



**UNITED NATIONS
OFFICE OF LEGAL AFFAIRS**

**13th United Nations Congress
on Crime Prevention and Criminal Justice**

**High Level Special Event on Rule of Law,
Human Rights and the Post 2015 Development Agenda**

Statement

By

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Excellencies,
Ladies and Gentlemen,

The United Nations Congress on Crime Prevention and Criminal Justice celebrates its 60th anniversary at this 13th session, and brings together the world's most diverse gathering of governments, international organisations, civil society, academics and experts in crime prevention and criminal justice.

It is an embodiment of the international community's determination to prevent and combat crime at the national and international levels, and an affirmation of our shared commitment to upholding the rule of law. I wish to join others in thanking the State of Qatar for hosting this most important occasion.

The United Nations Office on Drugs and Crime is at the heart of the UN's efforts in combatting transnational crime, and collaborates with a number of other UN Departments and Offices, particularly the Office of the High Commissioner for Human Rights and the Office of Legal Affairs, in combatting international crimes and promoting the rule of international law. I very much regret that I am unable to attend the 13th UN Crime Congress in person to make this statement, and I wish all participants well in the coming days as you work toward the important outcomes taking shape in the Doha Declaration.

Excellencies,
Ladies and Gentlemen,

The focus of this Congress on the rule of law, human rights and development is a timely one. As the Secretary-General himself has stated: “There is no peace without development, no development without peace, and there is no lasting peace or sustainable development without respect for human rights and the rule of law.” The growing recognition among UN Member States that these three “pillars” of the UN Charter are linked and mutually reinforcing is a step change in the international community’s approach. These pillars are increasingly acknowledged as representing shared interests for the international community, and international law is one of the principal means by which they can be furthered.

It is since the 2005 World Summit Outcome, adopted as a General Assembly resolution by the largest ever gathering of Heads of State and Government, that the rule of law mandate within the UN has really gained momentum, and the Secretary-General, the Deputy Secretary-General and the UN Secretariat have been constantly seeking strategic and institutional improvements to better support the UN’s delivery of rule of law assistance on the ground, particularly in conflict and post-conflict situations. The new founding rule of law instrument for the United Nations is the 2012 High Level Declaration, which places emphasis on the development of the linkages between the rule of law and the three pillars of the United Nations.

These linkages are evident in the major challenges facing States, the international community and individuals today. The challenges are both intra-State and transnational: transnational organised crime, international terrorism, trafficking in drugs and people, weak and failed States, large scale human rights abuses, violations of humanitarian law and humanitarian crises. These threats increasingly require international legal instruments aimed at encouraging and enabling States’ national institutions and policy makers to join collective international efforts in pursuit of international objectives. They also require effective cooperation among the relevant Departments and Offices of the UN.

In the fields of combatting international crime, promoting human rights and achieving sustainable development, nowhere are these cooperative efforts stronger than among the Office of Legal Affairs (“OLA”), the Office of the High Commissioner for Human Rights (“OHCHR”) and the Office that is at heart of supporting this Crime Congress - the UN Office on Drugs and Crime (“UNODC”). Our three Offices have collaborated on an enormous range of issues over the years, and are constantly seeking to strengthen our joint efforts. A decision by the Secretary-General’s Policy Committee in 2012 recognised this important role of OLA, OHCHR and UNODC in relation to the rule of law at the international level, and enjoined us to continue our collaborative efforts. Recent examples of such collaboration include assisting the Contact Group on Piracy off the Coast of Somalia, cooperating with the International Criminal Court, and working together in the various UN fora countering international terrorism.

The rule of law at the national and international levels has been a topic on the agenda of the Sixth Committee (the Legal Committee) of the General Assembly since its sixty-first session in 2006, as one of the follow-ups to the 2005 World Summit Outcome. These annual discussions

provide the UN Secretariat with important guidelines on the further development of the rule of law agenda and targeted support to rule of law activities at the national and international levels. In October this year, the Sixth Committee rule of law debate will focus on the topic of multilateral treaty processes. This will be the first time since 2006 that the Committee has turned its attention to a subject area relating to the rule of law at the international level, which is a change in emphasis that is certainly needed, and which I welcome. OLA will be a key provider of information to States both in the Secretary-General's report that will issue in June, and during the debate in October. The Security Council is also actively engaged in the rule of law agenda - it discusses rule of law issues under a thematic agenda item, and also in specific regional and global contexts.

One of the concerns voiced by a number of States in these UN debates – a concern that I share - relates to the division of the rule of law into “national” and “international” levels. This has come about since the 2005 World Summit Outcome, and tends to suggest that international discussion of the rule of law can be neatly separated into these two categories. The labels are useful, of course, for focusing discussions and maintaining clarity.

But the point that I would like to underline is that it is important also to keep in mind that the two “levels” are, in reality, inextricably linked and mutually interdependent. For international law to be promoted and respected, it needs to be faithfully incorporated and applied by States within their domestic legal systems.

It is at this interface between international law and its domestic implementation that OLA, OHCHR and UNODC carry out some of their most critical activities. Dissemination and teaching of international law, and the provision of technical assistance to States for its implementation, are a vital contribution to the promotion of the rule of law at all levels. OLA's International Law Fellowship Programme held each year in The Hague, the Netherlands, and the three Regional Courses in International Law for Africa, Asia and Latin America and the Caribbean, train young professionals from governments and international organisations, and are a key contribution to ensuring that international law plays a central role in the States and the regions that these young lawyers represent.

