

ROUND TABLE  
ON THE  
TEACHING OF  
INTERNATIONAL  
LAW AND  
RELATIONS



SINGAPORE/MALAYSIA  
JANUARY 13-16, 1964

FINAL REPORT .

ROUNDTABLE ON THE TEACHING OF INTERNATIONAL LAW AND RELATIONS

Singapore, Malaysia, January 13-16, 1964. Held under the auspices of the University of Singapore, Faculty of Law and sponsored by the Carnegie Endowment for International Peace in cooperation with The Asia Foundation.

FINAL REPORT

Note: The Report was prepared by Dean Vicente Abad Santos of the College of Law, University of the Philippines, in cooperation with the Carnegie Endowment, on the basis of the Summary Records of the meetings. The draft of this Report was sent to all participants and the final text, reflecting their comments, has been approved by all.



## CONTENTS

	<u>Page</u>
Introduction . . . . .	1
Chapter I. Agenda . . . . .	5
Chapter II. Participants and Observers . . . . .	8
Chapter III. Resolution . . . . .	19
Annexes:	
I. Summary Records of the Meeting . . . . .	22
II. Background Papers . . . . .	62

## INTRODUCTION

### (1) Background

The idea of a Roundtable of Asian scholars concerned with international law and international relations was advanced by a number of Asian professors during a survey of the status of international law studies in Asia and Africa that was undertaken by the Carnegie Endowment for International Peace in the fall and winter of 1961. They believed and the Endowment shared this belief, that the time was ripe to explore ways in which the teaching and study of international law and relations in Asia might be strengthened. This belief is based on several factors which can be briefly stated.

It is obvious that recent political, economic, social and technological developments have had a significant impact on the international community. This is particularly true in South and Southeast Asia where many countries have become independent since the end of World War II.

Most of these countries have been exposed, to some extent, to the influence of Western legal systems. At the same time, each has its own legal traditions and has a contribution of its own to make in the progressive development of international law and the study of international relations.

Since the Charter of the United Nations enjoins all Member States from using force as an instrument of national policy—except in self-defense—the importance of international law as one of the tools for the conduct of international relations has acquired a greater significance than ever before. Unless the usefulness of this tool, its potentialities as well as its limitations, are fully explored and understood, the injunction against the use or threat of force may well remain a hollow aspiration. The truth of this thesis



is gradually being recognized by the international community as indicated for example, by Resolution 1861, unanimously adopted by the 17th General Assembly on December 18, 1962, urging Member States to undertake broad programs of training in the field of international law and requesting the Secretary-General to study ways in which Members can be aided to establish and develop such programs.

In South and Southeast Asia, the number of Universities has increased in recent years as has the demand for expertise in international law and relations, both on the part of governments and the business community. It appears therefore important, both in the interest of the countries of the region and of the international community in whose life Asia is playing an increasingly significant role, that international lawyers and international relations scholars should have an opportunity to explore informally and candidly ways in which the study, teaching, and practice of international law and relations might be improved to strengthen competence in this subject on the Asian continent.

These were several considerations that led the Carnegie Endowment to respond favorably to the initiative of the University of Singapore, Faculty of Law to sponsor the Roundtable. The Faculty of Law of the University of Singapore, through Professor Leslie Green, kindly agreed to serve as host; and the Endowment was fortunate in obtaining the whole-hearted cooperation of The Asia Foundation and its Resident Representatives in a number of the Asian countries in the preparation and financing of the Roundtable.

Participants were chosen individually on the basis of competence and demonstrated leadership in Afghanistan, India, Ceylon, Thailand, Korea, Malaysia, the Philippines and Japan. In the case of Pakistan

and Burma invitations were addressed to the Ministry of Education requesting the designation of qualified participants. Pakistan sent two participants, one from West Pakistan and the other from East Pakistan. Invitations were sent out by the Singapore Law Faculty at the end of October 1963, and most of those invited participated in the meeting.

In addition to the Asian scholars, a few outstanding non-Asian teachers of international law were also invited. Their inclusion was designed to provide an opportunity both for scholars from outside the region to get first-hand insights into problems confronting Asian international lawyers and international relations teachers and practitioners and for Asian scholars to benefit from the wider and longer experience of some of their colleagues from other parts of the world. Professor Boutros Boutros-Ghali of the University of Cairo, Egypt; Professor Myres McDougal of Yale Law School, Professor Beha L. Moray from the University of Ankara and Professor Jose M. Ruda of the University of Buenos Aires were the non-Asian scholars who attended the Roundtable. Professors Maxwell Cohen of Canada, Manfred Lachs of Poland, Alexander Magarasevic of Yugoslavia and Julius Stone of Australia were unfortunately unable to accept the invitations extended to them. The names and a brief biography of the participants and observers at the Roundtable appear in Chapter II of this report.

## (2) Preparatory Work

A tentative agenda was prepared by Professor L. C. Green of the Singapore University, Faculty of Law, in consultation with the Carnegie Endowment and was circulated in advance to participants and observers. This agenda, adopted at the first meeting of the

Roundtable on January 12, 1964, is set forth in Chapter I of this Report. Several of the participants prepared background papers on the subject of teaching of international law in their respective countries. These papers greatly facilitated the discussions. Some of them have been revised and expanded in light of the Roundtable discussions and are reproduced in Section II of the Annex.



## Chapter I

### AGENDA

#### 1. Teaching and Research in International Law and Relations.

This agenda item might concentrate on a careful examination of the scope and content of international law courses. Special attention should be given to the question of whether such courses as now offered reflect the realities of the contemporary world. This would, of course, require an examination of the type and relevance of the material used for instruction. There should also be an exchange of views as to the minimum standards required for the successful completion of international law courses on the undergraduate level; and of the qualifications of students for study at an advanced level or for research. A further question to be considered is whether international law should be a required or an optional subject; and whether it should be taught in the law school or in some other school of a university.

#### 2. The Availability of Materials in International Law.

The study of international law (and, generally, of international affairs) in many parts of South and South East Asia is a comparatively recent development. Many of the universities do not possess adequate libraries. Funds available for enlarging libraries and library facilities are too limited to permit duplication from centre to centre. The Roundtable might, therefore, consider the usefulness of a project aiming at the compilation of a catalogue of the materials available in each of the participating countries and to investigate the possibilities of interchange and other cooperative arrangements.

A consideration of the use of primary sources of international law (as distinguished from secondary or subsidiary sources such as



treaties and textbooks) also appears to be desirable. Primary sources, as generally understood, comprise treaties, the decisions and advisory opinions of the International Court of Justice and other international tribunals, generally accepted principles of international law (customary law), the interpretation and application of international law by national courts, and official government positions on questions of international law. In this connection, the Roundtable may wish to explore the feasibility of promoting the publication of individual or cooperative compilations of state practice.

### 3. The Place of International Law in the Study of International Affairs.

A vitally important question is the proper relationship of international law to kindred subjects such as international organizations, foreign policy and diplomacy, economics and other social sciences. Therefore, the Roundtable should examine carefully the place of international law in the range of related disciplines and should seek a balanced coordination among them. Some of the questions which may be explored are: is international law taught in isolation bound to be a sterile subject? should it be treated in the broader context of international relations and considered not as an end in itself, but rather as an important tool for the conduct of foreign affairs? There should also be borne in mind the position of international law in the general scheme of studies in the area.

### 4. Careers for International Law Experts.

The question to be considered is what opportunities are available for people trained in international law and relations. Careful analysis of this important problem may affect the scope and

content of courses to be offered; it also may help to stimulate greater interest in these subjects. It requires examination of the relation of international law to the conduct of foreign policy, the role of international law in commerce and the place of international law experts in government offices and business enterprises.

5. Special Problems.

(A) Attitudes toward international law. The Roundtable may usefully inquire whether there is solid foundation for the claim frequently advanced that the needs of the newly independent countries require an entirely new approach to international law. The question is whether international law, as it has been known to date, is, in fact, of limited usefulness due to its western origins; and whether there are special problems peculiar to the new countries - especially of those in South and South East Asia - which require revision or adjustment of international law principles.

(B) Special Regional Interests. In view of the political and economic significance of the region, the Roundtable should examine the advisability of establishing special courses or seminars (as distinct from the traditional general international law course) devoted to particular problems of current significance to Asian countries. The Law of the Sea, Economic Development, Foreign Investments, Control over Natural Resources and Regional Economic Associations appear to be some of the topics which might be subjects of constructive analysis by the Roundtable.

Chapter II  
PARTICIPANTS AND OBSERVERS

(1) Participants

Boutros Boutros-Ghali. Educated in Egypt and in France where he received his Doctorate in International Law. Professor of International Law at the Faculty of Economics and Political Science, Cairo University. Lectured on international law and international relations at Universities in the U.S.A., France, Algeria, India, Poland, Yugoslavia, Director of the Center of Research, The Hague Academy of International Law. Editor of Al-Ahram Iktisadi (a supplement of Al-Ahram), the leading daily newspaper in the Arab World. Author of several books and essays in Arabic, French and English. Among his forthcoming publications is a study on the Organization of African unity. Address: Faculty of Economics and Political Science, Cairo University, Cairo, UAR, Egypt.

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Leslie Claude Green. LL.B. (1st Cl. Hons.), London, Professor of International Law and Director, Institute of Advanced Legal Studies, University of Singapore, Faculty of Law. Hume Scholarship in Jurisprudence; Grotius Medallist; Rapporteur of International Law Association Committee on Asylum; Editor, Chon's "International Law of Recognition." author: "International Law Through the Cases" and a number of articles in legal periodicals. Address: University of Singapore, Faculty of Law, Singapore 10, Malaysia.

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Barrister-at-law. Professor in international law, Thammasat University, Bangkok; Legal Adviser to the Thai Prime Minister; Member of Thai Juridical Council and of the Constituent Assembly; Secretary General of the Thai Parliamentary Group, Interparliamentary Union. Publications: International Law, Thammasat University Press 1959. "Prosecutions in Foreign Countries", Journal of the Bar Association, (1945). Address: 4677, Somdet Chaopraya Street, Bangkok, Thailand.

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Harry E. Groves. B.A. (cum laude), University of Colorado; J.D., University of Chicago; LL.M., Harvard. Visiting Professor of Constitutional Law (since 1960) and Head, Law Department, University of Singapore (since 1962). Member of the Bar of North Carolina and Texas; admitted to practice before the U.S. Supreme Court. Associate Professor of Law, North Carolina College, Durham (1949-51); Captain,



Judge Advocate General's Corps (1951-52); Dean and Professor of Law, Texas Southern University (1956-1960). Publications: Comparative Constitutional Law: Cases and Materials (New York, 1963); articles in American and foreign legal periodicals; contribution to Public Administration in South and Southeast Asia (ed. S.S. Haueh) and to Papers on Malayan History (ed. K. G. Tregonning). Address: University of Singapore, Faculty of Law, Singapore 10, Malaysia.

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Chapter III

RESOLUTION ADOPTED BY THE SINGAPORE ROUNDTABLE ON  
INTERNATIONAL LAW & RELATIONS ON 16th JANUARY 1-64

This Roundtable conference on the problems of teaching international law and relations in Asia,

Having reviewed the present situation regarding the teaching of and research in these subjects in the region,

Having taken note of the fact that most of the libraries of the universities and institutions in the area are very poorly equipped in regard to the materials on international law and relations useful for teaching and research, and that the financial resources available to improve the libraries are very limited,

Having also observed that at present very little information is available in each country about the level of equipment of the different libraries in other countries, the research work being done in those countries and the state practice and decisions of national courts bearing on international law in the area,

Being of the opinion that sustained and organized cooperation among the scholars in the region and exchange of information among them would contribute to the removal of many of the existing obstacles to the promotion of extensive study and research, in those subjects in the area, and development of professional competence in them,

Resolves to set up a Provisional Committee consisting of:

Dean Vicente Abad Santos,  
College of Law, University of the Philippines  
Diliman, Quezon City. (Chairman)

Professor L. C. Green, Director, Institute of Advanced Legal  
Studies, Singapore.

Professor Shigeru Oda,  
Tohoku University, Sendai, Japan.

Professor Kim Myong-Whai,  
Department of Political Science and Diplomacy,  
Yonsei University, Seoul, Korea.

Dr. B. S. Murty  
Head of the Dept. of Law,  
Andhra University, Waltair, India.

- (1) to explore the feasibility of developing continuing, institutionalized cooperation among scholars and institutions in the region devoted to the study of international law and relations, in order to facilitate exchange of data useful to the promotion of study and research, and compilation, publication and exchange of information on state practice and decisions of national courts in the area; and
- (2) to begin with, to undertake the compilation and distribution of information on the following:
  - I. An index of source materials available in each centre or institution in the respective countries:
    - (a) Primary sources
      - (i) Treaties Series, U.N., League of Nations, National Treaties, etc.
      - (ii) ICJ and PCIJ reports.
      - (iii) Arbitral Awards - all Collections,
      - (iv) Collection of judicial decisions national or international bearing on international law.
      - (v) Documents on Foreign Relations e.g. State Papers, Command Papers.
    - (b) Secondary Sources
      - (i) Journals and periodicals anywhere published bearing on international law and relations.



(ii) Unpublished Doctorial dissertations.

II. A list of books on international law and relations published by local authors.

III. The journals published in each country relating to international law and relations, the addressess of their publishers, their prices, the languages in which they are published, and the availability of translations or abstracts.

The conference requests the participants in the Roundtable to make available to Dean Vicente Abad Santos, who has very generously undertaken the work of compilation and distribution of information on the three items, the data regarding the position obtaining in their respective countries, and the data on item III not later than February 29th, 1964. The conference also requests them to transmit to Dean Vicente Abad Santos each year a list of new acquisitions under the three items.

The conference calls upon such participants as have authority to take steps to exchange journals to do so, whether before or after information on item III has been received from Dean Vicente Abad Santos, by placing the names of the participants and/or their universities or institutions on the mailing list of exchange journals or to bring about arrangements for such exchange.

The conference requests Dean Vicente Abad Santos to invite the attention of the universities and institutions from countries not represented at the Roundtable to this resolution, and to enlist their cooperation in carrying out this project.



ANNEX I

ROUNDTABLE ON THE TEACHING OF INTERNATIONAL LAW AND RELATIONS, SINGAPORE,  
JANUARY 12-16, 1964

SUMMARY RECORD

Note. All meetings were held in the University Court Room, Faculty of Law, University of Singapore.

Opening Session

Monday, January 12, 1964, 9:30 AM.

Professor Leslie Green in the Chair.

The Chairman welcomed all the participants on behalf of the Faculty of Law, University of Singapore and himself. He outlined the purpose of the Roundtable. The agenda was deliberately left as flexible as possible. He explained that no substantive discussion would take place that morning because the participants had been invited by the Chief Justice of the High Court to attend the opening of the Singapore Assizes. He outlined the distribution of items on the agenda for that afternoon and for Tuesday, Wednesday and Thursday.

Mr. Lawrence S. Finkelstein welcomed the participants on behalf of the Carnegie Endowment for International Peace. This Roundtable had a twofold purpose: first, to foster communication among eminent international law scholars, and second, to stimulate at this meeting constructive discussion of problems having particular significance in this sphere today. He thanked Professor Green and the University of Singapore Law Faculty for the help and efforts extended to the Endowment in the organization of the Roundtable.

Professor Francis Deak gratefully acknowledged the role played by The Asia Foundation in the organization of the Roundtable.

Second Session

Monday, January 12, 1964, 2:15 PM.

Agenda Item 1.

TEACHING AND RESEARCH IN INTERNATIONAL LAW AND RELATIONS:

Dean Vicente Abad Santos in the Chair

The Chairman called attention to Item I of the agenda  
Teaching and Research in International Law and Relations:

This agenda might concentrate on a careful examination of the scope and content of international law courses. Special attention should be given to the question of whether such courses as now offered reflect the realities of the contemporary world. This would, of course, require an examination of the type and relevance of the material used for instruction. There should also be an exchange of views as to the minimum standards required for the successful completion of international law courses on the undergraduate level, and of the qualifications of students for study at an advanced level or for research. A further question to be considered is whether international law should be a required or an optional subject; and whether it should be taught in the law school or in some other school of a university.

After some discussion, participants generally agreed to proceed with the discussion on the lines set out in the agenda. Instead of considering the item as a whole, different sub-items would be discussed separately. The Chairman then called upon Dr. Jose M. Ruda (Chairman of the Sixth Committee of the 18th United Nations General Assembly) to address the participants.

Dr. J. M. Ruda referred to the Report of the Sixth Committee and explained the significance of the Resolution which had been adopted. He noted that the Committee had been impressed by the response to the Resolution. He believed that the formulation of various programmes, such as technical assistance programmes to promote the teaching and study of international law would be hampered by a basic problem. The problem was how the United Nations was to get sufficient funds to finance these programmes. The opposition of the U.S.S.R. is due to the traditional position it has taken, namely that the real need of underdeveloped countries is economic assistance; furthermore, the U.S.S.R. is opposed to any increase in the regular budget and these



programmes would necessitate such an increase.

The Chairman then called upon Dr. B.S. Murty to start the discussion on the problems connected with the teaching and research in international law and relations.

Dr. B. S. Murty said that it was necessary to consider the scope of courses offered, the standards required, and the qualifications needed for advanced study and research. It was also important to examine the levels at which international law was being taught. Was it part of a liberal arts education (that is, more general in nature), or was it confined to a more narrow field as the training of teachers of international law. He felt that the process of teaching must be conditioned by the philosophy of the teacher who, of course, must realize that he is dealing with a system of law that is not static. Naturally several approaches might be taken. It was therefore not possible to say that a particular philosophy must be adopted. While there should be a constant process of experimentation, above all, teachers must be clear as to the goals of their teaching, i.e. what students are being trained for.

The Chairman suggested that it might be appropriate to classify international law into graduate and undergraduate courses so that separate and different consideration would be applied to each.

Dr. Murty indicated that a further classification might be made. Courses could be offered as part of a liberal arts education; these would be different from those offered as part of law courses.

Professor Myres S. McDougal said that a more homogeneous classification might be: international law in a general education and international law in a professional education. This latter could be further subdivided into specialized and non-specialized.

Professor Green observed that since international law has been increasingly treated as a branch of legal studies, it should be



properly looked at from a legal standpoint. Its place in the political science field was ill-conceived. The subject needed to be treated as a "living system". The danger was that the political scientist viewed it partly as a historian and partly as a commentator, but ignored the legal aspects. He referred to the possibility, even at an undergraduate level, of directing teaching toward a professional level. As a result of the impact of legal aspects on international relations, there was a need for the teaching of international law in the foreign affairs services. Professor Green also explained the status of international law in the University of Singapore. It was taught to law students doing the LL.B. course and to non-law students (journalists, civil servants, etc.) at a Certificate Course level. It had been found possible to use the same classes for students at both levels, but the examinations had to be different. The law students were expected to have a knowledge of the various legal principles and to be able to apply them to problems; the non-law students were only required to have a general knowledge. Professor Green also referred to the suggestion by the Federation Government that a "crash programme" should be organized to produce junior diplomats. While it is not expected that they be well versed in international law, they ought to have sufficient training in order to be familiar with matters that would arise in an external affairs department.

Dr. Murty said that in a law school, emphasis is primarily placed on legal techniques. But teachers should always draw the attention of the students to sociological and historical factors and their impact on the norm.

Professor Seha L. Mera, felt that before discussing the scope and content of courses, the group should discuss the general approach to international law. There are differences of opinion. Therefore, it is important to realize what the ultimate objective in teaching international law is.

Legal rules cannot exist in a social vacuum and it is necessary to give consideration to the social realities underlying the norm of positive law. The international law teacher must deal with these various extra legal factors without radically altering the substance of his course. Countries may deal with the problem in different ways, e.g. having one general course dealing with various other factors or having an international law course and a separate course on international relations. Whichever method is adopted, the teacher should not forget that he is primarily a teacher of international law. The teacher should not overemphasize questions or topics that are now of mere historical significance, nor should he give insufficient attention to increasingly important questions. Universities must re-examine their courses and allot a place for the effect of dynamic development, and also to consider if sufficient time is given to international law. Professor Meray advocated the problem-solving approach, for it assured that the study would not become outdated.

Mr. Finkelstein asked whether the method of teaching for lawyers would be different and, if so, how different from the approach to teaching of the subject at the liberal arts level, for example.

Professor McDougal expressed disagreement with the position advocated by Professor Green. He felt the same approach could be taken for law students as for liberal arts students. It was important to teach them the same thing--international law in its total community context. International law decisions are made in response to claims arising in community process; they in turn affect future community process; hence, they cannot be accurately described except in relation to such process.

Professor Green replied that the situation is affected by nature of the environment in which one works. This (Southeast Asia) is a developing area; there are the foreign service needs; the university is young and



teaching of international law was introduced only recently; students are also much younger than, for example, at Yale. There is the further problem that most of the students in the area are not qualified for admission to the University. However, the increased importance of their countries in the international sphere is acknowledged and, consequently, their desire to acquire some knowledge at least of the basic concept and terms must be filled. As a result, experimentation becomes necessary to find a happy compromise that will suit their needs.

Professor McDougal commented that lawyers, of course, cannot claim a monopoly of truth. They must draw upon other skills and disciplines even to describe authoritative decisions.

Professor Florentino P. Feliciano observed that the problem of whether an approach to or method of teaching appropriate in a law school be employed in a liberal arts school does not appear to be unique to the teaching of international law. It also exists in respect of other branches of law---for example, constitutional law and commercial law---which non-law students take up; he, therefore, was not convinced that this was a special problem for international law teachers.

Professor Kim Moon-Whai summarized the position of teaching international law and relations in Korea (set out in detail in his paper prepared for the Roundtable). In Korea it was not exclusively taught in the law department; it was also taught in the political science and diplomacy departments. He felt that teachers should adopt a sociological approach. This was especially necessary in Korea where students are absorbed into non-professional occupations (banks, civil service, etc). In these circumstances the emphasis should be put on general education rather than a professional or specialist approach.

Professor Shigeru Oda gave an account of the teaching of international law in Japan. Though the enrolment in the law faculties is great,



comparatively few pass the judicial examinations and enter the professional field. So international law is taught not only as part of legal education but also as part of liberal education. Indeed the teaching of international law is not very different from the teaching of other law subjects. On the other hand there are graduate courses in many universities which offer the student more intensive and specialized training in international law.

He did not think it appropriate to enter into the debate as to whether there is any distinction between teaching international law to lawyers and teaching the subject to those in a liberal education, since the legal education in Japan is not necessarily a professional course like that in the United States.

Professor T. Nadaraja explained that the teaching of international law and relations was in its infancy in Ceylon. The former was taught at the University of Ceylon and at the Law College. At the Law College, which does not award degrees, the teaching is done on a very general basis. But at the University, international law is increasing in importance, although it still remains an optional subject. International law is not taught outside the Department of Law.

Dr. Sompong Suchritkul, while agreeing with Professor McDoughl that the international law that is taught to lawyers and non-lawyers must be the same, felt that there could be different views regarding the purpose of the teaching. He then referred to his own country where in Thamassat University the subject was taught in both the political science and the law departments. Moreover, at Chulalongkorn University, the courses were merged for lawyers and non-lawyers. In Thailand the mere fact that a student has passed the course does not itself qualify him as an international law expert. In teaching international law it is important that the students realize the

developing nature of international law: that it is not static, that it is being constantly developed and that the students may one day play a part in its development.

Professor Boutros Boutros-Ghali agreed with Professor McDougal that international law should be taught as international law regardless of whether the students were students of law or of a liberal arts education. He even felt that students pursuing a liberal arts education had a broader approach to solving problems, and more often than not they were able to think better.

Dr. Ruda explained the Latin American approach. The approach appeared to be strictly professional. International law is taught in law schools, though in certain areas it might be taught in other schools. International law is taught as law and the approach depends very much on who teaches it.

Inche Mohamed Salleh bin Abbas felt that international law should properly be taught in a law school. This does not mean it cannot be taught to non-lawyers.

Dr. Murty and Professor T. S. Rama Rao outlined the status of teaching the subject in India. In India international law is taught in law courses at both LL.B. and LL.M. levels, and is also offered to students at the M.A. level.

Professor Green felt that the Roundtable might also consider whether international law should be taught as a compulsory subject for students working toward law degrees. In his opinion, international law should be made compulsory especially in developing countries.

### Third Session

Tuesday, 14 January, 9:25 AM

Agenda item 1--continued.

### Doan Santos in the Chair

The Chairman invited participants to continue the discussion on this item.



Professor Naderia said that it appears that one important problem that ought to be discussed is the language problem obtaining in these Asian countries that have recently become independent. For example in Ceylon, there is an absence of materials in the subject in the national languages and consequently the methods and quality of teaching will be affected, when teaching in the national languages is attempted.

Miss Khur'sid Hasan said that as a result of using Urdu, Pakistan is faced with the same problem. She agreed that it is a pertinent consideration. Lack of materials in the local language of instruction narrowed the scope of teaching.

Dr. Sugharitkul said that in Thailand the problem is the reverse. For a very long time instruction has been in the local language, and students are not expected to study texts in foreign languages. Recently, English has been introduced in postgraduate courses, and the problem has been the adaptation of the students to this.

Professor Meray noted that the problem is not altogether absent in Turkey. He felt it was the duty of international lawyers to deal with this problem of language since it was connected with the effectiveness of teaching.

Professor Oda said that in Japan international law is taught in Japanese. However we find no difficulty due to this, for there are sufficient texts, compilation of treaties etc. in our own language. Students, however, are expected to read English, or some other Western languages so that they will have no great problems in checking with primary sources should they want to do so.

Professor Boutros-Ghali said that in Egypt international law is taught in Arabic. There are several textbooks. No particular difficulty has been encountered in translating terms and concepts.

Professor Green observed that in Singapore, the local national language has only recently become "established." There are no books



in the local language, and international law is still taught in English. Since the students' mother tongues are Malay, Chinese or Tamil, they are in fact being taught in a foreign language. We must, therefore, distinguish between countries in which the local language has been the medium of instruction for a long time and those in which the change is now being introduced. In the latter it would be more difficult.

Inche Mohammed Salleh explained the Malaysian Government's policy. Although the national language will be developed, English will be retained and will appear alongside the national language; so that when students reach the university level, they will have no difficulty in reading English texts. The problems of translating concepts and terms in international law into the national language are not insurmountable.

Miss Hasan said that in Pakistan English was to be used as a second language, for there were distinct advantages.

The Chairman wanted to know if there were further views to be expressed on the contrasting positions taken by Professor McDougal and Professor Green on the approach to, and the scope and content of, international law courses.

Professor Green suggested that the differences in the two approaches were partly the terminology used and partly the areas that were involved not only geographic, but also the nature of the students. Our students, he said, are much younger than those at Yale and the approach that Professor McDougal may take with his students may not be workable here. Furthermore we are teaching international law as an optional subject in the LL.B. course, and students have to give it an equal weight with their other subjects. We therefore have to work out a curriculum to suit the circumstances. In such circumstances it becomes necessary to treat certain topics, e.g. private international law, as a separate branch of legal studies. Professor McDougal, on

the other hand, thinks that international law should be looked at as a whole.

Professor McDougal differed with the position taken by Professor Green for more profound reasons. Every teacher must aspire to educate the students on the whole process of authoritative decision (including both public and private international law) which transcends state lines, and the teacher's understanding of any part of international law is a function of his understanding of the whole. Surely if the student is not given a comprehensive perspective of the whole process then he is being miseducated.

Mr. Finkelstein asked, if that is true of international law, then must the same not be so of other branches of law?

Professor McDougal's answer was that any branch of law must be located in the context of which it is a part. With international law, we start with events having impact across state lines and deal with all the various factors involved, including responses in authoritative decisions.

Professor Sucharitkul commented that in his view there was no real difference between Professor Green's and Professor McDougal's positions. The important thing to bear in mind is that in planning the content of his course the teacher is influenced by the situation existing in his country. Therefore the substance of courses may differ.

Professor Meray said that actually, if we agree completely with the position taken by Professor McDougal, then we will not only have to change our international law curriculum but even our law courses. Professor McDougal's approach maybe ideal, but to adopt it means that we will have to start from scratch, and there may be special problems in some countries. There is, on the other hand, a time problem: it is not possible to devote time to all subjects, and hence some topics have to be dropped. The difference, as he saw it,



was not on the approach (on which there seemed to be agreement) but on content.

Professor Deak intervened to inquire whether the Roundtable was not going off at a tangent instead of adhering to the objectives stated in the agenda. The most important matter to be discussed was not what was international law, but the ways and means of improving or attempting to improve the teaching of international law and relations in the Asian countries. It was recognized that the state of teaching of these subjects in many Asian countries because of several problems, required urgent improvement. The Roundtable should, therefore, pay particular attention to tackling the problems so that agreement might be obtained on some feasible solutions that would benefit the countries in the circumstances prevailing today. The discussion on ideals were interesting and useful, but discussion should also be on realistic lines.

Mr. Finkelstein also felt that the meeting should discuss the practical problems, though the discussion so far had not been irrelevant.

Professor Feliciano wished to consider the best means of bringing to the attention of students the impact of non-normative factors upon international law. It seemed to him that teachers seeking to make students appreciate the role of such factors would be faced with certain difficulties, especially in countries where the law degree was a first degree. He requested clarification of the objectives and methods used in Professor Green's course on "Current Problems of International Law and Relations" and wished to pose the question of whether courses like this were the most effective and economical device for bringing home to students the significance of non-normative elements in the shaping of international law. He wondered whether students should not be required to have spent a certain number of years in the University before taking up international law.

Professor Green attempted a clarification. Much of the traditional discussion in international law (monism or dualism, or constitutive contrasted with declaratory theories on recognition) becomes unnecessary in emerging countries. The more alive we can make the subject and the more we can fit it into the student's role as citizen, the more useful will be the work we are doing. This is done in the current problems classes at Singapore where the student is required to apply what he has learned to specific problems--events occurring across state lines within the recent days or weeks. At the same time, by dealing with both international law and international relations in this way it was possible to make the student appreciate the practical significance of international law in so far as political realities were concerned. Moreover, he did not see why teachers should wait until students had finished three or four years at the university. By that time they would be concerned with research and more specialized problems.

Dr. Ruda said that the role of the international law teacher should be, first and foremost, to mould lawyers. As to the type and relevance of materials used for instruction, he said that in Latin America students are required to take philosophy of law as a subject before taking international law. The philosophical approach is vital to instil in the students a way of thinking in legal terms when he does international law.

The Chairman asked whether international law should be taught in a law school or in some other school?

Professor Oda said that this is not a real problem in Japan, for the law school generally includes the political science department, and most students take courses on both law and political science.

Professor Moray believed that to teach international law there was no doubt that it had to be taught in a law school. The question is, apart from the law school, should it in addition be taught in other



schools as well? In Turkey it is taught in the Political Science School as well.

Professor Oda felt it was not necessary to answer the question whether international law school be made compulsory, for it all depended on the purpose of legal education in each country.

#### Fourth Session

Tuesday, January 14, 1964, 11:20 and 2:30 PM

Agenda Item 2.

#### THE AVAILABILITY OF MATERIALS IN INTERNATIONAL LAW

Professor Suk Perunavin in the Chair

The Chairman in his introductory remarks emphasized the importance of this item of the agenda.

The study of international law (and, generally, of international affairs) in many parts of South and Southeast Asia is a comparatively recent development. Many of the universities do not possess adequate libraries. Funds available for enlarging libraries and library facilities are too limited to permit duplication from centre to centre. The Roundtable might, therefore, consider the usefulness of a project aiming at the compilation of a catalogue of the materials available in each of the participating countries and to investigate the possibilities of interchange and other cooperative arrangements.

A consideration of the use of primary sources of international law as distinguished from secondary or subsidiary sources such as treatises and textbooks also appears to be desirable. Primary sources, as generally understood, comprise treaties, the decisions and advisory opinions of the International Court of Justice and other international tribunals, generally accepted principles of international law (customary law), the interpretation and application of international law by national courts, and official government positions on questions of international law. In this connection the Roundtable may wish to explore the feasibility of promoting the publication of individual or cooperative compilations of state practice.

Professor Green outlined the situation in Singapore where the Law School has a librarian who is a barrister who is also trained as a librarian. The then Dean of the Faculty and the librarian had the foresight to order basic international law texts even before the course was taught. There is a reasonably complete library of basic English texts, current literature, yearbooks, journals, etc. Relevant material is ordered even if there is no immediate need. The library is handicapped however, because Singapore is too far away from the secondhand book centres; furthermore there is the problem of accessibility to United Nations materials which are not only greatly delayed, but also expensive to purchase. Students therefore lack much of the raw materials. In this region, what is important and necessary, is that countries should not set out to buy reference material that is easily available in neighboring countries. Of course each country must have a library of the fundamental and basic materials. Apart from this, however, duplication should be avoided as far as possible.

