



**UNITED NATIONS
OFFICE OF LEGAL AFFAIRS**

Saint Petersburg International Legal Forum

Statement

By

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Saint Petersburg, Russia, 27 May 2015

Your Excellency, Prime Minister Medvedev,
Your Excellency, Minister Konovalov,
Distinguished participants of the Fifth Saint Petersburg International
Legal Forum,
Ladies and Gentlemen,

Добрый день!

Спасибо за приглашение принять участие в этом важном
юридическом форуме!

I am truly honoured to address this large and diverse gathering of
governmental and international officials, judges, lawyers and legal
practitioners from many regions of the world.

I would like to commend the organizers for their choice of the
topic for this year's plenary discussion – *The Mission of Law in an Era of
Change*. It truly resonates with the current international climate and the
constantly changing nature of today's international relationships. In the
modern world, nobody is immune from the challenges of local and

regional conflicts, post-conflict peacebuilding, economic crisis, infectious diseases or climate change.

In the case of such challenges, the law is the only common ground and framework that is available to those who must seek to address them.

Mr. Prime Minister, Ladies and gentlemen,

In preparation for this Forum, I am sure that many of my fellow speakers were looking for inspiration in the enormous riches of Russian literature and legal doctrine. But perhaps the oldest known Russian codified legal source, dating from around the Tenth to Twelfth Centuries – *Russkaya Pravda* – would be a better place to look. The etymology of the Russian word *pravo* – law – goes back to this source. It grows from the word *pravda*, which means *truth* in the modern Russian language. I believe this understanding of law as the truth and, with that, as both standard and ideal very much reflects the mission of law in the modern world of change.

As the Legal Counsel of the United Nations, I inevitably approach the mission of law from an international perspective, in particular, from that of the United Nations.

I am often challenged with questions about the role and mission of the United Nations and of its foundational document, the Charter. Do the institutions and mechanisms of the United Nations operate to the benefit of all its Member States? Does the Organization have the capabilities and working legal instruments to address the complex challenges and threats, which are increasingly abundant? Can international law truly be

considered a guarantor of stability in a rapidly changing world? Is the Charter of the United Nations, which was signed 70 years ago this month, still up to the task of ensuring peace and security?

These are all difficult and pertinent questions, which are rooted in the spreading conflicts in different regions of the world and in new or re-emerging challenges, such as pandemic diseases, piracy, terrorism, transnational organized crime and mass migration.

Certainly, the 70 years since the creation of the United Nations have been difficult, to be sure.

And I would have to admit that, in certain instances, it has failed to prevent emerging conflicts or adequately respond to ongoing ones. However, there is a common understanding that, without the United Nations and the laws and legal mechanisms that it has put in place, the world would have been a much more chaotic and dangerous place.

The Organization, which was created in the aftermath of the Second World War, was entrusted by its founding fathers with the task, first and foremost, of preventing a future tragedy on the same scale; and, as we all know, in this mission, the United Nations has succeeded.

This task, to “*save succeeding generations from the scourge of war*”, is still at the heart of the *raison d’être* of the United Nations. It is reflected in the global attention to the 70th anniversary of the end of the Second World and the recent participation of the United Nations Secretary-General in the anniversary events of 9 May in Moscow. In the words of the Secretary-General, at the *Ceremony for the Planting of the*

Tree of Peace and Unity to Commemorate the End of the Second World War and the Establishment of the United Nations, held in the UN Headquarters in New York, “[i]n establishing the United Nations 70 years ago, the founders planted the seeds of an organization they hoped would lead the human family out of horror and into a better future.”

70 years have passed, and the United Nations has grown into the only truly universal international organization, providing its Member States with a safe common space where every nation can speak and be heard, in order to prevent or resolve conflicts and diffuse potentially dangerous situations.

It is a unique forum, designed to harmonize the decision-making of States and solve their differences by peaceful means. Its legal basis – the Charter of the United Nations – remains foundational to the international legal system. Its core Principles, set out in Article 2, including the equality of sovereign states, the non-use of force or threat of the use of force and the peaceful settlement of international disputes, are the framework within which international relations are conducted.

