



General Assembly

Seventieth session

Official Records

Distr.: General
21 December 2015

Original: English

Sixth Committee

Summary record of the 15th meeting

Held at Headquarters, New York, on Friday, 23 October 2015, at 10 a.m.

Chair: Mr. Holovka (Vice-Chair) (Serbia)
later: Mr. Charles (Chair) (Trinidad and Tobago)
later: Ms. Morris-Sharma (Vice-Chair) (Singapore)
later: Mr. Charles (Chair) (Trinidad and Tobago)

Contents

Agenda item 84: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*)

Agenda item 82: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Control Unit (srcorrections@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

15-18536 (E)



Please recycle A small graphic of a recycling symbol, consisting of three chasing arrows forming a triangle.



In the absence of Mr. Charles (Trinidad and Tobago), Mr. Holovka (Serbia), Vice-Chair, took the Chair.

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

Agenda item 84: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
(continued) (A/70/33, A/70/295 and A/70/119)

1. **Ms. Ji Xiaoxue** (China), noting that her Government had recently co-hosted a colloquium in commemoration of the seventieth anniversary of the United Nations, said that, under the guidance of the Organization and its Charter, the world had maintained overall peace for seven decades, countries throughout the world had enjoyed steady economic and social development, a number of conflicts had been settled peacefully and democratization and the rule of law in international relations had gained increasing acceptance. The current year marked the fortieth anniversary of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, which had played an important role in upholding the authority of the Charter, maintaining international peace and security and promoting the peaceful settlement of international disputes.

2. Her delegation hoped that all concerned parties would engage in pragmatic consultations with a view to improving the Special Committee's working methods and efficiency. It supported the Special Committee's identification of relevant and feasible new subjects; however, any subject taken up should fall within the Committee's purview as mandated by the General Assembly. Her delegation was delighted to note the progress made in compiling the *Repertory of Practice of United Nations Organs* and updating the *Repertoire of the Practice of the Security Council* and hoped that the Secretariat would implement the relevant recommendations contained in the Special Committee's report (A/70/33).

3. The Security Council should take a cautious and responsible approach to the imposition of sanctions, which should be used as the last resort after all other peaceful means had been exhausted. When sanctions were considered truly necessary, they should be applied in strict compliance with the Charter and other relevant principles of international law, and negative impacts on civilians and third States should be minimized. Her delegation looked forward to reviewing a revised

version of the proposal of the Movement of Non-Aligned Countries on the peaceful settlement of disputes (A/AC.182/L.138). The work of the Special Committee remained highly relevant and Member States should continue to use the platform it provided to push for more effective compliance with the purposes and principles of the Charter and to further strengthen the role of the United Nations.

4. **Mr. Gharibi** (Islamic Republic of Iran) said that the Special Committee was indeed an appropriate platform for Member States to renew their commitment to the purposes and principles of the Charter. Nevertheless, making proper use of the Special Committee's valuable potential required strong political will by all. The current situation was not in the interests of all Member States and risked creating a dangerous precedent. A constructive dialogue was needed in order to revitalize the Special Committee and make wise use of the opportunities it offered.

5. The prohibition of the threat or use of force was the single most important achievement of the United Nations. Under the Charter, all States had an unambiguous obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the object and purpose of the Organization. They were also under an obligation to settle their international disputes by peaceful means. All States should adhere strictly to those fundamental principles, which constituted the cornerstone of the rule of law at the international level.

6. The Special Committee had an important role to play in addressing concerns relating to the threat or use of force, and his delegation supported its consideration of all proposals having to do with the maintenance of international peace and security, including the proposal submitted by Belarus and the Russian Federation (A/69/33) that an advisory opinion should be requested from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence.

7. Sanctions should be imposed as a coercive measure only as a last resort, after the Security Council had determined that there was an actual threat to peace, a breach of peace or an act of aggression, and only when peaceful measures had been exhausted or proven to be inadequate. In so doing, the Security Council must act in

strict conformity with the purposes and principles of the Charter and avoid exceeding its authority or infringing the principles of international law. It should impose sanctions only in support of legitimate objectives and should not seek to deprive any Member State of its recognized legitimate rights under international law or deem a lawful and legitimate conduct by a State to be a threat to international peace and security. States targeted by sanctions should be entitled to compensation for damages inflicted upon them. In that connection, the International Law Commission should give consideration to the legal consequences of arbitrarily imposed sanctions against Member States under the topic "Responsibility of international organizations", particularly in the light of article 3 of the Commission's articles on the topic, which provided that every internationally wrongful act of an international organization entailed the international responsibility of that organization.

8. His delegation welcomed the recent report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights (A/70/345), which represented a positive step in countering the effects of such destructive measures against people in targeted States. The continuing use of arbitrary unilateral economic sanctions against developing countries as a foreign policy instrument remained a matter of serious concern; such measures were morally wrong and ethically unjustifiable and not only undermined the rule of law at the international level but also infringed the right to development and the basic human rights of citizens in targeted States.

