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Chair: Mr. Kohona. (Sri Lanka)

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The meeting was called to order at 10.05 a.m.

Agenda item 80: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (*continued*) (A/68/521)

1. **Ms. Morris** (Office of Legal Affairs), speaking in her capacity as Secretary of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, said that the report of the Secretary-General (A/68/521) contained detailed information about the activities conducted by the Codification Division under the Programme of Assistance in 2013 and also the proposed activities for the biennium 2014-2015 and their administrative and financial implications. The proposals for the next biennium were intended to serve as the blueprint for a stronger, more effective Programme to better meet the needs of all Member States and to make an even greater contribution to the efforts of the United Nations to strengthen the rule of law in the twenty-first century.

2. During the past half-century, many hurdles had prevented the Codification Division from achieving the Programme's goals, including the absence of host countries for the regional courses in international law and the absence of a mechanism for delivering high-quality international law training and authoritative research materials on a global scale. Over the past 10 years, the Division, with the strong support of the Advisory Committee and the Sixth Committee, had overcome all those challenges, except for one: the need for an adequate and reliable method of funding.

3. The Codification Division had taken a number of steps to strengthen and expand the specific activities mandated by the General Assembly under the Programme of Assistance, pursuant to Article 13, paragraph 1, of the Charter of the United Nations. The main challenges with respect to the International Law Fellowship Programme had been the limited number of fellowships funded by the regular budget and the limited number of participants owing to space constraints in the classroom used for the interactive, seminar-style training course. The Division had decided to perform all administrative functions for the course so as to save the regular budget funds that had previously been used to pay the United Nations Institute for Training and Research (UNITAR) to perform them. That cost-saving measure had placed a tremendous burden on the

Division but had made it possible to use regular budget funds to pay for 20 fellowships in 2013, as compared to only 12 fellowships just a few years previously.

4. After receiving almost 1,000 applications for the Fellowship Programme in 2013, the Division had explored the possibility of obtaining a slightly larger room so as to increase the number of participants from 20 to 30, without prejudice to the interactive nature of the course. The Carnegie Foundation for the Advancement of Teaching had generously agreed to provide such a room free of charge from 2014. The Division had also decided to explore the possibility of permanent venues for the regional courses in order to avoid the uncertainties and inefficiencies of the past.

5. The Organization had concluded a host country agreement with Uruguay a few weeks previously, which meant that in 2014 the Division would be able to conduct a regional course for Latin America and the Caribbean for the first time in almost a decade. The last sentence of paragraph 38 of the report (A/68/521) should therefore be deleted as a technical correction. Ethiopia and Thailand had also agreed to host the regional courses for their respective regions; thus in 2014 the traditional training courses under the Programme would accommodate 120 government lawyers and teachers from developing countries around the world, as compared to 20 participants a few years previously. However, that significant increase still did not come close to meeting the rapidly increasing need for international law training around the world.

6. The United Nations Audiovisual Library of International Law gave the Organization the unprecedented capacity to provide high-quality international law training and research materials to an unlimited number of lawyers in countries around the world free of charge via the Internet, for a relatively modest fixed cost of less than one dollar per user per year. In just a few years, the Library had become a major force in promoting better knowledge of international law and the work of the United Nations in promoting the codification and progressive development of international law under Article 13 of the Charter. To date, the Library had been accessed through more than 1 million different computers and mobile devices in all 193 Member States; that figure included over 25,000 new users since the Library's lectures had been made available on mobile devices the previous week.

7. The legal publications of the Codification Division were another important part of the Programme of Assistance. In 2003, there had been delays of up to five years in the issuance of the publications, which had seriously undermined their value to the international legal community. The Division had decided to begin preparing the publications using desktop publishing software in order to address the backlog; however, that was a heavy burden that could not be sustained. Hard-copy publications were essential for certain types of legal research and were particularly important for lawyers in developing countries who had limited access to computers or the Internet and, in some instances, lacked reliable electricity supply. The situation had become even more serious since the Organization had decided in 2012 to discontinue sending hard-copy publications to libraries and academic institutions in developing countries owing to financial constraints. The Division had decided to create and maintain a series of websites to promote the dissemination of international legal materials, while recognizing the unique value of hard-copy publications. That decision had also imposed a heavy burden on the Division's limited resources.

8. The proposed activities for the next biennium, set out in chapter III of the report, offered the most comprehensive programme of international law training in the history of the Programme of Assistance and indeed in the history of the United Nations; they included high-quality training by leading scholars and practitioners from different countries and legal systems on virtually every aspect of international law, and the issuance of extensive legal publications and training materials for over 1 million people in 2014, as compared to 20 people per year a decade previously.

