

EDITORIAL COMMENT

Speaking during the International Day of Peace in 2001, United Nations Secretary-General, Kofi Annan, presented the world with a vision and a dream. He invited us to picture a world where those who waged war laid down their arms and talked out their differences. He referred to hatred turning into respect, bigotry into understanding and ignorance into knowledge.¹

This day was September 11, a day when the world both celebrated and wept. It celebrated because it was the 20th anniversary of the International Day of Peace.² It wept because of the terror attacks on the United States. The sheer magnitude of the attacks also outraged the world and addressing the General Assembly, Kofi Annan called this day "a dark day for the United Nations and indeed for the whole world."³ It is almost weird that so little seems to have been written on the occurrence of these two events on the same day, a day declared by the General Assembly to be a day of global ceasefire and non-violence.⁴ Was it merely coincidental or did the terrorists plan this? If planned, what is its significance?

When reflecting on international law in 2001, the terror attacks of September 11 seem to cast a shadow over most (if not all) of the discussions, providing them with a focal point and perspective. The world perceives the terrorist as an individual but this has changed with the growing acceptance that a State may be a terrorist also. New Zealand Prime Minister David Lange reputedly referred to the 1985 *Rainbow Warrior* incident as "a sordid act of international state-backed

¹ Economic and Social Commission for Western Africa (ESCWA), "Kofi Annan's message on International Day of Peace", UN Press Releases 2001, 11 September 2001 at <www.escwa.org.lb/information/press/un/2001/11sept.html>.

² Ibid.

³ ESCWA, "UN General Assembly condemns terror attacks against US", UN Press Releases 2001, 12 September 2001 at <www.escwa.org.lb/information/press/un/2001/12sep_condemn.html>.

⁴ The United Nations General Assembly proclaimed this day 20 years ago: ESCWA, "Kofi Annan's Message on International Day of Peace", 11 September 2001, UN Press Releases 2001 at <www.escwa.org.lb/information/press/un/2001/11Sept.html>.

terrorism"⁵ and following the bombing incident at the 1996 Atlanta Olympic Games, United States President Bill Clinton claimed that States often supported terrorists. In his view, if a State sponsored or permitted terrorism it should face strong sanction.⁶

Terrorism (including bioterrorism) is an international criminal act that has a pervasive nature. Pervasive because it weaves its way into other subjects of international law, from autonomy and self-determination, international institutions, the international environment and treaties to the relationship between the State and the individual and the settlement of disputes. These topics form the subject matter of this issue.

The Hon Justice John Dowd and Nicole Abadee lead with an article on September 11 focusing on Australia's involvement in Afghanistan.⁷ Dr Keith Suter also writes on September 11, starting with a short history on terrorism and ending with the question, "what next?"⁸ More often than not, the law is reactive, not pro-active, and the post-September 11 resolution of the Security Council suppressing the financing of terrorism, Resolution 1373 of 28 September 1991, is no exception. To fulfil its obligations under this resolution as part of the global effort to fight terrorism, Australia promulgated the Charter of the United Nations (Anti-Terrorism Measures) Regulations 2001 to protect Australia from becoming the terrorist's financial haven. On 21 December 2001, it gazetted the names of terrorists and terrorist organisations under this new measure that must freeze their assets.⁹

In another move, Australia proposed a new anti-terrorist law that permits the detention of suspects for 48 hours without access to a lawyer.¹⁰ This is controversial since the proposed law strikes at the very core of our democratic system guaranteeing basic rights. On the

⁵ Szabo, "The bombing of the Warrior" at <www.kauai.net/centralscrutinizer/pardon/myanalysis/rainbow_bomb.html> (visited February 2002).

⁶ Ibid.

⁷ "The September 11 terror attacks – An Australian response" at 1-13.

⁸ "September 11 and terrorism – International law implications" at 14-34.