9. Such measures had almost always been initiated by one State against many developing countries in clear contravention of international law and the Charter of the United Nations, especially where they were aimed at depriving nations of their lawful and legitimate rights under treaties. In many cases they had been imposed as a result of extraterritorial application of domestic legislation against legal and natural persons in other countries, which violated international law and the principles of legal equality of States, respect for national sovereignty and non-intervention in the internal affairs of States. Moreover, such measures imposed suffering on innocent citizens and deprived them of their right to development and self-determination.

10. His delegation looked forward to further discussion on the proposal by the Non-Aligned Movement on peaceful settlement of disputes

(A/AC.182/L.138) and the new proposal by Ghana on strengthening the relationship and cooperation between the United Nations and regional organizations or arrangements in the peaceful settlement of disputes (A/AC.182/L.137).

11. **Ms. Zarrouk Boumiza** (Tunisia) said that her delegation attached great importance to the work of the Special Committee on the Charter in strengthening the role of the Organization and consolidating its action in the areas of peace and security, development of cooperation between nations and promotion of the rules of international law. The Committee should also play a leading role in the necessary reform of the United Nations.

12. Her delegation's views on sanctions and on the implementation of the Charter provisions relative to assistance to third States affected by them had been clearly expressed by the representative of the Islamic Republic of Iran in the statement made on behalf of the Non-Aligned Movement. It was widely accepted that the imposition of sanctions should be guided by the rules and principles set out in the document entitled "Introduction and implementation of sanctions imposed by the United Nations", which the General Assembly took note of in its resolution 64/115 and which stated clearly that the unintended side effects of sanctions regimes must be taken into account. In particular, it was important to remedy the negative consequences that sanctions might have for third States in accordance with their rights under Article 50 of the Charter. Further deliberations on that question were needed, as some issues had not yet been examined, including the question of possible compensation for the targeted State or third States for damages arising from sanctions.

13. More rational working methods were needed in order to accelerate the pace of the Special Committee's work; however, stronger political will on the part of Member States and a readiness to undertake in-depth discussion of the topics on the Committee's agenda would be more important in that connection than changes to the Committee's working methods. Her delegation supported the introduction of new proposals, such as that of Ghana (A/AC.182/L.137), which deserved further consideration.

14. **Mr. Jo Jong Chol** (Democratic People's Republic of Korea) said that respect for the sovereignty and sovereign equality of States and non-interference in the internal affairs of other nations were basic principles of

the Charter. However, high-handedness and arbitrariness veiled under various guises, including democracy, counter-terrorism and protection of human rights, had given rise to sanctions, blockades, military threats and armed intervention. The Charter entrusted the Security Council with maintaining international peace and security as its first and foremost responsibility. It also stipulated that the Security Council should act in conformity with the principles of justice and international law, yet the Council's actions continued to be characterized by anachronistic stereotypes and prejudices, which had found their most extreme expression in the situation prevailing on the Korean Peninsula. The Security Council had repeatedly turned its back on his Government's calls for suspension of the military exercises conducted jointly by the United States and the Republic of Korea, which seriously endangered peace and security in the region. The Council was, of course, powerless to stop such exercises, no matter how enormous in scale or aggressive in purpose they were, because they were led by one of its permanent members.

15. The Security Council had had no authority to adopt a resolution prohibiting the peaceful launch of a satellite by a Member State; such a resolution violated the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. The Special Committee on the Charter should take steps immediately to put an end to the abuse of the Security Council as a tool for high-handedness and arbitrariness and to ensure the reform and democratization of the United Nations.

16. It was well known that the United States had cooked up the "United Nations Command" in 1950 to cover up its responsibility for provoking the Korean war and to justify its military intervention in that conflict. The Command continued to be used by the United States to conduct hostile acts against his country, including nuclear war exercises. As confirmed repeatedly by former Secretaries-General, the United Nations Command had nothing to do with the United Nations and his delegation urged the Government of the United States to dismantle it immediately, in accordance with General Assembly resolution 3390 (XXX).

17. **Ms. Fariheen** (Malaysia) said that the Special Committee had contributed positively to deliberations on the maintenance of international peace and security, implementation of the provisions of the Charter related to assistance to third States affected by the application

of sanctions under Chapter VII of the Charter and the peaceful settlement of disputes between States. Her delegation was cognizant of the issues and concerns related to the impact of the application of sanctions and strongly believed that sanctions must not be viewed or utilized as an end in themselves, but rather as a tool to achieve a political objective, namely, ensuring the maintenance of international peace and security. Sanctions should only be considered and applied when other means, such as dialogue, consultations and negotiations, had been exhausted or when there were imminent threats to international peace and security.

18. The Secretary-General had acknowledged in his report on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/70/119) that sanctions committees had increasingly organized meetings with regional States regarding their concerns, including the implementation challenges they faced, and that no committee had received a formal request for assistance from a third State regarding the application of sanctions. That situation might be partly attributable to the targeted nature and the characteristics of the sanctions imposed, which might have been less negative than the impacts of a more comprehensive sanctions regime. If so, that was indeed a welcome development.

