



General Assembly

Sixty-ninth session

Official Records

Distr.: General
7 January 2015

Original: English

Sixth Committee

Summary record of the 13th meeting

Held at Headquarters, New York, on Friday, 17 October 2014, at 10 a.m.

Chair: Mr. Manongi. (United Republic of Tanzania)

Contents

Agenda item 77: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Control Unit (srcorrections@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

14-62888 (E)



Please recycle



The meeting was called to order at 10.05 a.m.

Agenda item 77: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/69/516 and A/69/516/Add.1)

1. **The Chair** said that at its forty-ninth session, held on 8, 13 and 14 October 2014, the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law had had an extensive discussion on financial issues. A brief summary of the session, including the Advisory Committee's conclusions and recommendations concerning the method for funding the activities under the Programme of Assistance, was contained in the addendum to the report of the Secretary-General on the implementation of the Programme of Assistance (A/69/516/Add.1). He reminded delegations that, in its resolution 68/110, the General Assembly had concluded that voluntary contributions had not proven to be an adequate method for funding activities of the Programme of Assistance specified in the report of the Secretary-General and in General Assembly resolution 67/91 and that consequently there was a need to provide more reliable funding for those activities, taking into account the conclusion of the Advisory Committee at its forty-eighth session.

2. **Ms. Morris** (Office of Legal Affairs), speaking in her capacity as Secretary of the Advisory Committee, said that although the General Assembly had approved the activities to be conducted under the Programme of Assistance, it had unfortunately not provided any additional resources for the Programme, notwithstanding successive resolutions on the matter since 2009. More than a decade earlier, the Codification Division had undertaken a review of all its activities under the Programme of Assistance with a view to better meeting the needs of Member States for international law training and research materials. The review had resulted in significant increases in training opportunities and research materials; at the same time, however, it had increased funding and staffing needs. Before the financial decline in 2008, the Office of Legal Affairs had been able to provide additional regular budget resources to support the increased activity under the Programme of Assistance, but those resources had since been largely withdrawn in the context of overall budget reductions for the Office,

including an 8 per cent cut in the biennium 2010-2011. The Codification Division had lost two additional posts in 2014.

3. The situation with respect to voluntary contributions for the regional courses in international law and the United Nations Audiovisual Library of International Law had become increasingly difficult. Numerous delegates had expressed support for those activities, but the majority had also indicated that their countries were unable to provide voluntary contributions to sustain them. The contributions received in 2014 had not provided adequate funding for the courses or the Library. For 2015, it was anticipated that the regular budget would provide adequate resources for 20 fellowships under the International Law Fellowship Programme. However, additional resources would be required for 2015 and the biennium 2016-2017 for the regional courses, the Audiovisual Library and the Division's desktop publishing activities.

4. The International Law Fellowship Programme had been a great success in 2014, having featured distinguished lecturers, a broad curriculum and extensive course materials. Regular budget funding had been adequate to cover the cost of training for 21 Fellowship participants. Previously, about half of the funding provided had gone to the United Nations Institute for Training and Research (UNITAR), which had been responsible for all administrative aspects of the course. In 2010 the Codification Division had assumed full responsibility for the course as a cost-saving measure, which had saved the Fellowship Programme and made it possible to increase the number of fellowships covered under the regular budget from about 12 to 20. However, staff losses, changes in administrative requirements and other factors had imposed an increasingly heavy burden on the Division. Consequently, voluntary contributions had been used to pay for an additional lawyer to assist with planning and conducting the training course.

5. The Division was currently accepting applications for the Fellowship Programme training course in 2015, which course was open to qualified candidates from Africa, the Asia-Pacific region, Latin America and the Caribbean, and emerging economies in Eastern Europe. Female candidates were strongly encouraged to apply. The Division hoped to increase the number of fellowships available from 20 to 30, but the regular budget for 2015 and for 2016-2017 was

expected to cover only 20; it would therefore welcome voluntary contributions for the Fellowship Programme.

6. The regional courses were intended to offer additional international law training opportunities on core topics of international law and legal issues of particular interest to each region. For many years, it had been impossible to conduct the courses on a regular basis owing to the time required to conclude the necessary host country agreements, inefficiencies associated with the frequent change in host countries and a lack of resources. Since 1965 only 12 regional courses had been held in Africa, 9 in the Asia-Pacific region and 7 in Latin America and the Caribbean. The Codification Division had succeeded in finding countries willing to host the courses and to cover about 25 per cent of local costs; in Africa, the African Union paid about 25 per cent of the cost of the regional course. However, sufficient additional resources had to be obtained in order to offer the courses, including the staff and funding needed for administrative functions previously performed by UNITAR.

7. A successful regional course conducted in Africa in 2014 had been paid for by voluntary contributions, including a generous donation of \$150,000 from Australia. The African Union would provide \$50,000 for the 2015 course, and Member States had provided or pledged an additional \$50,000, but \$100,000, plus 13 per cent for programme support costs, were still needed. Voluntary contributions were therefore urgently required.