⁹ Joint News Release, Attorney-General and Minister for Foreign Affairs, "Gazettal of Terrorists and Terrorist Organisations Under the Charter of the United Nations (Anti-Terrorism Measures) Regulations 2001", 21 December 2001 at <www.ag.gov.au/aghome/agnews/2001newsag/joint_gazettal.html>.

¹⁰ Interview with Daryl Williams, Attorney-General of Australia, "The Law Report", Radio National, Australian Broadcasting Corporation, 12 February at 8.30am.

other hand, such rights need protection from terrorist acts, challenging Australia to maintain a (difficult) balance and ensure that in doing so, it does not create a monster to deal with another.

In the United States, the answer is more controversial, "profoundly chilling" to some, when President Bush signed "the results of the legal labor."¹¹ This is a military order that allows foreigners suspected of terrorism to be tried by special military tribunals at the president's discretion. In these tribunals, the proceedings may be held in secret, the rules of procedure are established on an *ad hoc* basis and hearsay evidence is admissible.¹²

In the Middle East, the Israeli-Palestinian conflagration following September 11 led the parties on both sides to accuse each other of terrorism.¹³ The situation has gone beyond volatility, becoming deadly, now that dialogue has broken down completely.¹⁴ While the Palestinians continue to seek a land to govern and call their own, on the other side of the globe a similar fight for self-determination forms the basis for Soliman Santos' article.¹⁵ Mr Santos explores the methods used to end the conflict in Southern Philippines (Mindanao) between two diverse groups: one Muslim (the Moro), the other Christian/Western (the government). Perhaps there are lessons to be learnt from this experience that finally saw autonomy (not self-determination) for the Moro people in 1996.

Since then, an epilogue has been added to this development. Nur Misuari, leader of the Moro National Liberation Front, has been implicated in the Abu Sayyaf rebels' acts of terrorism including the kidnapping of foreigners on Sipadan Island (Pulau Sipadan).¹⁶ Readers

¹¹ Tyrangiel, "And justice for...", Time, 26 November 2001 at 54.

¹² See generally *ibid*.

¹³ See for example Labi, "Flexing their muscles", Time, 17 September 2001 at 44.

¹⁴ See for example Rees, "Showdown", Time, 17 December 2001 at 42; McGeary, "Radicals on the rise", Time, 17 December 2001 at 46.

¹⁵ "The Muslim dispute in the Southern Philippines – A case of Islamic conference mediation" at 35-65.

¹⁶ In April 2000, the rebels obtained millions of peso in ransom from an international consortium of European States, Libya and Malaysia following a kidnapping on the diving resort of Sipadan Island: INQ7 Interactive Inc. "Inside the Abu Sayyaf", 2001, <www.inq7.net/specials/inside_abusayyaf/>; McGeary, "Next stop Mindanao", Time, 28 January 2002 at 26.

may recall that this island (including Ligitan Island) is subject to a territorial dispute between Indonesia and Malaysia before the International Court of Justice.¹⁷ The allegations against Misuari have caused Indonesia and Malaysia withdrawing their support for him after having backed his fight for a separate Muslim state in Mindanao.¹⁸ This case is a practical illustration of Dr Keith Suter's observation "that one party's terrorist may be another party's freedom fighter"¹⁹ supporting the view that today's leader may be tomorrow's terrorist, and *vice versa*. Meanwhile, another drama has been played out in the Court pursuant to the Philippines' application to intervene in the proceedings. However, by Order dated 23 October 2001, the Court denied the request.²⁰

After September 11, anthrax incidents in the form of bioterrorism highlighted the ease with which the environment is endangered quickly and fatally.²¹ This supports the doomsday prediction that unless the international community is totally committed to the environment's protection and preservation, the survival of the human race is truly at risk.²² This year, three articles in this issue address the international environment.