9. The report also suggested a possible combination of funding methods. First, in line with paragraph 7 of General Assembly resolution 67/91, the minimum necessary resources should be provided in order to maintain the aforementioned activities through the regular budget. Second, developing countries should be called on to bear a greater proportion of the cost of the traditional training courses that benefited their lawyers, including asking the African Union, Thailand and Uruguay to cover about 25 per cent of the cost of the courses to take place in their respective regions and other developing countries to cover the cost of their self-funded participants. Third, developed countries should be called upon to continue to provide

significant funding through voluntary contributions for the further development of the Audiovisual Library, which was used primarily by lawyers in developed countries.

10. Lastly, the three people who worked on the Library were funded by voluntary contributions; owing to the significant decline in such contributions in 2013, they could soon lose their jobs. That would mean the end of the Library.

11. **Mr. Kommasith** (Lao People's Democratic Republic), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that increased understanding of international law was vital for promoting interactions between States, strengthening world peace and security, furthering the rule of law at the national and international levels, and assisting Member States with capacity-building in legal matters. ASEAN commended the efforts of the Office of Legal Affairs, in particular the Codification Division, in that regard.

12. Legal publications and resources in international law, together with the revitalization of the International Law Fellowship Programme and the regional courses in international law, were beneficial for every Member State. ASEAN thanked those States and other donors that had made significant voluntary contributions to the Programme of Assistance over the past few years. ASEAN also welcomed the use of modern technology, in particular the establishment of the Audiovisual Library of International Law, which was a valuable resource for both developing and developed nations, and hoped that further expansion of the Library would be possible in the years ahead.

13. The rule of law played a critical role in maintaining international peace and security and in addressing global challenges; strengthening it was a common goal and responsibility under the Charter of the United Nations and international law, as reaffirmed in the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels. The regional courses provided high-quality training in international law and were also an essential forum for the sharing of experiences. It was therefore regrettable that the regional course for Asia-Pacific, scheduled to take place in Bangkok in November 2013, had had to be cancelled owing to a lack of funds. ASEAN called on Member States and other stakeholders to consider

making voluntary contributions to the Programme of Assistance so that the course could be held in the biennium 2014-2015.

14. ASEAN noted with concern the precarious financial situation of the Programme of Assistance. In order to secure the Programme's future, the regional courses and the Audiovisual Library should be funded in full directly from the Organization's regular budget, and voluntary contributions from Member States should be complementary. In that connection, ASEAN hoped that the request to the Secretary-General to provide the necessary resources for the Programme, set out in paragraph 7 of General Assembly resolution [67/91](#), would be heeded. ASEAN was in the process of developing a rules-based, people-oriented community by 2015. Its member States were fully committed to supporting the Programme of Assistance as a key element in promoting the Organization's important rule of law activities.

15. **Ms. Dieguez La O** (Cuba), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that, from the early days of their independence, CELAC member States had incorporated the fundamental principles and norms of international law into their domestic legal systems and participated actively in the establishment of organizations engaged in the field of international law. Knowledge of the principles of international law was a prerequisite for their observance. CELAC welcomed the report of the Secretary-General on the Programme of Assistance ([A/68/521](#)), but regretted that the report noted, only in a footnote, that information on the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea would be provided in the report of the Secretary-General on oceans and the law of the sea ([A/68/71/Add.1](#)). Since that Fellowship was part of the Programme of Assistance, CELAC hoped that information on the Fellowship would be included in the Secretary-General's next report on the Programme.

16. Scholarships and courses on international law had a multiplier effect within the community of students and professionals. CELAC was pleased to note that a regional course in international law for Latin America and the Caribbean would take place in Uruguay in 2013 and hoped that the Programme of Assistance would have the financial resources necessary for both that course and a further course in the region.

17. With regard to information resources, she commended the Office of Legal Affairs for maintaining 26 user-friendly international law-related websites, which contained valuable resources for researchers. The Audiovisual Library's Lecture Series, Historic Archives and Research Library provided a useful toolbox for the achievement of the Programme's goals and had the potential to reach millions of people worldwide.

18. The Codification Division's publication of the *United Nations Legislative Series* and the summaries of advisory opinions and judgments of the International Court of Justice and the Permanent Court of International Justice greatly benefited the academic community, as did its efforts to expand the desktop publishing programme. Since the working languages of the International Court of Justice were English and French, the publication of the summaries and decisions in all the official languages of the United Nations was often the only way for teachers, researchers and students in CELAC countries to access the Court's jurisprudence. Since knowledge of it was indispensable to the understanding of the evolution of the rules of international law, no effort should be spared in updating that collection and ensuring its widest possible dissemination.

19. She also welcomed the publication of the special volume in the *United Nations Legislative Series* on the responsibility of States for internationally wrongful acts, which would serve as a valuable supplement to the articles on that topic that had been adopted by the International Law Commission in 2001. The series concerning the legislative history of the United Nations Convention on the Law of the Sea and other publications of the Division for Ocean Affairs and the Law of the Sea were also valuable.