8. In the Asia-Pacific region, several successful courses had been conducted for many years in Thailand with generous support from its Government. The courses scheduled for 2012 and 2013, however, had been cancelled owing to a lack of funding. Although the Government of Thailand had confirmed its willingness to continue hosting and supporting the regional course, the Division would not be able to conduct it unless sufficient funding and staff became available before the end of 2014. The same was true of the 2015 regional course for Latin America and the Caribbean, which had not been held for a decade. Notwithstanding generous support from the Government of Uruguay, a course scheduled to take place in that country in 2014 had had to be cancelled for lack of funding. The Division was prepared to still conduct the course in Uruguay in September 2015 if sufficient resources were provided before the end of 2014. It was also in the process of concluding an

agreement with the Government of Costa Rica to host the regional course following that to be hosted by Uruguay.

9. The United Nations Audiovisual Library of International Law gave the Organization the unprecedented capacity to provide, at a relatively modest cost, high-quality international law training imparted by leading scholars and practitioners to an unlimited number of users around the world free of charge via the Internet. The Library also served as an archive for film footage of the negotiation and adoption of major United Nations documents, including the Charter of the United Nations and the Universal Declaration of Human Rights. To date, it had been accessed by about one million users from all 193 Member States. Most users were lawyers in developed countries. As the Library could now be accessed with mobile devices, the Division hoped to see an increase in users from developing countries. To that end, it was also exploring the possibility of making lectures available in an audio-only or podcast format. However, there was a distinct possibility that the Codification Division would have to discontinue its work on the Library in the near future because the resources available from the regular budget and voluntary contributions were not sufficient to pay the two lawyers and the audiovisual technician who worked full time on the Audiovisual Library. Indeed, the Division had already lost one of the lawyers. She appealed to Member States for assistance in raising the \$250,000 needed to ensure the Library's continued existence.

10. The legal publications of the Codification Division were part of the publications programme of the Office of Legal Affairs and were funded from the regular budget. In 2003, the Codification Division, as a temporary measure, had begun using desktop publishing to prepare its publications for printing with the aim of eliminating the backlog and making publications available to the international legal community in a timely manner. It had succeeded in eliminating the backlog for several publications in English and was beginning to reduce the backlog for some publications in French and Spanish. Unfortunately, the Division had had to discontinue its desktop publishing in 2014 owing to a shortage of staff and materials. It was not anticipated that any of its legal publications would be issued by the Department for General Assembly and Conference Management in

the near future. Consequently, the backlog would return and the Organization would lose revenues from publication sales. Additional regular budget resources would be required in order to resume desktop publishing, for which no voluntary contributions were available.

11. For more than a decade, the Codification Division had maintained some 20 websites containing information about its legal publications and the work of various legal bodies, thus greatly increasing the dissemination of relevant information and legal publications around the world. The Division's websites were funded from the regular budget.

12. The Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea was an activity mandated by the General Assembly under the Programme of Assistance to be funded by specific voluntary contributions. As indicated in the Secretary-General's report (A/69/516), the estimated cost of the fellowship in 2014 was \$60,544. However, that amount did not include the mandatory Fellowship trust fund reserve of 15 per cent or the programme support cost of 13 per cent, which brought the average actual cost of the Fellowship to \$78,000. The current available balance was approximately \$60,000, including voluntary contributions from Ireland, Monaco and Slovenia totalling approximately \$19,000. No additional funds had been pledged thus far. Consequently, there was insufficient funding to award the Fellowship for 2015. Consideration was being given to ways in which the Fellowship could be offered in the future. Additional information was provided in the report of the Secretary-General on oceans and the law of the sea (A/69/71 and A/69/71/Add.1).

13. **Mr. Kanda** (Ghana), speaking in his capacity as Chair of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, and also in his national capacity, recalled that he had approached the responsibility of chairing the Advisory Committee with some hesitation because he was not a lawyer. However, he had accepted the assignment after learning that his country played a leadership role in promoting the teaching and dissemination of international law for the benefit of lawyers in developing countries, and that the father of the Programme of Assistance had been Mr. Kenneth Dadzie, who like him was also a Ghanaian and not lawyer. Although serving as Chair had required a far

greater commitment of time and energy than he had anticipated, he had never regretted his decision and could assure Member States of his country's continuing commitment to the Programme of Assistance.

14. Over the past three years, the Advisory Committee had been faced with many challenges, especially with respect to funding for the Programme of Assistance. In 2013 and 2014 he had convened a series of informal briefings aimed at resolving the funding problems, and during 2014 the Advisory Committee had taken a major step towards ensuring the Programme's continuation. However, as was evident from the information contained in the Secretary-General's report (A/69/516 and A/69/516/Add.1), some Programme activities continued to suffer from a lack of resources, particularly the regional courses and the Audiovisual Library. Although the General Assembly had repeatedly requested the Secretary-General to provide the necessary resources for the Programme of Assistance, there had been no increase for the biennium 2014-2015. Consequently, some Programme activities had not been implemented in 2014. In 2015 resources would again be insufficient to cover the cost of conducting the regional courses, resuming desktop publishing or further developing the Audiovisual Library.

15. At its forty-ninth session, the Advisory Committee had reiterated its conclusion that voluntary contributions were not a sustainable method for funding Programme activities, noted the need to provide more reliable funding through the regular budget or through voluntary contributions, and recommended that the General Assembly should be invited to revisit the matter of funding under the programme budget for the current biennium, in particular for the regional courses and the Library. Having been informed by the Under-Secretary-General for Management that the language contained in paragraph 7 of resolution 68/110 was insufficient and that more specific language would be required to ensure increased resources for the Programme in the biennium 2016-2017, the Advisory Committee had further recommended that the General Assembly should specifically request the Secretary-General to include additional resources in the proposed programme budget for that biennium for the organization of the regional courses in international law for Africa, Asia-Pacific and Latin America and the Caribbean each year, and for the continuation and

further development of the Audiovisual Library in 2016 and 2017.

