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Chairperson: Ms. Picco (Monaco)

Contents

Agenda item 78: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

Agenda item 140: Administration of justice at the United Nations (*continued*)

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The meeting was called to order at 10 a.m.

Agenda item 78: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/65/514)

1. **The Chairperson** drew attention to the Secretary-General's report on the topic (A/65/514).

2. **Mr. Janssens de Bisthoven** (Belgium), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; the European Free Trade Association country Norway, a member of the European Economic Area; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that the goal for which the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law had been established almost 50 years earlier remained as central to the role of the United Nations today as it had been at that time. The European Union therefore strongly supported the Programme of Assistance, which, by providing international law training and resources, had made a tremendous contribution to the advancement of the rule of law and to the work of the international legal community.

3. The Office of Legal Affairs, in particular its Codification Division, had made commendable efforts to strengthen and revitalize its activities under the Programme in order to meet the changing needs of that community. The use of modern technology for that purpose was particularly welcome. In that regard, the establishment and continuing expansion of the United Nations Audiovisual Library of International Law was an especially significant achievement, offering as it did easy access to a vast range of legal resources, free of charge. As borne out by the statistics, the Library was already proving its worth as an important resource for the legal community, including students, international law practitioners and even historians. The Codification Division was therefore encouraged to devote its continued attention to the project.

4. Other notable achievements of the Codification Division included the work relating to its publishing programme and the reduction of backlogs in that connection. Its efforts to achieve greater cost efficiencies with respect to the International Law

Fellowship Programme, including the invitation for contributions from universities and other institutions, were also welcome.

5. Bearing in mind the constant and ongoing need for international law training and dissemination of legal resources, the Programme of Assistance should be viewed as a core activity of the United Nations for the benefit of all States. It was therefore crucial to ensure that it was adequately resourced, from within overall existing means, to meet that need. In that context the reduction in its funding for the current biennium was a matter of concern. Many European Union member States were among those which had made significant voluntary contributions to the Programme and others were encouraged to follow suit.

6. **Mr. Rodiles Bretón** (Mexico) said that the Audiovisual Library of International Law, an essential reference instrument for the teaching and understanding of international law, should be disseminated widely. It was regrettable that no scholarships had been awarded under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea in 2007, 2008 and 2009, owing to insufficient funding. His delegation consequently welcomed the decision of the Legal Counsel to award one scholarship in 2010, on an exceptional basis, with financial support from the Trust Fund for the Office of Legal Affairs to Support the Promotion of International Law. His Government would continue to encourage Member States to make contributions to support the Fellowship Award.

7. **Ms. Taratukhina** (Russian Federation) said that her country supported the Programme of Assistance in all its aspects. It was fitting that the United Nations, a universal organization where, international law was developed and codified, should cater to the growing interest in the study of international law around the globe. The Russian Federation supported the work of the Office of Legal Affairs, and the Treaty Section in particular, for its technical assistance to States and believed that annual treaty events contributed to more active participation by States in key international instruments. It saw benefit in the continued development of the Audiovisual Library, which had been of practical use to both academics and Member States. It was important for the Library to continue making lectures by leading international law experts freely accessible on the Internet.

8. **Ms. Saab** (Lebanon) said that the unhindered transfer of knowledge was essential in the information age and commended the Codification Division for stepping up the activities of the Programme of Assistance. Access to the law was a necessary condition for a fair international system that empowered all participants, States, organizations and individuals alike, to exercise their rights and fulfil their responsibilities. Noting the valuable contribution of the Audiovisual Library of International Law, she stressed that the digital gap must be bridged in order to ensure equal access to justice by all members of the international community.

9. The current increase in volume of international law was accompanied by a growing demand for training. The Programme's capacity-building activities targeting developing countries contributed both to the participants' own expertise and to the participation of their States in the development of international law. While the Programme certainly needed adequate resources in order to do its work, it would also do well to consider alternative cost-effective methods of disseminating knowledge, such as holding training-of-trainers seminars to empower jurists at the local and regional levels to conduct the training programmes it developed. That approach would reach a wider network of individuals seeking to enhance their capacities in the field of international law.

10. **Ms. Millicay** (Argentina) said that the Programme of Assistance served as a tool not only for the promotion of international law and the rule of law, but also for capacity-building, particularly in developing countries. The United Nations had several publications and resources which were vital for research and learning in the field of international law and were used by public officials, professionals and students in many Member States. The Audiovisual Library, in particular, provided academics around the world with access to the invaluable historical archives of the United Nations.

