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Chair: Ms. Al-Thani (Qatar)

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

Agenda item 87: Protection of persons in the event of disasters (*continued*)

1. **Ms. Lahmiri** (Morocco), speaking on behalf of the Group of African States, said that the draft articles on the protection of persons in the event of disasters presented by the International Law Commission made a valuable contribution to filling the gap in the protection of persons in the event of disasters. The Group was concerned by the frequency and scale of natural disasters, which were often exacerbated by climate change. Such disasters had a devastating impact and had the potential to impede the full realization of the Sustainable Development Goals. The protection of persons in the event of disasters was an important issue in many parts of the world, and particularly in Africa. Solidarity and international cooperation were paramount when responding to disasters. The Group welcomed the discussion of the current item in the Committee and took note of the Commission's recommendation that the General Assembly elaborate a convention on the basis of the draft articles.

2. **Mr. Bouchedoub** (Algeria) said that his delegation attached considerable importance to the formulation of an international legal framework for the protection of persons in the event of disasters. International instruments in that area were few in number and were not coordinated or harmonized. With the exception of bilateral agreements on mutual assistance, the issue had been addressed only in non-binding international instruments, particularly under the auspices of the United Nations Office for Disaster Risk Reduction. His delegation took note of the recommendation of the International Law Commission that the General Assembly elaborate a convention on the basis of its draft articles on the protection of persons in the event of disasters.

3. The draft articles reflected the Commission's commitment to striking an appropriate balance between the rights of persons affected by disasters and the sovereignty of States. However, the broad and loose definition of disasters set forth in draft article 3 had implications for the scope of the draft articles. For instance, in draft article 1 (Scope), it was stated that the draft articles applied to the protection of persons in the event of disasters; but because the nature of those disasters was not specified, the draft article could be taken to refer both to natural and to human-made disasters. However, those two categories were governed by different legal frameworks, something that could lead to inconsistencies once the legal principles were applied. Although the Commission had sought to

address that shortcoming in paragraph 1 of draft article 18, it would be difficult to apply the same rules in both cases. It was therefore essential to examine State practice and laws with a view to making a clear distinction between the legal systems governing natural disasters and human-made disasters.

4. His delegation supported the text of draft article 14 (Conditions on the provision of external assistance), in which it was stated that the affected State could place conditions on the provision of external assistance, and that such conditions should be in accordance with the applicable rules of international law and the national law of the affected State.

5. Given that the draft articles included provisions defining the obligation of affected States to protect relief personnel and their equipment, facilitate their entry and free movement and provide them with work permits, it would have been possible also to define the obligations of States and other actors providing assistance. External assistance could not be a pretext for intervening in the internal affairs of the affected State, particularly under the guise of protecting persons affected by disasters.

6. In paragraph 2 of draft article 13 (Consent of the affected State to external assistance), the term "arbitrarily" was used in a vague manner. The consent of the affected State to external assistance should be subject only to that State's own discretion and to the principle of sovereignty. The term should therefore be removed from the draft articles.

7. **Mr. Taufan** (Indonesia) said that his country faced a constant risk of severe natural hazards arising from seismic activity. Deliberations on the legal framework for the protection of persons in the event of disasters were crucial for deepening comprehension, promoting international cooperation and sharing best practices. Indonesia concurred with the Commission's approach to opt for the principle of the "sovereignty of States" in the preparation of its draft articles on the protection of persons in the event of disasters. It also welcomed the reference to "particularly vulnerable" in draft article 6 (Humanitarian principles), which was relevant to disaster-prone countries such as Indonesia. Concerning draft article 7, the duty to cooperate should apply only with due consideration for the principle of sovereignty, upon which all the draft articles rested.

8. Among disaster-prone countries, Indonesia was leading the way in the development of a comprehensive legal regime to address the entire disaster management continuum. It had not had a comprehensive national disaster management law when the tsunami struck Aceh in December 2004, but had since undertaken significant

legislative reform with the promulgation of a new law, regulations and guidelines. The core legal framework was Act No. 24 of 2007 on disaster management, which contained a comprehensive set of provisions outlining national and regional government responsibilities, the roles of businesses and international institutions, the different stages of disaster management and their requirements, as well as disaster aid finance and management.

9. Cooperation among States, including through preparedness mechanisms, was a vital complement to the legal infrastructure. As host of the seventh session of the Global Platform for Disaster Risk Reduction, to be held in May 2022, Indonesia would work with Member States and the United Nations Office for Disaster Risk Reduction in building sustainable resilience and strengthening the commitments to achieve the targets of the Sendai Framework for Disaster Risk Reduction 2015-2030 and the 2030 Agenda for Sustainable Development.

10. His delegation strongly supported further consultation among Member States, and encouraged the Committee to find common ground for proceeding with consideration of the draft articles.

11. **Ms. Vea** (Tonga) said that her country was extremely vulnerable to the adverse impacts of climate change and disasters. In the World Risk Report 2021, Tonga had been ranked as the third most at-risk country in respect of all disasters. The majority of its population lived in low-lying, urban centres on the main island, Tongatapu. Locations with a higher population density tended to be at greater risk and experience more severe consequences during disasters.

12. Disasters had both an economic and a human impact on Tonga, given its size and topography. They could wipe out infrastructure, destroy homes, businesses and agriculture and eliminate tourism. The Government of Tonga had developed a resettlement policy framework in 2017, with the aim of making vulnerable houses cyclone resistant and relocating Tongans in cases where an in situ solution could not be found.

13. According to the Intergovernmental Panel on Climate Change, the intensity and frequency of climate change-induced natural disasters was expected to continue to grow, increasing the possibility that countries would experience large-scale disasters requiring them to turn to the international community for assistance in meeting the needs of affected populations.

14. Tonga welcomed the International Law Commission's progressive development of international

law through its draft articles on the protection of persons in the event of disasters, which would allow States to meet the needs of affected populations through the support of the international community, while maintaining their national sovereignty. His delegation reaffirmed its commitment to the Sendai Framework for Disaster Risk Reduction (2015–2030) and the 2030 Agenda, particularly Sustainable Development Goals 13 and 14 and their respective targets.