Professor Sucharitkul said that Professor Green's analysis is true of many other countries including Thailand which is further handicapped because only a few students understand any of the available sources in English or French. There are some text books, but primary source materials are heavily lacking.

Professor Feliciano noted that the common inadequacy of libraries in this region (of Southeast Asia) requires that in each country at least basic international law libraries be established. At the same time, he wished to join in Professor Green's suggestion that it may be useful to consider whether one center should be established for this region with facilities for lending and exchange of materials which are difficult to obtain within each country.



Dr. Ruda explained that there was such an institution in Latin America which serves as a centre for international documentation. It has an excellent librarian who compiles materials from various states in the region, which are then made available to requesting institutions. He wondered if the establishment of an analogous body in this region might not solve some of the problems experienced in this respect.

Professor Kim also advocated a system of loans and interchanges. This is important, for some countries had documentation that is difficult to get in other countries.

Professor Nadaraja said that before initiating such an interchange, one must know exactly what materials are available in each country.

Professor Shigejiro Tabata commented that most countries in the region do not possess adequate libraries, and the problem is how to remedy the situation. This Roundtable is made up of private persons who are not in a governmental capacity, and any suggestions should not involve much expenditure. He also advocated a system of loans and exchange, and wished to put forward some concrete and constructive proposals:

- (a) There should be an interchange of law magazines published by academic legal organizations in each country;
- (b) There should be an interchange of articles by the participants at this Roundtable.

Professor Mera said that in Turkey the situation was not too bad:— Turkey has the basic textbooks, but lacks some of the classics. He supported the essence of Professor Tabata's proposals and also supported Professor Green's suggestion of compiling a catalogue of available materials which would at least inform countries as to what exists in other countries. He felt that the United Nations without difficulty could aid the countries by providing law schools with sets of United Nations documents.

Dr. Ruda said that in regard to United Nations documentation, in addition to providing its publications the Organization should also provide a catalogue. This would to some extent solve the lack of indices. He also said that Latin America had books, but lacked good librarians.

Professor Green reported to the Roundtable that Singapore has received a grant making possible a course on law librarianship in the near future.

Dr. Ruda suggested that paperback editions of books such as Brierly's Law of Nations, Oxford, 1958, should be made more universal, for they really benefit students.

Meeting adjourned for lunch and resumed at 2:30 PM

Agenda item 2 continued (Availability of materials in International Law)

Professor Deak said that the problem of library inadequacies cannot be solved by relying on American foundations to provide funds or to donate libraries. Not only would the equipping of a basic library in a great number of countries come to an astronomical figure, but the needs of different countries varied. Second, libraries were not made up merely of books. Current periodicals are of vital importance to any good international law library. Furthermore libraries must not only maintain these materials but keep them up-to-date. Third, UNESCO should be able to help to solve some of the problems, e.g. providing machines to reproduce rare and inaccessible texts. A survey should be done to assess how best UNESCO could assist. It has been said that the U.S.S.R. and the United States are opposed to such proposals. But they and other states will be less opposed if this group submits concrete and practical proposals to UNESCO, that is, proposals which are feasible. This would convince the countries that they were spending funds on a project that would benefit this region from a practical viewpoint.



Dr. Ruda said it was true that the United States expressed willingness to consider increases in the United Nations budget only if there are concrete and definitive programmes of technical assistance in international law. The Soviet Union, however, simply maintains that it will only consider technical assistance for economic development in this region.

Professor Meray explained that in Turkey opportunities exist not only for buying books, but also for publishing books and other materials by local university staff members; Universities' budgets have special items for this purpose. Surely it is the duty of teachers to supply certain materials for this would solve problems of expense as well as of language.

Professor Green explained the position of the University of Malaya Press which serves both the University of Singapore and the University of Malaya. It has a concrete programme of work in this area. The problem is, however, that international law is not confined in scope geographically, and therefore teachers do tend to use or refer to books that are produced elsewhere and are likely to prefer the services of well-established, internationally recognized law publishers.

Dean Santos said that at the University of the Philippines they have the basic treatises and casebooks but the problem is the dearth of primary sources and supplementary materials.

Professor Boutros-Ghali pointed out that the discussion seemed somewhat one sided i.e. it only considered employing western books for this region. It is equally important that books published in Asian and African countries should be sent to western countries under a system of exchange.

Professor Oda's comment on this was that in Japan books are in the Japanese language, and translation problems are real. How can they

benefit other countries? On problems in Japan: the trouble lies in the postgraduate courses where often books in English or French are used. The University budget is limited and also the student cannot afford to buy copies of books.

Mr. Philip F. Cohen of Oceana Publications said that it is true that prices of international law publications are high, but the important point to note is that the price is determined by the market, which included, inter alia, persons like the participants. Publishers can, of course, bring the price down, but there must be a corresponding increase in distribution to make this practical. An increase in distribution depended solely on teachers, scholars, etc.

Mr. Finkelstein did not think it mattered whether Asian publications being sent to Western countries were in the local languages. There would be someone (for example, in the United States) who will be able to read it albeit they may be specialists. The solution might be to produce abstracts of these materials in English or French.

Mr. Finkelstein also referred to the Indonesian Government's practice of subsidizing the purchase of books. Such a system was most welcome, especially by students.

Professor Feliciano suggested that a beginning be made by formulating an arrangement now as to exchange of publications. Probably the simplest arrangement would be for each of the participants at this Roundtable to include in the mailing lists of the institution he or she respectively represents the names of the other institutions represented here.

Mr. Finkelstein thought it should be broader and should include institutions not represented here, since only a few institutions in each country are represented here.

Dr. Ruda outlined the kind of cooperation existing between states in Latin America. The Inter-American Institute of International Law be-



came defunct around 1930. Now, however, as a result of a Roundtable of Western Hemisphere International Law Scholars, sponsored by the Carnegie Endowment, the Inter-American Institute of International Legal Studies has been established; it serves as a useful basis of cooperation. He also referred to a useful Spanish publication, entitled Reference Materials for Teaching of International Law and Related Subjects, which contains a list of all Latin American journals. This demonstrated the usefulness of a centralized institution.

Professor Feliciano suggested that, for the purpose of implementing Professor Tabata's proposals on exchange of literature, the meeting should get down to establishing a list of participants and the institutions or centers they represented.

Professor Sucharitkul suggested that this could be left to bilateral arrangements.

Dean Santos thought that discussions so far had contemplated more than bilateral arrangements. In fact there seemed to be a need for establishing a standing body or committee.

Miss Hasan suggested the establishment, or consideration of the establishment, of a regional body, for example an Asian International Law Association or Asian Institute of International Legal Studies, to handle these matters.

Professor Nadaraja felt that this would take too much time. A more practical step was likely to be that suggested by Professor Feliciano.

Professor Oda said that he and Professor Tabata do not represent all the institutions in Japan, but it is necessary to come to some sort of agreement at this meeting; so they were prepared to agree to tentative conclusions.

(NOTE: At this stage each participant gave an account of the institutions in his country and the journals published by them. The details will be included in the replies to the questionnaires that are to be circulated.)

Professor Green explained that in Malaysia, there is a local branch of the International Commission of Jurists and also a Singapore Institute of International Affairs. As far as publications are concerned, there is the Malayan Law Journal which contain the local law reports and also publishes articles. Then there is the Malaya Law Review of the Law Faculty which does occasionally have international law articles. On Miss Hasan's suggestion of a regional institution, he suggested caution. The institutions, from which the participants who were attending the Roundtable in their personal capacities have come, have financial problems as well as, possibly, policy issues.

Professor Deak commented upon Professor Green's remarks. The real issues is: What are the participants going to do after the Roundtable ends? At the Costa Rican Roundtable, for example, though the scholars did not represent all the institutions in their states, they assumed a vigorous role when they went back to their respective countries. This shows that when important ideas are conceived, participants must be prepared to make them realities.

Mr. Francis A. Trindade said that in view of the fact that there had been general agreement on exchange of materials, he wished to put forward concrete proposals at two levels: the level of participants at the Roundtable and the level of institutions of countries not represented:

Participants at Roundtable. Each participant (1) to send within six months a list of all primary and secondary sources available in the University (ies) in his country; (2) to send within one month a list of local publications for Western Institutions; (3) to list immediately the names of participants on the mailing list of the institutions and journals in their countries.

Institutions of countries not represented at Roundtable. These institutions should be informed of sentiments expressed at this meeting and their cooperation sought.



The Chairman invited comments on Mr. Trindado's proposals.

Professor Feliciano requested clarification as to who shall be responsible for compilation of the lists, that is, to whom these lists are to be sent. He also raised the question of the financing of this undertaking.

Mr. Trindade answered that maybe Dean Santos or someone else at the meeting could undertake to receive and compile the lists. As far as finance was concerned, perhaps the Carnegie Endowment could help.

Professor Deak speaking for the Carnegie Endowment said that it might be able to assist the publication of the proceedings of the Roundtable. Apart from that, not only would it be unlikely that funds could be obtained, but it would definitely be inappropriate for the Endowment to serve as an "agency" for the countries in this region in such a cooperative arrangement.

Reservations on the proposals in questions were expressed by Professors Sucharitkul, Oda and Green. They wished to see the proposals in writing. Furthermore, they maintained participants were there in a personal capacity, and did not even represent all institutions in their countries. Since agreement on the proposals might require some sort of commitment on the part of participants, Professor Green was unable to accept responsibility without consulting the Dean of the Faculty of Law.

The opinion of Dean Santos, Dr. Rao and Dr. Murty was that proposals are the natural outcome of discussion. There can be no question of commitment, since all that participants are being asked to do is to compile lists.

Dean Santos did not think that finance would amount to a great figure. Thus, since no one else indicated a desire to undertake the task, he was willing to assume responsibility for receiving and dispatching the lists.

Mr. Trindado said that since the Roundtable had agreed that there should be an interchange and exchange of publications, it must at least proceed to establish some concrete basis of initiating such cooperation.

Professor Deak brought to the Roundtable's attention the wordings of the agenda "to consider the usefulness of a project aiming at a compilation" of a catalogue. Nowhere in the agenda is there indicated that there should be any commitment on the part of participants.

Mr. Finkelstein and Professor Green felt the best solution was to appoint a small committee to get together and discuss the proposals of Mr. Trindado, and to reword them in a form that would be acceptable to the Roundtable. Mr. Trindado should put his proposals into writing.

(The Roundtable agreed to the above solution and appointed the Committee: Dean Abad Santos, Chairman, Dr. Murty, Professor Green, Professor Oda. The Committee was to discuss and to make its report the next morning. In the meantime discussion of this item was suspended.)

#### Fifth Session

Wednesday, January 15, 1964, 10:10 AM

#### Agenda Item 3

#### THE PLACE OF INTERNATIONAL LAW IN THE STUDY OF INTERNATIONAL AFFAIRS

Professor Kim Myung-Whai in the Chair

The Chairman introduced this item of the Agenda:

A vitally important question is the proper relationship of international law to kindred subjects such as international organizations, foreign policy, and diplomacy, economics and other social sciences. Therefore the Roundtable should examine carefully the place of international law in the range of related disciplines and should seek a balanced coordination among them. Some of the questions that may be explored are: is international law taught in isolation bound to be a sterile subject? should it be treated in the broader context of international relations and considered not as an end in itself, but rather as an important tool for the conduct of foreign affairs? There should also be



borne in mind the position of international law in the general scheme of studies in this area.

Miss Hasan said that in Asian countries, where needs of the state for trained personnel in foreign service, etc. were great, the place of international law should more properly be in international relations and affairs. International law should also insist on the importance of various other disciplines.

Professor Meray believed the question, essentially, was whether international law was bound to be a sterile subject if taught in isolation from related disciplines. You cannot teach international law in isolation (unless perhaps as a pure theoretical science), and it becomes necessary to take into account various other disciplines. The student simply cannot appreciate the interpenetration of these disciplines unless he is made aware of them. In Turkey, the aim of Law Schools and the School of Political Science is that when the student graduates, he has a broader approach to problems. International law should not be, and cannot be taught in isolation. In every curriculum attention should be paid to interrelated subjects.

Dr. Sucharitkul thought there were two facets of the question: first, the place of international law in related subjects, and second, the relation of other disciplines to the teaching of international law. As to the first aspect, in Thailand international law was at first taught only in the Law Faculty; but later it was taught in other departments. For instance, the law on international waters is taught in international commerce and international business transactions classes. Thus, international law has not only a place in law but in other affiliated subjects. As to the second aspect, it is essential for the professional international lawyer to have a basic minimum knowledge of other fields, and it would not be sufficient to have knowledge of law per se.

Mr. Finkelstein expressed the opinion that there could be situations where the teaching of international law takes place only in the context of the law school, where for instance, facilities for other social sciences are non-existent. Here you cannot but help teach international law in isolation. How is the problem to be solved?

Professor Nadaraja said that the situation in Ceylon is exactly what Mr. Finkelstein has contemplated. International law is taught only in the law school; furthermore it is an optional subject. It is difficult therefore to bring about any correlation with other subjects.

Inche Mohammed Salleh felt there was general agreement as to the correlation between international law and international relations. Where it is to be taught would depend primarily on the purpose of the teaching. If the object is professional, then it is clear that international law should not be taught in isolation.

Dr. Ruda wished to distinguish between international lawyers and such careers as diplomats. The first thing that international lawyers must know is international law. After that, they must know other things, e.g. municipal law, economics, foreign policy. And the only place to teach the subject is in a graduate course. This is so in Latin American where it takes six years to become an international lawyer. For diplomats, however, international law should be one of the subjects. It is dangerous to say that international lawyers are diplomats. Thus, the emphasis depends on careers.

Professor Feliciano observed that Dr. Finkelstein had raised an important question calling attention to a real difficulty. This difficulty underscored the importance of the teacher having and working from a comprehensive organizing theory about international law that will permit him, for the benefit of students, to relate international law to allied social sciences and to bring to bear the insights and findings of these sciences.



Dr. F.K.M.A. Munir explained that in Pakistan there is hardly any correlation between teaching in international law with that in other departments. But in Pakistan, international law is taught in international relations and if the student joins the LL.B. course he already has some knowledge in international law.

Professor Boutros-Ghali said that in Cairo, international law is taught in both political science and the law departments. International relations is also taught because it is felt necessary to provide students with background knowledge. Lack of background makes the teaching of international law too dogmatic.

Professor Ota said that in Japan the teaching of international affairs and international relations has a comparatively recent history, it was not emphasized and there were only a small number of teachers as compared with teachers of international law. It gained increased importance only after the war, probably due to the American influence.

Professor McDougal's position on this question derives from close collaboration with experts in other fields. Its complete exposition would mean raising some of the problems already discussed under Item One of the Agenda. To his mind question in Item Three has been improperly formulated "...the proper relationship of international law to kindred subject...should it be taught in isolation...or in the broader context of international relations". Such formulation is grievous understatement. International law and international relations are the same and not kindred subjects. All international law is international relations, but not all international relations constitute international law. The international relations comprised by decisions taken in accordance with perspectives of authority are international law; unfortunately, however, too many relations are still determined by naked power and not by perspectives of authority.

The primary purpose of international law is to clarify common

interests of peoples about particular problems. If Professor McDougal were to discuss this problem, he would not start with such a formulation as given to us. If we reformulate the problem, then the relevant questions to be asked are: -

- a) What are the important problems of international law? What are the disciplines and norms needed for their solution in terms of common interest?
- b) How do we categorize specific problems and what skills do we need for inquiry?
- c) How are we best able to transmit the results of inquiry i.e. perform the teaching function?
- d) We have also to determine our standpoint: to decide who we are and whom we address.

Professor McDougal said that in order not to take up too much time he would refer participants to his article "Some basic theoretical concepts about international law: a policy-oriented framework of inquiry" in CONFLICT RESOLUTION Vol. IV No. 3 Sept. 1960 p. 337.

For establishing the observational standpoint, that of the non-participant observer requiring distinctive theory and techniques, all science - even physical science - was of course relevant. If it were agreed that international law is a process of clarifying common interests, there arises the problem of categorization of particular problems to facilitate such clarification. In this, the social sciences come especially into play - such as political science for describing power processes, economics for describing wealth processes, sociology for describing respect processes, and so on.

Turning to performance of particular skills these of the historian or cultural anthropologist and other social scientists come into prominence for a description of the past. Then, when we wish to account for this past, it becomes necessary to look to other sciences, such as psychology or psychiatry. Then again, when one seeks to predict one cannot simply extrapolate the past into the future, for one cannot



assume that the conditions are going to be the same; a scientific study is therefore necessary to ascertain the probable conditions that will obtain in the future. The invention of new alternatives in policy and procedure quite obviously requires many different kinds of knowledge.

To summarize: there is a point of diminishing returns to an abstract discussion of what contribution economics and other subjects can make to international law. To make use of the knowledge of other disciplines, the problems and tasks must be specified and the knowledge must be integrated. An empirical inquiry into the past alone may not be enough; it may be necessary to work together with philosophers, anthropologists, military men etc., pooling their knowledge in the wise formulation of future policy. International lawyers cannot contribute to the modern world if they continue to teach international law by ignoring the context in which the work i.e. the relation between authority and control which necessary includes the study of many other disciplines.

Professor Meray asked about the teaching at an under-graduate level where there may be a lack of other disciplines.

Professor McDougal answered that was why he distinguished between teaching and inquiry. Most of his earlier remarks concerned inquiry. As far as teaching is concerned, one must do the best one can. The teacher can see that he at least asks the students the correct questions so that they do not get steeped with a dogmatic approach. Teaching must be done in perspectives that are realistic.

At this point the Roundtable resumed discussion of the Agenda item 2 (Availability of Materials in International Law)

Dean Santos chairman of the special Committee made his report to the Roundtable and presented the Memorandum on Ways and Means of Making

Available Materials in International Law, which was the Committee's adaptation of Mr. Trindade's proposals.

Dr. Murty noted from the Memorandum that Dean Santos was to be responsible for the compilation. Without casting any reflection on Dean Santos' ability, he felt, however, that it was better to establish an institutional framework with duties as outlined in the Memorandum and, in addition, to compile state practice etc. He still felt that Dean Santos should head this institutional framework. Dean Santos himself had no objections to Dr. Murty's proposals for a standing committee nor to heading it. He called for opinions from other participants. There being no objections, he assumed that the proposal was accepted. Dean Santos then called upon Dr. Murty to put his proposal in writing and to work it into the Memorandum already before the Roundtable. In the meantime he invited nomination for the Committee. Dean Santos was nominated Chairman, Dr. Murty, Professor Green, Professor Kim and Professor Oda were nominated for the Committee. Dean Santos then suggested that the final text of the Memorandum, including Dr. Murty's proposals, should be submitted to the Roundtable the next day in the form of a draft resolution.

#### Sixth Session

Thursday, January 16, 1964, 9:50 AM

Agenda item 4

#### CAREERS FOR INTERNATIONAL LAW EXPERTS

Dr. Jose M. Ruda in the Chair

The Chairman read out the item for discussion:

The question to be considered is what opportunities are available for people trained in international law and relations. Careful analysis of this important problem may affect the scope and content of courses to be offered; it may also help to stimulate greater interest in these subjects. It requires examination of the relation of international law to the conduct of foreign



policy, the role of international law in commerce and the place of international law experts in government offices and business enterprises.

Dr. Sucharitkul mentioned that there are many opportunities for people trained in international law, for example, various government departments, foreign service, advisers to governments, and the academic field. As far as the relation of international law to the conduct of foreign policy is concerned, if international law is to develop satisfactorily, there must be sufficient emphasis on various other factors. Otherwise, it will continue to be branded as primitive law. It is up to the international lawyers to identify their common interest.

Miss Hasan said there are few openings for people trained in this subject in Pakistan. Even in the foreign service no premium is placed on persons specially trained in this field. Obviously, therefore, there is no much demand in the academic or teaching world. This, to Miss Hasan, was an important problem, for the lack of opportunities is a serious deterrent to increasing the interest among students in international law and is an obstacle to the planning and expansion of international law courses.

The Chairman urged that the opportunities in the international civil service must not be forgotten. How many of the posts in the international civil service are in fact filled by those from newly emerging states? Very few. So there are opportunities here, but there are no trained personnel (e.g. Africa).

Mr. Finkelstein thought it might be useful, for the purpose of the discussion, to determine who international lawyers are and whether there are many in this region.

Professor Boutros-Ghali said that in the United Arab Republic, from among the students studying international law, only a few find

opportunities that require the application of their skill. The foreign service takes only a very small number.

Dr. Rama Rao stated that career opportunities are also scarce in India for persons trained in international law. The legal and treaty section in the foreign service is already fully staffed, and the only other opportunities seem to be in teaching.

Professor McDougal suggested that it was pertinent to note that the responsibility of teachers does not stop at teaching students international law or molding them into international law specialists. They also have the duty, in the broader context of general education, of training students to be thinking citizens.

Dean Santos commented on the relation of international law to the conduct of foreign relations. In the Philippine foreign service, the Legal Affairs Division is staffed by persons having no special training in international law. Thus, when international legal problems arise they are referred to the Department of Justice which then does the work that, in fact, should be done by the foreign service. This is an undesirable state of affairs. The Government should recruit persons specially trained in international law.

Inohe Mohammed Salleh explained that in Malaysia for the judicial and legal service or the diplomatic service there is no necessity for any specialized training in international law. There is therefore no special demand in his country for persons specializing in this field.

Professor Nadaraja said that the position is no different in Pakistan from that in Ceylon. In the examinations for the foreign service in Ceylon, international law is not required though the possession of a qualification in the subject may be taken into consideration at the interview of candidates for selection to the service. Similarly in the Ministry of Defense and External Affairs, there are no special legal requirements for appointments. So far as teaching



careers are concerned, there are only 2 institutions where the subject is taught.

Professor Meray distinguished between persons trained in international law and those specializing in the subject. Because international law is a required subject in Turkey, every law student is trained to some extent in that subject. For admission into the foreign service the required subjects are not only international public and private law and diplomacy, but also foreign language, economics, international relations and civil law.

Professor Oda said that for diplomatic service in Japan, international law is one of several examination subjects. On the other hand, in the foreign service, there is no opportunity for a legal career. Indeed the treaties bureau is headed not by a lawyer but by a career diplomat who may be assigned to a diplomatic post after a few years' service. Even the legal section is staffed by career diplomats. Changes are being contemplated so as to recruit legally trained men.

Mr. Finkelstein asked whether universities did not have an important role in influencing the climate outside universities with respect to the employment of international law specialists, for example:

- a) to press governments to require international law as a prerequisite for entry into foreign service;
- b) To provide instruction in the field of private international transactions, e.g. trade and finance, with respect to which there are major innovations which bear on the ability of Asian countries to trade in order to convince governments and private enterprise that such competence is relevant to their needs;
- c) To conduct research as a contribution to the advancement of law.

He referred to the dual function of international lawyers: as lawyers advocating clients' interests and as jurists interpreting the law, and agreed that the emphasis should be on "common interest" features.

Regarding the problem of foreign service, the Carnegie Endowment had sponsored a study led by former Secretary of State, Christian Herter. The report entitled Personnel for the new Diplomacy had advocated making senior posts available to specialists of adequate quality. It is hoped to send participants copies of this report. Miss Hasan agreed that the university and its scholars had a definite role to play in society. In Pakistan, there is quite a close liaison between the Government and the universities. But, at the same time, the bureaucratic setup does not admit of changes easily, and so it will take some time.

The Chairman summarized the discussion so far: (1) international law should be required for selection of personnel for foreign service; (2) the university has a role to play in shaping the conduct of foreign affairs and relations.

In Latin America, there is very close cooperation between scholars and Government. In Argentina, for example, when reports of the International Law Commission are received, the Government asks professors to give their comments upon the legal aspects and this helps the Government in shaping its policies. This kind of cooperation is recent, it is not official, but it is working smoothly.

Professor Pablo Tanzi said he was very impressed by the system existing in Argentina. There should always be coordination between Government and university, but the initiative should always come from the universities.

Professor McDougal informed the Roundtable that there has been suggestion that we should setup a committee of the American Society of International Law to examine and comment upon international law problems and reports, such as those coming out of the International Law Commission without necessarily waiting for a request from the State Department.



Mr. Finkelstein agreed in general with the sentiments that had been expressed so far. He wished to point out incidentally that it was not true that the United States Department did not resort to outside help. Furthermore, one of the best ways scholars can bring their opinion to bear on governmental policy is to appear before congressional and other governmental committees.

Dean Santos' experiences in that direction have not been too fruitful. Although he has appeared before such committees, they pay only lip service to suggestions and proposals.

Agenda Item 5.

SPECIAL PROBLEMS--ATTITUDES TOWARDS INTERNATIONAL LAW, SPECIAL  
REGIONAL INTERESTS

The Chairman read out item 5 of the agenda:

Special Problems.

- (a) Attitudes toward international law. The Roundtable may usefully inquire whether there is solid foundation for the claim frequently advanced that the needs of the newly independent countries require an entirely new approach to international law. The question is whether international law, as it has been known to date, is, in fact, of limited usefulness due to its Western origins; and whether there are special problems peculiar to the new countries--especially those in South and Southeast Asia--which require revision or adjustment of international law principles.
- (b) Special regional interests. In view of the political and economic significance of the region, the Roundtable should examine the advisability of establishing special courses or seminars (as distinct from the traditional general international law course) devoted to particular problems of current significance to Asian countries. The Law of the Sea, Economic Development, Foreign Investments, Control over Natural Resources and Regional Economic Associations appears to be some of the topics which might be subjects of constructive analysis by the Roundtable.

Professor Feliciano commented that he personally was somewhat skeptical of broad assertions about the existence of a Western International Law or a Soviet system of International Law or a peculiarly Asian conception of International Law. The reference of such assertions was not always clear, which assertions probably reflected certain private conceptions about the legal processes we call international law. To the extent that these claims referred to assumed national or regional uniformities (or differences) of interpretation and application of the same general normative propositions, the validity of such assertions was obviously a matter for empirical investigation. Upon the other hand, there may indeed be problems of special importance to countries in this (Southeast Asia) region---for instance: Countries here are by and large capital-hungry. They need large injections of outside capital to accelerate domestic processes of capital formation and economic development. At the same time, there are strong nationalistic demands for subjecting in-coming investments to control and regulation by recipient countries. The question of recognition may perhaps also be considered a specially important problem in this region.

Professor Boutros-Ghali felt that the claim that new countries have a new approach to international law is exaggerated. For example during the various African Conferences African States in their attitude towards International Law showed that they are traditionalists. It appears that Western Scholars are more enthusiastic to see a "new approach" on the part of the Afro-Asians than the Afro-Asians themselves.

Professor Tanco explained that in the Philippines, interest was centered on dealing with special problems. Perhaps one might say that this is a new approach. At the University of Santo Tomas, since the orientation is European, there is more concern about



theories and abstract matters. The University of the Philippines on the other hand is more interested in concrete problems. Thus while it has been easy to adopt the Western approach, the new approach is one that is more pragmatic.

Dr. Rama Rao suggested that there are areas where the traditional rules of international law cannot stand such as colonialism, racialism or expropriation. This was elaborated on at a meeting at Addis Ababa; the African states seemed to express the view that the traditional norms of international law on sovereignty or non-intervention cannot be applicable where there are still states experiencing racial inequality (e.g. South Africa). The African view appears to be more extreme than the Asian view. Apart from those spheres, the countries in this region adhere to traditional international law. He also pointed out that India recognizes that full compensation should be paid for the expropriation of foreign property, though in the United States the Court of Appeals was hesitant in stating that international law required full compensation.

Dr. Sucharitkul commented that in his opinion, the entire discussion had started on the wrong footing. It has been said there was the old approach and new approach. What was the "old" approach? International law has never been static; it has always been constantly changing, and if we find that there are changes today it is not something unique or alarming. Therefore, there is no such thing as a new approach, there is merely a balancing of new conflicting interests. To say that there is a new approach assumes that international law does not admit of change.

Professor McDougal agreed wholeheartedly with the views expressed by Dr. Sucharitkul. There is a misunderstanding of the whole process of international law, and, as he had said earlier at this Roundtable, international law is not merely a set of inherited

principles and past decisions, but a process of contemporaneous decision in which all peoples participate and which is affected by many variables other than past principles and decisions.

He hoped the Roundtable will reject any false notion that it is serving only special and parochial interests. Our purpose must be, as international lawyers and scholars, to clarify the common interests of our various countries. Those who assert there is need for a completely new approach are, in fact, trying to undercut this process of clarification and to reject all past experience.

It is known, for example, that the Soviet Union in its projection of principles of alleged "peaceful coexistence" is employing entirely new formulations of many traditional concepts, such as aggression, sovereignty, equality, and so on, to suit its own purposes. Surely there is nothing in the traditional processes of international law so inimical to the clarification of common interests. Professor Tabata felt that most of the traditional rules of international law should be adopted; however, there were several instances where the traditional principles of international law had to be questioned. For example, traditional international law on expropriation of foreign property requires adequate (i.e. market value), prompt and effective compensation. But it is dubious if this rule should be applied in any case without regard to the difference between the so-called individual and general expropriation. In many of the developing countries, for purposes of economic development it would be necessary to carry out vast nationalization schemes. If the traditional international law just mentioned was to be applied, it would make it impossible for those countries to nationalize at all. Inche Mohammed Salleh felt that those who preached a "new approach" were motivated by political considerations. If international law is



to be left to the politicians, it will only result in confusion. It should be left to those trained in international law.

Professor Kim supported the "common interest" approach to international law which, by its very nature, rebutted the claim to a special new international law.

Professor Deak informed the Roundtable that the Carnegie Endowment is planning to produce an International Manual on Public International Law. At the moment, ten distinguished international law scholars who represent different legal and cultural traditions on the world were working on this project under a Danish scholar as Editor-in-Chief. The scholars were from Egypt, France, India, Japan, Poland, Tanganyika, United Kingdom, United States, Uruguay and Yugoslavia. It is expected that the work of this group will result in an objective presentation of various attitudes toward and interpretations of international law in the contemporary world.

Professor Meray said this was a matter about which he wished to learn from representatives of the region. He was happy to see that the matter has been clarified to some extent, and it was encouraging to note that the claim to the so-called new approach was in fact exaggerated.

Miss Hasan pointed out that even in the Communist countries, there are many basic matters on which established international law principles are recognized, even though they pretend otherwise. One, therefore, should not get too excited about any changes that take place in international law.

Professor Nadaraja agreed with the sentiments expressed by Professor Feliciano and he emphasized that the common interest was more important than special interests.

Professor McDougal thought it would be useful, especially for western scholars, who often have Asian students, to know exactly what the

problems are which are of special interest to countries in this region.

The Chairman invited participants to identify such special problems; on the basis of their comments and the preceding discussion the following list of special problems was compiled:

- (a) expropriation of foreign property;
- (b) recognition;
- (c) use of oceans;
- (d) boundaries;
- (e) state succession;
- (f) human rights;
- (g) racialism, colonialism;
- (h) international adjudication;
- (i) international rivers;
- (j) armaments and the use of force and other coercive measures;
- (k) treatment given to different countries - most favoured nation concept.

#### Seventh (Closing) Session

Thursday, January 16, 1964, 1:30 PM

Dr. Ruda in the Chair.

The draft resolution on agenda item 2, which embodied the Committee's draft memorandum discussed at the Fourth Session and Dr. Murty's proposal was distributed and was accepted by the Roundtable without further discussion.\*

The Chairman said that since he was presiding at the closing session, it was his privilege speaking on behalf of all the participants and of himself to place on record his sincere appreciation to the Law Faculty of the University of Singapore and the Carnegie Endowment for having made this Roundtable possible.

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\* The text of the Resolution is reproduced in Chapter III, together with the questionnaire which is to be the basis from which information will be compiled from various institutions whether or not represented at the Roundtable.



Professor Feliciano echoing the Chairman's remarks, said that special thanks should go to Professor Leslie Green of the Law Faculty, University of Singapore who was instrumental in the organization of this Roundtable. Everybody regretted that he fell ill and was unable to attend the final sessions of the Roundtable. Professor Deak suggested that a report of the proceedings of this Roundtable be compiled and sent to all participants. Dean Santos had agreed most kindly to undertake the responsibility of compiling the report. The report would comprise:

1. A list of the participants and observers, with brief biographies.
2. The agenda.
3. The summary records of the discussions.
4. The background papers submitted by various participants.

As far as the summary records of the proceedings were concerned, these would be duplicated and sent by Dean Santos to all participants for their review. If no comments were received within one month, then Dean Santos would go ahead and include the summary records (with the corrections received) in the report.

Participants should as soon as possible indicate to Dean Santos how many copies of the report they required for use in their countries.

