



UNITED NATIONS OFFICE OF LEGAL AFFAIRS

Regional Course in International Law Addis Ababa, Ethiopia, 7 April to 2 May 2014

Opening statement

By

Mr. Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs
The United Nations Legal Counsel

8 April 2014, 12:00pm
Economic Commission for Africa Headquarters

Deputy Executive Secretary of the Economic Commission for Africa, Mr. Abdalla Hamdok,

Professor Adelardus Kilangi, Chairman of the African Union Commission on International Law,

Mr. Reta Nega, Director General for Legal Affairs, Ministry of Foreign Affairs of Ethiopia,

Dear Participants,

Ladies and Gentlemen,

I am delighted to formally open the 2014 Regional Course in International Law for Africa here on the premises of our Economic Commission for Africa Headquarters in Addis Ababa, Ethiopia.

Allow me at the outset to express my sincere gratitude to our indispensable partners over the course of many years for this event: The Economic Commission for Africa, represented here today by its Deputy Executive Secretary Mr. Abdalla Hamdok, for providing the premises for the course. I also wish to express my gratitude to the host State, the Government of the Federal Democratic Republic of Ethiopia, represented here today by Mr. Reta Nega, Director General for Legal Affairs, Ministry of Foreign Affairs.

As you may know, this is my first visit as Legal Counsel of the United Nations to Addis and I hope that many more will follow. Thank you for your hospitality. And I wish to thank our principal partners for this Regional

Course, the African Union and the AU Commission on International Law, represented by its Chair Professor Kilangi, and its Member States for the interest in and support for the Regional Courses that you have manifested over the years. I look forward to a close relationship and cooperation with our friends and colleagues in the African Union and its Members during my tenure as UN Legal Counsel.

And last but certainly not least, I wish to address a special word of gratitude to the donors for the Regional Course in International Law who have made this year's event possible. Contributions from the African Union, the European Union, Australia, China, Finland, New Zealand and the United Kingdom have ensured that we are in a position to hold the course in recent years.

This year, the contribution of Australia – of US\$150,000 – has been particularly crucial and I want to underline the gratitude of the Office of Legal Affairs to the authorities in Canberra and their representatives in New York for their generosity and commitment.

As you know, the Regional Courses in International Law are conducted under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which was established by the General Assembly in 1965. The Office of Legal Affairs has been conducting the Courses for almost half a century.

I wish to say a special word of thanks to Ms. Virginia Morris, Secretary of the Advisory Committee on the Programme of Assistance, for her dedication to the Regional Courses in International Law over the course of many years and, in particular, for again putting in so much hard work into the organization and smooth running of this year's course

These courses are something to which I attach importance, as I believe they can produce dividends far in excess of their financial cost. Unfortunately, there is no provision for the courses in the UN Regular Budget. In the past few months I have made it a personal priority that the courses in Africa will be held in 2014 and 2015. In this respect I have engaged in intensive discussions in order to obtain voluntary contributions from Member States and regional organisations.

I am naturally delighted that, thanks to the generosity of our donors - many of whom are represented here today at the formal opening - we have rescued this year's course. I will aim to do the same for the 2015 course which will be conducted in French. While I am very pleased that we are in a

position to gather here today and, hopefully, next year, I feel obliged to express some caution about the longer term future.

Funding the Regional Courses through voluntary contributions is NOT a sustainable solution for the future. I fear it may only be a temporary solution to bridge the gap until the 2016/2017 regular budget.

At that point, if we do not succeed in putting the Regional Courses on a predictable financial basis, it is difficult to see how we will be able to hold them in the future. This is, of course, a matter for Member States to decide. However, I think it best to highlight this point at this early stage and this is an appropriate place to do so.

Distinguished colleagues,
Participants,
Ladies and Gentlemen,

You are well aware of the objectives of the Regional Course. They are stated in your course materials and I don't need to repeat them.

Allow me, however, to recall the deeper relevance and the role of the Regional Courses. This will also show you why I am so personally attached to them.

The United Nations is a rules-based Organization and the Charter of the United Nations is the constitution of the international community. So let us take a look at what the Charter says about international law:

In its preamble it is said that the peoples of the United Nations are determined "*to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.*" Furthermore, Article 1, paragraph 1 of the Charter states that one of the purposes of the United Nations is "*to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.*" Pursuant to Article 13, paragraph 1 of the Charter, the General Assembly may initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification.

Great efforts are made by States to abide by the commitments they made under international law, and, if differences occur, States make their best efforts to settle them by using the peaceful means that exist.

Furthermore, if a State is accused of a violation of international law, the State shows great concern and attempts to defend itself against the allegation; to be suspected for, or accused of, a violation of international law has become an embarrassment, and if it occurs, it often draws criticism against the Government by the general public at the national level.

Today, international law, especially treaty law, increasingly affects the daily lives of people and businesses around the world. Because of today's interdependency of continents, trading blocks, States, businesses and ordinary people, there no longer exists such a thing as a fully sovereign State. No State can get along just by itself and no State can survive outside the international community.

The period from 1990 to 1999 had been declared the United Nations Decade of International Law which in the words of the General Assembly – and I quote - “*contributed significantly to the strengthening of the rule of international law.*” The Secretary-General identified in early 1999 the consolidation and the advancement of the international rule of law as the second most important objective of the Organization, after peace and security. An Action Plan for an Era of Application of International Law had been developed, elements of which include:

- encouraging the participation in multilateral treaties;
- assisting States to prepare necessary implementation legislation;
- training of judges, practicing lawyers and others who are involved in the application of the law; and
- educating and informing the general public about international law and about means of recourse against violations of this law.

The United Nations works along three fundamental pillars, enshrined in the Charter: peace and security, development and human rights. Those three pillars are linked and closely interconnected.

The knowledge of and respect for international law is central to the work of the Organization across the three pillars. Advancing international law is core to the mission and mandate of the United Nations.

And this is precisely where the Regional Courses in International Law play their role. The participants of the Regional Courses are legal advisers who will or who are already influencing the political decision-making in their States or Regional Organizations. A smaller number are teachers of law who can also bring positive influence to bear in their academic environment. The more the participants know about international law the better their advice will be and the more sustainable the political decisions that they are influencing will be. It is as simple as that.

The Regional Courses in International Law are a contribution to strengthening international law and through that to the advancement of all three pillars of the work of the United Nations. The contribution may be small but the impact may be tremendous.

On that note, I wish you a successful month of studying international law. Work hard and use yours skills responsibly!

Thank you very much.