

can be dealt with at the outset. We consider that the desirable ultimate objective is to have one comprehensive Commonwealth Evidence Act which, with the common law, would cover all aspects of evidence. Until this is achieved we see no practical alternative to applying the rules of evidence in the State where the Court is sitting.

- (c) As to the right of audience, it appears to us that the obvious rule is to permit all persons having the right of audience in the High Court to have a

right of audience in the new Federal Court wherever it may be sitting.

23. Courts for Federal Territories

We consider that the jurisdiction of the proposed Federal Court, being specialised, should be confined to the States of the Commonwealth excluding the Territories and that the total jurisdiction in the Territories (e.g., Australian Capital Territory, Papua-New Guinea and Northern Territory) should be exercised by separate and distinct Federal Courts.

World Peace Through Law

Athens Conference—30th June-8th July 1963

This Conference, which was organised by the World Peace Through Law Committee of the American Bar Association, and financed by the Ford Foundation, was attended by representatives of 105 different nations. Within the last year or two regional conferences—all similarly organised and financed—had taken place in different parts of the world as a prelude to the present Conference. There had been an American Conference at Costa Rica; an Asian and Australasian Conference at Tokyo; a European Conference at Rome and an African Conference at Lagos in Nigeria.

Delegates to this Conference had been invited from all those countries which had participated in the regional conferences, together with others from countries which had not previously attended any of them. Among those invited were delegates from Russia and other Eastern European countries. Some delegates so invited accepted the invitation, but did not come, while others who attended, were recalled. There was, however, a representative from Yugo-Slavia in attendance throughout the whole Conference.

Each participating nation was invited to send two delegates who attended in their personal capacities as members of the legal profession, and not as official representatives of governments or their national Bar Organisations. Other participants to the Conference were designated either as honoured guests, expert consultants, special invitees, or observers. All participants were permitted to take part in Conference working sessions, but only delegates were permitted to speak and vote at plenary sessions of the Conference. The delegates from Australia were the President of the Law Council of Australia (Mr. J. B. Piggott, C.B.E.) and Toose Q.C. There were some fifteen other Australian lawyers in attendance at the Conference.

Conference Working Paper

Prior to the Conference, a working paper for the Conference was prepared and circulated; this paper ran to some 230 pages of print. It was prepared by the Conference Chairman (Mr. Charles S. Rhyne) in association with Messrs. Lawrence D. Egbert and James F.

Sams, two of the American members of the Executive Committee.

The working paper, after giving an excellent short summary of the origin and development of the international law system, then went on to deal with the general principles of law recognised by civilised nations, international judicial machinery for peaceful settlement of international legal disputes, arbitration and other means of settlement of international disputes, the United Nations and regional organisations as factors encouraging international rule of law, the facilitation of international commerce and economic development and the role of lawyers in the development of a rule of law for the world.

As an example of the content of the working paper, one may perhaps refer to the chapter on International Judicial Machinery, which outlines the institution and work of the Permanent Court of International Justice from the time of its establishment and then went on to deal with the International Court of Justice set up by the United Nations Charter, giving its statute, its rules, and a striking summary of cases now pending and of the many cases which have been decided in recent years. Not content with this, the chapter proceeds to deal with Regional and Specialised Courts which include the Central American Court of Justice, the first permanently constituted international judicial body to sit in judgment of disputes between nations as municipal tribunals do of disputes between individuals. It was set up in December, 1907, by the Central American Republics of Nicaragua, Costa Rica, Honduras, Guatemala and El Salvador and had its seat at Cartago in Costa Rica. This Court had a life of approximately ten years and heard ten cases in all between various member nations, and in a number of cases between individuals and States of which they were not citizens.

The chapter then deals with the proposed Inter-American Court of Justice, the Court of Justice of the European Communities, and the European Court of Human Rights.

Other topics dealt with in the working paper were the United Nations and various regional organisations such

as the Organisation of American States, the Council of Europe, the Nordic Council and the Arab League.