11. While her delegation regretted that regional courses on international law had not been offered since 2005, it welcomed the proposal to hold a regional course in Asia in 2011. Her country, which had hosted the regional workshop for Latin America of the International Tribunal for the Law of the Sea on dispute settlement issues under the 1982 Law of the Sea Convention, hoped that such workshops would promote not only the peaceful settlement of disputes

and acceptance of the jurisdiction of the Tribunal, but also universal understanding of that branch of international law.

12. While it was regrettable that no Hamilton Shirley Amerasinghe Fellowship had been awarded in 2007, 2008 and 2009 owing to insufficient funding, it was encouraging to see that one had been awarded in 2010 thanks to the financial support provided on an ad hoc basis from the Trust Fund for the Promotion of International Law. Nonetheless, lack of funding for the Fellowship continued to be a matter of concern and all Member States should support efforts to maintain the tradition of granting the award on an annual basis.

13. **Mr. Kujat** (Malaysia) reaffirmed his country's commitment to the Programme of Assistance and welcomed the funding provided by the Korea International Cooperation Agency to facilitate Malaysia's participation in the forthcoming regional course in international law in the Republic of Korea, the first such course to take place for five years. Also welcome was the proposal to hold a regional course in Africa during the first quarter of 2011.

14. Progress achieved in the Programme of Assistance in 2010 included not only the resumption of such regional courses but also an increase in the number of fellowships awarded, which was the outcome of innovative measures introduced by the Codification Division with respect to the International Law Fellowship Programme. The Division's tireless efforts to clear the backlog of the *United Nations Juridical Yearbook* were likewise much appreciated; publication of the *Yearbook* was now on schedule for virtually the first time.

15. By contrast, it was a cause of concern that the United Nations Audiovisual Library of International Law was facing dire financial straits now that its maintenance costs had quadrupled in the wake of budget cuts. The resulting figure was untenable and a quest for new and original methods of financing such a crucial initiative must therefore be urgently pursued. Given that any voluntary contributions received to that end might well prove inadequate, the possibility of levying a fee on users of the Library should be explored as a means of covering the shortfall.

16. **Mr. Park** Chull-joo (Republic of Korea) said that, through its projects, the Programme of Assistance made a positive contribution towards promoting the rule of law at the national and international levels,

which was a matter central to all aspects of United Nations work and key to the achievement of its mandates. The demand for international law training and dissemination had increased significantly in line with the growing awareness of the important role played by the rule of law.

17. A comprehensive review of the financial situation of the Programme of Assistance was essential. More resources should be appropriated from the regular budget for implementing projects under the Programme, which was currently so underfunded as to be unable to meet that increased demand for training and dissemination. Also, the Audiovisual Library should be similarly funded from the regular budget in the interest of further developing its many merits, which included the provision of quality training at low cost on a global scale and free online access to the Library's resources.

18. After expressing his country's firm commitment to the objectives of the Programme of Assistance, he said that the Government would host, in November 2010 the first regional course in international law to be held for five years, which would be attended by participants from developing countries in Asia. It had also made a contribution to the Audiovisual Library during the current year.

19. **Mr. Appreku** (Ghana), speaking on behalf of the Group of African States, expressed appreciation for the diligence with which the Secretariat had carried out its responsibilities during 2010 with respect to the Programme of Assistance, whose intended goal of promoting the rule of law was now more relevant than ever. Urgent action was needed to address the challenges facing the Programme, not least the constraints posed by the lack of financial and other resources without which the fundamental promise and purpose of the Programme could scarcely be fulfilled.

20. The efforts of the Codification Division to strengthen and revitalize the Programme, including its cost-saving initiatives aimed at maintaining the number of fellowships for courses at The Hague Academy of International Law, were commendable. The same was true of its achievements with respect to its desktop-publishing programme and online publications. Hard-copy publications nonetheless continued to be of particular importance to lawyers and other interested citizens in developing countries, especially in Africa,

where Internet access frequently remained a huge challenge.

21. It was gratifying that, after decades of inaction, a regional course in international law was to be held in Addis Ababa in 2011. The hope was that such courses would become a regular, if not annual, event on the continent, given the establishment of the African Union Commission of International Law, whose mandate was to promote, in collaboration with non-African organizations, the teaching, study, and wider appreciation of international law on the African continent.

