

Statement by Ms. Patricia O'Brien,  
Under-Secretary-General for Legal Affairs, The Legal Counsel

**International Law Commission**

Geneva, 5 May 2010

Mr. Chairman,  
Members of the International Law Commission,  
Ladies and Gentlemen,

The opportunity that I am given to meet once a year with the International Law Commission and its members is one that I particularly look forward to. The Commission exemplifies by its work and debates the sense of importance that the UN gives to international law. It is also a vibrant testimony to the need to reconcile the common practice of international relations with conceptual reflections. From a more personal point of view, I always enjoy this chance to meet and discuss with each of you here in Geneva.

Ladies and Gentlemen,

As has now become customary, I wish to bring to your attention a number of issues which may bear, directly or not, on the work of the Commission or in which you have an interest in your own professional activities. I will begin with an update on the 64th session of the General Assembly, through the work of the Sixth Committee and its Ad Hoc Committees. I will then address issues currently dealt with by the Office of Legal Affairs, starting with an overview of the activities of the Office of the Legal Counsel, the Division for Oceans and the Law of the Sea and the International Trade Law Division. I will then conclude with some brief observations on the efforts made by the

Codification Division and the Treaty Section to enhance the dissemination of international law.

### **General Assembly and Ad Hoc Committees**

Let me begin with some remarks regarding the work done by the Sixth Committee during the 64th session of the General Assembly.

In its resolution 64/114, the General Assembly has expressed its appreciation to the **Commission** for the work accomplished at its sixty-first session, in particular for the completion, on first reading, of the draft articles on the "Responsibility of international organizations." It drew the attention of Governments to the importance for the Commission of having their comments and observations by 1 January 2011 on the same topic. The Assembly has also invited Governments to provide information regarding practice in respect of "Expulsion of aliens". Taking note of the report of the Secretary-General on assistance to Special Rapporteurs submitted at its sixty-fourth session, the Assembly has requested him to present at its sixty-fifth session options regarding additional support for the work of Special Rapporteurs.

The **promotion of the rule of law at the national and international levels** continues to be one of the most topical items on the agenda of the General Assembly. At the 64th session, the debate in the Sixth Committee focused on "Promoting the rule of law at the international level" and some delegations placed emphasis on the central role played by the International Law Commission in this regard. In its resolution 64/116, the General Assembly again reaffirms its role in encouraging the progressive development of international law and its codification, and invites once more the Commission to continue to comment, in its annual report, on its current role in promoting the rule of law. At the next session, in 2010, the Sixth Committee will continue its consideration of the item by dealing with "Laws and practices of Member States in implementing international law".

Let me now turn to a new item which was considered for the first time by the Sixth Committee at the 64th session of the General Assembly, namely **The scope and application of the principle of universal jurisdiction**. While most delegations who intervened in the debate affirmed that the principle of universal jurisdiction was enshrined in international law and constituted an important tool in the fight against impunity for serious international crimes, it was also observed that caution should be exercised in addressing this topic. Delegations expressed differing views as to the scope of universal jurisdiction and on the question whether it has become part of customary international law.

I believe it is of particular interest to the Commission to point out that some delegations observed that the principle of universal jurisdiction was related to the topics of Immunity of State officials from foreign criminal jurisdiction and the Obligation to extradite or prosecute, which are under consideration by the Commission. Some delegations suggested that the topic should be referred to the Commission for further consideration. By resolution 64/117, the Assembly invited the Secretary-General to submit a report based on information and observations on the topic received from Member States. The Assembly also decided that the Sixth Committee shall continue its consideration of the item, which is included in the provisional agenda of the 65th session, without prejudice to the consideration of related issues in other forums of the UN (an implicit reference, in particular, to the work of the Commission).

The UN has been at the centre of the efforts of the international community to build an international consensus in combating international terrorism. Indeed, **“Measures to eliminate international terrorism”** is a major item on the agenda of the Sixth Committee. As you are aware, since 2001, efforts have been exerted to resolve the outstanding issues standing in the way of concluding a draft comprehensive convention against international terrorism.