Having clarified these administrative arrangements, Professor Deak then said he wished to thank the Law Faculty in Singapore for providing all the organizational facilities, and in particular he wished to thank Professor Green. He extended thanks also to Mr. F. Trindade, Mr. Young, the Law Faculty Secretary, and the Rapporteur, Mr. S. Jayakumar.

ANNEX II  
BACKGROUND PAPERS

Afghanistan by M.M. Shafiq Kamawi, President, Department of Legislation, Ministry of Justice.

In Afghanistan we have only one school in the name of Faculty of Law and Political Science in the Kabul University where the International Law is taught. We teach two courses of International Law in this school. One in Public International Law and one in Private International Law. Then there is another course of Law of Diplomacy also taught in this school. They are all undergraduate courses covered in third and fourth year of the school. Together with this, matters related to the law of Afghanistan are also considered and taught. There is another course of Political History of Afghanistan where reference is made to the documents related to the International Law such as treaties, agreements and the like.

Since a part of the graduates of the Law school are working in the Ministry of Foreign Affairs it helps them in carrying out their tasks. A few students are sent abroad to receive further education in International law and to work as law teachers of International Law after they return from foreign. In addition the Ministry of Justice also employs a number of graduates from this school in its department of International Affairs.

Ceylon by T. Nadaraja, Professor of Law and Head of the Department of Law, University of Ceylon.

1. Institutions where the subject is taught.

Public International Law is taught in Ceylon at (a) the University of Ceylon, where it is an optional subject for the Final Examination in Laws which leads to the LL.B. (the first degree in Law) and is taught to students in



their third year, and (b) at the Ceylon Law College where it is a compulsory subject for the Preliminary Examination for students seeking to be admitted to the Bar as Advocates (Barristers) and is taught to such students in their first year of study.

2. Degrees for which the subject is available.

Public International Law is a subject for the LL.B. degree of the University of Ceylon and for the postgraduate degree of LL.M. The Ceylon Law College does not award degrees but gives those who pass its Final Examination the right to apply for admission to practice as Advocates.

3. Student numbers.

In the academic year 1963-64 12 students were reading Public International Law for the Final Examination in Laws for the LL.B. degree of the University of Ceylon, while 52 students were reading the subject for the Preliminary Examination of the Ceylon Law College.

4. Scope of course.

Some indication of the scope of the subject as taught at the University of Ceylon for the LL.B. and at the Ceylon College may be obtained from the following extracts from the "Calendars" of the two institutions:

University of Ceylon.

The law of peace. The settlement of disputes. International Organizations and institutions with special reference to the United Nations Organization. The law of war and neutrality in so far as they relate to the above topics.

Textbooks.

J.L. Brierly: Law of Nations (Oxford University Press)

J.G. Starke: An Introduction to International Law  
(Butterworth)

L. Oppenheim: International Law Vols. I & II (Longmans)

Reference.

H.W. Briggs: Law of Nations (Stevens)

L.C. Green: International Law through the Cases (Stevens)

Goodrich-Hambrø: The Charter of the United Nations  
(Stevens)

Hyde: International Law Vols. 1 - 3

Jessup: The Modern Law of Nations.

H. Schwarzenberger: A Manual of International Law (Stevens)

Ceylon Law College.

The law of peace including the law relating to International  
Institutions. The law of war. The law of neutrality.

Brierly: Law of Nations (An Introduction to the International  
Law of Peace);

Stark: Introduction to International Law.

Reference.

Oppenheim: International Law.

5. Student Attitudes.

Those students who choose Public International Law as a subject  
for the Final Examination for the LL.B. degree of the Univer-  
sity of Ceylon are keenly interested in the subject. It is  
difficult to say what the attitude of students at the Ceylon  
Law College is. But it is relevant to mention that there the  
lecturers are not full-time teachers, that the subject is  
covered in 45 lectures (less than half the number of lectures  
in which the subject is covered at the University), that at  
the examination no choice of questions is permitted and all  
the 10 questions set have to be answered in 3 hours, and that  
the library of the College is much smaller than the law library  
of the University of Ceylon.



6. Difficulties in teaching.

The main difficulty faced by those who have to teach Public International Law at the University of Ceylon is the lack of books and materials for developing good lecture courses. For example, the library does not possess the Annual Digests of International Law, the International Law Reports or the Pleadings, Documents, and Oral Arguments of Cases heard by the International Court of Justice, and nowhere in Ceylon are these available.

7. Desirable Improvements.

Improvements in the library are the most urgent need.

8. Careers.

In Ceylon the teaching of law was for over 90 years concentrated in a "professional" Law College directed by practising lawyers and the more liberal ideas associated with law teaching in a University law school (which was established only 15 years ago) have not had sufficient time to exercise any very considerable influence. Consequently law students in Ceylon tend to concentrate on "bread and butter" subjects likely to be of more direct use to them in day-to-day practice than Public International Law. However, the utility of the subject for persons seeking to join the Foreign Service of Ceylon or the Ministry of Defense and External Affairs has now been realized, though a qualification in the subject is not required for either purpose. Since International Law is taught only in two institutions in Ceylon, careers in teaching are very limited. This would also be true of careers in journalism.

India by (a) B.S. Murty, Professor of International Law and Head of the Department of Law, Andhra University. \*

Since Independence, International law has come to be widely studied in this country. Before that indeed a few universities offered instruction in this subject. In Punjab University for instance, even before 1930 Public International Law figured as an optional subject for the LL.B. degree, and in Lucknow, about that date, instruction was started in the subject for the M.A. in Political Science. Before Independence, in many universities the subject was studied at the LL.M. level. Since 1947, however, practically all the universities in the country have opened instruction in the subject at the LL.B. level and many of them for the M.A. in Political Science. In this paper it is proposed to take stock of the present situation regarding the teaching and research in the subject in this country and to discuss the ways and means of improving the situation. It is necessary in the process to clarify the goals or objectives that are to be sought, to appraise the existing situation in the light of the goals, and to indicate the steps that may be taken to attain the objectives. These tasks are attempted here.

In tune with the provisional agenda of the Seminar, attention will be focussed in this paper mainly on Public International Law. Private International Law will be referred to only as a subject related to Public International Law.

#### Section A. Teaching

##### The Goals

The goals that may be sought in teaching International Law may be stated to be the following: (1) To impart instruction in the subject as part of the programme of liberal education in the universities, in order to train the students for their future

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\*This paper was prepared in 1962 for a seminar at Bangalore on International Law.



role as enlightened citizens and opinion leaders in our democratic policy, in the present age when the internal affairs of nations have become so interlaced with international affairs that the line that separates them has become extremely tenuous; (2) to prepare the students to fill jobs, officials as well as non-official, in the performance of which skill and craftsmanship in International Law are required, including in this the training of students for the forensic practice of law; (3) to train them to develop into good teachers in the subject; and (4) to train them for research, expanding knowledge in the field and making significant contributions through their writings. It needs no mention that all those objectives cannot be given the same emphasis at all the levels of teaching. The emphasis has to vary according to the level of the course in which instruction is being given.

The Present Position Regarding Teaching:  
in our Universities and institutions.

International Law is at present taught in the universities in Law courses and in the M.A. in Political Science. In Calcutta it is also taught in the M.A. in History, and in Lucknow in a one year diploma course in Foreign Affairs and Diplomacy. In Utkal University, in the B.A. (Hons) also it is taught as an optional subject. Specialised schools such as the India School of International Studies are also teaching this subject.

Law Courses

Instruction in International Law is imparted in the Law courses at the Bachelor's and Master's level. At both the levels, legal education is not assumed to be training for forensic practice exclusively, but to be a combination of such training and the teaching of law regarded as a branch of human knowledge.

At the Bachelor's level, in about seventeen universities study

of Public International Law is compulsory, in eleven others it is optional and in three it is not taught at all. A few facts which indicate the place assigned to the subject in the curriculum at this level may be noted. These facts also indicate the level of sophistication likely to be attained by the student who passes through the course. Along with Public International Law, the student is required to study for from four to seven other examination papers, from six to ten other branches of law, during the year in which it is taught. In twenty-three universities a full paper is earmarked for Public International Law, whereas in six universities, Bombay, Calcutta, Gujarat, Baroda, Poona and Utkal, only a part of a 100 marks paper is earmarked. In Baroda, Calcutta and Gujarat, Public International Law is combined with Private International Law, in Bombay and Poona with Jurisprudence, and in Utkal, strongly, with the law of Torts. In some five universities instruction at this level is confined to the Law of Peace only. As for instruction in the branches of law allied to Public International Law, Constitutional Law is taught in all the Universities as a compulsory subject. Private International Law is a required subject in eight universities, and optional subject in ten universities, and is not taught at all in thirteen universities.

The universities prescribe or recommend one, two or three text books for the study at this level. Case-books are also prescribed by some universities. The most commonly prescribed books are Brierly, Oppenheim, Fenwick and Starke.

Law classes are generally very crowded. At present the number of students in each class (or division of a class) may range from 60 to 150, in some places perhaps more. In some universities lectures are supplemented by tutorials, that is to say, smaller classes in which discussions are organized. By and large the attention which



each individual student receives from the teachers is quite limited.

Teachers who teach Public International Law are generally persons who have studied the subject at least at the Master's level. In a few affiliated colleges situated in small towns this may not be so, and a person who has obtained only the basic qualification in law may be called upon to teach the subject. But these are exceptions rather than the rule. Generally speaking, a teacher in International Law is as competent in that subject as his colleagues teaching other subjects are in their respective subjects. The teacher in International Law almost invariably is called upon to teach one or two other subjects as well.

A teacher's performance in his job is to a great extent conditioned by the library facilities available to him. In respect of library facilities all law colleges are not equally placed. They occupy the whole range of a spectrum bounded at one end by a college like the Calcutta University College of Law, which has about 50,000 books and receives about forty-five periodicals, and at the other end, a college, which we need not mention by name here and which teaches International Law for the LL.M., having only 1,500 books, receiving only one journal, the Allahabad Law Journal, and spending only Rs. 400/- annually for the purchase of books for the library. There are perhaps some colleges which are even less equipped than this. There is also the question how good are these libraries in respect of collection of books in International Law. Library facilities in Calcutta University, too, it is stated, are not adequate for undertaking advanced or systematic research in International Law. Very few receive the United Nations publications. Organization and servicing aspects of the libraries of many universities are not at all satisfactory. A teacher in International Law, unless he is working in one of the few well equipped colleges, is up against difficulties in respect of library facilities.

Some college libraries can meet well the requirements of students, having regard to the courses as they are now organized, up to the Master's level, but others cannot do even that far.

Legal education in general, as it is organized now at the Bachelor's level in our country, is far from satisfactory. It is unnecessary to go into all the defects of the system here. Efforts are indeed being made to improve the system, but so long as the short comings continue they affect the standard attained in International Law as well at this level.

From this quick glance at the teaching of International Law at the Bachelor's level we may draw this inference: A student who goes through the mill may get enough insight into the subject to enable him to appreciate intelligently contemporary international events in the role of an enlightened citizen, but does not, unless he is extraordinary, gain the skill needed to handle specialized jobs connected with International Law.

#### Master's Level

There is not much uniformity in the courses organized at this level in the various universities. The objectives sought in organizing these courses seem to vary from university to university. In some universities the idea seems to be to give intensive instruction in one area or two allied areas. In other it appears to be to teach a few subjects of academic and juristic value and further to provide opportunity to study intensively one or two selected subjects. In yet others, apparently, the objective is to repeat what has been done at the Bachelor's level a little more intensively. So far as the teaching of public international Law is concerned three broad patterns emerge on an examination: 1. The Exclusive Pattern; 2. The Non-Exclusive Pattern, and 3. The Via Media Pattern. In all but the Calcutta and Jabalpur Universities Public International Law



is an optional subject at this level. In Calcutta it is not even an optional subject, but in Jabalpur it is a required subject.

The Exclusive Pattern is illustrated by the curriculum of Andhra University. The student who opts for international law studies that subject exclusively for two years and takes an examination in four papers in that subject at the end of the two years. He has to submit in addition six term papers. In some universities exclusive attention is given to the study of International Law in the second year, the first year being devoted to the study of subjects of jurisprudential value. Lucknow comes in this category. At the end of the second year, in that University, an examination is given in International Relations, International Organization, Public International Law and Conflict of Laws. Aligarh, Rajasthan, Patna, (to some extent) Nagpur fall into this pattern. Delhi and Osmani also fall into this pattern, but with this difference that, at the end of the second year, examination is given only in two papers and a thesis is required. Rajasthan permits the submission of a thesis in lieu of two of the four papers.

The Non-Exclusive Pattern may be illustrated by the curriculum of the Banaras Hindu University. There the LL.M. course is of one year duration, but the student cannot take the examination until two years have elapsed from the taking of the LL.B. degree. During that one year of study, he has to prepare for eight papers, of which one may be in Public International Law. In Jabalpur, in the second year of study, the student has to study at least eight other subjects. In Bombay, Gujarat, Poona and Karnatak an examination is to be taken after two years study, in a combined paper of Public and Private International Law, along with four papers in four other subjects and an essay paper. In Punjab, at the end of the second year of study, the student has to take a similar combined paper along with four others, the first year being devoted to the study of other subjects. We are

informed that Punjab is likely to adopt the Lucknow pattern shortly.

In the Via Media Pattern may be placed Madras, Kerala and Utkal. In Madras, after two years of study, the student has to take an examination in five papers, two in Constitutional Law, one in Public International Law, one in Private International Law and one in International Institutions. In Kerala a sixth paper is to be taken, an essay paper, and in Utkal in Administrative Law.

Many universities provide instruction at this level. Some do not, but allow the students to appear for the examination privately. Some require thesis or term papers in addition to taking examinations, while others do not. One or two like Gujarat have provision for awarding the degree on the basis of a thesis alone.

The syllabuses in International Law of the various universities show some variation. Each university gives a list of prescribed or recommended books, and the latter are intended to indicate only the scope of the study. Some lists are longer than others and each contains standard general treaties, case-books and selected monographs. The students are expected to be conversant with periodical literature. In Lucknow, no list is given, and the students are expected to consult all the standard text-books, leading journals and reports of cases.

The problem of crowded classes does not present itself at this level. However, Bombay, having more than 250 students attending lectures in the University, and Punjab, having about 100 students working for the LL.M., seem to be on the verge of facing this problem almost as acutely as the LL.B. level. But in Punjab no instruction is given at present, and in Bombay, it is stated, the students that take instruction in International Law do not exceed twenty-five.

Teaching at this level is less restricted to the lecture method than at the Bachelor's level. Discussions, essay writing, seminars and case-method are also employed as tools of instruction.



It may be useful to note here to what extent instruction in subjects allied to Public International Law is provided in the various universities, for the learning in one may enrich the appreciation and understanding of the other or others. Generally speaking, Legal History, Constitutional Law, Private International Law, International Relations are taught along with Public International Law. The position, however, is not uniform. In some universities only some of those subjects are taught, while in others some or all.

From this brief examination of the position in regard to the LL.M., the following facts emerge: All the students that take the Master's degree with International Law do not acquire the same level of proficiency and skill in that subject. Some are not likely to acquire appreciably more knowledge than that acquired at the Bachelor's level, while some others may acquire substantially more knowledge but no training in research at all. Some acquire a certain level of knowledge and also skill in research. The fitness of all these people for jobs demanding a high degree of skill and insight in the subject seems to be doubtful. They have to learn more either by experience in jobs of lower rank, or by further study and training in research in a course higher than the Master's.

#### M.A. in Political Science

In many universities Public International Law is offered as an optional subject for the M.A. in Political Science. In Calcutta it is a compulsory subject for the M.A. in History as well as Political Science. But from 1963, for the M.A. in History, the subject is going to be made optional, and the student can elect a group consisting of two papers: the Law of Peace and International Organization, and the Law of War and Neutrality and Essay. In Delhi University, the International Law of Peace is a required subject in the first year, and International Organization and the Law of War are offered as optional subjects in the second year. Along with Public International Law

the universities give courses in Diplomatic History, International Relations, and International Organizations, as compulsory or optional subjects. In Calcutta, Private International Law is offered as an optional subject. The syllabus for the course in Public International Law is indicated in some universities by a set of prescribed books, and in others by a list of recommended books in addition. In many universities topics to be studied are set down in the syllabus. The number of students in the class in Public International Law varies from place to place and may be said to range from ten to sixty. In Calcutta the number exceeds 250. Lecture method is the main tool of instruction adopted at this level. The number of hours allotted to this subject for lecturing seem to be so limited, considering the area expected to be covered, that teachers find it not possible to make use of other means of instruction. The M.A. course is essentially a study course and there is little scope for imparting training in research.

How the students who study Public International Law for the M.A. compare with those who do so for the LL.B. or LL.M. it is difficult to say. The syllabuses of some universities, such as Agra, Osmania, Rajasthan, Gorakhpur, Calcutta and Mysore, indicate that the standard expected of the M.A. students approaches that expected of the LL.M. students. But the syllabus of the Banaras University, which prescribes only Starke, indicates that the standard expected is not of the LL.M. level. The questions set for the M.A. examination are not in general as sophisticated as the questions set for the LL.M. However, by virtue of their background in general and diplomatic history, Political Science and International Relations, the M.A. students are likely to attain a good insight into the subject. But they are not likely to pick up legal techniques, that is to say, the techniques of juridical reasoning, interpretation of cases and legal documents, formulation of legal propositions, up to the same



standard as the LL.M. or even the LL.B. students do.

#### Appraisal and Recommendations

It may be said that the courses now in existence are adequate qualitatively from the point of view of accomplishing the first goal. The limitations of the courses from the point of view of attaining the other goals are apparent. It is not possible within the scope of this paper to take up each course in each university and state in detail its limitations. The total picture presented by all the universities may be taken into account, and on looking at it we may at once say that instruction in the subject in the various universities is in need of improvement.

The universities must endeavor to remove the limitations of the courses and the following steps may be suggested in this connection:

(1) The universities must, progressively or otherwise, improve the equipment of their libraries in International Law, and maintain a high level of operational efficiency of the libraries.

(2) Improvements must be brought about in teaching methods. We may postpone the discussion regarding the methods to Section B of this paper.

(3) There is a complaint voiced in some quarters that the courses in the subject now set down in the universities are too extensive with the result that the teacher finds it necessary to rush through the syllabus, and difficult to touch the depths of the subject. He can use only the lecture method of teaching. It is also said that because of the fact that the courses are overloaded they are becoming unpopular with the students. There seems to be some genuine ground of complaint. It is apparently desirable that the Universities open more courses in International Law so that the students may cover smaller areas but more intensively, and the teacher may have time to cover the area more thoroughly, and to use the tools of instruction

other than the lecture method and thereby give the student better training in the subject. By way of contrast with the position existing in our universities, it may be pointed out that in Harvard as many as six different courses are offered in International Law, and in some of the other American Universities a comparable number. However, before more courses are created some thought must be given to the following questions: is it possible to fit more than the existing number of courses in the curriculum of the Law colleges and the M.A. in Political Science; how many more can be accommodated; and in what manner division of the existing courses may be affected?

(4) Programmes of training for doctoral degrees must be started in those universities where it has not already been done so, in order to provide training in research.

One may be tempted to state more categorically and in greater detail the various steps which the universities ought to take, but it would be desirable that each university make its own experiments, evolve its programmes and phase them according to its convenience. It must not be forgotten that the universities have wider responsibilities than that of promoting the study and research in International Law.

In passing, however, a few suggestions that have come from some quarters may be given attention here: International Law must be taught in the B.A. also; in the LL.B. it must be made compulsory; in prescribing the syllabus it is desirable that only books, prescribed or recommended, be mentioned and not the topics to be studied. Regarding the first suggestion, it may be stated that the objectives that could be thought of at this level could only be to teach the subject as part of the liberal education imparted in the universities and to prepare the student for study at a higher level. The questions to be considered in relation to this suggestion are whether it is possible



to fit this subject in the B.A. curriculum, whether the student could benefit from instruction in the subject at that level, and whether he could spend his time more usefully in studying some other subject. These questions need serious thought and it is proposed to venture answers to them here.

Regarding the second suggestion, it may be noted that at the LL.B. level International Law merits consideration as being part of the liberal education a student is expected to receive at this level and also as a body of the legal doctrine which a lawyer is expected to know. In Law colleges the attempt now is not to teach all law, but to teach some branches of it and to prepare the student for the study of other branches by himself after he leaves the college. That being so, the question arises whether International Law should be placed in the category of musts, or whether the student should be permitted to study some other subject of his liking, leaving International Law to be studied by himself after he leaves the college. The question needs serious thought and is connected with the general policy of legal education.

Coming to the third suggestion, it is indicated that if the topics to be studied in the subject are set down in detail the treatment of the subject by the teacher is likely to become formal, exegetical and unrealistic in approach. On the other hand, if the study and reference books only are given, the teacher can arrange his material for lectures according to his specialized training and the state of advancement of the knowledge in the field. It enables him to employ the case method and other tools of instruction besides the lectures. These reasons have perhaps a grain of truth in them but do not appear to be wholly convincing. The matter may however be given some thought.

(5) In the present context there seems to be a necessity to organize a programme, independently of what is being done in the

universities, to handle the problems of teaching and research in International Law at higher levels which the universities are not able to tackle at present, and may not be able to undertake in the proximate future. The Indian School of International Studies, which now possesses perhaps the best library equipment in International Law and International Relations in the whole of India, and which is already doing some work in this line is well qualified to take up this task.

In an institution of this nature three main types of programme may be undertaken. 1. Intensive Study Programme: The student that joins the institution should be given an opportunity to study International Law, or any branch of it, intensively, if he has not done so already. He should also have the opportunity of studying other subjects which form a good background for obtaining deeper understanding and appreciation of International Law. The subjects that may be suggested are: Diplomatic History, International Organizations, Political Science, International Relations, Jurisprudence and Legal Theory, Legal History, Constitutional Law, Administrative Law, Conflict of Laws, Comparative Law, Psychology and Social Sciences. Instruction in these subjects should be suitably tailored to give a better perspective of International Law, and for each student the programme of study should be set to suit his requirements.

2. Research Programme: The students should be progressively guided to higher levels of research. Here also programmes have to be tailored to suit the needs, abilities and aptitudes of individual students.

3. Stimulation of Creative Faculties: An exposure of the student to discourse carried on at a high level is likely to serve the function of stimulation. Two or more eminent scholars, preferably from abroad, must be invited to the institution to participate in seminars organized for short durations, and the student must be allowed to



participate in them. The institution itself must have a competent staff to run the routine programme.

Admission to such a programme of advanced and broad-based study and training in research must be on a highly selective basis. Teachers in the universities who desire to go through the programme must be given the opportunity and facilities to do so by enabling them to stay at the institution, say for a period of one or two years.

A programme of this nature, it appears, will make a substantial contribution from the point of view of accomplishing the second, third and fourth objectives set out above, and in raising the standards of teaching in the universities.

#### Section B. Methods of Teaching

For the present purpose 'Methods' may be taken to include the following: (1) Orientation of instruction; (2) tools of instruction; (3) emphasis on related subjects; (4) emphasis on regional interpretations of International Law; (5) importance to be attached to current developments.

##### 1. Orientation of Instruction

International Law contains a body of legal doctrine which a practicing lawyer must know just as he should know the various branches of municipal law. At the same time it is part of the social and power processes that go on in the global community and therefore, forms an important branch of study for social and political scientists. The subject can indeed be studied as pure law or as a branch of international relations or even of social science. In the course of teaching the question may present itself, what orientation must be given to the subject, purely legal or that of the relations between the states in their total complex. Of course, an accomplished scholar can vary his orientation according to the purpose he has on hand.

Precise information is not available as to what orientation is being presently given in Law colleges and Political Science courses.

In Calcutta University, we are informed, the History students are taught by the historical jurisprudential approach, and the students in Political Science, with political and sociological orientation. Perhaps the practice is not the same in all the institutions. It may be reasonable to assume that the orientation that is being given in most of the institutions is the orientation found in leading text-books by European authors, that is an orientation to European diplomatic history and law.

It has to be noted, however, that the issue is in fact only a question of emphasis. A study of a law without reference to the community in which it is to operate will be a study in vacuum and is unlikely to be fruitful. On the other hand, it is not likely to be a study of law at all if there is an overwhelming preoccupation with the study of social and political processes and the theories governing them. Law is normative and not merely descriptive.

A rational approach to the problem seems to be this: If the teaching is for the Law students, attention has to be constantly invited to the operation of social and political factors which influence the formulation and application of legal doctrines and rules. And if the teaching is for the students of Political Science, attention is to be invited to the role of law and its limitations in the interactions for power of groups in the world arena. In either case, instruction must be made to serve the purpose of giving a clear understanding of the law and its operation, and imparting the technique of handling the legal tools.

## 2. Tools of Instruction:

The predominant instruments of teaching in our country are the lectures and the text-books. In some institutions lectures are supplemented by tutorials, in some by essays. In Madras the case-method is being employed to a limited extent at the B.L. level.



The lecture method and the text-book give the student a systematic, comprehensive and connected picture of the subject under study. The student is likely to obtain a sound understanding of the fundamentals.

However, lectures and the text-book reduce the role of the student to that of a passive absorber of what is being stated in the lecture or contained in the text-book. These tools are not likely to foster in the student a spirit of independent inquiry, and an ability to perceive and pose problems and to tackle them. On account of the realization of the limitations of the lecture method, in England, lectures are assigned importance next to tutorials. The latter are utilized to induce the student to study text-books and other materials by himself, and to stimulate his thinking processes by discussions. They are also utilized to train the student in the craftsmanship of writing. To overcome the limitations of the lecture method, in the United States was developed the case-method of instruction.

The case method of instruction was first introduced by Dean Christopher C. Langdell in Harvard in 1870. The essence of the method is not mere study of cases by the student. Even under the lecture method the teacher refers in the course of his lectures to a number of cases, gives their material facts and the rationes decidendi of those cases. A student learning the subject by reading a text-book may supplement his reading by the reading of a few cases. In lectures and text-books the student finds an exposition of the law conceived as a body of rules and he finds cases discussed either as the sources of rules or illustrations of application of certain rules. In the case method of instruction there is shift in emphasis from the teaching of the rules to training the student in the process of reading and interpreting cases, and juridical reasoning. This is done by making him study intensively a number of cases. He is to learn the rules as

he proceeds with the study of cases one after another.

Under the case-method of instruction, as it now obtains in general in the United States, the student is given in advance of the class some cases and materials taken from text-books and periodical literature, to be studied in advance of the class. When the class assembles, by Socratic method, not only are the contents of the materials set down for reading brought out, but also are the various views expressed on the problems dealt with in the materials critically examined. Incidental to this process the student acquires the skills to read and interpret cases. The method, however, has its own limitations. It is time-consuming and many a time the teacher should be content with finishing only a portion of the subject under study. Furthermore, the student's ideas about the subject are likely to be patchy and not as comprehensive and connected as are the ideas of a student who has studied under the lecture method. But under the case method he definitely learns the legal techniques well and his critical abilities become sharper. The method can be adapted to teaching International Law, though cases have to be judiciously used when teaching the students in Political Science.

Hypothetical Problems may be set by the teacher and the student may be required to solve them by reading the relevant literature, citing authorities for the various propositions he states. This is one tool of teaching. This process helps to acquaint the student with the source materials. But it makes considerable demand on the time of the student, perhaps to the point that he has to neglect other subjects.

Term Papers are an effective tool for making the student read extensively, training him in the process of gathering materials relevant to the problem on hand, and composing a paper. They are a useful tool for training in legal research and also for compelling extensive reading.



In Indian universities the question poses itself to the teacher, mostly, not as to what tool is the most effective one from the point of view of imparting instruction, but rather as to what method is the most convenient one having regard to the prevailing system of examinations. While that system continues to be what it is the lecture method, text-books and tutorials are bound to remain as the chief instruments of teaching. The other methods may be employed to a limited extent as auxiliary instruments.

A peculiar problem encountered in this country is that a large number of students read only made-easies and not standard text-books. This is a problem connected with the university education in general in this country and may perhaps be left out of discussion here. So also the problem of making available to the student low priced editions of standard text-books and case-books.

### 3. Emphasis on Related Subjects

Text-books written by European authors generally make copious references to events of European diplomatic history, and the evolution of legal doctrines is traced by reference to them. American writers make elaborate use of the American historical materials. Indeed it is only by means of such references the students' attention may be invited to the evolution of the legal doctrines under the stress and strain of events. Such references are also necessary to throw light on the policies in pursuit of which the doctrines were formulated. But to what extent historical materials are to be made use of in the classroom is a question which each teacher must decide for himself having regard to the time available for finishing the course he has to cover. It is indeed impossible to give the historical background, and the policy foundations, of every one of the legal doctrines mentioned in the class.

As with historical materials, it is not possible to avoid frequent references to international political and social forces which affect the

interpretation and application of the legal doctrines, if a proper understanding of these interpretations and applications is to be created. Here again it is for the teacher to decide to what extent he may make references to international politics and sociology.

#### 4. Emphasis on Regional Interpretations

It is not exactly known to what extent interpretations of International Law by the Asian States, especially those in the neighbourhood of India, are being brought to the attention of the students in the various courses. It is quite necessary to make references to such interpretations. A reference to them will help to rouse the interest of the student in the subject, by impressing upon him the fact that the subject deals with problems affecting his country. It will also help to remove the false picture that he may have gathered on reading the books written by European authors that the subject has a major preoccupation with European problems. Furthermore, regional interpretations convey the nature of the demands presented from the region for universal acceptance, and a reference to these demands helps to bring to the focus of attention of the student the possible trends of future development on International Law affecting the region, including the regional customary law.

However, regional interpretations must be employed with care in imparting instruction. They should not be employed to destroy the concept of universality of International Law, and to create a false picture in the mind of the student that International Law differs from region to region, and from country to country. The tendency to attack the concept of universality is likely to be considerable in view of some of the writings that have recently appeared, such as those of Taracouzio, McDougal and Lasswell, Jenks and Judge Alvarez. However, it is submitted, the developments that have taken place so far do not warrant the forsaking of the concept of universality of Inter-



national Law, and scholarly effort should not be bent in the direction of destroying the concept. In the absence of such a concept, International Law cannot contribute to the settlement of inter-regional disputes, prevention of inter regional hostilities and maintenance of peace in the world community.

5. Importance to be attached to Current Developments

The importance of bringing to the attention of the student current developments in International Law cannot be overstressed. It helps to enhance the interest of the student in the subject. It helps to keep instruction abreast of the developments in the law. It may be assumed that effort is now being made in all institutions to supplement the text-book materials, which most of the time must remain out of date to some degrees or other, with information on current events.

It may not be out of place here to put forward the following suggestions: First, having regard to the important role the United Nations is playing at present, adequate time must be earmarked for the study of the constituent document of the Organization, the Charter, and the organic growth it is undergoing by virtue of the practices of the various organs of the United Nations. Secondly, at the present time when the relations between the states and international organizations are expanding at a rapid rate, the norms that are emerging thereby should be given adequate attention. Thirdly, the study of the Law of War cannot be neglected in spite of the fact that war is not now a matter of topical interest. It may be given slightly lesser attention than other branches of International Law but cannot be ignored. The influences which technological advances as they arise are likely to have on the Law of War needs continual study.

Section C. Research in International Law in India

Three questions may be considered in this section: 1. What is the quantum and quality of the research that has been done so far; 2. What

are the areas in which research work is being done; 3. What are the suggestions for improvement.

Quantum and Quality of the Research Work Done

By Students:

While describing the system of education in Law colleges at the Master's level it has been pointed out that only in a few universities is there scope for research work at that level. But considering the level of skill a student is likely to obtain on the completion of the LL.B., it is too much to expect of him to produce good research work in completing the LL.M. Some universities are just now starting doctoral programmes, while others have not even made a beginning. It is, therefore, too early to say much about the research work by the students in Law courses.

The situation is not far better with reference to the students in Political Science. At the M.A. level there is no scope for research work. At the Ph.D. level, no doctoral research work seems to have been done before 1957. The Bibliography of Doctoral Theses published by the Inter-University Board for the years 1954-1957 does not contain even a single title under International Law. Since then some theses might have been written, but materials are not available to give any appraisal of them.

By Teachers, Research Scholars and Others

Some contributions have indeed come from this group of workers. In recent years journals like the Indian Year Book of International Affairs, The Indian Journal of International Law have been started and they have made a mark. Some very good monographs and papers have been produced, of which mention may be made of the works produced by Dr. Nagendrasingh, and of R.P. Anand, Compulsory Jurisdiction of the International Court of Justice, produced at the Indian School of International Studies. From the research group of



the Indian Council of World Affairs has come, among others, M.S. Rajan, United Nations and Domestic Jurisdiction. A monograph by L.G. Pathak on "Indo-Pakistan Water Dispute" is going to be published shortly. However, it may be said that the output of high quality research work so far turned out is not commensurate with the number of persons engaged in the field.