22. For the United Nations, the promotion of international law was a critical core activity; without respect for international law, none of its fundamental purposes could be achieved. The reduction in funding from the regular budget for international law fellowships was therefore deeply perturbing, and he urged that the necessary resources should be provided under the programme budget to sustain the Audiovisual Library on International Law and the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea. Additional resources should also be made available to enable the Secretariat to continue to publish hard-copies. Member States in a position to do so were urged to make voluntary contributions to the trust fund established in support of activities under the Programme of Assistance, which must nevertheless be financed principally from the regular budget in the interest of sustainability.

23. Public promises to respect the rule of international law, which was a function of knowledge as well as political will, would ring hollow unless matched by serious action to support promotion of the teaching, study, dissemination and wider appreciation of that law for the benefit of citizens and peoples. He therefore concluded by appealing to Member States to accord to the Programme of Assistance the attention that it deserved.

24. **Mr. Ben Lagha** (Tunisia) said that the Programme of Assistance had been instrumental in promoting a better knowledge of international law at the global level, and its importance could never be overstated. Indeed, the fact of its existence for over four decades told of its relevance and the high international regard in which it was held. Its activities had, moreover, been revitalized through the efforts of the Codification Division to achieve a better response

to the evolving needs of Member States, notably in connection with the International Law Fellowship Programme, the regional courses in international law and the Audiovisual Library.

25. Given the new challenges posed by the increasing demand for training and dissemination activities, he shared the concerns already expressed about the limited availability of resources. The Programme was indeed hindered in its progress by the reliance on voluntary contributions and should instead be adequately resourced from the regular budget. Secure funding was particularly vital for the regional courses, from which developing-country participants especially benefited. Member States and other donors were nonetheless urged to make additional voluntary contributions for the current and future bienniums.

26. Lastly, he called on international and regional organizations, universities and institutions to increase their activities in support of the Programme and expressed appreciation to the Republic of Korea and Ethiopia for their future hosting of regional courses on international law.

27. **Mr. Pavlichenko** (Ukraine) said that the efforts of the Codification Division to maintain the Programme of Assistance despite the substantial lack of funding were much appreciated, as were the cost-saving measures aimed at revitalizing the Programme's activities with regard to the International Law Fellowship Programme and the regional courses on international law in particular. As to the Audiovisual Library of International Law, it had been greeted with much interest at the time of its presentation in Ukraine earlier in 2010 and its further development as a globally accessible training resource was essential.

28. The role of the Programme in promoting international law and strengthening the rule of law, especially in the case of developing countries and newly independent States, could not be overestimated. His Government was accordingly a strong supporter of the Programme but concerned by the lack of available resources for its activities. It therefore encouraged Member States not only to make voluntary contributions but also to adopt measures designed to ensure continuation of the Programme, including through appropriate funding from the regular budget.

29. **Mr. Nega** (Ethiopia) said that his delegation supported the Programme of Assistance, which had provided a solid foundation for the United Nations to

promote the rule of law through the teaching and dissemination of international law. Training was all the more important considering the new topics covered in international law; the proliferation of new legal instruments, judgements and awards in the field of international law; and the increasing use of international law at the domestic level. His delegation commended the Codification Division for its efforts to ensure that the programme met the needs of Member States and its determination to contain costs in the interests of maintaining the number of fellowships as well as the regional courses. His country was proud to be hosting a regional course in international law in February 2011.

30. He urged the Committee to work with the Fifth Committee to ensure adequate funding for the Programme of Assistance from the regular budget in accordance with General Assembly resolutions 62/62 and 64/113.

31. **Ms. Bruell-Melchior** (Monaco) said that the exemplary work and perseverance of the Codification Division were an indispensable part of the efforts to achieve the goals set for the Programme of Assistance. Activities such as the previous day's informal briefing on the Programme, for instance, were extremely important. Furthermore, using the new technology available, the Codification Division had been able to create its own desktop publishing programme, without additional resources, to ensure the timely issuance of legal publications, including the 2009 edition of the *United Nations Juridical Yearbook*.