19. Nevertheless, the shift to targeted sanctions had implied corresponding changes in the methodological approaches used to assess the impact of sanctions on third States. Case-by-case assessments of the possible adverse impact on both targeted and non-targeted countries would be required, and the impact of sanctions would need to be evaluated against a baseline drawn from recent historical trends in economic and social conditions in the countries of the region concerned.

20. **Ms. Sarenkova** (Russian Federation) said that the work of the Special Committee had contributed to the rule of law at the international level. While it might be worthwhile to consider some changes to the Special Committee's working methods, it was important not to diminish its potential in any way. The Committee dealt with a number of key topics, including the peaceful settlement of disputes. In that connection, she recalled that the Russian Federation had introduced a proposal to prepare an update of the 1992 *Handbook on the Peaceful Settlement of Disputes between States*, reflecting the Organization's accumulated experience in that area, and to establish a website dedicated to the

peaceful settlement of disputes between States, with links to relevant United Nations documents.

21. Her delegation remained of the view that such a website would be a useful resource. Together with Belarus, the Russian Federation had also submitted a proposal recommending that an advisory opinion should be requested from the International Court of Justice as to the legal consequences of the use of force without prior authorization by the Security Council. It hoped that the Committee's ongoing deliberations on that proposal would yield a fruitful outcome. Her delegation also appreciated the Secretariat's efforts to prepare the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. In compiling the Repertoire, the Secretariat should continue to follow the rules and standards outlined in the report of the General Assembly (A/2170), dated 18 September 1952.

22. **Mr. Medina Mejías** (Bolivarian Republic of Venezuela) said that the discussion of the work of the Special Committee was timely inasmuch as it was occurring on the eve of the seventieth anniversary of the Organization's founding. His delegation shared the view that reform of the United Nations and continual review of the functioning of its organs were imperative. The Special Committee had a key role to play in that regard. A matter of vital importance in the context of discussions on reform was the pressing need to democratize the Organization by changing the composition of the Security Council in order to ensure balanced geographical representation among its permanent members, taking into account, in particular, the significant growth in the number of Member States since the establishment of the United Nations. A corresponding increase in the number of permanent members of the Security Council was needed in order to ensure balance and fairness in its decisions. Moreover, the Charter should be amended to eliminate the veto power currently held by the permanent members. All decision-making processes should respect the principle of sovereign equality of States enshrined in the preamble to the Charter.

23. As the interests of developing countries were not being represented in a proper and balanced manner within the current structure of the Security Council, the principal policies and decisions of the Organization should emanate from the General Assembly, its highest and most representative body. In that connection, his country intended to maintain the proposal it had

submitted in 2011 (A/66/33, annex) concerning the establishment of an open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs. That proposal, which sought to ensure a proper balance between the roles of the principal organs, explained how the improper exercise of powers and functions by one organ to the detriment of another upset the institutional framework established by the Charter.

24. The Security Council's authority to impose sanctions should be subject to the provisions of the Charter and should be exercised in accordance with its guiding principles and with international law. His delegation had previously expressed its concerns regarding the Council's role in relation to the unilateral use of debate on the matter and had highlighted the need to reform the Council in order to make it more representative, transparent and democratic and to achieve the balance envisaged in the Charter between the mandates of the principal organs.

25. His delegation supported the proposal by Belarus and the Russian Federation to request an advisory opinion from the International Court of Justice on the legal consequences of the use of force by States without prior authorization of the Security Council. It also supported the views expressed by Cuba in its working paper on strengthening the role of the Organization and enhancing its effectiveness (A/67/33, annex), particularly the call for a legal study of Chapter IV of the Charter, on the powers and functions of the General Assembly. The Special Committee should play a more active role in analysing, from a legal standpoint, matters such as the role of the General Assembly in the maintenance of international peace and security.

26. His delegation reaffirmed its commitment to the peaceful settlement of international disputes and underlined the importance of the Manila Declaration on the subject. It supported the proposal by Ghana on strengthening the relationship and cooperation between the United Nations and regional organizations in the peaceful settlement of disputes and, believing that Member States should be free to choose the most effective means of peaceful settlement, it also welcomed the proposal by the Non-Aligned Movement on the peaceful settlement of disputes and its impact on the maintenance of peace (A/AC.182/L.138). The proposed assessment of the current use of peaceful means of dispute settlement would provide States the opportunity

to demonstrate how such means had contributed to the maintenance of international peace and security.

27. The *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* were valuable research tools for government and academic institutions engaged in the study and teaching of international relations and also a source of information on the work of the Organization. They should continue to be updated in all the official languages.

28. *Mr. Charles (Trinidad and Tobago) took the Chair.*

29. **Mr. Rhee** Zha-hyoung (Republic of Korea), speaking in exercise of the right of reply, said that it was regrettable that the representative of the Democratic People's Republic of Korea had repeated biased and unsubstantiated interpretations of well-established facts. The United Nations Command had been established legally pursuant to Security Council resolutions 82 to 85 and 88 (1950), which had officially recognized it as the entity entrusted by the Organization to carry out functions relating to the maintenance of peace on the Korean Peninsula. The validity of those resolutions had subsequently been reaffirmed by the Council and by an advisory opinion of the International Court of Justice. Moreover, as had been confirmed by the spokesperson for the Secretary-General, the Secretariat had not taken a formal position on the United Nations Command. His delegation wished to emphasize once again that the Special Committee was not the appropriate forum for discussing the Command's status.

