indian Journal of International Law*.

TEACHING SYSTEMS

Purpose of the courses

Public and private international law are taught as separate subjects in Indian universities although they sometimes form two parts of one general paper in international law. The emphasis on subjects varies in different universities. In the teaching of public international law, the topics differ according to the level. At the undergraduate level, no special preference is given to any topic, the purpose being to familiarize the student with the general principles of public international law. At the post-LL.B. level, a few selected topics are taken up for intensive study. The exact choice of these depends on the instructor, but the main emphasis is usually on practical problems such as the use of force by States, treaty law and practice, State responsibility and international institutions.

The teaching of international law is directed exclusively to theoretical aspects at the undergraduate level. At the post-graduate level, some attention is paid to practical aspects but the approach is still largely theoretical. Only the bare rules are studied for the LL.B., but at the post-LL.B. level some attention is given to the social, economic and political background in which the particular rules of international law evolved and developed.

Forms of teaching

As to the form of teaching, it appears that the teaching of international law is given exclusively by the lecture method of the LL.B. level. In some universities the lectures are supplemented by tutorials. Cases are discussed by the teacher but more by way of illustrating the rules than expounding them. At the post-LL.B. level, the instruction is still mainly in the form of lectures. The case method is employed to some extent, however, at the post-LL.B. level, but all too haphazardly. Some universities offer advanced seminars in international law for small groups of students who are encouraged to participate actively in the discussion. At the LL.B. level, the teacher is expected to cover the whole subject in a very general way, but at the post-LL.B. level only selected topics are discussed in class and the students are expected to study other topics by themselves. However, there is a wide choice of questions to be attempted at the LL.M. examination so that the student can safely omit a considerable portion of the course.

The case method is not used at all at the LL.B. level and only as an occasional supplement to the lecture method at the post-LL.B. level. Work in small groups is used at the postgraduate level only, and not to any great extent.

Chronology of courses

International law is not taught from the start of the LL.B. course but only at the end of it. The teaching does not extend over more than a year (frequently six months) and the method of instruction does not vary.

Syllabuses

Some aspects of international relations are studied for the B.A. course but international relations as a separate subject figures only in the M.A. programme.

At the undergraduate level the teacher has no margin of choice and is expected to cover the whole curriculum laid down by the university; at the post-graduate level, however, the teacher has considerable discretion as to the topics to be discussed in class and the method of instruction.

At the undergraduate level there are only general courses on public and private international law and the teaching does not exceed one year. International organizations forms part of the general course on public international law at this level. At the post-graduate level, in addition to a general course on public international law, some universities offer special courses on such topics as war and neutrality and international organizations. Some universities offer a special course in international organizations for the LL.M. but others treat this subject in the same way as for the LL.B. The structure and working of the United Nations are studied in

detail but the United Nations Specialized Agencies and other organizations are dealt with only cursorily.

International law and international relations do not occupy the position in the undergraduate curricula of Indian universities that they deserve. The time devoted to international law at the LL.B. level is too short to permit any detailed treatment. International relations is not taught as a separate subject for the B.A. Some Indian universities are concerned about the negligible importance attached to these two subjects but, as yet, no serious efforts have been made to remedy the situation. But international relations are taught in faculties of political science in Indian universities. The trade and commerce aspects of international relations are taught in some faculties of economics. Faculties of law generally ignore this subject.

The place of international law in legal studies as a whole

With regard to the place of international law in legal studies, inquiry shows that international law is obligatory in only about half of the universities in India where this subject is taught. The proportion of students in international law is, therefore, not increasing.

Some 20 per cent of the students choose international law as an optional subject for the LL.B. It is a purely optional subject at the post-graduate level and is taken by only about 10 to 15 per cent of the students. Students are in general less interested in specializing in international law than in subjects like commercial law or revenue law, as there is very limited scope for specialists in international law in government service or practice. There are opportunities in teaching but very few students are interested in full-time teaching careers because of the poor salaries paid by Indian universities to law teachers. Less than 10 per cent of the students' time is devoted to this subject.

The teaching of international law in Indian universities leaves much to be desired. The primary problem is the need for more and better trained personnel to do the actual teaching. This problem cannot be solved until full-time law teaching is made a more attractive career and the method of teaching is improved. The subject must be made obligatory for all LL.B. students and more time must be allotted to it in the curriculum. The present theoretical discussion must be replaced by a more practical approach in which greater attention is paid to current problems and contemporary Indian practice. At least some of the leading texts in French and German must be studied (though it would be necessary first to make English translations available) as the present system restricts the student to Anglo-American practice only and tends to give a distorted picture of modern international law. Faculties of political science ought to give more importance to international law as a separate subject, and faculties of law to international relations, as the two subjects are closely linked and need to be studied together.

Symposia, congresses and round tables

The Indian Society of International Law, the Indian branch of the International Law Association and the Indian Council of World Affairs organize conferences and meetings for the discussion of current problems of international law and international relations. These are held both on a national and regional basis but are not sufficient in number. Very rarely a university may organize a conference or seminar on international law or relations in which representatives of other universities are also invited to participate. Some universities also take advantage of visits by foreign scholars to organize lectures or seminars on these two subjects.

The membership of the three associations mentioned above is open to anyone interested in international law or relations. Persons from various spheres of activity participate in their conferences and meetings. The universities generally restrict their seminars and meetings to members of the academic profession and practising lawyers.

ITALY[1]

G. ARANGIO-RUIZ
University of Padua

EDUCATIONAL INSTITUTIONS

Universities and specialized institutions

International law is taught mainly in the faculties of law, political science and economics, and in institutes of political studies. There are no institutes specializing in the study of international law; but there are a number of institutes[2] or 'societies' in which international law occupies a very important place.

The study and teching of international relations is conducted both in political science faculties and in various specialized institutes.

Teaching staff

Investigation of the system used in Italy for the selection of teachers reveals a fairly wide variety of methods.

All teachers are trained as jurists though some of them may have had occasion to acquire specialized knowledge in some particular field such as the history of treaties, diplomatic history or else in disciplines other than international law.

In principle, teaching staff is recruited on the strength of paper qualifications and written work. The practical machinery for recruitment is as follows.

Full professors of international law are appointed on the basis of a special competitive examination (public and private international law). Faculties which desire to found a chair of international law—and are unwilling or unable to obtain a titular professor from another faculty—request the Ministry of Education to organize a competitive examination.[3]

1. For further information on some of the points mentioned the following may be consulted: Umberto Gori, *L'Università e la Comunità Europea*, Padua, Cedam, 1964 (published under the auspices of the Società Italiana per l'Organizzazione Internazionale); United Nations document UN/A/5455 of 11 July 1955, p. 32 et seq.
2. See below, page 63.
3. When a faculty 'asks for' a full professor from another university (or faculty), no examination is normally held. Faculties are absolutely free to make their own choice; they merely have to inform the ministry of their decision, so that the latter can award to the professor his standing as a member of the new faculty.

After consulting the Higher Council for Education[1] the minister announces the holding of a competitive examination, which is organized by a commission of full professors of public international law, elected by the members of faculties of law, political science and economics. The commission selects three candidates, in order of merit; the first of these is normally appointed to the faculty which applied for the examination to be held, while the second and third candidates are appointed to other faculties.[2]

Candidates are judged almost exclusively on the basis of their academic publications. Most candidates possess a doctorate or *libera docenza*, or hold the rank of assistant professor or reader, either external or internal; but no academic title is, in fact, required. A candidate who is not a *libero docente* may, in exceptional cases, be asked to produce proof of teaching ability.

The teaching of international law may also be entrusted to a reader, either internal or external, i.e., either a member of the faculty or someone outside it. Here again, faculties enjoy wide freedom of choice. The following may be made responsible for courses of lectures: full professors teaching in that or another subject, *liberi docenti*, assistant professors or experts in that particular subject (judges, civil servants, lawyers).

Generally speaking, responsibility for internal lecture courses is vested in full professors already engaged, in the same faculty, in teaching other subjects, whilst external lecture courses are given by young research students (*liberi docenti* or assistants) who are working for a competitive examination and desire to acquire practical teaching experience (not compulsory for competitive examinations for appointment to a chair) in addition to the academic work which is the main basis on which appointments to chairs are made.

Libera docenza is a purely academic title, quite distinct from that of titular professor, and carrying neither official duties in the faculty nor remuneration, except where the holder of this title is asked to deliver lectures. Even so, the *libero docente* does not become a member of the faculty. There are, also, some *liberi docenti* who hold—and in most cases continue to hold—posts as assistants (which again does not mean 'belonging' to the faculty in the sense of being a member of the academic board).

The title of *libero docente* is awarded for one faculty only, on the strength

1. Elective body composed of university teachers.
2. In principle, no one can become a full professor of international law, except by obtaining first place in a competitive examination for a chair in international law, according to the procedure outlined above. Under the existing system, however, it is possible, in certain conditions, for a full professor to 'transfer' from one subject to another, provided that the new discipline is akin to the one he has previously taught, and also that he has already done at least three years' teaching in that discipline with the rank of reader. 'Transfers' of this kind (which are subject to the approval of the Higher Council for Education and also to the decision of the faculty concerned to appoint the said professor to the vacant chair) are fairly rare. In the case of a chair of international law, previous subjects taught would normally be constitutional law, administrative law, and public law and other institutions.

of a competitive examination held at the national level and judged by a jury composed of a commission of five members (four titular professors specializing either in the discipline in question or a kindred discipline, plus one *libero docente*) appointed by the Minister of Education after nomination by the Higher Council for Education. Candidates are assessed by the jury mainly on the basis of: (a) their published work; (b) an academic discussion of this work (method and substance); (c) teaching ability (candidates are required to deliver, at 24 hours' notice, a university lecture on a subject specified by the commission).

International law is not taught by practising lawyers, except in cases where a professor holding a chair of international law also engages in professional activity. Practising lawyers may be recruited as readers, but this is uncommon.

International law, being one of the compulsory subjects in the curriculum of every law and political science faculty[1] is taught in all universities. There is at present one full professor of international law in every university, and assistant professors in several faculties. Some universities have several full professors for the various faculties. The University of Rome, for instance, has four full professors,[2] Milan two.[3]

There were in Italy, in 1963, twenty-five professors holding chairs in international law. After the last competitive examination, the number increased to twenty-eight.

The university yearbook for 1963 listed twenty-five chairs of international law as against forty-four of private or civil law, thirty-six of commercial law, twenty-five of administrative law, forty-seven of Roman law, twenty-one of civil procedure and twenty-seven of penal law. In 1965, all these figures had increased by roughly the same proportion.

Thus the proportion of full professors in international law appears to be fairly high; the same applies to the other ranks of teachers of this subject (readers, *liberi docenti*, assistant professors).

In Italy, as in certain other countries in Western Europe, there exist, in addition to full professors and readers, a number of assistants. They are of three different types, as follows: regular assistants, on a salary; incumbents of regular assistants' posts scheduled to be filled by competitive examination and receiving a salary; voluntary assistants (unpaid).

Most voluntary assistants are young graduates who intend to go in for teaching; though a few young people work as voluntary assistants because they wish to remain in touch with a particular institute or faculty pending the holding of a competitive examination (for appointment as magistrates, civil servants, diplomats, lawyers or notaries). The first category of voluntary assistants hope to obtain posts as regular assistants or even *liberi*

1. In faculties of economics, international law is an extra subject (optional).
2. One full professor of international law in the faculty of law, one in the faculty of political science and one in the faculty of economics, one full professor teaching about international organizations in the faculty of political science.
3. One full professor of public international law and one of private international law.

docenti. They are sometimes remunerated through the award of national or local grants, or grants financed from institutes' funds.

Steps are being taken to introduce a new category, that of *aggregati*, but it is doubted whether this will serve a useful purpose in moral science faculties.

There are in Italian universities virtually no professors or specialists who are engaged exclusively in research and are thus exempted from teaching duties.

However, assistants who are not responsible for internal or external lecture courses spend most of their time, when not required to lecture or organize seminars, on academic research, or working on 'papers' designed eventually to obtain them a chair or the status of *libero docente*.

Italian universities—law faculties in particular—regard an assistant (both when appointing him and when allocating his duties) as someone whose main purpose is to produce academic work with a view to furthering his university career.

In view of the increase in the number of students since 1945 and the reforms now being planned to meet present needs, it is possible that this situation may be changed; and the number of assistants doing teaching only, so large in other countries but hitherto very small in Italy, may well increase. Whilst this is, to some extent, inevitable, it is to be feared that it may have undesirable repercussions in the field of pure and relatively disinterested research which at present certainly constitutes one of the principal merits of the Italian university system.

Treatises and textbooks

Italy possesses a number of manuals and treatises, but, in this domain, concentrates mainly on the production of monographs. Very few foreign textbooks are used for lectures, but for seminars and research considerably more.

TEACHING SYSTEMS

Purpose of the courses

No distinction is as a rule made between public international law and private international law, the two being combined for purposes of specialization, chairs, lectures and examinations. There are, however, exceptions to this rule. The University of Milan, for example, has a separate chair of private international law; whilst certain other institutes have readers in private international law.

As international law is taught in the form of a year's course, it is treated, as a rule, in general terms; though the professor may, if he wishes, add 'special sections' to the general course on public or private international law.

There have, for the past few years, been separate courses on international organizations, given by readers; but this subject is also included

in lectures and seminars dealing with international law. The faculty of political science of the University of Rome has a full professor responsible for the course on international organizations.

Opinion in Italian internationalist circles is somewhat divided as to the desirability of instituting special chairs for teaching about international organizations. Appointments to these chairs would be by special competitive examinations (distinct from those for chairs in international law). No one questions the practical and academic value of promoting the study of subjects which are generally grouped under the heading 'international organizations'. It is thought, moreover, that this subject, though including aspects of general public law, administrative, constitutional and procedural law, does nevertheless constitute one of the main (as well as the most delicate and difficult) chapters of public international law. Further, while it is true that the institution of separate chairs for teaching about international organizations would have the advantage of promoting the study of these special aspects, and of training specialists better versed in the branches of law enumerated above, it might lead to chairs being occupied by so-called 'specialists' with a standard of academic achievement and teaching below that of international law specialists in the strict sense of the term. In other words, it is thought that all young research students interested in international organizations should study international law as a whole and qualify in this discipline. They should not specialize in international law except in so far as every international law expert, in the course of his studies and academic writings eventually specializes in those aspects of the law of nations on which, whether by taste or by circumstance, he has concentrated most. The same problem arises, in any case, in all countries and in other fields, too, but is particularly acute for the 'common law man' or the 'European law man' as it is certain that professors of international law are unable—on account, chiefly, of the part played by administrative law, constitutional law, civil law and procedural law—to acquire a high degree of specialization in these fields, so that the danger of dilettantism is just as great here as in the field of the law of international organizations.

Italy, where teaching has, traditionally, a theoretical bias, is now evolving towards a mixed system laying increasing emphasis on the practical aspect, though avoiding the excesses of certain schools of thought. Generally speaking, however, it is found preferable to include an outline of the practical application of international law in the lecture courses proper, but to confine detailed study of this subject to seminars and thesis work.

Forms of teaching

The bulk of the teaching of international law is done by formal lectures, though more and more seminars are now being held.[1] Inevitably, students

1. At Padua, for instance, participation in one of the six annual seminars on international law, though not absolutely compulsory as it is in other Italian law faculties, is a *sine qua non* for examination candidates.

are left to cover part of the curriculum themselves, with the assistance of the courses on method given by the professor and assistants.

Within the limits indicated above, the case method is applied both in general lecture courses and in the seminars organized in connexion with these courses (or courses on international organizations). But the references to individual cases are inserted in the body of a systematic exposition, following a general account of the rules the existence, interpretation and evolution of which these practical examples illustrate.

As to whether to introduce work in small groups from the very beginning or only at the stage of specialization on detailed subjects, this is a problem bound up with the reforms at present under consideration. The suggestion is that a distinction should be made between a licentiate's degree and a doctor's degree: under this system, international law would be taught as a general subject for the first of these degrees, and for the doctorate degree, in the form of special subject lectures and group work.

It cannot be said, at present, that any real distinction is drawn in faculties between undergraduate and graduate teaching. Under the existing system work in small groups is done in seminars, individual work is done by students who are preparing a thesis in international law (i.e., in their fourth year or beyond)[1] and also by voluntary assistants.

Chronology of courses

In Italian law faculties, the teaching includes a year's course on international law or international relations in the third and fourth years, and sometimes also in the second year.

Syllabuses

In Italian universities, individual professors have, both in theory and in practice, a great deal of say in selecting the syllabus. This applies to: the subjects of courses (including the allocation of time as between public international law and private international law, also between general and specialized subjects); the number of supplementary hours (in addition to the standard 3 hours per week); seminars (subjects, number of hours, methods); methodology in general; texts; even, in considerable measure, examination methods.

In addition to the *viva voce* examinations which (together with seminar work which may in some cases be taken into account) are the customary form of examination in law faculties, professors may institute written papers. Such is the case with international law at the faculty of law in Padua.

International organizations are fairly often taken as the subject of special

1. Under the system at present in force in Italian faculties, students are required, on completion of their law course, to submit and defend a thesis on a subject and theme selected by them with the assistance of their professors. Whilst preparing their theses, students attend the university regularly, and keep in touch with the professor and the assistants of the department.

courses, but preference is shown for those aspects of it which relate to the maintenance of order, the settlement of disputes and the codification of legal regulations. Thus teaching about the United Nations occupies a high place in general law courses. Special courses touch on—or concentrate on—the Specialized Agencies and the European Communities.

Political science faculties and economics faculties are attaching increasing importance to the Specialized Agencies and European Communities in (optional) courses on international economic organizations.

A last point to note is that the curriculum of law faculties does not include the study of international relations; this subject is, on the other hand, compulsory in political science faculties. There were, in 1963, five full professors of this subject, besides a number of readers.

In political science faculties, international relations are taught under the traditional heading of *Storia dei Trattati e Politica Internazionale.*

The subject of international relations, in addition to international law and international organizations, is likewise taught in a number of specialized institutes: in Rome, the Società Italiana per l'Organizzazione Internazionale, which has branches in a number of Italian towns, including Milan, Turin, Florence and Naples; in Milan, the Istituto di Studi Politici Internazionali (ISPI) and the Centro Internazionale di Studi e Documentazione sulle Comunità Europee; Turin has the Istituto Universitario di Studi Europei. To this list must be added a number of Catholic institutes, such as the Università Internazionale di Studi 'Pro Deo', the Istituto di Perfezionamento in Studi Europei Alcide de Gasperi, etc., located in Rome and other cities.

The place of international law in legal studies as a whole

What then, in the light of the foregoing, is the place of international law in the context of Italian legal studies as a whole? The first point to note is that international law is a compulsory subject, which means of course that it is taken by a fairly large number of students.

At the specialized study level, the proportion of students taking international law is fairly high. For time allocated to it, international law ranks about equal to constitutional law, but lower than either civil law or administrative law.

Symposia, congresses and round tables

The number of symposia, congresses and round tables devoted to international law is proof of the developing interest in this subject in Italy. They are organized by faculties, by specialized institutes (such as the Società Italiana per l'Organizzazione Internazionale) or by international institutions; and they provide a meeting ground for university teachers, practitioners, economic experts, professional men, civil servants and, of course, diplomats.

JAPAN[1]

S. TSURUOKA
Japanese Ambassador in Sweden

EDUCATIONAL INSTITUTIONS

Universities and specialized institutions

International law is taught at the various Japanese universities. This instruction is provided at the faculties, which comprise several sections:

Law sections attached to the faculties of law and law sections coming under the faculties of law and political economy. In this category, twelve faculties and three sections belong to State universities; two faculties and one section to universities dependent on public entities other than the State and known as public universities; twenty-nine faculties and five sections belong to private universities.

Political science sections attached to the faculties of law, the faculties of political science or the faculties of political science and political economy. In this category, eleven faculties and ten sections belong to the State universities; one faculty and one section to the public universities; thirty-two faculties and twenty-four sections to private universities.

International relations section. This section is the only one of its kind in Japan; it is attached to the Faculty of General Culture of the University of Tokyo (State university).

Social science sections attached to the faculties of political economy, the faculties of letters and science and the faculties of commerce. In this category, ten sections belong to the State universities.

The following international law subjects are taught at the above-mentioned faculties and sections.

At the faculties of law or sections dependent on the faculties of law and political economy: public international law, which is taught at all these faculties and sections; private international law, also taught at all these faculties and sections; law of international organizations, which is taught as an independent subject only at the Faculty of Law of the University of Kyoto (State university); at most other faculties and sections, this

1. On this subject, see also Shigeru Oda, *Teaching and Research of International Law in Japan*, Japanese branch of the International Law Association. (Taken from *The Japanese Annual of International Law*, No. 9, 1959.)

subject is taught as part of the general public international law course or as a specialized branch of the latter; lastly, international relations, a subject which is rarely intended for students of the law sections. It should be noted, however, that ten State universities, one public university and twenty-four private universities comprise political science sections, and that all these sections provide an international relations course, which is usually open to students of the law sections.

At the faculties and sections of political science: most of the political science sections are attached to the faculties of law; this is the case with regard to the ten State universities, one public university and twenty-four private universities. What has been said above in respect of the different subjects roughly applies to the faculties and sections of this category.

Apart from political science sections attached to the faculties of law, one State university and eight private universities have political science faculties and sections which are independent of the faculties of law. At these faculties and sections, teaching is provided as follows: public international law is taught at all the political science faculties and sections; private international law is taught as an optional subject at about 50 per cent of these faculties or sections. The law of international organizations forms part of the public international law course at most of these faculties and sections, with the exception of one or two universities such as the International Christian University (private university) where there is a special course devoted to this subject.

International relations are taught at all faculties and sections, although the names given to the courses vary according to the universities.

Among the establishments teaching international law, mention should also be made of certain institutes under the control of the different ministries, such as the Ministry of Foreign Affairs, the Ministry of Justice and the Defence Department. These institutes, responsible for providing instruction to trainees of the ministerial departments, often organize lectures on the various problems of international law, in the broad sense of the term.

Teaching staff

All teachers of public international law and of private international law are trained at faculties and sections of law. In this sense, they are lawyers. It is to be noted, however, that Japanese legislation does not provide for any regulations concerning the qualifications required for the teaching of international law.

With regard to the law of international organizations and international relations, the training of teachers is less homogeneous: they are not necessarily lawyers.

The recruitment of teachers is governed by fairly simple rules, under which teachers are chosen, for each faculty, by the Council of Teachers.

This method is also used by private faculties. The choice is based mainly on the value of the candidates' published scientific work.

Teaching is provided mainly by permanent staff members of the faculties. In a few exceptional cases, however, it is provided by outside experts—as, for instance, at the International Relations Section of the Faculty of General Culture of the University of Tokyo. One or two diplomats from the Treaty Department of the Ministry of Foreign Affairs lecture on public international law and on the law of international organizations, but they are not members of the faculties where they give these lectures.

To assess the number of law teachers belonging to universities is a somewhat perplexing problem; this number varies so much, according to the importance and nature of the faculties, that it is very difficult to put forward even average figures. By way of illustration, however, mention may be made of the composition of the teaching staff of two important State universities, those of Tokyo and Kyoto.

Faculty of Law, University of Tokyo: public international law, two teachers; private international law, one; international political science, two.

Faculty of General Culture, International Relations Section, University of Tokyo: public international law, two teachers; private international law, one; law of international organizations, one; international relations, four.

Faculty of Law, University of Kyoto: public international law, three teachers; private international law, two; law of international organizations, one; international politics, one.

Taking the total number of law teachers as about 1,200 for the whole country, the proportion of teachers of international law, in relation to the total number of teachers of the various legal disciplines, may be assessed at 9 per cent, which gives an approximate figure of 110.

This number comprises professors, assistant professors, lecturers and assistant lecturers, some of the last-named being employed on a part-time basis.

In principle, teachers do not engage in pure research; they are expected to devote all their time to teaching. Members of the teaching staff of various institutes are, however, exempted from this obligation and may consequently undertake research in addition to their teaching duties.[1]

Treatises and textbooks

Treatises, manuals, casebooks and digests of international law show the development of this discipline in Japan. More than ten different works

1. The following institutes may be mentioned by way of example: Institute of Social Sciences, University of Tokyo; Institute of International Studies, attached to the Faculty of Law, University of Japan; Okuma Institute of Social Sciences, Waseda University; Institute of International Studies, Aoyama Gakuin University; Institute of Social Sciences, Meiji University; Institute of International Studies, Aichi University; Institute of Defence Studies, Defence Agency; Japanese Institute of International Studies.

were published between 1946 and 1956. The main treatises published during recent years include the following: Kisaburo Yokota, *International Law* (1958); Ryoichi Taoku, *Course in International Law* (1958); Yuichi Takano, *Treatise on International Law* (in two volumes, 1955); Shigesaburo Tabata, *International Law* (in two volumes, 1955); Kosaku Tamura, *International Law* (in three volumes, 1952); Yokota, Taoka, Tabata, *International Law* (in three volumes in the series of legal works, 1959); Japanese International Law Institute, *Course in International Law* (in three volumes, 1954).