20. The General Assembly, in its resolution [67/91](#), had not only authorized the Secretary-General to carry out activities under the Programme of Assistance but had also reiterated its request that he should provide the programme budget for the biennium 2014-2015 with the necessary resources for the Programme. It was of grave concern that those resources had not been requested and that voluntary contributions were also extremely limited; one regional course had had to be cancelled even though the host country had been ready to cover 25 per cent of the cost, while the Audiovisual Library might be discontinued by the end of the year. The Advisory Committee's recommendations, in

particular its call for budgetary resources for the Programme of Assistance, must be reflected in the Sixth Committee's resolution on the subject. Lastly, CELAC shared the view that the Programme of Assistance should be included in the regular budget so as to ensure that it was not lost altogether.

21. **Mr. Salem** (Egypt), speaking on behalf of the Group of African States, said that the Internet-based activities of the Programme of Assistance benefited many lawyers and students in developing countries, fulfilling the purpose for which it had originally been established at the initiative of African States. The Programme's goal had become even more relevant with the renewed emphasis placed by the United Nations on the promotion of the rule of law, including the rule of international law. Urgent attention was needed to address the financial and other resource constraints faced by the Programme. It was a matter of concern that voluntary contributions had significantly decreased in recent years and that the available resources were not sufficient to conduct the regional courses in international law or to develop the Audiovisual Library of International Law further in 2014-2015. Those activities should be funded from the regular budget, since voluntary contributions were not a sustainable funding method. The Group supported the recommendations of the Advisory Committee in that regard.

22. He commended the Codification Division for its efforts to strengthen the Programme, preserve the number of international law fellowships at The Hague Academy of International Law and carry out its desktop publishing programme. The Group was pleased to note that regional courses in international law had been held in Addis Ababa in 2010, 2012 and 2013, and that the Ethiopian Government had offered to host another course in 2014. The Group also welcomed the voluntary contribution made by the African Union.

23. Member States had an obligation to promote and advance international law, as enshrined in the Charter of the United Nations. Adequate resources should be provided under the regular budget to sustain the Programme of Assistance. More resources should be made available to enable the Secretariat to publish research papers and other materials on international law in hard copy, which could be accessed more easily by States with limited Internet facilities. He urged Member States to make voluntary contributions to the trust fund for the Programme of Assistance in support

of the Programme's various activities. Respect for and understanding of international law could not be achieved through political means alone; adequate teaching and dissemination thereof was crucial in that process.

24. **Mr. Thomson** (Fiji), speaking on behalf of the Group of 77 and China, commended the tireless efforts of the Codification Division to sustain the Programme of Assistance despite funding difficulties. The Programme had become more relevant in recent times as a tool for strengthening international peace and security and promoting friendly relations and cooperation among States. Officials from both developing and developed countries, especially members of the Group of 77, derived immense benefit from the regional courses in international law, the International Law Fellowship Programme and the Audiovisual Library of International Law.

25. The Group was deeply concerned at the lack of regular budget funding for the Programme of Assistance and at the fact that the regional course in international law for Asia-Pacific scheduled for 2013 had had to be cancelled owing to a lack of funds. Resources for the regional course for Latin America and the Caribbean, due to take place in Uruguay in 2014, had not yet been secured, even though the host country was ready to cover 25 per cent of the cost; there were also no resources for a second course to be held in that region. Moreover, the Audiovisual Library might be completely discontinued by the end of 2013. Voluntary contributions were insufficient. The foreign ministers of the Group of 77 and China had therefore stated, in a ministerial declaration adopted on 26 September 2013, that adequate funding should be provided from the regular budget for the biennium 2014-2015 for all aspects of the Programme, including the regional courses in international law, the Audiovisual Library, teaching materials and publications, and the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea. The Group of 77 could not accept the inevitable outcome of a failure to secure such regular budget funding.

26. The Group hoped that all Member States remained committed to the objectives of the Programme of Assistance and urged them to join the effort to secure regular budget funding for it. The Group was ready to work within both the Sixth and the Fifth Committees to achieve that end; as a first step,

the Sixth Committee's resolution on the subject must be unequivocal.

27. **Ms. Cujo** (Observer for the European Union), speaking also on behalf of the candidate countries Iceland, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania and Bosnia and Herzegovina; and, in addition, Armenia, Georgia, the Republic of Moldova and Ukraine, said that the Programme of Assistance contributed towards a better knowledge of international law as a means of strengthening international peace, security and the rule of law and promoting friendly relations among States. Knowledge of international law was a prerequisite for establishing the conditions under which justice and respect for the obligations arising from treaties and other sources of international law could be maintained, as envisaged in the Charter of the United Nations. By providing international law training and resources, the Programme of Assistance had made an important contribution to the advancement of the rule of law and to the work of the international legal community over the course of its existence.