The reasons for such a situation are many. Firstly, most of the libraries are poorly equipped, especially in regard to source materials. Secondly, teachers are over-burdened with teaching work and are put to the necessity of diffusing their attention on other subjects which they are called upon to teach. Thirdly, constructive and helpful criticism, which is a stimulant to research, is difficult to obtain in many centres. Finally, in India jurisprudential disciplines are not diligently cultivated, and consequently the faculties and processes of abstract thinking are not well developed and sharpened. Consequently most of the research work tends to be descriptive and superficial rather than critical and penetrative. Acquaintance with ancient and modern philosophies and theories of knowledge is rather poor on the part of lawyers and Political Scientists. In India, by and large, only formal students of Philosophy study that subject. And this fact reflects itself in the research work turned out in the shape of scarcity of abstract interpretation of factual data, and intellectually well disciplined and provocative approaches to problems.

## 2. Subject Matter of Research

Research work done so far in India may be placed in the following broad areas:

1. A good part of the work has been done in relation to the discovery of the theory and norms of inter-state relations in ancient India. Some work has also been done in Madras University with re-

ference to the relations between the East India Company and the India Rulers in the 17th and 18th centuries.

2. An equally sizable quantity of work has been done in respect of specific problems of International Law directly affecting India.
3. The third area in which research work has been done is in regard to general problems of International Law.

Research in the first area is likely to bring out results of abiding cultural value, and may lay bare values cherished in the courses of the history of India which might help in solving the ideological problems of the contemporary world. The research in the relations between the European States and Oriental Rulers in the earlier centuries may throw useful light on the history of International Law. Beyond that the utility of research in this area seems to be somewhat doubtful. The second area indeed needs be given much attention. If Indian scholars do not evince interest in this area and present the Indian views of the problems clearly, it cannot be expected that outsiders will do it. The third area definitely needs more attention than has so far been given, for it is only by intensive research in this area that scholarship may be fostered and recognized among the scholarly circles of the world. But it has to be noted that selection of the field of research is partly dependent upon the availability of research materials in India, unless the worker can obtain assistance to go overseas.

### 3. Suggestions for Improvement

The endeavour should be first to improve the quality and output of the research work of teachers, scholars etc. and then to attempt to improve the student output. Certain steps may be suggested, apart from stating the necessity for the workers endeavouring to increase their own efficiency. The libraries must be improved. The teaching burden on teachers must be reduced and they should be enabled to give



undivided attention to the subject. The institution which might undertake the programme of advanced study and research as suggested above should also assume the responsibility of encouraging research by building up a good library, and by giving assistance to scholars, teachers etc. engaged in research to stay and work at the institution. It should also render assistance by way of arranging for trips to places abroad where materials for research, not available in India, are available. It must undertake a programme of publication of research work turned out of good quality.

#### ANNEXURE \*

##### 1. Synopses of Courses:

Indian universities do not generally give synopses of law courses. They prescribe or recommend a list of books, which it is expected will indicate the scope of the study. What books are generally prescribed is indicated in my paper. I have enclosed a few samples of such lists at the LL.M. level. Some universities prescribe cases also, about 10 to 15 in number, for study at the Bachelor's level.

##### 2. Attitude of students:

In general the subject is popular with the students. I am not aware of any psychological resistance offered by the students to the subject. I have not come across the attitude that the present international law is a creation of European States and therefore requires radical modification.

3. The main difficulties experienced by a teacher are two:  
(1) The students cannot be required to read materials from standard books, either preparatory to or after the class. The books on

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\* Additional information supplied to the Roundtable at Singapore.

international law are beyond the purchasing capacity of the students and libraries do not possess more than one or two copies of each book. The students' knowledge tends to be limited to the lectures given in the class. By and large, they scribble down some notes in the class room and read the notes for the examination. (2) The student's sensitivity to the English language and his ability to express in English are not at present adequate, so much so the standard he picks up while in the college is necessarily limited.

4. On the question of careers and professions in which a knowledge of international law proves advantageous, I am not able to give much information. Taking the employment opportunities in this country in account, I should say that people with a knowledge of international law and relations find opportunities in the teaching line and in the foreign office. Specialists in international law and relations do not find opportunities in the profession of journalism or in the business line. Even in the legal profession they find few opportunities of employment.

5. There are about 32 universities in India, 80 colleges of Law, and about an equal number of Arts Colleges in which International Law and Relations are taught. Roughly about 10,000 students study International Law and Relations each year.

#### Branch II

(Constitutional Law and International Law) OSMANIA

LL.M.

Books for Reference:-

#### Public International Law

1. British Year Book of International Law.
2. Oppenheim: International Law.
3. Schwarzenberger: International Law.
4. Schwarzenberger: A Manual of International Law.
5. Starke: An Introduction to International Law.



6. Hyde: International Law.
7. Jessup: Modern Law of Nations
8. Green: International Law through the Cases.
9. Pitt Cobett: Leading Cases and Opinions on International Law
10. Kelson: Law of the United Nations.
11. Goodrich and Hambro: Charter of the Nations.
12. Schwarzenberger: The League of Nations.
13. Clyde Eagleton: International Government.
14. C.H. Alexandrowicz: International Economic Organizations.
15. Text of the United Nations Charter.
16. Viswanath: International Law in Ancient India.
17. Dr. Hamoodullah: Muslim Conduct of State.

#### BANARAS

##### For LL.B. (Previous) Examination

1. Constitutional Law:
2. Hindu Law:
3. The Law of Evidence:
4. Public International Law:  
Starke: Public International Law

##### Recommended Reading:

Oppenheim: International Law VIIIth edition

Briges: Law of Nations cases comments and notes.

##### HONOURS COURSE

Every candidate for the LL.B. (Hons) examination shall be examined, in addition to the subjects for the LL.B. (Final) examination in two out of the following three subjects:-

- (1) Legal History,
- (2) Private International Law, and
- (3) Hindu Jurisprudence.

##### LEADING CASES

The following leading cases are recommended for study for the LL.B. Examinations, but it must be distinctly understood that the

questions will not, necessarily, be confined to them:-

1. Easements:

2. The International Law: LL.B.  
'The Paqueta Banana' and 'Lola'. (1899), 175 U.S. 677.

The Government of Spain vs. The Arantzazu Mendi 108 L.J.P.  
55, (1939) A.C. 256.

Luther vs. Sagor 90 L.J.K.B. 1202.

The United States of America vs. Mc Rae (1869), L.R. 8 Eq. 69.

S.S. Wimbledon (1921) P.C.I.J. Series A. No. 1.

The case of 'Caroline 1843 Parl. Papers, Vol. LXI.

Joyce vs. The Director of Public Prosecutions (1946), 62  
T.L.R. 208.

Cutting's Case (1896) Wharton Digest, 1. PP. 48 49.

The 'Lotus' (1927) P.C.I.J. Series A. No. 9.

Re. Castioni 60 L.J.M.C. 22.

Chugn Chi Cheung vs. The King 108 L.J.P.C. 17.

The Mavromatis Concessions (1925), P.C.I.J. Series A. No. 2

Anglo-Norwegian Fisheries Case I.C.J. Rep. (1951), p. 116.

Anglo Iranian Oil Co. Case.

Admission of a State to Membership in the United Nations (1948)  
I.C.J. Rep. 1949, p. 75.

The Nuremburg Judgment (1946) Cmd. 6964. (1946).

The Alabama (1872) 1 Moore, International Arbitrations, p. 653.

The Navilla case - Annual Digest, 1927-28 case No. 360.

Reparations for injuries suffered in the Service of V.M.I.  
C.G. Reports 1949.

Corfu Channel case I.C.J. Report 1949 p. 4.

International Status of S.W. Africa, I.C.J. Reports 1950.

Rights of Passage case I.C.J. Report, 1960, P. 6.

I.M.C.O. Case - I.C.J. Reports 1960, P. 150.

Private International Law:

Dicey: Conflict of Law.

Cheshire: Private International Law.

Westlake: Private International Law.

Foote: Private International Law.

Beale: Cases on the Conflict of Laws.

Merries: Cases on Private International Law.

Cook: The Logical and Legal Basis of the Conflict of Laws.

Falconbridge: Essays on the Conflict of Laws.



Public International Law:

Oppenheim: Public International Law.  
Wheaton: Public International Law, edited by Keith.  
Pitt-Cobbett: Leading Cases in International Law.  
Westlake: Collected Papers on International Law.  
Green: Cases on International Law.  
Lauperpacht: Recognition in International Law.  
Schwarzenberges: International Law.  
Briggs: Law of Nations, cases comments and notes.  
Sohn: Cases and materials on United Nations Law.

ANDHRA

Degree of Bachelor of Laws:

Public International Law:

Historical, Sociological and Ethical background of International Law -  
Characteristics - Sources - International Law and Municipal Law.

The Principle of Sovereignty of States. The principle of Recognition.  
Continuity of States and State Succession.

The regime of land, sea, air and outer space; State Jurisdiction.

Diplomatic and consular representation.

Treaties.

Responsibility of States.

Pacific means of settlement of disputes; compulsory measures short of war; self defense in times of peace; legal and illegal wars; state and effects of war.

Books recommended for study: 1. Oppenheim - The Law of Nations  
2. Fenwick-International Law. 3. Starke - International Law.

Cases Prescribed:

1. The Lotus Case, P.C.I.J., Ser. A. No. 10.
2. Tunis - Morocco Nationality Decrees, P.C.I.J. Ser B. No. 4.
3. The Arantzazu Mendi, (1939) A.C. 256.
4. A.M. Luther v. James Sagar & Co., (1921) 3 K.B. 532.
5. Haile Selassie v. Cable and Wireless Ltd. (1939) Ch. 182.

6. The Island of Palmas (Miangas) Arbitration, Reports of International Arbitral awards, Vol. II, 829.
7. Clipperton Island Arbitration, 26 Am.J.I.L. 390 (1932).
8. Fisheries Case, I.C.J. Reports, 1951. (United Kingdom v. Norway) P. 116
9. Corf Channel Case, (United Kingdom v. Albania) I.C.J. Reports 1949 P.
10. North Atlantic Coast Fisheries Arbitration, Briggs Case Book P. 313.
11. In re Piracy Jure Gentium. 1924 A.C. 526.
12. The I'm Alone, Briggs' Case Book P. 385.
13. Nottebohm's Case, I.C.J. Reports, 1955, Page 4.
14. Boffolo Case. Italy-Venezuel-Arbitration. Briggs. Case Book. 532.
15. The Cutting Case U.S. Foreign Relations. 1887-761.
16. Finish Ships Arbitration. Great Britain v. Finland. Reports of International Arbitral Awards Vol. III. 1479.
17. The Mattueoff Case. 88 E.R. 598.
18. Nikitschenkoff Case, Briggs' Case Book, 787.
19. Reservations to the Convention on the Prevention and Punishment of Crime of Genocide, Advisory opinion, I.C.J. Reports, 1951, P. 395.
20. The Caroline Case, Moore's Digest of International Law, Vol. II, 409-414
21. Naulilaa Incident. Portugal v. Germany Arbitration. Briggs' Case book Page 951.

#### Private International Law:

The nature and scope of Private International law, Fundamental concepts of private International Law; Classification; domicile; Public Policy; renvoi. The authority of personal laws in India courts.

Rules relating to the jurisdiction of Indian Courts in case involving \*foreign element.

- i. Persons: Status and capacity; corporations.

The family: Validity and effects of marriage; divorce; Legitimacy, adoption, guardianship.

- ii. Contracts: form, interpretation, illegality, discharge.

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\* Principles of Indian Private International Law relating to the following matters.



iii. Torts.

ANDHRA

M.L.

International Law.

Branch IV.

Public International Law:

Oppenheim: Public International Law.  
Hall: Public International Law.  
Lawrence: Principles of International Law.  
Wheaton: Public International Law (Edited by Keith).  
Pitt Cobbett: Leading Cases in International Law.  
British Year Books on International Law.  
Grant Bailey: Neutrality.  
J.L. Brierly: The Law of Nations.  
Schwarzenberger: International Law.  
Briggs: Law of Nations' Cases, Documents and Notes.  
Brierly: Outlook for International Affairs (American Notes).  
Hudson: International Legislation (1919-1937), six volumes.  
MacNair: Law of Treaties.  
Lachs: War Crimes.  
London Institute of World Affairs Publications.

International Justice and its History:

Habicht: The International Judge.  
Strupp: Legal Machinery.  
Hudson: International Tribunals.  
The Hague Conventions and Subsequent Developments.  
Scott: Hague Court Reports.  
International Organization (Political, Economic Cultural, and Social).  
The United Nations Organization.  
Goodrich and Hambro: Charter.  
Schwarzenberger: World Order.  
Pollock, League of Nations.  
United Nations.  
Evatt-Eagleton: International Government  
Rosenne: International Court of Justice.

Diplomatic Practice, etc.:

Nicholson: Diplomacy.  
Year Books of World Affairs.

Hill: Immunities and Privileges of International Officials.  
Mowatt: History of European Diplomacy.  
Satow: Guide to Diplomatic Practice.  
Lauterpacht: Recognition in International Law.

Carriage by Sea and Air and Prize Law:

Carver: Carriage by Sea.  
Scrutton: Charter Parties and Bills of Lading.  
Zimmerman: Ocean Shipping.  
Johnson and Hucibner: Principles of Ocean Transportation.  
MacLachlan: Treaties on the Law of Merchant Shipping.  
Marsden: Law of Collisions.  
Sutton: Assessing of Salvage Awards.  
H.A. Smith: Law and Custom of the Sea.  
Hymns: Commercial Air Transport.  
Mac-Nair: Law of the Air.  
Colombos: Law of Prize.  
Loreburn: Capture at Sea.  
Roscoe: English Prize Cases.

1. Private International Law:

Cheshire: Private International Law.  
Dicey: Conflict of Laws.  
Beal: Cases on the Conflict of Laws.  
Footes: Private International Law.  
Graveson: Conflict of Laws.  
Burgin and Fletcher: Conflict of Laws.  
Hibbet: Leading Cases on Conflict of Laws.  
Graveson: Cases on the Conflict of Laws.  
Wolff: Private International Law.

2. Law of the Air:

McNair: The Law of the Air.  
Shawcross-Beaumont: Air Law.  
Cooper: The Legal Status of Aircraft.  
Manion: Cases and Materials on the Law of the Air.  
Bin Cheng: The Law of International Air Transport.

3. Legal Problems of International Trade

Seyid Muhammad: The Legal Framework of World Trade.  
Prohl (ed): Legal Problems of International Trade.



Schwarzenberger: International Law - Vol. I (Only Part III and Part IV).  
Wolff: Private International Law.  
Lord Chrolery and O.C. Giles: Shipping Law.  
McNair - The Law of the Air (Relevant portions)  
U.N. Dept. of Economic Affairs: International Tax Agreements.  
Nussbau: Money in the Law, National and International.  
Alexandrowicz: International Economic Organizations.  
Freidman.W: Anti-trust Laws - A comparative Symposium.  
Mann: The Legal Aspect of Money with special reference to Comparative, Public and Private International Law.  
Lalive: Transfer of Chattels in the Conflict of Laws.  
Disney: Carriers.

#### 4. Maritime Law:

Higgins and Colombos: The Law of the Sea.  
H.A. Smith: Law and Custom of the Sea.  
Colombos: Law of Prize.  
Gilmere: Grant and Black Jr.: Law of Admiralty.  
Lord Chorley and O.C. Giles: Shipping Law.  
W. Payne: Carriage of Goods by Sea.  
Carver: Carriage by Sea.  
Scrutton: Charterparties and Bills of Lading.  
Disney: Carriers.  
Marsden: The Law of Collisions at Sea.  
Parks A.Z.: Protecting you and your Boat.  
U.N. Office of Legal Affairs. Laws concerning the Nationality of ships.

(b) T.S. Rama Rao, Professor of International and Constitutional Law, University of Madras.

At Madras, for the M.L. (Master of Law) examination in International and Constitutional Law, a student has to write five papers on (1) General International Law (2) International Institutions (3) Private International Law (4) Indian Constitutional Law and (5) Comparative Constitutional Law. Classes are taken on all the subjects in the Department of International and Constitutional Law of the University. We have got all the leading text books, the classics in International Law and Law Reports from India, Pakistan, Burma, Ceylon,

the United Kingdom, and the U.S.A. and also I.C.J. Reports, International Law Reports etc. We get several of the leading Western Law Journals and Year Books in Law for our Library. The details about these journals available are given separately in the "Report on the Materials on International Law available in the Madras University Library". The Department is bringing out each year the Indian Year Book of International Affairs containing research papers on International Law and Comparative Law, together with a section on Indian decisions on International Law (Public and Private) and on Constitutional Law and another section on treaties entered into by India. We have entered into arrangements for exchange of the Year Book with several law journals.

The standard of the M.L. examination is a stiff one. The number of persons who pass the M.L. examination each year varies usually from 1 to 3 or 4. The careers available to successful students seem to be restricted mainly to teaching jobs in law faculties and to a more limited extent to jobs as law assistants or law officers in the External Affairs Ministry.



Japan by Shigeru Oda, Professor of International Law, Tohoku University and Shigojiro Tabata, Professor of International Law, Kyoto University.

# I. Teaching of International Law

There are so many institutions of higher education in Japan that it is impractical to mention the names of these institutions where international law is taught to students. Only the universities with graduate courses on International law or international relations are enumerated, as follows:

	Annual enrolment for undergraduate courses	Annual enrolment for graduate courses Master	Doctor
<u>National University</u>			
Tokyo (Tokyo)	law: 460	public law: 18 int.rel.:11	law & pol sc.:32 social sc.:13
Kyoto (Kyoto)	law: 270	public law:25	public law:13
Tohoku (Sendai)	law: 150	public law:13	law:17
Kyushu (Fukuoka)	law: 200	public law:12	law:17
Hokkaido (Sapporp)	law: 80	public law:10	public law:5
Osaka (Osaka)	law: 80	public law:10	law:10
Nagoya (Nagoya)	law: 40 pol.sc.:40	pol.sc.:10	law & pol.sc.:10
Hitotsubashi (Tokyo)	law: 100	public law:10	public law:5
Kobe (Kobe)	law: 140	public law:10	law: 10

Municipal University

Tokyo Municipal (Tokyo)

law:65

pol.sc.:5

pol.sc.:3

Osaka City (Osaka)

law:190

public law:10

public law:4

Private University\*

Nihon (Tokyo)

law: 650

public law:30

public law:5

pol.sc.:650

pol.sc.:15

pol.sc.:5

Hosei (Tokyo)

law: 390

pol.sc.:10

pol.sc.:10

pol.sc.: 390

Chuo (Tokyo)

law: 800

pol.sc.:5

pol.sc.:3

pol.sc.:390

Waseda (Tokyo)

law: 1100

public law:40

public law:3

pol.sc.: 650

pol. sc.:60

pol.sc.:5

Keio-Gijuku (Tokyo)

law: 500

public law:50

public law:5

pol.sc.:500

pol.sc.:50

pol.sc.:5

Rikkyo (Tokyo)

law: 200

comp.law:20

comp.law: 5

Meiji (Tokyo)

law: 800

public law:15

public law:3

pol.sc.:420

pol.sc.:15

pol.sc.:3

Aoyama-Gakuin (Tokyo)

public law:150

public law:10

public law:2

Doshisha (Kyoto)

law: 300

public law:15

pol.sc.:5

pol.sc.:150

pol.sc.40

Ritsumeikan (Kyoto)

law:500

public law:20

public law:6

Kansai (Osaka)

law & pol.sc.:600

law:60

public law:5

Kansei-Gakuin (Nishinomiya)

law & pol.sc.:300

pol.sc.:20

pol.sc.:2

Aichi (Toyohashi)

law: 240

public law:15 --

Each National University as mentioned above, which has the chair system in the law faculty, has at least one chair of international public law, which consists of one professor and one assistant professor. Generally, private universities are more flexible in relation to the teaching position of international law. In Japan



the total number of full-time professors and assistant professors of international public law exceeds thirty.

The teaching of international law varies, of course, according to each university and each instructor. The general course on international law is taught by the lecture method. Some ten text books of international public law have been published during the past ten years for the use of general lectures on international public law. Seminars on some specific subjects are taught for a limited number of students especially at the graduate level. In these seminars various books and materials in Western languages are used as reference.

## II. Academic Associations of International Law

The Association of International Law was established in 1897 in order to meet various international legal questions arising after the Sino-Japanese War in 1894-95. This association published the first issue of its monthly journal in 1902 and is now bringing out volume 62 of this presently bi-monthly published journal Kokusaiho Gaikko Zasshi (The Journal of International Law and Diplomacy). Some financial assistance was given by the Carnegie Endowment for International Peace for the publication of this journal between 1912 and 1940. This association now includes a few hundreds members including scholars, officials and others. A general meeting is held twice a year, where the members present scholarly reports covering international public law, international private law and international relations.

The Japan branch of the International Law Association was originally founded in 1920 and was reorganized in 1955 after a lapse of about twenty years. This association of about one hundred members publishes the Japanese Annual of International Law in English. Volume 7 was just published late in 1963.

These two associations are the leading nation-wide groups of the

specialists of international law. In addition, there are a few other associations in the fields of international politics and international relations. The most law faculties of leading universities have their own law reviews, in which articles on international law are often published.

### III. Availability of Materials of International Law

There is, of course, a wide difference among the universities, regarding the collection of materials of international law. The leading national universities are equipped with relatively adequate libraries. Let us take a few examples. Kyoto University Law Library, for instance, spends the sum equivalent to \$33,000 U.S. dollars as an annual budget for its acquisition of legal materials. The annual budget for 1963 of Tohoku University for the acquisition of law books and materials was equivalent to \$23,000 U.S. dollars. These figures of the budget may indicate the size of the law library in the leading national universities. Of course, this amount is not sufficient, and the libraries are not well furnished with first hand sources of international affairs.

### IV. Careers for Students of International Law

A large number of law students are graduated from the universities every year, but only several hundreds among them are entitled to be lawyers after passing the national judicial examination. For this examination both international public law and international private law are optional. On the other hand, these subjects are compulsory for the diplomatic service examination. The majority of law graduates enter into civil service, business, journalism, etc. It is not likely that the teaching of international law is of direct use for these students in their future career. Often graduate students specialized in international law have some difficulties in finding their future position, even after taking a doctoral degree.



(1) LIST OF INSTITUTIONS AND NUMBER OF STUDENTS

AS OF APRIL 1, 1963

<u>Name of School</u>	<u>Department of Political Science</u>	<u>Department of Diplomacy</u>	<u>Department of Political Science &amp; Diplomacy</u>	<u>Department of Law</u>	<u>Department of Public Administration</u>
Seoul National University	136	141(2)		654(4)	482(4)
Kyongbuk National University	228	-	-	383(5)	-
Pusan National University	46	-	-	215(1)	103
Chonbuk National University	121	-	-	168(3)	-
Chonnam National University	112(1)	-	-	361	-
Ch'ungnam National University	-	-	-	353(2)	-
Chaoju National University	-	-	-	174	-
Ch'ungbuk National University	-	-	-	-	-
Yonsei University	-	-	300(14)	256(4)	252(1)
Korea University	-	-	439(17)	486(50)	468(18)
Ewha Women's University	-	-	201	249	-
Songgyungwan University	350(1)	-	-	786(3)	314
" (Evening)	13	-	-	361(9)	54(1)
Kongguk University	-	-	102(3)	240(1)	101(1)
Chungang University	329	-	-	544(3)	382
Tongguk University	-	-	267(1)	460(1)	132
Kyonghi University	-	-	304(2)	741(18)	192
Tonga University	23	-	-	326(2)	

Seoul University (Evening)	-	-	-	-	-
Sugmyong Women's University	-	-	148	-	-
Chosun University	60	-	-	240(1)	-
" (Evening)	-	-	52(1)	263(2)	-
Hanyang College	-	-	59	165(1)	75(2)
Hongik College	-	-	-	39(2)	-
Ch'ongju College (Evening)	-	-	-	94(3)	-
Taegu College	109	-	-	265(2)	19
Ch'ongu College	-	-	-	255(3)	18
" (Evening)	-	-	-	165(8)	18(2)
Sungsil College	-	-	-	21	-
Ten'guk College	9	-	-	36(1)	-
" (Evening)	-	-	43(3)	95	-
Kungmin College (Evening)	-	-	-	191(4)	102(1)
Kungjue College (Evening)	-	-	-	148(2)	-
Wonju College (Evening)	-	-	-	5(1)	-
TOTAL	1,558(2)	141(2)	1,915(51)	8,835(150)	2,712(30)

\*Figures in parentheses indicate number of female students included.



The Hankuk University of Foreign Studies (Formerly Foreign Language School of Korea)

Department	English	French	Chinese	German	Russian	Spanish	Japanese	Italian
No. of Students	560(45)	183(55)	98(10)	227(24)	92(5)	185(26)	61(10)	30(2)
Total.....1,436(177)								

\*Figure in parenthesis indicates No. of female students included.

Remarks:

The university offers three areas of concentration for students: Literary, Business and Diplomatic Sections. Diplomatic Section offers courses in international relations, diplomatic history of each country related to the language, and comparative government, besides subjects related to the language.

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NUMBER OF GRADUATE (M.A. COURSE) STUDENTS

At present accurate statistics are not available. Since number of graduate students is fixed at 1/10 of that of undergraduate course, the number of graduate students by departments is estimated as follows (throughout the country):

Political Science	160
Political Science & Diplomacy	190
Diplomacy	40
Law	900
Public Administration	270
Total (estimated).....	1,560

(2) DEGREES AND SYNOPSES OF COURSES

A) Degrees Awarded

<u>Degree</u>	<u>Department</u>
B.A.	Political Science Political Science & Diplomacy Diplomacy Public Administration
LL.B.	Law
M.A.	Political Science (International Relations) Law
Ph.D.	Political Science
LL.D.	Law

B) Synopses of Courses

Undergraduate - A minimum of 160 credits is required for fulfillment of B.A. and LL.B. requirements, 40 credits on the average per year.

Graduate - A minimum of 30 credits (6 credits for M.A. thesis).

Mostly for two (2) years, for M.A. requirements.

- A minimum of 60 credits is required for completion of Ph.D. and LL.D. requirements.

a) For a student majoring in law or public administration, international law is required for fulfillment of B.A. or LL.B. course (4 to 8 credits) in their first (International Law I) and third years (International Law II). He may take following subjects as electives toward fulfillment of his requirements besides those related to law or public administration:

History of Diplomacy (2-4 credits mostly in senior year)

International Politics (" " " " " " )

Comparative Government (" " " " " " )

b) For a typical curriculum of a department of political science, of political science & diplomacy, and of diplomacy, please refer to 2-A, 2-B and 2-C respectively.

c) For a synopsis of a graduate course (M.A.), please see 2-D.



(2-A) Typical Curriculum for a Department of Political Science  
(Undergraduate)

SEOUL NATIONAL UNIVERSITY

Course No.	Subject	Credits				Remarks
		1st yr.	2nd yr.	3rd yr.	4th yr.	
101	Introduction to Politics	3	-	-	-	Required
102	Democratic Politics	3	-	-	-	"
103-104	Introduction to Law	2	-	-	-	"
105-106	Constitutional Law (Introductory)	2	-	-	-	"
201	History of Political Schools	-	3	-	-	"
203-204	History of Political Thought	-	3	-	-	"
205	Introduction to Economics	-	3	-	-	"
202	Economic Policy	-	3	-	-	"
207	History of European Politics	-	3	-	-	"
209-210	Readings in Political Science (in English)	-	3	-	-	"
211	Introduction to Government	-	3	-	-	"
301	Public Finance	-	-	3	-	"
303	Political Parties	-	-	3	-	"
302	Comparative Political Parties	-	-	3	-	"
305	Cabinet Structure Under Parliamentary System	-	-	3	-	"
304	Government Structure Under Presidential System	-	-	3	-	"
401	Exercises in Politics	-	-	-	3	"
402	Modern Political Thought	-	-	-	3	"
206	Natural Law	-	2	-	-	Selective
213	Korean Political Thought	-	2	-	-	"
208	Statistics	-	2	-	-	"
215	History of Economy	-	2	-	-	"
212	Economic Geography	-	2	-	-	"
214	History of American Politics	-	3	-	-	"
217	Introduction to Administrative Law	-	2	-	-	"
216	Autonomy	-	2	-	-	"
219-220	Administrative Law	-	2	-	-	"
221-222	International Law	-	2	-	-	"
223	Exercises in Constitution	-	2	-	-	"
218	Korean Government	-	3	-	-	"
225	History of Korean Diplomacy	-	2	-	-	"
224	Sociology	-	3	-	-	"

227	Social Psychology	-	3	-	-	"
307	Politics Under Dictatorship	-	-	3	-	"
306	History of Oriental Political Thought	-	-	2	-	"
309	Power Structure	-	-	2	-	"
308	Political Psychology	-	-	3	-	"
310	Financial Policy	-	-	3	-	"
311	Money and Banking	-	-	3	-	"
312	History of Economics	-	-	2	-	"
313	Elections	-	-	2	-	"
314	Parliament	-	-	2	-	"
315	European Constitutional History	-	-	3	-	"
316	History of Eastern Politics	-	-	3	-	"
317	History of Korean Politics	-	-	3	-	"
318	Personnel Administration	-	-	2	-	"
319-320	Civil Code	-	-	3	-	"
321-322	Readings in Politics in German	-	-	2	-	"
323	Introduction to International Politics	-	-	3	-	"
324	Diplomatic History of Europe	-	-	3	-	"
325	The United Nations	-	-	3	-	"
403	Political Changes	-	-	-	2	"
404	Seminar in Politics	-	-	-	3	"
405	Korean Economy	-	-	-	2	"
406	Exercises in Economics	-	-	-	3	"
407	Seminar in Economics	-	-	-	3	"
408	Exercises in Political Parties	-	-	-	3	"
409	Exercises in Political Process	-	-	-	3	"
410	Exercises in Political History	-	-	-	3	"
411	Administrative Organization	-	-	-	2	"
413-414	Criminal Law	-	-	-	3	"
415-416	Reading in Political Science in French	-	-	-	2	"
412	Exercises in Government	-	-	-	3	"
417	History of Eastern Diplomacy	-	-	-	2	"
418	Political Geography	-	-	-	2	"



(2-B) Typical Curriculum for a Department of Political Science &  
Diplomacy (Undergraduate)

YONSEI UNIVERSITY

<u>Course No.</u>	<u>Subject</u>	<u>Credits</u>				<u>Remarks</u>
		<u>1st yr.</u>	<u>2nd yr.</u>	<u>3rd yr.</u>	<u>4th yr.</u>	
101	Introduction to Politics	3	-	-	-	Required
151	Korean Government	3	-	-	-	"
152	Introduction to Psychology	3	-	-	-	"
201	Constitution (1)	-	3	-	-	"
202	Constitution (2)	-	3	-	-	"
201	International Politics	-	3	-	-	"
202	Diplomacy	-	3	-	-	"
301	International Law (Peace Time)	-	-	3	-	"
302	International Law (War Time)	-	-	3	-	"
304	History of Schools in International Politics	-	-	3	-	"
306	International Organizations	-	-	3	-	"
401	History of Modern European Diplomacy	-	-	-	3	"
403	History of Eastern Diplomacy	-	-	-	3	"
405	Political Parties	-	-	-	3	"
251	British Government	-	3	-	-	Selective
252	American Government	-	3	-	-	"
253	Asian Politics	-	3	-	-	"
266	Introduction to Social Psychology	-	3	-	-	"
254	Introduction to Economics	-	3	-	-	"
255	Theory of the State	-	3	-	-	"
256	Parliamentary Institution	-	3	-	-	"
256PH	Introduction to Sociology	-	3	-	-	"
201C	Statistics	-	3	-	-	"
201E	History of Economy	-	3	-	-	"
252PD	Introduction to Public Administration	-	3	-	-	"
257	Democratic Politics	-	3	-	-	"
351	History of Ancient and Medieval Political Schools	-	-	3	-	"
352	History of Korean Diplomacy	-	-	3	-	"
353	Political Behavior	-	-	3	-	"
354	Political Geography	-	-	3	-	"
355	Public Opinion	-	-	3	-	"
356	Korean Diplomatic Policy	-	-	3	-	"
357	Readings in Politics (in English)	-	-	3	-	"

358	Readings in Politics (in French)	-	-	3	-	"
359	" " " (in German)	-	-	3	-	"
360	" " " (in Spanish)	-	-	3	-	"
361	Soviet Government	-	-	3	-	"
362	French Government	-	-	3	-	"
363	Administrative Law (1)	-	-	3	-	"
364	Administrative Law (2)	-	-	3	-	"
301	Public Finance	-	-	3	-	"
365	History of European Politics	-	-	3	-	"
367	German Government	-	-	3	-	"
368	Election Management	-	-	3	-	"
451	History of Eastern Politics	-	-	-	3	"
452	Political Psychology	-	-	-	3	"
453	Current International Affairs	-	-	-	3	"
454	History of Modern Political Thought	-	-	-	3	"
455	Readings in Political Science (in English)	-	-	-	3	"
456	" (in French)	-	-	-	3	"
468	" (in Spanish)	-	-	-	3	"
469	Comparative Government	-	-	-	3	"
470	American Foreign Policy	-	-	-	3	"
471	English Foreign Policy	-	-	-	3	"
472	Soviet Foreign Policy	-	-	-	3	"
473	Korean Economy	-	-	-	3	"
474	Exercises in Politics	-	-	-	3	"
475	Political Philosophy	-	-	-	3	"



(2-C) Curriculum for the Department of Diplomacy, (Undergraduate)

SEOUL NATIONAL UNIVERSITY

Course No.	Subject	Credits				Remarks
		1st yr.	2nd yr.	3rd yr.	4th yr.	
101	Introduction to Politics	3	-	-	-	Required
201	Introduction to International Politics	-	3	-	3	"
203	History of Western Diplomacy (1648-1919)	-	3	-	-	"
202	History of Western Diplomacy (1918-1950)	-	3	-	-	"
211-212	History of Eastern Diplomacy	-	6	-	-	"
205	Foreign Service Organization	-	3	-	-	"
207	International Law (Peace Time	-	3	-	-	"
204	International Law (War Time & Neutrality)	-	3	-	-	"
208	Exercises in International Law	-	2	-	-	"
206	Seminar on International Law	-	3	-	-	"
210	Exercises in History of Western Diplomacy	-	2	-	-	"
209	Readings in Foreign Service Organization	-	2	-	-	"
301	Theory of International Politics	-	-	3	-	"
302	Exercises in Theory of International Politics	-	-	2	-	"
303	History of Thought in International Politics	-	-	3	-	"
305	Exercises in History of Thought in International Politics	-	-	2	-	"
304	Seminar on Theory of International Politics	-	-	3	-	"
306	Readings in Theory of International Politics	-	-	2	-	"
307	Seminar on History of Thought in International Politics	-	-	2	-	"
309	History of Korean Diplomacy (Pre-Taewongun Period)	-	-	3	-	Selectiv "
308	" (Post-Taewongun & Modern)	-	-	3	-	
310	Exercises in History of Korean Diplomacy	-	-	2	-	"
311	Seminar on History of Korean Diplomacy	-	-	3	-	"

313	International Institutions	-	-	3	-	"
312	Readings in the Charter of the United Nations	-	-	2	-	"
315	International Economy	-	-	3	-	"
401	Foreign Policy	-	-	-	3	"
402	Exercises in Foreign Policy	-	-	-	2	"
213	International Conferences	-	3	-	-	"
214	Nationalism	-	2	-	-	"
314	History of World Economy	-	-	3	-	"
317-318	Comparative Government	-	-	6	-	"
316	Political Geograph	-	-	3	-	"
319	Seminar	-	-	3	3	"
403	Foreign Policy of Soviets and America	-	-	-	2	"
404	Korean-American Relations	-	-	-	3	"
415	Asian Politics	-	-	-	2	"

(2-D) Subjects Taught in M.A. Course

INTERNATIONAL RELATIONS

1. Problems in International Relations
2. Study of International Relations
3. Seminar on International Organizations
4. Case Study on the United Nations
5. Korean Foreign Policy
6. Diplomatic History of Korea
7. Foreign Policy of the United States
8. Foreign Policy of Great Britain
9. Foreign Policy of Soviet Union
10. International Administration

INTERNATIONAL LAW

1. Seminar on International Law (Peace time)
2. Seminar on International Law (War time)
3. Problems in Teaching International Law
4. International Private Law
5. Case Study of International Law



(3) MATERIALS USED

Following publications are commonly used as textbooks in instruction in Korea.