Professors Irie, Ichimata, Maebara, Kotani, Miyazaki, and others have also published various treatises and manuals dealing with international law.

Among the legal digests (which we shall distinguish from casebooks proper), mention should be made of the following: Kisaburo Yokota, *Study of the Judgements of the Permanent Court of International Justice* (1933); Takesai Minagawa, *Study of the Judgements of the International Court of Justice*; Yuichi Takano, *Study of the Judgements of the International Court of Justice* (1965).

However, the foregoing are not the only works used at Japanese universities. Foreign books are also used, either as works of reference or as textbooks for seminars or special courses. Jessup (*The Modern Law of Nations*) and Brierly (*The Law of Nations*) are among the most widely read authors.

TEACHING SYSTEMS

Purpose of the courses

Public international law and private international law are treated as entirely separate subjects; they are never taught in the same course.

At the principal universities, the system used in the teaching of international law comprises three elements: a general course, a special course and a seminar.

The general course is intended to give a conspectus of the principles of public international law. The special course and the seminar are concerned with the study of certain problems of international law. As the choice of these problems is left to the discretion of the teachers, the subjects dealt with in the special course and the seminar vary enormously, according to the teacher and time. Generally speaking, Japanese teachers of international law are inclined to attach more importance to the theoretical study of this discipline than to the study of its practical bearing. This attitude varies, however, with the individual case, depending on the teacher's preference for one or other of these two aspects of international law. The State does not intervene in any way in the matter. It should be mentioned, in this connexion, that, since the end of the Second World War, the so-called positivistic method of the Anglo-American school has gained some ground; the Japanese internationalists of today seem to be

more attracted by this method than were those of an earlier generation. Precedents and case law now occupy a very important place in the study of international law in Japan; but it would be premature to conclude that this new trend has triumphed over the fundamental orientation of the Japanese school of international law, where a marked preference still exists for theoretical study. The sociological approach, though advocated by several renowned teachers, has not as yet been widely adopted.

Forms of teaching

The teaching method is determined by each university and by each teacher. It presents as many variants as there are universities and teachers. Any generalization is therefore to be avoided, and I shall confine myself here to mentioning the teaching method used in the following three important faculties: Faculty of Law of the University of Tokyo, the Faculty of Law of the University of Kyoto and the Faculty of General Culture of the University of Tokyo.

At these three faculties the teaching, whether in the regular or special courses, is given in the form of lectures by the teachers. At seminars, on the other hand, the students take an active part in the discussion. The case-method is used at the faculty of general culture; the other two faculties are unable to use this method owing to the large number of students admitted to the seminars. In principle, the course covers all subjects relating to international law; the laws of war, however, are often left aside owing to lack of time.

The students, individually or in groups, undertake research in order to prepare themselves for the discussions at seminars. At the Faculty of General Culture of the University of Tokyo, the students prepare theses or dissertations on subjects relating to international law or international relations.

Chronology of courses

The teaching programmes at the faculties, with the exception of the faculties of medicine, are spread over four years, the first eighteen months of which are occupied by general culture. Thus, the teaching of specific disciplines—in the present case, the teaching of international law—begins in the second half of the second year and continues until the end of the fourth year.

Each university is free to organize its own courses. Mention may be made, by way of example, of the situation obtaining at the three above-mentioned faculties.

Faculty of Law of the University of Tokyo. The regular course in public international law is given in the second and third years, the special course in the same subject in the third year, and the private international law courses in the fourth year.

Faculty of Law of the University of Kyoto. The organization is similar to that at the Faculty of Law of the University of Tokyo.

Faculty of General Culture of the University of Tokyo. Students can organize their courses by themselves. The regular course in international law is spread over two consecutive years, to cover the entire discipline —the first half in the first year, the second half in the second year. The teaching level is the same for both years.

Syllabuses

Each university has discretionary power to determine the teaching programme, though no more than a broad outline is, in fact, laid down, each teacher being allowed a fairly wide margin of liberty to decide on the scope and content of his course.

At the Faculty of Law of the University of Tokyo and the Faculty of Law of the University of Kyoto, the teaching of public international law and private international law is given in regular courses, special courses and seminars.

At most universities, there is no special course on the law of international organizations. However, the Faculty of General Culture of the University of Tokyo, the Faculty of Law of the University of Kyoto, the International Christian University and the University of International Culture (these last two being private universities) provide teaching on international relations. The international organizations to be studied are chosen on the basis of their importance, nature and functions. At most universities, a large part of the course is taken up with the study of the United Nations as the most important organization and the most universal in its membership and functions; the rest of the course is concerned with the study of several regional organizations and of institutions fulfilling specific functions. In the last stage of the course, certain characteristics common to the various international organizations are defined.

A fairly accurate idea of the place occupied by international law and international relations in the teaching programme as a whole may be gained by taking as examples the three faculties referred to above.

Faculty of Law of the University of Tokyo, Public Law Section. The total number of credits required in order to graduate at the faculty is ninety, including eight for international law (compulsory); no credits are given for private international law or for the law of international organizations, but four are given for international politics (optional).

Faculty of Law of the University of Tokyo, Private Law Section. The total number of credits required in order to graduate at the faculty is ninety, including eight for public international law (optional) and four for private international law (optional); no credits are given for the law of international organizations or for international politics.

Faculty of Law of the University of Tokyo, Political Science Section. The total number of credits required in order to graduate at the faculty

is ninety, including eight for public international law (optional); no credits are given for private international law or for the law of international organizations, but four are given for international politics (optional).

Faculty of Law of the University of Kyoto. The total number of credits required in order to graduate at the faculty is eighty-four, including eight for public international law (optional), four for private international law (optional) and four for the law of international organizations (optional); no credits are given for international relations.

Faculty of General Culture of the University of Tokyo, International Relations Section. The total number of credits required in order to graduate at the faculty is eighty-four, including four for public international law (compulsory), four for private international law (compulsory), four for the law of international organizations (compulsory) and four for international relations (compulsory).

International relations are taught in faculties of law, but there are no specialized institutes for the teaching of this subject. Apart from the faculties of law, only the Faculty of General Culture of the University of Tokyo (International Relations Section) includes this subject in its teaching programme.

The place of international law in legal studies as a whole

The place occupied by international law in legal studies as a whole depends, first of all, on whether it is a compulsory or an optional subject.

It should be noted that international law and the related subjects are compulsory in certain faculties and sections and optional in others. In so far as they are optional, it is difficult to determine the precise number of students who choose them; it differs from year to year and from one faculty to another. The following cases are mentioned by way of example:

Faculty of Law of the University of Tokyo (total number of students: 460).

Public international law: a large majority of students in the political science and the private law sections choose this course.

Private international law: a minority of students in the public law and the private law sections choose this course.

International politics: a large majority of students in the public law and private law sections choose this course.

Faculty of Law of the University of Kyoto (total number of students: 250).

The proportion of students who choose the various subjects in question is as follows: public international law, 80 per cent; private international law, 20 per cent; law of international organizations, 50 per cent.

The number of students who are studying international law provides, moreover, a criterion for determining the place occupied by this discipline.

The number of students specializing in the study of international law

varies considerably from one university to another. The situation at the universities of Tokyo and Kyoto will serve to illustrate this point:

University of Tokyo: the total number of students admitted to the post-graduate courses (law and political science section) is thirty-two; 5 to 10 per cent of these specialize in international law. The total number of students following the courses of the international relations section is eleven; most of these study international law.

University of Kyoto: the total number of students admitted to the post-graduate courses is sixty; about ten of these specialize in international law.

Symposia, congresses, round tables

Conferences, congresses and round-table discussions constitute a valuable means of promoting the study and propagation of international law. In this respect, the best known organizations are: the Japanese Institute of International Law, which organizes round-table discussions twice a year and has, since 1902, been publishing the *Review of International Law and Diplomacy*; the Japanese section of the International Law Association, which meets six times a year and has, since 1957, been publishing *The Japanese Annual of International Law*; the Japanese Institute for the Study of International Problems, which organizes each summer a course, lasting for a week, on international problems and publishes a monthly periodical entitled *International Problems*; the Japanese Association for the United Nations, which also publishes a monthly periodical entitled *United Nations Review*; the Japanese Institute of International Politics, which organizes an annual congress and publishes the *Yearbook of International Politics*.

These organizations and associations are usually open to all participants, whether members or not, and the meetings or congresses which they organize provide an opportunity for teachers and officials with widely differing backgrounds, together with experts on international questions, to exchange ideas and compare views on a variety of international problems.

LATIN AMERICA

E. JIMÉNEZ DE ARÉCHAGA
University of Montevideo

INTRODUCTION

This report was prepared on the basis of replies by a number of Latin American professors of international law to an inquiry put to them concerning the teaching of that subject in their respective countries or regions. The inquiry took the form of a questionnaire framed along the general lines suggested by Professor Dupuy and sent to over seventy professors in all Latin American States. Only twenty-one replies were received, covering the following countries and educational institutions:

Argentina: Faculty of Law and Social Sciences, Universidad de Buenos Aires; Faculty of Economic, Commercial and Political Sciences, Universidad del Litoral, Rosario.

Bolivia: Faculty of Law, Political and Social Sciences, Universidad Mayor Real y Pontificia de San Francisco Xavier de Chuquisaca; Faculty of Law and Political Sciences, Universidad Mayor de San Andrés, La Paz.

Brazil: Faculty of Law, Universidade de São Paulo; Faculty of Law, Pelotas, Universidade de Rio Grande do Sul.

Colombia: Faculty of Law, Universidad Javeriana, Bogotá.

Chile: Faculty of Juridical, Political and Social Sciences, Universidad Católica de Chile; Faculty of Juridical and Social Sciences, Universidad de Chile.

Ecuador: Faculty of Jurisprudence and Social Sciences, Universidad de Cuenca; Faculty of Jurisprudence and Social Sciences, Universidad Católica de Ecuador.

El Salvador: Faculty of Jurisprudence and Social Sciences, Universidad del Salvador.

Guatemala: Faculty of Juridical and Social Sciences, Universidad de San Carlos de Guatemala.

Honduras: Faculty of Juridical and Social Sciences, Universidad Nacional Autónoma de Honduras.

Mexico: Faculty of Law, Universidad Nacional Autónoma de México; School of Law, Universidad de Chihuahua; Faculty of Law and Social Sciences, Universidad de Nuevo León.

Nicaragua: Faculty of Juridical and Social Sciences, Universidad Nacional Autónoma de Nicaragua.
Panama: Faculty of Law and Political Sciences, Universidad de Panamá.
Uruguay: Faculty of Law and Social Sciences, Universidad de la República.
Venezuela: Faculty of Law, Universidad Central de Venezuela.

EDUCATIONAL INSTITUTIONS

Universities and specialized institutions

There are more than one hundred centres of learning in Latin America in which international law is taught. The great majority of them are constituted as law faculties in which, without exception, public as well as private international law are compulsory subjects of study. In addition, though less often, international law forms part of the curricula of economics faculties, of certain institutions specializing in the study of the political sciences, and of military schools or academies. Furthermore, international law is generally included as one of the subjects in the courses for a diplomatic career, the organization of which varies, for in some countries they take the form of university studies, whereas in others they are given in institutes coming under the Ministry of Foreign Affairs. The existence of specialized institutes devoted exclusively to the study of international law or of international relations is, on the contrary, exceptional. In the rare cases where they exist, instruction in international law does not take the traditional form of lecture courses but is imparted through seminars, practical work and research work, at the Institute of International Law of the Universidad del Litoral, Rosario (Argentina).

All the replies received, as listed above come from professors of State or private faculties of juridical or economic sciences. The conclusions set forth below relate mainly to these, therefore, although in some cases they take account of educational institutions of other kinds.

Teaching staff

All professors of international law must be jurists, but the way in which they are selected varies considerably. From the replies received, it can be said, in regard to the State universities, that the great majority of them require the candidates for regular professorships of international law to take part in a competition which may be one of merit only, in which case the candidate considered by the university authorities to have best qualifications and soundest experience is selected, or it may be one of merit plus a competitive examination, in which case account is taken, in addition to qualifications and experience, of the results of special written and oral tests. In both cases, the competitions are based exclusively on questions of international law.

A few State universities make direct appointments, but it often happens

that both methods—competition of merit (or of merit plus competitive examination) and direct appointment—may appear in combination, with one of them applied as a general rule and the other applied in exceptional circumstances.

As to the private universities, direct appointment based on the candidate's qualifications appears to be the usual method of selecting professors.

As a rule, there are only two regular professors of international law at each university: one for public international law and the other for private international law, although in some cases the number may be slightly higher. Sometimes there is no fixed number of professors, the figure varying in accordance with student enrolment, as in the case of the Central University of Venezuela, where there are at present six professors of public international law and three of private international law (one professor for every seventy students).

In addition to the regular professor, there is a teaching body of assistant teachers whose rank structure varies considerably and whose members have different titles. In general, there is a group of 'associate', 'temporary' or 'assistant' professors who deputize for the regular professor and collaborate with him in some of the professional tasks. Finally there is often a small group of 'auxiliary', 'assigned' or 'teaching professors', at a lower level in the hierarchy. On the other hand, there are no professors or specialists attached exclusively to research in international law and exempt from all teaching functions. In this sense, the regulations in force in the University of Rio Grande do Sul, which exempt professors of higher education from teaching functions for a maximum period of one year so that they can devote themselves to scientific research are exceptional.

Treatises and textbooks

Works on subjects of international law, including textbooks, manuals and treatises, as well as monographs and studies on special aspects, have been published in all the Latin American countries. With reference to periodical publications, it should be pointed out that in addition to general law reviews in which articles concerning international law frequently appear, there are a number of specialized reviews such as the *Revista de Derecho Internacional y Ciencias Diplomáticas* (Universidad Nacional del Litoral, Argentina), the *Revista del Instituto de Derecho Internacional* (Buenos Aires), the *Revista Colombiana de Derecho Internacional*, the *Revista Internacional y Diplomática* (Mexico), the *Revista de la Asociación Guatemalteca de Derecho Internacional*, the *Revista Peruana de Derecho Internacional*, the *Anuario Uruguayo de Derecho Internacional*, etc.

Among the most widely used manuals by Latin American authors are those by Accioly, Antokoletz, Barros Jarpa, Bustamante, Jiménez de Aréchaga, Matos, Moreno Quintana, Podestá Costa, Sepúlveda and Sierra.

Texts and treatises by North American and European authors are also used, sometimes as basic material but generally as additional and more detailed reading. The authors with widest currency include Battifol, Cavaré, Diena, Díez de Velasco, Fenwick, Jessup, Miaja de la Muela, Niboyet, Oppenheim-Lauterpacht, Rousseau, Scelle, Sibert and Verdross.

TEACHING SYSTEMS

Purpose of the courses

The replies received are unanimous in stating that public international law and private international law are two independent and autonomous subjects which should be taught in entirely separate form and at separate stages in the course of instruction.

Chronology of courses

In all the law and economics faculties and in most of the institutions which include the subject in their curricula, there is a one-year coverage for the course on public international law and a similar period for the course on private international law. In the same way it can be affirmed that, in every case, public international law is taught in the early years of the course of instruction, generally in the second year, and always precedes private international law, which is usually taught in the final year of instruction, the duration of which is five or six years, depending on the country concerned.

In most of the faculties consulted, both public and private international law take up the same time as each of the other subjects of the course. In general, 3 hours a week are allocated to each of the branches of international law (in exceptional cases as much as 6 hours). In the Central University of Venezuela there are 3 hours of lectures, supplemented by 2 hours of seminar.

In only a very few countries are courses organized for post-graduates, and where they are the figures for the proportion of students who continue to study international law at that stage with the object of specialization are very uncertain, varying from 2 to 6 per cent.

Syllabuses

An effort is made in every one of the courses to deal with all the problems connected with international law (public or private, as the case may be), with the aim of giving the student an over-all and complete view of the subject. Nevertheless, there is a marked tendency, with regard to international law, for some of the professors to highlight particular topics which are considered of special interest to Latin American countries—for instance, all those which relate to the principles and institutions of

American international law or which have developed in a particular way within it, such as the right of asylum, the principle of non-intervention, the principles and organs of the Organization of American States, and so on. In the same way, it should be noted that in the law faculties in Guatemala and Uruguay, the subject, though treated comprehensively, is confined to the study of public international law in peace-time.

In most of the universities consulted, international organizations do not form the subject of special courses, but are studied as part of the public international law syllabuses. Some professors give special preference to that subject, which sometimes occupies a prominent place in the syllabus and is dealt with in very great detail. The choice of international organizations to be specially studied is based on their importance and characteristics—those of a political nature being preferred—and on their American regional character. The United Nations and the inter-American organizations are thus given most prominence. In some countries, meanwhile, there are special courses on international organizations, but at institutes of political science, and never in law or economics faculties.

Similarly, international relations are studied only at specialized institutions such as schools or institutes of diplomacy. In some instances, public international law syllabuses include the study of international relations —in the specific sense of the term—but they are few.

It has not been possible to draw definite conclusions regarding the direction given to the study of international law in Latin America. While the replies of many of the professors consulted showed a decided preference for the theoretical aspects of the subject, an equal number expressed their concern to reconcile the practical and the theoretical aspects.

Although the normative and institutional approach predominates in the study of international law, most of the replies show that this does not signify total disregard for the various natural circumstances in which the rules and institutions of international law are developing, but that the aim, rather, is to place them in the particular context of political and economic conditions.

Forms of teaching

International law is taught essentially in the form of lectures. The professor has to cover the entire syllabus during the course—which, as stated above, is obligatory and takes up one academic year alone for each of the branches of international law—although, according to most of the professors consulted, it rarely happens that all of the set topics are covered, and hence the preparation of part of the subject devolves entirely on the student.

The professors are completely free to work out their own syllabus according to their personal approach to the subject. In all cases, the syllabuses are validated on approval by the respective university authorities —which is a mere formality; but even if governed by the syllabuses in

force, the professors have full freedom to guide the course in the way they deem most suitable, or to make whatever changes in the syllabus that they consider necessary, subject to the approval of the competent authorities.

In some cases, the professors encourage discussion by the students on points expounded in the lectures, and sometimes entrust a student or group of students with research work on a given topic. These forms of student participation are carried on parallel to the work done in the theoretical courses, but only in isolated cases is active participation of a permanent nature organized, as in the advanced courses of the Institute of International Law of the Universidad del Litoral (Argentina).

Systematic case-study is rare. The case method is used where the seminar system exists. The seminar system, in turn, occurs infrequently, and when it does it is complementary to the lecture courses or in parallel with them. The seminar method replacing lecture classes appears in the Latin American faculties as an exception only, as in the case in the Faculty of Law of Montevideo, where the students can choose between attending the theoretical classes and taking a final examination, or participating in an intensive seminar which is developed primarily on the basis of the exposition and analysis of practical cases.

In view of the low stage of development of the seminar method, the system of working individually or in small groups is little used, and on the rare occasions when it has been adopted, it has always corresponded to the basic (undergraduate) cycle of instruction.

Symposia, congresses and round tables

Only in exceptional cases are conferences, congresses or round-table discussions regularly organized on topics relating to international law or international relations, but when they are, they are attended by academics or other specialists, army officers, etc.

NIGERIA

E. I. NWOGUGU
University of Nigeria

EDUCATIONAL INSTITUTIONS

Universities and specialized institutions

Up to 1960, the year in which Nigeria became an independent sovereign State, there was only one institution of university status in the country, the University College, Ibadan. Both in this institution and outside it, little scope existed for the teaching of international law and international relations. With independence, remarkable progress was made in the number of institutions of higher education and the variety of courses offered. Four new universities were established: the University of Nigeria (Nsukka), 1960; of Ife (Ibadan), 1961; of Ahmadu Bello (Zaria), 1962 and of Lagos, 1962. These new institutions offered a wide range of subjects including law, economics and political science. The first law graduates of these universities qualified in the summer of 1966. They were also the first group to study international law as part of the degree course. Graduates in international relations were first produced here in 1963.

International law is taught in the law faculties of the universities of Ife, Lagos, Nsukka and Zaria (the University of Ibadan has no law faculty). The Military Academy at Kaduna also offers a course in international law, especially the law of war. Courses in international relations are available in the political science departments of the five universities, this subject being compulsory for students who are studying for a degree in political science. The political science departments exist inside the faculties of economics. In addition, international law and international relations form part of the introduction courses run for new foreign affairs officers in the Ministry of Foreign Affairs. These courses, which are given at specified intervals and for short periods of about three months, are organized jointly by the ministry and the extra-mural department of the University of Lagos. The teaching is done mainly by lecturers from the law and economics faculties of the university.

The Nigerian Institute of International Affairs was established in May 1963 on the same lines as the Royal Institute of International Affairs in the United Kingdom. Its aims and objects include, *inter alia*, the promotion

of the understanding of international affairs by means of conferences, lectures and discussions and by the preparation of books, records and reports. Membership of the institute is open to individuals and corporations. The institute does not give any formal course of teaching in international law or relations. It is designed as a centre for research and the dissemination of information on international affairs. The activities of the institute will be mentioned later in the appropriate place.

Teaching staff

The teaching of international law in Nigeria is carried out mainly by trained lawyers, many of whom have studied international law up to post-graduate level. They are recruited on the basis of the documentary evidence of their qualifications, value of their published works and an interview. No competitive examinations are organized for this purpose. Legal practitioners do not take part in the teaching of international law.

With regard to international relations, the teachers are engaged by the method outlined above and are persons who have studied the subject at university level. Most of the teachers in these two fields are Nigerians who were trained in the United Kingdom or the United States.

On the average about two teachers give instruction in international law in each of the four law faculties in the country. The general practice is that while one gives the lectures the other (or others, as the case may be) is responsible for the tutorial classes. There are about eight international law teachers in the universities, five of these being Nigerians. Compared with the number of other law teachers the proportion is one to four.

At present, the law faculties in the country rely almost exclusively on full-time university teachers for all law courses. Part-time law teachers are few. One explanation for this position is that as the faculties here are small and young—barely three years old—the number of full-time teachers is at the moment adequate for all the instruction required. As the faculties grow the need for teachers will be more pressing. Moreover, it is difficult to find legal practitioners here with sufficient practical experience in international law to make them specially attractive to the universities. This is accounted for by the fact that legal practitioners here are scarcely ever called upon to advise on matters involving rules of international law.

All international law and international relations staff in the universities are engaged in active teaching duties. They are expected, in addition to their teaching assignments, to carry out individual research work in their own fields of special interest. In order to encourage such private research work, an effort is made to keep the teaching load per week at a reasonable level. There are as yet no specialists employed solely for research.

Treatises and textbooks

So far no treatises, manuals or casebooks on international law or relations have been published in Nigeria. We depend entirely on foreign books.

For the undergraduate course in international law the three main textbooks used are: Starke, *Introduction to International Law*; Brierly, *The Law of Nations*; and Oppenheim, *International Law*. These are supplemented by the following casebooks: Green, *International Law through the Cases*; Bishop, *International Law*; and Briggs, *The Law of Nations*. International law reports in general use include: Permanent Court of International Justice reports, International Court of Justice reports, United Nations reports of international arbitral awards and *Annual Digest of International Law Cases* (now *International Law Reports*). Extensive use is made also of the leading journals on international law, e.g., the *American Journal of International Law* and the *British Year Book of International Law*.

In addition to these, the libraries hold books on various aspects of international law including the classics of international law by Grotius, Vattel, Bynkershoek and other early writers. The collections of books in this field are continuously increased by the purchase of new books on international law published in other countries. Considerable difficulty is experienced in obtaining important books which are out of print.

Nigeria does not have a Treaty Series as do the United Kingdom and the United States of America. It is hoped that a start will be made in this field soon. Both the League of Nations and the United Nations Treaty Series are used generally.

Nigerians have produced books on some special aspects of international law like human rights (Dr. Ezejiofor, Butterworths); foreign investments (Dr. Nwogugu, Manchester University Press) and a book on boundary disputes is now in the press.

Books used in the teaching of international relations include: Hartman, *Relations Among Nations*; Morgenthau, *Politics Among Nations*; Hovet, *Africa in the U.N.*; and Nicholas, *The United Nations*. The preparation of a textbook which will cater for the special needs of Nigerian students on this subject is now in progress.

One major problem in Nigeria, as in most developing countries, is the poverty of the students and their consequent inability to purchase the standard books on international law and international relations. For instance, one volume of Oppenheim's *International Law* costs about £5 in Nigeria, a price which practically places such an important treatise out of the reach of many students. It is suggested that the leading treatises on these subjects could usefully be published in cheap paper-back students' editions.

TEACHING SYSTEMS

Purpose of the courses

Teaching is directed partly to the theoretical and partly to the practical aspects of international law. In certain cases, like the question of natio-

nalization of foreign-owned property, account is taken of the historical, social and economic factors which affect the formulation of international law rules.