30. **Mr. Jo** Jong Chol (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that the statement by the representative of South Korea clearly proved that it had no will to abide by the Charter or international law. The abnormal and dangerous situation on the Korean Peninsula threatened peace and security in the region. Large-scale joint military drills were conducted across South Korea several times a year with the involvement of United States forces and materiel, including strategic bombers. In fact, the nuclear-powered aircraft carrier *Ronald Reagan* was currently engaged in a large joint naval manoeuvre with the South Korean army, which was an open provocation to peace and security and to the fair proposal put forward by his Government for a peace treaty that would defuse tensions and create a peaceful environment on the Korean Peninsula. In exchange for the cessation of joint military exercises in and around South Korea, his

Government had indicated its willingness to declare a moratorium on nuclear testing. Nevertheless, the United States continued to pursue a strategy designed to bring down the Democratic People's Republic of Korea.

31. By putting sustained military pressure on his country, the United States sought to prevent it from focusing on improving its economy and the living standards of its people. Its aggressive and provocative exercises were being staged in the name of the United Nations Command, despite the fact that the General Assembly, in its resolution 3390 (XXX), had called for the Command to be dismantled and all foreign troops withdrawn from South Korea. That resolution, like all other resolutions that the United States had opposed, had not been implemented. Instead, the United States continued to engage in nuclear war exercises against his country, even while proclaiming denuclearization a priority. He hoped that action would be taken during the current session to put an end to the illegal United Nations Command.

Agenda item 82: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/70/423)

32. **Ms. Morris** (Office of Legal Affairs), speaking in her capacity as Secretary of the Advisory Committee, recalled that, several years earlier, the Codification Division had decided to undertake a comprehensive review of its activities under the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law in an effort to better respond to the increasing demand for international law training and research materials. The extraordinary support of the Advisory Committee and the Sixth Committee had made it possible to achieve the common goal of promoting international law education and dissemination around the world. The number of lawyers receiving training through Programme courses had risen from about 20 a year in its early days to over 100. In addition, over a million users from all Member States had received training through the United Nations Audiovisual Library of International Law.

33. In recent years, the regular budget had provided sufficient funding for 20 fellowships under the International Law Fellowship Programme each year, thanks to extensive cost-saving measures implemented since 2010. The Division did not anticipate the need for further voluntary contributions for that Programme, as only about 20 participants could be accommodated

owing to space constraints. The modest amount of funds remaining in the Trust Fund for the Programme of Assistance would be used to prepare a handbook on international law containing legal materials in English and French. The handbook would be used for the International Law Fellowship Programme and for the regional courses in international law. It could also be provided to law schools in developing countries for capacity-building. The handbook would afford significant savings and enhanced efficiency as compared with the current practice of preparing numerous study books for each training course. The Division would explore the possibility of cooperating with universities to translate the handbook into the other official languages of the Organization.

34. The regional courses in international law had been part of the Programme of Assistance since its establishment in 1965, although the total number of courses offered had been limited: 13 in Africa, 9 in the Asia-Pacific region and 7 in Latin America and the Caribbean. The Codification Division had identified permanent venues for the regional courses, which would help to ensure that they were held each year and reduce their cost. The proposed regular budget funding for the courses would ensure that the three regional courses would take place in 2016 and 2017 and would cover fellowships for 20 participants per course, the minimum required to justify the time, effort and expense of conducting them. The courses could accommodate up to 30 participants, however, and if the proposed funding was approved, the Codification Division would consider admitting self-funded participants. It would also make every effort to raise voluntary contributions to provide additional fellowships.

35. The proposed regular budget funding for the Audiovisual Library would ensure the continuation and further development of the Library's Lectures Series. If the funding was approved, the Codification Division would strive to raise the necessary voluntary contributions also to expand the Library's Historic Archives. The Secretary General's report on the Programme of Assistance (A/70/423) contained information on the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, and representatives of the Division for Ocean Affairs and the Law of the Sea were available to answer any questions that Committee members might have with regard to the Fellowship.

36. The Codification Division had recently been informed that the African Institute of International Law had agreed to conduct the first international law seminar for teachers from African universities. The seminar would be held at the Kofi Annan International Peacekeeping Training Centre in Accra, and would honour Ambassador Dadzie of Ghana, who had been instrumental in establishing the Programme of Assistance. The Codification Division would provide guidance to the Institute. The seminar would be funded by in-kind contributions from the Kofi Annan Centre and by voluntary contributions to the African Institute. The first seminar had been scheduled for August 2016. The curriculum would include topics relating to international law, international organizations, United Nations and African Union law and institutions, human rights, international humanitarian law and international criminal law. The lectures would be given by distinguished jurists from various countries.

37. The Division would produce the aforementioned handbook with a view to promoting the dissemination of international law and to mark the Programme's fiftieth anniversary. In addition, it had produced flash drives containing an extensive international law library, which had been distributed to members of the Sixth Committee, and created a video presentation on the Audiovisual Library, which would be shown to the Committee.

