The UN Decade on International Law: Progress and Promises*

Remarks by Ambassador Andreas J. Jacovides

It has long been my conviction that international law should and does play an important role in diplomacy and international affairs. How much a role it is allowed to play varies from state to state. It reflects an attitude of mind. Much also depends upon the individual officials who, at a given period of time, are in a position to take decisions on a particular situation. No general rule necessarily applies but, on the whole, it is small and weaker states that have more reason to rely on the law rather than on power in defending their sovereignty, independence and territorial integrity and, more generally, in promoting their policies in the international field. Although all states are supposed to be equal in law, some states are more “international law-minded” than others.

My own country, Cyprus, is one of these “international law-minded” and, indeed, “United Nations-minded” states. Cyprus, in its modest way, has endeavored throughout its thirty-five year existence as an independent state to participate constructively in the major law-making conferences held under UN auspices, and to make its contribution in such areas as developing compulsory third-party dispute-settlement procedures (notably in the UN Conference on the Law of the Sea) and the adoption of important notions as jus cogens (notably in the Vienna Conference on the Law of Treaties). Cyprus is a party to most international conventions, universal as well as regional, for the protection of human rights. Cyprus has accepted the compulsory jurisdiction of the International Court of Justice (ICJ) and has declared its willingness to have the highest judicial organ of the United Nations adjudicate on the legal aspects of the long-standing Cyprus problem, whether through contentious proceedings if Turkey were to accept the ICJ’s jurisdiction, or through an Advisory Opinion of the Court as a result of a decision of the General Assembly or the Security Council to that end. Moreover, we have

supported the UN Secretary-General’s right to seek advisory opinions from the ICJ in appropriate circumstances.

Similarly, Cyprus did not hesitate to resort also to national and regional courts abroad and was vindicated, for instance, in the federal court of Indianapolis with the recovery of the cultural property in the Kanakaria Mosaics case, an important precedent-setting case for the protection of cultural property looted and purportedly sold abroad; and, very recently, before the European Court of Justice of the European Union and currently before the European Court of Human Rights – of which I shall say no more in the presence of one of the outstanding judges of this latter Court who happens to be our Chair for this panel.

Also in other small ways, such as being the first to contribute to the UN Secretary-General’s Trust Fund to cover expenses of developing countries in order to enable them to resort to the International Court of Justice and through voluntary – albeit token – contributions to finance such worthy causes as holding the International Law Commission’s Annual Seminar, UNCITRAL symposia and the Shirley Amerasinghe memorial scholarship, Cyprus has endeavored to play its modest role in this regard. Since 1961, Cyprus served on the UN Advisory Committee on the Teaching, Study, Dissemination and Wider Appreciation of International Law.

As a student of international law, as a delegate to the Sixth Committee since 1960, and as a member of the International Law Commission since 1981, I can say that if the rules of international law had been applied, the Cyprus problem would not have arisen. And if these rules are applied today, the international aspects of this problem can be solved fairly for all parties concerned and in the interest of international peace in our volatile region.

I hope you will excuse this diversion, but what I have said serves as an introduction and an illustration of the attitude that dictated the proposal, originally made at the Non-Aligned Foreign Ministers Conference in Nicosia, Cyprus, in September 1988, subsequently elaborated on in the Declaration adopted by the NAM Meeting on Peace and International Law in 1989 and endorsed by the NAM Summit later the same year, to declare the 1990s the UN Decade of International Law.

Since we are currently at the halfway point of the Decade, it is indeed appropriate that we should pause and take stock as to the progress made, and whether the promises and expectations have been fulfilled. It is also timely that we should do so, this being the 50th anniversary of the United Nations, when much thinking and soul-searching is going on at various forums, national and international, as to where the United Nations stands and where it is going after fifty years in existence. All the more appropriate since the United Nations and its Charter have provided the forum and the guiding principles for much of the activity in codifying and progressively developing