Forms of teaching

Public international law is taught in Nigerian institutions mainly through lectures supplemented by tutorial or seminar classes. Generally about two lectures of 1 hour's duration each are given on the subject per week. On the average the length of the academic session in Nigeria is thirty-three weeks. Of these about six weeks may be taken up by registration and examinations. Consequently, the total number of lecture hours on public international law in an academic year is about fifty-four. The same is true for the teaching of international relations.

Normally, the lectures cover the whole programme of work for the year. But if, owing to unexpected delays or other factors, the year's work is uncompleted at the expected time, extra lecture periods may be fixed or the students directed to read up the outstanding topics privately. During lectures students take down individual notes and are free to ask questions.

To supplement the lectures, tutorial classes are arranged for small groups of about six students in each case. Each student is assured of 1 hour's tutorial work per week on international law and international relations. Usually the lecturer or professor who gives the lecture course is different from the one who runs the tutorial classes. This arrangement enables the students to get different approaches or views on the same subject from different teachers.

Tutorial classes may be run in two different ways. Sometimes, the case method is adopted and the class period utilized in the analysis of leading cases. At other times, the students are directed to important articles in learned journals and asked to write an essay on an international law topic. The essay scripts are corrected by the lecturer and discussed at a subsequent class. The written work may take the form of problems. Tutorial classes have proved to be of immense benefit to undergraduates.

The above discussion relates solely to undergraduate study as there is no post-graduate course in international law in any of the universities in the country. At present, Nigeria depends on overseas universities for the post-graduate training of her students in this field. The creation of post-graduate courses in Nigeria will depend on the availability of resources, experienced teachers and adequate library facilities. Already, discussions have started on the idea of establishing an institute of advanced legal studies which will be a central research centre for all the law faculties. The Ford Foundation has shown some interest in the project.

Chronology of the courses

The four universities with law faculties offer courses in public and private international law respectively. Each is treated as a distinct subject or

course and constitutes a separate field for examination purposes. Both subjects are taught only for one academic year—the last year of undergraduate work.

There is no uniformity in the point at which international relations is taught in Nigerian universities. At the universities of Ahmadu Bello and Ife, for instance, it is offered during the whole three years of the degree course. On the other hand, international relations appears only in the curriculum for the last two years of the degree courses of the universities of Nigeria and Ibadan. The University of Lagos offers this subject only in the last year of undergraduate work. In all cases, the teaching method remains practically the same throughout the period the subject is studied.

Syllabuses

The teaching programme or syllabus for each subject is prepared by the lecturer responsible for giving the course of lectures on that subject with the approval of the head of the department or faculty as the case may be. Such a syllabus is flexible and may be modified in the light of experience and other relevant factors. It is not obligatory for the lecturer to go through the entire list of subjects on the programme or to set examination questions on all of them. He may decide to omit some. The syllabus is meant to be a guide and copies of it are supplied to students.

The place of international law in legal studies as a whole

The course in public international law is generally confined to the law of peace, leaving out most of the laws of war. Thus the curriculum covers such traditional aspects of the law of peace as the basis and history of the law of nations, subjects of international law, rights and duties of States, jurisdiction and international transactions. Special attention is given to certain topics, e.g., State succession, nationalization, the Organization of African Unity, are the customary rules of international law binding on the new Afro-Asian States? These topics are of special interest and importance to the newly-emergent States.

The study of the international organizations forms part of the general course in public international law. Both the United Nations and the Organization of African Unity receive special treatment.

Courses in public international law are generally optional. About a third of the students or fewer choose them.

International law and international relations are accorded the same status and importance as other subjects studied at undergraduate level in the universities.

Teaching problems

Besides the problem of textbooks which has been dealt with above, the other difficulty which confronts teachers of international law and inter-

national relations is the poor general background of the students. The core of the problem is that, owing to the poor media of information in the past, children learnt very little about events in other parts of the world. In order to make up for this, the teacher of international law or relations is obliged first to supply the factual background for his students before going on to discuss, for instance, the application of the law to an event. Steps are already being taken to alleviate this difficulty. Better information media have been created and the study of current affairs in schools is encouraged.

Symposia, congresses and round tables

Little has been done in the way of organizing conferences or discussion groups on problems of international law and international relations. No conferences have as yet been arranged but discussion groups meet on various platforms. In the universities, for instance, lecturers and professors interested in these subjects meet occasionally for a group discussion on a problem of common interest in international law or international relations. Usually a member of the group who has made a special study of the problem leads the discussion. The Nigerian Institute of International Affairs arranges public lectures and discussion groups on various international problems. During the past year, the institute organized a round-table discussion on the Congo problem. The Nigerian Association of Law Teachers meets once a year to discuss teaching methods, equipment of libraries and other common problems.

There is no learned international law society in the country. Persons interested in this subject join foreign societies like the American Society of International Law. The International Law Association has no branch organization in Nigeria. The Nigerian Institute of International Affairs has provided a meeting ground for persons interested in international law and international relations.

CONCLUSION

The teaching of international law and international relations in Nigeria is as yet at a very early age. Only a beginning has been made and there is therefore unlimited scope ahead for fashioning the study of these disciplines in accordance with the needs and interests of the country and the general welfare of mankind. In this task, we have the experience of the industrialized countries as a valuable guide. The African approach to certain problems of international law and the development of international relations within the continent will provide new and interesting fields of study which will attract the attention of scholars from all parts of the world. Already, it is generally recognized that the teaching of international law and international relations will play an important role in the building of this nation to enable it to take its rightful place in the community of nations.

THE SCANDINAVIAN STATES[1]

E. I. HAMBRO
Oslo University

The cultural, political, social and legal similarities among the Scandinavian States[2] are such that it would indeed be strange if the teaching of law did not also show common trends. The law of the Scandinavian countries is neither a pure case law or 'common law' on the British model nor a codified law in the *code civil* tradition. It is fundamentally practical and pragmatic and is based on an unbroken legal tradition going back to old Germanic origins. Even though there is no all-embracing code in any of these States, a considerable body of modern legislation has been enacted, and an important part of such written law is the result of close co-operation between the national authorities in the different Scandinavian States so that a great deal of 'legislative Scandinavianism' can be said to take place.[3] Scandinavian lawyers also meet regularly at large law moots where common problems are debated.[4] Scandinavian bibliographies and Scandinavian law reviews are published both in the Scandinavian languages[5]

1. The author wishes to thank the following friends and colleagues who helped in the writing of this paper by furnishing information and offering valuable criticism of the manuscript: for Denmark, Mr. Orla Friis Jensen at Aarhus; for Finland, Professor Dr. Erik Castren and Professor Dr. Bengt Broms at Helsinki; for Norway, Dr. Carl August Fleischer and Mr. Aronsen, secretary of the faculty of law; and for Sweden, Professor Dr. Hilding Eek at Stockholm.
2. The omission of reference to Iceland in this paper does not imply that Iceland is not included in the area of the Scandinavian collaboration. The closest co-operation is between Denmark, Norway and Sweden, but in most respects Finland and Iceland also participate. They are both members of the Nordic Council. It will also be seen from this paper that Finland differs in certain respects from the Scandinavian States.
3. See Birger Ekeberg, *The Scandinavian Co-operation in the Field of Legislation*, Rome, International Institute for the Unification of Private Law, Unification of Law, 1948, p. 320 et seq. Also *The Uniform Laws of the Nordic Countries*, Rome, Editions Unidroit, 1962. This is an excellent survey. See also Eek, 'Evolution et Structure du Droit Scandinave', *Revue Hellenique de Droit International*, 1961, p. 33 et seq. The words Nordic and Scandinavian are at times used indiscriminately. It is probably correct to say that Scandinavian means Denmark, Norway and Sweden and that the word Nordic includes also Finland and Iceland.
4. See V. Topsöe-Jensen, 'Die Nordischen Juristentagungen', *Le Nord*, 1939, Vol. II, p. 148 et seq.: Ivar Strahl, 'Les Congrès de Juristes Nordiques', *Revue Internationale de Droit Comparé*, Vol. IV, 1952, p. 259 et seq.
5. The most important in this field are the venerable Scandinavian *Tiddsskrift for Rettsvitkenskap* and the Swedish *Svensk Juristtidning*.

and in English.[1] There is a Scandinavian review of international law and the collaboration of these countries is very keen in international affairs. For many years they worked closely together in the League of Nations[2] and continue this co-operation in the United Nations where they form to all intents and purposes a bloc in the voting. They also discuss the elections of members of the International Court of Justice and the International Law Commission. They have also—and this is an interesting phenomenon for many reasons—concluded a certain number of treaties in the field of conflict of laws.[3]

It should be added that the rectors (or vice-chancellors) of the Scandinavian universities have regular meetings to discuss common problems.

International law is taught primarily at the universities, but a limited amount of international law is also taught at other institutions. This is the case to some extent at the different schools of economics and business administration in Norway and Denmark and Sweden. Furthermore international law is taught at the military schools, staff schools and at different courses given for higher officers and for officers participating in certain special fields, for example, in the forces of the United Nations. Naturally international law is also part of the curriculum for foreign service officials and diplomats.

The major part of the teaching of international law, however, takes place at the universities in the law faculties. The students of political science also study international law and international relations, generally through courses in the law faculties. Students of political science in the Scandinavian countries (as presumably in most other countries) appear to be taking a growing interest in that part of international law which relates to international organizations and specially to the United Nations. The teachers are trained lawyers, in the sense that they have law degrees, but they need never have practised.

This is the case in all the countries under review. International law is a normal part of the law curriculum. Certain aspects may be taught in faculties or departments of political science. Historical, institutional, sociological and other aspects may be taken up in other connexions, but there is no doubt that international law means law and not international relations. It would never occur to anyone in the Scandinavian universities that international law should be taught by a person without a law degree. The question of a bar examination does not enter into consideration since no such examination exists. The law degree awarded by the universities is in itself a qualification to practise.[4]

1. The best known is *Scandinavian Studies in Law* published regularly in Stockholm.
2. See S. Shephard Jones, *The Scandinavian States and the League of Nations*, New York, 1939.
3. See Allan Philip, 'The Scandinavian Conventions on Private International Law', *Recueil des Cours*, Vol. 96, no. 1, 1959, pp. 245–347. The interesting feature of this co-operation is that Denmark and Norway adhere to the domicile principle and Sweden to the nationality principle.
4. In Norway, however, an advocate has to plead certain trial cases before the Supreme Court before he is admitted to regular practice before this tribunal.

Professors are appointed in practically the same way in all the Scandinavian countries. A professorship is advertised. The candidates submit their applications in writing setting out their curricula vitae as far as writing and other legal activities are concerned. Examinations and diplomas, practical and theoretical experience, teaching record and other relevant facts are listed. They also submit a complete list of all their writings in the field of law, and possibly related subjects, and copies of their books and most important articles.

Once the applications have been received the faculty selects and appoints a committee to recommend a candidate for appointment. The committee is composed of members of the staff of the university concerned and of other universities of the country and often, particularly in fields like international law where the national point of view should not be overstressed, some members are appointed from universities of other Scandinavian countries. The members of the committee are expected to read all the published works of all the applicants and to make their recommendation on this basis, usually without personal interview. Should several candidates be declared competent, the committee members are asked to grade them, sometimes through individual reports, as is always done in Finland, but usually in a common report in which differences of opinion can nevertheless be expressed.

If the committee's verdict is unanimous, it is usually accepted by the faculty board and is then put before the Academic Council as the highest university authority. The council makes a recommendation to the Ministry for Church and Education which makes the final appointment. Only in rare cases has the ministry not accepted the university's unanimous recommendation. If the committee's report is not unanimous the faculty may also be divided, and the ministry may then exercise greater freedom in its choice of candidate for appointment.

Where agreement cannot be reached candidates may be required to give lectures and the decision of the election committee is made on this basis.

In Norway, a professor is appointed only as a professor of law and not specially as a professor of international law, and selection is usually based on the candidate's contribution in any or all fields of law. This again makes it very difficult to compare the candidates.

Sometimes the position is advertised as a professorship in law with special obligation to teach a certain legal subject, e.g., public or private international law. In such cases, of course, special importance will be attributed to the contributions in this field. The present tendency in Denmark, both at Aarhus and at Copenhagen, is to specialize. In Sweden the chair is designated as a chair of international law, public law or penal law, etc.

Professors may have leave of absence with full salary for research projects, and professorial or other grants are awarded to scholars enabling them to pursue their studies without any obligation to teach.

In Norway there exists a special institution of part-time professor or professor II. A qualified person may thus continue his other work outside the university, give some lectures and receive a salary and the title of professor. In this case also the 'competence' must first be established.

Finland differs in certain respects from the other Scandinavian countries as far as appointment is concerned. The law faculty has a more decisive position and does not use committees as much as is done in the other countries. The faculty may, however, make use of expert advisers who make individual reports for the use of the faculty. The advisers deal exclusively with the scholastic ability of the candidates, whereas the faculty and the chancellor may take their pedagogical qualifications into consideration. Every candidate must give an academic lecture attended by all faculty members; if the lecture is not found acceptable the candidate cannot be appointed.

It will be seen from this description that the systems used in the Scandinavian countries differ from the *agrégation* system in France, the more personal system used in Anglo-Saxon countries and from the system of 'calling' professors used in certain European countries.

Although there is a strong competitive element it would not be correct to speak of the system as a competition or *concours* in the true sense. It has been designed so as to make the appointments both verifiable and public, with all the attendant advantages and disadvantages.

There are other positions on the university staff roughly similar to that of associate professor in the United States of America, called *dosent* in Denmark and Norway, *preceptor* in Sweden, and assistant professor or *dosent* in Finland.

Recruitment for such positions is fundamentally the same as for full professor; candidates must be just as fully qualified academically, but their field may be narrower. Greater consideration is given to their 'special' and slightly less to their 'general' competence.

The position of *dosent* in Finland and Sweden is rather comparable to that of assistant professor and does not confer 'tenure', whereas the *preceptor* in Sweden, the *dosent* in Denmark and Norway, and the assistant professor in Finland has 'tenure' and may stay in office until retirement age.

In most of the universities in recent years an increasing number of younger teachers, readers, lecturers, etc., have been appointed to lighten the teaching burden of the professors. The rules concerning their appointment are less strict, although in principle the same rules apply. In the junior grades, however, results achieved at university examinations will be given greater weight. An outstanding degree will always have a certain importance, but later in the career publications will outweigh the degree. For the higher positions a doctor's degree is almost a requisite, even though it is not a formal condition.

In all the countries under review international law is taught chiefly at the universities in the faculties of law. Public international law and

conflict law are treated as separate subjects but the same professor may teach both subjects.

In Denmark at the universities of Aarhus and Copenhagen, international private law has traditionally been combined with family law. At Copenhagen there is a special chair of private international law held by a specialist in international law who teaches only this subject.

At Aarhus the professor of public international law also teaches constitutional law.

In Finland there are four universities, two of which have chairs in international public law, international private law being combined with general jurisprudence. At Helsinki and Turku the chair of international law is combined with constitutional law.

In Norway only the University of Oslo has a full law faculty, but several chairs will soon be established in Bergen. There are also law professors at the Agricultural University at Aas and some lectures are given in international law at the Graduate School of Economics and Business Administration, Bergen.

In Sweden, up to the present, there is only one chair devoted entirely to international law—the chair at Stockholm University where the fields of public international law and conflict law are combined. A similar chair will be established at Uppsala University in the course of 1966 and probably somewhat later at Lund. To date the teaching of international law at these latter universities has been given by the professor in public law, and private international law has been taught by the professor of jurisprudence.

In all the Scandinavian countries the study of law—and this includes international law—is mainly pursued by the students independently. In the law faculties no courses are obligatory, except in Finland.[1] The students acquire their knowledge according to their particular tastes and aptitudes.

In Denmark, although attendance at lectures in international law is not obligatory, most of the students do follow them. The general courses in international law are given during one term of three to four months, with one or two lectures a week. This amounts to less than half the time devoted to the law of administration or the law of the constitution and even much less than the time spent on Danish private law. The study of public international law is taken up in the first part of the studies, and conflict law towards the end. For students specializing in international private law or international organizations, the course is of a slightly broader scope, and comprises at least forty lectures which are obligatory.

Students are required to pass a special examination in this subject. It may be useful to mention here that in the Scandinavian countries there

1. In Finland the students must follow, regularly, a course of lectures for a whole term, two lectures a week, or acquire the necessary knowledge through extra reading. Private international law is recommended to first-year students and public international law is recommended for the fourth or fifth year.

is no distinction between undergraduates and graduate students and there is no college system. The students finish secondary school any time between the ages of 17—now very rare—and 19 or 20 and later. They at once enter the faculty they have chosen after passing a preliminary examination in philosophy. In Norway and Denmark this examination must be passed before the student presents himself for the law examination, although he may follow courses at the law faculty without it. In Denmark the examination is divided into two parts. International law is studied in the first part and before presenting himself for the second part the student is required to pass an oral examination in two of the subjects taught in special courses. International organization and international private law may be chosen, but so far international public law has not been the subject of such a course.

In the general course of international law the lecture system is used, but for specialized study seminars are more frequent and the student is supposed to work more independently and even to participate to a minor degree in the teaching by reading results he may have arrived at through his own research.

In line with this policy, in 1964, the University of Aarhus held an international seminar on private and public international law in which some thirty students, most of them Danish, participated.

The younger members of the teaching staff participate in the teaching of international law and outside experts are called in from time to time, often to carry the whole burden of the teaching. This practice was introduced in Denmark only recently and in Finland outside lecturers are not used in international law.

In Norway, however, outside experts have in recent years been in charge of the teaching of international law. The professor of public international law has been the director of the legal section of the Foreign Office and private international law has been taught by a member of the Supreme Court.

In all the Scandinavian countries except Denmark there is an intermediary degree between the doctorate and the ordinary law degree, called 'licentiate' of law. This is rare, and as far as the present writer has been able to ascertain, no such degree has been awarded in the field of international law.

In Denmark twenty-two degrees of Dr. Juris have been awarded since the war; of these eight have been in public international law and three in conflict law.

In Sweden one thesis has been submitted in private international law and two in public international law. In Norway there was one thesis in international public law among the thirteen doctorates awarded in the years 1945 to 1965, and in Finland two in private and three in public international law among fifty LL.D. degrees.

In the Scandinavian universities no strict programme of studies is laid down. The professor decides which parts of the field he wishes to cover.

Usually, a general introductory course in international law is given covering the whole field. The approach is academic and the fundamental rules are emphasized. The structural and organizational aspects of international law are now stressed more than before, as are the economic and sociological aspects. Study of the United Nations is emphasized and, in Norway in particular, the law of the sea is given prominence.

It should be remembered that the Scandinavian attitude to social rules and to law in general is very pragmatic and changes with place and time. There has been a greater interest in legal philosophy in Sweden (Olivencrona, Lundstedt, Hägerström, the Uppsala school) and to some extent in Denmark (Alf Ross) than in Finland and Norway, although certain Norwegian scholars (particularly Arnold Raestad, but also Frede Castberg) have taken an active interest in the philosophy of law and there seems to be a growing interest in this subject also in Finland.

This general attitude to the philosophy of law obviously colours the study and teaching of international law. Thus, as a general rule, the emphasis in teaching is particularly on the practical rules of contemporary positive law, not studied in isolation but as part of a formative study of the whole field of international law. Nevertheless, the relevance of the social, historical and political environment is not ignored, and the sociological and economic aspects are given much more attention than before the Second World War.

In Finland as in all the other Scandinavian countries the fundamental rules of international organization are also taught at the law faculties with special emphasis on the United Nations. Both private and public international law are compulsory subjects.

The whole study of law generally takes from five to five-and-a-half years, a short period being devoted to the study of international law. Some international law is obligatory for those who do not specialize in this field, about 4 per cent of the students' time. All students are supposed to choose a speciality. From 5 to 10 per cent specialize in international law, in which case 8 to 10 per cent of their time is devoted to this field of study.

Private international law is chosen by even fewer of the students.

The Swedish system of examinations is somewhat different from that of the other Scandinavian countries. There is no fixed examination in one or two parts; the students pass examinations in each subject when they feel ready for it.

International law is generally taken up at the beginning of the fifth and final year of studies. One course is given in private and one in public international law, on the average occupying only about three full weeks of the students' time. The lecture system is followed, but for those who specialize in international law, i.e., who have chosen international law or conflict law as their subject for a special five months' course, the seminar system is used and there is a continual and intimate collaboration between the professor and the student.

Students are required to study some international law but attendance at the classes is not obligatory. They may obtain the necessary knowledge in any way they choose and there are no prescribed textbooks or lectures. In Stockholm about 170 students finish their legal studies with the degree LL.B. (*juris kandidatexamen*). In all Sweden there are between 300 and 350 candidates every year and about three of them continue to work for the doctor's degree.

All the Scandinavian countries possess a literature in their own language. Textbooks in international law and public international law exist in all of them (Ross in Denmark, Castren in Finland, Castberg in Norway and Eek, Gihl and Sundberg in Sweden). This is also the case in the field of private international law (Borum in Denmark, Alanen in Finland, Gaarder[1] in Norway and Eek and Karlgren and Nial in Sweden). In the field of international organization the textbook by Max Sörensen in Denmark is the most frequently used in all the Scandinavian countries.

Books published in any one of the Scandinavian countries are frequently also used in all the others. In addition, textbooks in foreign languages are used to a very great extent. The works of Brierly, Dahm, Goodrich and Hambro, Guggenheim, Oppenheim, Lauterpacht and Nussbaum are fairly well known and will be found in all the lists of literature.[2]

There are no special institutes for international law, apart from one in Oslo which is, however, part of the faculty of law. On the other hand it is quite clear that international law on the higher level is studied also at other institutions. The Nobel Institute in Oslo has an outstandingly good library in the international law field. The institutes of foreign affairs in all the countries engage in studies bordering on international law, as does the Peace Research Institute, Oslo (known under the name of Prio). A similar institute will soon be established in Sweden and probably also in Finland; and it is expected that a certain Nordic collaboration will take place in this field. The studies there will probably be historical, economic and sociological and only to a smaller extent of a legal nature.

Congresses and conferences of international law do take place. There are in all the Nordic States thriving societies of international law which work in collaboration with the International Law Association. Short reports about their activities are published in the Scandinavian *Review of International Law* from time to time.

A particularly interesting effort in this field was the international conference on certain aspects of the peace-enforcing activities of the United Nations, organized by the Norwegian Institute of International Affairs and held at the Nobel Institute in Oslo in February 1964. The papers have been published by Mr. Per Frydenberg under the title,

1. Written by some of his best students on the basis of Gaarder's lectures, this intimate collaboration between a teacher and his pupils has resulted in a most stimulating book.
2. The best list is found in Eek's comprehensive survey of international law. See particularly, Nussbaum, *Studiet af Folkrätt*, Stockholm, 1956.

'Peace-keeping, Experience and Evaluation', in *The Oslo Papers*, Norwegian Institute of International Affairs, Oslo, 1964.

As a general conclusion, from the point of view of an international lawyer, this field of law appears to take up a surprisingly small part of the law curriculum in view of the importance attached to foreign affairs in these countries. It seems strange that there is not a single chair of international law in Norway, and it is to be hoped that this subject will be strengthened in the not too distant future.

UNION OF SOVIET SOCIALIST REPUBLICS

G. I. TUNKIN
University of Moscow

EDUCATIONAL INSTITUTIONS

In the Union of Soviet Socialist Republics, international law is taught in every university faculty of law as well as in law institutes. The teaching of international law—like that of other disciplines—includes no special subdivisions. However, in some of the higher educational establishments such as the University of Moscow and the University of Leningrad, students wishing to specialize in international law can take additional courses covering particular branches of international law, and can also attend practice sessions.

In addition, international law is taught in some non-legal establishments of higher education such as the Institute of International Relations and the Academy of Foreign Trade, in a number of schools of finance and economics, and in several other establishments.

TEACHING SYSTEMS

Purpose of the courses

Public international law and private international law are regarded as two completely separate subjects. The latter, incidentally, is taught in the law faculties of the universities of Moscow and Leningrad only. On the other hand, it is taught in certain schools not specializing in law, such as the Institute of International Relations and institutes of finance and economics.

The instruction in international law is designed to give students the fundamentals of the subject on both the theoretical and practical sides.

The international law syllabus covers the following topics, among others: basic concepts of international law and its main characteristics; living peacefully together and international law; international legal relations in socialist countries; sources of international law; subjects of international law; relationship between international law and national (domestic) law; human rights in international law today; problems of maritime, air and space law; law in international agreements; diplomatic

and consular law; neutrality at the present time; United Nations; the Specialized Agencies; international legal means of settling disputes; international law in the prevention of war; war and international law.

Generally, for lack of time, the history of international law is dealt with only very briefly.

Forms of teaching

Not all of the higher educational establishments make arrangements for practical work designed to provide a deeper understanding of specific aspects of international law. However, teachers of international law try to develop such exercises in so far as they actually enable the students to acquire a real knowledge of international law. The topics for this work are chosen by the regular professors at the various faculties and institutes.