38. **Ms. Pobee** (Ghana), speaking in her capacity as Chair of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law and also in her national capacity, said that Ghana attached great importance to its role with respect to the Advisory Committee and the Programme of Assistance. As the Programme observed its fiftieth anniversary, she wished to pay tribute to the memory of Ambassador Dadzie, an illustrious son of Ghana, who had seen the need for a deeper knowledge and understanding of international law and had worked tirelessly to establish the Programme. She also wished to acknowledge the efforts of the delegations that had worked to secure regular and sustainable funding for the Programme. Those efforts had enabled it to meet the growing demand for training in international law, especially in developing countries, and had ensured that regular budget funding was provided for the regional courses and the Audiovisual Library.

39. The outcomes of the fiftieth session of the Advisory Committee were summarized in Secretary General's report (A/70/423, paras. 67 to 74). At that session, the Committee had noted with appreciation the Programme's immense contribution to the legal profession around the world and had emphasized the importance of ensuring its successful continuation. The Advisory Committee had recommended that the draft resolution on the Programme should be adopted during International Law Week in order to highlight its important contribution to international law. The Advisory Committee had also recommended the approval of the guidelines and recommendations contained in section III of the report.

40. The Committee had further recommended that the Secretary-General should be authorized to conduct the International Law Fellowship Programme and the three regional courses in 2016 and in 2017, with a minimum of 20 fellowships per course to be financed under the regular budget for the biennium. The Advisory Committee had also recommended the inclusion of additional self-funded participants in the regional courses, together with fellowship participants funded by voluntary contributions, and it had recommended the continuation and further development of the United Nations Audiovisual Library, to be funded under the regular budget and, when necessary, through voluntary contributions.

41. The resources for those activities had been included in the proposed programme budget for the 2016-2017 biennium pursuant to paragraph 7 of General Assembly resolution 69/117. The Advisory Committee on Administrative and Budgetary Questions had recommended the approval of that funding. The Advisory Committee had further recommended that the Secretary-General should be authorized to award a minimum of one fellowship in 2016 and in 2017 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea and that he should be requested to submit, under the proposed programme budget for the 2016-2017 biennium, a proposal for the necessary funding for those fellowships in the event that voluntary contributions should prove insufficient.

42. The issue of regular funding for the Programme of Assistance had been a longstanding concern, and she welcomed the consensus that had been forged in that regard among the members of the Advisory Committee and the Sixth Committee. She encouraged delegations to build on that consensus, especially in the Fifth

Committee, which would be crucial to attaining the desired funding and safeguarding the Programme's achievements.

43. *A video on the Audiovisual Library of International Law was shown.*

44. **Mr. Mminele** (South Africa), speaking on behalf of the Group of 77 and China, said that the Programme of Assistance had become increasingly relevant over its 50-year history as a tool for strengthening international peace and security and promoting friendly relations and cooperation among States. Officials from developed and developing countries alike, especially members of the Group of 77 and China, derived immense benefit from the Programme's courses, fellowships and publications and from the Audiovisual Library. The Group commended the tireless efforts of the Codification Division to sustain the Programme and also recognized the efforts of the Division for Ocean Affairs and the Law of the Sea in respect of the Hamilton Shirley Amerasinghe Fellowship. It remained concerned, however, about the cancellation of some regional courses in 2014 and 2015 owing to lack of regular budget funding. The critical situation of the Audiovisual Library and the unavailability of funding for the Amerasinghe Fellowship in 2014 were also worrying. Voluntary contributions had clearly not been sufficient to sustain the Programme's activities.

45. General Assembly resolution 69/117 had been truly historic in that, as recommended by the Advisory Committee, it had specifically requested the Secretary-General to include in the programme budget for the 2016-2017 biennium the resources needed to ensure that the three regional courses would be held each year and that the Audiovisual Library would continue. The Group of 77 and China was pleased to see that those resources had in fact been included in the programme budget proposal. It now fell to the Fifth and Sixth Committees to take the decisions required to ensure that the funding materialized. That would be the best way to celebrate the Programme's fiftieth anniversary and to ensure that present and future generations of lawyers would continue to benefit from its activities.

46. The Programme had made a critical contribution to knowledge and understanding of international law, which were essential to a world order based on the rule of law. The Group of 77 and China remained committed to taking the necessary steps to ensure the Programme's continuation and was open to considering any additional

measures that might be necessary in the future. On the seventieth anniversary of the United Nations, it was only right that Member States should renew their commitment to international law by ensuring the necessary support for the Programme of Assistance.

47. **Mr. Fornell** (Ecuador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that, from the early days of their independence, the Latin American and Caribbean States had proclaimed international law as the standard for the conduct of international relations and had incorporated its fundamental principles and norms into their domestic legal systems. CELAC considered that knowledge of the substantive rules of international law was a prerequisite for their observance and therefore attached great importance to the teaching, study and dissemination of international law. The Programme of Assistance played a fundamental role in that regard. Its fellowships and courses on international law were highly effective platforms for teaching and dissemination and had a multiplier effect within the community of students and professionals. CELAC therefore deeply regretted that the regional courses scheduled for 2015 in Latin America and the Caribbean and in the Asia-Pacific region had been cancelled owing to insufficient funding. It hoped that the Programme would receive the regular budget funding needed to hold the three regional courses scheduled for the coming biennium.