These issues relate principally to the exclusionary elements concerning the scope of application of the convention. In 2009, in the context of a Working Group of the Sixth Committee and last month within an Ad Hoc Committee on the subject both chaired by your eminent colleague Ambassador Perera, member States continued to reflect further on the 2007 elements of a package submitted by the Coordinator of the draft comprehensive convention. The elements aim at, first, clarifying further the distinction between what is covered within the scope of the draft convention and what is covered by international humanitarian law, in such a way that the integrity of international humanitarian law is not prejudiced. Secondly, the elements aim at ensuring that no impunity for military forces of a State is intended by any exclusion. Differences continue to prevail, and it is anticipated that a working group of the Sixth Committee will once again be convened to make further attempts to bridge the gaps that exist among delegations.

I will now turn to **Criminal accountability of UN officials and experts on mission**, an item which has been on the agenda of the Assembly since 2006. In 2009, the Assembly adopted resolution 64/110, reiterating all the measures envisaged in resolutions 62/63 and 63/119, and also preserving the reporting mechanisms provided for therein. In particular, States are strongly urged to establish jurisdiction over crimes of a serious nature committed by their nationals while serving as UN officials or experts on mission. Furthermore, a number of measures are envisaged with a view to enhancing cooperation among States, and between States and the UN, in order to ensure the criminal accountability of UN officials and experts on mission. Those measures concern, *inter alia*, mutual assistance in criminal investigations and criminal or extradition proceedings, including with regard to evidence; the facilitation of the possible use, in criminal proceedings, of information and material obtained from the UN; effective protection to witnesses; as well as the enhancement of the investigative capacity of the host State. While including the item in the provisional agenda of its sixty-fifth session for reporting purposes, the Assembly decided that it would continue

its consideration of the substantive aspects of the topic during its sixty-seventh session (2012), within the framework of a working group of the Sixth Committee. The possibility of elaborating a legally binding instrument on the matter remains open.

Related to the general question of accountability of UN officials is the **new administration of justice system**. On 1 July 2009, the UN Dispute Tribunal and the UN Appeals Tribunal were established, and the UN Administrative Tribunal closed its doors after 60 years on 31 December 2009.

To date, the UN Dispute Tribunal has issued over 160 judgments. In the emerging jurisprudence of the UN Dispute Tribunal, fundamental questions that had long been settled by the UN Administrative Tribunal – such as the scope of the Secretary-General’s discretionary authority to appoint and administer staff, the role of judicial review, and the relevance of national jurisprudence for the UN’s internal justice system – are being re-examined. A number of these issues have now been raised in appeals before the UN Appeals Tribunal.

The General Assembly is also scheduled to assess the operations of the new administration of justice system during its sixty-fifth session.

To conclude this cluster of issues, you may remember that I referred last year to the document on “**Introduction and Implementation of Sanctions Imposed by the United Nations**”, adopted by the Special Committee on the Charter of the UN and on the Strengthening of the Role of the Organization, on the basis of a proposal of the Russian Federation. This document has now been taken note of by the General Assembly, which decided to annex it to its resolution 64/115.

Ladies and Gentlemen,

I wish now to share with you some information on some recent activities of the **Office of Legal Affairs**, starting with the **Office of the Legal Counsel**. I will first address the concept of responsibility to protect (R2P), and continue with an update on the residual mechanism for the International Tribunals for Rwanda and Yugoslavia, and some comments on the Commissions of Inquiry. I will then conclude this cluster of issues with some remarks regarding recent developments related to the question of unconstitutional changes in government.

### **Responsibility to Protect**

The **R2P concept** is relatively new and, despite its endorsement by the Heads of State and Government at the 2005 World Summit and subsequent reaffirmation by the Security Council in 2006, it is still fragile. However, the concept is now slowly beginning to crystallize, and there have been a number of developments since we met here last May. In July last year, the General Assembly discussed the Secretary-General's report on "Implementing the responsibility to protect" (12 January 2009, A/63/677) in which most States endorsed the formulation of a three pillar strategy, which I will briefly summarize as follows:

- (i) that States are under an obligation to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity;
- (ii) that the international community has a responsibility to assist States in that regard and to use all appropriate peaceful means in pursuit of that protective role; and
- (iii) that States have a responsibility to respond in a timely and decisive manner when a State is failing to provide protection.

In September last year, the General Assembly adopted resolution 63/308 in which it recalled the 2005 World Summit Outcome and decided to continue its consideration of the concept.