The number of hours of course-work on public and private international law varies according to the establishments. For example, in some of them, including the Institute of International Relations, it has been usual for some time for only the essential items of the syllabus to form the subject of a formal lecture course. In the law faculties, the number of these classes is greater—at present 40 to 46 hours for public international law and 20 to 26 hours for private international law, but, even in these cases, of course, not every part of the syllabus is covered, for it would take up too much time, nor does it seem necessary, since there are textbooks and a bibliography to which students can refer. The teachers prefer to deal thoroughly with certain aspects of the syllabus, at both the theoretical and practical levels, and with recent problems that have arisen in international life and which are not discussed in the textbooks, leaving it to the students to study for themselves or at practice sessions the less important topics. However, a few specific aspects of international law may also constitute course-subjects at some of the faculties and at higher educational establishments where international law is taught.

The organization of practice sessions is not identical throughout the country. In general, however, they are based on the analysis of typical problems of international law, and are devoted to the study of a particular problem viewed from the practical as well as the theoretical angle, the study, of course, being related to the actual facts of international life. Some of the teachers organize their sessions by giving one or more students a paper to prepare. This is then read out to the other students, and a discussion follows. Sometimes, even, teachers do not themselves attend the sessions, in which case these are entirely taken up with the discussion.

In addition, for those students who are specially interested in international law and whose abilities incline them towards research, study groups are organized. These are open to all students, but attendance is not compulsory. They are set up under the aegis of the faculty professors, and every student attending chooses his own subject of research. Having

made his choice, he prepares a paper that he reads out at the group meeting, and this serves as the basis for a discussion. Where the groups are well organized, the discussions enable the students to deepen their knowledge of international law and develop their proficiency in research. The best papers are published, mostly in the form of articles, in the university periodicals and law reviews.

Syllabuses

There is no one syllabus applicable to all establishments where international law is taught. On the other hand, the syllabus is the same for all law faculties and law institutes. The Institute of International Relations, the Academy of Foreign Trade and several other establishments have their own special syllabus.

In private international law as in public international law, the syllabus varies from one establishment to another.

The syllabus for the courses on international law is drawn up by the regular professors, assisted by numerous collaborators. It is customary to revise the syllabus every year. The existence of a fixed syllabus does not prevent the professors from introducing into the course, at their discretion, additional topics which are not really part of the syllabus. The diversity of the programmes for practical work and special courses is even greater, for every higher educational establishment where international law is taught works out its own programme independently.

Points relating to the international organizations are treated under either one or two headings.[1] Furthermore, in the larger establishments such as the University of Moscow or the Institute of International Relations, they are the subject of a special course or even of practice sessions devoted entirely to them.

Within this field of study, special attention is given to the United Nations, and particularly to its juridical nature, the basic concepts on which its Charter is based, the major problems of international law confronting it in connexion with its activities, and lastly, legal questions related to the fact that its mission is to maintain international peace and promote co-operation between governments. As regards international specialized organizations, most of the course is reserved for the study of the United Nations Specialized Agencies.

Generally speaking, the courses on international law give priority to the study of world organizations, international, regional, political and economic organizations and so on. However, higher educational establishments do not all follow the same syllabus for the study of international organizations. The choice depends on the specialization of the establishment or faculty concerned.

1. The distinction to be made is between world organizations and specialized organizations.

International law, public and private, is the subject of a course covering one year. In accordance with the principle that it is necessary to have a solid grounding, both theoretical and historical, in order to be able to follow the course, the subject is taught only at the end of the university cycle. The general course, the special courses and the practice sessions are compulsory for all students.

The end-of-year examination includes a practical test and a theoretical test on the course on international law. All the topics which may be included in the practical test are chosen by the regular professors. Furthermore, in some major law establishments such as the Moscow faculty, the students have to take papers covering the special courses or practice sessions. Most students choose their international law subjects from among those which may appear in the finals.

The curricula of the law faculties and institutes do not include courses on international relations. In principle, the basic concepts relating to this field are imparted to the students within the framework of the courses on international law. Naturally, courses on international relations are given at specialized establishments such as the Institute of International Relations. However, international law is always taught as a subject on its own.

Treatises and textbooks

As regards works to be consulted, it is generally recommended that students make use of international law manuals (recent publications include a manual prepared by the Institute of International Relations which came out in 1964, and another (of the same date) prepared by the U.S.S.R. Correspondence Institute for Instruction in Law), recent monographs on general or specific questions of international law, and casebooks (cf. the bibliography contained in the *Soviet Annual Review of International Law* from 1958 to 1963).

Students are also urged to read foreign works on international law, especially theses which have been translated into Russian. Unfortunately, for lack of time, these works are rarely consulted by students other than those preparing papers for the study groups referred to above.

In recent years, Russian translations of the courses by Oppenheim, Hyde, Verdross and Anzilotti have been published, as well as a large number of monographs on specific questions of international law.

Teaching staff

In the U.S.S.R., international law, like all the other legal disciplines, is taught by regular professors, lecturers and assistants, those in the first two categories being elected by the law councils of the law faculties, law institutes and other higher educational establishments. A doctorate thesis in legal science is required of candidates applying for professorships;

in exceptional cases, the general body of legal work and research done by the candidates is deemed sufficient. For posts of assistant, only the diploma is needed. In cases where a faculty has a vacancy and several candidates have the required diploma, the law council makes its selection by secret ballot. Candidates do not take an examination but are judged by the quality and extent of their research work on international law. For lectureships, candidates are chosen from among those who already have teaching experience.

Professors, lecturers and assistants are generally recruited from among students who, having completed their faculty studies, have spent a probationary period in higher educational establishments or research institutes.

Sometimes—although only very occasionally—students who have completed their studies in a law faculty or institute become lecturers in international law after merely taking a course on international law. There are even cases where international law is taught by persons with practical experience of the subject. They are usually placed in charge of practice sessions and individual courses.

The number of teachers of international law varies according to the faculty, from one to four and sometimes more. For example, there is a regular professor and three lecturers at the Moscow faculty, and only one professor or lecturer in faculties away from the main centres.

Research work on international law is regarded as a compulsory part of the activities of professors, lecturers and assistants. For this reason, research work is conducted at all establishments where international law is taught. Some of the professors, lecturers and assistants may be released from their teaching duties for a given period when they have to prepare or conduct research. A lecturer preparing his doctorate thesis may thus be freed from all teaching for a period of from six months to a year.

Probationary courses play the biggest part in the training of assistants in international law and of research workers. These courses may be taken in the major law institutes (or sometimes even in other institutes such as the Institute of International Relations), where there is a large enough competent staff to organize them.

In general, these courses are open to students who have obtained their university degree,[1] but they have to take an entrance examination consisting of a paper on international law, a philosophy paper and a foreign language paper. The actual course lasts three years, during which the student has to work under the supervision of his course teacher, who is appointed by the regular professor, and submit a thesis in order to obtain his diploma. The course can be taken by correspondence, but this possibility is confined to students who have taken the entrance examination and are at the same time pursuing other studies or working. For these students, the duration of the course is four years.

There is a third category of course students: members of the legal

1. Of lower level than the diploma.

profession who wish to obtain their diploma by enrolling in a law faculty. They have to take the same papers as course students belonging to the two previous categories, and the faculty provides them with the possibility of receiving guidance in their work. Their position differs from that of correspondence students solely in that they are not entitled to the additional month's paid leave granted to the latter.

Symposia, congresses and round tables

The discussions held in the faculties and institutes are organized in various ways. In addition to the study groups mentioned above, conferences for the students are held at which legal problems and problems of purely international law are discussed. The discussions are often at the regular professor and lecturer level, particularly when doctorate and diploma theses are defended and when programmes for conferences on international law are arranged. In addition, symposia attended by members of the various law faculties and institutes are held from time to time, at which working groups discuss questions of international law. Discussions are also held at the research institutes of the U.S.S.R. and constituent republics, including the Law Institute of the U.S.S.R. Academy of Sciences. Reviews such as *International Life* likewise organize discussions on current topics relating to international law and international relations.

Discussions involving large numbers of specialists in international law take place in connexion with the annual congresses of the Soviet International Law Association, whose members are recruited from every level of the Soviet legal profession. Students also attend these congresses, and sometimes take an active part in them. The discussions are always very lively. All works on international law are published by the State or university publishing houses. Articles on international law appear in legal reviews (e.g., *The Soviet State and the Law* and *Legal Studies*) and in non-specialized reviews (*International Life*, *The World Economy and International Relations* and *New Times*), newspapers and in university periodicals (e.g., *The Moscow State University Messenger*, *The Leningrad State University Messenger*, etc.). A regular publication, *The Soviet Annual Review of International Law*, devoted entirely to questions of public and private international law, has been appearing since 1958.

UNITED ARAB REPUBLIC

BOUTROS BOUTROS-GHALI[1] and MALEK GABR

Several books and articles have appeared in recent years, mostly by western writers, dealing with the attitude of the newly-independent or the Afro-Asian countries towards international law. Some of those writers seem to have come to the conclusion that the entry of States of non-western origin into the international community will, in the long run, inevitably dilute the content of international law and endanger its universality.

An appraisal of the attitude adopted by the United Arab Republic—as an Afro-Asian State—towards international law, does not come within the scope of this report. Our aim here is to give an idea of the present state of the teaching of international law and relations in our country. But the reader of this report will realize that the law of nations cannot be facing a crisis in the United Arab Republic if the importance attached to teaching international law in a country where education is State-directed can to a certain extent be considered an indication of its importance for the State.

This is borne out by the fact that, for quite some time, several thousand students have been taught international law each year as a required course —and along broadly classical lines—in the three faculties of law in the United Arab Republic (Cairo, Alexandria and Ein-Shams); and that, as late as 1959-60, the faculty of economics and political science was created, with five required courses in its political science department devoted more or less exclusively to various aspects of international law. Furthermore, in 1960-61 a special post-graduate department in international law was established in the Faculty of Law of Ein-Shams University. International Law is taught to a lesser extent in various other faculties and academies in the United Arab Republic, to say nothing of the efforts of the Egyptian Society of International Law to propagate this subject through its excellent library on international law and relations and its yearly publication, *The Egyptian Review of International Law*.

International relations as a course is considerably more recent in the United Arab Republic. Without going into details, it can be said that the

1. Professor of international law at the Faculty of Economics and Political Science, Cairo University.

university has, particularly in recent years, attached to it an importance that may in the future exceed that of international law. However, as matters stand at present, the latter is still predominant, were it only for the number of students to whom it is taught.

EDUCATIONAL INSTITUTIONS

Universities and specialized institutions

At the undergraduate level, international law is taught at present in the faculties of law of Cairo, Alexandria and Ein-Shams universities (established in 1925, 1942 and 1950 respectively) and in the military, naval, air force and police academies.[1] Both international law and international relations are taught in the political science department of the faculty of economics and political sciences (Cairo University) and in the department of economics and political science of the faculty of commerce, Alexandria University.[2]

Prior to 1960, both subjects were included in the courses of the political science department[3] of the faculty of commerce, Cairo University[4] but the department was abolished with the creation of the faculty of economics and political science in 1959, beginning its first academic year in 1960/61. A subject called 'international relations and problems of the East' used to be taught in the department of social studies of the faculty of arts, Cairo University; however, this practice has ceased, priority having been given to other courses more directly related to the work of this department.

It has been found both unnecessary and irrelevant to give a detailed account of each faculty of law separately, matters being much the same in all three at the undergraduate level; consequently, the situation is reviewed as a whole, i.e., the faculties of law[5] in comparison with the faculty of economics and political science. As for statistics, only the most characteristic are given.

International law is taught in the second and fourth years of the faculties of law of Cairo, Alexandria and Ein-Shams universities. The system is uniform in all three:

1. The military, naval and air force academies teach international law in so far as it is concerned with their field of specialization. In the police academy, the syllabus is more or less indentical with that of the faculties of law.
2. Here only four courses in international law and relations are taught (diplomatic history, public international law, private international law and international relations) none of them lasting more than one semester. The other fourteen courses (with one exception, political theory and comparative government) are not concerned with political science, therefore further reference to this section has been found unnecessary.
3. First established in 1935 as the department of economics and political science it has since become an independent department.
4. Both the political science and the economics department were merged into the faculty of economics and political science upon its establishment.
5. With some stress on that of Cairo University (the oldest) as an example.

Year	Course	Hours (weekly)	Semester
Second	Public international law	3	1st and 2nd
Fourth	Private international law	3	1st and 2nd
	International organization and regional institutions	2	1st
	International organization and regional institutions (optional)		1st and 2nd
	Diplomatic and consular practices (optional)	2	2nd

In the faculty of economics and political science, international law and relations and their related subjects are taught in the second third and fourth years, as follows:

Year	Course	Hours (weekly)	Semester
Second	International relations I	4	1st and 2nd
	Public international law	3	4
	Seminar on one of these subjects	2	4
Third	International relations II	4	4
	International organization	3	1st
	International judicial organization	3	2nd
	Studies in Middle Eastern affairs	3	2nd
	Seminar on one of these subjects	2	1st and 2nd
Fourth	Diplomatic and consular practices	3	1st and 2nd
	Geopolitics	3	1st
	Studies in African affairs	4	1st
	Private international law	3	2nd
	International relations III	3	2nd
	Seminar on one of these subjects	2	1st and 2nd

In the faculties of law, the number of students is extremely large. To take the faculty of law of Cairo University as a typical example, we find that in 1962/63, the number of regular students was 537 in the second year and 843 in the fourth. In 1963/64 they numbered 470 and 917 students in the second and fourth years respectively.

Compared to this, the number of students in the faculty of economics (political science department) is minute. Thus in 1962/63 there were 103 students in the second year, 54 in the third and 19 in the fourth; in 1963/64 they numbered 162, 78 and 54 students in the second, third and fourth years respectively.

Forms of teaching

It has already been pointed out that prior to the establishment of the faculty of economics and political science, international law and relations were taught at the undergraduate level in the political science section of the faculty of commerce of Cairo University and in the institute of political science at the post-graduate stage. Both became redundant and were, therefore, closed with the creation of the new faculty, which was meant to be—and undoubtedly is becoming—the nucleus of political science studies (and of economics and statistics, the other two sections of the faculty) in the United Arab Republic. Below is a complete list of the courses that were taught in the department and institute, and of the courses that are taught at present in the political science department of the faculty of economics. The major purpose of this list is to give the reader an idea of all the political science subjects taught in the United Arab Republic. Though many of these are not directly related to international law and relations, they are nevertheless essential if the student is to look upon these two subjects within a broader perspective.

Faculty of commerce, political science department (1935-59). The division of the faculty into departments started in the third year. In the second year there were no political science subjects, while in the first only one (political and social systems) was taught in the second semester (3 hours weekly).

Institute of political science (1951/59) (studies last two years in the institute). The main subjects taught in the first year are political science (first and second semesters), international relations, public international law; in the second year: diplomatic and consular practices, political history of modern Egypt, problems of the Middle East, public international law.

Faculty of economics, political science section. Specialization begins in the second year. The first year is designed to give the students a general education in the social sciences. Among the courses taught are: principles of political science (including principles of international relations), introduction to the study of law (public and private), elements of economics, economic history, economic society, a foreign language (English, French or German).

TEACHING SYSTEMS

Purpose of the courses

Before giving a synopsis of the courses, we should mention that it is a major feature of our educational system that the contents of the courses are largely influenced by the particular interest and academic training of individual teachers. This is especially true of international relations; it is

less evident in international law. Bearing this in mind, we have endeavoured in the following list to give as accurate as possible an account of the topics generally included in the courses each year; the list is by no means definitive or exhaustive.[1]

Syllabuses

Public international law. General introduction (history, nature, foundation, sources, etc.) The subjects of international law: types of States, scope of State jurisdiction (land, maritime and aerial territory), international responsibility, treaties, international organization, pacific settlement of international disputes (international judicial order), diplomacy, war and neutrality.

In the faculties of law all these topics are generally taught in the second year. In the faculty of economics (political science department) international organization, international judicial organization and diplomacy are not included in the syllabus of public international law in the second year, but are taught as independent compulsory subjects in the third and fourth years, making way for a more detailed study of the other topics of public international law.[2]

Mention should be made of the teaching in the United Arab Republic of the law of war, or, to be more precise, of current opinion concerned with whether or not the laws of war should be taught in the United Arab Republic. Generalization here is impossible. Some regard the classical division of public international law into the law of peace and the law of war as obsolete, their argument being that, in an age of international organization (when war is considered illegal) the latter has lost its importance; and that the syllabus of the international law of peace is long enough in itself, without the additional burden of the law of war, in spite of its undoubted historical importance. Others, however, still emphasize the importance of the law of war, on the grounds that, despite the illegality of war, in actual practice fighting on a large scale may take place between two or more States who are members of the United Nations or of treaties preventing war, and in that case the laws of war are applied. They are further applied in respect of the enforcement measures taken by the international organizations, for instance the United Nations military intervention in the Korean conflict. War may also break out between States not bound by treaties preventing war, again necessitating the application of the laws of war.[3]

At any rate, in practice we find that the laws of war do not always

1. Unless otherwise stated, all courses are compulsory.
2. In the faculties of law, international organization and diplomacy are taught in detail as independent subjects in the fourth year (i.e., besides their general study as part of public international law in the second year) however, they are optional.
3. Dr. Mohamed Hafez Ghanem, *Principles of Public International Law*, 3rd ed., 1963, p. 641.

constitute an integral part of the syllabus of public international law. Sometimes they are totally disregarded, but more usually they are taught in brief in a few lectures towards the end of the year; they are rarely taught in detail, except in the military, naval and police academies, where the laws of war concerning their respective fields are taught.

Private international law. In the faculties of law, the syllabus is generally in four parts: nationality, domicile, the status of aliens, the conflict of laws and of jurisdiction. Needless to say, stress is laid on the laws of the United Arab Republic concerned with these different topics, which are taught in great detail.

In the faculty of economics, this course is taught in brief in one semester only, with emphasis on nationality.

International organization (as taught in the faculty of economics). General introduction: the various schools of thought; the concept of Europe, Comparative study of international organizations (composition, procedure, voting, powers and functions). A brief study of the League of Nations. A thorough study of the United Nations (usually constituting more than half the syllabus).

International judicial organization. A detailed study of the pacific means of settling international disputes. General introduction. Negotiations. Good offices. Mediation. International commissions of inquiry. Conciliation. Arbitration. International jurisdiction (Permanent Court of International Justice; International Court of Justice—with case studies).

Diplomatic and consular practices (as taught in the Faculty of economics). The syllabus usually includes the following: Definition. The history of diplomacy (Diplomacy in ancient civilizations: Egypt, India, China, Greece, Rome, etc. Venice and the birth of modern diplomacy, diplomacy and international organization). The codification of the rules of diplomacy. The diplomatic mission (organization, composition, etc.). The functions of diplomatic envoys. Diplomatic immunities and privileges. Consular representation (history, types of consuls, functions, immunities—with case studies). International civil servants.

International relations. In the faculty of economics (political science department) international relations is taught in three parts, spread over a three-year course, on a more or less historical basis (besides a general introduction in the first year).

Studies in Middle Eastern affairs. The syllabus is divided into three parts with a general introduction to the definition and importance of Middle Eastern Affairs: The defence of the Middle East (the Anglo-American projects. The Arab projects. The Baghdad Pact). Israel and the Middle East (History of the Zionist movement. The birth of Israel. The Palestinian question in the United Nations. Contemporary problems: The Armistice; the Suez Canal). Oil in the Middle East (The importance of oil in the Middle East. A comparative study of the petroleum agreements concluded. Middle Eastern oil in world affairs).

Studies in African affairs. Although this course does not deal exclusively

with international relations, the latter is nevertheless predominant. The syllabus usually includes the following: The international importance of Africa (Africa between the eastern and western blocs). International relations between Europe and Africa (an historical survey). European systems of government in Africa. Changes in African society. National movements and political institutions.

Geopolitics. Normally, the general principles of geopolitics in theory and practice are taught. Syllabuses in the past two years have undergone such radical changes that it is impossible to give any further details.

TREATISES AND TEXTBOOKS

Arabic textbooks

International law. Textbooks in Arabic on international law—both public and private—are relatively abundant; many are of a very high standard. Consequently, foreign reference books play little or no part in teaching international law at the undergraduate level.

In general, these textbooks tend to be classical in their approach. Moreover, many are clearly more influenced—both in form and content—by the classical Latin (especially French) writers (Anzilotti, Fauchille, Rousseau, Scelle) than by Anglo-Saxon ones. A survey of the list of reference books mentioned in most Arabic textbooks shows that Latin (French) references predominate. Needless to say, all the books lay stress on the Arab problems.

International relations. With very few exceptions there are no general textbooks in Arabic on international relations. Of course, there are many books dealing with one or several issues or with one particular period or area but traditional textbooks are non-existent; students therefore depend largely either on their lecture notes (which the obvious lack of time usually makes very brief), or on foreign (mostly English) textbooks. This method, approved and recommended by the faculty of economics and political science—which has persistently emphasized the paramount importance of foreign reference books as an essential part of the courses—is not as simple as it sounds, bearing in mind the fact that the students' knowledge of the English language tends to be very limited. Their knowledge of French is generally even more limited.

Reference books (Foreign)

While textbooks are almost invariably in Arabic, reference books are usually in English.

International law. As has already been pointed out, foreign reference books play no great role in the study of international law at the undergraduate

stage. In the rare cases when they are used, the following are usually recommended: J. L. Brierly, *The Law of Nations* (Oxford, 1955); L. Oppenheim, *International Law* (London, 1949); G. Schwarzenberger, *A Manual of International Law* (London, 1960).

International Relations. In the absence of textbooks in Arabic, foreign books play a particularly prominent part here. The following are the ones most commonly used: W. Friedmann, *An Introduction to World Politics* (London, 1960); G. Lincoln, *International Politics* (New York, 1957); H. Perkins, *International Relations* (London, 1954); F. L. Schuman, *International Politics* (New York, 1958); G. Schwarzenberger, *Power Politics* (London, 1951).

The index of the three current textbooks of public international law (in Arabic)

From the relatively large number of books on public international law, three have been selected for two main reasons (apart from being among the best):

(a) they are the most up to date, being the most recent in issue;

(b) they are currently used as textbooks in the faculties of law of the Alexandria, Cairo and Ein-Shams universities, and are therefore more illustrative of the contents of the courses. The three are: Dr. Ali Sadek Abu Heif,[1] *Public International Law* (5th ed., 1961, 932 p.); Dr. Hamed Sultan, *International Law in Time of Peace* (1st ed., 1962, 1,044 p.); Dr. Mohamed Hafez Ghanem, *Principles of Public International Law* (3rd ed., 1963, 736 p.).

CHRONOLOGY OF COURSES

International law at the post-graduate level is taught in the faculties of law of Cairo, Alexandria and Ein-Shams universities. International law and relations are taught in the post-graduate section of political science in the faculty of commerce, Cairo University. Post-graduate studies started in 1964 in the faculty of economics and political science.

Prior to 1960, both subjects were taught in the institute of political science,[2] which was abolished with the creation of the faculty of economics and political science.

Faculty of Law, Ein-Shams University. Only this faculty has a special international law diploma. To obtain it the following weekly courses are required: public international law, 3 hours; private international law, 3 hours; international and economic relations, 3 hours; seminar,

1. Dr. Ali Sadek Abu Heif is professor of international law at the Faculty of Law, Alexandria University.
2. Established in 1951 as an independent institute, in 1954 it became one of the institutes of the Faculty of Law, Cairo University.

2 hours; one optional course of 3 hours (selected from the following): international administrative and financial law, international penal law or international maritime and air law.

Besides the international law diploma there is also a public law diploma (where public international law is an optional course of 3 hours weekly) and a private law diploma (where private international law is also an optional subject of 3 hours weekly).

Faculty of Law, Cairo and Alexandria Universities. There is no special international law diploma in these two faculties, but there is a public law diploma. The following weekly courses are required: constitutional law, 3 hours; administrative law, 3 hours; public international law, 3 hours; seminar, 2 hours; one optional course of 3 hours selected from four subjects (penal law, public finance and financial legislation, history of public law, systems of government in Islam at Cairo University; criminal law, public finance and legislation, history of public law, philosophy of law at Alexandria University).

There is also a private law diploma, where private international law is an optional course.

Two diplomas are a necessary qualification for the presentation of the Ph.D. dissertation.

Faculty of commerce, Cairo University. The post-graduate weekly courses of political science in this faculty are divided over two years. First year: international law (problems of the world), 2 hours; international relations in theory and practice I (Western Europe; U.S.S.R.), 2 hours; comparative government, 2 hours. Second year: comparative constitutions, 2 hours; international relations in theory and practice II (the United States; Latin America; the Far East; political theory), 2 hours.

The number of post-graduate students represents roughly 10 per cent of the undergraduates. For example, in 1960/61 the faculty of law of the Ein-Shams University had twenty-eight students studying for the international law diploma, ten for the private law diploma, and thirty-seven for the public law diploma. The faculty of law of Cairo University had in the same year 448 students studying for the public law diploma and seventy-nine students for the private law diploma.

The faculty of commerce, former department of political sciences, had forty-six students (thirty-one in the first year, fifteen in the second) studying political science at the post-graduate level in the same year.