A) International Law

Fenwick, C.G.  
Briggs, Herbert W.  
Brierly, J.L.  
Oppenheim, L.

International Law, 3rd Ed. (New York, 1948)  
The Law of Nations (New York, 1952)  
The Law of Nations (Oxford, 1958)  
International Law, 8th ed., (New York, 1958)

B) International Relations

Wright, Quincy  
  
Morgenthau, Hans, J.  
Schuman, Frederick L.  
Palmer, Norman D. &  
Porkins, H.C.

Hartmann, Frederick  
Haas, Ernst B.

Hoffmann, Stanley, ed.

Eagleton, Clyde

Loonard, L.L.  
Cheever, Daniel S. &  
Haviland, H. Field  
Russell, Ruth B.

Goodrich, Leland M. &  
Hambro, E.

Goodrich, Leland M.  
Chase, Eugene P.

Nicolson, Harold  
" "

Satow, Ernest

The Study of International Relations  
(New York, 1955)

Politics Among Nations (New York, 1958)  
International Politics (New York, 1958)

International Relations, 2nd ed. (Boston,  
1957)

The Relations of Nations (New York, 1957)  
Dynamics of International Relations  
(New York, 1957)

Contemporary Theory in International  
Relations (Englewood Cliffs, N.J.)  
International Government, 3rd ed.  
(New York, 1957)

International Organization (New York, 1951)

Organizing for Peace (New York 1954)

A History of the United Nations (Washington,  
D.C. 1958)

Charter of the United Nations: Commentary  
and Documents (Boston, 1949)

The United Nations (New York, 1960)

The United Nations in Action (New York,  
1950)

Diplomacy, 2nd ed. (London, 1955)

The Evolution of Diplomatic Method  
(London, 1954)

A Guide to Diplomatic Practice (1958),  
4th ed.

LIST OF PUBLICATIONS RELATED TO INTERNATIONAL RELATIONS & LAW IN KOREA

<u>No.</u>	<u>Author</u>	<u>Title</u>	<u>Publisher</u>	<u>Year</u>
1	Yi Yong-hi	Ilban Kugjae Chongch'i-hak (General International Politics) Vol. I	Pakmun-sa	1962
2	"	" Vol. II	"	1963
3	Yi Tong-ju	<u>Kugjae Chongch'i Wollon</u> (Introduction to International Politics)	Changwang-sa	1955
4	Cho Chao-kwan	<u>Kugjae Chongch'i-hak</u> (International Politics)	Pobmun-sa	1963
5	Sin Sang-ch'o	<u>Pilye Chongch'i-hak</u> (Comparative Politics)	Sina-sa	1961
6	Su Chang-sok	<u>Ku-dong Kugjae Chongch'i-sa</u> (A History of Far Eastern Politics)	"	1964
7	Kang Sang-un	<u>Kundae Ogyo-sa</u> (A History of Modern Diplomacy)	Minjungso-kwan	1963
8	Sin Ki-sok	<u>Kundae Ogyo-sa</u> (A History of Modern Diplomacy)	Ilcho-gak	1951
9	"	<u>Tonnyang Ogyo-sa</u> (A History of the Eastern Diplomacy)	Tonggukmunhwa-sa	1956
10	Pak Kwan-suk	<u>Saogae Ogyo-sa</u> (A History of World Diplomacy)	Pagmun-sa	1959
11	Sin Ki-sok	<u>Ogyo-sa</u> (A History of Diplomacy)	Yangmun-sa	1960
12	Kim Ch'an-Kyu	<u>Kugjae Kiku-ron</u> (Introduction to International Organizations)	Pagyong-sa	1963



13	Yun Chu-yong	<u>Kugjao Kiku-ron</u> (Introduction to International Organizations)	Yangmun-sa	1955
14	Kim Chong-Kyun	<u>Kugjao-bop</u> (International Law)	Hwahak-sa	1963
15	An Yong-gyo	" "	Pobmun-sa	1963
16	Chang Ki-bung	" "	Ulyumunhwa-sa	1962
17	Sin Tong-uk	" "	Chongun-sa	1962
18	Kim Ki-su	" "	Seoul Kosihak-Hoe	1960
19	Yi Wan-hi	" "	Taodongmunhwa-sa	1960
20	Kim Chong-kyun	" "	Sina-sa	1960
21	Kim Ki-su	" " (Part: War-time)	Chongyong-sa	1958
22	Pak Chae-sop	" "	Ilcho-gak	1957
23	Pak Kwan-suk	<u>Singo Kugjao-bop</u> (New International Law)	Pobmun-sa	1963
24	Kim Ki-su	<u>Sae Kugjae-bop</u> (New International Law)	Suhak-sa	1963
25	Kim Chong-gyun	<u>Sineo Kugjae-bop</u> (New International Law)	Chongun-sa	1962
26	Yi Ho-jun	<u>Sin Kugjae-bop</u> (New International Law)	Chongyong-sa	1962
27	Pak Kwan-suk & Pak Chae-sik	<u>Sin Ch'ae-sae Munjae Chun-gim Kugjae-bop</u> (New Systematic Case-Contored International Law)	Pagyong-sa	1961
28	Yi Han-gi	<u>Kugjae-bop Taegi</u> (An Outline of International Law)	"	1963
29	So Sok-sun	<u>Kugjae-bop Paldal-sa</u> (A History of Development of International Law)	Minjung-sagwan	1958

30	Kim Ki-su	<u>Kugjae-bop Yongu</u> (A Study of International Law)	Sudomunhwa-sa	1958
31	Om Yong-dal	<u>Suom Ku-jae-bop Yohac</u> (An Outline of International Law: A Guide for Examinations)	Saemun-sa	1961
32	Kim Ki-su	<u>Hyondae Kugjae-bop Ch'ag'ag</u> (Modern System of International Law)	Seoul Kosihak-hoo	1952
33	Yi Han-gi	<u>Kugjae-bobhak</u> (International Law: Part Peace Time)	Pagyong-sa	1958
34	"	" (Part: War Time)	"	1961
35	Paek To-gwang	<u>Hyondae Kugjae-bobhak</u> (Modern International Law)	Pomun-gak	1963
36	Ch'oo Chae-hun, Kim Ko-yong, Pae Chae-sik	<u>Kugjae-bobhak Kan'ui</u> (A Discourse on International Law)	Pobmun-sa	1962
37	Yi Han-gi, Pak Kwan-suk, Kim Ko-yong, & Pae Chae-sik, Ed.	<u>Kugjae Choyag-jip</u> (Collection of International Treaties)	Pagyong-sa	1953
38	Kugjae Munjae Yonguhoo, Ed.	<u>Kugjae Kon'bol Munjae Tapan-jip</u> (Collection of Papers for Examinations in International Public Law)	Samjung-dang	1960
39	Yi Won-u	<u>Ku-jae Yonho Kaesol</u> (Introduction to the United Nations)	Pomjo-sa	1959
40	Kim Song-ju, (Translated by)	<u>Ku-jae Yonhap Honjan</u> (The Charter of the United Nations)	Kahak Chingung-sa	1961
41	Pak Chong-song	<u>Haeyang Kugjae-bop</u> (International Law On Seas)	Pobmun-sa	1963



(4) TEACHING TECHNIQUES

Breakdown of teaching hours for undergraduate and graduate courses is as follows:

Undergraduate

Lecture . . . . . 2/3 of total teaching hours  
Discussions & use of audio  
visual aids (slides, movies  
etc. . . . . 1/3 of total teaching hours

Graduate (M.A.)

Lecture . . . . . 1/3 of total teaching hours  
Oral Report (Term Papers) 1/3 of total teaching hours  
Discussions . . . . . 1/3 of total teaching hours

(5) DIFFICULTIES IN TEACHING

A) Lack of Materials

For both professors and students, lack of materials has been keenly felt. Most higher learning institutions here in Korea have inadequate collection on international relations and law especially on case studies in their school libraries. On the other hand, high-priced foreign publications sold at bookstores make their access to these materials hard.

B) Lack of Periodicals

Subscriptions to foreign periodicals are too costly for teachers and students. On the other hand, only a small number of periodicals are published in international relations and law in Korea.

C) Lack of Trained Professors

International relations is quite a new field introduced to this country after the end of World War II, especially in the wake of the Korean War. As a

result, only several professors (senior) currently engaged in teaching in these field hold doctorate. As for instruction method, a bad tradition of the past which was too much theory-centered (lecture-centered too), renovation is being done by younger professors who have studied abroad to replace it in part by case study and new teaching method prevailing in advanced countries.

Lack of trained teachers will be solved in three to five years since international law and relations are popular among the students of political science and a considerable number of Korean students are taking a work toward advanced degrees abroad.

THE ASIA FOUNDATION Seoul Office has done much for helping schools solve in part these difficulties through their loan and donation system. To cite an instance, the Foundation loaned out 60 copies of INTERNATIONAL RELATIONS by Palmer & Perkins (2nd ed., Boston: 1957) for the students of international relations at Yonsei University and the textbook was used in a most effective way in the class conducted by Professor Se Sok-sun (Ph.D. in international relations from Nebraska, US) in the 2nd semester of 1960.

The Foundation has donated five different titles of books to each of professors in the university and relieved in part of their difficulties. The organization has also donated books the university library wished to have when the Foundation is afforded to do so.



IMPROVEMENT in instruction may be achieved in part by mutual exchange of periodicals and other publications between the schools represented at this roundtable and by personal exchange among them.

(6) ATTITUDE OF STUDENTS

Students in general seem to have been attracted by this new field of studies. Most graduate students registered with a department of political science in Korea prefer to concentrate in the area of international law or relations. A considerable number of M.A. theses related to international relations and law (see attached list) has been produced to date.

(7) CAREERS AND PROFESSIONS IN WHICH THE STUDY OF INTERNATIONAL LAW AND RELATIONS PROVES ADVANTAGEOUS

Most of students who have majored in political science, diplomacy, political science & diplomacy find it advantageous to enter on foreign service or teaching. However, limited employment opportunities in these fields have forced them to take whatever careers or professions are available.

For example, foreign service which has proved to be highly advantageous for and popular among the graduate in these fields presents following statistics:

Out of a total 389 employees in the Korean foreign service, 225 (or 56%) are graduates of these departments.

Out of 225 employees, 62 (or 27% of them) hold M.A.

or doctorate degrees in international relations or law.

Another interesting fact is that they have to compete in Higher Civil Service Examinations (Administrative Division, Section-3 Foreign Service) which recruits

foreign service employees regardless of their major fields. This system, now defunct except for Judiciary Division, once discouraged some able students to pursue regular B.A. and M.A. or Ph.D. course since one who has completed one year course at any accredited college or university was eligible to apply for the examination. At present, 56 qualified in the examination in the past are in foreign service in Korea.

As for teaching career, those who obtained their M.A. degrees here in Korea in early 1950's and who continued to study further in foreign institutions toward advanced degrees are today occupying important teaching positions in their schools.



LIST OF M.A. THESIS RELATED TO INTERNATIONAL LAW &  
RELATIONS IN KOREA

SEOUL NATIONAL UNIVERSITY, Seoul

<u>No.</u>	<u>Name of Student</u>	<u>Title</u>	<u>Year</u>
1	Ch'oe Sung-ak	A Historical Study of International Court of Justice	1949
2	Kim Ok-p'hong	Development of International Law and Subsequent Development of International Politics	1950
3	Pak Sok-Kyo	The Korean War and the United Nations' Action	1950
4	Yun Ki-son	The United Nations and Korean Politics	1950
5	Pak Ch'an-jong	Treaties of Friendship Concluded at the End of the Yi Dynasty	1951
6	So Chung-sok	The Conclusion of Pyongja Treaty of Friendship: A Diplomatic Study	1951
7	Pak Mun-ok	International Organization for Peace	1953
8	Ik Pyong-sak	A Study on Korean-Russian Relations	1953
9	Pae Chae-sik	A Study on High Seas	1955
10	Ch'oe Kwang-p'il	A Study on the Declaration of Sovereignty on Seas	1955
11	Ch'oo Chong-gi	Legal Theory of Continental Shelf	1957
12	Kim Kyong-jo	The Status of Formosa in International Law	1957
13	Pak Pong-sik	A Study on Balance of Power: Development of Theory of Balance of Power Among Jurists Since Medieval Time	1957
14	Chong Ch'i-gun	Treaties in Municipal Constitution	1957
15	Chong Sin-yong	Relationship Between International Law and Municipal Law	1957
16	Son Chae-sok	On the Relationship Between Regional Arrangements & Treaty of Collective Self-defense, and the United Nations	1958
17	Yi Kwang-ho	A Study on the Corfu Channel Dispute	1958
18	Kim Ch'an-gyu	Legal Theory of Continental Shelf	1958

19	Yi Ki-won	The Second Security Treaty and Bismark's Foreign Policy	1959
20	Pang Hyo-son	Truman Doctrine: American Containment Policy Against Russia in Europe	1959
21	Kim Hong-Ch'ol	Impact of the Military Upon the Formation of Modern States	1959
22	Kim Chun-hwan	The Authority and Role of the American President in Foreign Relations	1959
23	Pak Pyong-gwan	Administrative Court of the U.N.	1959
24	Yi Chung-u	Monroe Doctrine and "Big-Stick" Policy	1959
25	Yi T'aek-hi	Decision-making Process of U.S. Foreign Policy and Political Dynamics	1959
26	Yi Sang-hup	A Study on the Functions of the United Nations Assembly with Regards to Collective Security	1960
27	Yi Sang-Gu	A Study on Veto in the United Nations	1960
28	Sin Hyon-dok	On the Term "Rejection of Court Trial" in International Law	1960
29	On Pyong-hun	A Critical Study on the System of Clause of Retention	1960
30	Yi Tong-hi	A Study on Collective Self-defense	1961
31	Kim U-song	The Status of Individual Persons in International Law	1961
32	Sim Sang-myong	Anglo-Korean Relations 1882-1905	1962
33	Kim Chae-hyon	A Study on the Theory of Territorial Air	1962
34	Yun Pyong-ik	The Holy Alliance as a Prototype International Organization	1963
35	Yi Hon-won	The Effectiveness of "Calvo Clause" in International Law	1963
36	Yi Sang-jo	The Problem of Minority in International Law	-
37	Yi Chun-bok	The Foundation of International Relations	-
38	Yi Chung	International Economic Cooperation	-
39	Pak Ung-yol	Monroe Doctrine and the Development of Cosmopolitanism	-



40	Min Yong-sik	A Study on Political Control of Japan by Allied Powers	-
41	Yun Hak-su	English Policy Toward Germany One Year Before the Outbreak of Hostilities	-
42	Kim Ok-p'yong	Development of World Law and the Development of International Politics	-
43	Yi Tok-ki	The Status of China and Economic Sanctions Against Her by United Nations Member States	1951
44	Hwang Sang-gi	A Study on the Issue of T'kto Island	1955
45	Chong Chae-sok	Planned Approach to the Reality of International Law	1957
46	Cho Sok-chun	New Problems in State Liabilities	1960
47	Chon Mu-yong	The System of International Law and Neutrality	1960
48	Yi Hyon-sung	On the Problems in Personnel Organization for International Officials	1960
49	Chong In-yong	Problems Related to Introduction of Foreign Capital into Korea	1960
50	Kim Ki-mun	Problems Related to Financial Management in the United Nations	1960
51	Kim Chae-ho	Rights of Exemption and Privileges for International Officials	1960
52	Kim Un-su	A Study on the Rationalization of the Administration of International Contracts	1961
53	Hwang Sac-ch'ol	Disposition of Japanese Property in Korea and Problems Related to Its Claims	1961
54	Yun Sok-hung	A Study on the Supervisory Machinery in International Administration	1963
55	Yi Sok-yong	A Study on the Specialized Agencies of U.N.	1963

YONSEI UNIVERSITY, Seoul

56	Kim Myong-hoe	A Study on the Veto of the United Nations Security Council	1954
57	Kil Chung-gi	On the Procedures of the United Nations Security Council for Settlement of Disputes and Arbitration	1955

58	Yang Chun-mo	Characteristics of the United Nations as Compared to a Federation of States	1955
59	Kim Ki-hun	Natural Legal Thought and the Development of International Law	1955
60	Cho Chae-gun	A Historical Study on Japanese and Russian Foreign Policy Towards Korea	1956
61	Ch'oe Kyong-rak	American and Russian Policy Towards Korea in Modern International Politics	1957
62	Kim Ho-gun	Foreign Policy Making and Nationalism	1958
63	Sin Yong-sok	A Study on the American Policy for Korean Independence	1958
64	Chong Ch'un-yong	A Study on the Origin of Imperialism in Modern International Politics	1959
65	Kim Sung-ho	A Study on Korean-American Treaty of Friendship in 1882	1961
66	Kim Yong-jin	Russo-Korean Relations in King Kojong Period	1959
67	Kim Un-yong	American Policy Towards Latin America	1961
68	Yi Sok-ohu	American Policy for Door Opening in Korea	1961
69	Kim Ch'an-gyu	Legal Theory of Continental Shelf	1957
70	Yi Ch'ung-u	Characteristics of Korean Nationalism	1960
71	Yi Wan -su	Development of Human Rights in International Law	1957
72	No Kae-hyon	Dominium Over Eastern Chientai Refuted	1958
73	Kim Sang-su	Modern Theory of Freedom of High Seas	1960
74	Yi Pom-sok	A Study on Russo-German Relations	1960
75	Yi Sen-ju	American Policy Toward Door Opening in Korea	1961
76	Chin Hae-suk	An Analysis of Russo-Chinese Dispute	1961

KOREA UNIVERSITY, Seoul

77	Yun Chu-yong	A Theoretical and Historical Study on International Institutions and Prospects for the Future	1964
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78	Song Han-ch'ol	Modern Imperialism and International Politics (1900-14) with Reference to History of International Politics	1954
79	Kim Hong-suk	A Study on the Methodology of Morgenthau's International Politics	1958
80	Im Tong-won	On the Functions of Collective Security	1958
81	Chong Ho-nyong	Independence of Manchukuo in International Law	1960
82	Kim Chong-ae	Functions and Authority of the Secretary-General of the United Nations	1960
83	Sin Ch'ol-gyun	On modern Korean-American Relations in International Politics	1960
84	Ch'oe Sok-yun	Problems Related to Collective Security Since the End of World War II	1963
85	Wang Ip-ch'on	The Problem of Communist China's Representation in the United Nations	1963
86	Yi Yung-yong	Legal and Political Significance of the Charter of the United Nations	1954
87	Kim Chong-un	Human Rights in International Law	1955
88	Chang Ki-bung	Liability of State	1956
89	Kang Tae-gyong	Direction of International Legislation Towards Soas	1957
90	Kang Yong-jin	A Study on the Settlement of Disputes by the United Nations	1957
91	Pak Pom-sik	Expropriation in International Law	1957
92	Pak Chae-ung	A Study on the Status of Non-Recognized States	1957
93	Kim Song-su	A Study on the Extinction and Suspension of Treaty in Judicial Precedents	1958
94	Chong Chong-hak	A Study on Judiciary Settlement	1959
95	Pae Han-gi	American and English Diplomatic Systems Compared	1960

CHUNGANG UNIVERSITY, Seoul

96	Kang Pyong-gyu	State Sovereignty and International Cooperation	1955
97	Chong Pyong-sok	A Study on the Self-defense in International Law	1956
98	Kim Yen-ha	A Theoretical Study on Recognition of State	1957

99	Kim Sun-yong	On the Right of Self-defense	1955
100	Ha Sang-ch'ol	A Study of Human Rights	1956
101	Kang Ha-gya	A Study on Korean and American Politics and Diplomacy	1958
102	Ho Ch'an-jong	International Politics and the Korean Question	1957
103	Yi Chong-t'aek	Koryo-Mongolian Relations	1958
104	Chong In-sok	Human Rights in International Law	1958
105	Cho T'ae-sok	A Study on the Nationality in International Law	1958
106	Ham Sun-yong	Legal Studies on Korean-Japanese Negotiations	1958
107	Chang Su-dong	Nationalism in Southeast Asia	1958
108	Pak Ki-mu	The Origin of Nazis: A Study of History of Politics	1958
109	Ha Kyong-gun	Modern Warfare and International Politics	1958
110	Im Sun-gil	A Study on Diplomatic Privileges	1959
111	Kim Yong-jac	International Relations with Regard to Door Opening in Korea	1960
112	Ch'oe Chun-bong	A Study on Fisheries on Seas	1961
113	T'ak Han-gwan	Nuclear Weapons and International Law	1961
114	Mu Yon-u	International Law and Municipal Law	1961
115	Yu T'aek-yol	A Study on Administrative Agreement in International Law	1961
116	Song Ki-yong	A Historical Study on Disarmament	1962
117	Chang Hong-ik	State Liability in International Law	1962
118	Yu Pyong-p'il	American and Russian Policy Toward Korea	1962

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119	Kim Kyong-ch'an	A Historical Study on the Establishment of Relations Between Korean and America	1960
120	Ke Ch'ang-u	A Study of the Admission to Membership of the United Nations	1961
121	Kang Yong-su	A Study of the Process of Formation of the United Nations	1961
122	Song To-gun	The Problem of Power in International Politics	1963
123	Kwak Wan-sok	A Study on Korean-Japanese Relations	1957
124	Chu Hoo-gil	Power Politics and Collective Security	1958



125	Ch'oe Mu-han	A Study on the Suez Canal	1959
126	Yi Chun-su	Court Jurisdiction over Collision of Ships	1960
127	Hwang Won-hyong	On Disarmament	1960
128	Kim Pyong-il	A Study on the Locarno Treaty	1960
129	Kim Chin-u	International Relations with Regards to Constantinople Conference	1960
130	Sin Chae-yong	A Study on the Asian Nationalism	1960

TONGGUK UNIVERSITY, Seoul

131	Yi Ki-ung	A Study on Equity and "Good" in International Court of Justice	1957
132	Kim Chin-won	Power Structure in International Policy Making	1958
133	Kim Pook-chin	Administrative Agreement of the Status of Alien Forces	1959
134	Yi Pong-ju	A Study on the Clause of "Changed Conditions" in International Law	1959
135	Min Kyong-sang	On the Dispute for Dissolution of the United Nations	1959
136	Kim Song-ch'ol	Regional Collective Security	1961
137	Im Tok-kyu	Administrative Agreement in Force Compared	1963
138	Paek Pong-hum	A Study on the Legal Significance of "Peace Line" in View of Modern Legislation Trend on Seas	1963

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139	Kim Ui-ch'ol	Disarmament and World Peace	1961
140	Yi Chong-jin	Characteristics of American Foreign Policy	1962
141	Se Chung-sok	The United Nations and the Status of Women	1963

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142	Cho Chung-yon	Sino-Japanese War and Japan's Continental Policy	1960
143	Ham Ch'ong-do	Impact of American Christian Spirits upon International Politics	1961
144	Yu Ha-sang	International Control of Nuclear Weapons	1961

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|-----|----------------|---|------|
| 145 | Ch'oe Yong-nip | A Study on the Problems on Korean Independence in the United Nations    | 1962 |
| 146 | Kim Hyong-gil  | Foreign Relations in the Process of Korea's Loss of Her Independence    | 1963 |
| 147 | Cho Chae-hyang | A Historical Study on Korean-American Treaty of Friendship and Commerce | 1963 |

HONGIK COLLEGE, Seoul

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|-----|------------|---|------|
| 148 | Kim Hi-bom | Freedom of Choice of Residence in International Law | 1959 |
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EWHA WOMEN'S UNIVERSITY, Seoul

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|-----|--------------|--|------|
| 149 | Hong Sok-cha | International Organizations for Peace  | 1957 |
| 150 | Yi Hyon-ja   | Who Can Construe a Treaty  | 1958 |
| 151 | Kim Mun-hi   | The First and Second Anglo-Japanese Alliances and English Policy Toward Russia | 1959 |
| 152 | Kim Kyong-hi | Foreign Policy Making Process in UK and US                                     | 1959 |
| 153 | Kim Yong-hi  | On the Legal Ground of Collective Self-defense                                 | 1961 |
| 154 | Kim Chae-nim | A Study on the Scope of Internal Affairs                                       | 1960 |
| 155 | Yi Chong-suk | On Korean-Japanese Treaty of Friendship 1876                                   | 1963 |
| 156 | Yun Hao-sun  | Russo-German Agreement of Non-Violation  | 1961 |
| 157 | Min Ki-suk   | The Situation of China with Reference to Yalta Agreement                       | 1956 |

KYONGBUK UNIVERSITY, Taegu

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|-----|--------------|--|------|
| 158 | Kim Su-in    | A Historical Study on Collective Security                              | 1956 |
| 159 | Yu Sang-yol  | Punishability of War Crimes  | 1957 |
| 160 | Kwon O-gyu   | Problems Related to Principle of "Changed Conditions"                  | 1958 |
| 161 | Ye Chom-dong | A Facet of Preface to International Political Science                  | 1958 |
| 162 | Kim Mun-dal  | Collective Security in Article 51 of the Charter of the United Nations | 1959 |



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|----------------------------|------------------|--|------|
| 163                        | Hwang Chong-dong | Manchurian Situation and Korean Minority at the End of <u>Chin</u> Dynasty and the Beginning of Mongolian Empire | 1959 |
| 164                        | Ch'oe Song-hak   | A Political and Diplomatic Study of <u>Imo</u> Military Coup   | 1960 |
| 165                        | Chong Chin-yong  | A Study on Imperialism   | 1960 |
| TAN'GUK UNIVERSITY, Seoul  |                  |  |      |
| 166                        | Han Yong-ch'un   | The Process of Commutization in China Proper   | 1961 |
| 167                        | Yi Hi-ho         | Characteristics of Party Politics in the Post-War Japan  | 1961 |
| PUSAN UNIVERSITY, Pusan    |                  |  |      |
| 168                        | Kim Chin-ho      | A Study in American Foreign Policy in Far East   | 1960 |
| 169                        | Chong T'ao-ho    | Changes in Treaty of Alliance in Nature and Significance of Modern Collective Security Measures                  | 1961 |
| 170                        | Chong Si-hwan    | Modern Significance of the Study on Self-defense   | 1961 |
| 171                        | Ha Chae-hwan     | A Study on Fundamental Human Rights in International Law   | 1961 |
| TONGA UNIVERSITY, Pusan    |                  |  |      |
| 172                        | Sin A-sang       | On Disarmament   | 1961 |
| 173                        | Pak Ung-jin      | Bismark's Foreign Policy   | 1961 |
| 174                        | Kwon Hak-p'il    | International Relations in Far East With Reference to Korea  | 1961 |
| 175                        | Kim Chi-won      | Legal Study on Self-defense  | 1958 |
| 176                        | Yi Chong-man     | A Study on Collective Security   | 1958 |
| TAEGU COLLEGE, Taegu       |                  |  |      |
| 177                        | Chong Un-jang    | A Study on Law on Seas   | 1959 |
| CHOSUN UNIVERSITY, Kwangju |                  |  |      |
| 178                        | Pal Chae-sang    | On Collective Security   | 1959 |
| 179                        | Chong Ch'an-gyu  | World Government   |      |

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|-----|------------|---|------|
| 180 | Yi Yun-sik | Changes in Freedom of High Seas and Korean Fisheries Problems | 1960 |
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CH'ONGJU COLLEGE, Ch'ongju

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|-----|-----------------|--|------|
| 181 | Chi Kyo-hun     | Expansion of Littoral State's Jurisdiction as Seas and the Problem of Line of Marine Sovereignty | 1961 |
| 182 | Chong Yong-T'ae | The United Nations and Its Current Problems  | 1957 |

CHONNAM NATIONAL UNIVERSITY, Kwangju

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|-----|----------------|--|------|
| 183 | Sin Ch'ol-gyun | Modern Korean-Japanese Relations in International Politics-ups and Downs of Alien Influence in Korea During the Period 1882-1910 | 1961 |
| 184 | Ch'oe Wan-sik  | Nuclear Weapons and War With Reference to Dr. Sing's Theory  | 1961 |
| 185 | Pak Ha-il      | International Peace and Collective Security  | 1960 |
| 186 | Kim Chae-hui   | A Study on Balance of Power  | 1960 |

CHONBUK NATIONAL UNIVERSITY, Chonju

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|-----|------------|---|------|
| 187 | Ke Un-sun  | Relationship Between Law and Politics in the Course of Development of International Law | 1959 |
| 188 | Yi Sang-no | A Study on Collective Security and Self-defense   | 1959 |

PH.D. DISSERTATION

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| 1 | Yi Yong-hi (Seoul National University) | A Theoretical and Historical Study on International Politics | 1963 |
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| 180 | Yi Yun-sik | Changes in Freedom of High Seas and Korean Fisheries Problems | 1960 |
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CH'ONGJU COLLEGE, Ch'ongju

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|-----|-----------------|--|------|
| 181 | Chi Kyo-hun     | Expansion of Littoral State's Jurisdiction as Seas and the Problem of Line of Marine Sovereignty | 1961 |
| 182 | Chong Yong-T'ae | The United Nations and Its Current Problems  | 1957 |

CHONNAM NATIONAL UNIVERSITY, Kwangju

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|-----|----------------|--|------|
| 183 | Sin Ch'ol-gyun | Modern Korean-Japanese Relations in International Politics-ups and Downs of Alien Influence in Korea During the Period 1882-1910 | 1961 |
| 184 | Ch'oe Wan-sik  | Nuclear Weapons and War With Reference to Dr. Sing's Theory  | 1961 |
| 185 | Pak Ha-il      | International Peace and Collective Security  | 1960 |
| 186 | Kim Chae-hui   | A Study on Balance of Power  | 1960 |

CHONBUK NATIONAL UNIVERSITY, Chonju

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|-----|------------|---|------|
| 187 | Ke Un-sun  | Relationship Between Law and Politics in the Course of Development of International Law | 1959 |
| 188 | Yi Sang-no | A Study on Collective Security and Self-defense   | 1959 |

PH.D. DISSERTATION

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|---|--|--|------|
| 1 | Yi Yong-hi (Seoul National University) | A Theoretical and Historical Study on International Politics | 1963 |
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Malaysia by (a) L. C. Groen, Professor of International Law and Director, Institute of Advanced Legal Studies, Faculty of Law, University of Singapore.