15. Any developments in international law regarding the protection of persons in the event of disasters must be accompanied by comprehensive international assistance. His delegation urged developed countries to honour their commitments with respect to climate financing, resilience funding and development assistance. Global climate change mitigation was essential, but it would not be enough to slow global warming. The local climate of Tonga had already changed dramatically. Only the adoption of adaptation and resilience-building measures would make it possible to mitigate the ongoing and increasing risk of disasters. His delegation therefore called on the international community to assist vulnerable States such as Tonga both before and after disasters.

16. **Mr. Matea** (Solomon Islands) said that sea-level rise and climate change-induced natural disasters continued to pose an existential threat to small island developing States such as Solomon Islands. Extreme weather events were becoming more intense, and individual small island developing States were unable to bear their economic costs. The impact of climate change in Solomon Islands was three times the global average, and some of its islands continued to be lost to sea-level rise. The ongoing resettlement of internally displaced populations represented a new normal, and the country and its people, especially people living on low-lying islands, remained in an endless state of recovery from slow-onset events.

17. The draft articles on the protection of persons in the event of disasters were an important starting point. Solomon Islands supported the inclusion of the duty to cooperate in the draft articles (draft article 7). International cooperation was a fundamental principle of international law and foundational to the international order itself. It derived from the Charter of the United Nations and had been reaffirmed in various treaties, United Nations resolutions and other instruments. States with the least capacity were often hit the hardest by disasters. By including an obligation to cooperate in the draft articles, the Commission recognized that preventing, preparing for and responding to disasters was an endeavour that many States might be incapable of tackling alone. Any convention elaborated on the

basis of the draft articles should include provisions on cooperation calling for mitigation and adaptation, climate financing, capacity-building, technology-sharing and other practical arrangements.

18. Solomon Islands also supported the focus on disaster risk reduction in draft article 9. Any convention should include an obligation on all States to help mitigate the effects of disasters through appropriate prevention and preparation. Solomon Islands supported the view that there should be a specific reference to climate change-induced displacement of persons; greater international cooperation was needed to tackle such displacement. Despite limited resources and capacity, Solomon Islands and the Pacific region had demonstrated a clear commitment to disaster risk reduction, as evidenced by the implementation of international frameworks such the SIDS Accelerated Modalities of Action (SAMOA) Pathway and the Sendai Framework

19. Solomon Islands supported the inclusion of human-made disasters within the scope of the draft articles. Sea-level rise and extreme weather events brought on by humans were increasing in frequency and severity. Environmental disasters, regardless of origin, must be included in any convention. Solomon Islands urged all delegations to engage in dialogue with a view to agreeing on a definition of disaster that included environmental disasters, irrespective of origin, without encroaching on international humanitarian law.

20. **Ms. Chea** (Cambodia) said that, in the light of the challenges posed by recent climate change-related natural disasters, disaster management and the protection of persons in the event of disasters were highly important topics. As a country vulnerable to natural disasters, Cambodia had made considerable efforts to prevent, reduce and respond to the risk of disasters, paying particular attention to protecting people during and after disasters. It had established a national committee for disaster management to lead national capacity-building in prevention, preparedness and response, passed a law on disaster management and updated its strategic national action plan on disaster risk reduction. It was also a party to a number of regional and international cooperation mechanisms on disaster response, including the ASEAN Agreement on Disaster Management and Emergency Response.

21. The draft articles on the protection of persons in the event of disasters would contribute to the progressive development of international law governing disaster response. Her delegation looked forward to further discussion on the recommendation to elaborate a convention on the basis of the draft articles.

22. **Mr. Al-Edwan** (Jordan) said that the draft articles on the protection of persons in the event of disasters were an important tool for the provision of disaster relief assistance. His delegation supported the draft articles and the rights-based approach contained therein. The draft articles struck a balance between the various legal interests involved, including the sovereign rights of affected States, the rights of the people affected by disaster and the rights of assisting States and assisting actors. The draft articles also established a duty of cooperation among States and with relevant entities, which was a crucial component of a project that purported to provide effective protection covering all the phases of a disaster.

23. The humanitarian principles contained therein – humanity, neutrality and impartiality – were an important safeguard against abuse in disaster response. While the affected State had the primary role in the direction, control and supervision of relief assistance, it also had a duty to ensure the protection of persons and the provision of disaster relief assistance. In addition, the affected State was under an obligation to seek external assistance if it was unable to provide a relief response. Those obligations, duties and rights applied in tandem, which ensured that the humanitarian purposes of the protection provided in the event of disasters were achieved without the legitimate legal interests of the affected States being infringed.

24. Although the principle of solidarity was mentioned in the preamble to the draft articles, it was unfortunately not captured in the draft articles in the form of specific obligations on States that were able to provide relief assistance. In any case, the duty to cooperate set out in draft article 7 should be interpreted broadly so as to impose that obligation on such States. The draft articles were *lex generalis* that applied to the extent that international humanitarian law did not during a disaster. They filled a gap and did not prejudice the wider protection under the relevant rules of international humanitarian law, including the rights of relief and humanitarian organizations during armed conflict.

25. Jordan supported the elaboration of a convention based on the draft articles and agreed with the establishment of an ad hoc committee or a working group to discuss the text and the observations made by Member States, which could culminate in the adoption of a convention.

26. **Mr. Nyamid** (Cameroon) said that, given the exacerbation of climate change and cyclical disasters, the protection of persons in the event of natural disasters was a very important topic that posed a challenge to the international legal framework. His delegation welcomed

the draft articles on the protection of persons in the event of disasters but had reservations in particular concerning their scope. By aiming to take into consideration natural and human-made disasters in the same instrument, the Commission was mixing situations that were governed by completely different legal systems. His delegation therefore favoured the establishment of a clear distinction between natural and human-made disasters.

27. His delegation called for the term “disaster” to be defined more precisely in order to avoid any confusion. Based on the current definition contained in draft article 3, it was unclear whether an epidemic or a pandemic could also be considered a disaster. The draft articles also had other shortcomings, including a lack of unified terminology, uncertainty regarding the extent of the responsibility of the assisting State, and an imbalance between the rights and obligations of the affected State. It was important to respect the sovereignty of the affected State.