In the Secretariat, the Special Adviser on the Prevention of Genocide, and the Special Adviser who works on implementing the Responsibility to Protect, will complete their work to establish a Joint Office on the Prevention of Genocide and the Promotion of the Responsibility to Protect. The Joint Office will provide early warning to the Secretary-General and, through him, to the Security Council and other relevant inter-governmental organs.

The Special Advisers, working with interested Member States, will encourage the President of the General Assembly to schedule an informal, thematic, and interactive dialogue during this session of the Assembly on the early warning and assessment roles of the Secretariat, intergovernmental organs, Member States, other UN entities, and regional and sub-regional arrangements. A similar dialogue could be convened during the next Assembly session on regional and sub-regional approaches to implementing the responsibility to protect.

### **International criminal tribunals and their residual mechanisms**

The first part of the 1990s and the early part of the last decade were historic periods in international criminal justice, when new international criminal tribunals were established to ensure accountability for genocide, war crimes and crimes against humanity. The tribunals have made remarkable contributions to national reconciliation processes and to the restoration and maintenance of peace. They have reaffirmed, and continue to reaffirm, the central principle established long ago in Nuremberg: that those who commit, or authorize the commission of, war crimes and other serious violations of international humanitarian law are individually accountable for their crimes and will be brought to justice, in accordance with the due process of law.

Having made so much progress in fulfilling their temporary mandates, the *ad hoc* international criminal tribunals and the Special Court for Sierra Leone are now completing their work and preparing to close. However, it is essential

that some of their functions continue post-closure. These include witness protection, sentence enforcement, maintenance of archives, review of sentences and contempt proceedings. It is generally accepted that these functions will be carried out by a small and efficient international residual mechanisms. As such, the first part of this decade will, I suggest, be equally historic, as the UN and its Member States seek to establish unprecedented structures in the architecture of international criminal justice. My Office has the privilege of being involved in this fascinating pioneering work.

As I mentioned in my statement last year, the Security Council Informal Working Group on Tribunals is engaged in discussions on the establishment of a **residual mechanism** for the ICTY and ICTR. OLA serves as the secretary to the Informal Working Group and provides substantive advice on all issues arising. The report of the Secretary-General of May last year, which was largely prepared by OLA for the attention of the Informal Working Group, suggested that there should be one residual mechanism with two branches, one in Europe for the ICTY and the other in Africa for the ICTR; and that the residual mechanism should have capacity to try fugitives or refer their cases to competent national jurisdictions, among other things.

Further, OLA has drafted a Statute for the residual mechanism at the request of the Chairman of the Informal Working Group. The Statute and a draft resolution establishing the residual mechanism (prepared by OLA and the Chairman) are under active negotiation in the Informal Working Group.

Inevitably, there are competing political approaches to this issue. On the one hand, a broad approach would favour honouring the purposes for which the Tribunals were established – as set out in the original Security Council resolutions, i.e. (a) to bring perpetrators to justice in accordance with fair procedures; and (b) to promote peace, security and reconciliation in the affected countries. This approach tends to support the view that the Residual Mechanism should be a “downsized tribunal”.



On the other hand, the competing approach is that the Tribunals were always intended to be temporary; that they were established in circumstances where the countries concerned were unable or unwilling to prosecute cases themselves; but that 16 or 17 years later, things have moved on, that the Tribunals should be closed, and as many of the residual functions as possible should be “returned” to the affected countries rather than transferred to a residual mechanism. Following this approach, the residual mechanism should be a small and efficient new institution, not a downsized continuation of the former Tribunals.

Whichever approach you take, from a legal perspective, one of the main challenges is to ensure a watertight continuity of jurisdiction from the existing Tribunals to the residual mechanism and its respective branches.

Unlike the ICTY and ICTR which for subsidiary organs of the Security Council, the Special Court is a treaty-based international court that will be closed by an agreement between the parties. Similarly, its residual mechanism will be established by an agreement between the UN and the Government of Sierra Leone.

But, as in the case of the ICTY/ICTR residual mechanism, the key legal challenge is to ensure continuity of jurisdiction, rights, obligations and the necessary functions from the Special Court to the residual mechanism.