16. The Advisory Committee had requested and received information about the financial situation with respect to the Hamilton Shirley Amerasinghe Fellowship, in particular for those years in which the Fellowship had not been awarded owing to insufficient funding. That information had also been made available to members of the Sixth Committee. The Advisory Committee had recommended that the General Assembly should request the Secretary-General to include in the regular budget, with effect from the biennium 2016-2017, the necessary funding to cover the cost of at least one Fellowship a year in the event that insufficient voluntary contributions were received.

17. The Advisory Committee had further recommended that the Secretary-General should be requested to report to the General Assembly during the main part of its seventieth session on the implementation of the resolution to be adopted on the matter during the current session. It was his sincere hope that the necessary steps would be taken to enable the Organization to celebrate the fiftieth anniversary of the Programme of Assistance in 2015 in the knowledge that the future of the Programme was secure.

18. **Mr. Llorentty Solíz** (Plurinational State of Bolivia), speaking on behalf of the Group of 77 and China, said that the Programme of Assistance had become more relevant in recent times as a tool for strengthening international peace and security and promoting friendly relations and cooperation among States. Officials from developed and developing countries alike, especially members of the Group of 77 and China, derived immense benefit from the regional courses in international law, the international fellowships awarded under the Programme, the Audiovisual Library and the various publications on international law.

19. The Group commended the tireless efforts of the Codification Division to sustain the Programme and also recognized the efforts of the Division for Ocean Affairs and the Law of the Sea in respect of the Hamilton Shirley Amerasinghe Fellowship. It remained deeply concerned, however, at the lack of regular budget funding for the Programme of Assistance and at the cancellation or deferral of various regional courses in international law owing to a lack of funds. The

Group also noted with concern the situation of the Audiovisual Library. It was clear that voluntary contributions were not sufficient to sustain the Programme, yet despite the efforts of the Group of 77 and China, the Programme of Assistance had not been included in the regular budget of the Organization.

20. The General Assembly must take action before it was too late. Although the Advisory Committee's recommendations were less ambitious than the Group would have hoped, they were a step in the right direction, and the Group stood ready to work within both the Fifth and the Sixth Committees to implement them. The Group reiterated its call for adequate funding from the regular budget for all aspects of the Programme, and could not accept the inevitable outcome of failure to secure adequate resources, including regular budget funding, for the Programme. It urged Member States to take the necessary steps to ensure the Programme's continuation. The Committee should adopt an unequivocal resolution to that end.

21. **Mr. Phansourivong** (Lao People's Democratic Republic), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), commended the dedication of the Codification Division for carrying out activities under the Programme of Assistance despite budgetary constraints. The Programme had been instrumental in promoting greater understanding of rights and obligations under international law, thereby helping to promote friendly relations and cooperation among States, contributing to the maintenance of global peace and security, and enhancing the protection of human rights. ASEAN particularly welcomed the International Law Fellowship Programme, to be held in The Hague, from 22 to 31 July 2015. It also welcomed the use of advanced technology, particularly through the Audiovisual Library, as a cost-effective and widely accessible means of disseminating information.

22. The organization of regional courses in international law not only helped participants to enhance their understanding of international law, but also created opportunities for them to interact, share experiences and exchange ideas on various legal matters. ASEAN welcomed the regional course for Africa due to be held in Addis Ababa in February 2015 and hoped that the previously cancelled course for the Asia-Pacific region could be rescheduled. To that end, ASEAN called on Member States and other stakeholders to consider making voluntary contributions to the Programme of Assistance.

23. ASEAN noted with concern the precarious financial situation of the Programme. In order to secure the Programme's future, the regional courses and the Audiovisual Library should be funded in full directly from the Organization's regular budget. ASEAN hoped that the request to the Secretary-General to provide the necessary resources for the Programme, set out in General Assembly resolution 68/110, would be heeded.

24. **Mr. Mamabolo** (South Africa), speaking on behalf of the African Group, said that the Group particularly appreciated the work of the Programme of Assistance in relation to the development of international law in Africa. The recently established African Institute of International Law was also dedicated to training and research aimed at progressively developing and codifying international law in the region.

25. The regional courses offered under the Programme of Assistance provided training by leading scholars and practitioners on a broad range of topics, including specific ones of interest to developing countries in a given region. Their value was incalculable. It was therefore a matter of concern that the regional course for Asia-Pacific had had to be cancelled for lack of funds, that the regional course for Latin America and the Caribbean scheduled for 2014 had not yet taken place, and that there were no funds for a second course in that region. The Group wished to express its appreciation to all Member States that had made voluntary contributions; it was especially grateful to Australia for its generous support for the regional course for Africa in 2014.

26. Lastly, the General Assembly must deal with the matter of funding for the Programme, acting on the recommendations of the Advisory Committee, whose work the Group commended. The African Group fully supported regular budget funding for the Programme of Assistance and would work with other regional groups and Member States with a view to ensuring that those recommendations were effectively implemented.

27. **Ms. Guillén-Grillo** (Costa Rica), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that, from the early days of their independence, CELAC member States had incorporated the fundamental principles and norms of international law into their domestic legal systems and participated actively in the establishment of organizations engaged in the field of international law.