In the first, Dr Ben Chigara warns of the deadly effects caused by using depleted uranium shells (DUS) in combat.²³ He makes the same point on the replacement of monsters by citing NATO's use of DUS in the

¹⁷ Refer Case concerning Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia) [2000] International Court of Justice Reports (forthcoming); [2000] *Australian International Law Journal* 201; see also 415 et seq below.

¹⁸ After Misuari was found and detained in Malaysia on kidnapping charges, Indonesia, Malaysia and the Philippines issued a statement in December 2001 on his surrender by Malaysia to the Philippines to stand trial for rebellion: INQ7Net, "Malaysia to file kidnap charges vs Misuari", 27 November 2001 at <www.inq7net/brk/2001/noe/27/brkpol_12-1.htm>; Trinidad, "Joint Communique", Manila Times, 21 December 2001 at <www.manilatimes.net/national/2001/dec/>.

¹⁹ Refer page 16 below.

²⁰ This case is presented at 403-415 below.

²¹ See for example Elliott, "A clear and present danger", Time, 8 October 2001 at 24; Ripley, "The hunt for the anthrax killers", Time, 5 November 2001 at 34.

²² Robert T Watson, Chairman of the United Nations Intergovernmental Panel on Climate Change, stated recently that "[i]t is not a question of whether the Earth's climate will change but rather by how much, how fast and where": Williams, "Sinking feeling", Time, 20-27 August 2001 at 26. During the last century, the global mean sea level rose by up to 20 cm, which is expected to accelerate this century: *ibid*.

²³ "Humanitarian intervention missions – Elementary considerations, humanity and the 'good Samaritans'" at 66-89.

Kosovo region in the name of humanitarian intervention during the Balkan conflict in the 1990s by providing compelling evidence on the dangers and damage caused to the environment and food chain. In this context, it is unfortunate that the United States withdrew unilaterally from the Kyoto Protocol in March 2001.²⁴ This treaty, following the United Nations Framework Convention on Climate Change 1992, aims to address the problems caused by global warming. It is the first treaty to establish targets for States in greenhouse gas emission reductions.

Under this treaty, almost 40 developed nations agreed to reduce by 5% the 1990 international level by 2008-2012 and Australia by 108% its 1990 level.²⁵ Reacting to the United States' withdrawal, Australia's Minister for the Environment, Senator Robert Hill, says that the United States "cannot easily walk away from [its] responsibility" especially when it create[s] 30% of the world's emissions.²⁶ The United Kingdom calls the decision "almost unthinkable", adding that the treaty will fail without the United States' support.²⁷

In the second, Steven Freeland writes on the use of debt exchanges for environmental and development purposes. He concedes that although debt exchanges are not the ultimate solution for the problems of the world's less developed countries, they have benefits.²⁸

In the third, Dr Francis Botchway discusses disputes involving parties, States or non-State, referring to the various mechanisms for their resolution. He canvasses the use of the international adjudicatory process to resolve trans-boundary resource disputes and suggests that dedicated processes and procedures may be more effective.²⁹

²⁴ The United States signed the treaty in 1998 but did not ratify it: CNN News, "Alarm after US abandons environment treaty", CNN.com/WORLD, 29 March 2001 at <<http://asia.cnn.com/2001/WORLD/asiapcf/auspac/03/28/kyoto.protocol/>>.

²⁵ Department of Foreign Affairs and Trade, Australia, "Climate change", 1 June 2001 at <www.dfat.gov.au/environment/climate>.

²⁶ CNN News, "Alarm after US abandons environment treaty", CNN.com/WORLD, 29 March 2001 at <<http://cnn.com/2001/WORLD/asiapcf/auspac/03/28/kyoto.protocol/>>.

²⁷ *Ibid.*

²⁸ "Turning to a trusted friend – Using debt exchanges for environmental and development purposes" at 90-142.

²⁹ "The international adjudicatory process and trans-boundary resource disputes" at 143-158.