28. The Office of Legal Affairs had made commendable efforts to strengthen and revitalize its activities under the Programme of Assistance in order to meet the changing needs of the international legal community. Its use of modern technology for that purpose, including the establishment of the Audiovisual Library of International Law, was especially notable. Given that the Library had become an important resource for the legal community, the Codification Division should continue pursuing that project.

29. She welcomed the Division's desktop publishing initiative, together with its efforts to achieve cost-efficiencies with respect to the International Law Fellowship Programme, and noted the contributions of the Registry of the International Court of Justice, The Hague Academy of International Law and the Carnegie Foundation in that regard. She also acknowledged the contribution of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea to the wider appreciation and application of the United Nations Convention on the Law of the Sea and the work of the Division for Ocean Affairs and the Law of the Sea in that regard, and noted that two countries had made contributions to that Fellowship since the previous report on the Programme of Assistance.

30. There was a constant need for international law training and dissemination of legal resources. The Programme of Assistance was an important activity of the United Nations and benefited all States, both developing and developed. The European Union would give full consideration to the question of how to ensure that it had adequate funds, within existing resources and through voluntary contributions, to continue to meet the needs of the international community for years to come. She commended those States that had made voluntary contributions to the Programme of Assistance and encouraged others to consider doing so.

31. **Ms. Dilogwathana** (Thailand) said that her delegation supported the Programme of Assistance as a means of strengthening international peace and security and promoting the rule of law. She commended the Office of Legal Affairs for its efforts and thanked those Member States, institutions and individuals that had supported activities under the Programme of Assistance. She also commended the Codification Division for making legal publications and other material, including the Historic Archives and the Lecture Series, available through the Audiovisual Library of International Law. Thailand also appreciated the support provided by the International Law Fellowship Programme to qualified candidates from developing countries. Similarly, the regional courses were important as they enabled legal practitioners in such countries to receive high-level training in international law. Her country remained committed to supporting the Programme of Assistance by hosting seminars and courses, and would continue to support the regional courses in 2014 and 2015. It was vital for the Programme to be adequately funded; she thanked States that had made voluntary contributions to the Programme and encouraged others to follow suit.

32. **Mr. Batora** (Ethiopia), having commended the Advisory Committee and the Codification Division for their work during the current year, said that, as global realities changed, the scope of international law was expanding to cover new areas such as international trade, environmental protection, human rights, State responsibility, dispute settlement and State succession. Not only States but individuals, groups and international organizations had become subjects of international law. It was therefore essential to expand the teaching, study and dissemination of international law under the Programme of Assistance.

33. It was a matter of concern that voluntary contributions to the Programme of Assistance had fallen significantly in recent years and that the available resources were not sufficient to conduct any regional courses or to further develop the Audiovisual Library of International Law in 2014-2015. His delegation concurred fully with the Advisory Committee's conclusion that voluntary contributions were not a sustainable method of funding and that resources needed to be allocated from the regular budget.

34. Ethiopia had demonstrated its commitment to supporting the Programme of Assistance by hosting regional courses in international law for Africa in 2011, 2012 and 2013, and stood ready to continue hosting them. Those courses should be held regularly, as they provided an opportunity for discussion of important issues in international law, with special emphasis on the African continent, which benefited not only Africa but the entire international community. He called on the Office of Legal Affairs to further enhance its collaboration with the African Union, the United Nations Economic Commission for Africa, the African Institute of International Law, the African Law Commission and African universities. The Programme of Assistance would help African countries not only to keep abreast of developments in international law but also to take part in regional and international legal meetings with a view to further promoting the region's legitimate interests.

35. **Mr. Joyini** (South Africa) said that his country supported the Programme, particularly as it related to the development of international law in Africa. It should be noted that the African Union contributed to the regional course for Africa, and that the African Institute of International Law had recently been established to work on the progressive development and codification of international law on the continent, further the objectives and principles of the African Union, and work on the revision of treaties in Africa. Furthermore, it had been decided at the African Union Summit held in May 2013 that African States should support proper funding of the Programme of Assistance, including, if necessary, through the United Nations regular budget. For that reason, *inter alia*, his Government favoured regular budget funding for the Programme.

36. **Mr. Arbogast** (United States of America) said that his Government was pleased to be a member of the

Advisory Committee on the Programme of Assistance, which at its recent annual meeting had wrestled with funding issues as never before. The Programme made a great contribution to educating students and practitioners throughout the world in international law and continued to enjoy strong support. Knowledge of international law furthered the rule of law at the national and international levels and gave new generations of lawyers, judges and diplomats a deeper understanding of the complex instruments that governed an interconnected world. He expressed appreciation for the creative ways in which the Codification Division had been able to keep important programmes going despite limited resources.