CELAC considered that knowledge of the principles of international law was a prerequisite for their observance and therefore attached great importance to the teaching, study and dissemination of international law. Fellowships and courses on international law were highly effective platforms for teaching and dissemination and had a multiplier effect within the community of students and professionals. CELAC therefore regretted that insufficient funding had forced the cancellation of the regional courses scheduled for 2014 in Latin America and the Caribbean and in the Asia-Pacific region. It was to be hoped that the Programme would receive the regular budget funding needed to hold the three regional courses scheduled for 2015.

28. The Office of Legal Affairs was to be commended for maintaining 26 user-friendly international law-related websites, which contained valuable resources for researchers. The Audiovisual Library's Lecture Series, Historic Archives and Research Library sections provided a useful toolbox for the achievement of the Programme's goals and had the potential to reach millions of people worldwide. The Codification Division's publication of the United Nations Legislative Series and the summaries of advisory opinions and judgments from the International Court of Justice and the Permanent Court of International Justice greatly benefited the academic community, as did efforts to expand the Division's desktop publishing programme.

29. Since the working languages of the International Court of Justice were English and French, the publication of the summaries and decisions in all the official languages of the United Nations was often the only way for teachers, researchers and students in CELAC countries to access the Court's jurisprudence, knowledge of which was essential to an understanding of the evolution of international law. No effort should be spared in updating the collection and ensuring its widest possible dissemination. CELAC also valued the legislative histories relating to the United Nations Convention on the Law of the Sea and other publications of the Division for Ocean Affairs and the Law of the Sea.

30. The General Assembly, in its resolutions 67/91 and 68/110, had not only requested the Secretary-General to carry out activities under the Programme of Assistance, but also reiterated its request that he should provide the necessary resources for the Programme

under the Organization's programme budget for the biennium 2014-2015. It was of grave concern that those resources had not been provided and that voluntary contributions were also extremely limited. Two regional courses had had to be cancelled, even though the host countries had been ready to cover 25 per cent of the cost, and the Audiovisual Library might be discontinued by the end of 2014. It was time for the Sixth Committee to take decisive action on the matter.

31. In June 2014, CELAC had sent a letter to the Secretary-General requesting his guidance on how to find a sustainable solution to the situation. The response received from the Under-Secretary-General for Management had indicated that the Secretariat did not consider that the language included in paragraph 7 of resolution 68/110 specifically requested the Secretary-General to undertake additional activities not currently mandated, and that for additional resources to be allocated to the Programme of Assistance, specific additional activities, such as the regional courses for Africa, Asia-Pacific, and Latin America and the Caribbean, would have to be requested. Accordingly, such specific language should be included in the resolution to be adopted by the Sixth Committee.

32. The recommendations made by the Advisory Committee during its forty-ninth session were a clear step forward, although CELAC would have preferred more ambitious recommendations aimed at securing funding for all Programme activities in 2015. The recommendations should be included in the Sixth Committee's resolution and taken on board by the bodies that dealt with the Organization's budget. The United Nations could not afford to lose the Programme of Assistance. CELAC member States would do all in their power to ensure regular budget funding for the Programme.

33. **Mr. Marhic** (Observer for the European Union), speaking also on behalf of the candidate countries Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Armenia, Georgia, the Republic of Moldova and Ukraine, said that the Programme of Assistance contributed towards a better knowledge of international law as a means of strengthening international peace, security and the rule of law and promoting friendly relations among States. Knowledge of international law was a prerequisite for establishing the conditions under which justice and respect for the obligations arising

from treaties and other sources of international law could be maintained. The European Union reiterated its strong support for the Programme of Assistance and commended the efforts of the Office of Legal Affairs to strengthen and revitalize the Programme's activities in order to meet the changing needs of the international legal community. Its use of modern technology for that purpose, particularly through the establishment and expansion of the Audiovisual Library of International Law, was especially notable. The Library was an important resource for the legal community and warranted continued attention by the Codification Division.

34. The European Union noted with appreciation that the Codification Division had organized a regional course for Africa in 2014, continued to disseminate legal publications and information via the Internet, and was exploring the possibility of resuming its desktop publishing activities in 2015. It also noted the contributions of the Registry of the International Court of Justice, The Hague Academy of International Law and the Carnegie Foundation to the International Law Fellowship Programme, and acknowledged the contribution of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea to the wider appreciation and application of the United Nations Convention on the Law of the Sea and the work of the Division for Ocean Affairs and the Law of the Sea.

35. All States should consider making voluntary contributions in order to sustain the regional courses and the Audiovisual Library, and the States that had already done so or increased their contributions were to be commended. Nevertheless, voluntary contributions to the Programme had declined in recent years and, as noted in various General Assembly resolutions, including resolution 68/110, had proved inadequate as a method of funding Programme activities. The European Union noted the recommendations contained in the report of the Secretary-General (A/69/516/Add.1) and was hopeful that practical and sustainable financing solutions would soon be established.

36. **Mr. Saeed** (Sudan) said that the Sudan accorded great importance to the Programme of Assistance, which contributed to peace and security, friendly relations among peoples and the peaceful settlement of disputes, and was one of the most important components of United Nations rule of law activities.