In the next article, Melron Nicol-Wilson also writes on dedicated solutions for specific problems, citing the United Nations Special Court for Sierra Leone as a model dedicated court.³⁰ In this age of accountability, the international community has rightly become more intolerant of atrocities committed on the human race including genocide. At present, there are dedicated tribunals prosecuting similar crimes, such as the International Criminal Tribunals for the Former Yugoslavia and Rwanda.³¹ Simultaneously, they pursue other alleged criminals implicated during the conflicts in the former Yugoslavia and in Rwanda.³² However, bringing them to justice is a big task since a successful prosecution is not only dependent on evidence from the victims but also from those involved in the criminal acts, and their incriminating evidence is usually not forthcoming.

Two millennia ago, Marcus Tullius Cicero declared that "in the midst of arms, law stands mute".³³ Kofi Annan cited this declaration when celebrating the adoption of the Rome Statute of the International Criminal Court at Campidoglio on 17 July 1998. He added that, "when powerful men committed crimes against humanity, they knew that as long as they remained powerful no earthly court could judge them."³⁴ However, the Rome Statute changes this, bringing "real hope that [Cicero's] bleak statement will be less true in the future than it has been

³⁰ "Accountability for human rights abuses – The United Nations' Special Court for Sierra Leone" at 159-176.

³¹ For example, the current trial of ex-Yugoslav President Slobodan Milosevic for crimes against humanity in Croatia and Kosovo in 1999 and genocide during the 1992-1995 Bosnian War: International Action Center, "Behind the imprisonment of Milosevic at the Hague", 22 February 2002 at <www.iacenter.org/yugo_extr.htm>.

³² For example, the Yugoslavia tribunal continues to hunt for Bosnian Serb wartime leader, Radovan Karadzic, and his military chief, Ratko Mladic, for their roles in destroying non-Serbs during the 1992-1995 Bosnian War. They head the tribunal's most wanted list: The International Criminal Tribunal for the Former Yugoslavia, Indictment, the Prosecutor of the Tribunal against Radovan Karadzic and Ratko Mladic, 24 July 1995 at <www.haverford.edu/relg/sells/indictments/karadzic_mladic1.html>.

³³ United Nations, "Statement by the United Nations Secretary-General Kofi Annan at the Ceremony held at Campidoglio celebrating the adoption of the Statute of the International Criminal Court", 18 July 1998 at <www.un.org/icc/speeches/718sg.htm>.

³⁴ *Ibid.*

in the past."³⁵ This treaty puts everyone, even Heads of States, on notice that they cannot act with impunity in the gravest of crimes – genocide, crimes against humanity and war crimes.³⁶ Although Australia supports the establishment of the Court,³⁷ its rhetoric has not been transformed into action. To enter into force, the Statute requires 60 States to ratify it. By 30 January 2002, 50 States had done this but Australia was not one of them.³⁸

The United Nations' Special Court for Sierra Leone is born from a unique collaborative union (specific treaty contract) between the United Nations and Sierra Leone. The Court will dispense justice from the capital city, Freetown, chosen because it is deemed the optimal venue for prosecuting those responsible for the unspeakable human rights and humanitarian law violations committed during the country's brutal ten-year civil war.³⁹ It also means that justice will be seen to be done in the place where the crimes were committed, the most graphic crimes being murder, rape and the mutilation of the innocent victims' body parts.⁴⁰

Article 1 of the 2001 Statute of the Special Court provides for the Court's competence that extends to "serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996". This clause is capable of two interpretations depending on what "since 30 November 1996" qualifies, thereby making it interesting to watch how the Court will approach this provision. Although it is clear that the Court has no jurisdiction in relation to violations of domestic law committed before this date, the position on violations of international humanitarian law is less clear. Does the Court have jurisdiction in relation to all serious violations of international humanitarian law or does it apply to only those committed "since 30 November 1996" as well?

³⁵ *Ibid.*

³⁶ Article 5 of the 1998 Rome Statute.