My Office is at the forefront of strategizing on the way forward. OLA has drafted the agreement for the establishment of the residual mechanism and a statute. These will form the basis of the negotiations with the Government of Sierra Leone.

## **Commissions of Inquiry**

In the last decade, **Commissions of Inquiry** established by the Secretary-General to investigate serious violations of human rights and international humanitarian law have become the foremost non-judicial accountability mechanism and a tool – both legal and political – to bring a message of accountability to post-conflict societies.

In the course of the last year or so, the Secretary-General, with the advice of the Office of Legal Affairs, has either established or continued servicing three commissions of inquiry, which have differed in their mandates, terms of reference and legal status. I shall outline each in turn.

The Commission to investigate organized transnational crimes in **Guatemala** (known by its Spanish acronym of “CICIG”) was established by agreement between the UN and the Government of Guatemala and has the legal status of a treaty-based organ. CICIG conducts criminal investigations in cooperation with the Guatemalan Prosecutor and, under Guatemalan law, may join him in the prosecution of those responsible before Guatemalan courts. Its activities are on-going.

In the summer of 2009, the Secretary-General established, at the request of **Pakistan**, a fact-finding commission to investigate the facts and circumstances of the assassination of former Prime Minister of Pakistan, Benazir Bhutto on 27 December 2007. Unlike CICIG, however, the Bhutto Commission had no mandate to conduct a criminal investigation within Pakistan.

In its report submitted to the Secretary-General on 15 April 2010, the Commission concluded that Ms. Bhutto’s assassination could have been prevented if adequate security measures had been taken, and that responsibility for Ms. Bhutto’s security on the day of the assassination rested with the Pakistani federal, regional and district authorities. It concluded

further that the investigation into the assassination was in many ways flawed, and that it remains the responsibility of the Pakistani authorities to carry out a serious, credible criminal investigation that determines who conceived, ordered and executed the crime with a view to bringing those responsible to justice. Doing so, the Commission believed, would constitute a major step forwards ending impunity for political crimes in Pakistan.

Last October, the Secretary-General, at the request of Members of the Council and ECOWAS, and with the consent of the State concerned, established the Commission of Inquiry for **Guinea** to investigate the events of 28 September 2009 in Conakry, where some 156 people were killed, 109 women (at least) were raped, and scores of others injured. The Commission of Inquiry, established only weeks after the events, submitted its report before the end of the year. It was a “traditional” commission of inquiry whose terms of reference included a mandate to determine the facts, qualify the crimes, as well as identify those responsible, and make recommendations. In its report, the Commission recommended that the Government of Guinea prosecute those responsible and provide compensation to victims, and – as the Commission considered that crimes against humanity were committed – that the case against the individuals concerned be referred to the ICC.

On 3 December 2009, the President of Guinea, Captain Camara was shot and air-lifted to Morocco for treatment. Soon thereafter, an interim Head of State was selected and a consensus Prime Minister was appointed from civil society. While the Secretary-General continues to maintain pressure on the Government to bring those responsible to account, the case of Guinea is a reminder, if one was needed, of the complexities of bringing a message of accountability to societies in turmoil. It is also a reminder that calls for accountability and justice, followed by real action, can help to stabilize a situation in a country.

For the Office of Legal Affairs, the establishment of commissions of inquiries has raised a number of important issues. They include, in particular, the need for, or the propriety of, a mandate from any of the UN governing bodies; the authority of the Secretary-General to establish a commission of inquiry absent a mandate; and the drafting of commission-specific terms of reference adapted to the circumstances of each case.

### **Unconstitutional changes in government**

During 2008 and 2009 the question as to how the UN should respond to **unconstitutional changes of Government** has arisen in light of coups d'État in Mauritania (August 2008), Guinea (December 2008), Madagascar (March 2009), Honduras (June 2009) Niger (February 2010) and Kyrgyzstan (April 2010). The Secretary-General has taken the view that there should, to the extent possible, be a unified and consistent approach Organization-wide to each situation. This has recently been facilitated through the development of Policy Committee papers including on Guinea, Madagascar and Niger, prepared by the Secretariat in conjunction with the UN Offices, Funds and Programmes and approved by the UN's Senior Management Group. However, our conclusion, based upon our work in this area is that, not surprisingly, "one size does not fit all" and that each situation requires a unique approach based upon the facts of the case, the realities on the ground and an assessment of how the UN can be most helpful in assisting in a return to constitutional order.