In the three faculties of law, the student who obtains two diplomas (in international law, public law or private law) is qualified to write a doctoral thesis. In the faculty of commerce, the student who passes his post-graduate courses in political science becomes qualified to prepare a magisterial thesis; only after obtaining his master's degree is he able to prepare for a doctoral thesis. Quite a large number of magisterial and doctoral theses related to international law and relations have been produced to date.

Since 1945, a total of thirty-four theses have been discussed in Cairo University on international organizations, League of Arab States, Unesco, the Commonwealth, British policy, the Suez Canal, international emergency, forces, etc.

THE PLACE OF INTERNATIONAL LAW IN LEGAL STUDIES AS A WHOLE

It is not easy to say exactly what most students think of international law and relations; this can only be surmised from their attitude during the lectures and seminars.

Generally speaking, however, international law seems to be one of the most popular subjects. To the law student, it is a welcome departure from the stiffness and severity that often characterize legal subjects. Political science students, on the other hand, consider it more coherent and less vague than most political courses. Thus, international law—in the eyes of many students—stands midway between the over-rigidity of law and the over-elasticity of politics; hence its popularity. Moreover, there is no noticeable tendency among students to regard international law as a product of western civilization; indeed, the vast majority of students accept international law as a *fait accompli*.

International relations, on the other hand, has attracted a considerable number of students in recent years; in fact, many political science graduates prefer to concentrate on this area in their post-graduate studies, as evidenced by the increasingly large number of theses related to international relations in the past five years or so. However, this subject is still regarded by many others as being much too vague and undefined. This is mainly due to the fact that the methods of teaching and research in international relations have not yet been satisfactorily implemented.

Graduates of international law and relations prefer to enter the foreign service (the goal of the vast majority of political science students) or take up careers in teaching, or enter the Ministry of Culture and National Guidance (particularly the Information Department), or, for the law graduates, to take up legal careers.

However, employment opportunities in these fields tend to be severely limited; consequently many graduates are obliged to take whatever careers are available, which are, for the most part, completely unrelated to their field of specialization. To take the political science section of the Faculty of Commerce of Cairo University as an example, we find that the average number of graduates yearly from 1950 to 1959 (the date of its abolition) was about fifty-five, while the suitable employment opportunities rarely exceeded 10 per cent of that figure.

Moreover, if matters remain the same, the situation can only become aggravated in the future, owing to the steady increase in the number of students without a similar increase in employment opportunities. Thus, for example, the number of students in the second year of the faculty of

economics (political science section)[1] was 25 in 1960/61. However, the number gradually rose to 61 in 1961/62, to 113 in 1962/63, and finally to 162 in 1963/64.[2]

CONCLUSION

From this report the following conclusions may be drawn:

1. The scope of international law courses reflects the realities of the contemporary world, but the same cannot be said of international relations.
2. The material used for study and teaching methods at the level of undergraduate studies in international law is good; by contrast, in the field of international relations the material does not meet the required needs.
3. There is no contact among international legal scholars of the Arab world. Furthermore, there has never been a meeting or round table conference on international law and international relations among them.
4. Much research is being done in the field of international law and international relations; if this research is often of a poor quality, this is due to the serious lack of essential documents. Furthermore, there is a serious lack of Arabic translations of documents and essays in the various branches of international law and relations.
5. Although very many students specializing in international law and international relations graduate each year, there are nevertheless very few opportunities for careers in their field of specialization.

Thus the following suggestions can be made:

1. Much more attention should be devoted to foreign languages considering the essential role they have to play in the study of international law and relations. Audio-visual methods should be applied in French and in English, owing to the importance of these two languages in Africa, and in international organizations.
2. Special attention should be given to the preparation of an Arabic compilation of basis documents of international law.
3. Special care should be given to federalism as an instrument of regional integration, and meetings should be arranged among legal scholars of the Arab world.
4. Special attention should be given to the translation of foreign monographs, foreign essays, the yearbooks of the International Law Commission, etc.
5. Libraries must be improved from both the point of view of librarianship and the choice of books.

1. The successor to the political science section of the faculty of commerce.
2. But it should also be borne in mind that a relatively high percentage of those students (slightly more than 20 per cent in 1962/63 in all the years and sections) come from twenty-nine foreign countries. This alleviates the problem of future employment opportunities to a certain extent.

UNITED KINGDOM

K. R. SIMMONDS
British Institute of International and Comparative Law

HISTORICAL INTRODUCTION

'So far as I am aware', writes Lord McNair, 'no systematic provision for the teaching of international law existed in any English university or professional school of law until Montagne Bernard was elected to the Chichele Professorship of International Law and Diplomacy at Oxford in 1859.'[1] Thus the first chair of international law was established in the United Kingdom just over one hundred years ago. Some parts of the subject we now know as international law were taught, although as part of civil law, for many years before the Chichele professorship was inaugurated.[2] Indeed, two of the classical writers of international law, Alberico Gentili and Richard Zouche, who were Regius Professors of Civil Law, gave instruction at Oxford to students of civil law in the principles of the law of nations. Their writings today occupy an important place in the classics of international law. However, as in the eighteenth century university law teaching declined at Oxford, the chair of civil law became more or less of a sinecure and, consequently, the teaching of international law suffered a set-back. Interest in the teaching of international law was not revived until 1859 when the Chichele professorship was instituted. The new developments at Oxford gave, as it were, an impetus to the teaching of international law elsewhere. At Cambridge University the Whewell chair was established in 1867 by the will of the well-known Master of Trinity, Dr. Whewell, whose interest in international law was earlier demonstrated by his translation of Hugo Grotius. Dr. Whewell enjoined by his will that 'the [Whewell] Professor should make it his aim to lay down such rules, and to suggest such measures as may tend to diminish the evils of war and finally to extinguish war among

1. Lord McNair, 'The Need for the Wider Teaching of International Law', *The Grotius Society*, Vol. 29, 1943, pp. 85–98. See also, Lord McNair in 'The Wider Teaching of International Law', *Journal of the Society of Public Teachers of Law*, Vol. 2, 1952, pp. 10–18. And, in this connexion, it may be added that no other single writer has so much contributed to the teaching of international law in the United Kingdom as Lord McNair.
2. See E. A. Whittuck, 'International Law Teaching', *The Grotius Society*, Vol. 3, 1917, pp. 43-59.

nations'.[1] There are now chairs of international law in other universities. In Manchester University there is a chair of jurisprudence and international law; in London University there is a chair of international law at University College and another of international and air law at the London School of Economics. The teaching of international law has been greatly expanded, especially in the years since the end of the Second World War, and this report is designed to give information on some of the most interesting recent developments.

The information given in this report is based upon inquiries made by the British Institute of International and Comparative Law and should not be attributed to the universities or persons named. The institute gratefully acknowledges the assistance it has received from universities and law faculties throughout the United Kingdom, and especially from the universities of Cambridge, Edinburgh, Hull, Leeds, Liverpool, London, Manchester and Oxford.

EDUCATIONAL INSTITUTIONS

Universities and specialized institutions

Public international law is taught in undergraduate and/or post-graduate courses in the following faculties or departments of law: Aberdeen, Belfast, Birmingham, Bristol, Cambridge, Durham, Edinburgh, Exeter, Glasgow, Hull, Leeds, Liverpool, London (King's College, London School of Economics and Political Science, University College, London Institute of World Affairs), Manchester, Newcastle, Nottingham, Oxford, St. Andrews, Sheffield, Southampton, University College of Wales, and the Inns of Court.

International law and international organization courses are also taught in university social science faculties or departments, but the teaching of these subjects is often done by members of the law faculty or department. It should be mentioned, however, that the teaching of public international law in social science faculties or departments is not as widespread as in the United States, although there is a growing tendency to introduce courses in this subject.

In the United Kingdom there do not exist special centres or institutes of international relations and law. However, there are a number of learned bodies, usually private but sometimes relying on public funds, which undertake activities leading to research into and dissemination of international law. Amongst such bodies may be mentioned the British Institute of International and Comparative Law, which publishes the *International and Comparative Law Quarterly*, the Royal Institute of International Affairs, which publishes the *British Yearbook of International Law*, the David Davies Memorial Institute of International Studies, which publishes

1. ibid., p. 49.

International Relations, and the London Institute of World Affairs, which publishes *The Yearbook of World Affairs*. The work of the British Institute of International and Comparative Law is described in Appendix I which is attached to this report.

The place of international law in legal studies as a whole

The teaching of public international law in the United Kingdom is not obligatory in all universities. The information we have at present is that eleven out of twenty-five law faculties or departments offer the subject on a compulsory basis. Changes in this ratio, however, occur at the beginning of almost every academic year, but the general tendency has been for an increase in the number of law faculties offering the subject on a compulsory basis. As to the number of students electing for international law, the number naturally varies from university to university depending upon a combination of factors—tradition in the faculty, the reputation of the teacher, and library resources. My own experience whilst teaching at the University of Liverpool from 1958 to 1961 was that about one-third of the students in the final undergraduate year studied international law on an optional basis. Public international law is also studied at the post-graduate level in the United Kingdom; many universities offer post-graduate instruction in international law, the most notable amongst them being Cambridge, London and Oxford. Generally, about one-third of the post-graduate students at these universities select a public international law course. In the the provincial universities, however, the number of students selecting the international law courses is relatively small; it is usual to find three or four students specializing in international law, amongst other subjects.

TEACHING SYSTEMS

Purpose of the courses

Public international law is clearly distinguished from private international law, which is sometimes described as conflict of laws, in the law faculties of the United Kingdom. Indeed, it can be said that very often in the United Kingdom public international law is meant by the term 'international law'. Often, both the subjects are taught in the law schools; conflict of laws, like public international law, is generally an elective subject. It is difficult to say which of the two subjects is the more popular with the students. During 1965/66, in the University of Liverpool, whereas only six students opted for public international law thirty selected conflict of laws. In Cambridge University, however, conflict of laws forms one of the subjects of the international law section for the post-graduate degree of LL.B.

The scope and extent of the syllabus of public international law varies

from university to university as does the emphasis on individual subjects within each syllabus.

In general, the topics which one may expect to find specified in undergraduate syllabuses are as follows: the elements of the law of peace (sovereignty and the State, sources of international law, recognition, the acquisition and control of territory, the law of the sea, air and space law, succession, State responsibility, jurisdiction and jurisdictional immunities, the law of treaties); an introduction to the law of international organizations (the United Nations, the Specialized Agencies, the European and other regional organizations); international disputes (arbitration and judicial settlement, pacific settlement under the Charter, limitations on the use of armed force); war and other hostile relations. There is little emphasis at this level on international economic law or problems of investment and nationalization, except in so far as aspects of these matters are necessarily covered under the previous headings.

There is a wide variety of post-graduate courses leading to diplomas or advanced degrees. Subjects in which specialized work may be undertaken are international economic law, international law of war and neutrality, international law of the sea, history of international law, law of European institutions, law of international organizations, air law, methods and sources of international law, etc. Post-graduate study can also be pursued in the form of a dissertation or thesis on a topic chosen by the student and investigated by him under the supervision of a senior member of the faculty. Many doctoral theses are subsequently published in the form of monographs.

Teaching at the undergraduate level is very much concerned with giving the student a general outline of the nature and the substance of the legal principles that are applicable to the interrelationships of States and international organizations in the modern world, including international transactions involving individuals. The student is expected to become acquainted with the development and practice of international law in the United Kingdom and with the decisions of British municipal tribunals. At the undergraduate level there is little attempt to introduce the student to economic and social factors which underlie doctrinal developments, although often doctrine is presented against historical and political background.

Chronology of courses

The information received from the several faculties which teach public international law in this country indicates that the subject is taught at differing times in the undergraduate curriculum. This is largely a matter of the internal arrangement of the curriculum within the faculty concerned, and there does not appear to be any consistent principle or uniform pattern. Generally, it does appear however that the subject is taught in the second or third undergraduate year (the usual LL.B. course lasts for

three years) and after a grounding in the common law subjects has been given. Exceptions to this, however, are not wanting. For example, at Cambridge University an introduction to public international law, which is compulsory, is taught in the first year (as part of introduction to public law) in the Law Qualifying Examination. In the second year also a full course on public international law is taught to most undergraduate students. Where the subject is an optional one it is usually taught toward the middle or the end of the undergraduate course. For example, at the University of Hull it is taught in the third, final, year. An undergraduate course in public international law usually lasts for one academic year; students are expected to study the subject at the same time as other subjects. As has been pointed out earlier, there are exceptions to this rule; international law is taught both in the first and second years at Cambridge and at Oxford it is usual for the students to devote one whole term to the study of international law exclusively.

Which topics of international law are covered? This varies from faculty to faculty. In my experience as a teacher of public international law at various times in three law faculties, I divided the syllabus into about twenty topics, but was able only to give some fifty lectures during the course of a full academic year (this may be regarded as a normal lecture quota representing two 1-hour lectures in each of the teaching weeks of the academic year). I usually found that at least some five or six subjects had to be left for the students to study by themselves, subject, of course, to guidance in regard to reading lists and case materials. It was also my practice to concentrate on one topic in each academic year for study in depth. This practice, I believe, is still being continued at Queen's University, Belfast. These comments apply to undergraduate study. The post-graduate student may be required to attend a series of lectures, but is usually left to study for himself, subject to regular guidance by his supervisor.

Syllabuses

The faculties establish their own examination requirements and the lecturer nearly always constructs the courses so as to meet those requirements. A good deal of flexibility is allowed, and indeed encouraged, as will be apparent from the study of some specimen syllabuses which are appended to this report (see Appendix II). My own experience is that the degree of flexibility varies inversely with the size of the faculty, and I have myself been given every encouragement to modify the teaching programme and method, and, where necessary, to propose modifications in the examination requirements to the Faculty Board.

In addition to the information given earlier, it may be added that special courses in international institutions are given in law faculties as part of the training in public international law. It is, however, more common to find special courses of this kind at the post-graduate level. London University, for example, offers a course on the law of European institutions for

LL.M. students and Cambridge offers a course on the law of international institutions for its post-graduate students. There is a marked tendency to devote more time at both the undergraduate and post-graduate levels to a study of international organizations (universal and regional). Emphasis, of course, is generally placed on the United Nations, but the study of certain regional organizations (particularly the European Economic Community and EFTA) is not ignored. Attention is also paid to the human rights machinery of the Council of Europe. The jurisprudence of the European Court of Human Rights is, incidentally, recommended for special study.

As to regional organizations outside Europe, at this moment it is scarcely possible to report that more than a start has been made in this direction.

As has been mentioned earlier, at the post-graduate level international organization is studied in depth; very often Specialized Agencies of the United Nations are studied at post-graduate level.

Treatises and textbooks

Treatises, manuals and casebooks are all regularly published in this country. Amongst works that have now become classics in the literature of international law, and that are regularly used by students, I may mention Oppenheim (Ed. Lauterpacht), Brierly, Schwarzenberger and McNair. Outstanding casebooks are *British International Law Cases* (Ed. Parry; published under the auspices of the International Law Fund and the British Institute of International and Comparative Law) and Green.

Many foreign books are used at both undergraduate and post-graduate levels. Although there is a strong emphasis on the American and Commonwealth literature, e.g., Briggs, Kelsen, Katz and Brewster, Sohn, McDougal, Starke, Stone and O'Connell, teachers use, of course, the outstanding Continental treatises and these are frequently recommended for student reading at post-graduate levels (see Appendix II which gives a rough description of the foreign publications employed at Cambridge in the course on problems of world security, given by Dr. D. W. Bowett).

Teaching staff

University lecturers and professors in international law are, in almost all cases, trained common lawyers with a university law degree, and very frequently have a professional (barrister or solicitor) qualification. In the majority of cases, except for the most senior appointments, they are expected to teach other legal subjects in their faculty or department. Exceptions to this do occur, e.g., the teachers in the Department of Public International Law in the University of Edinburgh are not required to teach other subjects.

Appointment to teaching posts in the universities is usually on the basis

of advertisement and of open competition. Successful candidates are selected after senior university teachers have made an assessment of their academic qualifications, teaching experience, publications and personality. There is no system of competitive examination for appointments to university lectureships or professorships in international law. Promotion, or transfer to more senior appointments, is achieved usually only after substantial written contributions to the literature of international law have been made by the teacher concerned.

Some teachers of international law are engaged either in national or international legal practice. Some of them act as standing Counsel for governments. Others again have experience of working in the United Nations and other international organizations.

Outside the major centres of teaching of international law (Cambridge, London and Oxford), and particularly in the smaller provincial law faculties, it is usual to find only one or two people teaching or specializing in international law in a faculty which may vary in size from six to twenty or so members. Both at Cambridge and at Oxford there are at least five persons teaching public international law.

University teachers are divided into the following grades: professor, reader, senior lecturer, lecturer and assistant lecturer (in descending order of status). The grade of the teacher or teachers of international law in any one faculty will depend upon a number of factors, such as seniority, experience, publications and/or the endowment of a particular post.

All university teachers are expected to spend a substantial portion of their time in research work. Indeed, as has been pointed out earlier, promotion to the more senior appointments depends very much upon the publication of books and articles.

At certain intervals of time teachers may become entitled to sabbatical terms or years, i.e., periods of leave on pay, during which they may work on their own projects without having to continue with any formal teaching. There are no research professorships in international law in this country, but there are, of course, a number of research fellowships and studentships which are very often awarded to persons who are at the beginning of their careers.

Teaching is seldom done by research fellows and post-graduate students in universities of the United Kingdom. However, such persons may give assistance in seminar or tutorial work; sometimes they do teach at college level in, for example, Cambridge and Oxford.

Forms of teaching

It is difficult to generalize on the teaching pattern in the law faculties of the United Kingdom. However, certain observations can be made in regard to teaching methods in the United Kingdom. First of all, it deserves mention that the law faculties in the United Kingdom do not follow what is known as the 'case method' in the United States. On the other hand, most of the

teaching work is carried on by the lecture method, of course, invariably supplemented by either seminars or tutorials. These seminars and tutorials do make possible the establishment of personal relationships between the teacher and the student. Oxford and Cambridge are particularly well known for the tutorial system. The number of students in a seminar or tutorial varies and, therefore, no generalization can be made in this regard. However, both at Oxford and Cambridge the teacher/student ratio is usually very much more in favour of the student than elsewhere.

Post-graduate students usually meet the teachers in seminar groups, and doctoral students usually meet their official supervisors regularly to discuss problems associated with their research.

Symposia, congresses and round tables

Conferences and meetings of various kinds are organized regularly on problems of public international law in the United Kingdom. As examples, I may mention the meetings and conferences sponsored by the British Institute of International and Comparative Law, the Royal Institute of International Affairs and the David Davies Memorial Institute. A number of universities also sponsor their own meetings from time to time, and international law clubs exist in both Oxford and Cambridge; in other universities, international law problems are often discussed in moot courts and at meetings of the student law societies. Incidentally, one of the objects of the British Institute of International and Comparative Law is to provide a bridge between the judiciary, the academic, the practitioner, the student, and the man of affairs.

In and around London there is an almost bewildering variety of organizations which from time to time hold meetings concerned with problems of international law. As examples, I may cite the United Nations Association, the European Atlantic Movement, the Institute of Advanced Legal Studies, the Society of Public Teachers of Law, the British Council, the Royal Commonwealth Society, the International Law Association (British Branch), etc.

Students of international law are actively encouraged to attend lecture courses at the Hague Academy of International Law and meetings at other centres in Europe and America, and financial assistance is sometimes given to meet travelling expenses by the university concerned or by charitable foundations.

CONCLUSIONS

Some tentative and general conclusions may be drawn from the preceding survey on the teaching of international law in the United Kingdom.

First, in some universities, more especially in the older and the larger ones, an attitude to the teaching of international law has evolved over a period of years which lays stress upon the fundamental principles seen

against their theoretical background. This has resulted in some resistance to change, both with regard to the syllabuses and the methods of teaching. This criticism does not, of course, apply only to the teaching of international law but to other legal subjects as well. There are signs, however, in some faculties (not only in the large ones) of an increasing emphasis being placed on the changing content of the subject as well as on the adoption of an interdisciplinary approach to the teaching of it.

Secondly, and this springs from the previous point, the classical lecture method of instruction is still by far the one most frequently used. As has been indicated in the report above, there are many alternative methods of instruction, but the formal lecture remains at the centre of legal education in the United Kingdom. It is thus not surprising that the 'case method' of teaching has not, as yet, made much progress in our faculties of law.

Thirdly, the teaching of international law, since it is regarded as a legal subject, is nearly always done in the law faculties, rather than in faculties or departments of political or social science.

And lastly, the role and functions of institutes of international law and relations in the United Kingdom are not to be compared with similar institutions on the continent of Europe. The institutes in the United Kingdom, structurally and functionally, are different from continental institutes, the British Institute of International and Comparative Law being a case in point. It is not a part of any university, but is actively engaged in encouraging research into and dissemination of international law in the United Kingdom.

APPENDIXES

I. ACTIVITIES OF THE BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW IN THE FIELD OF PUBLIC INTERNATIONAL LAW

The institute provides a centre for studying the practical application, to current problems, of public international law and international organizations, private international law, comparative law, European community law and Commonwealth law. Members of the judiciary, barristers-at-law, government legal advisers and practising lawyers all participate fully in the work of the institute and are represented on its Council of Management and its various Advisory Boards. It is the only organization of its kind in the United Kingdom. Its work in the field of public international law and international organizations is varied and may be briefly described under the following four headings: publications, research, meetings and conferences, Commonwealth Legal Advisory Service.

PUBLICATIONS

The institute publishes the *International and Comparative Law Quarterly*, now one of the most widely circulating and comprehensive journals of its kind in

the English language, and a wide range of specialized studies in international law, Common Market, European and comparative law and Commonwealth law. Over twenty-five titles have so far appeared in this series. The institute also has arranged for the publication, by Messrs. Stevens & Sons Ltd., of a series of books, *British Institute Studies in International and Comparative Law*, which includes *British International Law Cases* (appearing under the editorship of Dr. Clive Parry and with the support of the International Law Fund). In co-operation with the International Law Fund, the institute is also responsible for the twice-yearly publication of Mr. E. Lauterpacht's *British Practice in International Law*.

RESEARCH

Research work is carried out by the professional staff of the institute and by its full-time research officers; the institute also co-operates in a practical way with research projects undertaken by universities and individual persons. Work recently undertaken within the institute includes a survey of the teaching and dissemination of international law, of which the present report forms part. The institute is one of the sponsors of the *British Digest of International Law* and has provided for a research fellow to assist Dr. Clive Parry with this work; it has also made provision for a research fellow to assist Mr. E. Lauterpacht with his *British Practice in International Law*.

The institute awards annually six overseas research fellowships in public international law which are tenable by a student, normally resident overseas, for one year in a British university in order to follow an approved post-graduate course in public international law. The nine fellows now in residence at various universities come from Austria, Ghana, India, Japan, Malaya, Nigeria, the Philippines, Taiwan and the United Arab Republic.

MEETINGS AND CONFERENCES

The institute organizes regular meetings, at which leading authorities on current problems of public and private international law are invited to speak. Lectures, or the proceedings of other meetings, are frequently published in the *International and Comparative Law Quarterly*, or in specialized studies. Over twenty meetings are listed in the January–July 1966 programme of the institute; they include residential and day conferences, lectures, seminars and colloquia. Most meetings are held in London, but the institute also organizes conferences at centres in the provinces and sponsors meetings from time to time in foreign countries. Institute meetings bring together not only university teachers and law students, but also judges, practitioners and legal advisers of government and industry. In July 1966, for example, a residential colloquium on Central and South American international organizations was held at Ditchley Park in Oxfordshire.

COMMONWEALTH LEGAL ADVISORY SERVICE

One of the most important activities of the institute involving research work is the Commonwealth Legal Advisory Service, inaugurated in 1962. This

service provides information at the request of any Commonwealth country which cares to make use of it. Information provided to any one country, through the institute, on legal developments in Commonwealth or common law countries is available to all participating countries. Inquiries under the Commonwealth Legal Advisory Service have been numerous and information has been freely supplied and exchanged on a wide range of subjects in the field of international law.

II. SPECIMEN SYLLABUSES

Course on public international law for LL.B., B.Sc. (Econ.) and B.A. (General) students at the Faculty of Laws, University College, London

INTRODUCTION

Students who wish to understand the nature and functions of international law should compare international law with national, or, as international lawyers call it, municipal law. It will be helpful to students to remember that:

1. So far, international law is ultimately limited by power politics and the rule of force.
2. International law covers much fewer aspects of international relations than municipal law covers in its corresponding sphere. This means that the scope of international law is much more limited than that of legal systems within mature national communities.
3. In the international sphere, the jurisdiction of courts entirely depends on the consent of parties that may or may not agree to submit disputes to third party judgement.
4. Whereas, in the sphere of municipal law, it is taken for granted that judgements can if necessary be enforced, such enforcement in the field of international law is exceptional. The reason is that States are not likely to submit disputes to an international court of tribunal if they have not decided beforehand that they will abide by such a decision of an international court or tribunal.