28. In terms of codification, multilateral and bilateral agreements already existed on mutual assistance to protect persons in the event of disasters. The draft articles raised serious concerns that must be examined closely before any action was taken by the General Assembly. Moreover, several of them remained contested and were not supported by sufficient State practice. The draft articles should not become a legally binding framework. It would be difficult for all countries to adhere to the provisions of such a convention since their needs and level of assistance varied. A one-size-fits-all approach could be unduly restrictive. The implementation of such a convention could lead to the development of procedures and protocols that hindered the delivery of aid.

29. The draft articles must be consistent with the concepts of impartiality, neutrality and respect for the sovereignty and independence of States. In keeping with the need to uphold the basic principle of national sovereignty, the affected State had the exclusive right to determine the severity of the disaster and to assess its response capacities. All assistance, as a matter of principle, must be provided in response to a request from that State. International cooperation in the event of disasters must be limited to cooperation between States, especially in light of the additional challenges of humanitarian work since the start of the COVID-19 pandemic. The affected State was free to request assistance or not; the provision of assistance was therefore not systematic and should not be considered as an established principle of international law. Cooperation must be the rule.

30. His delegation therefore welcomed draft article 5 bis, provisionally adopted by the Drafting Committee at the sixty-fourth session of the Commission, which aimed to clarify the various forms of cooperation between the affected States, the assisting States and the other actors in the context of the protection of persons in the event of disasters. His delegation welcomed in particular draft article 5 ter, provisionally adopted by the Drafting Committee at the seventy-fifth session of the Commission, which focused on cooperation for disaster risk reduction. It also supported the content of draft article 14. The text proposed by the Commission stipulated that the affected State, if it decided to place conditions on the provision of external assistance, must indicate the scope and type of assistance sought, a formulation supported by his delegation.

31. **Mr. Panier** (Haiti) said that his country had been marked by natural and human-made disasters, with serious consequences for its development. Owing to its geographical and geodynamic position, Haiti was highly vulnerable to natural disasters, as well as to events of anthropogenic origin. It therefore accorded the utmost importance to the current agenda item.

32. His delegation welcomed the content of the draft articles on the protection of persons in the event of disasters, in particular draft article 10, which concerned the role of the affected State, especially its duty to protect persons and provide assistance in its territory, but also with regard to the management, control, coordination and supervision of such assistance. His delegation was paying close attention to draft article 14, which allowed the affected State to set conditions on the provision of external assistance. However, the management of humanitarian assistance funds was a key issue which his delegation would like to see reflected in the draft articles.

33. The establishment of mechanisms to ensure the transparency and effectiveness of post-disaster spending should be required and strict measures should be adopted to ensure that the victims of natural disasters were actually the main beneficiaries of the funds raised on their behalf. Administrative transparency was crucial for both donor and beneficiary countries. Although Haiti had received several billion dollars in international assistance over the past decade, those funds had often been spent in a way that did not take into account the country’s own needs and priorities, or even its own poverty reduction strategy.

34. International solidarity was a fundamental principle of international relations. Hence, the international community had a duty to provide emergency

and ad hoc assistance to victims of natural disasters or unusual crisis situations. The protection of persons in the event of disasters went back to the protection of fundamental human rights, laws and humanitarian assistance principles and the draft articles were a consolidation of those principles. The delegation of Haiti had joined the delegations of Colombia, Italy, Jamaica, Japan and Nigeria in their consultations on the establishment of an ad hoc committee to study the draft articles and the Commission's recommendation.

Agenda item 81: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/76/404)

35. **Mr. Agyeman** (Ghana), speaking as Chair of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, said that the Advisory Committee had held its fifty-sixth session on 6 October 2021. It had reviewed the activities of the Programme of Assistance during the reporting period, as outlined in report of the Secretary-General (A/76/404), and had also considered the activities proposed for 2022, including the resulting administrative and financial implications. The Advisory Committee supported the budget proposal for the Programme's activities in 2022.

36. The Advisory Committee had been informed that the International Law Fellowship Programme and the regional courses in international law had been cancelled as a result of the COVID-19 pandemic and the restrictions imposed on in-person activities worldwide. While the Codification Division had organized online workshops and other remote training activities, lack of reliable Internet connectivity had prevented some participants, especially those from developing countries, from taking part in virtual programmes. The Advisory Committee was appreciative of the innovative efforts by the Codification Division to ensure the continuity of the Programme of Assistance despite the hurdles raised by the COVID-19 pandemic. However, taking into account the difficulties associated with online training, the Advisory Committee considered it important to return to the traditional in-person format as soon as it was safe to do so. In the meantime, the online programmes could be developed and administered as complementary resources to the traditional training programmes.

37. With regard to the United Nations Audiovisual Library of International Law, although there had been fewer opportunities to record lectures owing to the pandemic, work on the Library's Historic Archives had advanced, as had the revamping of its website. The Advisory Committee had underscored the need for

greater linguistic diversity in the content of the Audiovisual Library to ensure a wider reach to all regions and linguistic groups, although it had acknowledged that resources should be directed first towards expanding the offerings in the six official languages of the United Nations. The Advisory Committee had also highlighted the importance of seeking greater gender balance among lecturers and greater diversity in terms of legal traditions and professional backgrounds. The Secretariat had been encouraged to continue the dissemination of international law publications in both digital and printed formats.

38. The Advisory Committee was grateful to the Member States that had made voluntary contributions to the Programme of Assistance and to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea. There was a strong imperative for strengthening the teaching and learning of international law in the twenty-first century, as the rules and principles of international law were essential to the proper functioning of an interdependent world and to efforts to address issues related to climate change, terrorism, the law of the sea, artificial intelligence and information technology, among others. The Advisory Committee viewed the Programme of Assistance as important for providing not only academic opportunities but also opportunities for building lasting ties of multilateral cooperation. It considered its own work important for sustaining and ensuring the success of the Programme of Assistance and thus upholding the purposes and principles of the United Nations.

39. **Ms. Elbaz** (Office of Legal Affairs), speaking in her capacity as Secretary of the Advisory Committee, said that, despite the pandemic, the Codification Division had received hundreds of applications for training programmes offered through the Programme of Assistance during the reporting period. Unfortunately, it had not been possible to offer any in-person training. In order to continue to meet training needs, the Codification Division had designed and conducted online workshops on topics of interest to each region. The workshops had been delivered by experts in their respective fields and had been organized with due regard for geographic diversity, multilingualism, differences in legal cultures and gender considerations.