32. Adequate resources must be allocated from the regular budget, however, in order to secure the means for the Division both to fulfil its traditional functions and to meet the growing needs of the Programme. Notable successes achieved in 2010 had included the 50 per cent increase in the number of fellowships awarded for participation in the International Law Fellowship Programme, the result of cost-saving measures introduced by the Codification Division, and the organization of regional courses on international law scheduled for 2010 and 2011. The creation of the Audiovisual Library on International Law was also a growing success, with such elements as its lecture series and historic archives constituting a unique educational resource.

33. **Mr. Hameed** (Pakistan) said that, as an ardent advocate of the cause espoused by the Programme of

Assistance, Pakistan was particularly grateful for the activities of the Codification Division and the usefulness of the Audiovisual Library and also appreciated the efforts of the Division for Ocean Affairs and the Law of the Sea, the International Trade Law Division and the Treaty Section. It hoped that the encouraging increase in demand for training in international law would be met with equally strong efforts to provide fellowships and that resources would be obtained to resume assistance to the regional courses.

34. Budgetary demands for dissemination activities in general and of the Audiovisual Library in particular had increased. Use of the Library facilities had grown considerably, including among developing countries. Noting that universities, philanthropic foundations, institutions and organizations had been invited to make voluntary contributions, both financial and in kind, to assist in the implementation and possible expansion of the Library, he expressed the hope that an effort would be made to develop partnerships with such entities in developing countries.

35. **Mr. Lundkvist** (Sweden) said that the Audiovisual Library, which had been accessed in 191 Member States, gave the United Nations the capacity to provide high-quality training at a relatively low cost on a global scale. In addition to its research library and lecture series, the Library had a historic-archives component, which offered a unique educational resource for promoting a better understanding of the role of the United Nations in the progressive development and codification of international law. While it was regrettable that not all of the Organization's materials had been preserved, particularly those relating to its early years, the hope was that all such materials would be preserved in the future thanks to the Library.

36. Adequate funding was important for the long-term viability of the Audiovisual Library as a core activity of the United Nations in the dissemination and wider appreciation of international law. His Government had therefore decided to contribute an additional \$25,000 to the Library as part of its continued commitment to provide assistance for the teaching, study, dissemination and wider appreciation of international law.

37. **Mr. Tladi** (South Africa) said that the Programme of Assistance was a core United Nations activity

comprising valuable elements and should be supported as an important tool for promoting the rule of law at the national and international levels. On that score, the continuing efforts of the Codification Division to contribute to the education of students and practitioners of international law worldwide were to be commended.

38. The Audiovisual Library of International Law represented a major contribution to the teaching and dissemination of international law, providing as it did an opportunity for all, regardless of location, to benefit from the knowledge of eminent experts. Member States were therefore urged to contribute in support of what was a remarkable initiative.

39. As to regional courses, their value was incalculable, and the hope was that more fellowships would be made available in order to extend the benefit of such courses as widely as possible. Pledging his own Government's support for the Programme of Assistance, he urged Member States to make voluntary contributions to ensure continuation of the Programme's activities. Alternative sources of funding must nevertheless be found, including from the regular budget.

40. **Mr. Baghaei Hamaneh** (Islamic Republic of Iran) said that the Programme of Assistance had made important contributions to the appreciation of international law and its role in international relations. The Programme enjoyed high credibility, which had been reinforced by the inclusion of the topic of the rule of law in the agenda of the Sixth Committee. The launching of the Audiovisual Library of International Law was a good example of how the Programme made full use of available resources, including modern technologies, to discharge its mandate and expand its audience. After welcoming the Programme's initiatives to familiarize academic and other institutions of developing countries with the latest developments in international law through regional seminars, he highlighted the need for sustainable and adequate resources in order to enable the Programme to continue its work.

41. **Mr. Chekkori** (Morocco) said that, while his delegation was pleased that 19 fellowships had been awarded to qualified candidates from developing countries as part of the International Law Fellowship Programme, it regretted that the number of fellowships provided under the regular budget as well as the overall

funding for the Programme had been reduced for the biennium 2010-2011. As all Member States agreed that the training of human resources was essential for strengthening the rule of law, it was to be hoped that they would provide more financial and political support for such training.

42. Given the limited number of participants that could be accommodated in the International Law Fellowship Programme, the regional courses provided a welcome and important mechanism for expanding international law training opportunities. While regional courses were shortly to be held in the Republic of Korea and Ethiopia, no courses had been offered in 2007, 2008 and 2009 owing to a lack of funding. More resources were required both to maintain the programme of regional courses and to offer those courses in more languages in order to reach a wider audience.