Students should begin the systematic study of international law by reading volume I of Schwarzenberger's *Manual of International Law* (4th ed., 2 vols., Stevens, 1960), and Chapters 1–4 of his *The Frontiers of International Law* (Stevens, 1962).

In so far as the methods of analysing international law are concerned, they have greatly changed in the course of the last four hundred years. During the sixteenth and seventeenth centuries, a speculative method was prevalent, and international law and natural law were treated as being practically identical. Then followed a positivist reaction. While some of the naturalists had already referred to instances chosen from State practice, positivists held that State practice was the only test by which it could be decided whether a rule formed part of international law. This method suffers from the obvious deficiency that it is impossible for any international lawyer to achieve a complete mastery of

the practice of all States. Positivists, therefore, have to be rather arbitrary in the choice of the material on which they base their assertions that certain rules form part of international law or cannot be accepted as principles of positive international law. A new approach adopted in recent years by a number of writers has been fully considered in Schwarzenberger's *The Inductive Approach to International Law* (Stevens, 1965). Smith's *Great Britain and the Law of Nations* (2 vols., Staples, 1932–35) and McNair's *The Law of Treaties* (Oxford University Press, 1961) are pioneer works in the use of the inductive method. See also the introduction to Schwarzenberger's *International Law as Applied by International Courts and Tribunals*, Volume I (3rd ed., Stevens, 1957).

SYLLABUS FOR THE LL.B., B.SC. (PART TWO) AND B.A. (GENERAL) DEGREES

Foundations of international law. Historical, sociological and ethical background. Characteristics. Law-creating processes and law-determining agencies. International Law and Municipal Law.

The principle of sovereignty. Independence and equality of States. Forms of sovereignty, with special reference to territorial and personal jurisdiction. Acquisition and loss of territorial sovereignty. Jurisdiction over individuals, corporations, ships and aircraft. Limitations of territorial and personal jurisdiction.

The principle of recognition. Meaning and functions of recognition, with special reference to recognition of international personality. Types of recognition. Non-recognition.

The principle of consent. Treaties. Other types of consensual engagements. Unilateral acts.

The principle of good faith. Meanings and effects. Good faith in treaty relations. The problem of abuse of rights. Estoppel.

The principle of international responsibility. Meaning. Standards. Limits. Reparation. Self-help.

The principle of the freedom of the seas. Delimitation of maritime frontiers. Sea-bed and subsoil. Freedom of navigation, fisheries and other users. Contiguous zones, hot pursuit and other limitations on the freedom of the seas.

The principle of self-defence. Self-defence in time of peace. Compulsory measures short of war. Legal and illegal war. State and effects of war.

International order and organization. The problem of an international constitutional law. Types and functions of international institutions. The problem of the enforcement of legal rights.

Reading list. Students should remember that the teaching method used at University College, London is the inductive method, with particular reference to the practice of international courts and tribunals. They should base their more advanced work on Schwarzenberger's *International Law as applied by International Courts and Tribunals* (3rd ed., Stevens, 1957) and on Green's *International Law through the Cases* (2nd ed., Stevens, 1959) and use for reference any of the following books: Brierly, *The Law of Nations* (Oxford University Press, 1962); Briggs, *The Law of Nations* (Stevens, 1953); Hall, *International Law* (Oxford University Press, 1924); O'Connell, *International Law* (2 vols., Stevens,

1965); Oppenheim, *International Law* (Vol. I, 8th ed., 1955, Vol. II, 7th ed., 1952, Longmans); Wheaton, *Elements of International Law* (2 vols., Stevens, 1929–44).

In so far as the history of international law is concerned, students should consult Butler-Maccoby's *Development of International Law* (Longmans, 1928), Van Vollenhoven's *Law of Peace* (Macmillan, 1936), or Nussbaum's *Concise History of the Law of Nations* (Macmillan, 1954) and on the background of international relations, Schuman's *International Politics* (McGraw-Hill, 1958), or Schwarzenberger's *Power Politics. A Study of World Society* (Stevens, 1964).

As international law is a highly dynamic subject, students should also pay particular attention to current problems. The leading periodicals in this field are the *British Year Book of International Law*, *American Journal of International Law* and the *Yearbook of World Affairs*. In addition, they should consult Friedmann's *The Changing Structure of International Law* (Stevens, 1964); Higgins' *Conflict of Interests* (Bodley Head, 1965); Röling's *International Law in an Expanded World* (Amsterdam, Djambatan, 1960); Schwarzenberger's *International Law and Totalitarian Lawlessness* (Cape, 1943) and Stone's *Legal Controls of International Conflict* (Stevens, 1959). They will also find useful material in leading newspapers such as *The Times* and the *Guardian*.

The most convenient collection of the judgements of the Permanent Court of Arbitration is Scott's *Hague Court Reports* (2 vols., Oxford University Press, 1916–32) and of the decisions and advisory opinions of the Permanent Court of International Justice, M. O. Hudson's *World Court Reports* (4 vols., Carnegie Endowment for International Peace, 1934–43). The judgements, advisory opinions and orders of the International Court of Justice are to be found in the official reports of the court, while other information relating to the court, including declarations under the optional clause of the court's statute, may be found in the court's *Yearbook*.

SYLLABUS AND READING LIST FOR ELEMENTS OF INTERNATIONAL LAW FOR THE B.SC. (PART ONE) DEGREE

The foundations of international law. International law and society. The sources of international law. International law and municipal law.

International personality. Subjects of international law. Sovereignty and State equality. Recognition. Representation of States. International persons other than States. Continuity of international persons.

State jurisdiction. Territorial jurisdiction. Personal jurisdiction. Other bases of jurisdiction. Limitations of State jurisdiction.

Objects of international law. Territory. Land frontiers. Maritime frontiers. The high seas. Individuals. Business enterprises. Ships and aircraft.

International transactions. Treaties and other international engagements. International torts.

International order and organization. International law and the regulation of the use of force. The pacific settlement of international disputes. The legal Organization of international society.

Textbooks

G. Schwarzenberger, *A Manual of International Law* (4th ed., 2 vols., Stevens, 1960).

Casebook
L. C. Green, *International Law through the Cases* (2nd ed., Stevens, 1959).

Further reading
See the reading list attached to the previous syllabus.

Public international law tutorials, Department of Public Law, University of Edinburgh

The following abbreviations are used for those works to which reference is most often made:

Oppenheim I & II: Oppenheim, *International Law* (ed. Lauterpacht), Vol. I, *Peace* (8th ed., 1955); Vol. II, *Disputes, War and Neutrality* (7th ed., 1952).
Briggs: H. W. Briggs, *The Law of Nations: Cases, Documents and Notes* (2nd ed., 1952–53).
Brierly: J. L. Brierly, *The Law of Nations* (6th ed., 1963).
O'Connell: D. P. O'Connell, *International Law*, Vols. 1 and 2 (1965).
Starke: J. G. Starke, *An Introduction to International Law* (5th ed., 1963).
Green: L. C. Green, *International Law through the Cases* (2nd ed., 1959).
Hague Rec.: *Hague Academy of International Law: Recueil des Cours.*
B.Y.I.L.: *British Year Book of International Law.*
A.J.I.L.: *American Journal of International Law.*
I. & C.L.Q.: *International & Comparative Law Quarterly* (formerly *International Law Quarterly* (I.L.Q.).
T.G.S.: *Transactions of the Grotius Society.*
Y.B. of I.L.C.: *Year Book of the International Law Commission.*
I.C.J. Reports: *International Court of Justice: Reports of Judgments, Advisory Opinions and Orders.*
Hudson Reports: *Hudson, World Court Reports* (4 vols. P.C.I.J. Reports).
R.I.A.A.: *Reports of International Arbitral Awards* (United Nations series).
A.D.: *Annual Digest and Reports of Public International Law Cases* (1919–49).
I.L.R.: *International Law Reports*, 1950– (a continuation of the A.D.).

Other books which may profitably be consulted include: Friedmann, *The Changing Structure of International Law* (1964). Schwarzenberger, *International Law*, Vol. I (3rd ed., 1957); *A Manual of International Law* (4th ed., 1960, 2 vols.). Jessup, *A Modern Law of Nations* (1950); *Transnational Law* (1956). Svarlien, *Introduction to the Law of Nations* (1955). Jenks, *The Common Law of Mankind* (1958). De Visscher, *Theory and Reality in International Law* (1957). Hackworth, *Digest of International Law* (7 vols., 1940–43). Casebooks of Pitt Cobbett, Hudson, Bishop Orfield and Re, Fenwick, etc. Goodspeed, *The Nature and Function of International Organization* (1959). Goodrich, *The United Nations* (1959). Nicholas, *The United Nations as a Political Institution* (2nd ed., 1962). Goodrich and Hambro, *The Charter of the United Nations: Commentary and Documents* (rev. ed., 1949). Sohn, *Cases and Materials on United Nations Law* (1956). Bowett, *The Law of International Institutions* (1963).
Note. Most of the tutorial questions are discussed in the standard textbooks (Oppenheim, Brierly, Starke, Schwarzenberger, Svarlien, etc.) and as a general

rule one or other of these should be consulted before following up the more specialized references to monographs, periodical literature and cases.

I

1. Consider generally the nature and relative importance of the 'sources' of international law. Are the 'sources' mentioned in Article 38 of the Statute of the I.C.J. all 'sources' in the same sense? Are they the only 'sources'?

Starke, Chapter 2; Brierly, 56–68; Briggs, 24–52. Schwarzenberger, *International Law*, Vol. 1 (3rd ed., 1957), Chapter 2. O'Connell, *International Law* (1965), Vol. 1, Chapter 1. Jenks, *The Common Law of Mankind* (1958), 28–35, 182–92. Friedmann, *The Changing Structure, etc.* (1964), Chapters 10 and 12. Whiteman, *Digest of International Law*, Vol. 1 (1963), 66–103.

2. In what sense are treaties a source of international law? What is the difference between a 'treaty-contract' and a 'treaty-law'?

References in 1 above. McNair, *The Law of Treaties* (1961), 729 et seq., 739 et seq. Starke, 'Treaties as a "source" of International Law', B.Y.I.L. 23 (1946), 341.

3. What is meant by an international custom? Explain the process by which a rule of customary international law is formed, distinguishing custom from usage and comity. What alleged customary rules were in issue in the Lotus and Asylum cases and why did the court refuse to sustain them?

References in 1 above. 'Lotus Case' (1927), P.C.I.J. Ser. A, No. 10; Hudson Reports, Vol. 2, 20; Briggs, 3; Green, 161. 'Asylum Case', I.C.J. Reports 1950, 266, esp. 276–8; Green, 319–22. *The Paquete Habana and The Lola* (1900), 175 U.S. 177; Briggs, 30. *The Scotia* (1871), 14 Wallace 170. Briggs, 25.

4. Explain the meaning of 'general principles of law recognized by civilized nations', giving examples of such principles. How much do they owe to (a) natural law; (b) Roman law? Why were they inserted in Article 38 of the Statute of the ICJ?

References in 1 above. Cheng, *General Principles of Law* (1953), 1–26, 387–94. Gutteridge, *Comparative Law* (1946), Chapter 5. Friedmann, *The Changing Structure, etc.* (1964), Chapter 12. Jenks, 'The Laws of Nature, etc.', in *Varia Juris Gentium* (1959). McNair, 'The General Principles of Law, etc.', B.Y.I.L. 33 (1957), 1. 'S.-W. Africa Advisory Opinion', I.C.J. Reports (1950), 128 at 148.

5. To what extent is the expression 'international legislation' a misleading metaphor? Consider especially the 'legislative' or 'quasi-legislative' activities of international organizations.

Jenks and Friedmann as in 1 above. Jennings, 'Recent Developments, etc.', I. & C.L.Q. 13 (1964), 385–97. Tammes, 'Decisions of International Organs, etc.', Hague Rec. 94 (1958). Schachter, 'Relation of law, etc.', Hague Rec. 109

(1963, II), 169. Johnson, 'Effect of Resolutions of the General Assembly', B.Y.I.L. 32 (1955–56).

II

1(a) Indicate briefly in your own words the meaning of 'international personality', 'subject of international law', 'object of international law', 'international procedural capacity'.

1(b) Sketch the main lines of argument for and against the proposition that States alone are the subjects of international law.

Briggs, 93–8; O'Connell, Vol. 1, Chapter 3. Jenks, *The Common Law of Mankind*, 7–19. Friedmann, *Law in a Changing Society*, Chapter 14. Lauterpacht, 'The Subjects of the Law of Nations', *Law Quarterly Review*, 63 (1947), 438 and 64 (1948), 97; or in *International Law and Human Rights*, 1–73.

2. 'The extent to which individuals possess international personality is to be ascertained not by appealing to doctrinal prejudices on one side or the other but by examining the existing law and practice on the matter.' Explain and illustrate.

References in 1 above. Brownlie, 'The Individual before Tribunals, etc.', I. & C.L.Q. 11 (1962), 701. Korowicz, 'The Problem of the International Personality of Individuals', A.J.I.L. 50 (1956), 533. Manner, 'The Object Theory of the Individual in International Law', A.J.I.L. 46 (1952), 428. 'Danzig Railway Officials. Opinion' (1928), P.C.I.J. Ser. B, No. 15; Green, 114; Hudson Reports, Vol. 2, 236. 'Steiner and Gross v. Polish State', A.D. (1927–28), Case No. 188. *Nuremberg Judgment*, Cmd. 6964, A.D. (1946), Case No. 92 at 221.

3(a) 'The United Nations is a subject of international law and capable of possessing international rights and duties.' Discuss.

3(b) In what way does the legal personality of the United Nations differ from that of the Specialized Agencies?

Bowett, *The Law of International Institutions*, 273–95. Corbett, 'What is the League of Nations?', B.Y.I.L. 5 (1924), 119. Jenks, 'Some Constitutional Problems, etc.', B.Y.I.L. 22 (1945), 11. Jessup, 'Status of International Organizations', A.J.I.L. 38 (1944), 658. Wright, 'The Jural Personality of the United Nations', A.J.I.L. 43 (1949), 509. 'Reparation for Injuries, etc. Opinion', I.C.J. Reports (1949), 174; Green, 118.

4. 'Crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced' (judgment of the International Military Tribunal, Nuremberg). Discuss with reference to the existence or otherwise of an international criminal law.

Friedmann, *The Changing Structure of International Law*, 167–70 Schwarzenberger, 'The Problem of an International Criminal Law', *Current*

Legal Problems, 3 (1950), 263. Wright, 'The Law of the Nuremberg Trial', A.J.I.L. 41 (1947), 38. Fawcett, 'The Eichmann Case', B.Y.I.L. 38 (1962), 181.

5. 'It is perhaps natural to expect in the context of human rights special emphasis on the international protection of individual rights. And it is precisely in this respect that implementation of human rights is so much further advanced in Europe than in the world as a whole.' Discuss.

Brierly, 291–9; O'Connell, Vol. 2, Chapter 24. Universal Declaration of Human Rights; Draft Covenants on Human Rights (Text in A.J.I.L. 58 (1964), 857). European Convention on Human Rights; European Social Charter. Waldock, *Human Rights in Contemporary . . . , etc.*, British Institute, Int. Law Series, No. 5, 1–23 (I. & C.L.Q. Supplement No. 11 (1965)). Golsong, *The Control Machinery*, ibid., 38–69. Waldock, 'The European Convention, etc.', B.Y.I.L. 34 (1958), 356. Robertson, *Human Rights in Europe*, Chapter 3, and *The Council of Europe* (2nd ed., 1961), Chapter 9.

III

Note. The following works are recommended: Lauterpacht, *Recognition in International Law* (1947); Chen, *The International Law of Recognition* (1951); E. Lauterpacht, *British Practice in International Law*, s.v. 'Recognition', in I. & C.L.Q. periodically from 1956 to 1961, and printed as a separate supplement from 1962.

1. Outline the declaratory and constitutive theories of recognition. What criteria should be applied in deciding whether to grant or refuse recognition to an entity claiming to be (a) a new State; (b) the new government of an existing State?

Brierly, 137–52; Briggs, Chapter 2. Jessup, *A Modern Law of Nations* (1950), Chapter 3. Kunz, 'Critical Remarks on Lauterpacht's "Recognition in International Law" ', A.J.I.L. 44 (1950), 713. *Note* in *International Law Quarterly*, 4 (1951), 387.

2. What are the main effects of recognition in international and municipal law? In what senses may recognition be described as (a) a political act; (b) a legal act?

Luther v. *Sagor* [1921], 3 K.B. 532; Green, 95; Briggs, 157. *Salimoff and Co.* v. *Standard Oil Co. of New York* (1933), Briggs, 165; Hudson Cases, etc. (3rd ed., 1951), 98. *The Jupiter* [1924], p. 236. *The Gagara* [1919], p. 95; Green, 93. *Luigi Monta of Genoa* v. *Cechefracht* [1956], 2 Q.B. 552. *Wulfsohn and Cibrario cases* (1923), Briggs, 148; Hudson, op. cit., 93. 'Tinoco Arbitration' (1923), R.I.A.A., vol. 1, 369; Green, 85; Briggs, 197.

3. Distinguish between *de jure* and *de facto* recognition and indicate the circumstances in which each might appropriately be granted. Do their legal effects differ?

Briggs, 125–32. Lauterpacht, '*De facto* Recognition and Withdrawal', B.Y.I.L.

22 (1945), 164. *Luther* v. *Sagor* and *The Gagara* in 2 above. *Fenton Textile Association* v. *Krassin* [1922], 38 T.L.R. 259. *Bank of Ethiopia* v. *National Bank of Egypt and Liguori* [1937], Chapter 513. *Haile Selassie* v. *Cable and Wireless Limited (No. 2)* [1939], Chapter 182; Green, 156. 'The Arantzaz Mendi' [1939], A.C. 216; Green, 100.

4. To what extent is recognition retroactive? What bearing has the doctrine of retroactivity on theories as to the nature of recognition?

Luther v. *Sagor* in 2 above. *Gdynia Ameryka Linie, etc.* v. *Boguslawski* [1953], A.C. 11; Green, 103. *Civil Air Transport Inc.* v. *Central Air Transport Corp.* [1953], A.C. 70; Green, 108. *Guaranty Trust Co.* v. *United States* (1938), 304 U.S. 126; A.D. (1938–40), Case No. 69. Mervyn Jones, 'The Retroactive Effect of the Recognition of States and Governments', B.Y.I.L. 23 (1946), 240.

5(a) What do you understand by recognition of insurgency and recognition of belligerency?

5(b) In what circumstances may recognition be implied?

The Ambrose Light (1885); Hudson, op. cit., 132. McNair, 'The Law relating to the Civil War in Spain'. *Law Quarterly Review*, 53 (1937), 471. Smith, 'Some Problems of the Spanish Civil War', B.Y.I.L. 18 (1937), 17. Lauterpacht, 'Implied Recognition', B.Y.I.L. 21 (1944), 123. American Law Institute, Restatement of the Law, *The Foreign Relations Law of the United States*, Part II, Chapter 3.

IV

1. Give an account of mediation, conciliation, arbitration, and judicial settlement as methods of resolving international disputes, indicating the advantages or limitations of each.

Starke, 363–87; Brierly, 346–76. Oppenheim, *International Law*, Vol. II (7th ed. by Lauterpacht), 3 et seq. Sohn, 'The Function of International Arbitration Today', Hague Rec. 108 (1963, I), 9. Cheng, 'Justice and Equity in International Law', *Current Legal Problems*, 8 (1955), 185. Simpson and Fox, *International Arbitration* (1959), Chapters 1–4.

2(a) What is the extent of the compulsory jurisdiction of the International Court of Justice in contentious cases and whence is it derived?

2(b) What is the 'optional clause'? What are its provisions intended to achieve? Assess the effect of the conditions and reservations which States have made.

Statute of the ICJ Articles 36, 37; United Nations Charter, Articles 36, 92–95. *Yearbook of the ICJ* (latest edition), Chapter X. Starke, 370–7; Brierly, 354–61. Waldock, 'Decline of the Optional Clause', B.Y.I.L. 32 (1955–56), 244. Jennings, 'Recent Cases on "Automatic" Reservations to the Optional Clause', I. & C.L.Q. 7 (1958), 349. 'Corfu Channel Case (Preliminary Objection)', I.C.J. Reports (1947–48), 15–26 passim, 26–32; A.D. (1948), 349. 'Anglo-Iranian

Oil Co. Case (Preliminary Objection)', I.C.J. Reports (1952), 93; I.L.R. (1952), 507. 'Right of Passage over Indian Territory Case', I.C.J. Reports (1960), 6 at 33–6. 'Nottebohm Case (Preliminary Objection)', I.C.J. Reports (1953), 111; I.L.R. (1953), 567. 'Norwegian Loans Case', I.C.J. Reports (1957), 9; I.L.R. (1957), 782. 'Interhandel Case (Preliminary Objection)', I.C.J. Reports (1959), 6; Briggs in A.J.I.L. 53 (1959), 301, 547.

3. Consider the advisory jurisdiction of the International Court of Justice. Who may request the court to give an advisory opinion, and on what issues? In what circumstances may the court refuse such a request? What authority, legal or otherwise, do such opinions possess?

Statute of the I.C.J., Articles 65–68; United Nations Charter, Article 96. Starke, 378–82; Brierly, 361–6. Rosenne, *The International Court of Justice* (1957), Chapter 14. Fitzmaurice, 'The Law and Procedure of the ICJ', B.Y.I.L. 29 (1952), 45–55; ibid., 34 (1958), 138–49. Bowett, *The Law of International Institutions* (1963), 229–33. 'Status of Eastern Carelia' (1923), P.C.I.J. Ser. B. No. 5; Hudson Reports, Vol. 190; Green, 81. 'Interpretation of the Peace Treaties', I.C.J. Reports (1950), 72; I.L.R. (1950), 331. 'ILO Administrative Tribunal (Unesco)', I.C.J. Reports (1956), 77 and esp. 84–7; I.L.R. (1956), 517. Rosenne, 'On the Non-use of the Advisory Competence of the I.C.J.', B.Y.I.L. 39 (1963), 1.

4. Write a commentary on Article 2 (7) of the Charter of the United Nations, with particular reference to the meaning and effect of the expressions 'intervene' and 'matters . . . essentially within the domestic jurisdiction'.

Oppenheim, *International Law*, Vol. 1 (8th ed. by Lauterpacht), 414–20. Lauterpacht, *International Law and Human Rights*, Chapter 10. Waldock, *State Sovereignty and the Reserved Domain of Domestic Jurisdiction*, Hague Rec. 106 (1962, 11), 173–91. 'Nationality Decrees in Tunis and Morocco' (1923), P.C.I.J. Ser. B, No. 4; Hudson Reports, Vol. 1, 143; Green, 76; Briggs, 452.

Course on introduction to public law at Queen's College, Cambridge

INTRODUCTORY

1. The definition of international law—a comparison with systems of municipal law.
2. The State as the primary subject of international law. Origins of the modern State. The elements of the modern State.
   (a) Territory.
   (b) Population.
   (c) Government.
   Note. It is not intended to go into detail on the different parts of State territory, methods of acquiring and losing territory, or recognition; these will be dealt with in the second year.
3. Different kinds of States (varying degrees of international personality),

The Unitary State, Unions of States and the position of Federal States in international law, the British Commonwealth, Protectorates, Trust Territories.
4. The doctrine of the equality of States.
5. The position of the individual in international law; nationality and alienage; duties towards aliens; protection of aliens. The concept of fundamental human rights, the Universal Declaration on Human Rights and the European Convention on Human Rights and Fundamental Freedom—machinery for its enforcement.

Suggested reading: Brierly, *Law of Nations*, Chapters I, II, IV and V, ss. 1–5. Oppenheim, *International Law*, Vol. I, ss. 1–14, 63–70, 85–107, 115–1166. Starke, *Introduction to International Law*, Chapters 1, 3, 5, 11. Bowett, *Law of International Institutions*, Chapter 9, pp. 236–48, Chapter 12. Friedmann, *The Changing Structure of International Law*, Chapter 15.

THE PLACE OF WAR IN INTERNATIONAL LAW

1. Its function in international society: distinction between war and other forms of coercion or compulsory means of settlement of disputes.
2. A brief history of the law of war and neutrality: land warfare and the emergence of customary and conventional rules for its regulation; sea warfare, with particular reference to the relation between belligerent and neutral rights; the present place of neutrality in international law.
   Note. Knowledge of the rights of blockade, contraband, seizing of enemy property and unneutral service, and of the function of prize courts, will be required only in outline, but some knowledge of the development of the economic blockade will be required.
3. The prohibition of the right to resort to war or to use force or the threat of force: the theory of the *bellum justum*, the Hague Convention of 1907, the Bryan treaties of 1914, the Covenant of the League, the Pact of Paris 1928, the Nuremberg and Tokyo Tribunals, 1945 and the United Nations Charter.