37. He hoped that the rule of law exercise would lead to new opportunities for appropriate resource support for the regional courses in international law, the Audiovisual Library and other activities of the Programme of Assistance. It was important for the Programme to thrive for years to come.

38. **Ms. Millicay** (Argentina) said that the Programme of Assistance pursued a dual objective: dissemination of international law as a tool for fostering the rule of law, and capacity-building, particularly in developing countries. The publications of the Codification Division and the Treaty Section and the Historic Archives and complementary academic materials available through the Audiovisual Library of International Law all constituted priceless resources for Member States, as they were used by public officials, practising lawyers and students seeking to deepen their knowledge of international law. Her delegation also saw the regional courses in international law as useful training tools. It was worrying, however, that the regional course for Asia-Pacific had had to be cancelled owing to a lack of funds and that a second course for Latin America and the Caribbean had not been confirmed for the same reason.

39. The international law courses at The Hague Academy of International Law and the Geneva International Law Seminar of the International Law Commission had a long-standing tradition of providing training for international lawyers, particularly those from developing countries, and were renowned for their high quality and degree of specialization. The persistent lack of resources in the trust fund for the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea gave cause for concern. Efforts must be made to ensure that the Fellowship could continue to be

awarded each year. It was regrettable that the report on the Programme of Assistance contained no information on the Fellowship, which, though administered by the Division for Ocean Affairs and the Law of the Sea, was an integral part of the Programme.

40. Her delegation hoped that, despite any information on the Fellowship that might be included in the Secretary-General's report on oceans and the law of the sea, the Fellowship would continue to be covered in future reports from the Codification Division, as had been the case up to the sixty-seventh session of the Assembly. Nonetheless, the delegation commended the Secretariat's efforts to maintain activities under the Programme despite increasingly scarce resources.

41. Every year, Member States renewed their commitment to supporting the Programme because it contributed to the training of their own officials and international lawyers. Nonetheless, the situation described in the Secretary-General's report was extremely worrying: two regional courses had been cancelled in 2013, even though the host countries had been willing to cover 25 per cent of the costs, because of a lack of voluntary contributions to cover the remaining 75 per cent; the Audiovisual Library might have to be discontinued by the end of the year; and there was a significant delay in the issuance of legal publications.

42. The demand for training in international law was growing, and knowledge in that field was essential for the rule of law at the international level. The Advisory Committee had recently concluded that it was not viable to continue funding the Programme of Assistance solely on the basis of voluntary contributions; in 2013, only a small number of such contributions had been received. The Sixth Committee must therefore acknowledge that the idea of funding the Programme within existing resources was not realistic. It was not clear why, despite the mandate in paragraph 7 of General Assembly resolution 67/91, funds for the Programme had not been included in the programme budget for the biennium 2014-2015. Nonetheless, the Advisory Committee's recommendations were clear: all components of the Programme must be funded from the regular budget. Argentina, as a member of the Group of 77 and China and of CELAC, would contribute to the efforts of both those groups and of other countries to secure that outcome, so that future generations of lawyers from both developed and developing countries were able to receive the training they needed.

43. **Ms. Mokhtar** (Malaysia), having commended the efforts of the Codification Division to enable the widest possible participation in activities under the Programme of Assistance despite severe financial and logistical constraints, said that the Programme provided invaluable opportunities for participants from developing countries and countries with emerging economies to reinforce their understanding of international law. Her Government applauded the success of the International Law Fellowship Programme, the high demand for which was a testament to its quality. There was also increasing demand for the regional courses in international law; her Government was pleased to note that a regional course for Africa had been held in Addis Ababa in April 2013 and recognized the role of the Ethiopian Government as host. Her Government also commended the countries that had agreed to host regional courses in Asia and in Latin America and the Caribbean.

44. It was a matter of concern that a lack of funding threatened the continuation of activities under the Programme in the immediate future. Her delegation was disappointed at the cancellation of the regional course for Asia-Pacific owing to a lack of funds and at the possible discontinuation of the Audiovisual Library of International Law. Programme activities in the biennium 2014-2015 should be supported by funding from the Organization's regular budget, as mandated by General Assembly resolution 67/91. At the same time, her delegation encouraged Member States to continue making voluntary contributions to enable the unhindered implementation of the Programme.

45. **Mr. Madureira** (Portugal) said that his delegation concurred with the guidelines and recommendations set out in the Secretary-General's report. The publications of the Office of Legal Affairs were valuable tools for legal practitioners, scholars and institutions, particularly in developing countries, and their dissemination free of charge through the Internet provided added value. The establishment of the Codification Division website was another important development. His delegation encouraged the Division to continue considering options for revitalizing training activities and was happy to hear that the Division was considering the possibility of designating permanent venues for the regional courses in international law for Africa, Asia-Pacific and Latin America and the Caribbean.