48. The Office of Legal Affairs was to be commended for maintaining 26 user-friendly websites on international law, 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. 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 its desktop publishing programme.

49. 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 many teachers, researchers and students in CELAC countries to access the Court's jurisprudence, knowledge of which was essential to an understanding

of the evolution of international law. No effort should be spared in updating the collection and ensuring its widest possible dissemination. CELAC also valued 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.

50. The information in the Secretary-General's report (A/70/423) confirmed that the question of funding for the Programme remained crucial. During the sixty-ninth session, after many years of calling for the necessary resources to be allocated to the Programme, Member States had understood that those resources would not be forthcoming unless the General Assembly resolution on the matter provided clear and unequivocal instructions to the Secretary-General. Those instructions had been given in resolution 69/117, and the Secretary-General had indeed included in the proposed programme budget for 2016-2017 a request for the necessary funding. That request had been endorsed by the Advisory Committee on Administrative and Budgetary Questions, and all that remained now was for Member States to take the final procedural steps to secure the approval of the funding and thus ensure that the Programme could continue its activities and give effect to the recommendations of the Advisory Committee, which CELAC welcomed. He called upon Member States, in both the Fifth and the Sixth Committees, to voice clear support for the requested funding for the Programme's activities.

51. **Mr. Phansourivong** (Lao People's Democratic Republic), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that the Codification Division was to be commended for its dedication in implementing activities under the Programme of Assistance, despite budgetary constraints. By increasing understanding of the principles of and the obligations under international law, the Programme had helped to strengthen international peace, security and development and enhance the promotion and protection of human rights at the national, regional and international levels. He sincerely hoped that Member States would continue to provide voluntary contributions to support the Programme's activities.

52. ASEAN particularly welcomed the International Law Fellowship Programme and the use of advanced technology, particularly through the Audiovisual Library, a cost-effective and widely accessible means of disseminating information on international law. It was pleased that the regional course in Africa had been held

in 2015 and was hopeful that all three regional courses could be held in 2016. Thailand remained willing to host the course in the Asia-Pacific region. At the same time, the Association noted with concern that the Programme's financial situation remained precarious. It reaffirmed its view that sufficient funding to cover the cost of the regional courses and ensure the viability of the Audiovisual Library should be made available through both the regular budget and voluntary contributions. The Programme of Assistance helped to foster international understanding and was therefore important to Member States' shared quest to promote the rule of law in international relations. ASEAN wished to see it receive sustainable funding and hoped that the requests contained in General Assembly resolution 69/117 would receive a positive response.

53. **Ms. Aching** (Trinidad and Tobago), speaking on behalf of the Caribbean Community (CARICOM), said that the Programme of Assistance had made a critical contribution to a better understanding and appreciation of international law through its regional courses and seminars, fellowship programmes and the dissemination of legal publications and information. A better understanding of international law was fundamental to international peace and security, friendly relations and cooperation among States and the rule of law at the national and international levels. CARICOM therefore wished to emphasize the importance of ensuring the Programme's successful continuation, in accordance with the recommendations of the Advisory Committee.

54. It was a matter of grave concern that the regional courses for the Asia-Pacific region and for Latin America and the Caribbean had once again been cancelled in 2015 owing to insufficient funding. The situation was particularly disconcerting in the light of General Assembly resolutions 66/97, 67/91, 68/110 and 69/117, all of which had requested the Secretary-General to provide resources from the regular budget for the regional courses. Lack of resources had also led to the discontinuation of the Codification Division's desktop publishing activities since 2014. The necessary resources should be provided to enable the Division to resume those activities, which expedited the issuance of legal publications.

55. The CARICOM countries fully endorsed the recommendations of the Advisory Committee for funding from the 2016-2017 regular budget for the Programme's activities and also supported its recommendation concerning regular budget funding for

the Hamilton Shirley Amerasinghe Memorial Fellowship in the event that voluntary contributions proved insufficient. CARICOM urged all Member States, interested organizations and institutions, and individuals to make voluntary contributions in support of the Programme's activities and commended those States that had already done so.

56. **Mr. Mangisi** (Tonga), speaking on behalf of the 12 Pacific small island developing States that were also Members of the United Nations, namely Fiji, Kiribati, the Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Papua New Guinea, Samoa, the Solomon Islands, Tuvalu, Vanuatu and his own country Tonga, said that, in discussions of the rule of law at the international level, States had continuously affirmed the importance of developing and maintaining cooperation within the international community in accordance with international law and in keeping with the three pillars of the United Nations: international peace, socioeconomic development and human rights. The importance of such cooperation had been reaffirmed in the 2030 Agenda for Sustainable Development. The Pacific small island developing States had derived great benefit from the regional courses and the international fellowships offered under the Programme of Assistance and from the Audiovisual Library and the publications of the Programme. The Programme was a core tool for the training of government officials in international law.