³⁷ News Release, Attorney-General, "Australia supports an International Criminal Court", 21 April 2001 at <www.gov.au/aghome/agnews/2001newsag/956_01.htm>.

³⁸ Australia signed the Rome Statute on 9 December 1998.

³⁹ US Department of State, "Special Court established in Freetown", 18 January 2002 at <<http://allafrica.com/stories/200201210309.html>>.

⁴⁰ "Court promises justice for Sierra Leone's mutilated children", Sydney Morning Herald, 18 January 2002 at 10.

Professor Malcolm Shaw describes treaty interpretation as "one of the enduring problems facing courts and tribunals and lawyers",⁴¹ usually required after the treaty is implemented in a particular jurisdiction. In Australia, this process is involved, the reason related to Australia's federal structure consisting of constituent states. Since the federal government has the power to implement any international treaty on any topic by legislation, this potentially undermines Australia's federal/state balance of legislative powers.⁴² Consequently, several steps exist in Australia's treaty making process to minimise this risk.

Glen Cranwell's article discusses the process by focusing on the recommendations of the Senate Legal and Constitutional References Committee in its 1995 Report, *Trick or Treaty? Commonwealth Power to Make and Implement Treaties* and concludes that problems continue to exist.⁴³ Generally speaking, after a treaty is signed, the ratification process begins. Before Australia ratifies a treaty, Cabinet approval is necessary including the conduct of a National Interest Analysis and scrutiny by two bodies, the Commonwealth-State Treaties Council (an adjunct to the Council of Australian Governments) and the Parliamentary Joint Standing Committee.

An important treaty that underwent this process recently is the Marrakesh Agreement establishing the World Trade Organisation 1994 (WTO Agreement),⁴⁴ which entered into force generally, including Australia, on 1 January 1995. It created the WTO and instituted globalisation, emotive words that evoke strong feelings in some quarters. On the one hand, the opponents detest the legacy of globalisation, particularly the impact on the world's resources and the potential for further dividing the have and have not States.⁴⁵ On the other hand, the proponents extol its virtues and benefits especially improved competition, increased productivity, prosperity and open markets. At the same time, they eye collectively the reward the new

⁴¹ Shaw MN, *International Law* (1991, Cambridge University Press, Cambridge) 583.

⁴² Castan M and anor, *Federal Constitutional Law: A Contemporary View* (2001, Law Book Co, Pymont, New South Wales) 84.

⁴³ "The treaty making process in Australia – A report card on recent reforms" at 177-207.

⁴⁴ *Australian Treaty Series* 1995 No 8.

⁴⁵ Harding, "Floating protest planned for Qatar", 10 October 2001 at <<http://specials.ft.com/countercap/FT3G9GOLGRC.html>>.

world economy has to offer and clamour for membership in this trading club. It is therefore not surprising that China persevered with protracted negotiations with the United States (13 years) resulting in their bilateral agreement on 15 November 1999, a necessary precursor to China joining this promising body on 11 December 2001.⁴⁶

This treaty is a major reason for the exponential growth of world merchandise trade⁴⁷ but it also brings with it the inevitable disputes arising between trading partners. Fortunately, the WTO's dispute resolution system, governed by the Dispute Settlement Body, seems to be fulfilling its expectations and objectives. Australia has been (and still is) a party in various proceedings under this system and sits on its tribunals, the latest in *Softwood Lumber*⁴⁸ represented by Mr Robert Arnott. The Dispute Settlement Body established the Panel Body for this dispute on 5 December 2001 following Canada's complaint against the United States.⁴⁹ Recently, Australia was applicant in *Lamb Meat* and respondent in *Howe Leather*. In the former, Alexis Goh presents in an article the two stages in the proceedings (Panel Body and Appellate Body) and contemplates the fate of dispute resolution tribunals.⁵⁰ In the latter, Natalie van der Waarden illustrates in a case note the implementation procedures established in the WTO's dispute settlement system post-Uruguay Round.⁵¹