40. The workshop for Africa had focused on international human rights law and had been conducted in French, while the workshop for Latin America and the Caribbean had dealt with the law of State responsibility and had been conducted in English. A workshop on peaceful settlement of disputes had been delivered in French to applicants to the International Law Fellowship

Programme, who had also attended the online summer course of the Hague Academy of International Law. An online regional workshop for the Asia-Pacific region had been scheduled for mid-November 2021. While the online sessions had been interactive, they were no substitute for the in-depth discussions that took place and the bonds forged during in-person activities. Moreover, lack of access to a reliable Internet connection had been a real challenge for some participants, with some losing access during the sessions and others unable to participate at all.

41. The Audiovisual Library offered high-quality online training free of charge to an unlimited number of people across the globe. Since its creation in 2008, the Library had been accessed by nearly 2.5 million users in all 193 Member States. Despite the pandemic-related restrictions, nine new lectures had been recorded and work on the Historic Archives and the website update had proceeded. The circumstances of the pandemic had demonstrated the Library's importance as a virtual training and research centre and underscored the need to continue to maintain and enrich it.

42. Following the General Assembly's request to the Secretary-General to support the establishment of networks of alumni of training programmes, the Codification Division had organized online interactive sessions that had enabled alumni to converse with Audiovisual Library lecturers. Six such sessions had been conducted, in English and French, with participants engaging in lively discussions on various topics, including peace and security, international environmental law and the application of international law in domestic law.

43. The Codification Division was grateful to the General Assembly for having included funding for the Programme of Assistance in the regular budget. However, in order for the Programme to reach its full potential, voluntary contributions remained indispensable. She therefore wished to thank the Member States that had made contributions during the reporting period.

44. **Ms. Hicuburundi** (Division for Ocean Affairs and the Law of the Sea) said that the General Assembly, in its resolution [75/239](#), had expressed its appreciation for the important contribution made by the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea to capacity-building in developing countries and the promotion of the law of the sea. Since 1986 the Fellowship had been awarded to 15 women and 18 men, who were now making important contributions in their respective countries and regions. Notably, a recipient of the 1994 Fellowship had recently been elected to the

International Tribunal for the Law of the Sea. The 2020 Fellowship had been awarded, but the activities had been postponed to 2021 owing to the COVID-19 pandemic. In 2021, the recipient had been offered the opportunity to undertake a virtual fellowship, but had elected to defer the fellowship to 2022 in the hope that it could be undertaken in person.

45. It was more important than ever for developing countries to build and maintain the capacity to participate actively in ocean-related processes, including the implementation of the United Nations Convention on the Law of the Sea and related instruments; efforts to achieve the Sustainable Development Goals, particularly Goal 14 (Conserve and sustainably use the oceans, seas and marine resources); and the implementation of the commitments under the Paris Agreement, which noted the importance of ensuring the integrity of all ecosystems, including oceans. It was therefore critical that the necessary funding be made available so that the Hamilton Shirley Amerasinghe Memorial Fellowship could continue to be awarded. She recalled that it had not been awarded for several years between 2007 and 2016, owing to a lack of funding, and that in 2017 a partial award had been made, as there had not been enough funding for the standard award. She wished to thank those Member States that had made voluntary contributions to support the Fellowship and urged States and other relevant stakeholders to continue to make contributions.

46. **Ms. Lahmiri** (Morocco), speaking on behalf of the Group of African States, said that better knowledge of international law was a means of strengthening international peace and security and promoting friendly relations and cooperation among States. The Group of African States acknowledged the fundamental role of the Programme of Assistance in promoting the rule of law, improving knowledge of international law and enhancing the capacity of all Member States to participate on an equal basis in the international order. The Programme also served to advance the purposes and principles of the United Nations and facilitate the implementation of its programmes and activities worldwide.

47. The Group noted with appreciation the various activities undertaken under the Programme of Assistance, which played a critical role in disseminating knowledge of international law and building capacity, particularly in Africa. Indeed, the regional course on international law for Africa had attracted the highest number of applicants. Although the course had not been held in 2021, the Group was grateful to the Codification Division for designing and providing a remote self-paced learning curriculum in French as an interim means

of capacity-building. It also appreciated the online regional workshop on international human rights law, which had attracted 80 participants from 20 African countries. While commending those innovative measures, the Group hoped that ongoing COVID-19 vaccination efforts would soon make it possible to return to an in-person format which offered unique opportunities for networking and building lasting friendships. Similarly, it hoped that the recipient of the Hamilton Shirley Amerisinghe Memorial Fellowship would be able to undertake her studies in 2022. The Group welcomed the establishment of the alumni network to support continuing education activities and the online repository of international law materials made available to alumni.

48. Predictable funding was critical for the effective implementation of the Programme. The Group encouraged all Member States to support the provision of resources for the Programme from the regular budget and commended those States that had made voluntary or in-kind contributions. The Secretariat should continue to publicize the Programme and periodically invite stakeholders to make voluntary contributions, with a view to improving funding predictability and expanding the activities of the Programme.

49. **Ms. Popan** (Representative of the European Union, in its capacity as observer), speaking also on behalf of the candidate countries Albania, Montenegro, North Macedonia, Serbia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia and the Republic of Moldova, said that the Programme of Assistance was an important tool for the teaching, study and dissemination of international law at the national and international levels. The International Law Fellowship Programme and the regional courses in international law had greatly contributed to the training of generations of specialists in international law, many of them from developing countries.

50. The Audiovisual Library of International law continued to contribute to the online teaching and dissemination of international law, benefiting students and teachers throughout the world, and it had been of particular importance during the COVID-19 pandemic. It was important to make the Library's Lecture Series and other teaching and study materials more widely accessible, including by providing them in additional languages. Multilingualism had a key role to play in ensuring equal access to the activities implemented under the Programme of Assistance. To reduce digital inequalities, consideration should also be given to introducing systems that offered strong offline functionality and could be used on basic mobile phones

to facilitate access for those who lacked reliable Internet connections and high-tech devices.

51. The European Union commended those who had contributed to the development of the Programme and the States that had provided voluntary contributions to support its activities. It would continue to support Programme activities and programmes.