This distinct durability owes itself to the fact that the Charter is a living instrument, which has been able to successfully adapt to emerging challenges and threats. A perfect example is peacekeeping, which nowadays forms an essential part of the Organization’s work — and the lion’s share of its budget.

For the year from July 2014 to June 2015, the peacekeeping budget was some \$8.5 billion – a number which, I believe, speaks for itself in a time of economic difficulties. However, what now represents one of the

Organization's most vital activities is not even mentioned in the Charter. It was introduced, later on, by the General Assembly and the Security Council, in an effort to "tune" the Organization to the realities of a changing world.

This example further demonstrates that, in order to find legal solutions to addressing new challenges and threats, it is important that the international community stand as one. The unity among the members of the Security Council, especially its five permanent members, is of the utmost importance in this regard.

The united approach of the members of the family of nations has enabled us to successfully counter piracy off the coast of Somalia, to respond to the Ebola pandemic in Africa and to bring stability to conflict-torn countries like Sierra Leone and Liberia. I am fully convinced that the political will, commitment and unity among Member States will make it possible to find appropriate legal solutions to other complex problems of the modern world.

This idea of the unity of all players in the international arena – big and small – will no doubt be reflected in the discussion track on supra-nationalism and sovereignty in contemporary international relations, which I am planning to attend in the coming working days of the Forum.

When I was preparing for the Forum, I came across an instructive statement by the second Secretary-General of the United Nations, Dag Hammarskjöld, entitled "The Nation and the World". Back in 1955, he confronted this difficult question, of how to find a balance between the "Nation" and the "World", the individual State and multilateral

international structures.

He said “[e]verybody today, with part of his being, belongs to one country, with its specific traditions and problems, while with another part he has become a citizen of a world which no longer permits national isolation. Seen in this light, there could not be any conflict between nationalism and internationalism, between the nation and the world.”

The mission of law at the international level is to help the individual “Nation” to better integrate in the “World” on the basis of the fundamental principle *par in parem imperium non habet* — an equal has no power over an equal.

Ladies and gentlemen,

This idea that nations and sovereign states do not exist in a vacuum, but cooperate on the basis of law, brings me to another dimension of the mission of law in the current international setting – the rule of law.

For building a safer, more secure and united world, the task of promoting the rule of law at the international and national levels is of particular importance.

Responsibility for ensuring the rule of law at the national level naturally rests first and foremost with the respective nation States. At the international level, the corresponding efforts of the United Nations include: encouraging the progressive development of international law and its codification; supporting the growing network of international treaties; establishing and promoting international mechanisms open to the States for the peaceful resolution of their disputes; establishing or helping

to establish international and hybrid criminal courts and tribunals to prosecute those responsible for international crimes; and training and education in international law.

The Office of Legal Affairs of the United Nations, which I head, is in the lead on many of these activities.

The rule of law features high on the Secretary-General's agenda. In this, he is following the lead that was set by Member States at the milestone 2005 World Summit. In the World Summit Outcome document, the Heads of State and Government affirmed that human rights, the rule of law and democracy "are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations", and they reaffirmed their "commitment to the purposes and principles of the Charter and international law and to an international order based on the rule of law and international law, which is essential for peaceful coexistence and cooperation among States".

Mr. Prime Minister,
Ladies and gentlemen,

The topic of the mission of law in an era of change is vast and multi-dimensional, and I have had a chance to barely touch upon only the tip of the iceberg.

I would like to praise the organizers of this Forum, who have challenged the participants with difficult questions and have managed to shape a wonderful programme. I anticipate a fruitful exchange of

opinions with my learned colleagues in a search for common ground.

And of course we all will be inspired by the glorious history of our host city. During the Second World War, this city faced unspeakable tragedy and survived the most horrendous and prolonged siege. Its population stoically held out through 872 days without food, fuel and basic living supplies until that siege was broken.

The example of heroism, compassion and resilience of these common people should be a source of inspiration to us and a reminder that even the most complex and daunting of challenges surrender in the face of unity and true commitment.

Большое спасибо.