Suggested reading: Brierly, Chapter IX. Oppenheim, Vol. II, Chapter III. Schwarzenberger, *The Frontiers of International Law*, Chapter 10. Bowett, *Self-defence in International Law*, Chapter VII. Kunz, '*Bellum justum* and *bellum legale*', *American Journal of International Law*, 45 (1951). Schwarzenberger, op. cit., Chapter II and also *Manual of International Law*, Chapter 7. Starke, Chapters 15–17. *British Manual of Military Law*, Part II, Chapters I, V, VII. Higgins and Colombos, *International Law of the Sea*, Chapters XI, XVI and XXI. Smith, *Law and Custom of the Sea*, Chapters 9–12, 17.

THE LEGAL ORGANIZATION OF INTERNATIONAL SOCIETY

1. The historical development of international organization: the early private and public unions.
2. The League of Nations.
3. The United Nations.
4. Modern non-political organizations: the Universal Postal Union and the International Labour Organisation.
   Note. These two organizations alone will be taken by way of illustration.

Suggested reading: Bowett, *The Law of International Institutions*, Chapters 1–3. Starke, Chapter 18. Brierly, Chapters 3 and 8, ss. 4 and 5. Mangone, *A Short History of International Organization*, Chapters 2 and 3. Oppenheim, Vol. II (6th ed.), ss. 256–9 and Vol. I (8th ed.), Part I, Chapter IV and Part II, Chapter III (XII) and Appendix III(iii). Schwarzenberger, *Power Politics* (3rd ed.), Chapters 15, 22, 23. Jenks, *Law, Freedom and Welfare*, Chapter 4. And see Peaslee, *International Governmental Organizations*, 2 vols. for texts of constitutions of United Nations, ILO and UPU.

PROCEDURES FOR THE PACIFIC SETTLEMENT OF DISPUTES

1. Negotiation, conciliation, good offices and mediation.
2. Arbitration: a brief history of arbitral settlement; the Permanent Court of Arbitration.
3. Judicial Settlement: the P.C.I.J. and the I.C.J.
   Note. Only an outline knowledge will be required of the advisory and contentious jurisdiction of the I.C.J. These matters will be dealt with in detail in the second year.

Suggested reading: Brierly, pp. 56–68, 347–66. Starke, Chapter 15, ss. 1 and 2. Bowett, pp. 211–26. Oppenheim, Vol. II, Chapter I. Rosenne, *The World Court*, Chapters I and IV.

THE UNITED KINGDOM AND COLONIES AND THE COMMONWEALTH

1. Colonies: the distinction between conquered and ceded colonies, the different forms of colonial 'constitutions', relationship of colonies to the Crown in the legislative and executive sphere.
2. Protectorates: distinguished from colonies, nature of the Crown's jurisdiction, position in international law.
3. Trust territories: distinguished from 1 and 2 above, nature of crown's jurisdiction, position in international law.
4. The Commonwealth: transition from representative institutions to responsible government to independence. Emergence of personality in international law.
   Note. Detailed knowledge will not be required after the Statute of Westminster 1931. This will be postponed until the second year course in constitutional law.

Suggested reading: Oppenheim, Vol. 1, ss. 94a–94bb. Starke, pp. 94–5. *The Regulation and Control of Aeronautics in Canada* (1932), A.C. 54. *A.G. for Canada* v. *A.G. for Ontario* (1937), A.C. 326. *Harris* v. *Minister of the Interior* (1952), I.L.R. 35. British Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952. R. Y. Jennings, 'The Commonwealth and International Law', B.Y.I.L. 30 (1953). Wilson, 'Legal Relations between Commonwealth Members', A.J. 51 (1951). Fawcett, *The British Commonwealth in International Law*, Chapters 11–14. Wade and Phillips (6th ed.), Chapter 31. Oppenheim, Vol. 1, ss. 92–94, 94*g–o*. McNair, Vol. 1, s. 2. *R.* v. *The Earl of Crewe, ex p. Sekgome* (1910), 2 K.B. 576. *Duff Development Co.* v. *The Government of Kelantan* (1924), A.C. 797. *Sobhuza II* v. *Miller* (1926), A.C. 518. *Ex p. Mwenya.* (1959), 3 W.L.R., 767.

Course on problems of world security at Cambridge University

A. ANALYSIS OF THE PRESENT SECURITY SYSTEM

1. Limitations on unilateral resort to force:
   (a) The Charter provisions.
   (b) Scope of self-defence.
   (c) Legality of self-help and intervention.

Reading: Waldock, 'The Regulation of the Use of Force by Individual States in International Law', 81 R.C. (1952), II, 451–517. Bowett, *Self-defence in International Law* (1958). McDougal and Feliciano, *Law and Minimum World Public Order* (1961). Brownlie, *International Law and the Use of Force by States* (1963). Higgins, *The Development of International Law through the Political Organs of the United Nations* (1963), Part IV. Stone, *Legal Controls of International Conflict* (1954). Wright, 'Legality of Intervention under the United Nations Charter', 51 P.A.S.I.L. (1957), 87; 53 A.J.I.L. (1959), 112–25; 55 P.A.S.I.L. (1961), 2–19. Lauterpacht, 7 I.C.L.Q. (1958), 102–8. Komarnicki, 60 R.G.D.I.P. (1956), 521–68. Rosenne, 57 R.G.D.I.P. (1953), 532–83. Schachter, 54 A.J.I.L. (1960), 1–24. Vulcan, 51 R.G.D.I.P. (1947), 187–205. Wright, 'The Cuban Quarantine', 57 A.J.I.L. (1963), 546–65; and Meeker, ibid., pp. 515–24 and Christol and Davies, ibid., pp. 525–45. Wright, 'The Goa Incident', 56 A.J.I.L. (1962), 617. *The Inter-American Security System and the Cuban Crisis* (1964).

2. The system for collective measures:
   (a) Chapters VII and VIII of the Charter.
   (b) The Military Staff Committee's Report, 1947.
   (c) The Secretary-General's proposals, 1948, 1952.
   (d) The resolution on uniting for peace.
   (e) The Collective Measures Committee.

Reading: General Principles governing the Organization of the Armed Forces to be made available to the Security Council by Member Nations of the United Nations. Report of the Military Staff Committee, 30 April 1947 (Repertory Vol. II, 396). Ruth B. Russell, *United Nations Experience with Military Forces* (1963). Frye, *A United Nations Peace Force* (1957). Bowett, *United Nations Forces* (1964), Chapter 2 and pp. 290–8. Andrassy, 'Uniting for Peace', 50 A.J.I.L. (1956), 574–8. Kelsen, *Recent Trends* (1951), Chapter 4. Stone, *Legal Controls of International Conflict* (1959), Chapter 8, Discourse 11 and Chapter 9, Discourse 14.

3. *Ad hoc* improvization in default of an established system:
   (a) Case examples: Korea, Observer Groups, UNEF, ONUC, UNFICYP.
   (b) Constitutional basis for United Nations forces.
   (c) Legal problems arising from the employment of United Nations forces: (i) privileges and immunities; (ii) application of the laws of war; (iii) claims and responsibility; (iv) financing; (v) obligations for States generally.

Reading: Bowett, *United Nations Forces* (1964). Burns and Heathcote, *Peace-keeping by United Nations Forces* (1963). Ruth B. Russell, *United Nations Experience with Military Forces* (1963). Rosner, *UNEF* (1963). *Summary Study of Experience derived from the Establishment and Operation of UNEF, Report of the S.-G.*, United Nations Doc. A/3943, 9 October 1958. Seyersted, 'United Nations Forces: Some Legal Problems', 38 B.Y.I.L. (1961), 351–475. Sohn, 'The authority of the United Nations to establish and maintain a permanent force' (1958) 52 A.J.I.L., 230. Schachter, 'Legal Aspects of the United Nations Action in the Congo' (1961), 55 A.J.I.L., 1. Advisory Opinion on *Certain Expenses etc.*, I.C.J. Reports. 1962. Haldermann, 'Legal Basis for United Nations Armed Forces' (1962) 56 A.J.I.L., 971.

4. Techniques for peaceful settlement:
   (a) Negotiation, inquiry, good offices.
   (b) Mediation.
   (c) Conciliation.
   (d) Arbitration.
   (e) Judicial settlement.
   (f) Peaceful change.

Note. Mr. Lauterpacht will have dealt with the various settlement procedures in some detail. The purpose of the discussion of these procedures within the present course is merely to assess their utility in situations where a threat to world security is present.

Reading: Hurewitz, 'The United Nations Conciliation Commission for Palestine', *International Organization* (1953), 482. Clark and Sohn, *World Peace through World Law*, 2nd ed. (revised), Chapter VI and Annex III. Friedmann, *The Changing Structure of International Law* (1964), Chapters X and XX. Inis Claude, 'The OAS, the United Nations and the United States', *International Conciliation* (1964), No. 547. Stone, *Legal Controls of International Conflict* (1959), Chapter 7.

B. SHORT-TERM MEASURES FOR IMPROVEMENT, SHORT OF DISARMAMENT

1. Elimination of 'foreign' bases.
2. Agreement on minimum standards of conduct—the principles of 'peaceful co-existence'.
3. Renunciation of the use of certain categories of weapons.
4. Neutralization of specific areas.
5. Limited agreements on preventing proliferation of nuclear weapons, non-aggression, guarantees against surprise attack, outer space.
6. Development of permanent peace-keeping machinery within the United Nations.

Reading: Tunkin, 'Co-existence and International Law', 95 R.C. (1958), 35 and 'Le Droit International de la Co-existence Pacifique' in: *Mélanges offerts à Henri Rolin* (1964). McWhinney, 56 A.J.I.L. (1962), 951. Vallat, 'International Law—A Forward Look', *Yearbook of World Affairs*, 18 (1964), 248–67. Schwarzenberger, 'An Inter-camp Agenda', *Yearbook of World Affairs* 18

(1964), 1. Stone, *Legal Controls of International Conflict* (1959), Chapter 9, Discourse 19. Singh, *Nuclear Weapons and International Law* (1959). Schwarzenberger, *The Legality of Nuclear Weapons* (1958). Bowett, *United Nations Forces* (1964), Part Two and Conclusions.

C. PROBLEMS OF DISARMAMENT

1. Relationship between the proposed International Disarmament Organization and the United Nations.
2. The inspection process.
3. The United Nations Peace Force.
4. Peace Observation Corps.

Reading: U.S. Outline of Basic Provisions of a Treaty on General and Complete Disarmament: ENDC/30 *or* Cmnd. 1792 *or* 56 A.J.I.L. (1962). *Soviet Draft Treaty:* ENDC/2 *or* Cmnd. 1958 *or* 56 A.J.I.L. (1962). Martin, 'Legal Aspects of Disarmament', I.C.L.Q. (1963), Suppl. No. 7. Finkelstein, 'The United Nations and Organizations for the Control of Armaments', 16 *International Organization* (1962), 1–19. Neidle, 'Peace-keeping and Disarmament', 57 A.J.I.L. (1963), 46–72. *Disarmament*, ed. Tondel (4th Hammarskjöld Forum) (1964). Iklé, *Alternative Approaches to the International Organization of Disarmament* (Rand Corporation Report), February 1962. Bowett, *United Nations Forces* (1964), Part III. Van Slyck, *Peace: The Control of National Power* (1963). Clark and Sohn, *Draft of a Proposed Treaty establishing a World Disarmament and World Development Organization*, May 1962.

UNITED STATES OF AMERICA

J. M. SWEENEY
School of Law, University of New York

The preparation of a report on the teaching of international law in the United States presents problems which must be discussed at the outset.

It is not the function of the Federal Government to organize and administer education. The Federal Government does not prescribe what is to be taught in school nor what books are to be used in teaching. The Federal Government does not regulate the selection of teachers nor the admission of students. The organization and administration of education fall to the states of the Union.

The Federal Government helps the development of education through a variety of means, including financial means. Nevertheless, the Commissioner of Education in Washington, D.C., is not in any sense the equivalent of a Minister of Education in some other countries. He has no direct powers of regulation over the schools in the nation and there does not exist in fact a national school system.

Though the states of the Union are vested with the power to regulate education, they do not use it to impose within their territory rules for the teaching of international law. The subject is taught in both private and public institutions. Whether private or public, each conducts its teaching of international law in virtual independence from regulation by state authorities.

International law is taught in some 100 schools of law and the departments of political science of some 300 colleges and universities. Each institution having jurisdiction over its own teaching of the subject, none can be assumed to teach it as the next. Thus the preparation of the report must begin with the gathering of information on the teaching of international law at each one of the institutions concerned.

The task of collecting from these institutions information concerning their teaching of international law has recently been performed by organizations in the United States which are interested in the matter. The collected information appears in two surveys.

One is *A Survey of the Teaching of International Law in Political Science Departments*. The survey was done by the American Society of International Law in collaboration with the American Association of Political Science and was published in 1963. The other is entitled *International Legal*

Studies: Survey of Teaching in American Law Schools 1963-1964. It was done by the American Society of International Law in collaboration with the Association of American Law Schools and was published in 1965. Together, they run to some 400 printed pages.

Although the surveys disclaim that they necessarily cover all institutions in the United States engaged in the teaching of international law, they do cover most of them and could have missed only a very few. Though they do not deal with all of the points covered by the report, they provide much of the information needed for its preparation.

The remaining task is the work of generalization. From the information collected on the teaching of international law at particular institutions, the surveys do not attempt to draw a general picture of the teaching of international law in the United States. Such a description is the object of the present report.

However, the report suffers from the defects inherent to any generalization. In giving a general picture of the teaching of international law in the United States, it necessarily simplifies reality in some degree. In order to describe in general terms the teaching of many institutions, it necessarily overlooks many details of the teaching of each. For every generalization in the report, there were exceptions and variations of which no mention could be made.

As a rule, the generalizations made in the report about the teaching of international law in the United States are not absolute. In most cases, it has been necessary to limit them or to qualify them in order to keep them reasonably true. And in some cases indeed, it was not possible to make any generalization at all. Whether drawn from the surveys or from other material, they are of course the sole responsibility of the rapporteur.

EDUCATIONAL INSTITUTIONS

Universities and specialized institutions

Is international law taught in universities? The question raises a problem which concerns the inquiry as a whole.

In the United States, a student is usually required to have a college education for admission to a graduate programme of political science or a school of law. However, political science is not taught only after the completion of college education, it is also taught as part of college education.

The questionnaire is geared essentially to the teaching of international law in schools of law and it raises only some marginal questions concerning the teaching of international law in departments of political science. And these appear to be directed to the teaching of international law in graduate programmes of political science rather than to its teaching at the college level.

The bulk of the teaching of international law at the college level is done in departments of political science and is too important a part of the

teaching of international law in the United States to be passed under silence in this report.

The rapporteur will follow the questionnaire and supply information on the teaching of international law in schools of law as the questions require. To the extent that it seems appropriate to do so, he will add information on the teaching of international law conducted by departments of political science at the college level and the graduate level.

In the light of the preceding observations, it is possible to answer the question whether international law is taught in the United States. The answer is yes, provided two things are understood. First, in a university international law may be taught in a school of law, in a graduate programme of political science and in a programme of political science of college level. Secondly, international law may be taught in a department of political science which is part of a college rather than of a university.

International law is taught in schools of law, most of which are departments of universities. Of some 130 schools of law approved by the American Bar Association, about 100 give at least one course in international law.

International law is also taught in departments of political science. Some are departments of universities and some are departments of colleges. Of some 800 colleges and universities with 600 or more students, some 300 have a department of political science in which international law is taught. But very few institutions can be found which are specialized in the teaching of international law or of international relations.

Teaching staff

In law schools, teachers have generally been trained as lawyers and many have practised law. With respect to the method of recruiting international law teachers, no generalization is possible.

Published work is, of course, one of the factors taken into consideration. Among the other factors which may be taken into account the following may be mentioned: performance in law school as indicated by grades; membership of the board of editors of law reviews published in the schools; service as a clerk to a judge; advanced legal studies and degrees; performance in the practice of law; and reputation and promise in the legal profession.

Competitive examinations for recruiting teachers are not usual. The practice is to interview the prospective teacher. It is customary for the dean of the law school to interview the candidate and it is customary for a number of faculty members, including those on the recruiting committee, to interview the candidate as well. In many schools, it is expected that a teacher should be able to teach not only courses in the field of international law, but courses outside the field as well.

In general, teachers who teach 'full time' are not permitted to engage concurrently in the practice of the law. The prohibition means, in simplified terms, that they should not present themselves as practitioners of the law to the public, as by maintaining a law office. It does not bar, however,

consultative or other legal work which does not unduly interfere with the performance of their duties as full-time teachers. Practitioners of the law may teach on a part-time basis. Some teach a general course in international law. Many teach only specialized courses in the field of international law.

The average number of teachers of international law per law school cannot be determined. The number of teachers of international law may range from one in a law school with less than 200 students to five or six in a law school with more than 500 students. It should not be thought, however, that the number of teachers of international law varies always in mathematical function of the number of students in the school. Other factors are involved, such as the interest of a law school in international law or its lack of interest in it. For example, a law school with about 1,000 students may have one teacher of international law and another law school with roughly half as many students may have four.

The total number of teachers of international law in the schools of law in the United States is estimated to be about 120. This number does not include the teachers of courses in international and regional organizations and courses in international business transactions.

In a number of law schools, there are part-time teachers. They are practitioners of the law teaching on a part-time basis. There are also assistants in some schools. The rapporteur can only say that the practice of teachers having assistants is not uncommon, but is far less so than it appears to be in some other countries.

Some persons are employed in certain law schools for research only. Teachers of international law may, in some law schools, go on research status for a certain period during which they are relieved of teaching duties. As a rule, however, teachers of international law are expected to conduct their teaching and their research concurrently.

In departments of political science, teachers have generally received their training in those political science departments. They appear to be recruited primarily on the basis of academic work leading to advanced degrees such as the Ph.D. It is impossible to determine the average number of teachers of international law per political science department. The total number of teachers of international law in departments of political science is estimated to be about 300. This number does not include the teachers of related courses, such as courses in international organizations. A small proportion of the teachers of international law in political science departments have assistants.

Treatises and textbooks

The casebook which is most widely used in law schools is William W. Bishop Jr., *Cases and Materials on International Law* (2nd ed., Little, Brown, 1962). It is probable that it is used by three-quarters of those who teach the basic course in international law.

Among other casebooks in use, the following may be mentioned: Herbert W. Briggs, *Law of Nations* (2nd ed., Appleton-Century-Crofts, 1952); Milton Katz and Kingman Brewster Jr., *The Law of International Transactions and Relations* (Foundation Press, 1960); and Lester B. Orfield and Edward D. Re, *Cases and Materials on International Law* (Bobbs-Merrill, 1955).

A number of teachers of the basic courses in international law use a textbook either for teaching or as supplement to a casebook. Among the textbooks used, the following may be mentioned: J. L. Brierly, *The Law of Nations. An Introduction to the International Law of Peace* (6th ed., rev. by C. H. M. Waldock, Clarendon Press, 1963); Myres S. McDougal *et al.*, *Studies in World Public Order* (Yale University Press, 1960); Myres S. McDougal and Florentino P. Feliciano, *Law and Minimum World Public Order; The Legal Regulation of International Coercion* (Yale University Press, 1961); and American Law Institute, *Restatement of the Law: Foreign Relations Law of the United States* (Proposed Official Draft), 1962.

Quite a number of teachers supplement their casebooks with their own materials and some use only materials assembled by themselves.

Among the casebooks used in courses in the law of international and regional organizations, the following may be mentioned: Louis B. Sohn, *Cases on United Nations Law* (Foundation Press, 1956); *Recent Cases on United Nations Law* (*1963 Supplement to Cases on United Nations Law*) (Foundation Press, 1963); Louis B. Sohn, *Basic Documents of the United Nations* (Foundation Press, 1956); Leland M. Goodrich and Edward Hambro, *Charter of the United Nations: Commentary and Documents* (rev. ed., World Peace Foundation, 1949); Saul H. Mendlovitz, ed. *Readings and a Discussion Guide for a Seminar on Legal and Political Problems of World Order* (The Fund for Education Concerning World Peace through World Law, 1962); and Eric Stein and Peter Hay, *Cases and Materials on the Law and Institutions of the Atlantic Area* (Overbeck, 1963).

The casebook of Stein and Hay and the casebook of Katz and Brewster are also used in courses in international business transactions. Another casebook used in such courses is Lawrence F. Webb, *Regulation and Protection of International Business: Cases, Comments and Materials* (West Publishing, 1964).

In departments of political science, the casebook of Briggs is, apparently, the most popular and the casebook of Bishop is next in popularity. Some teachers of international law in political science departments use Charles G. Fenwick, *Cases on International Law* (Callaghan, 1951). Textbooks used for teaching or for supplementing a casebook include the textbook of Brierly and the following: Wesley L. Gould, *Introduction to International Law* (Harper, 1957); H. B. Jacobini, *International Law: A Text* (Dorsey, 1962); Oscar Svarlien, *Introduction to the Law of Nations* (McGraw-Hill, 1955); and Morton A. Kaplan and Nicolas DeB. Katzenbach, *Political*

Foundations of International Law (Wiley, 1961). A number of teachers use their own materials.

TEACHING SYSTEMS

Purpose of the courses

In nearly all law schools in the United States international law is a course separate from the course in conflict of laws.

Some idea of the topics which are frequently covered in a course in international law in law schools can be gained from the casebook most in use, the casebook of Bishop. They are: nature, sources and application of international law; international agreements; membership in the international community; territory; nationality; jurisdiction; State responsibility and international claims; and force and war.

Use of the same casebook does not guarantee, of course, the same treatment of each of its topics. Whether some topics are given preferential treatment, and to what extent, are questions upon which no meaningful generalization could be made.

Many teachers in law schools, probably a majority, emphasize the practice of international law rather than its purely theoretical aspects. It is not possible to say generally how much attention is paid by teachers in law schools to the historical, political, economic and social conditions which affect the development of rules and institution of international law. It depends on the individual teacher. As far as international law in political science departments is concerned, one might say that teachers tend to pay more attention to the historical, political, economic and social conditions in which international law develops, than do teachers in law schools.

Forms of teaching

The case method is widely used in the teaching of international law in law schools. Its use is not limited to seminars. It is also used in general courses. It can be supplemented by lectures, as the occasion demands. Some teachers teach through lectures only.

Work by students on their own or in small groups is more frequent in graduate study than in undergraduate study. In political science departments there appears to be approximately an even division between teachers using the case method and those using the lecture method.

Chronology of courses

Usually a student may first take international law in the second year of law school. In some schools, a student may not take international law until his third, and final, year as an undergraduate student. In schools which permit a student to take international law in his second year, he may be

offered additional courses or seminars in international law in his third year. In advanced courses and seminars, there is more opportunity for individual work. In the undergraduate curriculum in political science departments training in international law does not begin before completion of the first two years of the four years of college study.

Syllabuses

The teaching programmes in law schools in the United States are not rigid and leave teachers the widest possible freedom.

The undergraduate programme usually consists of a general course in international law which may range in duration from one semester to a year. A course in conflict of laws usually lasts one semester.

Some twenty-three schools of law teach special courses in the law of international and regional organizations and some forty-five schools of law teach special courses in the law of international business transactions.

Courses in the law of international organizations deal with the law of the United Nations and other organizations having world-wide membership. Courses in the law of regional organizations fall into two groups: those dealing with European regional organizations and those dealing with inter-American regional organizations.

International politics courses, including international relations and foreign policy courses, are taught in departments of political science. Some law schools offer seminars dealing with the relationship between international law and international relations or foreign policy.

About 250 departments of political science teach a course in international law and about fifty teach a course in international law and organization. Of the some 250 which teach a course in international law, about 200 teach a separate course in international organization.

The place of international law in legal studies as a whole

Only in a very few law schools is the course in international law a required course. A number of law schools place international law in a group of several courses and require the student to take one of the courses in the group. In most schools of law, the course in international law is entirely optional.

It is not easy to say what is the number of students in the United States taking a course in international law at their option. An optional course in international law is very well attended in some law schools and poorly attended in others. Many factors influence attendance at optional courses, including the personality and reputation of the teacher.

Some thirty law schools have graduate divisions. It is not possible to say, however, what is the number of graduate students pursuing advanced studies in international law in the United States. All that can be said is that the number is small.

The course in international law may be worth 2, 3, or even 4 hours credit, depending on the school concerned; 4 hours credit is unusual. The minimum number of credit hours usually required for graduation from law school is 80. In political science studies, the course in international law is not a required course. The rapporteur is unable to state what is the number of graduate students pursuing graduate studies in the international field. The course in international law is frequently a one-semester, 3-hour course.

Symposia, congresses and round tables

Meetings concerning international law which bring together teachers of international law and other interested persons, public officials, judges, law practitioners, businessmen and members of the general public take place frequently.

CONCLUSION

The independent status and the number of institutions involved in the teaching of international law in the United States called for a choice between two extremes in the preparation of the report. Either it must be detailed and specific, and therefore lengthy in the extreme, or it must be as general as the rapporteur has made it, and thus lack in precise answers.