In providing advice on questions that arise within the context of unconstitutional changes of Government, such as questions concerning representation and accreditation to inter-governmental bodies and interaction by the UN with de facto authorities, OLA has made the following key points:

In the first instance, we always emphasize that the UN does not engage in acts of recognition of Governments which is for the Member States of the UN

to do. Thus, should the UN interact with de facto authorities for purposes of implementing its mandated activities on the ground, such as those of the UN Funds and Programmes or through mediation efforts to restore constitutional order, this does not in any way constitute “recognition” by the UN. However, we are sensitive to the fact that such engagement, could, depending upon the circumstances, confer in a political sense a certain, “legitimacy” on the authority in question.

We have also been keen to point out that questions concerning the accreditation and representation of de facto authorities for purposes of their participation in the inter-governmental process is for the General Assembly to decide. As the General Assembly has taken no decision barring the representatives of the de facto authorities in Mauritania, Guinea, Madagascar and Niger from participating in its work, their representatives continue to have the right to participate in inter-governmental bodies with the same rights and privileges as the representatives of all other Member States.

An important exception was Honduras: By General Assembly resolution 63/301 of 30 June 2009, the Assembly demanded the restoration of the Constitutional Government of President Zelaya who had been overthrown in a coup and called upon States to recognize no other Government. We accordingly advised that for the duration of President Zelaya’s constitutional term only those delegates from Honduras who could formally confirm that they were the duly authorized representatives of President Zelaya's Government could participate in the work of the General Assembly and its subsidiary bodies.

We have also been keen to stress that while de facto authorities may have the right to participate in the work of the General Assembly, this does not affect any position that the Secretary-General may wish to take with respect to a de facto authority for purposes of implementing mandated activities and his own “Good Offices.” Indeed, the Secretary-General is free to decide

whether he and his senior officials should or should not have high-level contacts with the representatives of a de facto authority. A decision could also be taken to interact at a working or official level while avoiding contacts with the political appointees of a de facto authority. However, these are political rather than legal questions, where DPA and the EOSG take the lead.

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I will now talk about matters concerning **oceans and the law of the sea**, in particular current tasks performed by the Division for Ocean Affairs and the Law of the Sea. The Office of Legal Affairs, through this Division, continues to support the uniform and consistent application of the UN Convention on the Law of the Sea (UNCLOS), its Implementing Agreements, and other relevant agreements and instruments. It furthermore assists the General Assembly in its annual review and evaluation of the implementation of UNCLOS and of other developments relating to ocean affairs and the law of the sea.

During its twenty-fourth session in 2009, the **Commission on the Limits of the Continental Shelf** adopted recommendations regarding the submission made by France in respect of the areas of French Guiana and New Caledonia. These recommendations bring the total number of recommendations adopted by the Commission to nine.

So far, the Secretary-General has received a total of 51 submissions made by coastal States, individually or jointly, to the Commission, pursuant to article 76 of the Convention. In addition, the Secretary-General has received 43 sets of preliminary information indicative of forthcoming submissions. In view of the large number of submissions, the nineteenth Meeting of States Parties to the Convention held in June 2009 considered the issue of the workload of the Commission, and decided to continue to address this issue and funding for the members attending the sessions of the Commission, as well as ways and means for expeditious examination of the submissions as a matter of

priority. The current term of the members of the Commission ends in June 2012 and a new Commission will be elected by the Meeting of States Parties that year.

The Secretary-General continued to perform his **depository functions under the Convention**, with regard to the deposit of charts or lists of geographical coordinates of points, specifying the geodetic datum, in relation to straight baselines and archipelagic baselines as well as the outer limits of the territorial sea, the exclusive economic zone and the continental shelf. Since April 2009, there have been deposits by Philippines, Seychelles, Cuba, France, Grenada, India and Saudi Arabia. Furthermore, under article 76, paragraph 9, of the Convention, coastal States are required to deposit with the Secretary-General charts and relevant information permanently describing the outer limits of the continental shelf extending beyond 200 nautical miles. In this case, due publicity is to be given by the Secretary-General. The first deposits of this kind have been made by Mexico in relation to the Western Polygon in the Gulf of Mexico and Ireland, in regard to Porcupine Abyssal Plain, both based on the recommendations of the Commission. The Secretary-General gave due publicity to these deposits by circulating Maritime Zone Notifications.