Although not discussed in this issue, two very recent WTO cases are worth noting here. In the first case, on 29 January 2002 the WTO's Dispute Settlement Body adopted the Panel and Appellate Body reports concerning the European Union's complaint against the United States'

⁴⁶ President of the United States of America, "A Proclamation to Extend Non-discriminatory Treatment (Normal trade Relations Treatment) to the Products of the People's Republic of China", White House, 27 December 2001 at <www.usembassy-china.or.cn/english/economics/treatment1227.html>.

⁴⁷ For example, world merchandise trade is expected to grow by 10% in 2000, twice the rate in 1999 and Australia is expected to be a beneficiary of China's membership: Australia and New Zealand Banking Group, "China's WTO membership will boost Australian trade", ANZ Industry Brief, 23 March 2001. See also WTO Secretariat Report, International Trade Statistics 2001 (2001, WTO, Geneva).

⁴⁸ WT/DS236.

⁴⁹ Australia, Foreign Affairs and Trade, "Australia and WTO Dispute Settlement", February 2002, Monthly Bulletin 1.

⁵⁰ "The WTO dispute settlement system – The Lamb Meat case" at 208-243.

⁵¹ "Dispute settlement in the WTO – The automotive leather dispute" at 244-258.

tax subsidies for exports worth US\$4 billion per annum. This is the protracted *Foreign Sales Corporations* dispute.⁵² Since the reports found such tax breaks for exporting companies in the United States to be illegal export subsidies, this case will impact on competition worldwide, including the possibility of new opportunities for Australian exports.⁵³

In the second case, *Continuing Dumping and Subsidy Offset Act 2000*,⁵⁴ Australia is one of eleven co-complainants⁵⁵ against the United States. The Panel heard oral arguments on 5-6 February 2002 when the co-complainants claimed that this Act, known commonly as the "Byrd Amendment", was inconsistent with the United States' obligations pursuant to the General Agreement on Tariffs and Trade 1994, the Anti-Dumping Agreement and the Agreement on Subsidies and Countervailing Measures.⁵⁶ The Act requires customs authorities in the United States to distribute anti-dumping and countervailing duties assessed on imports to the domestic parties who supported the original petition to impose anti-dumping or countervailing duties.⁵⁷

Another case note presented in this issue concerns Australia's close neighbour, Fiji.⁵⁸ Here, Michael Head discusses two relatively little known legal doctrines – successful revolution and necessity. In a postscript to this case, George Speight was given the death penalty for committing treason that was hurriedly commuted to a life sentence.⁵⁹

⁵² WT/DS217.

⁵³ Ibid. Since the European Communities has requested WTO authorisation for retaliation against the United States for the worth of the tax subsidy, a WTO arbitrator will determine the request: *ibid.*

⁵⁴ WT/DS234.

⁵⁵ The others are Brazil, Canada, Chile, the European Communities, India, Indonesia, Japan, Korea, Mexico and Thailand: *ibid.*

⁵⁶ Department of Foreign Affairs and Trade, Australia, "Australia and WTO dispute settlement", *Monthly Bulletin*, January 2002. These two agreements are part of the WTO Agreement.

⁵⁷ See WTO News, "DSB establishes panel on 'Byrd Amendment'", 23 August 2001 at <www.wto.org/english/news_e/news01_e/dsb_24aug01_e.htm>.

⁵⁸ "The doctrines of necessity and revolution – A critical review of Republic of Fiji Islands and Attorney General v Prasad" at 259-270.

⁵⁹ Also, it is expected that Fiji will be moving to abandon the death penalty in parliament soon: Brown, "Speight gets death, then life", *The Sydney Morning Herald*, 19 February 2002 at 1.