The Programme had clearly helped to increase awareness of the purposes and principles of international law among law students, practitioners and diplomats, especially in developing countries, and had assisted Member States in harmonizing their legislation with international law. His delegation particularly wished to underscore the importance of the regional course for Africa in promoting awareness of the purposes of international law and in training legal practitioners, diplomats and those working in the sphere of justice in the region. It welcomed the decision by the African Union to provide support for the regional course and also called for increased support for the African Institute of International Law in order to enable it to assume a larger role in promoting international law.

37. His delegation acknowledged the countries that had provided and continued to provide financial support for the Programme of Assistance. Nevertheless, it was concerned about the Programme's financial difficulties, which had led to the cancellation of the regional courses for Latin America and the Caribbean and for the Asia-Pacific region. After extensive and laborious discussions, to which the Sudan had made a robust contribution, the Advisory Committee had produced constructive conclusions and recommendations. It was his delegation's hope that the Sixth Committee would endorse those recommendations and seek to secure funding for the Programme of Assistance from the regular budget of the Organization in the biennium 2016-2017.

38. **Ms. Melikbekyan** (Russian Federation) said that activities under the Programme of Assistance, including the International Law Fellowship Programme, the regional courses in international law, the publication of high-quality legal materials and the information provided free of charge by the Audiovisual Library of International Law, made an important contribution to the promotion of the rule of law at the international level. Regrettably, however, the needs of the Programme in recent years had been unjustifiably ignored. Owing to a lack of adequate funding, the Programme was on the brink of discontinuation, despite the fact that the General Assembly, in its resolution 67/91, had clearly mandated adequate funding for the Programme.

39. Her delegation agreed with the Advisory Committee's conclusion that voluntary contributions had not proved to be a reliable source of funding and

welcomed its recommendation that funding for the Programme should be provided under the regular budget of the Organization. It hoped that, with appropriate support from Member States, the problem of shortage of funds for the full implementation of all components of the Programme could thus be resolved. Her delegation also wished to acknowledge the valuable personal contribution of the staff of the Office of Legal Affairs to the maintenance and development of the Programme.

40. **Ms. Millicay** (Argentina) said that the Programme of Assistance pursued a dual objective: capacity-building, particularly in developing countries, and dissemination of international law as a tool for fostering the rule of law. The publications of the Codification Division and the Treaty Section and the Historic Archives and complementary academic materials available through the Audiovisual Library of International Law were all highly valuable resources for public officials, legal professionals and students seeking to deepen their knowledge of international law. The international law courses at The Hague Academy of International Law and the Geneva International Law Seminar of the International Law Commission had a long-standing tradition of providing training for international lawyers, particularly those from developing countries, and were renowned for their high quality and degree of specialization.

41. The regional courses in international law were also useful tools for enhancing knowledge of international law. It was therefore a matter of great concern that the regional course for Asia-Pacific had had to be cancelled owing to a lack of funds and that the course for Latin America and the Caribbean had not been held in 2014 for the same reason. She would like additional information on the most recent regional course for Africa; in particular, she wished to know how many students had participated and what topics had been addressed.

42. The persistent lack of resources in the trust fund for the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea was also cause for concern. Although the Fellowship was administered by the Division for Ocean Affairs and the Law of the Sea, it was an integral part of the Programme of Assistance. It was therefore regrettable that the report of the Secretary-General (A/69/516) provided little information on the Fellowship. She hoped that information on the Fellowship would be included in

future reports, as had been the case up to the sixty-seventh session of the General Assembly. Noting that the Fellowship had not been awarded for three years and recalling that she herself had been the beneficiary of a Fellowship, which had contributed greatly to her training in the law of the sea, she enquired what efforts had been made in recent years to secure the necessary funding so that the Fellowship could be awarded each year. She also requested information on the most recent recipient of the Fellowship.

43. Every year, Member States acknowledged the contribution of the Programme of Assistance to the training of their officials in international law and renewed their commitment to support it. Similarly, every year, the Secretary-General's report made it clear that the demand for training in international law was growing. Nevertheless, despite the commendable efforts of various divisions of the Secretariat to maintain the Programme's activities, two regional courses had been cancelled in 2014 because of a shortage in voluntary contributions. The Audiovisual Library was also at risk of being discontinued and there was a significant backlog in the issuance of legal publications. The situation described in the current year's report was exceedingly worrying. It seemed that a crisis point had to be reached before Member States would take appropriate action.

44. The Advisory Committee had concluded that continued reliance on voluntary contributions as a source of funding for the Programme was not viable and had put forward important recommendations for avoiding its discontinuation. Those recommendations did not reflect the view espoused by her delegation and many others that all activities of the Programme should be funded from the regular budget, but they did represent a courageous step forward towards ensuring the Programme's survival. It now fell to the Sixth Committee to see that the Advisory Committee's recommendations were reflected in the resolution that it would forward to the General Assembly.

45. Member States should also seek to ensure support from the Fifth Committee for the Programme. Every lawyer present in the room had benefited in some way from the training provided through the Programme of Assistance, which did not just serve those in developing countries. It was therefore a responsibility of all to ensure that future generations would continue to receive such training, which made an undeniable

contribution to respect for international law and to friendly relations among nations.

46. **Mr. Zewdu** (Ethiopia), commending the efforts of the Codification Division to carry out activities under the Programme of Assistance despite funding challenges, said that understanding and dissemination of international law were key components in strengthening international peace and security, promoting friendly relations and cooperation among States and strengthening the rule of law at the national and international levels. As a matter of necessity, Member States should therefore intensify their commitment to the Programme of Assistance. It was regrettable to see the Programme continuously challenged by limited funding, making it impossible to implement all of its activities. Voluntary contributions had clearly not proved a sustainable method of funding, and a more reliable method must be found.