The working paper is well worthy of study by any person who is interested in international organisation, whether for purely legal purposes or as a matter of general knowledge.

Opening

The Conference was formally opened on 1st July, 1963, in the presence of His Majesty King Paul of Greece, who delivered a speech. Speeches were also delivered by His Excellency the Prime Minister of Greece, the Honourable Angelos Tsoucalas (Mayor of Athens), the Honourable Earl Warren (Chief Justice of the United States) as well as by the General Chairman of the Conference, two of the Co-Chairmen and by the Honourable Sylvester C. Smith, President of the American Bar Association.

Topics Discussed

The topics discussed at the Conference were as follows:

- Increasing Use and Usefulness of the International Court of Justice.
- Creation and Jurisdiction of Regional and Specialised Courts.
- Law Rules to Encourage International Investment.
- Law to Facilitate International Economic Associations and Trade.
- Increasing Scope and Effectiveness of Arbitration, Conciliation, and Other Means of Resolving International Disputes.
- Developing Law Rules and Legal Institutions for Disarmament Programmes.
- Creating Law for Outer Space and Space Communications.
- The United Nations & Regional Political Organisations as a Source of Law Rules and Legal Institutions.
- International Co-operation on Legal Education and Research.
- Encouraging International Unification of Private Law.
- Organising Lawyers Internationally for Effective Co-operative Action.
- Stating the General Principles of International Law.

Plenary Sessions

On the last two days of the Conference there were plenary sessions which devoted time to consideration and adoption of a lawyers' work programme for the future.

The resolutions passed at these sessions were too numerous to record here, but the main resolution—entitled the "Proclamation of Athens"—is printed below as a remarkable affirmation of general principles.

The Proclamation of Athens

This conference of members of the legal profession from more than 100 nations throughout the world, being well aware of and deeply concerned with the fact that violation of the rule of law in international affairs by nations, can only lead to disturbance of the peace and destruction of mankind through nuclear holocaust, has concluded and hereby proclaims that law must replace

force internationally as the controlling factor in the fate of humanity.

We firmly believe that a world ruled by law is attainable by those to whom this proclamation is addressed—the three billion people who inhabit the earth.

We recognise and willingly accept our special responsibility as professional men technically trained in procedures for the just and peaceful resolution of disputes, to create and support effective and equitable means for the peaceful settlement of transnational differences.

We have adopted at this conference a global work programme for developing and strengthening the rules of international law and international legal institutions and procedures, and we solemnly pledge ourselves to carry it forward with dispatch, enlisting the joint efforts and resources of the one million members of the legal profession of all nations. The urgency of the need and the determined leadership now available as a result of this conference, make us confident that our programme of research, education, and actions will cause the force of law to replace the law of force in the world community.

We call on the people of all nations throughout the world and especially their governments to support this "Proclamation of Athens", to the end that the programme here adopted can be translated from idea to reality thereby assuring mankind that the ever-accelerating arms race as the threat of annihilation by war may be ended forever.

Mena House Chambers

During August, a new set of Chambers was established in Sydney when twenty-eight barristers entered into occupation of the basement and part of the ground floor of "Mena House", 225 Macquarie Street, Sydney.

The establishment of chambers away from Phillip Street is a break from the general Sydney tradition, although it is not entirely unprecedented. The rooms in the new chambers, while not large, are well fitted up and are all air-conditioned. One of the important features is a library which is being established within the chambers which will also house, from time to time, a couple of young recruits to the Bar who have no other accommodation.

On 30th August, 1963, there was a formal opening of the chambers of the Chief Justice of the Supreme Court (the Hon. L. J. Herron) at a ceremony which was also attended by Mr. Justice McLelland, Mr. Justice Manning, Mr. Justice Jacobs, Mr. Justice Doughan, Sir Garfield Barwick, Snelling Q.C. (Solicitor-General for New South Wales), Meares Q.C. and Mr. K. J. Smithers (President of the Law Society of New South Wales) as well as Mr. R. J. McKay (Crown Solicitor for New South Wales).