

# 北京大学国际法研究所

## International Law Institute

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### JOIN RESEARCH AND EDUCATION PROJECT ON INTERNATIONAL LAW AND HUMAN RIGHTS

**PARTICIPANTS:** International Law Institute of Peking  
University, Beijing, China

Human Rights Research and Education Centre  
of the University of Ottawa, Ottawa, Canada

**SPONSOR:** Canadian International Development Agency

### PRELIMINARY PROPOSALS

The International Law Institute of Peking University ("the Institute") is greatly interested in participation in a joint research and education project on the subject of "international law and human rights" (the Project) with the Human Rights Research and Education Centre of the University of Ottawa ("the Centre"). This Project will be sponsored by the Canadian International Development Agency (CIDA). The Institute will do everything possible to contribute to the success of this project.

#### I. The Purposes of the Project

The Institute is of opinion that the purposes of this Project should include:

1. Promoting mutual cooperation between the Institute and the Centre in carrying out research of the relevant issues concerning respect for, and protection of, human rights under international law;
2. Enhancing mutual understanding of each other's perspective and position concerning human rights under international law;
3. Improving each other's capability of research and teaching in the area of international law of human rights;

4. Contributing eventually to the progress in achieving the goal of the UN Charter for respect for, and protection of, basic human rights in China and Canada.

## **II. The Principles of the Project**

In order to ensure the success of this Project, the Institute proposes that this Project should be carried out in accordance with the following principles:

### **1. Equality of the Partners**

Both the Institute and the Centre should be equal partners of this Project. Neither side should attempt to take the other as an object of propaganda or "enlightenment" of particular values. Each sides should make efforts to attain better acquaintance and understanding of the other's conception and opinion concerning the subject matter.

### **2. Academic Nature of the Project**

This Project should be conducted in the academic interests of the both sides. In other words, it should focus on academic activities such as exchanging between the Institute and the Centre opinions, teaching and research materials and documents, research personnel, and other relevant experience concerning the subject matter; assisting each other, particularly the Institute, in strengthening and developing the institutional basis for research and teaching of the subject matter; holding academic symposiums; sponsoring joint publications; etc..

### **3. Mutuality of the Project**

This Project should aim at promoting the mutual interests of each other. Both the Institute and the Centre should try to learn from and assist each other in order to make up each other's deficiencies in research and teaching of the subject matter.

## **III. The Scope of the Project**

The Institute proposes that this Project should cover the following specific topics:

### **1. Human Rights and Development**

The relationship between Human rights and development has become an issue which is drawing increasing attention among publicists. Both its theoretical importance and practical significance has also been commonly recognized in the international community. It will be in the great interest of the Institute to cooperate with the Centre in making a study of this issue. This study should try to compare different approaches to this issue and clarify their merits. On this basis, attempts

should be made to advance relevant paradigms which may fit the specific political, economic, social as well cultural circumstances in China and Canada.

## **2. Universal Participation in Human Rights Conventions**

Multilateral international conventions on human rights constitute a major source of international law of human rights. While a number of such conventions have been concluded, most of them are short of universal participation. Taking the two Covenants of 1966 for example, about 80 countries have not yet signed or ratified them up to this date. Noticeably, China is among those countries whose participation in the human rights conventions is the least. This situation, of course, affects the important role of these conventions in international protection of human rights. Yet, vis-a-vis the non-contracting parties, the legal significance of these multilateral conventions which have been designed for safeguarding the common interests of the international community *erga omnes* should by no means be ignored. On the other hand, there are many reasons for the lack of universality of these conventions. In this regard, a joint research should be carried out to analyze the legal status of those important human rights conventions, i.e. whether they have codified or crystallized customary international law. It should also try to identify and explore the factors of decisive importance which affect universal participation in these conventions. Specific attention should be paid to the position and practice of China and Canada in this regard. It is hoped that this study can be conducive to dispelling misunderstandings around this issue and to finding out ways to accelerate universal participation in these conventions.

## **3. Domestic Implementation of Human Rights Conventions**

This topic involves a basic issue of both international law and constitutional law, namely, the relationship between international law and municipal law. From a legal technical perspective, how a treaty is accorded legal effect within a given domestic jurisdiction at large affects very much domestic implementation of international human rights conventions in that country. Practice in this regard diversifies among states. This situation makes it worthwhile to look into to how conventional obligations for human rights are implemented in China and Canada on the basis of comparative studies. The end result of this study should inform the strength and weakness of the both systems. It is believed that this could help redress the inadequacy of each system.

## **4. International Organizations and Human Rights**

We human beings are entering an era of international governance. It has been commonly recognized that international organizations both universal and regional are playing an increasing role in protection of human rights. A study in this

respect should try to make a survey on the functions and mechanisms of various international organizations in this respect. On this basis, particular attention should be paid to how to further strengthen the role of international organizations, especially, the United Nations, in international protection of human rights.

#### **IV. The Initial Phase of the Project**

The Institute is of opinion that establishing direct contacts between the two sides, forming up detailed and feasible research scheme and setting up a structure for carrying out this Project should be the first step towards the success of this Project. In this regard, the Institutes suggests that, prior to the formal outset of this Project, it should send a delegation to Ottawa to visit the Centre and other established human rights apparatus in that region and to hold a series of discussions with the Canadian colleagues. The Institute believes that, by doing so, it can benefit from exposure to the Canadian practice and experience, which is extremely important to the realization of the goals of the initial phase of this Project.

#### **V. The Title of the Project**

The Institute proposes that the title of this Project should be Joint Research and Education Project on International Law and Human Rights.

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