47. His delegation firmly supported the Advisory Committee's recommendations that funding for the Programme of Assistance for 2015 under the programme budget for the 2014-2015 biennium should be revisited and that additional resources should be provided to the Programme under the proposed budget for 2016-2017. Implementation of those recommendations would ensure the Programme's sustainability.

48. The regional courses in international law provided an opportunity for lawyers from developing and least developed countries to stay abreast of current developments in international law and promoted cooperation among Member States. His delegation called upon the United Nations to organize the courses on a regular basis. Ethiopia had demonstrated its commitment to the Organization by hosting successive regional courses in Addis Ababa and would continue to do so. He commended all Member States that had made voluntary contributions, in particular Australia, whose generous contribution had enabled the regional course for Africa to be held in 2014. The Codification Division should increase its collaboration with the African Union, the United Nations Economic Commission for Africa, the African Institute of International Law and other regional bodies and universities in order to strengthen the regional course for Africa.

49. **Mr. Luna** (Brazil) said that the Programme of Assistance embodied the notion that peace could be

achieved through law. United Nations efforts to promote the teaching, studying and dissemination of international law should therefore receive the resources they unquestionably deserved. It seemed paradoxical that while debate on the rule of law was gaining prominence within the Organization, funding for the Programme of Assistance was being removed from its regular budget. The recommendations of the Advisory Committee were a clear step forward, and his delegation was committed to ensuring not only that they were reflected in the resolution to be adopted by the Sixth Committee, but also that they received the approval of the Fifth Committee. He was confident that Member States could turn the tide and secure the resources that the Programme truly deserved.

50. **Mr. Mohd Kassim** (Malaysia) said that the Programme of Assistance was useful to Member States as part of a concerted effort to promote international law and strengthen the rule of law. The Programme also helped to foster understanding among Member States and enhance international relations. The Audiovisual Library was an important tool for increasing understanding of international law among lawyers, diplomats and government officials from both developed and developing countries, while the International Law Fellowship Programme played a vital role in promoting the rule of law at the international level. Equally important was the regional course in international law held in Addis Ababa. His delegation would like to see the convening of courses in other regions as well. In that regard, he commended Ethiopia, Thailand and Uruguay for agreeing to host regional courses in their respective regions in 2014 and 2015.

51. His delegation also believed that the Programme of Assistance should be funded through the regular budget, as called for in General Assembly resolutions 66/97, 67/91 and 68/110. It called on all Member States to ensure that the Programme received the necessary resources for its activities.

52. **Ms. O'Brien** (Australia) said that for over four decades the Programme of Assistance had been instrumental in the teaching, study and dissemination of international law as a means of strengthening international peace and security and promoting friendly relations and cooperation among States and a world order based on the rule of law. Her delegation supported the Audiovisual Library, the regional courses and the Programme's other activities, which

contributed to better knowledge of international law and encouraged greater participation in its development. Australia had been pleased to make a contribution of US\$ 150,000 to the 2014 regional course for Africa, held in Addis Ababa.

53. Her delegation was concerned that the Programme of Assistance had been hindered by a lack of funding, which might lead to the discontinuation of some of its activities. The potential consequences for the regional courses, which were quite avoidable, were especially worrying. While recognizing that the current funding model might need to be reviewed, her delegation urged States to increase their voluntary contributions to the Programme of Assistance. By joining efforts, they could ensure that the Audiovisual Library remained available to institutions and individuals around the globe and that the Programme of Assistance continued to provide fellowships and courses targeted at participants from developing countries. Her delegation had taken note of the recommendations of the Advisory Committee and looked forward to further discussion on the most appropriate way forward.

54. **Ms. Mwaipopo** (United Republic of Tanzania) said that her delegation supported the Programme of Assistance as a key tool within the framework of United Nations rule of law activities. The Programme had made an important contribution to the advancement of the rule of law by providing international law training for lawyers and judges, especially in countries that lacked resources to develop their skills. The Member States and international institutions that had supported the Programme's activities, including, in particular, the African Union and the States that had contributed to the regional course for Africa in 2014, should be commended.

55. Her delegation noted, however, that once again financial difficulties had prevented the implementation of some activities in 2014, including the regional courses in international law for Asia-Pacific and for Latin America and the Caribbean and the Codification Division's desktop publishing initiative. It had been repeatedly stated and demonstrated that voluntary contributions alone were not a sustainable method for funding activities under the Programme. It was important for Member States to work together in a more transparent manner to ensure the sustainability of the Programme and to provide adequate funding for all of its activities. As a member of the Advisory

Committee on the Programme of Assistance, the United Republic of Tanzania welcomed the Committee's recommendations and urged Member States to ensure regular budget funding for the Programme's activities.

56. Her Government had generously provided premises, at no cost, for the recently established African Institute of International Law, an independent educational and research institution dedicated to teaching, dissemination and advanced research in international law of relevance to Africa. She was pleased to announce that the Institute would offer a training workshop on bilateral investment treaties and arbitration, to be held in Arusha, from 16 to 20 February 2015.

