

**71<sup>st</sup> Session of the United Nations General Assembly**

**Sixth Committee**

**Statement by Mr. Miguel de Serpa Soares**

**Under-Secretary-General for Legal Affairs**

**United Nations Legal Counsel**

United Nations Headquarters New York

Trusteeship Council Chamber

Tuesday, 11 October 2016, 10:15 a.m.

Thank you, Mr. Chairman, for your kind introduction.

Mr. Chairman,

Distinguished delegates,

Ladies and Gentlemen,

Good morning.

First of all, allow me to congratulate you, Mr. Chairman, and the other members of the Bureau, on assuming the leadership of the Sixth Committee for the seventy-first session. I am aware that you have already made some advance in the debate on several agenda items since work began last week. You are currently addressing the important work of the United Nations Commission on International Trade Law and I would like to thank its Chairperson, Mr. Gaston Kenfack Douajni of Cameroon, for guiding the Commission in its work at its forty-ninth session.

On behalf of the Secretary-General, I wish to convey to you and all delegates the best wishes for a successful continuation and completion of the session.

I feel privileged to speak at this gathering of distinguished legal advisers and experts of international law. While you represent the diverse and rich legal traditions of your countries, all of you speak the common language of international law.

When I look around this room, I see distinguishable qualities such professionalism, dedication, mutual respect and unity of purpose. These qualities are the essential fabric that binds accomplishments of the Sixth Committee. I have no doubt that you will live up to the important responsibility of addressing the complex challenges that face the United Nations and the world at large.

We all form a community of international lawyers, working tirelessly to fulfill the promise of the Charter of the United Nations “to save succeeding generations from the scourge of war”. After all, peace through law is the goal that drives our work and unites us all in striving to achieve our common shared responsibility of bring peace and security.

Last year, we commemorated the seventieth anniversary of the founding of the United Nations.

Since it began its work seventy years ago, this Committee has made a crucial and continuous contribution to discharging the mandate of the General Assembly under Article 13 (1) (a) of the Charter of the United Nations. It has progressively developed and codified international law in diverse domains, particularly in the law of privileges and immunities, criminal law, the law of treaties, in environmental matters, as well as matters concerning the maintenance of international peace and security.

Its achievements over time include the Convention on the Prevention and Punishment of the Crime of Genocide, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and the Rome Statute of the International Criminal Court – to name only a few of its many accomplishments.

While anniversaries prompt us to ponder the past, they also offer an opportunity to take stock of the present and to look into the future. In light of the past success of the Millennium Development Goals, this year's general debate in the General Assembly was focused on the **Sustainable Development Goals** as "a universal push to transform our world". The five Ps – *the People, our Planet, Peace, Prosperity and Partnerships* – inform the global 2030 Agenda for Sustainable Development. This new agenda accentuates the intersection between law and development.

The previous decades have seen the evolution of a veritable international development law, and some of the pertinent debates in the 1960s and 70s were conducted in the Sixth Committee. The Declaration on the Right to Development, adopted by the General Assembly in 1986, recognized that the realization of this right requires full respect for the principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations.

The current discourse on development suggests that the world is moving towards a unified legal and institutional regime. International law, with its unique structure and binding language, should form the backbone of this institutional regime, ensuring equal access, participation and shared prosperity for all.

Further, as recognized in Sustainable Development Goal 16, peace, stability, human rights and effective governance, based on the rule of law, are important conduits for achieving sustainable development. The adoption of the Declaration at the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels in 2012, reaffirmed the desire to have an international order based on the rule of law.

By including the item **The rule of law at the international and national levels** in the agenda of the General Assembly in 2006, the Sixth Committee proved its vision and commitment to the rule of law as an indispensable foundation of a more peaceful, prosperous and just world.

The commitment made by the Committee is underscored by the sub-topics that you selected for your discussion on the rule of law during the present session; that is, the “Sharing national practices of States in the implementation of multilateral treaties” and “Practical measures to facilitate access to justice for all, including for the poorest and most vulnerable”.

Apart from the rule of law, your agenda for the present session contains a range of items of importance to the international community. As this year constitutes the end of the current quinquennium of the **International Law Commission**, I can only express my sincere gratitude to the Commission for its dedicated work and indispensable contribution to the progressive development of international law and its codification. Over the years, the debate of the report of the Commission has been the highlight of the work of this Committee.

At this session, the Committee also has before it a number of items that were previously considered by the Commission, which have now awaited further action for a number of years. I realize that overcoming the differences in opinion might be challenging. However, we should not allow a challenge to become a hindrance to our efforts of building a sustainable future. I trust that you will rise to the occasion and successfully overcome any obstacles in the upcoming negotiations.

The **Articles on the responsibility of States for internationally wrongful acts** were first commended to the attention of Governments in 2001. Since then the articles have become an essential tool used by international courts and tribunals in the peaceful resolution of international disputes. As you all know, the General Assembly has called on this Committee, during its present session, to further examine, with a view to taking a decision, the question of a convention on the basis of the articles or other appropriate action.



Similarly, the Committee has on its agenda **Diplomatic protection**, the **Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm** and **The law of transboundary aquifers**, each of which is also supported by work completed by the International Law Commission. These are items where further action by the Committee during the present session, including recommendations on the final form of draft articles and draft principles, can make a substantial and enduring impact on the progressive development of international law and its codification.

Additional items, such as **Criminal accountability of United Nations officials and experts on mission** and **The scope and application of the principle of universal jurisdiction**, have also been under consideration by the Committee for several years.

Despite the differences that might exist, I am hopeful that this Committee will propel the prospect of achieving concrete progress on each of these important items.

The Sixth Committee is currently considering the report of the **United Nations Commission on International Trade Law**, the core legal body of the United Nations system in the field of international trade law. The Commission constitutes a major driving force in the progressive harmonization and unification of the law of international trade with numerous achievements.

The Committee also has a number of other important agenda items before it at the present session. In 2009, this Committee was instrumental in shaping the reform of the system of **Administration of justice at the United Nations**.

During the present session, this Committee will consider the report of the Interim Independent Assessment Panel on the system of administration of justice at the United Nations, which concludes that the new system “has made a good start and is an improvement over the previous system”.

On the item **Measures to eliminate international terrorism**, I am aware that the negotiations on the draft comprehensive convention have been challenging. However, in view of the Committee’s elaboration of the International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of the Financing of Terrorism and the International Convention for the Suppression of Acts of Nuclear Terrorism, I am convinced that this Committee can muster the resolve to complete this task.

As this past year has sadly shown, terrorism remains one of the most serious threats to the maintenance of international peace and security.

It is my hope that this Committee can make a significant contribution to eliminating this grave peril to humanity by completing its work on a comprehensive convention on international terrorism.

In closing I note that you have a full agenda before you, which concerns many areas of fundamental importance to the friendly relations among States and the implementation of the purposes of the United Nations. Only through our collective efforts can we fulfill the high expectations placed on this Committee to accomplish its vital mandate. Each and every step we take should be seen as a contribution to the overall goal of realizing the sustainability of our planet and the well-being of our peoples.

Mr. Chairman,

Distinguished delegates,

Let me assure you that the Office of Legal Affairs will provide you with the necessary support as you continue considering the items on your agenda. I look forward to working together in promoting international law as the foundation of a peaceful, secure and prosperous international community.

Thank you very much for your kind attention and I wish you the very best for the important work that still lies ahead of you.