



UNITED NATIONS  
OFFICE OF LEGAL AFFAIRS

33rd Informal Meeting of the Legal Advisers of the Ministries of Foreign  
Affairs

Opening remarks

by

Mr. Miguel de Serpa Soares

Under-Secretary-General for Legal Affairs and  
United Nations Legal Counsel,

23 October 2023, 3pm (New York time)

Trusteeship Council Chamber

Dear colleagues,

Welcome back to New York!

Dear cR/P <<MC /P << /GS0 gs





Let me turn now to a different topic, which is before the Sixth Committee.

The Sixth Committee of the General Assembly is considering a draft treaty on the protection of persons in the event of disasters, on the basis of a set of draft articles adopted by the International Law Commission. The treaty would seek to establish a legal framework for international cooperation in risk reduction and humanitarian response following the onset of a disaster.

This year the International Law Commission commenced its consideration of the topic “settlement of disputes to which international organizations are parties”, and adopted several preliminary provisions, including a revised definition of “international organization”. The new definition is based on an earlier text version adopted by the Commission in 2011, in the context of the work on the responsibility of international organizations, but with a new element, namely for an entity to be considered an international organization, it must, in addition to the 2011 elements, have “at least one organ capable of expressing a will distinct from that of its members”.

The work on this new topic will continue at the next session of the Commission, next year.

Another issue that I feel ~~that~~ have to mention is IHL.

This might seem a bad time to be talking about international humanitarian law. I think otherwise.

We may have seen some of the most basic rules of IHL violated or disregarded — civilians butchered, hostages taken, indiscriminate attacks, the denial to civilians of objects indispensable to their survival . . .

But the reactions of governments, ~~organizations~~ and prominent figures have, to a very great degree, been founded on IHL, as well as on the international law of human rights. And that, through all the gloom, is deeply encouraging.

After all, while law should be primarily about compliance, it is not just that. It is also about how we respond to its violation.





And this is particularly so in the realm of customary international law, where not just the creation of the law, but also its continued status as law depends on the responses of States to perceived breaches: a rule will quickly cease to be a rule if no one treats instances of non-compliance as breaches.

The Secretary-General has an important role to play in this respect. I am not going to say: of leading by example. That would be presumptuous. But, by speaking out, of encouraging the responses of others, in particular of Member States and their Governments.

As the central legal service of the United Nations, the Office of Legal Affairs endeavours always to ensure that IHL informs what the Secretary-General says, and does so accurately. As legal advisers of your respective Governments, I trust that you play a similar role, in particular during these challenging times.

Dear colleagues,

And once again, I would like to close by encouraging you all to use this opportunity to actively engage in the discussions.

I wish you all a very fruitful and productive week in New York.

Thank you for your attention.