57. **Mr. Ceriani** (Uruguay) said that his Government's decision to host a regional course in international law had been prompted by its concern over the fact that no course had been held in the Latin America and Caribbean region for a decade and its recognition of the value of the courses in providing training in international law for lawyers in countries of the region and for developing countries in general. The failure to hold regional courses had been attributable to the difficulty of securing a host country agreement and funding for the courses. In the case of the course that his country had agreed to host in 2014, the first concern had been allayed with the signing of a host country agreement between his Government and the United Nations.

58. With regard to concern over funding, his Government had been informed that the host country was expected to cover 25 to 30 per cent of the total cost of the course, a sum of \$50,000 to \$60,000, which was a sizeable amount for a developing country. Nevertheless, it had, with great effort, obtained approval of the necessary funding, thus demonstrating its strong commitment to the Programme of Assistance. Everything had appeared to be on track for the course to proceed when it had come to light that the Secretary-General's budget proposal for the biennium 2014-2015 had not included sufficient funding for the three regional courses. Dissatisfied with that situation, his delegation had proposed, within the framework of the Group of 77, the incorporation in the budget resolution of a paragraph that would have ensured sufficient funding. However, that paragraph had not been approved, leading to the cancellation of the courses for Latin America and the Caribbean and the Asia-Pacific

region. It had been possible to hold the course for Africa thanks to a generous contribution from the Government of Australia.

59. The regrettable cancellation of two of the three regional courses clearly showed that voluntary contributions were not sufficient to sustain the courses and that funding for them should be provided under the regular budget of the Organization. His delegation hoped that the Sixth Committee would act in accordance with the recommendations of the Advisory Committee and include language explicitly calling for such funding in the resolution it adopted on the subject.

60. **Mr. Elias-Fatile** (Nigeria) said that the Programme of Assistance had had a positive impact on students and practitioners of international law throughout the world. It was one of many tools that helped to clarify some of the complex legal issues existing in the present-day interconnected world. His delegation commended the Office of Legal Affairs, particularly the Codification Division, for its relentless efforts in implementing the Programme and enjoined Member States to support the idea of exploring the possibility of funding the Programme's activities through the regular budget in order to strengthen it and ensure that training courses could be conducted around the world in a practical and predictable manner.

61. **Mr. Belaid** (Algeria), commending the Codification Division's tireless efforts to ensure wide participation in the activities of the Programme of Assistance despite logistic and budgetary constraints, said that his delegation shared the views expressed by others regarding the Programme's relevance and effectiveness as a tool for strengthening international peace and security, promoting a culture of peace and encouraging friendly relations and cooperation among States. For over half a century, the Programme had contributed steadily to greater knowledge of international law among jurists, academics, diplomats, students and others from developing countries. However, its achievements and its ability to continue implementing its activities were constantly threatened by a lack of adequate funding, a problem caused mainly by the inconsistency, insufficiency and irregularity of voluntary contributions.

62. His delegation was concerned about the repeated cancellation of regional courses over the years, including in 2014, and about the ongoing threats to the

continuity of the Audiovisual Library and the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea. Voluntary contributions were not an adequate or reliable method for funding the activities of the Programme, which should be funded through the regular budget of the Organization, starting in the current biennium. In that connection, his delegation would like to recall that adequate and reliable funding for the Programme would be ensured upon compliance with the main provision of General Assembly resolution 68/110, which had requested the Secretary-General to provide under the programme budget for the biennium 2014-2015 the resources necessary to ensure the continued effectiveness and further development of the Programme of Assistance.

63. **Mr. Adamov** (Belarus) said that the authority of international law did not derive from State coercion but rather from broad public understanding and knowledge of that law. In recent years, Belarus had hosted a number of international seminars and courses on a variety of legal topics, including international treaties, international humanitarian law, international trade, investment dispute settlement and other aspects of international law, attended by representatives of several Governments and international organizations. Such courses helped to promote a broader understanding of international law and contributed to its progressive development. However, as developing and middle-income countries faced financial challenges in organizing such training activities, they needed assistance from the international community.

64. His delegation therefore regretted that, despite strong statements about the importance of upholding the rule of law and financing certain initiatives in that area, there continued to be a lack of funding for the Audiovisual Library of International Law and other Programme of Assistance activities designed to promote a broader understanding of international law. That situation had a negative impact not only on the Programme activities, but also on maintenance of the rule of law at the international level.

65. **Mr. Kravik** (Norway), speaking also on behalf of Iceland, said that a peaceful and stable world order was predicated on respect for the rule of international law. Over the years, international law had grown into a vast, multifaceted and complex body of law, which was continuously developing. The Programme of Assistance recognized the value of mastering the complexities of international law and the fundamental

importance of making the most advanced and sophisticated international legal resources available to all. It was also instrumental in strengthening the rule of law and in ensuring peaceful relations between States. The Programme had educated and inspired some of the most renowned scholars and practitioners in the current international legal community, many of whom were now reciprocating by lecturing and teaching courses under the Programme. The hard work of all who had contributed to its activities had not been in vain, as attested by the staggering numbers of people who had accessed the Audiovisual Library and participated in training courses and fellowships around the world.

66. Iceland and Norway had noted with concern the continued problem of insufficient funding for the Programme of Assistance and agreed that voluntary contributions were an unsustainable funding method. The Programme carried out a core activity of the United Nations and its ability to do so could not be dependent on the good will of a few Member States. Funding through the regular budget was the only realistic way to ensure reliable and adequate resources for the Programme. He encouraged all Member States to ensure that the General Assembly requested the Secretary-General to act in accordance with the Advisory Committee's recommendations.