As a recent development, Dan Morgan presents the new legislative initiatives governing space law in Australia, driven mainly by the treaties governing this area of the law.⁶⁰ His summary, short but timely, makes us ponder the havoc that terrorism can cause in cyberspace and makes us even more aware post-September 11 that the technological and information age we enjoy also has a corresponding value to criminals and terrorists. In addition, "cyberterrorism" and "techno-terrorism", two new words in the English vocabulary, have now assumed another dimension.⁶¹

As usual, the final sections are devoted to Book Reviews and the International Court of Justice. Three books are reviewed, the first by Thomas Feerick on Professor William A Schabas' comprehensive analysis in *Genocide in International Law: the Crime of Crimes*.⁶² Michael Brogan reviews the second, *An Introduction to the International Criminal Court*, also written by Professor Schabas.⁶³ This book provides a handy overview of the Rome Statute establishing the International Criminal Court that is expected to enter into force sometime in mid 2002, a most welcome international law development. In the third, Bruce Kalotrip reviews *La succession d'Etats: la codification à l'épreuve des faits/State succession: Codification Tested against the Facts*, a collection of the better papers presented at the 1996 Session of the Hague Academy Centre for Studies and Research in International Law and International Relations, edited by Professors PM Eisemann and M Koskenniemi.⁶⁴ The section on the International Court of Justice updates the reader on the cases before the Court and its processes and procedures.⁶⁵ Four cases are presented, three decided in 2001 and the fourth in February 2002. They concerned two judgments, an Order denying permission to intervene in proceedings and an Order on counter-claims.⁶⁶

⁶⁰ "Recent developments in Australian space law" at 271-274.

⁶¹ For example, refer the forthcoming Scientific American's Summit on Privacy, Security and Safety, "Preserving an Open Society in an Age of Terrorism" to be held in New York on 5-6 March 2002, where the program will reflect the post September 11 realities, inter alia: refer generally <www.globalprivacysummit.net/Pages/pressnew.html>.

⁶² At 275-296.

⁶³ At 297-304.

⁶⁴ At 305-317.

⁶⁵ At 318-328.

⁶⁶ LaGrand Case at 330-360; Maritime Delimitation and Territorial Questions

In conclusion, September 11, the biggest event of 2001, forces us to contemplate the words of Kofi Annan spoken on International Literacy Day just three days before this fateful day. In his speech, he stressed the virtues of literacy and education, tools that can help the world avoid a repeat of that most fateful day:⁶⁷

On International Literacy Day, we celebrate the importance of literacy as an agent of empowerment in the lives of people everywhere, and its central role in the promotion of development, tolerance and peace. It is an opportunity to reaffirm our commitment to education as a decisive weapon in the fight against poverty and precariousness. Let us pledge that this new century will witness the eradication of illiteracy.

There is no doubt about the value in investing in literacy. The gains are outstanding not only in economic terms – an educated workforce is a more productive workforce – but also in social and cultural terms. Literacy is one of the foundations of citizenship.

Readers will notice that there are changes to the Editorial Board. As we say thank you and bid goodbye to those who have left us, we welcome on board those who have replaced them. Special thanks are due to the ever reliable and efficient Amanda Halpin, who is now at the University of Cambridge pursuing postgraduate studies and we wish her every success. Michael Brogan has replaced her as an Associate Editor. As usual, I would like to thank the International Court of Justice for permitting this Journal to use its materials. Finally, I would like to apologise to our readers for the two-month delay in the publication of this issue caused by a critical illness in my family.

Alexis Goh, Editor in Chief
February 2002

between Qatar and Bahrain at 361-402; Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia) (The Philippines Intervening) at 403-414; and Armed Activities on the Territory of the Congo (Congo v Uganda), Order on Counter-Claims at 415-425.

⁶⁷ UN Press Releases 2001, "Hailing International Literacy Day, Kofi Annan urges recommitment of literacy for all", 8 September 2001 at <www.escwa.org.lb/information/press/un/10sept.html>.