The Division for Ocean Affairs and the Law of the Sea continues to support the work of the General Assembly by monitoring and reporting on developments in oceans and the law of the sea and by supporting the work of the processes it has established to discuss ocean issues. A recent example is the Ad Hoc Working Group of the Whole, which met for the first time last year, to recommend a course of action to the General Assembly on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects.

In the context of **sustainable fisheries**, I would like to inform you that the Division is preparing for the resumed Review Conference on the UN Fish

Stocks Agreement to be convened later this month. The meeting will provide an opportunity for delegations to assess the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks, with a view to adopting recommendations to further strengthen the implementation of the Agreement, where necessary.

In early February, the Division serviced the third meeting of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. A comprehensive report had been prepared for the meeting. The Working Group adopted recommendations for the consideration of the General Assembly. Of particular legal interest is the recommendation to the General Assembly to urge States to make progress in the discussion on the relevant legal regime on, and implementation gaps in, the conservation and sustainable use of marine genetic resources in areas beyond national jurisdiction in accordance with international law, in particular UNCLOS, taking into account the views of States on Parts VII and XI of the Convention.

At its tenth meeting last June, the UN Open-ended Informal Consultative on Oceans and the Law of the Sea focused its discussions on the implementation of the outcomes of the Informal Consultative Process, including a review of its achievements and shortcomings in its first nine meetings. The Informal Consultative Process was recognized as a unique forum for comprehensive discussions on issues related to oceans and the law of the sea. This year's meeting of the Informal Consultative Process, in June, will focus its discussions on the topic "Capacity-building in ocean affairs and the law of the sea, including marine science".

One key issue that has been focus of international attention and been addressed by the General Assembly and the Security Council is **piracy off the coast of Somalia**. Since my last visit one year ago, the measures that



the international community put into place to combat the problem have demonstrated the strengths of the legal regime established under UNCLOS, but also the regime's reliance on States with the capacity and political will to fully implement its provisions. A number of entities within the UN and the International Maritime Organization have been engaged in efforts to assist States in addressing the legal issues which emerge from the apprehension, detention and prosecution of suspected pirates. The Office of Legal Affairs provides information regarding international tribunals and human rights considerations arising from the repression of piracy to the Working Group on Legal Issues of the Contact Group. The Office renders advice to States on the uniform and consistent application of the relevant provisions of UNCLOS. Pursuant to Security Council resolution 1918 (2010), which was adopted on 27 April, OLA, in cooperation with UNODC, is preparing a report of the Secretary-General on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia. In particular, the report will include options for creating special domestic chambers possibly with international components, a regional tribunal or an international tribunal and corresponding imprisonment arrangements.

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Let me now turn to the activities of the **International Trade Law Division** (ITLD), which serves as the substantive secretariat of the UN Commission on International Trade Law (UNCITRAL). UNCITRAL's mandate includes the enhancement of international trade and development by the promotion of certainty in international commercial transactions, in particular through the promulgation and dissemination of international trade norms and standards.

The forty-third session of UNCITRAL will take place in New York from 21 June to 9 July this year. Three important texts involving various fields of, and

reflecting the recent developments in, international trade law are expected to be adopted. First, the Commission is expected to adopt a revised version of one of the most successful international instruments of a contractual nature in the field of arbitration, the UNCITRAL Arbitration Rules, adopted in 1976 and amended for the first time to take into account developments in arbitration practice over the past years. Second, a Supplement to the UNCITRAL Legislative Guide on Secured Transactions is expected to be adopted complementing that Legislative Guide on issues related to security rights in intellectual property. Third, in the area of insolvency, the UNCITRAL Legislative Guide on Insolvency Law will be further developed by adding a Part III dealing with the treatment of enterprise groups in insolvency. UNCITRAL is also currently engaged in the revision of its 1994 Model Law on Procurement of Goods, Construction and Services and in the consideration of its possible future work in the areas of e-commerce, security interests, insolvency law and microfinance and its role in promoting the rule of law at the national and international levels.