46. The Audiovisual Library of International Law was an important tool; his delegation hoped that the enlargement of the Historic Archives would continue in response to ever-increasing demand. The International Law Fellowship Programme also played a significant role in providing legal training, particularly for students and practitioners from developing and emerging countries. His delegation was therefore pleased with efforts that had been made to maintain the number of fellowships available under the Programme.

47. Despite the significant achievements of the Programme of Assistance, its reach should be further expanded by providing more material in different languages and ensuring the representation of major legal systems and a balance among geographical regions, while bearing in mind the limited resources available. His Government actively promoted the teaching and study of core issues of international law at the bilateral level, particularly with Portuguese-speaking countries and other developing countries. Voluntary contributions were no longer suitable as a method of funding for the Programme; there was a need for more reliable funding through the regular budget, in accordance with General Assembly resolution 67/91. Activities as important as the regional courses in international law and the training provided by the Audiovisual Library could not simply be discontinued for lack of funds.

48. **Mr. Gonzalez** (Chile) said that the influence of international law on society was growing and that knowledge and understanding of it were especially important for lawyers, legislators and judges; its dissemination was therefore valuable and necessary. Accordingly, his Government made voluntary contributions to the Programme of Assistance and the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea and hosted the External Programme of The Hague Academy of International Law for Latin America, which was introducing young people to, and expanding their knowledge of, international law. His Government also attached particular importance to the International Law Fellowship Programme and the regional courses in international law.

49. The cancellation of the regional course for Asia-Pacific, which had been scheduled for November 2013, was regrettable and demonstrated that voluntary contributions were not a sustainable method of funding. The regional courses and the Audiovisual Library of International Law should therefore be funded from the Organization's regular budget. As a

member of the Advisory Committee, Chile supported its recommendations as set out in the Secretary-General's report and called on the Sixth Committee to adopt them so that the courses due to be held in Ethiopia, Uruguay and Thailand in 2014 and those scheduled for 2015, along with other activities under the Programme, could continue. No regional course for Latin America and the Caribbean had been held since 2004, and his Government was therefore grateful to Uruguay for offering to host a course in 2014.

50. **Ms. Woldeyohannes** (Eritrea) said that respect for and understanding of international law were essential for the peaceful coexistence of nations and could not be achieved by political means alone. International law was becoming increasingly complex; as a result, there was a need for increased numbers of qualified professionals. The Programme of Assistance played a significant role in the promotion of international law; it was particularly useful to government officials, lawyers and students in developing countries and, through the dissemination of legal material, enabled students and young people to acquire greater expertise in international law and become more active in that field.

51. Her delegation greatly appreciated the Audiovisual Library of International Law, which was a useful tool for promoting a greater understanding of the United Nations role in international law and meeting the increasing demand for training, which could not be achieved through traditional courses. Nonetheless, regional courses under the Programme should continue to be held on a regular basis, and other developing countries should have the opportunity to host them. Her delegation was in favour of the establishment of a sustainable funding mechanism for the Programme.

52. **Ms. Mwaipopo** (United Republic of Tanzania) said that the Programme of Assistance continued to contribute to capacity-building in international law and to meeting the ever-increasing demand for training and access to international legal materials. The teaching, study and dissemination of international law were also essential for the promotion of the rule of law at the national and international levels. Her delegation was pleased to note that a regional seminar on international law had been held in Addis Ababa in April 2013 for lawyers from African countries and expressed its appreciation to the African Union and other States that had made voluntary contributions to facilitate the implementation of the Programme of Assistance in Africa.

53. Her Government welcomed the offer by the Government of Ethiopia to host another regional course in 2014, as well as the establishment of the African Institute of International Law to advance the teaching and development of international law on that continent; the Institute's partnership with the Codification Division would be of great benefit. The expansion of the Audiovisual Library of International Law, which was used by both developed and developing countries alike, was another welcome development.

54. The activities carried out under the Programme of Assistance deserved the support of Member States; her delegation was grateful to those that had made voluntary contributions. At the same time, it endorsed the recommendations regarding the continuation of the Programme in the biennium 2014-2015 and agreed that the Programme should be fully funded from the Organization's regular budget.

55. **Mr. Waweru** (Kenya) said that, in the ever-changing environment of international law, there was an ongoing need to build the capacity of practitioners, particularly those from developing countries. He expressed appreciation to those Member States that had made voluntary contributions to the trust fund for the Programme of Assistance and encouraged others to follow suit. However, it had become clear that voluntary contributions were not a sustainable method of funding; a number of planned activities had been cancelled or delayed because of a lack of resources. The Programme should therefore be provided with adequate resources from the Organization's regular budget, in accordance with paragraph 7 of General Assembly resolution 67/91.