In Singapore, where the Faculty of Law itself is only in its sixth year, International Law is taught comparatively.

It is taught as a final year subject for the LL.B. degree and the first course was delivered in the session 1959-60. At that time, the syllabus was confined to general principles. Since then, a principal course on international law has been introduced, and was taught as such for the first time during the session 1962-63. The principal course, likewise restricted to final year students, comprises International Law (General Principles), International Relations, and either International Economic Law or the International Law of the Sea. In addition, students are required to offer Jurisprudence and one other subsidiary subject from an authorized list. There is also a course of discussion/lectures on Current Problems of International Law and Relations which students of the principal course are required to take. Candidates for examination are expected to deal with a three-hour problem.

The course in International Law (General Principles) is still available as an optional subsidiary subject for students not taking the principal course in international law.

Students taking international law seem, for the most part, anxious to go into advisory positions with international trading houses or to seek admission to the foreign service of the Federation of Malaysia. For undergraduate courses, teaching involves lectures, discussion classes, case analyses, and written papers. Full postgraduate facilities exist and there is at present one student writing an LL.M. dissertation on the Cuban quarantine.

Apart from the degree courses there has been recently instituted a Certificate Course in International Law and Relations for which the



subjects are International Law (General Principles), International Relations and International Economic Law. Students for this course are also expected to attend the classes in Current Problems. The syllabus is as for the LL.B. degree, but the examination is on a lower level with less emphasis on the case and less detail generally. There is also a three-hour essay to be written for the Certificate examination.

The students taking the Certificate course are not University students in the usual sense of that term. They are nearly all in full-time employment as journalists, civil servants, trade unionists, police officers, business employers, and the like. The response so far has indicated a wide field of interest in international studies and the Certificate course fills a definite need.

Finally, the Department of External Affairs in the Federation of Malaysia has indicated that it would like the University Faculty of Law and the Department of Political Science to organize a "crash programme" for junior diplomats.

Principal Course in International Law and Relations. This course consists of:- (i) Public International Law (General Principles); (ii) International Relations; and (iii) either (a) International Economic Law or (b) International Law of the Sea.

(i) Public International Law (General Principles). This course is designed to give students a general knowledge of the basic principles of public international law. While emphasis is laid on the law of peace, a broad outline of the law of international institutions and of the law of war is included. Undergraduates following this course are encouraged to apply these basic principles to current international problems. Books recommended: Brierly, "The Law of Nations," Green, "International Law Through the Cases," Schwarzenberger, "A Manual of International Law" and Starke, "An Introduction to

International Law." Further reading: Brierly, "The Outlook for International Law," Briggs, "The Law of Nations," Goodrich-Hambro, "The Charter of the United Nations," Goodspeed, "Nature and Functions of International Organization," Gould, "An Introduction to International Law," Green, "The Nature of International Law," 14 U. Toronto L.J. 1962. Kaplan & Katzonback, "The Political Foundations of International Law," Kelson, "Principles of International Law," Oppenheim (ed. Lauterpacht). "International Law," Rosenne, "The World Court: What it is and How it Works," Schwarzenberger, "Fundamental Principles of International Law" (87 Recueil des Cours, Hague Academy of International Law, 1955), Schwarzenberge, "International Law" (vol. 1), Sohn, "Cases and Materials on World Law" and Svarlien, "Introduction to the Law of Nations," (In each case, the latest edition should be used.) Periodicals: American Journal of International Law; British Year Book of International Law; International and Comparative Law Quarterly.

Undergraduates following this course are also expected to make use of the Reports of the International Court of Justice, as well as Hyde, "International Law Chiefly as Applied and Interpreted by the United States" (3 vols.) and McNair, "International Law Opinions" (3 vols.)

(ii) International Relations. The purpose of this course is to provide an analysis of the relationships between states and peoples and of the forces and factors by which they are affected. In addition to explaining the significance of the subject as a separate discipline, attention will be drawn to the relevance of other disciplines, and in particular political history and international law. The course will include consideration of such ideas as "State," "International Society," "International Morality" and "World Order," as well as the elements explaining and regula-



ting the behaviour of states in international life. Books recommended: Schuman, "International Politics" and Schwarzenberger, "Power Politics." Further reading: Ball & Killough, "International Relations," Carr, "The Twenty Years' Crisis," Cheever & Haviland, "Organizing for Peace," Gathorne Hardy, "A Short History of International Affairs," Kaplan & Katzenbach, "Political Foundations of International Law," Morgenthau, "Politics Among Nations," Palmer & Perkins, "International Relations," Rienow, "Contemporary International Politics," Periodicals: Foreign Affairs; Indian Yearbook of International Affairs; International Affairs; Yearbook of World Affairs.

(iii) (a) International Economic Law. In this course emphasis will be laid on the principles and standards of international economic law, as well as on the nature of international economic transactions and the significance of international economic institutions. There is no basic textbooks in this subject, but students should read: Schwarzenberger, "The Province and Standards of International Economic Law" (2 I.L.Q. 1948), Schwarzenberger, "International Law," vol. 1, ch. 13-14 and Green, "International Law through the Cases," ch. 13-14. Further reading: Alexandrowicz, "International Economic Organizations," and "World Economic Agencies," Campbell & Thompson, "Common Market Law," Barber, "Rivers in International Law, Feighel, "Nationalization," Green, "Legal Aspects of the Schuman Plan" (5 C.L.P. 1925), (H.M.S.Q) General Agreement on Tariffs and Trade, Cmd. (1943-1955, Int. & Comp. Law Quarterly, Supp. 1, 1961, "Legal Problems of the European Economic Community," Schwarzenberger, "The Most Favoured Nation Standard in British State Practice" (22 B.Y.I.L. 1945), Seyid Mohammed, "The Legal Framework of World Trade," Shea, "The Calvo Clause," Smith, "The Economic Use of International Rivers," Viner, "The Customs Union Issue" and White, "Nationalization of Foreign Property."

(iii) (b) International Law of the Sea. In addition to examining the various problems considered at the two (Geneva) United Nations Conferences on the Law of the Sea, this course will also include such matters as the law of maritime warfare, the law regulating safety at sea, and the law of international maritime institutions. Books recommended: Colombos, "The Law of the Sea," Smith, "The Law and Custom of the Sea" and the Report on the First United Nations Conference on the Law of the Sea (Cmd. 584). Further reading: Chorley & Giles, "Shipping Law" (part I), Colombos, "The Law of Prize," Fitzmaurice, "The Law and Procedure of the International Court of Justice, 1951-54; Substantive Law I: Maritime Law" (31 B.Y.I.L. 1954), Fulton, "Sovereignty of the Seas," Green "The Geneva Conference and the Freedom of the Seas" (12 C.L.P. 1959), Green, "The Territorial Sea and the Anglo-Icelandic Dispute" (9 Journal of Public Law 1960), International Law Commission, Report on the Law of the Sea (Y.B.I.L.C. 1956, vol. 2), MacChesney, "Recent Developments in the International Law of the Sea," Tucker, "The Law of War and Neutrality at Sea," United Nations, "Laws and Regulations on the Regime of the High Seas," "Laws and Regulations on the Regime of the Territorial Sea," and "Laws concerning the Nationality of Ships."

Students of International Economic Law and of International Law of the Sea will also be expected to acquaint themselves with the relevant portions of the literature mentioned under (i) above, as well as with articles in the periodicals listed there.

In addition, students taking International Law will be expected to attend the lectures on Current Problems of International Law and Relations at which topical issues will be analysed from the point of view of international law and international affairs.



(b) Inche Mohamed Sallen bin Abas, Senior Federal Counsel and Deputy Public Prosecutor, Attorney General's Chambers.

1. In the Federation, knowledge in International Law and Relations is treated as an intellectual luxury. The Government regulations for entry into various public services, including foreign service, does not require this knowledge as a basic qualification. Possession of an Honours Degree, irrespective of the subjects studied for such degree, is considered sufficient. No distinction is made between an Honours Degree in International Law and Relations or in any other subject for the purpose of admission into the Federation public services. Similarly, entry into the Federation Legal Service, which recruits a number of Government Legal Counsel and Judicial Officers, such as Magistrates and District Judges, also does not insist upon possession of this qualification. For this purpose, professional qualification such as Solicitor or Barrister-at-Law is compulsory. In view of the fact that the training of a Solicitor or a Barrister does not make International Law a compulsory subject, a qualified Solicitor or Barrister, therefore, need not necessarily be acquainted with International Law. Most of them are only Municipal Lawyers. Further, within the hierarchy of public services, there is no post which is meant exclusively for a person who is trained or specialized in this branch of learning. Thus, there is no incentive for anyone to be specialized in International Law and Relations, since such study becomes merely a gratuitous undertaking which produces no higher or better reward than the study of any other subjects which are far easier and less complicated than the study of International Law and Relations.
2. In view of these factors stated above, the Federation, at the moment, is experiencing a shortage of people trained in this branch of learning. In order to alleviate the difficulties consequent upon this shortage, the Government provide a training programme for the

Federation young Diplomats for a period of six months to one year with a view of instructing and equipping them with sufficient working knowledge of this subject. In the past, most officers in the Ministry of External Affairs were trained for a period of twelve months either in Great Britain or in Australia, but since recently our young Diplomats have now been trained locally.

3. Further, the Government at the moment is in no position to insist that candidates seeking entry into our Diplomatic Service should possess an Honours Degree in International Law and Relations because, there are a number of jobs far more attractive than the Federation Diplomatic Service, which are available to any graduate with an Honours Degree.

4. As regards the position in the Attorney-General's Chambers, which are responsible for giving legal advice to the Government both in International and Municipal Laws, the difficulty is meted out by sending qualified officers to study International Law and Relations at a recognized institution, such as London or Cambridge. It is hoped that this method will alleviate the difficulties which have arisen due to the shortage of people trained in International Law and Relations.

5. Thus, it could be seen that because of the Government regulations governing entry into the Federation public services, coupled with the complete absence within the hierarchy of the public services, or any post which is reserved exclusively for specialist in International Law and Relations, there is no compelling reason, nor any inducement, for any student to study this branch of learning. Most of the students who go to Universities and Colleges have one thing in mind, namely, to obtain a qualification with the least difficult task in order to equip him for a job when leaving the Universities. Since the study of International Law and Relations is often difficult, involving a great deal of reading and research, and further because the



qualification obtained after such difficult undertaking gives a student no higher reward than that of his fellow students who study other subjects, he may as well forget the study of this branch of learning altogether. In the end, International Law and Relations becomes merely an intellectual luxury.

Philippines by Vicente Abad Santos, Dean and Professor of Law, College of Law, University of the Philippines.

1. Law schools offering international law subject:

International Law courses on the undergraduate level are offered and taught in all law schools of the Philippines. The reason for this is that International Law is one of the prescribed subjects in the annual examinations for admission to the Philippine bar. Under Secs. 9 and 14 of Rule 127 (Rule 138 of the Revised Rules of Court, effective Jan. 1, 1964), the candidate for admission, with some exceptions not material here, must pass the examination in International Law, among other subjects, to which is assigned the relative weight of five (5) percent. While the relative weight assigned to International Law is not in itself impressive, candidates, nevertheless, prepare themselves in the subject as well as they could, because under the Rules of Court, an average below 50% in this subject (or in any other) disqualifies them for admission automatically, however, good is their performance in the other subjects.

Mention may also be made of the fact that apart from the UP College of Law (which is state-operated), all law schools in the Island are under the jurisdiction of the Department of Education of the Philippine Government with respect to curriculum and other matters. As the Department takes the requirements in bar examinations prescribed by the Rules of Court into account in framing the uniform curriculum for private law schools, it becomes easy

to understand why International Law subject are mandatory for law students here working towards an LL.B. degree.

This importance given International Law is logical, because under our Constitution the generally accepted principles of international law are part of the law of the land.

Now for the data on law schools here.

Since 1956, their number, according to government records, has never fallen below 65, with a total annual enrollment of at least 10,000 students for the same period. As may be expected the private law schools tend to cluster in the urban areas. Of the 68 law schools registered in 1961, 17 of them are to be found in Greater Manila alone. Most of the remainder are likewise located in the other cities. Thus we find 5 in Cebu City, 4 in Iloilo City, 3 each in Davao City, Dagupan City and Baguio City. Even the smallest city of Cagayan de Oro has two law schools.

## 2. For what degrees required:

International Law subjects are mandatory for undergraduate studies leading to an LL.B. degree, as above discussed. International law subjects, both public and private, are also taught in colleges of liberal arts which offer the degrees of Bachelor of Science in Foreign Service and Bachelor of Arts in Political Science.

The data available with regard to the graduate level of studies is inadequate, but what is there indicates that as a matter of policy, the few law schools offering graduate studies prescribe International Law subjects. Thus, the catalogues of the following law schools list one or more International Law subject in their graduate curriculum:

- (1) University of the Philippines
- (2) Ateneo de Manila University
- (3) University of Sto. Tomas
- (4) Far Eastern University



- (5) University of Manila
- (6) MLQ University
- (7) Lyceum of the Philippines

3. Synopses of the Courses:

While there are variations among the different law schools as to the content of the prescribed courses in International Law, the divergence is not significant.

The International Law subjects universally prescribed in undergraduate studies are:

- (1) Public International Law
- (2) Private International Law (sometimes described as Conflicts of Laws).

The description below taken from the U.P. College of Law catalogue represents substantially the subject matter of these courses:

(1) "INTERNATIONAL LAW AND RELATIONS. - A study of the rules and principles generally observed and enforced by states in their relations with one another, with emphasis on the modern tendency, including a study of international organizations particularly the United Nations; with interpretative cases, commentaries, and other explanatory materials.

54 hours (class); credit 3 units."

(2) "CONFLICT OF LAWS. - A study of the rules and principles governing the adjudication of cases involving a foreign element and the exceptions to comity, with emphasis on the modern tendency and the conflict of law rules found in the Civil Code of the Philippines and other Philippine laws; with interpretative cases, commentaries, and other explanatory materials.

54 hours (class); credit 3 units."

For graduate studies, no data is available to justify a generalization. However, the description of the courses prescribed in

the U.P. College of Law ( Graduate Department) are set forth below:

- (1) "WORLD COMMUNITY AND LAW: A CONTEMPORARY INTERNATIONAL LAW. - International law and organization presented in the perspective of the world-power process, described in terms of participants; access to power; basis of power; practices and effects.

Prerequisite: Graduate standing.

Credit 3 units."

- (2) "WORLD ORGANIZATION - A study of constitutional and administrative law involving international organizations. The law and practice of the United Nations and the specialized agencies will be studied. Term paper required.

Prerequisite: Graduate standing.

Credit 3 units."

#### 4. Materials used:

In the study of International Law subjects, the materials used include pertinent statutory provisions, cases and authoritative studies on International Law.

For basic information, certain textbooks written by Filipinos are usually proscribed, usually the following:

- (1) Public International Law, by  
Salonga and Yap;
- (2) Private International Law, by  
Salonga;
- (3) Public International Law, by  
Aruego

In the U.P. College of Law, particularly, these texts are supplemented by readings on standard authorities, reports on contemporary events, and studies incident to the usual term papers.

#### 5. Attitude of the students:

There is likewise no data available on this particular point,



but I shall give you my personal impressions as a teacher for whatever they may be worth.

In the U.P. College of Law (I can only speak of the College as I have not taught much anywhere else), the situation is perhaps a little better than elsewhere, that is to say, most of the students take these courses with energy, but without displaying a greater interest than what they exhibit towards the study of law in general. However, there are a few who show a particular interest in the subject and one or two who appear enthusiastic. We have students here who are members of the Philippines Society of International Law.

6. Principal difficulties:

The principal difficulties we face in this country are the following:

- (a) Dearth of trained teachers in International Law: Apart from four or five professors now in the field, teaching is done by law practitioners without specialized training in the subject.
- (b) Dearth of materials: In most of the law schools, materials, aside from the texts I have mentioned, are not available. Even the standard authorities are not to be found.

In the U.P. College of Law, we have the standard works and the usual journals, but this situation is quite exceptional.

7. Suggested improvements:

- (a) To deal with the problem of teacher training, an annual training program should be instituted for the upgrading of the present crop of teachers in International Law;
- (b) In addition, promising young men desiring to specialize in this field should be given incentives and support, especially for studies abroad;

(c) A modest but adequate International Law Library accessible to all teachers in International Law would also relieve the existing acute shortage in materials, especially in the private law schools.

8. Fields of advantage:

On the basis of a purely personal evaluation, studies in International Law are valuable in the following careers and professions:

- (a) The foreign service of the Philippine Government;
- (b) The practice of law, especially if geared to corporations and international trade;
- (c) Teaching in law schools;
- (d) Legal career in the government service, especially agencies concerned with foreign business, foreign relations, etc.



Thailand by (a) Sompong Sucharitkul, Chief, SELTO Division Ministry of Foreign Affairs.

I shall try to be as brief as possible in furnishing some information at this stage on the present status of the teaching of international law and relations in Thailand.

Both international law and international relations are taught as required courses at Chulalongkorn University in the Faculty of Political Science in the Legal Section for international law and in the Government and Diplomacy Sections in both. The Faculty of Law as well as the Faculty of Political Science (Government and Diplomacy Sections), of the University of Thammasat offers required general and special courses on international law and the latter also on international relations. Besides the two main universities, the Army War College and the Navy War College also have specific courses on certain topics of international law and international relations, such as, the law of the Sea, treaties and international and regional organizations.

It would be unnecessary at this introductory stage to give an exhaustive list of the subjects of international law dealt with by these courses. It should be noted, however, that advanced courses may also be taken by post-graduate students reading for a Master's Degree at either Chulalongkorn or Thammasat University. These special courses cover not so much the general principles of international law as perhaps selected topics of current interest and current international problems. They also cover related subjects such as international organizations and the United Nations. In addition, post-graduates may also undertake research studies and write dissertation on international law topics. Doctoral theses may also be submitted on any such topic for students in law as in politics.

The number of students as well as the courses offered at each university or institution appears to have fluctuated and varied from year to year. The material used depend on the particular teachers, most if not all of whom are merely part-time and are otherwise fully occupied. Such part-time teaching, which is normally an unsatisfactory institution, is particularly depressing in so far as international law is concerned. The present state of affairs will long remain before any improvement can be foreseen so long as there is a general lack of teachers or indeed of persons with adequate knowledge of international law.

The teaching techniques adopted by each teacher varies considerably, and consisting mostly of lecture methods. Occasionally case studies are followed, but these have not proved successful without active cooperation on the part of students. The general attitude of students is not favourable. There appears to be a general inertia and a marked absence of any keen interest on even the most exciting topic of international legal concern. This is a problem which lies beyond remedies.

The main difficulties facing international law teachers seem to consist mainly in a general misconception obtaining in the traditional teaching of international law. According to the prevailing doctrine, international law is believed, fundamentally erroneously, to be divided into three equal branches, viz, 1. public international law, 2. private international law, and 3. criminal international law. It will take years before it can be convincingly shown that only public international law is international law and that both conflict of laws and international arrangements regarding concurrent criminal jurisdictions are matters of municipal as opposed to international law.

At present, there are a handful of persons qualified in international law. They have studied in English, European and



American Universities. Most of them now pursue a career in the legal office or other offices in the Ministry of Foreign Affairs. Some of them have become judges. Academic career has not been very attractive owing to many factors which are not uncommon. Hardly any, with perhaps very few exceptions, has joined the teaching profession on a full-time basis.

Such is the situation in Thailand; rather grim picture has been painted, I am afraid. But the prospect is not altogether desperate. In response to the resolution passed last year by the United Nations General Assembly, some attempt are being made to enliven activities, both academic and practical, in the field of international law including its dissemination and wider appreciation. The National Research Council established in 1959 has recently put some emphasis on certain aspects of international law. A Council of World Affairs and International Law has been set up under Royal Patronage and it can be expected that public attention is being invited to, and academic interest will be concentrated upon, the teaching of this subject.

(b) Suk Perunavin, Professor of International Law Thammasat University.

International Law and relations are taught in the University of Thammasat and Chulalongkorn University. The courses are given in Thai language. Classes and Seminars are conducted from time to time as part of training in the course.

#### Chulalongkorn University

Courses from the undergraduates in the Department of Foreign Service and Diplomacy Faculty; of Political Science are as follows:  
The Diplomatic Relations of Thailand (History and Organization).

General principles of diplomatic practice and consular service as followed by Thailand; evolution in the organization of the Ministry

of Foreign Affairs; history of relations with foreign countries (Portugal, Spain, Netherlands, Denmark, United Kingdom, France, U.S.A., the Arab World, Asia and the Far East); extraterritoriality question; Thailand and the two world wars.

Public International Law.

A study of the nature, sources and history of Public International Law; the rules regarded by States as legally binding in their relations in time of peace and war; some practical problems of modern International Law.

Private International Law.

A study of the influence concerning considerations of the jurisdiction of a state and consideration of foreign laws. Nationality; status of aliens, conflict of laws, questions of foreign judgment and degrees of civil and private affairs, viz, domicile, marriage, divorce, property interest, legal capacity contracts, etc.

International Relations.

This course is divided into three parts:

Part I. A general survey of the development of modern nation-states since the Treaty of Westphalia.

Part II. A study of major trends of contemporary international politics in the twentieth century.

Part III. A study of the United Nations Organization and its administration; the International Court of Justice; the various specialized Agencies.

Courses for the graduate study in this Faculty, includes International Law, international organization and foreign service administration.

Courses for the undergraduate study in the Department of Law are as follows:



Public International Law.

Introduction to International Law (definitions, sources and development of International Law).

A. Law of Peace

International organizations-state (the nature of state according to International Law, forms of state, territory of state)-international treaties and agreements-diplomatic envoys and consuls.

B. Law of War

The nature and types of wars-the beginning of wars-war conditions which affect normal relations of belligerent states including intercourse of belligerent states - rules of law-contraband and blockade-neutrality-termination of wars and effect of termination of wars.

C. Settlement of international disputes by employing amicable methods (peaceful settlement, non-amicable modes of settlement short of war).

Private International Law.

A. Introduction to Private International Law (definitions, purposes and sources of Private International Law).

B. Nationality: definition of the term "nationality" - principles of nationality-proof of nationality-acquisition of nationality-naturalization-acquisition through re-integration - losing of nationality-conflicts resulting from nationalities double nationality, Act of Thailand.

C. Status of aliens-status of aliens in general-status of aliens in treaty-legal status of aliens.

D. Conflict of Laws-general rules regarding conflict of laws-problems of jurisdiction of courts and procedures-Conflict of Laws, Act of Thailand.

Thammasat University

Thammasat University offers graduate and higher courses of study in international law and relations through the Faculty of Law and the Faculty of Political Science.

Public and Private International Law are taught in the Faculty of Law and the Faculty of Political Science. International Relations are also taught in the Faculty of Political Science.

Diplomacy Section in the Faculty of Political Science is responsible for international law, international organization, international politics, and diplomatic practices.

The Thai people recognize the importance of strengthening progressive development of international law. We are in need of possible facilities with a view to obtaining assistance and securing exchanges regarding activities in the field of international law, such as training of teachers, lectures, seminars, grants and fellowships for study abroad, training and refresher courses, the obtaining of books and publications the establishment of standards of teaching.

In Thailand, the study of international law and relations proves advantageous in many fields of careers and professions development of international law study is in urgent need.

Turkey by Seha L. Meray, Professor of International Law, Faculty of Political Science, University of Ankara.

I think it desirable that scholars in every profession should pause from time to time to examine anew and with a critical eye the whole basis of their profession and their own particular place in it. I feel that this is especially true of the social science, which are so much a part and parcel of the variable human



nature and changing human society which they investigate and which they serve.

A.M. McKenzie, "The Nature, Place and Function of International Law Today," Proceedings of the American Society of International Law, Washington, D.C., 1938, p.6.

A wise man once said that scholars would do well to postpone the discussion of questions of method until they approached the end of their academic work. This statement may imply that methodological problems require an amount of detachment and wisdom that is not likely to be acquired at an early stage. In any case, this judgment on youth should be headed as a warning against dealing with such questions in an exclusive spirit.

G. Schwarzenberger, International Law as Applied by International Courts and Tribunals, 2nd edit., London, 1949, p. xliii.

While attempting to prepare this working paper for the Singapore Roundtable, I had in mind the following objectives: (1) that the working paper should touch, as much as possible, upon most of the problems mentioned in commentary of the first item of the Tentative Agenda; (2) that it should also be of some direct use in providing materials for a debate on problems connected with the teaching of international law in the universities of South and South-East Asia; (3) that, since so many accomplished scholars have already expressed their expert views on some of these problems in articles, at symposia, conferences and colloquia, the working paper should contain, to a reasonable extent, these views which may well have a positive value for the teaching of international law in the area covered by the Roundtable

and (4) that, with a similar thought, the experience of teaching international law in Turkey should be reflected, whenever and to the extent it seems useful, in the working paper.

With these intentions in mind, I shall not conceal at least one of my shortcomings. Such a working paper would necessitate on the part of this writer a better knowledge of different systems of university and pre-university education in the countries of this part of the world in general, and sound information on the teaching of international law in particular - with its achievements, its possibilities and its problems. This would enable me to focus my attention more systematically on real problems of common interest, instead of limiting myself to some general questions which I suppose to be common to the teaching of international law in all our universities. I know I can only try to attempt to put forward some questions, and when I hope to be of some use, to express my own views vis-a-vis these problems. I know also how much such an approach would leave to be desired.

With this clausula salvatoria I turn now to our subject-matter. It is apparent that what we expect from a student who terminates an international law course on the undergraduate level, is that he must have some knowledge of international relations, an understanding of the making and the functioning of international legal rules and institutions, a sense for their role, place, effectiveness and limitations in a community which is not nearly as perfect as national society. It seems, therefore, to be necessary that the student of international law have some idea of the forces underlying legal rules, that he should be conscious that legal rules do not function in a social vacuum. The student should be equipped with an approach to evaluate the structure of the international community through its process of development. He must possess at



least, a general knowledge on the components of this community, of their political, cultural and ideological philosophy (their Weltanschauung). The student must have an insight which teaches that law in general and international law in particular, is seeking to harmonize, as far as possible, all these opposing forces, in a minimum legal order, giving to all the interested parties a justified conviction that they are, at least on a juridical basis, all equal and there are none who are more equal than the others.

To teach, therefore, international law in isolation from the so-called extra-legal factors, and to present it as a complex of strictly dogmatic principles would perhaps lead scholars to sterile querelles d'écoles, but would also be tantamount to disregard not only social and political realities, to misrepresent the true nature and true function of international law. It is common knowledge that one of the feeding sources of criticism against international law, was due to a large extent to the fact that international lawyers could not, for a very long time, decide whether international law should be considered as a system of law understood as a social science discipline with a specific purpose and a method, or as a philosophical system nourished by doctrinal antagonisms and tested, more often than not to its disadvantage, in the international political arena. (1) "One does not, after all, get to understand earthquakes, by passing resolutions against volcanoes." (2) It is perhaps, with tongue in cheek that have been remembered "these gentle and affectionate expressions of personal disagreements which we have learned to regard as one of the chief functions of the teacher of international law."

It may be interesting to point out that the reaction to this kind of "custom" of teaching or treating international law is not as new as one may be inclined to think. Indeed, even in 1916, in

the United States, Resolution No. 4 of the Conference of International Law Teachers tried to show a new way in teaching international law.(4) It is only natural that, fifty years later, in 1956, in Geneva, at the Conference on the Teaching of International Law sponsored by the Carnegie Endowment and held with the participation of distinguished international lawyers, the recommendation of the 1916 Conference were, in an indirect way, brought to their true dimension, with all the necessary developments and desirable improvements.(5) As Professor Paul de Visscher, the Reporter of the 1956 Conference points out, "the events of the last forty years have, indeed, forced international society to undergo a series of upheavels which, while they swept away the doctrines and methods patiently built up over the years, have (after having spread confusion and doubt) definitely convinced the large majority of scholars of the need of a more objective and more realistic study of the international environment." The 1956 Conference, after this first observation, reached "without reserve" the first conclusion concerning the general trend of the teaching of international law, and noted this, "as a fact worth stressing":

This is in itself proof that a view which only a few years ago was highly controversial has finally been widely accepted. After the dogmatic approach of the advocates of legal formalism, who described international society according to a pattern they had themselves elaborated from a purely deductive system of norms, and after the reaction following the Second World War of those authors who considered international law as a merely the hypocritical veneer of a purely anachronistic social state, the time now seems to have come when the internationalists are ready to associate themselves with a more moderate and more scientific approach which will bring them to judge objectively and with an open mind the respective roles played by social realities and law



in the various phases of international life. This strictly scientific frame of references will compel the student of international law to devote time to a careful study of the multiple political, economic, and psychological facts which he formerly believed possible to bypass, but whose influence must today be recognized as basic to the formation, the interpretation, or the disappearance of the norm of law. To express their common views on this point, the participants adopted their first conclusion, stating that the teaching of international law must necessarily, under whatever form it may be presented, "give adequate consideration to the analyses of the social realities underlying the norms of positive law."(6)

With such an understanding, Professor Brierly's happily apt description that international law is neither a myth nor a panacea should and can be a warning beacon to international lawyers, both students and teachers. "Strict intellectual honesty would seem to preclude the teaching of one's own optimistic views as the lax lata, or the assignment to rules applied only sporadically the force of universally binding obligations. The imperfections and shortcomings of the body of law should not be blurred in the course of emphasizing, as Professor Brierly puts it, that international law is not only a subject on which books are written, but a system which is practiced."(7)

The degree and quality of the preparation of the students before they take international law course is therefore of crucial importance to the problem of the content of the general course, and might create acute problems for the teacher responsible of such a course. Professors Lasswell and McDougal have, in an enlightening article demonstrated what and how should be the professional training of the lawyer for public interest.(8) Mr. Jenks, on the other hand, in a

now classic article, has so convincingly embarrassed the aspiring international lawyer, making imperative for him a wealth of knowledge in many fields other than international law.(9) These are, perhaps, ideal requirements which shed light on the direction to be followed, the level to be attained. As with all ideals, they will continue to keep their value and beauty, as long as they remain unattainable. Perhaps it is true, after all, that le beau c'est ce qui desespere.

Thus, the teacher of international law may be faced with a jungle of problems most of which would be outside his responsibilities, while thinking on the content of his general course: What is the pre-legal training of the student who comes to a university to expose himself to the teaching of law in general, and of international law in particular? Does this pre-legal training enable him, and therefore the teacher, to deal with international law in its proper perspective? How are the curriculum and the facilities of the university (special courses, seminars, discussion groups, tutorship, etc.) to provide the student with additional extra-legal training which is so fundamental to teach international law? How good, in full earnest, is the preparation of the teacher himself in these fields other than international law? How can the international law teacher, within the limited hours generally assigned to him, could deal with all these problems without making his course a superficial verbal novelty, without turning it into a piecemeal incoherent exposé, without unduly sacrificing of the requirements of teaching international law?