52. **Mr. Ke** (Cambodia), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that ASEAN commended the Codification Division for providing remote learning opportunities during the COVID-19 pandemic but wished to stress that remote self-paced learning should not replace in-person training. All in-person programmes normally implemented under the Programme of Assistance should be resumed as soon as possible. Information and communications technology should be used to add value to in-person training, not to replace it. In-person training provided students with invaluable opportunities to broaden their world views, learn from each other and establish bonds with future colleagues. For those reasons, the level of regular budget funding provided for the Programme of Assistance should not be reduced. ASEAN strongly supported the financing of the Programme from the regular budget and encouraged States to make voluntary contributions.

53. The Programme of Assistance played a key role in the Organization's efforts to promote respect for the rule of law at the national and international levels, in particular in developing countries. It was unfortunate that none of the regional courses had been held in person during the reporting period. ASEAN trusted that the Codification Division would resume live in-person training as soon as it was safe to do so and would give priority to individuals who had been due to attend the courses cancelled as a result of the COVID-19 pandemic. ASEAN welcomed the establishment of the alumni platform, the online interactive sessions organized for alumni and the online repository of international law materials. It would continue to support the Programme of Assistance with a view to strengthening multilateral cooperation and fostering friendly relations among States.

54. **Ms. Laukannen** (Finland), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that rules-based international cooperation was crucial in order to tackle such problems as global warming, biodiversity loss, conflicts and poverty. A rules-based international order depended largely on the professionalism and commitment of people acting on behalf of States. Through the Programme of Assistance, generations of government

lawyers, judges and diplomats from around the globe had been able to gain a deeper understanding of international law in the current interconnected world, which had benefited the international community as a whole. Since 1965, the Programme of Assistance had made a significant contribution to achieving the goals of the United Nations by providing scholars and practitioners with access to international law training and other resources on international law. The Nordic countries commended the continued engagement of the Office of Legal Affairs in pursuing its mandate regarding the Programme of Assistance.

55. The International Law Fellowship Programme and the regional courses had been instrumental in providing international law training for young lawyers. While it was unfortunate that it had not been possible to hold the regional courses, the Codification Division was to be commended for exploring innovative ways to continue pursuing the Programme's objectives. Her delegation hoped that normal activities would be resumed as soon as possible.

56. The Audiovisual Library was an invaluable resource that continued to bring high-quality training free of charge to an unlimited number of individuals and institutions around the globe. The Nordic countries welcomed the efforts of the Codification Division to facilitate access to lectures for users without reliable Internet connections and noted with appreciation the additional measures taken by the Library in response to the COVID-19 pandemic. The Library's resources had been of particular importance during the pandemic, which had necessitated a quick shift from traditional methods of learning to online education. The Nordic countries commended those Member States that had made contributions to the Programme and encouraged all States to consider doing so in order to sustain its continued operations.

57. **Mr. Wong** (Singapore) said that his country was a firm supporter of the Programme of Assistance, which contributed to greater adherence to international law. While his delegation regretted that the regional courses in international law could not be held as planned, it was pleased that online training opportunities had continued to be available. The Audiovisual Library of International Law had been a particularly valuable resource during the reporting period. His delegation welcomed the ongoing revamp of the Library's website. To help make the content even more user-friendly, a search engine should be added and lecturers should be encouraged to provide slides or other visual aids to be uploaded to the website.

58. Despite the challenges created by the pandemic, Singapore continued to contribute to the teaching, study, dissemination and wider appreciation of international law through capacity-building initiatives, including courses on topics such as the international law of the sea and its relationship to climate change, intellectual property and the digital economy, international investment law, and global health law and governance. The National University of Singapore had continued to organize online courses in international law, including a webinar on space law that had attracted over 600 participants from 81 countries. As a member of the Advisory Committee, Singapore would continue to contribute constructively to the work of the Programme of Assistance.

59. **Mr. Molefe** (South Africa) said that the Programme of Assistance was an important tool for promoting the rule of law and should be widely supported. The Audiovisual Library was accessible to people worldwide and made a major contribution to the teaching and dissemination of international law. The regional course in international law for Africa was invaluable for the continent. His delegation commended the African Union for its contribution to the success of the regional courses and urged all Member States to make voluntary contributions to enable the Programme of Assistance to continue. His Government would continue to support the efforts of the Programme.

60. **Mr. Ghorbanpour Najafabadi** (Islamic Republic of Iran) said that the regional courses in international law and the International Law Fellowship Programme provided a valuable opportunity for participants to exchange views, share experiences and improve intercultural dialogue and understanding. They also contributed greatly to capacity-building, particularly in developing countries. The participants chosen to take part in courses and fellowships should, to the extent possible, be among the future decision-makers in their countries. Just as gender parity and geographical representation were taken into account in accepting participants, so should they be considered in selecting lecturers for the Programme of Assistance. Lecturers should also be representative of all the principal legal systems of the world.

61. The topic of the synergies between international law and international relations should be permanently included in the curriculum for the regional courses, and lecturers should elaborate on theories of international relations and how such relations could be developed on the basis of international law. The United Nations information centres in Member States were fundamental tools for disseminating international law and providing access in multiple languages to resources such as the

United Nations Digital Library and the Yearbook of the United Nations.

62. **Ms. Carral Castelo** (Cuba) said that the Programme of Assistance greatly contributed to the promotion of the rule of law at the national and international levels and fostered a deeper understanding of the substantive norms of international law. Such understanding improved compliance with international law, promoted international peace and security and fostered friendly relations and cooperation among States. Her delegation hoped that it would soon be possible to hold the regional courses in international law and other events that had been cancelled because of the COVID-19 pandemic.

63. Participants from many small and developing countries could not take part in the courses and fellowships offered through the Programme unless all of their expenses were covered. In the case of Cuba, the economic, commercial and financial embargo that had been imposed against it by the United States for more than 60 years was an obstacle to participation. It was therefore important for the activities under the Programme to be funded from the regular budget.

64. **Ms. Lorenzo** (Philippines) said that, while her delegation appreciated the online training activities that had been offered in lieu of in-person training programmes and welcomed the online continuing education opportunities provided to alumni of training programmes organized under the Programme, it continued to find value in traditional in-person programmes. The participation of Filipinos in the activities of the Programme of Assistance over the years had strengthened her country's capacities in the field of international law and helped professionals to build a vital network of contacts. Her delegation appreciated the efforts to increase the number of lectures on a broad range of international law topics available in the Audiovisual Library of International Law. It continued to support a better gender balance and greater diversity in terms of legal traditions among the experts recruited as lecturers. The Philippines would continue contributing to the Programme and encouraged all Member States with the means to do so to make voluntary contributions.