56. **Ms. Taratukhina** (Russian Federation) said that activities under the Programme of Assistance, in particular the International Law Fellowship Programme, the regional courses in international law, the publication of high-quality legal materials and the training provided by the Audiovisual Library of International Law, were much more effective in promoting the rule of law at the international level than the creation of endless bodies within the Secretariat with unclear mandates in that area. Regrettably, the needs of the Programme were often unjustifiably ignored. Owing to a lack of adequate funding from voluntary contributions, the Programme was on the brink of discontinuation, despite the fact that the General Assembly, in its resolution 67/91, had granted a clear mandate to fund it. Her delegation trusted that

the funding issue would be resolved, particularly as the Programme's budget was modest in comparison with that of the aforementioned Secretariat bodies.

57. **Mr. Cancela** (Uruguay) said that the regional courses in international law were of great value to his region in particular and to all developing countries in general. His Government was concerned that the courses were not held regularly every year, and in particular that none had been held in Latin America and the Caribbean since 2004. In some cases, the obstacle was the lack of a host country agreement and, in other cases, a lack of funding. Uruguay had recently overcome the first obstacle by concluding a host country agreement with the Organization; as to the second, his Government had agreed to cover its share of the cost involved in hosting a course in 2014. However, the Secretary-General's report had indicated that there were insufficient funds not only for the regional courses but for the Programme of Assistance as a whole. The Advisory Committee had noted that voluntary contributions were an inadequate method of funding for the Programme's activities, in particular the regional courses and the Audiovisual Library of International Law, and had reiterated the request to the Secretary-General set out in paragraph 7 of General Assembly resolution 67/91 to provide the necessary resources for the continuation of the Programme.

58. The regional course for Asia-Pacific due to be held in Thailand in 2013, for which all the arrangements, including the selection of participants, had already been made, had had to be cancelled owing to a lack of funds. That turn of events reaffirmed the need to have such courses funded from the Organization's regular budget instead of through voluntary contributions. His delegation hoped that the Committee would adopt a resolution to that effect.

59. **Mr. Redmond** (Ireland) said that his delegation welcomed the International Law Fellowship Programme and the regional courses held in Addis Ababa and Bangkok. It was worth considering either of those cities as permanent venues for regional courses, without prejudice to the possibility of holding them at another location. His delegation was also pleased to note that the Government of Uruguay had concluded a host country agreement with the United Nations for the organization of a regional course for Latin America and the Caribbean. His delegation commended the continued enhancements to the Audiovisual Library of International Law. The impressive growth in user

numbers was a testament to the Library's high quality and innovative means of imparting legal information.

60. His Government believed that a proper understanding of international law was crucial to furthering the rule of law. For that reason, it had consistently made modest voluntary contributions to the Programme and encouraged others to consider making a similar commitment.

61. **Ms. Guillén-Grillo** (Costa Rica) said that the knowledge and practice of international law were essential for strengthening the rule of law at the national and international levels. The Programme of Assistance was a key tool in that regard. The courses provided under the Programme were vital for countries like Costa Rica that did not have sufficient resources to train legal officials to a high level; their continuation must be assured. Her delegation was pleased to note that a regional course was to be held in Uruguay in May 2014 and trusted that the necessary resources would be available to hold a course in Costa Rica in 2015 that was currently under discussion. She also commended the Audiovisual Library of International Law and the issuance by the Codification Division of legal publications.

62. In view of the Programme's importance, the failure to provide it with adequate resources, as requested by the General Assembly in its resolution [67/91](#), was incomprehensible and unjustifiable. Her delegation urged all Member States to take the necessary steps to ensure the continuation of the Programme, including the establishment of a clear mandate for the allocation of the required resources in the relevant resolution of the current session.

63. **Mr. Zemet** (Israel) said that his delegation supported all efforts to enhance the dissemination and wider appreciation of international law, which was the cornerstone of international peace and security. The regional courses in international law were important for training scholars and officials across the globe; his Government hoped that such courses would be held more frequently and in more regions of the world. It also supported the Audiovisual Library of International Law and trusted that sufficient funding would be found for it. As in previous years, and despite budgetary constraints, Israel would be making a voluntary contribution of \$5,000 to support the Library's work.

64. **Mr. Silva** (Brazil) said that initiatives that promoted peace and respect for international law, such

as the Programme of Assistance, should be treated as priorities within the Organization. The Programme's long-term capacity-building work also made it one of the most cost-effective means of fostering the rule of law at the national and international levels. Nonetheless, it faced a constant shortage of funds. The time had come to resolve that paradox and to provide the Programme with the resources it deserved.