In addition to assisting UNCITRAL with fulfilling its legislative mandate, ITLD is carrying out work towards promotion of UNCITRAL legal texts, and ways and means of ensuring their uniform interpretation and application, in particular through technical assistance and cooperation activities; the system of collection and dissemination of case law on UNCITRAL texts; and digests of case law. ITLD also assists UNCITRAL in coordinating activities with relevant international organizations, undertaking a comprehensive review of its working methods, and monitoring the implementation of the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards, also known as the "New York Convention."

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Allow me to conclude my presentation this morning with some brief observations on recent activities of the Codification Division and the Treaty Section, to enhance the **dissemination of international law**.

As part of the effort aiming at enhancing the dissemination of international law, I am pleased to inform you that the **UN Audiovisual Library of International Law**, which is maintained by the **Codification Division**, continues to be expanded. Since its launch in October 2008, the AVL has been accessed in over 190 countries and territories around the world. In addition, the AVL received the 2009 Website Award by the International Association of Law Libraries.

The **Codification Division** has also continued to prepare **ad hoc and regular mandated publications**. In recent months, the 2006 and 2007 editions of the *Juridical Yearbook* have been issued. *Juridical Yearbook 2008* is currently in the final stages of desktop publishing and will be submitted to the Print Section in May; *Juridical Yearbook 2009* is in progress and scheduled to be completed and submitted for printing by the end of this year. As to the *Reports of International Arbitral Awards*, volume XXVI is now available, and work is in progress on volumes XXIX, XXX and XXXI.

Finally, let me say a few words on the current activities of the **Treaty Section**. As part of the efforts made by my Office in the context of the initiative for a “greener” UN, the **Treaty Section** announced the discontinuation of the distribution of paper copies of a number of its publications.

The distribution of paper copies of the Depositary Notifications issued by the Secretary-General in his capacity as depositary was discontinued as of 1 April. An average of 900 copies of this publication were daily printed and distributed. All Depositary Notifications are available on the Treaty Section's website and can also be obtained electronically by subscription, which involves no fee. States and international organizations have welcomed this

measure and we believe that the increasing number of subscribers is good evidence of this.

The most recent *Multilateral Treaties Deposited with the Secretary-General*, a publication issued once a year, covers the status per 1 April 2009. The publication has become so voluminous (consisting of three volumes) that it will no longer be issued in print. The publication is available on the website of the Treaty Section and future volumes will continue to be made available on the website. The status of each treaty deposited with the Secretary-General is updated on the website with each new treaty action.

On 1 April 2010, the monthly distribution of paper copies of the *Statement of Treaties and International Agreements registered or filed and recorded with the Secretariat* was brought to an end. This publication includes information regarding all treaties registered and filed and recorded each month. In the past, 1,150 copies were printed and distributed. Today, Member States and others can receive electronic copies by subscription, which again involves no fee payment. This publication is also available on the Treaty Section's website.

As announced last year, a great effort is being made to make the texts of treaties registered with the Secretariat electronically available on the Treaty Section's website, shortly after their registration. While treaties are today published electronically in their authentic languages, the goal is also now to publish on line the translations in English and French, as soon as they are received from the UN translation services. This will ensure prompt electronic publication of individual treaties registered with the Secretariat. The Treaty Section is looking at ways to maximize the opportunities provided by new technology to reduce the number of copies of the UN Treaty Series printed on paper and to make them available on the Treaty Section's website as early as possible. Let me recall that nearly **all** publications issued by the Office of

Legal Affairs are available through Heinonline, a well-known internet source to which many libraries are subscribed.

The annual treaty event will take place this year from 21 to 23 and 27 to 28 September during the general debate of the 65<sup>th</sup> session of the General Assembly. As in previous years, this event provides a distinct opportunity for States to participate in the multilateral treaty framework.

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Ladies and gentlemen,

Most, if not all, of the issues I have addressed this morning have a bearing on the work of the Commission. I am also particularly keen to ensure that the result of your informed debates get the echo they deserve in my Office. Your current discussion of reservations to treaties is, for instance, of great interest for the depositary functions we assume. It is with this in mind that I wish you a fruitful and successful session. The Commission can, as always, count on my support.

Thank you very much.