No doubt, the answers to these questions may differ widely from one country to another. In some countries, law schools tend to be mainly profession-oriented. They keep a very close eye on the necessities of Bar examinations of immediate government or business services. Or they suffer from curricular difficulties created by an increase both in the number of new courses and in the content of already



existing courses. As a result, the possibilities for filling the gaps in pre-legal education are highly limited if not non-existent. Some other countries, on the other hand, have already accepted, to a varying degree, the view that without some prior education in social sciences, legal education cannot be given adequately. Although it may be a somewhat controversial statement, one may think that in the American system of university education, colleges are expected to provide this kind of basic knowledge.(10) In some other countries, the first years of legal schools are mostly devoted to general culture as well as to some fundamental notions on law, while the later years aim at specialization. The example of la reforme de 1954 in France is well known.(11)

The Turkish system, while open to criticism on other grounds, presents a rather favorable outlook as an educational approach. Undergraduate students in the Law Faculties as well as in the Faculty of Political Science are exposed, during the programmes of the first years to other courses which may contribute to a better understanding of international law. In addition to courses such as Roman Law, Constitutional Law, Civil Law, there are courses on Economic, Sociology and Political History in the curriculum of the Ankara Law Faculty. Although the programme of Istanbul Law Faculty is quite similar to that of Ankara University, it does not offer a course on political or diplomatic history, a fact deeply regretted by international law teachers of this Faculty. As Professor Colik puts it: "The teaching of international law in our [Istanbul] Law Faculty suffers from the lack of a course on political history. In general, the training of our students in history is not sufficient. We were compelled to devote at least two or three months to dealing with political history and the history of [legal] doctrines. This, of course, imposed a cutback in the programme of international law. However, we devote

now little time to historical subjects. We have even chosen a shortcut: We assume that the student who comes to the international law course has a background in history. Naturally, the result is far from satisfactory."(12) It is interesting to note that, recently, at the 1961 Conference of the Teachers of International Law in Washington, D.C., Professor Svarlien "was of the opinion that international law is too often taught apart from history; that if it were taught in conjunction with other subjects as a facet of the diamond of international relations and related to history and other subjects, its usefulness would be discerned."(13)

The situation seems to be more promising in the Faculty of Political Science of the University of Ankara. In this Faculty the undergraduate programme is divided into two periods. In what we call "years of general culture", i.e., the first two years, the students have to take courses in Sociology, Diplomatic History, Political and Economic Geography, Introduction to Political Science, Methodology of Political Science, Economics, Constitutional Law and Civil Law. International Law is given during the second year of this first period. Thus, a student of international law can fairly be expected to have enough knowledge to look upon international law within a broader perspective. The second period, i.e., the last two years of the undergraduate programme is what we call "years of specialization." This second period is divided in three branches: International Relations and Diplomacy Section. Administrative Section, and Economics and Public Finance Section. In the International and Diplomacy Section special courses are offered on International Organization, International Politics, Diplomatic History, Current International Problems; other courses are: Comparative Government, Public Opinion, History of Economic Doctrines, Comparative Diplomatic Organization, Commercial Law, Public Liberties,



Social Policy and Law, Political Parties, Social and Ethnical Structure of Turkey, Foreign languages (English or French or German) are among required courses during the whole extent of the undergraduate programme. It seems, therefore, possible for the teacher in the Faculty of Political Science, to draw the attention of the students to extra-legal factors and social forces while teaching international law, and expect a broader understanding.

In the universities where such a broader approach is the accepted educational philosophy and where facilities exist, the need for correlating international relations, diplomatic history and the other subjects with international law should be recognized. Professor Clute warns us "that we must, to a large extent, rely on a well coordinated departmental curriculum and advisory programs to ensure that students will have been exposed to such subjects." (14) Justice Frankfurter has touched, in this respect, upon an important point, when he said: "The chief source of [the universities'] inadequacies is probably the curse of departmentalization. Among students, as well as among teachers, there has been a tendency to regard courses as something which exist in nature, instead of artificial simplifications for the mastery of what are complicated organisms, whether of nature or reason or society." (15)

In those universities, on the other hand, which are not imbued with such a broader approach or where facilities do not exist, or they do not attain the desired level, where the international law teacher is -so to say- left alone, without much help from a pre-international-law training, or from profession-oriented courses, the suggestion of the 1956 Geneva Conference may be discussed as a valid alternative:

In the case...where financial, programme, or personnel difficulties prevent an increase in the number of formal lectures offered,

the group expressed the opinion that the new orientation in the teaching of international law could be implemented by giving one special course.

The group unanimously agreed that to give such a course, at an early stage in the programme, would not over-tax the energies of one professor. The basic teaching of international law should in no way aspire to provide students with an extensive scientific knowledge of all the phases of international law or of all the aspects (historical, political, economic) of law and legal institutions. It is of the utmost importance that this teaching, at the same time that it provides the students with a certain minimum of basic knowledge, should succeed in giving them a more realistic way of thinking by drawing their attention to the social phenomena which play a role in the creation, the interpretation, and the disappearance of legal norms. Such a legal training, "coloured and enhanced" by even occasional glimpses into social, political, or economic principles, is the only way to revive an interest in international problems among the student body, and to arouse in a select few the desire to specialize and to carry on personal research. The art of the teacher will lie in his ability to combine the amount of legal and extra-legal material offered in his courses in such a way as to preserve the coherence and the original characteristic of law.(16).

Indeed, one should never overlook the fact that, under the pressure of the curricular or other difficulties, if the necessity of introduction of such a special course imposes itself, it should not turn into a "survey course" which, if not handled very carefully, may provide much knowledge but little understanding.(17) The teacher of international law, under these conditions, should remember that "if international law is not to degenerate into an amalgam of jurispru-



dence and political science, it must be taught and examined, as a technical law subject."(18) The Conference of 1956 has seen such a risk and gives the following warning:

A more complete and realistic study of the fundamental aspects of international law should not turn this topic into an encyclopedic science, a result which, as far as the teaching is concerned, could only be superficial and subjective. All the members of the group stressed the necessity of avoiding the distortion of law by confusing it with sociology or political science. Law is a science with its own characteristics, its own particular requirements relative to method and argumentation, which must not, under any circumstances, be abandoned. It is rather a matter of "carefully sifting out" by means of a more broadly oriented examination, the rules and the practices of international law as taken in the course of their actual application.(19)

In connection with the actual content of the subject-matter of international law general course, the following broad questions might deserve consideration: (1) Does the teacher insist unduly on questions and topics which, viewed from the actual setup of international life, are only of historical importance? (2) Does the teacher deal insufficiently with subjects of increasing importance? (3) Does the teacher overlook entirely potential subjects or questions? Another general question for discussion would be about the place of the law of war and neutrality in a general course of international law.

It might, perhaps, be of some importance to point out that, the time-worn division of international law in more or less equal two major parts, i.e., (1) the law of peace, and (2) the law of war and neutrality has, generally, been abandoned.(20) According to one point of view such a division is now obsolete not only because measures short

of war suggest a third status, a status mixtus, or overweights the subject of the law of war and neutrality,(21) but also, in some respect, most of the legal rules concerning the conduct of war have but a mere historical value,(22) Perhaps, in such a line of thinking, Professor Lutem, at the Ankara Symposium of 1959, said realistically: "Who, for instance, will be the criminal of the next war? ... What kind of war will be the wars of tomorrow? Who is going to write international law afterwards? Who will teach it? What kind of rules will be restated? These are really great question marks." (23)

Whatever truth these views may reflect, one cannot help but share the much deeper, more difficult but, on the long run, more realistic approach to this question as expressed by Professor McDougal and Feliciano:

The most obvious inadequacies in this attitude is that, because of its comprehensive deprecation of the role of the authority, it offers no real alternative to naked force in an era in which unrestrained exercise of such force against peoples threatens the very continuance of the human species. It is, of course, possible that the future may, as the world explodes in the holocaust of unlimited nuclear war, prove these writers to have been correct. Such pyrrhic vindication will, however, appeal to few, and for the scholar who cherishes both human life and human dignity, such a possibility can scarcely be permitted to deter renewed efforts to clarify the principles and procedures of a world order in which human life and dignity may be made more secure.(24)

In the Ankara Symposium of 1959 on Teaching International Law, similar, if not so eloquent and convincing views were expressed.(25) Professor GÜnlübel, furthermore, draw the attention to the importance of a distinction between legal rules which prohibit recourse to war



and the rules which concern the conduct of war. In his opinion, it was much more appropriate, in the teaching of international law on the undergraduate level, to deal with legal rules such as contained in the Briand-Kellogg Pact of 1928, in the Charter of the United Nations and in the decisions of the Nuremberg Tribunal. It was also necessary to teach the measures short of war, which are dealt with even in the text-books which do not devote special sections to war and neutrality. If, on the other hand, it can be done without any sacrifice of the teaching of international law of peace, some notions of the laws of the conduct of war as defined in The Hague Conventions of 1899 and 1907, and Geneva Conventions of 1949 may be given.(26)

Taking into consideration the fact that the so-called "local wars" or "brush fires" do happen, and that even United Nations Emergency Forces may have to enter into operations which might necessitate the application of the laws of war, rules of war which still might have a practical value may have their place in a general course of international law. But the crucial problem, again, will be surely whether the teacher of international law is in a happy position of finding enough time to deal with all those subjects. Many teachers, in this respect, may rightly envy the possibilities of St. John University of New York.(27)

Another important question connected with the content of the international law general course is this: to what extent new and dynamic developments within the already established subject-matter is reflected in such a course? It is, for instance, possible to treat the law of the sea without dealing with the legal problems and with their underlying extra-legal factors, created by the nuclear bomb tests on the high seas? To treat international organizations (especially the U.N.O.) in a more descriptive way under the light of their basic documents only, may give, if not a wrong, but surely an

incomplete picture. Current efforts for integration on continental or regional level cannot be outside of the scope of interest of the teacher of international law. The status and functions of the United Nations Emergency Forces, with all their legal and political problems cannot escape his attention. In some countries, the status of foreign armed forces may create special problems of current interest. Legal developments in the economic field which have justified a special course on International Economic Law(28), must find some place in a general course. To take as an example Mr. Jenks book, subjects such as "International Law and Colonial Policy," "Employment Policy and International Law," "Atom for Peace and International Law," "International Regime for Antarctica," "International Law and Activities in Space," will definitely put some pressure upon the teacher of international law to deal with these new developments in his course.

With all these arguments, one cannot underestimate a real dilemma touched upon occasionally in this paper: The question whether the teacher of international law will find sufficient time within the curriculum of his university. The ideal answer is again the one offered by the 1956 Geneva Conference:

It is essential that this extended programme of teaching international law should coincide with an increase in the number of hours generally falling to this subject. It is obvious that in the majority of law faculties, international law has not yet acquired the share of prestige in the university programme which in importance of international life, the development of international relations, and the increase in the number of international institutions should have bestowed upon it. Since this problem cannot be settled without previous consideration of the particular needs of all the university departments, the group refrained from any kind of precise recommendation, confining itself to drawing the attention of university circles to the question.(29)



However, to deal with equity vis-a-vis colleagues in other fields, it is of some help to remember with Lord McNair that "every teacher who is keen on his subject thinks that his pupils cannot have too much of a good thing and is anxious ampliare jurisdictionem..," and that "in the short period of time which in England a law student is prepared to devote to his preclinical education, he cannot learn much of any subject, but he can learn something of the principles and something of the sources where he can find more when it is needed."(30) It must, indeed, be true that the aim is not to teach the student to know all the answers, but to enable him to develop an approach of his own.(31)

The question of the material used in the international law general course on the undergraduate level, may have different aspects in different countries with different systems of teaching, different traditions of education. It may depend on whether the traditional system of education, including the university, is based on ex cathedra lecturing only, or whether the active participation of the student is required for his learning; whether the teaching system consist of telling the student rather than encouraging him to think; whether the student comes to a university to learn or to be taught. In extreme cases where the whole educational system restricts itself to memorizing what the teacher has lectured during the course with the ultimate purpose on the part of the students to throw the ball back to the teacher during the examinations, the problem of the material may take the form of the problem of materials used by the teacher when he prepares his lectures, as for the student, a text-book (generally written or advised by his teacher) or the mimeographed notes of the lectures is accepted as material enough for his learning. Whatever is the system of education adopted, it is of importance that the materials be used in international law courses be rich, sound and up to date.

At this stage of my presentation I hope that I have been able to indicate, if not directly but at least indirectly, what should be the requirements for the completion of an international law courses on the undergraduate level. May I add two more points. First, it is of paramount importance that the student when he terminates his undergraduate programme acquire a problem-solving approach and an intellectual curiosity for new situations. What I mean, within the context of this paper, by problem-solving approach is, briefly this: A solution may be defined as some balance or harmony between opposing, conflicting elements or factors. A problem evolves when one or more elements or factors is missing or suffers a decrease in initial importance, or a substantial change in original quality or new elements intervene in such a way as to affect the previous balance or harmony. Problem-solving approach consists in trying and in being ready to try a new balance, a new harmony which can endure until a new problem, as defined, erupts and, thus, a new solution is necessary. As Professor Von Caemmerer puts it: "We have to expect that the lawyers which we educate shall, during their life-time, meet always new legal situations, unfamiliar legal material, and frequently changing circumstances. That what they take with them from their studios in the way of shortlived specialized knowledge would be mostly outdated in a decade anyway."(32)

Secondly, in addition to all these scientific and academic criteria, I cannot restrain from expressing another requirement for the completion of an undergraduate programme in international law, indeed in any university programme. This is an understanding of the wisdom best described by a great statesman, Kemal Ataturk, the founder of modern Turkey:

One must consider humanity as an indivisible whole and a nation its component part. Just like pain at a finger's



tip affects the whole body, a malady at any corner of the world should not fail to attract our attention. In case of such a malady, we should deal with it as if it were in our midst. No matter how distant the catastrophe may be, one should not fail to consider it close. Such an approach to international affairs will save the human beings, nations and governments from selfishness...If we desire a lasting peace, we should take fundamental precautions at an international level. The prosperity of the whole of humanity should replace hunger and oppression. The citizens of the world should be educated in such a way as to root out feelings of envy, covetousness and revenge.(33)

Now, in connection with the question whether international law should be an elective or required course, I must point out, first, that such a problem does not exist in Turkey. Indeed, for a very long time, international law courses have been required courses in all the law faculties and in the Faculty of Political Science of this country. The situation in continental European countries seems to be, to a large extent similar to that of Turkey. Unless a radical change or a sensible development occurred in the United Kingdom and the United States, the question there is would not simply whether or not international law should be an elective or required course, but whether or not all the law faculties should offer international law courses (elective or required).(34)

An additional problem seems to be some lack of interest on the part of the students in international law courses. "Many students have the preconception that international law is an esoteric, irrelevant course that does not meet the needs of our Age."(35) One of the reasons for such an attitude may be a possible preconception about universities as institutions which train students for a given pro-

profession in the shortest and the best way. Of course, for the mainly profession-oriented universities which put the emphasis on training the students for marketing(36), a change in the interest of the students towards international law will depend, largely, on a change in the requirements of Bar examinations or an increase of the pressure of the concrete and immediate needs of the social life.(37) But such a change depends, also, on something else! That universities should stop considering themselves primarily as training centers which prepare the students to master technical skills to be used immediately in a rewarding way in a given profession. As Professor Jessup so aptly said:

In general...it seems to me that one needs to do two things in developing the teaching of international law in law schools. One is to say frankly, "Yes, you are probably going to be a practitioner of law, but you ought to have appreciation of the way in which international law enters into law practice. Secondly, and more important, you are going to be a citizen and, presumably, a leading citizen in your community, and you need to have an understanding of the general international focus in which so many problems today are placed."

...In view of the breadth of the international implications in all current activities today, I think that law schools will be seriously derelict in their duty if they do not turn out law students hereafter who have an appreciation of the international scene. If that instruction is not given, it seems to me that we must inevitably look forward to continuing to have a great deficiency, which we have had in the past, of members of the Congress, even members of our executive departments, who have not the fundamental outlook upon international problems which it seems to me is essential if the United States is successfully to discharge the role which is forced upon it today, whether it likes it or not.(38)



It looks as though, in some countries, universities volunteer themselves to satisfy this legitimate request on the part of the students (or their families), rather than to meet the expectations of the national and international communities. It has been said that "a university is an institution which applies systematic research to almost everything under the sun - except itself." (39) If this is not a completely inaccurate observation, then it seems to be high time to do some soul searching, high time for some change of educational philosophy. A university can not fail, therefore, to see the truth in what Lord McNair says:

"Every university which aims at giving legal education that is liberal education and not merely a professional training should make Public International Law a compulsory subject at some stage in its curriculum. In view of the large part which our country is destined to play in the development of sound internationalism in the post war world, it is of the greatest importance to increase the number of men and women who have it in power to give intelligent guidance to public opinion in international affairs. I consider that the country has right to expect that the members of the legal profession should play an important part in supplying leadership of this kind." (40)

Last but not least, I turn now to the question whether international law should be taught in the law school or in some other school of a university. I do not think however, that there is much to be said, at this stage of my paper. It is, I hope, clear that international law should be taught (and taught, as a required course) in all the law schools. A seemingly more controversial question might be whether, in addition to law schools, international law should also be taught in some other school of a university. Although an

answer to this question would depend, again, on many factors in different countries, my general answer, based mostly on Turkish experience, will be "Yes". Indeed, in Turkey, international law is offered, at the Faculty of Political Science, in the Academies of Economics and Commerce, at the Military College, and at the Police College, as well as the Schools of Law.

If we agree that political science deal with "political phenomena", i.e., with social facts having some relation to the process of "power", there should be no doubt that law is a political phenomenon, because it either determines the forms of organization of power, or as compulsory rules of conduct concerns the exercise of power. Law being a political phenomenon, it is only normal that it take its proper place within political science. Legal disciplines which have a direct bearing on the political life, i.e., on the organization and exercise of power, such as international law, may and should find a place in the curriculum of other faculties than law schools, dealing with political sciences.(41) "Considered from the point of view of its essential nature and social utility, international law, comprising the legal aspects of interstate relations, cannot logically be the exclusive domain of juristic science. It is not extraneous to political science, nor an appendage thereto, but an integral part thereof. Indeed a leading American authority Manley O. Hudson who speaks on the basis of a long experience in teaching in a law school, has said that he could not teach international law without teaching political science in some degree."(42)

In preparing this working paper I knew, as I made clear from the outset, my shortcomings in providing more answers than questions to specific needs of the teaching of international law in this part of the world, shortcomings mostly due, on my part, to an insufficient knowledge of situations, needs, educational systems, curricular, financial and personnel possibilities of each of the countries of the region. It seemed, therefore, to be advisable to risk my developments



on some problems of a general nature which may have some relevance to other countries as well.

A Turkish proverb says: "A fool throws a stone in a well and forty wise men cannot take it out." What would make me less foolish, at least in my own eyes, is the conviction that the wisdom of the distinguished scholars around this Roundtable exceeds by far the wisdom of forty wise men. My hope is that some of these stones will be worthy of their consideration.

#### FOOTNOTES

1. To say that the existence of a rule of international law is proved by the number of the time when it is broken, is, in the words of Professor G.W. Keeton, to resort to sophistry. See his "The Influence of International Law on International Conduct," 37 Transactions of the Grotius Society 11 (1947)
2. George W. Ball, "The Atlantic Community and the New Nations," Proceedings of the American Society of International Law 61 (1961) (Hereinafter will be referred as Proceedings.)
3. As quoted from Dr. James Scott by Professor Robert R. Wilson, "The Teaching of International Law in the Undergraduate and Graduate Course in Political Science," Proceedings 80 (1947)
4. For the full text of the Resolution Nr. 4 see Proceedings 112-113 (1916).
5. Participants to the Geneva Conference of 1956 were, under the Chairmanship of Professor Charles de Visscher, former judge of the International Court of Justice, Professors Rousseau and S. Bastid from France, Professor Schwarzenberge from United Kingdom, Professor Fenwick from the United States, Professor Guggenheim from Switzerland and Professor P. de Visscher from Belgium. See Professor P. de Visscher's "Conference on the Teaching of International Law. Genova, August 1956" The Year Book of World Affairs 257-272 (1957) and "Colloque sur l'

- enseignement du Droit international. Geneva, Aout 1956," 1 Journal de Droit International 106-132 (1957).
6. P. de Visscher, op. cit., (Y.B.W.A.) 260-261.
7. Wilson, op. cit., 79.
8. Harold D. Lasswell and Myres S. McDougal, "Legal Training and Public Policy: Professional Training in the Public Interest," in Myres S. McDougal and Associates, Studies in World Public Order, New Haven, Yale University Press (1960) pp. 42-154.
9. C. Wilfred Jenks, "Craftsmanship in International Law," The Common Law of Mankind, London (1958) pp. 408-442.
10. "The rather strictly professional character of the American [Law] curriculum rests upon the assumption that the students prelegal college study will normally have included some exposure to economics, sociology, political science, and psychology." Judson Falknor, "Content of Legal Education," in Comparative Legal Education. The Papers of the Ankara Conference on Comparative Legal Education, (edit. Joseph W. Hawley) Ankara: 1958, pp. 82-83 (Hereinafter will be referred as Papers of Ankara Conference.) But contra: "Dean Harno of Illinois, in his Legal Education in U.S., has said: 'Prelegal and legal education are in fact divorced from each other... There is no attempt to synthesis... The student is left to his own devices in the selection of his prelegal work. Anyone familiar in the huge offerings of fragmentized courses of a university must realize that the student is likely to come through this ordeal with an education that is little more than patchwork.'" (Cited by C.E. King, "Prelegal Education," Papers of Ankara Conference, 118.) Professor King adds: "In the United States most beginning law students are not ready to study law." He cites also Dean Warren of Columbia University Law School who makes the following comment in his report for 1955: "Indeed, the enlargement of understanding of the society in and upon which the law operates has become, at Columbia at least, a



pedagogical objective hardly less important than the training of the student's legal skills. It is fundamental ingredient of our legal of a well-rounded legal education. In all candor, we have encountered difficulty in effectively executing our objectives, due largely to the insecurity of the intellectual foundation on which we have to built..." (ibid., 117).

11. J. de Soto, "Methods of Legal Education," Papers of Ankara Conference, 71.

12. Devletler Hukuku Ogretimi Symposiumu (Ankara, 8-9 Mayıs 1959) [Symposium on Teaching of International Law (Ankara, 8-9 May, 1959), Ankara (1959) p. 113 (hereinafter will be referred as Ankara Symposium of 1959.)

13. Proceedings 221 (1961).

14. Ibid., 219. It is of outmost importance to remember that "exposure to knowledge and opportunity to learn too often are deemed the equivalent of learning." King, op. cit., 119.

15. Felix Frankfurter, "Alfred North Whitebeared," reprinted from the N.Y. Times of January 8, 1948, in Alfred North Whitebeared, The Aims of Education, New York, New American Library (11th printing, 1961) p.7.

16. P. de Visseher, op. cit., 266-267.

17. J. W. Hawley, "Content of Legal Education. Increased Emphasis on Professional Responsibility," Papers of Ankara Conference, 103.

18. George Schwarzenberger, "On Teaching International Law," 4 The International Law Quarterly 303 (July 1951).

19. P. de Visscher, op. cit., 261.

20. At the Lwow conference on teaching international law and international relations in 1935, "La Conference...rejette la division traditionnelle des manuels du droit des gens on droit de la paix et on droit de la guerre at considere que les regles devant regir une action armee eventuelle doivent etre enseignes sur la base des regles traditionnelles adaptees aux conditions juridiques actuelles de la vie internationale." Conference sur l'Enseignement du Droit International et des Relations

Internationales, Lwow (1935) p. 208.

21. See Schwarzenberger, op. cit. (I.L.Q.), 301. See also Philip C. Jessup, "Should International Law Recognize an Intermediate Status between Peace and War," 48 The American Journal of International Law 98 (1954). A Turkish scholar, Dr. Metin Tamkoc discusses this problem he calls "the global armistice" in his recent publication: Political and Legal Aspects of Armistice Status, Ankara (1963), especially pp. 119-156.

22. See statements of both Professor Charles de Visscher and Professor Fenwick as cited in Myres S. McDougal and Florentino P. Feliciano, "International Coercion and World Public Order: The General Principles of the Law of War," in McDougal and Associates, op. cit., 239, 240.

23. Ankara Symposium of 1959, 59.

24. McDougal and Feliciano, op. cit., 240.

25. See Meray, Ankara Symposium of 1959, 54. Professor A. de la Pradelle, has written, in 1933, as follows: "Il est bien, sans doute, de multiplier les efforts en vue de rendre, de plus en plus rare, la guerre. Mais, si ces efforts ne devaient pas aboutir, si, par malheur, le retour à la guerre devrait se produire, ne conviendrait-il pas que dans cette hypothèse l'équipement juridique ait fait, au préalable, l'objet d'une préparation attentive? Est-ce que du simple fait que la politique prétend, désormais, faire disparaître la guerre, les préparations militaires, navales, aériennes de la guerre ont cessé? Et des lors, comment la préparation juridique des règles destinées à la discipline des différents modes de guerre, soit entre combattants, soit entre combattants et non combattants, seraient-elles plus en contradiction avec les perspectives de paix que ces dispositions guerrières." (Utopie ou Calcul? Négligera-t-on longtemps encore l'étude des lois de la guerre," 12 Revue de Droit International 512 (1933).

26. Ankara Symposium of 1959, 50, 54-55, 57.



27. According to Professor William L. Tung, St. John's curriculum contains the law of peace (one year), the law of war and neutrality (one year), the law of treaties (one semester), and the theory and practice of international diplomacy (one semester). Dr. Tung considered it unfortunate that in recent years interest in the law of war and neutrality had declined. Proceedings, 220 (1961).
28. Schwarzenberger, op. cit. (I.L.Q.), 305-306.
29. P. de Viscocher, op. cit., 267.
30. Arnold D. McNair, "The Need for the Wider Teaching of International Law," 29 Transactions of the Grotius Society 96 (1943).
31. O.H. Hoffmann, Proceedings, 103 (1947).
32. Ernest von Caemmerer, "Methods of Legal Education," Papers of Ankara Conference, 65.
33. Enver Ziya Karal, Atatürk'ten Düşünceler [Thoughts from Atatürk], Ankara: 1955, pp. 130-131 (as translated in M. Gönülbul and T. Ataoğlu's Turkey in the United Nations. A Legal and Political Appraisal, Ankara: 1960, p.5.)
34. At the 1961 Conference of International Law Teachers in Washington, D.C., Professor Johnson noted that, according to a report published by the Committee on World Peace Through Law of the American Bar Association, 75 out of 123 law schools in the United States are offering courses in international law. Professor Johnson added that his own survey revealed a number of schools offering special programs in international law, such as Southern Methodist and Tulane with programs regarding South America, Stanford which places stress on India and South Asia, and the University of Washington with its Asian program. Proceedings, 224 (1961). For a pre-war description of the situation in the United Kingdom (in 1939) see; McNair, op. cit., 87-88.
35. Oscar Svarlien, Proceedings, 220 (1961). Professor King made this remark: "The fact is... that there is too much materialism in the

students' attitude. In the United States, law students are inclined to shun all elective courses which cannot be valued in terms of bar examinations or bread and butter. Jurisprudence, legal history, comparative law, public international law usually are not popular." Papers of Ankara Conference, 118.

36. Dr. Ivan Seubbatitch, at the 1961 Conference of Teachers of International Law, pointed out that law schools are not interested in international law as a science or a political problem, but as practising lawyer. He said that, in the medium-sized law schools, not Harvard or Columbia, a student is busy studying torts, civil procedure, etc., for Bar Examinations and that what such a student needs is Brierly's Law of Nations, but the latter book presents a problem when you attempt to use it in America, as it is an English book. Proceedings, 223 (1961).

37. Cf. Richard Gardner, "International Law Facos International Economics," Papers of Ankara Conference, 133-142.

38. Philip C. Jessup, "The Teaching of International Law in Law Schools," Proceedings, 74 (1947).

39. T.H. Caplon and R.L. McGee, The Academic Marketin., New York (1958).

40. McNair, op. cit., 97.

41. Cf. Ilhan Unat, "The Relationship Between Law and Political Sciences, and the Nature, Content and Method of the Legal Education in the Curriculum of a Faculty of Political Sciences," Papers of Ankara Conference, 143-148.

42. Wilson, op. cit., 78.



United Arab Republic by Boutros Boutros-Chali, Professor of International Law at the Faculty of Economics and Political Sciences, Cairo University, and Malek Gabr.

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

An appraisal of the attitude adopted by the U.A.R. - 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 by means of this report, the reader will realize that the Law of Nations cannot possibly be facing a crisis in the U.A.R., 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 U.A.R. (Cairo - Alexandria and Ein-Shams); and that as late as 1959-1960, 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 1960-1961 a special post-graduate department in international law was established in the Faculty of Law of Ein-Shams University. Finally, International Law is taught to lesser extent in various other Faculties and Academies in the U.A.R. to say nothing of the Egyptian Society of International

Law and its efforts to propagate this subject with 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 U.A.R. Without going into details, it can be said that the University has, particularly in recent years, attached to it an importance that may in 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.

#### PART I

##### Faculties and Higher Institutes offering courses in International Law and International Relations.

##### (a) Faculties, years, no hours and students:

At the undergraduate level, International Law is taught at present in the faculties of law of Cairo, Alexandria and Ein-Shams Universities<sup>(1)</sup> and in the Military, Naval, Air Force and Police Academies<sup>(2)</sup>. Both International Law and 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.<sup>(3)</sup>

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(1) Established in 1925, 1942 and 1950 respectively.

(2) The Military, Naval and Air Force Academies teach international law insofar as it is concerned with their field of specialization. In the Police Academy, the syllabus is more or less identical to that of the faculties of Law.

(3) 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 exceptions, Political Theory and Comparative Government) are not concerned with Political science, therefore further reference to this section has been found unnecessary.



Prior to 1960, both subjects were included in the courses of the Political Science Department<sup>(4)</sup> of the Faculty of Commerce, Cairo University<sup>(5)</sup> but the department was abolished with the creation of the Faculty of Economics and Political Science in 1959, beginning its first academic year in 1960-1961. 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 nature 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<sup>(6)</sup> vis-a-vis the Faculty of Economics and Political Science. As for statistics, only the most characteristic are given.

(1) The Faculties of Law: International Law is taught in the second and fourth years of the Faculties of Law of Cairo, Alexandria and El-Shams Universities. The system is uniform in all three:

YEAR	COURSE	hrs(weekly)	Semester
Second	Public International Law	3	1st and 2nd
Fourth	Private International Law	3	" "
	International Organization and Regional Institutions	2	1st
	(optional)		1st and 2nd
	Diplomatic and Consular Practices (optional)	2	2nd

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- (4) First established in 1935 as "The Department of Economics and Political Science" has since become an independent department.
- (5) Both the Political Science and the Economics Department were merged into the Faculty of Economics and Political Science upon its establishment.
- (6) With some stress on that of Cairo University (the oldest) as an example.

(2) The Faculty of Economics Political Science: In this faculty, International law and Relations and their related subjects are taught in the second third and fourth years, as follows:-

<u>YEAR</u>	<u>COURSE</u>	<u>hrs(weekly)</u>	<u>Semester</u>
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 the Cairo University as a typical example, we find that in 1962-1963, the number of regular students was 537 in the second year and 843 in the fourth. This year (1963-1964) they number 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; this year they number 162, 78 and 54 students in the second, third and fourth years respectively.

#### B - List of Courses

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 (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<sup>(1)</sup> in the U.A.R. 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 those two subjects within a broader perspective.

I-FACULTY OF COMMERCE, POLITICAL SCIENCE DEPARTMENT (1935-1959)

The division of the faculty into departments started in the third year. In the second year these were no political science subjects, while in the first only one (Political and Social Systems) was taught in the second semester (3 hrs weekly). Below is a list of the courses that were taught in the third and fourth years (political Science section):

<u>YEAR</u>	<u>COURSE</u>	<u>hrs(weekly)</u>	<u>Semester</u>
Third	Economics	3	1st
	History of Political Thought	3	1st
	Public International Law and International		
	Judicial Organization	in Arabic 4	1st
		in English 2	1st
	Statistics	4	1st

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(1) and of Economics and Statistics, the other two sections of the Faculty.