43. **Ms. Woldeyohannes** (Eritrea), after observing that the Programme of Assistance promoted friendly relations among States and strengthened international peace and security, said that international law was constantly changing owing to the evolution of customary law and the adoption of international treaties and other instruments. As a result, the expertise of qualified professionals was increasingly required in government and academia. Her delegation believed, therefore, that the Audiovisual Library was a useful tool for promoting a greater understanding of the role of the United Nations in the field of international law. While the upcoming regional courses were a welcome development, similar courses should be organized on a regular basis, including in a number of African countries. There could be no doubt that the Programme of Assistance should receive adequate support from the regular budget.

44. **Mr. Somdah** (Burkina Faso) said that the teaching of international law was an effective means to promote international peace and security, the rule of law and friendly relations among States, which were the underlying objectives of the Programme of Assistance. He applauded the Codification Division for the training and technical support it provided, encouraging it to persevere despite the difficulties it had encountered. The website of the Audiovisual Library of International Law had received international recognition and deserved to be maintained and adapted to satisfy different needs.

45. He expressed gratitude to the donors that had contributed to the Programme of Assistance in the preceding two years and called on Member States and international and regional organizations to provide financial support to the Programme. After welcoming the upcoming regional course in international law scheduled for February 2011 in Ethiopia, he expressed the hope that such courses would be offered on a regular basis to help firmly anchor international law on the African continent.

46. **Mr. Ngay** (Democratic Republic of the Congo) said that international law would only become rooted in the daily lives of men and women worldwide if judges and other legal practitioners at the national level became better acquainted with its rules. Close coordination between universities and government leaders responsible for international relations must also be encouraged in order to ensure respect for international law.

47. The application of international law by national courts was a valuable adjunct to its application at the international level. On that score, the Programme of Assistance was indispensable insofar as a wider appreciation of international law was essential to overcoming numerous obstacles, including misconceptions concerning the well-established principle of the primacy of international law over domestic law. It was important to realize, for example, that recognition of that principle in domestic law was not always a given, that any decision as to the modalities for its application lay with States and that the domestic legal architecture was often ill-suited to the application of international law as positive law.

48. Such reminders of the need for an in-depth knowledge of international law were key to appreciating the importance of the Programme of Assistance. Accordingly, his delegation encouraged continuing efforts by the Office of Legal Affairs to increase the number of interns participating in the work of its divisions, as well as further cooperation between the Codification Division and academic institutions in the preparation of studies of the *Repertory of Practice of United Nations Organs*.

49. His delegation called on Member States to provide funding for regional courses in international law, for which adequate resources should nevertheless be allocated from the regular budget. After a five-year hiatus, the organization of such courses in Asia and

Africa was indeed welcome. The organization away from Headquarters, especially in Member States, of seminars and workshops on the treaty signature and ratification processes would also be welcome, and their impact would be enhanced if legal experts from the State institutions of the host country participated.

50. **Mr. Muhumuza** (Uganda) said that adequate resources for the Programme of Assistance should be provided from the regular budget. While the proposed regional training courses were welcome, he hoped that they would be sustained and extended to other countries. His country had offered to host the next regional seminar facilitated by the International Seabed Authority in 2011 or 2012, in order to show that the international seabed was a common heritage of mankind.

51. **Mr. Appreku** (Ghana), Chairman of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, thanked members of the Sixth Committee and the Secretariat for the support provided to the Advisory Committee. He hoped that the work of the Advisory Committee would become more regular and to that end endorsed the suggestion that the possibility of holding more than one meeting a year should be considered. Lastly, more information should be provided about the membership of the Advisory Committee, owing to the fact that it frequently changed.

Agenda item 140: Administration of Justice at the United Nations (*continued*) (A/C.6/65/L.2)

52. **The Chairperson** drew attention to draft decision A/C.6/65/L.2, "Administration of justice at the United Nations".

53. *Draft decision A/C.6/65/L.2 was adopted.*

54. **The Chairperson** said she took it that the Committee wished her to send a letter to the President of the General Assembly with a request that the letter be brought to the attention of the Chairman of the Fifth Committee without delay and circulated as a document of the General Assembly.

55. *It was so decided.*

The meeting rose at 12.10 p.m.