65. **Mr. Abdelaziz** (Egypt) said that the activities of the Programme of Assistance had proved useful in promoting the dissemination and ensuring the wider appreciation of international law. Through the Programme, developing countries continued to build their national capacities in international law, which served to enhance the rule of law at the international level. The Codification Division was to be commended

for finding innovative solutions such as the online regional workshops to enable the Programme activities to continue during the pandemic. His delegation nonetheless looked forward to the resumption of in-person training, which offered more benefits for participants than online training.

66. The work of the Programme of Assistance could be enhanced by ensuring greater diversity and broader geographical representation in the selection of lecturers. More lecturers from the Middle East and Africa, in particular, should be selected, and the participation of women as lecturers should be increased. A greater focus on new and emerging issues of international law would also be useful.

67. **Ms. Șiman** (Republic of Moldova) said that the decline in interest in the activities of the Programme of Assistance as a result of the pandemic was worrying. The reduction in the number of applicants to the International Law Fellowship Programme, from 808 in 2019 to 433 in 2020 and to only 150 in 2021 was of particular concern. It was in the interest of multilateralism to identify better resources and practices and make use of modern technologies and digital means of communication to enable the continued pursuit of an enhanced understanding of international law, even in the most challenging circumstances.

68. Her delegation advocated a more uniform practice that excluded remote self-placed learning programmes and curriculums. Instead, it encouraged the Codification Division to explore the possibility of organizing online courses or virtual classrooms where lecturers and participants could engage in active discussions. Such courses would contribute to the wider appreciation of international law and could also provide an opportunity to increase the number of participants from developing countries, since there would be no travel or accommodation costs. Her delegation stood ready to engage in productive discussions on how the Programme of Assistance could better adapt to the circumstances of the pandemic. It was grateful to the countries that had made voluntary contributions to the Programme.

69. **Ms. Solano Ramirez** (Colombia) said that her Government was grateful to the Secretariat for its efforts to continue implementing the activities of the Programme of Assistance through remote self-paced learning and online interactive workshops, as a result of which Colombian participants had been able to receive training during the reporting period. Her delegation nevertheless hoped that it would soon be possible to return to the traditional in-person format. It welcomed the initiatives undertaken to support the continuing

education of alumni of training programmes organized under the Programme, the work done to develop the content of the Audiovisual Library of International Law, and the progress made with respect to the Library's Historic Archives and the updating of its website.

70. The Codification Division should continue exploring ways of ensuring gender balance and a diversity of legal traditions and academic and professional expertise among both participants and faculty of the Programme. It was vital to enable new voices in international law to be heard. It was also important to ensure better access to the Programme's resources in the six official languages of the United Nations. The Programme of Assistance made an important contribution to the promotion of the rule of law at the national and international levels, and Colombia supported any initiative that would strengthen it.

71. **Mr. Almansouri** (Qatar) said that the Programme of Assistance was of considerable importance for Member States and had helped to train generations of legal experts from Member States and international organizations. His delegation commended the Codification Division and the Secretariat for their efforts to meet the evolving needs of the international community. His Government had continued to provide financial support for the Programme, and significant numbers of Qatari legal experts had taken part in its courses. The Programme needed adequate funding; donations alone would not be enough to meet its needs. His Government would continue to support the Programme with a view to strengthening international peace and security and fulfilling the purposes of the United Nations.

72. **Mr. Amaral Alves De Carvalho** (Portugal) said that the Programme of Assistance contributed to better knowledge of international law and thus helped to strengthen international peace and security and promote friendly relations and cooperation among States. The Programme had met the ever-increasing demand for training and access to resources on international law, including in developing countries. His delegation encouraged Member States to promote the Programme at the national level and to make students and young professionals aware of the opportunities it offered them.

73. Portugal was grateful to the regional commissions for hosting the regional courses and commended the Codification Division for maintaining and expanding the Audiovisual Library, an important tool for the study and dissemination of international law, at relatively low cost. The COVID-19 pandemic had shown that distance learning tools such as the Library had a positive impact on individuals, communities and nations and helped to

overcome inequalities. The Division should continue to increase linguistic diversity by adding lectures and resources in languages other than the six official languages of the United Nations, including Portuguese, which was one of the most widely spoken languages in the world. The additional content should be produced at the initiative of interested Member States, in coordination with the Division, and should not entail any additional costs to the Organization.

74. His delegation was pleased that the General Assembly had included funding for the Programme in the regular budget; however, that funding would not cover all the costs associated with the Programme. It would therefore be important to explore new and creative funding mechanisms, such as the establishment of partnerships with non-governmental organizations (NGOs), universities, research institutes or law firms. As a member of the Advisory Committee, Portugal would continue to promote the dissemination of international law as a means of building the fair, free and peaceful world envisaged in the Charter of the United Nations.

75. **Ms. Zhao Yanrui** (China) said that, since its inception, the Programme of Assistance had supported the teaching, study and application of international law and played a crucial role in capacity-building, particularly in developing countries. China noted with satisfaction the steps taken by the Codification Division to provide remote learning opportunities and ensure the continuity of training programmes to the extent possible. China had always attached great importance to the teaching and study of international law and had actively supported the Programme of Assistance, including through financial contributions. In 2021, her Government had contributed \$27,000 to the Programme. China had also supported capacity-building in international law for Asian and African countries through an exchange and research programme in international law conducted in conjunction with the Asian-African Legal Consultative Organization. Five training courses had been offered through the programme thus far, benefiting over 200 legal professionals from more than 40 Asian and African countries.

76. The effective implementation of the Programme called for concerted effort by the international community. China stood ready to cooperate with other parties to continue to support the Programme of Assistance, contribute to the teaching, study and dissemination of international law and enhance capacity-building in developing countries.