Fourth	Constitutional History	in Arabic	3	2nd
		in French	2	2nd
	Political History		3	2nd
	Problems of the Middle East		3	2nd
	International Relation I		4	2nd
	Political Theory		3	1st
	International Relations II (Colonialism)		3	1st
	Diplomatic Relations		3	1st
	Problems of Africa	in Arabic	3	1st
		in English	2	1st
	Economics (International Trade)		3	2nd
	International Relations III (The Foreign			
	Policy of the Great Powers)	in Arabic	3	2nd
		in French	2	2nd
	Comparative Government		3	2nd
	Public Finance		3	2nd

2 - THE INSTITUTE OF POLITICAL SCIENCE <sup>(2)</sup> 1951-1959

<u>YEAR</u>	<u>COURSE</u>	<u>hrs(weekly)</u>	<u>Semester</u>
First	Political Science	2	1st and 2nd
	International Relations	2	"
	International Economic Relations	1	"
	Political and Economic Geography	1	"
	Public International Law (principles)	2	1st
	Public International Law (international organization)	2	2nd
	General Political History	1	1st
	History of Modern Political Thought	1	2nd
	Foreign Language	2	1st and 2nd

(2) Studies last 2 years in the institute



	Additional foreign language	2	1st and 2nd
	One optional course, (selected from the following 5)	2	"
	History of Political ideologies - Social trends and legislations-Information and Propaganda-Recont Economic Trends-Status of Aliens (Private International Law)		
Second	Diplomatic and Consular practices	2	1st and 2nd
	Political History and Modern Egypt	2	"
	Political, Economic and Social History of the Arab States	1	"
	Problems of the Middle East.	4	"
	Public International Law (Pacific Settlement of Disputes)	2	1st
	Public International Law (International organization)	2	2nd
	International Monetary Financial relations	1	1st
	The Status of Egypt in the World Economy;	1	2nd
	Foreign Language	2	1st and 2nd
	Additional Foreign language	2	"
	One optional course, selected from the following 4 (North African Nations - International Civil Aviation - International Commercial Law - General Administrative Organization.	2	"

### 3 - THE 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<sup>(3)</sup> Introduction to the study of Law (Public and private) -  
 Elements of economics - Economic history - Economic Society A Foreign  
 language.<sup>(4)</sup>

<u>YEAR</u>	<u>COURSE</u>	<u>hrs(weekly)</u>	<u>Semester</u>
Second	International Relations I	4	1st and 2nd
	Public International Law	3	"
	History of Political Thought I (Ancient-Medieval)	3	1st
	History of Political Thought II (Modern)	3	2nd
	Economic Analysis (Value and Distribution)	4	1st
	Money and Banking in Theory and Practice	4	1st
	Comparative Economic Systems	4	2nd
	International Economics	3	2nd
	Public Finance	3	2nd
	Modern Language	4	1st and 2nd
	Seminar	2	"
Third	Political Theory	4	1st and 2nd
	International Relations II	4	"
	International Organization	3	1st
	Public Administration I	4	1st
	Political Systems of Arab Countries	3	1st
	International Judicial Organization	3	2nd
	Administrative Law	4	2nd
	Studies in Middle Eastern Affairs	3	2nd
	Modern Language	4	1st and 2nd
	Seminar	2	"
Fourth	Comparative Government	4	1st and 2nd

(3) Including Principles of International Relations

(4) English, French or German.



Diplomatic and Consular Practices	3	1st and 2nd
Geopolitics	3	1st
History of Economic Thought	4	1st
Studies in African Affairs	4	1st
Public Opinion and Information	3	2nd
Public Administration II	3	2nd
Private International law	3	2nd
International Relations III	3	2nd
Modern Language	4	1st and 2nd
Seminar	2	"

## PART II

### SYLLABUS OF COURSES IN INTERNATIONAL LAW AND INTERNATIONAL RELATIONS

Before giving a synopsis of the courses, it is necessary to point out one major feature of our educational system; namely, that the contents of the courses are largely influenced by the particular interest and academic training of individual teachers. This particularly 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 nor exhaustive.<sup>(1)</sup>

#### PUBLIC INTERNATIONAL LAW

General introduction (History - Nature - Foundation - Sources etc.)  
The subjects of International Law - The types of states - The scope of state Jurisdiction (land - Maritime - and Aerial Territory)- International Responsibility - Treaties - International Organization - Pacific Settlement of International Disputes (International Judicial Order) -

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(1) Unless otherwise stated, all courses are compulsory.

Diplomacy - War and Neutrality. (2)

In the Faculties of Law, all these topics are generally taught in the second year. In the Faculty of Economics (Political Science Dept.) 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. (3)

Mention should be made of the teaching in the U.A.R. 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 U.A.R. 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, in that case the laws of war are applied, they are further applied on the enforcement measures taken by the international organizations, for instance the U.N's military intervention in Korea; finally, war may break out between states not bound by treaties preventing war, again necessitating the application of the

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(2) For typical syllabus in detail, See appendix II (a-b-c-)

(3) 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 are part of Public International Law in the second year) however, they are optional.



Laws of War.<sup>(4)</sup>

At any rate, in practice we find that the laws of war do not always 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.<sup>(5)</sup>

PRIVATE INTERNATIONAL LAW

In the Faculties of Law, the syllabus is generally in four parts: (1) Nationality, (2) Domicile, (3) The status of Aliens (4) The Conflict of Laws and of Jurisdiction. Needless to say, stress is laid on the laws of the U.A.R. 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<sup>(6)</sup>

(1) General Introduction: The various schools of thought - the Concert of Europe. (2) A comparative study of international organizations (composition, procedure - voting - powers and functions) (3) A brief study of the League of Nations. (4) 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 (the Permanent Court of International Justice - The International Court of Justice) with case studies.

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(4) Chanem, Dr. Mohamed Hafez: Principles of Public International Law, 3rd Edition, 1963, page 641.

(5) Except in the Military, Naval and Police Academics, where the laws of war concerning their respective fields are taught in detail.

(6) As taught in the Faculty of Economics.

### DIPLOMATIC AND CONSULAR PRACTICES<sup>(7)</sup>

The syllabus usually includes the following:

(1) Definition (2) 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) (3) The codification of the rules of diplomacy (4) The Diplomatic Mission (Organization - Composition etc.) (5) The functions of diplomatic envoys (6) Diplomatic immunities and privileges (7) Consular Representation (History - types of consuls - functions - Immunities). With case studies (8) International Civil Servants.

### INTERNATIONAL RELATIONS

In the Faculty of Economics (Political Science Department) international relations is in three parts, spread over a three years course, on a more or less historical basis (besides a general introduction in the first year):

The second year: International Relations until 1919; General introduction international relations in Ancient civilizations (Egyptians - Greeks - Romans etc.) The treaty of Westphalia and the beginning of modern international relations - International relations during the nineteenth century - the twentieth century up to 1919.

Fourth Year: International Relations after World War II (1945).

(1) The Foreign Policy of the Great Powers (Britain - China - France - the United States - The Soviet Union) and the U.A.R. (2) International blocs and groups (the Atlantic Bloc in Western Europe - The Communist Block in Eastern Europe - The Western Block in Asia - The African Political Groups Brazzaville - Casablanca - Monrovia - Addis Ababa). The African Political Groups, The Afro-Asian Group - The American Group - The Arab Group.

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(7) As taught in the Faculty of Economics.



### STUDIES IN MIDDLE EASTERN AFFAIRS

The syllabus is divided into 3 parts with a general introduction about the definition and importance of Middle Eastern Affairs:

1- The Defense of the Middle East (The Anglo-American projects - The Arab Projects - The Baghdad Pact)

2- Israel and the Middle East: (History of the Zionist movement - the birth of Israel - The Palestinian Question in the U.N. - Contemporary problems (The Armistice - The Suez Canal).

3- 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:-

(1) The International importance of Africa (Africa between the Eastern and Western Blocs) (2) International Relations between Europe and Africa (a historical survey) (3) European Systems of government in Africa (4) Changes in African Society (5) 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.

### PART III

#### TEXT BOOKS AND REFERENCE WORK

##### (a) Arabic Text Books

##### 1- International Law:

Text-books 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.

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

## 2- INTERNATIONAL RELATIONS

Generally speaking, and with very few exceptions<sup>(1)</sup>, there are no general text-books 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 text-books 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) text-books. 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.

### b- REFERENCE BOOKS (FOREIGN)

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

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(1) Notable among there is Dr. Emary's "Principles of International Relations" (1344p), which is based on a historical approach.



1- 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, usually the following are recommended: Brierly, J.L. The Law of Nations Oxford 1955. Oppenheim, L. International Law London 1949. Schwarzenberger, G. A manual of International Law London 1960.

2- International Relations: In the absence of text-books in Arabic, foreign books play a particularly prominent part here. The following are the ones most commonly used:

Friedmann, W. An Introduction to World Politics London 1960.

Padelford, N and

Lincoln, G. International Politics New York 1957

Palmer, N. and

Perkins, H. International Relations London 1954

Schuman, F.L. International Politics New York 1958

Schwarzenberger, G. Power Politics London 1951.

(c) The Index<sup>(1)</sup> of the Three Current Textbooks of Public International Law (in Arabic)

From the relatively large number of books on Public International Law, the following 3 have been selected for two main reasons (apart from being among the best):-

1- They are the most up-to-date, being the most recent in issue.

2- They are currently used as text-books in the faculties of law of the Alexandria (a) Cairo (b) and Ein-Shams (c) Universities, and are therefore more illustrative of the contents of the courses.

(1) Dr. Ali Sadek Abu Reif<sup>(2)</sup>

Public International Law<sup>(3)</sup>

(1) Only a brief summary of the indexes is given here. The titles mentioned in the indexes are considerably more numerous.

(2) Professor of International Law, Faculty of Law, Alexandria University.

(3) 5th Edition 1961. 932 pages.

Introductory Section: General Theory and Principles:

(1) The Definition and objectives of Public International Law.  
(2) The Sources of International Law (3) The development of international law (4) Its codification (5) Its nature (6) Its basis of obligation (7) Public international law and national law (8) The scope of international law.

Section I: The subjects of International Law:

Part I: The State

(1) Definition (Population - territory - Sovereignty) (2) Types of states (simple and composite states - states of complete and incomplete sovereignty) (3) The Existence of the State (The birth of the state - Recognition of the State - changes that occur to a state - Extinction of the state (4) Rights and Duties of the State (major rights - major duties) (5) The Principle of International Responsibility.

Part II: Subjects other than States:

1- The Pope. 2- International institutions. 3- The individual (protection of the individual - Emigration and immigration - Expulsion - Extradition).

Section II: The Scope of State Jurisdiction.

Part I: The Territory

(1) Titles to Territory (2) Results (3) Territorial Boundaries (4) Modes of acquisition and loss of territory.

Part II: Rivers

(1) National Rivers (2) International Rivers.

Part III: Seas

(1) High Seas (2) Coastal waters (3) Internal waters (Seaports - Gulfs - internal seas) (4) Waterways (straits - canals)

Part IV: Air Space

(1) The legal status of air space (2) Aerial Navigation (3) Telecommunication and broadcast.



Section III: International Relations

Part I: International Representation

(1) Heads of State (2) Ministers of foreign Affairs (3) Diplomatic envoys (4) Consuls

Part II: Conferences

Part III: Treaties

(1) The conclusion of treaties (conditions - formulation - ratification) (2) Registration and publication of treaties (3) Effects of treaties (between the contracting parties - on non-members) (4) The performance of treaties (5) The Termination of Treaties.

Section IV: International Organization

Part I: Universal International Organization

(1) The League of Nations (composition and organs - Functions - The End of the League) (2) The United Nations (purposes and principles - composition and functions: general assembly- Security Council - Economic and Social Council- Trusteeship Council - International Court of Justice - The Secretariat; the Legal status of the U.N.)

Part II: Universalist one-purpose institutions:

(1) purposes (2) specialized agencies.

Part III: Regional Organizations

(1) The Pan-American Union (2) The League of Arab States (3) The European Union.

Section V: International Disputes

Part I: Pacific methods of settlement

(1) Diplomatic or political methods (Negotiations - Good offices and Mediation - Settlement through international organizations) (2) Mixed methods (International commissions of Inquiry) (3) Judicial methods (Conciliation-arbitration-judicial Settlement (The International Court of Justice))

Part II: Resort to Force

Section VI: War and Neutrality

Part I: Generalities on war

(1) The legality of war (2) The Laws of war (3) The commencement of War (4) Effects of the outbreak of war (general Effects - private effects)

Part II: The rules of Warfare

(1) Land Warfare (Armed forces - methods of land warfare - rights and duties of belligerents) (2) Maritime warfare (Naval forces - methods of maritime warfare - rights of belligerents towards enemy nationals and property at sea - prizes) (3) Aerial Warfare.

Part III: The Law of Neutrality

(1) Duties and Neutral states (prevention - abstention) (2) Rights of neutral states (3) Neutral Trade (contraband of war - hostile services - naval blockade).

Part IV: The Termination of War

Appendix

(1) The Charter of the United Nations (2) The Statute of the International Court of Justice (3) The Charter of the League of Arab States (4) The Universal Declaration of Human Rights.

Dr. Hamod Sultan<sup>(5)</sup>

INTERNATIONAL LAW IN TIME OF PEACE<sup>(6)</sup>

Introductory Section:

(1) Definition of International Law (the international Society - the international legal system - Basis of obligation of international law - International law and National law - the development of international law - The scope of international law) (2) The Sources of International law (original and subsidiary sources) (3) The nature

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(5) Professor of Public International Law, Faculty of Law, Cairo University.

(6) First Edition, 1962. 1044 p.



of International legal norms - the limitations of the norms of international law - their codification - their interpretation.

#### Section I: General Theories

(1) The subjects of international law (the criterion of international personality - the emergence of international personality - its termination - the characteristics of the subjects of international law. (2) Representatives of International Subjects (Individual representation: heads of States - ministers of foreign affairs - Diplomatic envoys - Consuls - Delegates - Commander of the armed forces b) Collective representation) (3) The Legal acts of the State a) general theory b) international unilateral acts - c) international bilateral and multilateral acts; Treaties (Form - conditions - interpretation - termination and its causes) (4) International Responsibility a) Definition, legal status created by international responsibility, acts giving rise to international responsibility b) Factors presenting international responsibility c) norms regulating international claims)

#### Section II: The State

(1) The population of the state (Nationals - foreigners) (2) The Territory: The legal nature of the territory - the elements and boundaries of the territory a) in general b) land territory: natural features within state boundaries (Canals) natural features constituting state boundaries - international Rivers. c) maritime territory: territorial Sea (including Gulfs - ports - islands - rivers) the contiguous zone - the continental shelf-high seas. Modes of acquiring territory. (3) State Sovereignty (Sovereignty in historical perspective - the theory of sovereignty in modern ages - sovereignty in the age of international organization - the future of sovereignty). (4) State Succession (General theory - state succession in practice).

#### Section III: International Organization (The United Nations)

(1) Preparatory works of the U.N. Charter (preparing the charter - paving the way for the new international organization) (2) The Charter

as an international treaty (concluding the charter - admission to and withdrawal from the charter - the relation between the charter and other international agreements - the amendment of the charter) (3) The General Assembly (nature, composition, function - confirming the powers of the general assembly procedure). (4) The Security Council (composition - voting - functions - procedure) (5) The Economic and Social Council (nature and composition - function - procedure) (6) The Trusteeship Council (Composition - trust territories - objectives of the trusteeship system-functions and powers) (7) The International Court of Justice (creation - organization - jurisdiction - procedure - the judgements of the court).

Dr. Mohamed Hafex Ghanem (8)

PRINCIPLES OF PUBLIC INTERNATIONAL LAW (9)

Introduction (Recent developments in international Relations)

Section I: The Nature of Public International Law

Part I: The International Society and International Law

(1) The Political Society (2) The International Society (3)

Public International Law.

Part II: The historical Development of International Law

(Early Ages - Middle Ages - Modern Age - Age of International Organization)

Part III: The Nature of Public International Law.

(1) Can the international legal norm be considered a legal norm in the true sense? (2) The Basis of Obligation of International Law.

Part IV: The Relation between International and National Law.

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(8) Professor of Public International Law, Faculty of Law, Ein-Shams University

(9) Third Edition, 1963, 736 p.



(1) The Unity of Law (2) The Supremacy of international law (3) political problems concerning the relation between National and International Law.

Part V: The Sources of Public International Law.

Section II: The Subjects of International Law

Part I: The State

(1) The Concept of the State in international law (Definition and elements of the state - the personality of the state: the representatives of the State in international relations a) head of the state b) Foreign ministers c) Diplomatic missions d) Diplomatic immunities and privileges) Consular missions f) the Commander of Armed Forces (2) Types of States (simple and composite states - sovereign and non-fully sovereign states: a) protectorates b) states under the supervision of international organization (mandate and Trusteeship systems) c) states under an international regime (Free states) d) neutralized states e) states bound by unequal treaties. (3) The existence of the State: The emergence of the state (including recognition) Political changes that occur to a state. (4) The Jurisdiction of the state (Jurisdiction arising from the absence of a sovereign power in the international society - jurisdiction necessary for the formation of the state on a territorial basis). (5) The Territory of the State (Acquisition of title to territory - Land territory - Rivers - Internal water a) lakes and closed seas b) sea-ports c) gulfs d) Canals e) straits - Seas a) territorial seas b) contiguous zone c) high seas d) Air.

Part II: Subjects of International Law other than States:

(1) The Pope (2) International Institutions (3) The individual

Section III: International Relations:

Part I: International Contractual Obligations (Treaties)

(1) Legal Elements of Treaties (major elements a) parties b) subject c) will d) form: signature, ratification, registration - subsi-

diary elements)

(2) Legal Effects of Treaties (Effects - interpretation)

(3) Termination of Treaties (by agreement - without agreement)

Part II: International Responsibility

(1) Act giving rise to international responsibility (2) Reparation.

Part III: International Disputes

(1) Judicial Methods: arbitration - judicial settlement (The International Court of Justice (2) Non-Judicial methods: International Conciliation (Good offices - Mediation - Inquiry - International Organizations)

Section IV: War

Part I: The Status of war in international law

(1) The legality of war (2) Definition and legal system of war.

Part II: Relations between belligerent states

(1) The termination of peace (2) Land warfare (3) Maritime warfare (4) Aerial Warfare.

Part III: Relations between belligerent and non-belligerent states (neutrals)

(1) Neutrality in Land warfare (Rights and duties of neutrals - rights of belligerents) (2) Neutrality in Maritime warfare (Duties of Belligerents - Rights and duties of neutrals a) contraband of war b) hostile services. (3) The reestablishment of peace (non-hostile intercourse between belligerents - methods of reestablishing peace)

(a) A select Bibliography

in International Law and Relations

International Law

1- Dr. Abdel Manem Riciid

2- Dr. Gaber Gad Abdel Rahman

Private International Law Cairo 1962

Private International Law

Books I and II

Bagdad 1954



- 3- Dr. Gaber Gad Abdel Rahman The Arab Private International Law  
Book I: Nationality Cairo
  - 4- Dr. Gaber Gad Abdel Rahman The conflict of Laws Cairo
  - 5- Dr. Mohamed Hafez Ghanem International Responsibility Cairo 1962
  - 6- Dr. Sami Geneina Public International Law Cairo 1962
- International Organization
- 1- Dr. Boutros Boutros-Ghali International Organization Cairo  
(first edition issued as 2 volumes)
    - 1) Introduction to the study of International Organization
    - 2) A constitutional study of Universal international organization (League-U.N.)  
Second edition incorporated both in one volume)
- Diplomacy
- 2- Dr. Mohamed Hafez Ghanem International Organizations Cairo 1961
  - 3- Dr. Mohamed Hafez Ghanem The United Nations Cairo 1963
- Diplomatic and Consular Law Alexandria 1961
- 1- Dr. Ali Sadok Abu Haif Cours de Diplomatie et de Droit
  - 2- Dr. Boutros Boutros-Ghali Diplomatique et Consulaire Cairo 1951
- Diplomatic Systems Cairo
- 3- Dr. Ezz El Din Foda Book I: The development of diplomacy and the codification of its rules
- Diplomatic and Consular Relations Cairo 1962
- International Relations (General)
- 1- Dr. Ahmed Sweillan El Emary Principles of International Relations Cairo 1959  
(3rd Edition) (a comprehensive study

- of international relations in theory and practice. The largest book on the subject in the U.A.R.)
- 2- Dr. Ahmed Sweillam El Emery International Relations and Public International Law Cairo 1949
  - 3- Dr. Ahmed Sweillam El Emery Oil in International Politics Cairo 1958
  - 4- Dr. Boutros Boutros-Ghali Studies in International Politics Cairo 1961
  - 5- Dr. Boutros Boutros-Ghali  
Dr. Mahmoud Khairi Issa  
(co-authors) Principles of Political Science Cairo 1962  
1963  
(with a special section devoted to international relations)
  - 6- Dr. Rached El Barrawi The Road to Peace Cairo 1959  
Africa and the Arab States
  - 1- Dr. Abdel Malek Ahmed Auda Government and Politics in Africa (The first comprehensive text-book on Africa in Arabic) Cairo 1959
  - 2- Dr. Ahmed Sweillam El Emery The Arab Society Cairo 1961
  - 3- Dr. Boutros Boutros-Ghali African Constitutions Cairo 1963  
(an analysis of the constitutions of 10 newly-independent African States)
  - 4- Dr. El Sayyed Nofal The Political Situation of the Principalities and Sheikdoms of the Arab Gulf and the Southern Arabian Peninsula Cairo
  - 5- Dr. Hassan Ibrahim Hassan The Arab and Islamic expansion beyond the Great Desert Cairo



6- <u>Mohamed Kamel</u>	The Greater Arab States	Cairo
7- <u>Dr. Mohamed Safei El Dine</u>	Africa and the European States	Cairo 1959
8- <u>Dr. Mohamed Talaat El Ghoneimi</u>	The Palestinian Question In International Law	Alexandria 196
9- <u>Salah Sabri</u>	Sub-Saharan Africa	Cairo

#### PART IV

#### POST-GRADUATE COURSES

##### (a) Faculties, Courses, Numbers of hours and of students

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<sup>(1)</sup>.

Prior to 1960, both subjects were taught in the Institute of Political Science<sup>(2)</sup>, which was abolished with the creation of the Faculty of Economics and Political Science.

##### 1- Ein Shams University Faculty of Law

Only this faculty has a special International Law Diploma. To obtain it the following courses are required:

<u>COURSES</u>	<u>hrs (weekly)</u>
Public International Law	3
Private International Law	3
International and Economic Relations	3
Seminar	2
One optional course (selected from the following)	3
1- International Administrative and Financial Law	
2- International Penal Law	

(1) Post-Graduate studies are expected to start next year in the Faculty of Economics and Political Science.

(2) Established in 1951 as an independent institute, it became in 1954 one of the institutes of the Faculty of Law, Cairo University.

### 3- International Maritime and Air Law

In this same faculty - besides the International Law Diploma - there is also a Public Law Diploma (where Public International Law is an optional course - 3 hrs weekly) and a Private Law Diploma (where Private International Law is also an optional subject, 3 hrs weekly).

### 2- Cairo and Alexandria Universities:

There is no special international law diploma in those two faculties. But there is a Public Law Diploma. Below is a list of the courses required:

<u>COURSES</u>	<u>hrs (weekly)</u>
Constitutional Law	3
Administrative Law	3
Public International Law	3
Seminar	2
One optional course selected from 4 subjects) <sup>(3)</sup>	3

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 Ph. D. dissertation.

#### (b) Faculty of Commerce (Cairo University)

The post-graduate courses of political science in this faculty was divided on two years, as follows:-

<u>YEAR</u>	<u>COURSE</u>	<u>hrs (weekly)</u>
First	International Law (Problems of World)	2
	International Relations in theory and practice I (Western Europe - The Soviet Union)	2

(3) These are: Penal law - Public Finance and Financial Legislation - History of public law - Systems of Government in Islam at Cairo University; and Criminal Law - Public Finance and Legislation - History of Public Law - Philosophy of Law at Alexandria University.



Comparative Government	2
Second Comparative Constitutions	2
International Relations in theory and practice II	
(The U.S.A. - Latin America - The Far East	2
Political Theory	2

The number of post-graduate students represents roughly 10% of the undergraduates. For example in 1960-61, the faculty of Law of the Min-Shams University, had 28 students studying for the International Law Diploma, 10 for the Private Law Diploma, and 37 for the Public Law Diploma. The faculty of Law of Cairo University had in the same year 448<sup>(4)</sup> students and 79 students studying for the Public and Private Law Diplomas respectively.

The Faculty of Commerce former Department of Political Sciences on the other hand, had 46 students (31 in the first year - 15 in the second) studying political science at the post graduate level in the same year.

In the three faculties of Law, the student who obtain 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 degree is he able to prepare for a doctoral thesis. Quite a large number of magisterial and doctoral thesis related to international law and relations have been produced to date.

(b) Theses<sup>(5)</sup> related to International Law and Relations  
discussed in the Cairo University after 1945

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- (4) This unusual large number is an exception in post-graduate studies.  
 (5) The student is required to produce six copies of his thesis, which is mimeographed according to certain specifications. They are written in Arabic, with a comprehensive summary in a foreign language. The number of pages usually ranges between 200 and 500. The theses are kept in the libraries of the Faculty of Commerce and Law of Cairo University. They are listed here according to the date of their discussion.

(1) Department of Political Science, Cairo University (19-7-63) <sup>(6)</sup>

Doctoral Thesis

- |  |   |
|--|---|
| (1) <u>Abdel Malek Auda</u>  | The Islamic Bloc 1956   |
| A historical, political, economic and social study of the concept of Islamic Unity; its pros and cons, from the time of the Islamic conquests till to-day. |   |
| (2) <u>Henry Anis Michail</u>  | The Nationalization of the<br>Universal Maritime Company of<br>the Suez Canal and International<br>Law 1960 |

The factors that led to the nationalization; the conflict that ensued, and its ultimate settlement; with emphasis on the attitude of Israel.

Master's Degree Theses

- |  |   |
|--|---|
| (1) <u>Youssef Salah El Din Namerk</u> | International Law and Social<br>Service 1947  |
| (2) <u>Abdel Malik Ahmed Auda</u>      | The Concept of Collective<br>Security in the Arab League<br>as a regional Organization 1951 |

This thesis deals with the 1950 (17th June) treaty, concluded to reinforce the security system of the League of Arab States, after the defeat of the Arab States in Palestine.

- |                                  |  |
|----------------------------------|--|
| (3) <u>Mustapha Fathi Hassan</u> | The International Labour Agree-<br>ments and the attitude of the<br>Egyptian Legislator 1953 |
|----------------------------------|--|

The I.L.O. as an international organization - its different organs - an analysis of the various agreements concluded under its supervision - the attitude of Egypt towards the agreements.

(6) No theses were examined before that date.



- (4) Mohamed Moafi The Human Rights and Universal Peace 1954
- An attempt to prove that universal peace can be established only by the enforcement of human rights.
- (5) Henry Anis Michail The Anglo-Lybian Relations 1956
- The historical evolution of the relation between the two countries from the 16th century till the independence of Lybia; with a detailed analysis of the Anglo-Lybian treaty concluded in 1953.
- (6) Fawzi Riad Fahmy The Importance of the Middle East in World Affairs 1958
- A study of the geopolitical situation of the Middle East; the importance of the Suez Canal; and the paramount role played by oil in the area.
- (7) Mohamed El Tohamy El Ebyari The Rise of the State of Israel and Peace in the Middle East 1958
- A historical review of the Zionist movement; the creation of the Jewish State, and the consequences of its existence in the heart of the Arab World.
- (8) Adel Mohamed Shukri The S.E.A.T.O. 1958
- The political background of the area prior to the creation of the S.E.A.T.O.; a constitutional study of the organization (membership-organs); with an appraisal of its political activities from 1954 till 1958.
- (9) Tawfik Abdel Ghani El Reusassi Morocco and French Colonialism after the Second World War 1959
- A political and constitutional analysis of the Government of Morocco before independence - the different steps that led to the independence - the foreign relations of Morocco after 1955.

- (10) Zoheir Abd El Salam Mckayyed The United Arab States 1959  
The different associations between the Arab States; the attitude of the political parties towards them; and the difficulties that face the concept of the United Arab States.
- (11) Farid Ayyad Ayyad The Concept of European Unity and the methods used to achieve it 1959  
The idea of European Unity in historical perspective; its application in the different organizations of Western and Eastern Europe.
- (12) Riad Mohamed El Adawi The International Bank in International Relations 1961  
The creation of the Bank in 1944-45; a constitutional study of its status; its activities between 1945 and 1961 and their impact on international relations; with emphasis on the relations between the Bank and Egypt.
- (13) Miss Horeya Tewfik Mesahod Somalia in International Affairs 1961  
The geographical and historical aspects of Somalia; its problem as dealt with by the council of foreign ministers of the Great Powers and then by the U.N.; and the evolution of its international status from trusteeship till independence.
- (14) Sami Mansour Ahmed Nigeria in World Affairs 1962  
A political study of Nigeria before and after independence; its relations with Great Britain and the neighbouring African States; its role in the United Nations.
- (15) Zarif Boutros Mikhail The UNESCO and Universal Peace 1963  
A constitutional and political analysis of the U.N.E.S.C.O.; its membership, organs, and relation to the U.N. in general and the Economic and Social Council in particular; its diverse activities as an international organization.



(16) Ali Abul Gheit El Habibi

The Political and Economic  
Development of Ghana from  
Occupation till Independence 1963

The Gold Coast and Togoland between French occupation and British trusteeship - the national movement in Ghana - the Togoland problem and the ultimate annexation of its British Sector to the Gold Coast - the final steps that led to the independence of Ghana.

(17) Mrs. Salwa Mohamed Labib

The Commonwealth after W.W.II 1963

The historical development of the Commonwealth until World War II; its different organs - the Commonwealth in world affairs (versus the U.N. and the European Common Market) - with a concluding appraisal.

(18) Abdul Hamid Ahmed Abu Soliman

British Policy in Aden and  
the Protectorates 1799-1961 1963

A historical and political review of British colonialism in Aden and the Protectorates from the occupation of the Perim Island (1799) till 1961 - the role of political parties in the area - the attitude of Yemen, Saudi Arabia and the Arab League.

(2) The Faculty of Law, Cairo University (1945-1963)

Doctoral Theses (1)

(1) Hafez Mohamed Ibrahim

Air Forces: their historical  
evolution and their effects  
on military techniques and on  
Universal Peace 1946

The development of air forces - their international organization in historical perspective - and the concept of their internationalization.

(2) Kamal El Ghali

The Charter of The Arab  
League 1948

(1) There is no master's degree in the Faculties of Law.

A constitutional study of the Charter; its purposes and principles, membership, organization and functions - the League as a regional organization.

(3) Abdallah Rashwan

The International Status of  
the Suez Canal 1949

The Suez Canal prior to the 1888 Convention; an analysis of the convention and its aftermath; with a comparative study of the various international waterways.

(4) Mahmoud Hassan El Arroussi

Extradition 1951

The general theory of extradition; its foundations, obligatory nature and conditions; the Egyptian system of extradition.

(5) Mohamed Talaat El Ghensimi

The Judicial Settlement of  
International Disputes 1954

The historical evolution of the judicial settlement of International disputes - a theoretical study of its various aspects, its future.

(6) Mrs. Aisha Rateb

The Status of the Individual  
in International Law 1955

A comprehensive study of this controversial subject.

(7) Sarwat Anis Said

The Responsibility of  
Aerial Transportation 1959

(8) Mohamed Abdel Kader Hatem

Information as a political  
power for the stability of  
Government and the maintenance of Universal Peace 1960

An analysis of the various methods of information; the different organizations dealing with information and propaganda; the impact of information on Universal Peace and internal stability.

(9) Mohamed Mohamed Hassanein

French Union and French  
Community 1960



The historical development of French colonialism in Africa - with a constitutional analysis of the French Union and the French Community.

- (10) Mustafa Hassan Ibrahim Mowson      The International Emergency Forces and their role in the maintenance of Peace      1961

The historical background of the Emergency Forces after the Anglo-French intervention in Egypt in 1956 - a study of the agreement concluded between Egypt and the U.N. in 1957 - the political impact of the emergency forces in the Middle East.

- (11) Edward Sidhom      The Problem of the Arab Refugees      1961

The rise of the problem of Arab refugees, its repercussions on the international society, and the projected means of solving it.

- (12) Yehia Abd El Azis El Gana'i      Recognition in Public International Law      1963

Different theories and forms of recognition; recognition and international organizations.

- (13) Ahmed Osman      The Principles of the Administration of Colonies by International Organization and its application on the Mandate and Trusteeship systems      1963

A comprehensive analysis of the Mandate and Trusteeship systems based on first-class documents.

- (14) Wahba Mustapha El Zeheili      The effects of War in Islamic Jurisprudence      1963

PART V

PROBLEMS OF THE STUDENT BODY

(a) Behaviour

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.



(b) Employment Opportunities

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 (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 55, while the suitable employment opportunities rarely exceeded 10% 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<sup>(1)</sup>) was 25 in 1960-1961. However, the number gradually rose to 61 in 1961-1962, to 113 in 1962-1963, and finally to 162 in 1963-1964.<sup>(2)</sup>

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(1) The successor of the political science section of the Faculty of Commerce.

(2) But it should also be borne in mind that a relatively high percentage of these students (slightly more than 20% in 1962-1963 in all the years and sections) come from 29 foreign countries. This alleviates the problem of future employment opportunities to a certain extent.

### 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 under-graduate 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 roundtable conference on International Law and International Relations among them.
- (4) Much Research is being done in the field of International Law and International Relations; and 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 those two languages in Africa, and in International Organizations.



- (2) Special attention should be given to the preparation of an Arabic compilation of basic 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.