Agenda item 86: The scope and application of the principle of universal jurisdiction ([A/68/113](#))

65. **Mr. Gharibi** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the principles enshrined in the Charter of the United Nations, particularly the sovereign equality and political independence of States and non-interference in the internal affairs of States, should be strictly observed in any judicial proceedings. The exercise, by courts of another State, of criminal jurisdiction over high-ranking officials who enjoyed immunity under international law violated the principle of State sovereignty; the immunity of State officials was firmly established in the Charter and in international law and must be fully respected.

66. The invocation of universal jurisdiction against officials of some member States of the Non-Aligned Movement raised both legal and political concerns. The Assembly of the African Union, which was committed to combating impunity, had, in its decision [Assembly/AU/Dec.420 \(XIX\)](#), reiterated its request that warrants of arrest issued on the basis of the abuse of the principle of universal jurisdiction should not be executed in any member State.

67. It was necessary to clarify the crimes falling under universal jurisdiction in order to prevent its misapplication; the Committee might find the decisions and judgments of the International Court of Justice and the work of the International Law Commission useful for that purpose. The Movement cautioned against unwarranted expansion of the range of such crimes and would participate actively in the work of the Working Group on the topic, including by sharing information and practices, with a view to ensuring the proper application of universal jurisdiction.

68. **Ms. Dieguez La O** (Cuba), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that the member countries of CELAC attached great importance to the issue of the

scope and application of universal jurisdiction, which should be examined in the light of international law and with particular attention to the applicable international norms. The Working Group on the topic should seek to identify the points on which consensus existed and those that required further consideration. Discussions during the current session should focus on the elements addressed in the non-paper submitted by the Working Group to the Committee at the sixty-sixth session of the General Assembly (A/C.6/66/WG.3/1).

69. Universal jurisdiction was an institution of international law, which therefore established the scope of its application and enabled States to exercise it. CELAC found it constructive that a number of Member States had affirmed that universal jurisdiction should not be confused with international criminal jurisdiction or with the obligation to extradite or prosecute (*aut dedere aut judicare*); they were different but complementary legal institutions and had the common goal of ending impunity. While it would be premature to determine the eventual outcome of the Working Group's discussions, the possibility of referring the topic to the International Law Commission for study should not be ruled out.

70. **Mr. Norman** (Canada), speaking also on behalf of Australia and New Zealand, said that the three countries had long recognized universal jurisdiction over the most serious crimes as an established principle of international law. However, the primary responsibility for prosecution should rest with the State in which the crime had been committed, because it had the best access to the relevant evidence, witnesses and victims and would benefit most from the transparency of a trial and the accountability of a verdict. If the territorial State was unable or unwilling to exercise jurisdiction, universal jurisdiction provided an important complementary mechanism to ensure that individuals who committed such crimes did not enjoy safe haven anywhere in the world. Such jurisdiction should always be exercised in good faith and in a manner consistent with international law; the rule of law must be upheld and all accused persons must be guaranteed an impartial, prompt and fair trial.

71. The three delegations applauded those States that had incorporated universal jurisdiction over genocide, crimes against humanity and war crimes into their domestic legislation and encouraged others to do the same. They also welcomed the establishment of the

Working Group and looked forward to continued discussion of the topic.

72. **Mr. Salem** (Egypt), speaking on behalf of the Group of African States, said that the Group recognized that universal jurisdiction was a principle of international law intended to ensure that individuals who committed grave offences did not enjoy impunity and were brought to justice. Under the Constitutive Act of the African Union, the Union had the right to intervene, at the request of any of its member States, in situations of genocide, war crimes and crimes against humanity. African States had also adopted progressive human rights instruments, including optional protocols that permitted individuals to lodge complaints or grievances against their Governments, and they honoured their reporting obligations under United Nations human rights treaties.

73. However, the Group wished to stress the importance of respecting other norms of international law, including the sovereign equality of States, territorial jurisdiction and the immunity of State officials, when applying the principle of universal jurisdiction, whose abuse could undermine the effort to combat impunity. Some non-African States and their domestic courts had sought to justify arbitrary or unilateral application or interpretation of that principle on the basis of customary international law. However, a State that relied on a purported international custom must, generally speaking, demonstrate to the satisfaction of the International Court of Justice that the alleged custom had become so established as to be legally binding.

74. African and other like-minded States around the world were promoting the adoption of measures to end abuse and political manipulation of the principle of universal jurisdiction by judges and politicians from States outside Africa, including violation of the principle of the immunity of Heads of State under international law. The Group reiterated the request by African Heads of State and Government that arrest warrants issued on the basis of the abuse of universal jurisdiction should not be executed in any African Union member State, and noted that the African Union had urged its members, in its latest decision on the issue, to use the principle of reciprocity to defend themselves against the abuse of universal jurisdiction.

The meeting rose at 1 p.m.