77. **Ms. Grosso** (United States of America) said that knowledge of international law was key to furthering the rule of law at all levels. Since its establishment in 1965, the Programme of Assistance had made an indispensable contribution to the education of students and practitioners of international law and merited ongoing strong support. As a member of the Advisory Committee, the United States thanked those countries and organizations that had made in-kind and financial contributions to the Programme and welcomed the efforts made to provide as many scholarships as possible within existing resources to accommodate the greatest number of students in the Programme's courses.

78. Her delegation commended the agility with which the Codification Division had adapted to the changes in working conditions resulting from the COVID-19 pandemic and hoped that the various online training programmes could be further developed in order to reach an even broader audience. It also welcomed the further development of the alumni network and the continued progress in improving the accessibility and content of the Audiovisual Library, which had become a more valuable resource than ever as scholars around the world continued to rely on remote learning options.

79. **Ms. Flores Soto** (El Salvador) said that, in a world characterized by a high degree of interdependence between States, it was essential to build capacity in international law in order to ensure its application and respond to emerging challenges. The regional courses in international law provided ample opportunity for such capacity-building. Her delegation regretted that the COVID-19 pandemic had forced the cancellation of the regional course for Latin America and the Caribbean in 2021, but was grateful to the Codification Division for organizing the online workshop on the law of State responsibility.

80. As a strong supporter of gender equality, El Salvador was pleased to note that 14 of the 22 participants had been women. It noted, however, that the workshop had been conducted in English, and wished to stress the importance of multilingualism. Courses should be offered in all six official languages of the Organization, taking into account the languages spoken in the region where they were held. In order to broaden access to information, particularly for countries that lacked specialized programmes in international law, the materials published by the Audiovisual Library should also be made available in all the official languages. Her delegation welcomed the expansion of the content of the Audiovisual Library to cover topics such as international space law, the law of international watercourses and the international regulation of biotechnology.

81. **Ms. Jiménez Alegría** (Mexico) said that her delegation appreciated the efforts of the Codification Division to maintain and expand the Programme of Assistance, despite budget constraints and the challenges of the COVID-19 pandemic. The dissemination of international law had become increasingly necessary in the current difficult times, characterized not only by a global pandemic but also by massive migration, the climate crisis, the growth of transnational organized crime and the widening gap between developing and developed countries. A fundamental purpose of the Programme of Assistance was to reduce that gap through teaching and education.

82. Her delegation welcomed the addition of new content to the Audiovisual Library and supported the efforts to update its website. It also supported the holding of hybrid workshops and courses, which ensured equitable geographic representation and better gender balance among participants. It was necessary to redouble efforts also to ensure a better balance in the participation of lecturers from all regions of the world and in the languages in which online materials were offered.

83. Member States should step up their efforts to promote the Programme's activities and resources to universities. Her Government regularly carried out seminars and other activities for the dissemination of international law and promoted the major international law competitions, such as the Philip C. Jessup International Moot Court Competition. As a member of the Advisory Committee for the period 2020–2023, Mexico reaffirmed its full support for and commitment to the Programme of Assistance.

84. **Mr. Hitti** (Lebanon) said that, as a member of the Advisory Committee, Lebanon had always viewed the Programme of Assistance as essential to the promotion of human rights, respect for and implementation of international law and strengthening of the rule of law. While his delegation appreciated the steps taken by the Codification Division to offer remote learning opportunities during the pandemic, the online courses should be considered a temporary measure. As noted in the Secretary-General's report (A/76/404), the in-depth exchanges and long-lasting bonds created by in-person training could not be replaced. Moreover, lack of reliable Internet connections had hindered participation in remote learning programmes, as evidenced by the sharp decline in the number of applicants since the onset of the pandemic. As the primary purpose of the Programme of Assistance was to build capacity in developing countries, it was important to ensure that participants from such countries could participate fully in its training activities. In-person training courses

should therefore be resumed as soon as conditions permitted.

85. The introduction of podcasts had made it easier for users who lacked broadband Internet to access the content of the Audiovisual Library. Continued efforts should be made to encourage greater linguistic and geographical diversity in the selection of lecturers for the Library's Lecture Series and for the regional courses in international law and the International Law Fellowship Programme. In particular, more lecturers should be recruited from developing countries. Greater diversity would help to promote a better balance between different legal systems and traditions.

86. His delegation continued to stress the importance of funding the main activities of the Programme through the Organization's regular budget. The Programme should also be further publicized in order to reach an even wider audience. Member States had a key role to play in that regard, as did the Programme's lecturers and alumni.

87. **Mr. Hernandez Chavez** (Chile) said that, as a member of the Advisory Committee, Chile placed great importance on the dissemination and teaching of international law, in particular in developing countries. While his delegation commended those States that had made voluntary contributions to the Programme of Assistance, the Programme must be sustainably and adequately funded under the regular budget in order to strengthen and promote respect for international law.

88. Chile regretted that, once again, the regional course for Latin America and the Caribbean had not been held owing to the pandemic, but welcomed the online activities organized by the Codification Division in 2021, including the regional workshop on the law of State responsibility, the case study led by Mr. Jorge E. Viñuales, of the University of Cambridge and the interactive sessions led by officials of the Economic Commission for Latin America and the Caribbean on the law and institutions of the Latin America and Caribbean region. His delegation hoped that the regional course for Latin America and the Caribbean could be held in person in 2022. By bringing together participants and lecturers from diverse legal systems and realities, in-person courses effectively promoted mutual understanding and an exchange of knowledge at the intraregional level.

89. Chile welcomed the establishment of the alumni network, which would undoubtedly strengthen interactions between international law professionals. It also welcomed the efforts to add new content to the Audiovisual Library and increase the availability of materials in the Spanish language. The latter would

enable greater interaction among international law specialists from Latin America, who had made significant contributions to the progressive development of international law. His delegation encouraged the Codification Division to make the *International Law Handbook* available in Spanish.

90. **Ms. Kebe** (Sierra Leone) said that, since its establishment in 1965, the Programme of Assistance had fostered a better understanding of international law and helped to strengthen international peace and security and promote friendly relations and cooperation among States. The Programme had also created a platform for capacity-building and the sharing of best practices in relation to emerging global issues. As the world continued to grapple with the impacts of the COVID-19 pandemic, Sierra Leone commended the Codification Division's introduction of remote learning curricula and online workshops and its efficient use of available resources to continue providing much-needed capacity-building support, especially to developing States. It also welcomed the opportunities for interactive dialogue and the online repository of international law materials and publications made available to the alumni network.

