



PERMANENT MISSION OF SOUTH AFRICA
TO THE UNITED NATIONS
333 EAST 38TH STREET 9TH FLOOR
NEW YORK, NY 10016
Tel: (212) 213-5583 Fax: (212) 692-2498
E-mail: pmun@southafrica-newyork.net

**STATEMENT
BY**

**THEMBILE JOYINI,
LEGAL ADVISER OF THE PERMANENT MISSION OF
SOUTH AFRICA TO THE UNITED NATIONS**

**IN THE SIXTH COMMITTEE
OF GENERAL ASSEMBLY UNDER THE FOLLOWING
AGENDA ITEMS:**

- (i) United Nations Programme of Assistance for the Teaching, Study, Dissemination and Wider Appreciation of International Law**
- (ii) Criminal Accountability of United Nations officials and experts on mission**
- (iii) Observer Status for the International Institute for the Unification of Private Law in the General Assembly**

**New York
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Mr Chairman

I thank you again for affording us the floor and allowing us the opportunity to share some thoughts on the following Agenda Items:

(i) United Nations Programme of Assistance for the Teaching, Study, Dissemination and Wider Appreciation of International Law

At the outset, let me associate myself with the statements delivered by the representative of Fiji speaking on behalf of G77+China and the representative of Egypt speaking on behalf of the African Group respectively.

Mr Chairman

As you may recall, the United Nations Programme of Assistance was established by the General Assembly at its twentieth session through Resolution 2099 (XX) of 20 December 1965 to contribute towards a better knowledge of international law as a means of strengthening international peace and security and of promoting friendly relations and cooperation among States. This is one of the reasons why my delegation is of the view that this Programme is for a good cause hence our full support for its funding from the regular budget of the United Nations.

Mr Chairman

South Africa supports the work of the UN Programme of Assistance, particularly as it relates to the development of international law in Africa. It should be noted that the African Union contributes to the United Nations Regional Course in International Law for Africa, which has enabled participants to attend and participate in the Regional Course and the lectures at the African Union.

Mr Chairman

The African Institute of International Law, which is dedicated to offering higher learning and research in international law needed for the development of Africa, has recently been established with the objectives to work on progressive development of international law in Africa, codification of international law in Africa, contribute to the objectives and

principles of the African Union, and work on the revision of treaties in Africa.

Mr Chairman

It should further be noted in this regard that the AU took a decision at the May 2013 Summit that African States should support proper funding of the Programme of Assistance including, if necessary, through the regular budget of the UN. It is, *inter alia*, for this reason that South Africa supports the proper funding of the Programme of Assistance through the regular budget of the United Nations.

(ii) Criminal Accountability of United Nations officials and experts on mission

Mr Chairman

On this topic, my delegation align itself with the statements delivered by the representative of the Islamic Republic of Iran speaking on behalf of the Non-Aligned Movement and again, the representative of Egypt speaking on behalf of the African Group respectively.

My delegation attaches great importance to this agenda item, Criminal Accountability of United Nations officials and experts on mission.

Mr Chairman

With the number of United Nations Officials and Experts on Mission steadily increasing, and especially considering the number of UN peacekeeping missions active in Africa, this topic is as relevant today as it was at its inception, if not even more important.

It should be recalled that the South African delegation has been involved in these discussions from the start, and that, throughout this process, we have supported the proposal to elaborate or draft a Convention on this topic as a long term solution.

As a short term solution, we continue to strongly urge Member States to take the necessary steps to close the "jurisdictional gap" originally

identified by the Group of Legal Experts in 2006 which enables UN staff and experts to effectively enjoy immunity for criminal acts committed by them in foreign jurisdictions.

Mr Chairman

South Africa has previously reported on the measures we have taken to ensure that we have the necessary jurisdiction to prosecute offences by its nationals while serving as United Nations officials or experts.

South African courts also have extraterritorial jurisdiction regarding international crimes in terms of the Implementation of the Rome Statute of the International Criminal Court Act, 2002, and over terrorism in terms of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004.

Mr Chairman

In this regard, we also commend those States who have taken measures domestically to establish jurisdiction over crimes of a serious nature, as known in their existing domestic criminal laws, committed by their nationals while serving as United Nations officials or experts on missions.

My delegation also welcomes the measures implemented by the United Nations regarding existing training and awareness raising programmes, the protection of whistle-blowers and the activities of the thirteen conduct and discipline teams.

Mr Chairman

Finally, my delegation reiterates our conviction that only through reciprocity, the sharing of information and responding timeously to requests for information and progress reports between Member States and the United Nations, can a proper evaluation of the scale of criminal acts allegedly committed by UN officials and experts on mission be

determined, and we call on Member States to give the necessary cooperation and support in this regard.

(iii) Observer Status for the International Institute for the Unification of Private Law in the General Assembly

Mr Chairman

Once again, I must thank you for affording us the floor. At the outset, allow me to say my delegation attaches great importance to this agenda item, "Observer Status for the International Institute for the Unification of Private Law (UNIDROIT) in the General Assembly". As such, we welcome the accession to the request for the inclusion of this item in the agenda of this Session. In the same vein, we commend the Italian initiative in facilitating the request for observer status for UNIDROIT.

Mr Chairman

The question here is whether my delegation supports the Italian initiative which is UNIDROIT's request for observer status. Before responding to the question, allow me to declare that South Africa is a member State of UNIDROIT and participates actively in its legislative activities including through the South African Mission in Rome.

Mr Chairman

Our response to the question is that South Africa supports UNIDROIT's request for observer status for the following reasons:

- UNIDROIT meets the criteria for observer status as determined by the General Assembly in decision 49/426, as it is an intergovernmental organisation open only to states.
- UNIDROIT is an intergovernmental organisation with a remarkable success rate in formulating uniform law instruments, international instruments, principles and rules.
- The United Nations and UNIDROIT have been cooperating since 1959 when Letters Constituting an Arrangement were exchanged.
- UNIDROIT has a proven track record of working with other United Nations agencies, such as UNESCO on the model legislative

provisions on State ownership of undiscovered cultural objects, of
2011.

I thank you for your attention.