57. The current demands on the Programme of Assistance could not be met under the existing budget, and voluntary contributions had not been sufficient to meet the Programme's financial requirements, either. Indeed, lack of funding had forced the cancellation of the regional course in the Asia-Pacific region every year since 2012. The Pacific small island developing States therefore welcomed the funding requests made in General Assembly resolution 69/117. The approval of that funding would ensure that the regional course for the Asia-Pacific region could be held in the coming two years in Thailand, which might become a permanent venue for such training activities in the future. Sustained support for the Programme of Assistance would not benefit only the Asia-Pacific States, however; the dissemination of knowledge and the teaching and study of international law were of central importance to all Member States and to the international community in its quest to achieve a world based on the rule of law.

58. The Pacific small island developing States also urged Member States to take the necessary measures to

ensure that funding for the Programme's work was provided under their own regular budgets. In that connection, he wished to express gratitude to Italy for providing the inaugural funding for a fellowship on the oceans and seas under a new capacity-building project to be implemented in January 2016 as part of ongoing cooperation between the Pacific small island developing States and Austria, Italy, Luxembourg and Spain within the United Nations. The fellowship would be offered to young civil servants from the region who worked in the areas of foreign affairs, legal affairs and fisheries, among others and would afford them the opportunity to spend a year in New York receiving academic and practical training, including through participation in meetings and events related to the oceans and the law of the sea. The knowledge and experience they received would then be transferred back to the region.

59. **Mr. Marhic** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia, the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Armenia, Iceland and Ukraine, said that the Programme of Assistance had made a valuable contribution to the rule of law by addressing the need for international law training and dissemination of legal knowledge and material in benefit of all countries. The Codification Division was to be commended for its efforts to strengthen and revitalize the Programme's activities in order to meet the changing needs of the international legal community in the twenty-first century, particularly through the expansion of the Audiovisual Library of International Law, which offered easy access to a vast range of legal resources, free of charge. It was evident from the large number of users that the Library was an important resource for the legal community and warranted continued attention by the Codification Division.

60. The European Union welcomed the preparation of the handbook on international law and the other activities planned by the Codification Division to mark the Programme's fiftieth anniversary and noted with appreciation that the Division's continued to disseminate legal publications and information via the Internet. It recognized 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

wished to acknowledge the work of the Division for Ocean Affairs and the Law of the Sea in that regard.

61. The European Union commended the States that had provided voluntary contributions to the Programme and encouraged all States to consider making more frequent or larger contributions in the future. However, voluntary contributions had declined in recent years and, as noted in General Assembly resolution 69/117, had not proved to be a sustainable method for funding the activities under the Programme of Assistance. The Union welcomed the continued commitment of the Office of Legal Affairs to the Programme, including through the provision of resources from its budget, and was confident that practical and sustainable financing solutions would be found for the 2016-2017 biennium.

62. **Ms. Morris-Sharma** (Singapore) said that the fiftieth anniversary of the Programme of Assistance was a landmark occasion and an appropriate time for reflection on how far the Programme had come and on the challenges and opportunities that lay in its future. The development of international law expertise was a national priority for Singapore. To achieve such expertise, early exposure of young professionals to the workings of international law in the real world was important. Specialization in the various aspects of international law would enable them to participate more effectively in shaping the rapidly growing field of international law.

63. The Programme of Assistance continued to undertake a number of valuable activities to promote international law, including the regional courses. Her Government had previously sent officials to the course for the Asia-Pacific region and had been disheartened when the course had had to be cancelled in 2014 and 2015 owing to lack of funding. Her delegation therefore welcomed the request to the Secretary-General in General Assembly resolution 69/117 to ensure the resources necessary for the three regional courses to be held in 2016 and 2017 and for the continuation of the Audiovisual Library. Approval of the proposed budget would ensure predictability in the delivery of the various activities of the Programme of Assistance.

64. Her delegation had noted with interest the guidelines and recommendations of the Advisory Committee regarding the implementation of the Programme in 2016-2017 and commended the Codification Division for its plans to continue the International Law Fellowship Programme, the regional

courses and the Audiovisual Library, among other activities. In order to ensure balanced representation of the major legal systems and geographical regions in the various seminars organized by the Codification Division, prominent international law scholars and practitioners from different regions and legal systems should continue to be invited to participate as lecturers. Greater diversity in representation would take into account the current fast-changing international context and help to maintain the high standards of academic excellence and the unique practical value that the training courses aimed to achieve.

65. Her delegation hoped that Member States, international and regional organizations, and universities and institutions would provide further support for the implementation and expansion of the Programme of Assistance. To that end, it might be useful for the Codification Division to specify the areas in which contributions, particularly in-kind contributions, were most needed.

66. **Mr. Hassan** (Sudan) said that his Government attached great importance to the Programme of Assistance, which contributed to peace and security, friendly relations among peoples and the peaceful settlement of disputes. The Programme had increased understanding of the purposes and principles of international law among scholars, jurists and diplomats; assisted countries in harmonizing their domestic legislation with international law; and was one of the most important components of United Nations rule of law activities.