91. Her delegation noted with appreciation the overall increase in participation in the regional course in international law for Africa but was concerned by the decrease in the number of female applicants and participants. It invited the Advisory Committee to explore ways of promoting greater gender parity in the activities of the Programme of Assistance. Sierra Leone continued to underscore the importance of the Audiovisual Library as a source of low-cost, high-quality content on international law available to users worldwide. The Library's resources had been especially appreciated during the pandemic.

92. The Programme of Assistance must be financed in a sustainable manner, through the regular budget and voluntary contributions from Member States. In that connection, Sierra Leone was grateful to Member States and international organizations whose voluntary contributions enabled the continued implementation of the Programme.

93. **Ms. Betachew Birhanu** (Ethiopia) said that the Programme of Assistance made a tangible contribution to multilateralism. Its work was crucial to the study, promotion and practice of international law in developing countries, as it enabled practitioners to stay up to date on developments in the field. Since 2011, Ethiopia had been honoured to host the regional course in international law for Africa, which offered a grand opportunity for academics and practitioners in the region to receive training and form interpersonal and

professional networks. While her delegation appreciated the online learning opportunities made available during the pandemic, it reaffirmed the need to resume in-person training as soon as possible. Ethiopia looked forward to receiving the next cohort of regional course participants in Addis Ababa. It would continue to support the Programme of Assistance and hoped that those Member States that had made financial contributions to the Programme would continue to do so.

94. **Mr. Nyanid** (Cameroon) said that the Programme of Assistance had yielded demonstrable results, its training fellowships having served to build capacity in international law and thus strengthen the rule of law. His delegation hoped that the number of places in the regional course for Africa would continue to increase, especially for women. It recognized that the pandemic had necessitated a shift to online training activities. However, given the technology gap that unfairly placed some countries at a disadvantage, online training should not replace traditional in-person training, which afforded the opportunity for valuable exchanges between participants. That fact had not escaped the notice of the General Assembly, which had encouraged the Secretary-General to encourage the establishment of networks of alumni of training programmes organized under the Programme.

95. His delegation was grateful to the Codification Division for providing learning materials, legal publications and other international law documents to participants from developing countries with limited access to the Internet and encouraged the Division to continue to assemble and print the documents necessary for its training programmes. In the face of worsening resource constraints and tighter restrictions, his delegation called for greater effort to shore up support for the Programme of Assistance. In particular, financial support should be sought to enable more participants from low-income countries to realize their dreams by receiving training through the Programme.

96. Since the Programme of Assistance was intended to promote understanding of international law, it should address aspects of globalized international law, such as the applicability of certain norms in grey areas of international law, for example internal armed conflicts and internal disturbances, and new legal issues related to the rights of migrant workers, freedom of expression and the information technology revolution, and mass internal displacement resulting from civil war. The Codification Division should interact with NGOs, multinationals and other partners to share information and obtain funding. It should also consider following what was known as the clinical approach to the teaching of international law, in which students, working in teams

under the direct supervision of academics and practitioners, actively handled cases, acquired practical experience of international law and familiarized themselves with the related methodological and ethical challenges. That approach linked theory with practice and could offer a new and useful way of understanding international law.

97. **Mr. Hollis** (United Kingdom) said that his delegation commended the Codification Division for its continued efforts to find innovative ways to implement the Programme of Assistance during the COVID-19 pandemic. The Programme played an important role in the teaching and dissemination of international law, facilitating the effective participation of countries in multilateral frameworks and forums. In so doing, it made an effective contribution to the rule of law at the global level and helped to promote friendly relations among States and strengthen international peace and security. The United Kingdom would continue to provide voluntary contributions to support various aspects of the Programme, in particular the International Law Seminar, the Audiovisual Library, the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea and the Trust Fund for the Commission on the Limits of the Continental Shelf, and encouraged other States to continue to provide support in order to ensure the further development of the Programme of Assistance.

98. **Ms. Miley** (Ireland) said that, by contributing to better knowledge of international law, the Programme of Assistance played a crucial role in upholding the purposes and principles of the United Nations, in particular the maintenance of international peace and security and the development of friendly relations among nations. It also helped to promote the rule of law at the international level. Ireland acknowledged and welcomed the steps taken by the Codification Division to continue implementing the Programme notwithstanding the COVID-19 pandemic, including the organization of online education activities. It also commended the Division for establishing the alumni network.

99. The Audiovisual Library, with its broad range of high-quality lectures in audio and video format, was an important resource for both students and practitioners and was the aspect of the Programme with the widest potential reach. Her delegation applauded recent efforts to facilitate access to the Library and promote awareness of the Lecture Series through social media and the Library podcast. It encouraged further reflection on how the presentations could be made more accessible and user-friendly through the addition of a search feature.

100. Ireland would continue to make annual contributions to support the activities of the Programme of Assistance and encouraged other States to do likewise. Given the relatively high cost of each Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, her delegation especially encouraged all Member States in a position to do so to consider contributing to the Fellowship trust fund so that fellowships could continue to be awarded regularly to deserving candidates.

101. **Mr. Mohamed Salih** (Sudan) said that his delegation attached great importance to the Programme of Assistance, which was one of the major tools used by the United Nations in its efforts to strengthen the rule of law. It commended the Codification Division for its valuable assistance in the implementation of the Programme, particularly in connection with the International Law Fellowship Programme, the regional courses in international law and the wider dissemination of international law, especially in developing countries. The Programme of Assistance had clearly helped to raise awareness of the principles and purposes of international law among students, lawyers and diplomats, and had helped Member States harmonize their national laws with the principles and provisions of international law. The Audiovisual Library played an important role in disseminating such law and providing training programmes that benefited institutions and individuals.

102. His delegation hoped that more financial resources would be allocated to the Programme so that the regional courses could continue to be held, given their considerable value for Member States, especially developing countries. The interactive nature of the courses provided an opportunity for participants to exchange experiences and ideas, and hence to strengthen cooperation on legal issues. His delegation commended the States that had been providing financial contributions to the Programme. The African Institute of International Law should receive more support so that it could play a larger role in the conduct of studies and research that would enhance the contribution of African lawyers to the development of international law.

The meeting rose at 1 p.m.