A further point that I wish to emphasise is that OLA's efforts on the rule of law do not stem from the relatively recent impetus provided since the 2005 World Summit. Promoting international law has been core to OLA's mission and mandate since the inception of the United Nations in 1946. The UN Charter, which will shortly celebrate its 70th anniversary, states in its preamble 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.*”

Further, in Article 1, paragraph 1, the Charter states that one of the purposes of the UN 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.*” Under Article 13, paragraph 1 of the Charter, the General Assembly is mandated to initiate studies and make recommendations to encourage the progressive development of international law and its codification.

OLA is engaged on a daily basis in a wide range of activities aimed at achieving these goals, including: encouraging States' participation in multilateral treaties; assisting States to prepare legislation and implement such treaties; training judges and

other legal professionals involved in the application of international law; and informing States and the general public about international law and encouraging the peaceful settlement of disputes.

OLA's Treaty Section registers and disseminates all treaties, both multilateral and bilateral. It holds "Treaty Events" to promote participation in treaties, and trains government officials in the ratification and implementation of treaties. OLA's Codification Division assists the Sixth Committee of the General Assembly and the International Law Commission in encouraging the progressive development of international law. It also runs the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which includes organising the Hague Fellowship and the Regional Courses in International Law that I have already mentioned.

OLA's Division for Ocean Affairs and the Law of the Sea provides States and intergovernmental organisations with a wide range of legal and technical services relating to the United Nations Convention on the Law of the Sea (UNCLOS), which is the legal framework within which all activities in the oceans and seas are carried out. The General Assembly has consistently recognized the pre-eminent contribution of UNCLOS to the strengthening of peace, security, cooperation and friendly relations among all nations.

OLA's General Legal Division is key in promoting the rule of law within the Organisation, including through its work in relation to the UN's internal justice system. The International Trade Law Division provides a range of legal and technical skills to States and to the UN Commission on International Trade Law in promoting and disseminating information on the law of international trade, and assisting States in its implementation. The Division is active in promoting the rule of law and human rights in commercial relations, and is thus the key component in OLA's contribution to promoting sustainable development.

The Office of the Legal Counsel acts as the liaison with the International Court of Justice, the UN's principal judicial organ, which of course is at the heart of the peaceful settlement of international disputes. Finally, and importantly, the Office of the Legal Counsel supports and assists the five UN criminal tribunals, which have helped to reinforce an international climate of no tolerance of impunity for serious international crimes, and have been a very important supplement to the work of the International Criminal Court ("ICC") at this stage of its development.

The UN has made substantial strides in developing a global accountability framework for serious international crimes. The *ad hoc* international criminal tribunals set up by the Security Council in the wake of the atrocities in the Former Yugoslavia and genocide in Rwanda, paved the way for the creation of the ICC, which now has 123 States Parties twelve years after it commenced work.

Alongside the ICC, the UN criminal tribunals, including the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon, have addressed shocking crimes in these specific contexts, and have helped to promote a return to the rule of law and reconciliation among the affected populations.

The work of OLA, in collaboration with OHCHR and UNODC, has thus been central to the UN's promotion of an era of accountability for serious international crimes, transnational crimes and serious violations of human rights and fundamental freedoms. These efforts have helped to change the attitude and the vocabulary of the international community in the face of such atrocities to one in which impunity is simply no longer acceptable. This change is at the heart of the UN's achievements in combatting international crimes and promoting the rule of law, and is one that OLA will continue to pursue energetically. And of course, all of these collaborative efforts with OHCHR and UNODC toward promoting an era of accountability have contributed considerably to furthering the conditions in which sustainable development can take root and flourish.

In conclusion, I would like to underline that the threats faced by the international community today have evolved, and are diverse and multi-layered. Intra-State and transnational threats, including organised crime, international terrorism, trafficking in drugs and people, weak and failed States, large scale human rights abuses, violations of humanitarian law and humanitarian crises, require evolving approaches to developing and implementing international law.

There has been something of a trend in international law away from the negotiation of multilateral treaties in UN fora centred on classic State to State rights and obligations. This does not mean, however, that there has been an absence of progress. On the contrary, I would argue that we are in a productive era of international law making. The trend, at least in part, reflects a move toward an increased use of "soft-law" instruments to assist States to come to international agreements, and also the adoption of international legal instruments aimed at encouraging and enabling States' national institutions and policy makers to join collective international efforts in pursuit of international objectives. UNODC, for example, has been putting considerable efforts into developing model laws to assist national authorities in combatting transnational crime, drugs and international terrorism.

The evolving threats faced by the international community mean that the challenges faced in promoting the rule of law at the international level are complex and broad in scope. Changing threats will continue to require innovative approaches and a coordinated, coherent and proactive mind-set across a wide range of the activities of UN Departments and Offices. OLA is firmly committed to playing its full part in these continuing efforts.

I wish the 13th Crime Congress every success in its important work over the coming days, and look forward to the adoption of a strong and action-oriented Doha Declaration.

Thank you.