67. His delegation particularly welcomed the organization of the United Nations International Law Seminar for Arab States, to take place in Cairo in November 2015 as a joint effort of the Government of Egypt, the League of Arab States and the Codification Division. It was hopeful that the initiative would be a starting point for increased cooperation between Arab States and the United Nations in training and capacity-building, to help developing countries make a greater contribution to the various areas of international law. His delegation also welcomed the decision by the African Union to provide support for the regional course on international law in Africa, which had helped to increase awareness of the purposes of international law in the region, and called for increased support for the African Institute of International Law in order to enable it to assume a larger role in the teaching and dissemination of international law and in strengthening

the participation of African jurists in the development thereof.

68. His delegation wished to pay tribute to those countries that had provided financial assistance for the Programme. However, as a member of the Advisory Committee on the Programme of Assistance, the Sudan remained concerned that, even after 50 years of existence, the Programme continued to face financial obstacles. The Sixth Committee should make every effort to ensure that the Programme received the necessary regular budget funding to enable it to continue playing its leading role in the dissemination and teaching of international law. It was his delegation's hope that the decisions made by the Fifth Committee regarding the resources to be allocated to the Programme in the coming biennium would reflect the will of the international community to ensure the Programme's continuation. That would be the most fitting way to commemorate its fiftieth anniversary.

69. *Ms. Morris-Sharma (Singapore), Vice-Chair, took the Chair.*

70. **Mr. Tau** (New Zealand) said that the Programme of Assistance helped to strengthen the rule of law and thus played a key role in the contribution of the United Nations to international peace and security. The regional courses, in particular, provided high-quality training on international and regional legal issues and offered the legal professionals who attended them the opportunity to enhance their understanding of international law. Academics and practitioners from New Zealand had had the privilege of teaching at those courses. His delegation joined others in recognizing the continuing willingness of Ethiopia, Thailand and Uruguay to host the regional courses and wished to thank the host countries that had provided conference and venue services as in-kind contributions to the Programme. It also welcomed the willingness of Egypt to host the International Law Seminar for Arab States and noted with appreciation the continued efforts to achieve equitable geographical representation in the Programme's activities.

71. Voluntary contributions had proved unsustainable as the primary source of support for the Programme; his delegation was therefore pleased that the Advisory Committee on Administrative and Budgetary Questions had recommended that regular budget funding should be allocated to the Programme of Assistance in the current biennium. It was hopeful that regular budget funding would also be approved for the 2016-2017 biennium,

especially so that the valuable regional courses in international law could be conducted as planned in 2016. States' support for the activities of the Programme remained important, however, and his delegation continued to encourage voluntary contributions to the Programme to supplement the regular budget funding. New Zealand had contributed to the activities of the Programme for a number of years, including its contributions in the current year to the regional courses and the Audiovisual Library.

72. **Mr. Al-Thani** (Qatar) said that the Programme of Assistance had clearly played a role in strengthening the rule of law and increasing awareness and understanding of international law. The current challenges faced by the world underlined the importance of the Programme in strengthening international law and developing friendly relations and cooperation among States. His delegation wished to pay tribute to the Codification Division for its efforts in developing the Programme and responding to the needs of the international community in the field of international law in the twenty-first century.

73. In line with his Government's commitment to strengthening the rule of law at the national and international levels, it had provided ongoing financial support to the Programme with the aim, in particular, of increasing the participation of jurists from developing countries in the Programme's activities. It had also sought to maximize the participation of Qatari jurists in order to enhance their capacity and raise their awareness of international law. The fact that several regional courses had been cancelled was therefore cause for concern. While the States that had provided funding for the Programme were certainly to be commended, it was clear that voluntary contributions alone were not sufficient to meet the Programme's needs. His delegation therefore believed that regular budget funding should be provided for the Programme's activities and supported the recommendations of the Advisory Committee in that regard.

74. *Mr. Charles (Trinidad and Tobago) resumed the Chair.*

75. **Mr. Kravik** (Norway), welcoming the Programme's activities in developing countries, said that respect for international law lay at the heart of the United Nations and was the basis for a peaceful and stable world order. Over the decades, international law had grown into a vast, complex and multifaceted body of law, which was continuously developing. The

Programme of Assistance recognized the value of mastering the complexities of international law and the fundamental importance of making the most advanced and sophisticated international legal resources available to all. It was also instrumental in strengthening the rule of law and in ensuring peaceful relations between States. The Programme had educated and inspired some of the most renowned scholars and practitioners in the current international legal community, many of whom were now lecturing and teaching courses under the Programme. The staggering number of people who had accessed the Audiovisual Library and participated in training courses and fellowships around the world was evidence of the demand for international law training and research materials in both developing and developed countries.

76. His delegation had noted with concern the ongoing problem of insufficient funding for the Programme, which had led to the cancellation of courses and reductions in staff. Voluntary contributions had proved to be an unsustainable funding method. The Programme of Assistance had been a core activity of the United Nations for more than half a century and ensuring reliable regular budget funding for it must be a priority for all. His delegation therefore welcomed the requests for funding for the Programme in General Assembly resolution 69/117.

The meeting rose at 1 p.m.