Even the surveys, detailed and lengthy as they are, failed to supply a great many of the statistics required for precise answers to a number of the questions in the questionnaire. Any attempt at obtaining precise statistics not furnished by the surveys would require effort and time beyond the resources of the rapporteur. Even then, it is doubtful that the result would be sufficiently accurate.

YUGOSLAVIA

S. JANKOVIĆ
University of Niš

EDUCATIONAL INSTITUTIONS

Universities and specialized institutions

Yugoslavia has nine faculties of law: Belgrade, Zagreb, Ljubljana, Sarajevo, Skopje, Novi Sad, Niš, Pristina and Split. The teaching of public international law and private international law in these establishments takes the form of two distinct general courses.

Public international law and private international law are not taught in a uniform manner in these various faculties. There are considerable differences of emphasis between them, not only as regards teaching methods but also as regards the place assigned to these disciplines in the faculty programmes.

The Socialist Republic of Serbia has three universities: Belgrade, Novi Sad and Niš. Their law faculties give instruction in public and private international law, but there are appreciable differences in how the teaching is organized even though they are in the same republic. The most advanced system of teaching is that of the Belgrade faculty.

At the Belgrade faculty of law, international law is taught in the third and fourth years. Starting from the third year, in fact, the regular teaching is divided into three sections: law, economic law, and politics and administration. In the law section, the period of instruction in the general principles of public international law amounts to 4 hours a week, including 1 hour of seminar work during the fifth semester. During the fourth year, public international law is taught during the seventh semester, also for 4 hours; in the economic law section, the teaching of international law, in the fourth year, covers two semesters, the seventh and eighth. Lastly, in the politics and administration section, public international law is taught for two semesters, the seventh and eighth, for 4 hours a week, one of which is reserved for seminar work.

At the Niš faculty of law, there are no individual sections. Public international law is taught in the third year for 4 hours a week, one of which is reserved for seminar work; in the fourth year, private international law is taught for the same number of hours.

The Novi Sad faculty of law has adopted the curriculum and syllabus of the Belgrade faculty as regards the teaching of both the law of nations and private international law. The teaching of these two subjects is synchronized, but only in the two sections existing in these faculties—the law section and the economics section. The faculty's new programmes provide for the introduction of two semesters of public international law in the coming academic year. It will be taught alongside international relations.

At the Pristina faculty of law, public international law is taught in the third year together with international relations, following the traditional arrangement of 3 hours a week for two semesters.

The Socialist Republic of Croatia has two faculties of law, in Zagreb and Split. The Zagreb faculty has no individual sections, but regular teaching is given in the general course of international law. This subject is taught for two semesters in the second year, while private international law is taught in the fourth year, also for two semesters.

At the Split faculty of law, public international law is combined with international relations and is taught for 4 hours a week in the fourth year, for two semesters. The instruction on international relations, or more specifically, the science of international relations, is given in the form of a general introduction to legal studies. As to private international law, it is taught in the fourth year for 2 hours a week, plus 1 hour for seminar work.

At the Ljubljana faculty of law (Socialist Republic of Slovenia), instruction on international relations is given for three hours a week for one semester during the second year. The teaching is supplemented by a brief introduction to public international law. Starting from the third year, the instruction varies according to the section. Thus, in the law section, public international law is taught in the fourth year for 2 hours a week for two semesters; the arrangements for private international law are similar. Public international law and private international law are also taught in the same form and for the same number of hours in the economic law section, with the course on private international law coming in the third year and the course on public international law in the fourth year. In the administration section, only public international law is taught. The social and political section has public international law classes in the fourth year, for 2 hours a week during two semesters. It should be noted that, in addition to public international law, there are courses on international relations and diplomatic history in this section in the fourth year.

At the faculty of law of the University of Skopje (Socialist Republic of Macedonia), public international law and private international law are taught in the form of a general course covering 3 hours a week in the fourth year. There are no sections in this faculty. The two subjects are also taught in the same way and for the same number of hours at the faculty of law of the University of Sarajevo, but only in the third year.

The teaching of international law varies considerably according to the

faculty and study cycle. For example, it is far more advanced in the Belgrade, Zagreb and Ljubljana faculties.

Doctorate level instruction at the Belgrade faculty is divided into twelve sectors: theory of law, politics, administration, civil law, economic law, labour law, criminal law, economics and administration, international economic law, history of law, sociology and international law. The international law sector, which includes international relations, consists of basic courses and special courses: private international law, international economic law, maritime law, transport and communications law, air law, international economic relations and comparative constitutional law. Some parts of international law or allied disciplines are taught as special subjects in all the other sections. Thus public international law is taught in the theory of law and sociology sections, international economic law and private international law in the economic law section, and international criminal law in the criminal law section.

At the Zagreb faculty a special course of public international law has been arranged for the higher study cycle, in addition to which there is a course of private international law and international relations.

The Ljubljana faculty has arranged for the following series of optional subjects for the higher study cycle: international law and international relations, sociology, theory of law and the State, social and political organization of Yugoslavia and constitutional law, public administration and administrative law, labour law, civil law, economic law, criminal law, economics and history.

No instruction in international law is given in Yugoslav economics faculties. The most that can be noted is an attempt a few years ago to teach international law and consular law. The subject has now been abandoned, and many teachers deplore its absence.

At the University of Zagreb there is a higher school of administration which ranks as a faculty, and where instruction is given in international relations and international law. The general principles of private international law are the subject of a course of 2 hours a week. The university also has a faculty of political science which offers a special fourth-year course on international law covering two semesters at 3 hours a week.

An examination of how the subject of international relations is treated in the law faculties and higher educational establishments reveals very marked differences depending on the level of study. At the diploma level, it is taught as part of the instruction on public international law, without being dealt with in a separate general course. At the doctorate level, on the other hand, it is taught as a special course. This is the case at the faculties of higher political science at Belgrade, Ljubljana and Sarajevo. At the Zagreb political faculty, however, the principles of diplomacy and the modern history of international relations are taught for 2 hours a week for two semesters in the second year. At the Ljubljana higher school of political science, courses on the international relations and foreign policy of the Socialist Federal Republic of Yugoslavia are given for 2 hours a week for

two semesters in the fourth year. Particular attention is also paid to international economic problems, which are studied in the fourth year for 3 hours a week for the first semester and 2 hours a week for the second. The study of international relations covers the following topics: contemporary society and international relations, blocs, the political aspect of trends towards integration, conflicts and antagonisms in world politics between the developed countries and the developing countries, and problems of living peacefully together.

Teaching staff

Public international law and private international law are taught in the law faculties and schools of higher education by jurists holding a doctor's degree in law. In accordance with current legislation, all candidates for professorships are chosen on the basis of their scientific publications, which are submitted to appraisal by competent professors. In addition, persons wishing to teach international law must have not only the required scientific qualifications but also the necessary teaching qualifications. All professors of international law, like other university professors and assistants, are elected. A report on their candidature is written by three professors and made public one month before election.

Practising jurists do not teach international law regularly, but may be called upon to give special courses for the higher studies leading to the doctorate.

The number of professors of international law depends on the size of the faculty, or rather on the number of students. Despite the difficulty of ensuring that the professor-student ratio remains constant, this is achieved. The Belgrade faculty has four professors of public international law and two professors of private international law, apart from which there are a number of teachers of international law at the doctorate level. The Zagreb and Ljubljana law faculties each have two or more teachers responsible for the course on international law. On the other hand, it is not unusual in most of the other faculties for the same professor to be in charge of the course on public international law as well as that on private international law. In addition to the professors, there are assistants and other staff who also teach these subjects. Lastly, it should be noted that, barring exceptional cases, such as assignments abroad, professors teach and conduct research side by side.

Yugoslavia has over thirty professors of international law, to which should be added the assistants and experts from the international law departments, making a total figure of 200 specialists. The Yugoslav International Law Association can therefore be said to be one of the largest and most active national branches of the International Law Association. It issues a regular review three times a year and also publishes numerous studies on international law. In addition, articles are published by specialized reviews such as *International Problems* and *Archives*.

Treatises and textbooks

A fairly large number of treatises on public and private international law have been published in Yugoslavia since the Second World War. The authors of the best known of them are the following: Avramov, Andrasy, Bartos, Janković, Jovanović, Magarasević, Radojković, Tomsić, Blagojević, Eisner, Jaksis, Jezdić and Katičić. Other publications include a series of manuals and a large number of monographs and doctoral theses.

For general courses and especially for doctorate courses, foreign books are compulsory. Well-known textbooks in English, French and Russian include those by the following: Scelle, Bastid, Sibert, Cavaré, de Visscher, Oppenheim, Kelsen, Jessup, Korovin, Durdenevski-Drilov and Kozevnikov.

TEACHING SYSTEMS

Purpose of the courses

Although opinions differ in Yugoslavia as to the division of the law of nations into public international law and private international law, the teaching is so organized that the two subjects are taught and examined separately. Even professors who consider that the law of nations is a single subject and that private international law today is increasingly bound up with public international law teach the two subjects separately.

Well nigh every professor has his own ideas about how to teach public international law. Generally speaking, however, the course can be taken as covering international organizations and human rights (in so far as professors do not confine themselves to the traditional concept that the only subject of law is the State), the field of international law, diplomatic and consular law, contracts, and the laws of war, neutrality and peace. Needless to say, every professor introduces into his course considerations reflecting the constant endeavour to adapt international law and international institutions to the international community.

Various conceptions are to be found in Yugoslav doctrine on the law of nations, ranging from positivist conceptions to sociological ones of the most varied kinds. At the same time, there can be said to be an increasingly marked trend in Yugoslavia towards definition and protection of the common interests of the international community, such protection to be based on the efforts by States to live peacefully together and on mutual co-operation between nations.

As a general rule, the teaching of public international law is theoretical rather than practical. However, the practical aspects are not ignored, particularly in the teaching of private international law, a fact which is evident from the nature of the subject.

Forms of te ng

International law, both public and private, is generally taught in the form of a general course, with 3 or 4 hours of instruction a week. The teaching programmes reserve 1 hour for seminar work. However, professors are at liberty to change a certain number of lecture hours into seminar hours, as required by the subject matter.

The case method is used more rarely, and is untypical of the teaching of international law in Yugoslavia. It should be noted, however, that it is not entirely neglected, since international jurisprudence, especially that of the International Court of Justice, is studied. These cases taken from practice provide opportunities for a theoretical study of the problem treated as well as for the presentation of different points of view.

Syllabuses

Work plans and programmes are drawn up in all the Yugoslav faculties and higher educational establishments where international law is taught in accordance with the aims of the institution in question. The number of teaching hours and the programmes are decided on at faculty boards, on the proposal of the regular professor. The boards are free to revise the work plan or the programme from year to year. It can therefore be said, as far as international law is concerned, that the teaching is not standardized and that it varies on the contrary, from one establishment to another.

In general the tendency is to expound the basic principles of the law of nations in the general course, whereas the doctorate courses are reserved, rather, for a broader and more thorough study of the different areas and problems of international law. It should be noted, however, that the Belgrade faculty in some of its sections, organizes specialized teaching on particular branches of international law—international economic law, international financial law, international commercial law, and international transport and communications law.

The international organizations are mainly studied in special courses, and from the functional rather than the purely institutional angle. A feature of the teaching of international law in this field is the importance attached to the United Nations, its organs and the problems it raises. The professors also deal with the Specialized Agencies and the international regional organizations.

Over the past few years, international relations viewed as a special scientific subject have received the increasing attention of Yugoslav authors. Despite differences of views, international relations feature ever more frequently in faculty and higher school programmes. It might be said that, at the present time, international relations are taught in one of the following ways at Yugoslav universities:

1. International relations and international law are treated as one and the same subject. In this case, the topic of international relations serves as

an introduction to the study of contemporary international law institutions.

2. International relations are treated as a special discipline. In this case, attempts are made to set out scientifically the problems presented by the subject, and, at the same time, to make a clear delineation of their scope. To this end, the aim is to define the main factors influencing international relations and bring out the laws governing their development.
3. International relations are treated as a body of current problems that are vital to international life and are approached from different angles—legal, political, economic, sociological, etc.

The place of international law in legal studies as a whole

The courses of public international law and private international law, as well as the examinations for these subjects, are compulsory for all students taking the four-year course of study. At the doctorate level, the interest shown by the students in international law is no less keen. This is attributable, incidentally, to historic reasons which caused Yugoslavia to pay very close attention to problems of international law. An example of this interest is provided by the Belgrade faculty of law, where most of the students doing their doctorate are in the international law section.

Symposia, congresses and round tables

During the past twenty years, there have been many conferences, congresses and round-table discussions on the law of nations in Yugoslavia. Most of these international meetings were organized by the Yugoslav International Law Association, although often in collaboration with the Yugoslav Association of Jurists. It should be noted, in particular, that the academies of science of Serbia, Croatia and Slovenia regularly hold international meetings, including symposia on international law. It has become a practice in Yugoslavia to hold regular bilateral international meetings on matters of international law. They are attended by university professors and very often by experts on international law from economic circles and public administration.

ACADEMY OF INTERNATIONAL LAW THE HAGUE

R.-J. DUPUY
University of Nice

At the beginning of this century, a group of statesmen and scholars, deeply disturbed by the proliferation of wars throughout the world, decided to lay the foundations of institutions which would be primarily devoted to the preservation of peace. Their aim was to set up an international court to which States could submit their disputes, a library liberally equipped with documentation on international questions and, finally, an establishment for the teaching and study of international law: the Academy.

These institutions made their home in the Peace Palace, which had been built in The Hague through the generosity of Andrew Carnegie. Why there? The reasons were various: the Peace Palace had been the meeting place for a number of conferences on the preservation of world peace (in 1899 and 1907, particularly). The Hague was, moreover, the seat of government of a country deeply steeped in humanitarian and academic traditions (from Erasmus to Grotius, and continuing to Asser, who was awarded the Nobel Peace Prize in 1922), and finally, the location itself, The Hague, combining the advantages of a large town with the attraction of a calm atmosphere propitious to meditation. All these reasons prompted the choice.

The First World War held up the inauguration of the Academy of International Law, which was to have opened in 1914, and it was not until 14 July 1923 that the first course of lectures began, in the presence of representatives of the diplomatic, academic and legal circles of the whole of Europe.

The Hague Academy, whose basic function is to provide instruction in private international law and public international law, courses in each of these being given alternately, is the only establishment of its kind which is organized along truly international lines, with a curatorium composed of eminent international lawyers of various nationalities.

The president of the curatorium is Professor F. Castberg, honorary rector of the University of Oslo. The members of the curatorium are, in alphabetical order: H. E. Th. Aghnides, former ambassador of Greece, chairman of the United Nations Consultative Committee on Administrative and Budgetary Questions, in New York; Professor R. Ago, of the

Faculty of Political Sciences of the University of Rome, member of the United Nations International Law Commission; Professor E. Jimenez de Arechaga, of the University of Montevideo, member of the United Nations International Law Commission; Professor H. C. Battifol, of the Faculty of Law of the University of Paris; H.E. Sir Gerald Fitzmaurice, judge of the International Court of Justice; H.E. Philip C. Jessup, judge of the International Court of Justice; H.E. E. N. van Kleffens, Minister of State, chief representative in the United Kingdom of the High Authority of the European Coal and Steel Community; H.E. Paul Ruegger, ambassador, member and former president of the International Red Cross Committee in Geneva; Professor A. Verdross, emeritus professor at the University of Vienna, judge at the European Court for Human Rights, member of the United Nations International Law Commission; H.E. Ch. de Visscher, professor at the University of Louvain, former judge of the International Court of Justice, honorary president of the International Law Institute; H.E. J. M. de Yanguas Messia, professor of private international law at the University of Madrid; H.E. K. Yasseen, ambassador and member of the United Nations International Law Commission; secretary-general: R.-J. Dupuy, professor at the Faculty of Law and Economics of the University of Nice.

The management of the Academy is in the hands of a governing board, composed of leading Netherlands personalities.

The Academy's work consists essentially of organizing the teaching of private and public international law. For the past decade it has been seconded in this work by the creation of two specialized centres.

THE ACADEMY'S COURSE SESSIONS

The sessions take place during the summer, and consist of two periods of three weeks each, with a programme of studies which varies, of course, from year to year.

It has been the fundamental aim of the Academy, ever since it was founded, to propagate as widely as possible the principles of international law in the service of peace. Not surprisingly, therefore, one of the first courses of lectures delivered at the Academy was devoted to the League of Nations, to which the nations which had recently undergone the grievous trials of the 1914-18 war attached great hopes.

The subjects covered by the expert instruction given in this house of peace was not confined to institutions for the protection and preservation of peace but dealt also with the most varied questions of international law. The series of lecture courses given during the inter-war period was outstanding for its quality, and the names of such people as Borel, Politis, Bourquin, Ch. de Visscher, Kelsen, Basdevant, Rolin, McNair, Wehberg, Verdross, Séfériades, Niboyet and François are still remembered in that connexion, as are those of Gilbert Jidel and Georges Scelle, both of whom, after giving major courses at the Academy, left the stamp of their strong

personalities on it the first as president and the second as secretary-general of the curatorium.

Although the Second World War unfortunately interrupted the work of the Hague Academy for several years, the urgent international problems which faced the post-war world gave it new and powerful reasons for continuing its activities and propagating the rules of public and private international law with ever greater vigour.

The mere recapitulation of the names of some of the professors who were invited to teach at the Academy after the resumption of courses in 1947, and the titles of some of the lectures, is sufficient to give an idea of the universality of the matters with which the institution is concerned: Jenks, Jennings, Jessup, Hambro, Waldock, McDougal, Fitzmaurice, Sörensen, Mrs. Bastid, Reuter, Rousseau, Guggenheim, Ch. and P. de Visscher, Andrassy, Krylov, Tunkin, Zourek, Ago, Monaco, Morelli, Quadri and many others—names evocative of the institution's universal approach.

The Academy awards a diploma to attenders who, at the end of each session, pass a written and an oral examination.[1] In taking this very difficult examination, candidates are in fact competing for a much sought-after title which few can hope to gain.

Although these lecture courses given at the Academy, which in 1965 held its thirty-sixth teaching session, are still its primary activity, they have not, since 1957, been its sole one. In that year, a Centre for Studies and Research in International Law and International Relations was set up as part of the Academy's organization with aspects and activities going far beyond teaching sessions. To this body was added, in 1962, the Dag Hammarskjöld Seminar, which, while not catering for exactly the same category of attenders or research workers, nevertheless has the same objective: to provide certain specialists in international law with highly qualified training.

STUDY AND RESEARCH BODIES WITHIN THE ACADEMY

Centre for Studies and Research in International Law and International Relations

The centre was set up in 1957, as stated, under the control of the Academy's governing bodies, and thanks to a generous grant from the Rockefeller Foundation. It held its ninth session in 1965.

Admission to the centre is restricted to specialists, who are required to play a very different part from the passive role of attendance at lectures. They are expected to participate actively in the scientific and research work of the session which they are attending, and in the centre's working

1. For further information on these examinations and for general information on conditions of admission to the Hague Academy of International Law, see the *Annual Bulletin* published by the secretariat of the Academy (cf., in particular, Bulletin No. 34, 1964, this fifty-first session, pp. 9–15).

meetings. A research body should only have a limited number of participants; in this case it is thirty, divided equally into a French-language seminar and an English-language seminar.

From the nature of the centre flow the two basic rules governing its organization:

1. Admission is restricted to participants who are highly qualified by reason of their intellectual maturity and of their background knowledge alike; hence candidates should possess advanced academic degrees, such as the Academy's diploma, or show proof of at least three years' actual practice in international affairs.
2. Only a limited number of admissions are made, to ensure not only that the work is of high standard but also that the collaboration of the participants can be effectively sustained and guided by the respective directors of studies.

The centre's activity, in fact—and this is one of its distinctive features—is directed by two such officers, one for the French-language section and the other for the English-language section, serving two biennial terms.[1]

The papers presented by the participants are usually published by international law reviews. While the centre does not award diplomas, participants may, on the recommendation of their director of studies, obtain a certificate from the curatorium concerning the quality of their work. The Academy's Dag Hammarskjöld Seminar operates in the same spirit and with the same ends in view.

The Dag Hammarskjöld Seminar

This seminar was set up within the Academy in 1962, and comes under the authority of the administrative council and within the framework of its educational activities. The creation of the seminar was made possible by financial aid received by the Academy from the Dag Hammarskjöld Foundation.

It is reserved for those who, through their work or training, have accumulated extensive knowledge in the field of international law, and its special feature is that it is confined to nationals of States which have acceded to independence during the past two decades. Participants have so far been mainly drawn from the countries of Africa and the Middle East.

The seminar programme is strictly practical and in keeping with the objective of enabling participants to acquire additional knowledge of the application of international law.

In charge of the seminar are a director and two assistant-directors,[2]

1. Past directors of studies have included Professors Kopelmanas, Charlier, Berlia, Dupuy, Seidel, Hohenveldern, Boutros-Ghali, Frances-Cakis, Fouad Riad.
2. The director during the 1964 session was Professor Torkel Opsahl, professor of law at the University of Oslo, member of the Oslo Institute of Public and International Law and adviser to the Nobel Peace Prize Committee. The assistant-directors were Mr. Georges Abi-Saab (United Arab Republic) for the French-language group and Mr. Obed Y. Asamoah (Ghana) for the English-language group.

who keep a personal eye on the activities of each participant. They are assisted in their work by specialists who take part in the seminar from time to time.

Methods of work vary, but individual papers take pride of place. The syllabus is drawn up each year from a selection of various subjects. The subjects chosen in 1965 were: the United Nations, human rights, relationship between international law and domestic law, negotiation of treaties, international waterways, development and foreign investments, and peaceful settlement of international disputes.

The quality of the tuition, the advanced degree of specialization possessed by the participants and the high level of the work have given the Centre for Studies and Research and the Dag Hammarskjöld Seminar a world-wide reputation reinforcing the long-established reputation of the Academy itself.

It should not be concluded; however, that these achievements and the prestige gained have induced stagnation and complacency in the institution. Improvement and progress are much in the minds of its eminent directors. We need only cite as proof the recent decision by the curatorium to set up a study and working group to investigate and promote useful and judicious recommendations designed to intensify the part played by the Academy of International Law in the development and propagation of international law but without jeopardizing the essential nature of the institution.

The working group, which is to continue its research for two years and which met for the first time in July 1965, is headed by Professor Wolfgang Friedmann, professor of international law and director of research at Columbia University.[1]

There is one projection of the Academy's activities, the Association of Attenders and Alumni of the Hague Academy of International Law (AAA).

ASSOCIATION OF ATTENDERS AND ALUMNI OF THE HAGUE ACADEMY OF INTERNATIONAL LAW (AAA)

Only a few days after courses first began at the Academy, a small group of attenders decided to set up the Association of Attenders and Alumni of the Hague Academy of International Law, better known by its abbreviation AAA.[2] This was on 24 July 1923.

On 30 July, the attenders approved the charter of the association, the aims of which were defined as followed: 'To maintain intellectual relations between the attenders and alumni of the Academy of International Law

1. The other members of the group are Professors B. Boutros-Ghali, University of Cairo (United Arab Republic); C. Chaumont, University of Nancy (France); R. Y. Jennings, Cambridge University (United Kingdom); S. Oda, Tokuku University (Japan); H. F. Van Panhuys, Leyden University (Netherlands).
2. For more details about the association, see *The Association of Attenders and Alumni of the Hague Academy of International Law: A Forty Years' History (1923–1963)*, by F. W. Hondius, secretary-treasurer, 1963, The Hague, Peace Palace.

and to develop among them an international spirit; to facilitate the stay of attenders of the Hague Academy of International Law.'

In 1951, in order to give clearer expression to the association's desire to establish bonds of friendship and mutual understanding between the attenders, thereby contributing to the development of an international spirit of goodwill, the adjective 'fraternal' was added to the words 'intellectual relations'.

However, the association's functions are not confined to the maintenance of intellectual and fraternal relations: it also endeavours to make life as agreeable as possible for the attenders during their stay in The Hague by helping them to find accommodation and by arranging social events and excursions giving them a pleasurable acquaintance with the Netherlands.

The *Yearbook* published by the association, which began as nothing more than a liaison and information bulletin, soon became, on the initiative of Professor Boutros-Ghali, a genuine scientific journal which provides the members of the association with an opportunity to publish articles on international law in French and English. Eight volumes appeared between 1955 and 1963.

The association's affairs are managed by a council, which consists of one representative from each nationality among the attenders in The Hague. The board, elected by the council, consists of a president, a vice-president and two members. To ensure continuity in the work of the board, the secretary is elected for a three-year term.

The board elected by the council for 1963/64 consisted of Mr. G. G. Nonnenmacher, president; Mr. R. Benattar, vice-president; Mrs. E. Dais and Mr. M. Sadigh-Ershadi, members; Mr. F. W. Hondius, secretary-treasurer; and Miss F. van Veen, secretary.

Thus, for some forty years, the Association of Attenders and Alumni of the Hague Academy of International Law has been pursuing the same aims as the Academy itself—the maintenance of relations founded upon peace and justice among States, and the maintenance of the 'Hague spirit'.

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