67. **Ms. Muthukumarana** (Sri Lanka) said that for several decades the Programme of Assistance had helped to strengthen and promote the rule of law by educating and training government officials and others from both developed and developing countries. The high volume of applications to the prestigious International Law Fellowship Programme was a testament to the quality of the instruction provided and the interaction that the Programme facilitated among scholars and legal practitioners. The Programme had also had evident benefits for treaty law and practice, especially in developing countries.

68. The lack of funding that threatened the continuity of the Audiovisual Library and other activities of the Programme of Assistance was of concern to many delegations. The Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea was also experiencing severe financial stress. As the dissemination of knowledge on the law of the sea was central to the maintenance of maritime peace and security, States should consider making contributions to the Fellowship to ensure its continuation.

69. Her delegation welcomed the recommendations of the Advisory Committee to include funding for the Fellowship in the regular budget with effect from the biennium 2016-2017 and to provide additional funding under the proposed programme budget for the regional courses in international law and the further development of the Audiovisual Library in 2016-2017. Lastly, her delegation appealed to all Member States to cooperate within the Sixth and Fifth Committees to ensure that those recommendations were effectively implemented in order to ensure that future generations of legal practitioners could continue to benefit from the Programme of Assistance.

70. **Mr. Sahebzada Ahmed Khan** (Pakistan) said that his delegation attached high importance to the dissemination and application of international law, which was the vehicle for peaceful relations among States. It had therefore always supported the activities of the Programme of Assistance. As a member of the Advisory Committee, Pakistan had supported efforts to further strengthen and develop the Programme. His delegation noted the repeated cancellation of regional courses for want of funds and fully shared the concerns of the Advisory Committee as expressed in the Secretary-General's report (A/69/516/Add.1). It supported continuation and further development of the Audiovisual Library, the usefulness of which could not be overestimated. It was imperative to take measures to provide the resources required by the Codification Division to undertake all Programme activities. The Advisory Committee had made useful recommendations in that regard, and his delegation hoped that they would receive adequate support from Member States.

71. **Mr. Redmond** (Ireland), expressing appreciation to the Codification Division for its work in implementing the Programme of Assistance, said that while his delegation was pleased that the regional course for Africa had been able to proceed, it regretted that the courses for the Asia-Pacific region and for Latin America and the Caribbean had been cancelled owing to insufficient funding. It also regretted that the Codification Division had discontinued its desktop publishing activities for the same reason. The Programme had been a cornerstone of the Organization's efforts to promote international law and played a role in furthering its key objectives, including strengthening of the rule of law at the national and international levels. In that connection, his

Government had consistently made modest contributions to the activities of the Programme and believed financial contributions to the Programme were essential for its ability to carry out its functions. His delegation therefore welcomed the efforts of the Advisory Committee to consider how best to ensure regular financing for the Programme activities and hoped that progress could be achieved in that regard.

72. **Mr. Arbogast** (United States of America) said that the Programme of Assistance made a great contribution to educating students and practitioners throughout the world in international law and had clearly earned strong support, particularly in the context of a heightened focus on the rule of law. Knowledge of international law furthered the rule of law at the national and international levels and gave new generations of lawyers, judges and diplomats a deeper understanding of the complex instruments that governed an interconnected world. His delegation appreciated the creative ways in which the Codification Division had been able to keep important activities under the Programme going despite limited resources and encouraged it to continue its commendable efforts to secure voluntary contributions to supplement programme budget resources. There was no question that the regional courses in international law, the Audiovisual Library and other Programme activities were valuable and worthy of support.

73. **Ms. Morris** (Office of Legal Affairs) said that participants in the regional courses had traditionally come from ministries of foreign affairs, but that applications were now being received from lawyers working in other government ministries and offices to which international law had become increasingly relevant. The Office of Legal Affairs also provided training opportunities for lawyers from the African Union and recently had also offered training to a lawyer from the League of Arab States through the International Law Fellowship Programme. The goal of all the regional courses was to give lawyers from developing countries the opportunity to learn from the most highly qualified lawyers from different regions and legal systems. The Office of Legal Affairs maintained a network that enabled participants to remain in contact with one another.

74. With regard to the regional course for Africa held in 2014, it had been attended by 31 participants and 5 observers from the Economic Commission for Africa had participated in courses on trade and investment.

The topics covered included core branches of international law and legal issues of particular interest to the region, such as aspects of African Union law. The courses were very demanding and very interactive, their aim being not only to convey knowledge, but also to promote understanding and cooperation among lawyers in the region.

75. **Ms. Rosenboom** (Office of Legal Affairs) said that the most recent recipient of the Hamilton Shirley Amerasinghe Memorial Fellowship was Ms. Mariam Fawole, a lawyer from Sao Tome and Principe, who had been selected to conduct research on maritime security in the Gulf of Guinea. She had spent the first few months of her nine-month programme working in the Office of Legal Affairs, Division for Ocean Affairs and the Law of the Sea, and was currently completing the remaining months of her programme in Sweden. To attract voluntary contributions for the Fellowship, the Division periodically sent letters to all permanent missions in New York, and appealed to participants and discussed the Fellowship at various meetings. However, despite the contributions received from Ireland, Monaco and Slovenia, for which the Division was grateful, there was insufficient funding to support the awarding of the Fellowship in 2015.

The meeting rose at 12.55 p.m.