



**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,

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**Trusteeship Council Chamber**

Dear colleagues,

Welcome back to New York!

I am very pleased to see you all and to address you on the occasion of the traditional informal meeting of the Legal Advisers from the capitals.

This year marks the 10th anniversary that I have been at the service of the Organization. Each year had its own specific challenges. And this year is no different.

So please allow me to provide you with some brief reflections on three topical issues that have preoccupied us here in the Office of Legal Affairs. I would like to share with you some thoughts on international humanitarian law, on the BBNJ Agreement, and on a snippet from the work of the Sixth Committee of the General



Assembly which might be of interest: the protection of persons in the event of disasters and the revised definition of international organization.

However, before I do so, I would like to express my gratitude to the delegation of India for coordinating the preparation of this year's meeting. I am very grateful to Ms. Uma Sekhar, Additional Secretary and Legal Adviser in the Legal and Treaties Division in the Ministry for Foreign Affairs of India, as well as to Ambassador Ruchira Kamboj and Counsellor Kajal Bhat in the Permanent Mission of India here in New York for the committed work that they have invested in organizing this year's event.

Chers collègues,

Permettez-moi de relever que je suis particulièrement heureux de l'adoption, en juin dernier, de l'Accord se rapportant à la Convention des Nations Unies sur le droit de la mer et portant sur la conservation et l'utilisation durable de la diversité biologique marine des zones ne relevant pas de la juridiction nationale ainsi que du rôle joué par mon Bureau à l'appui de cette réalisation historique.

Cet accord est le premier traité global et intersectoriel depuis des décennies après la Convention des Nations Unies sur le droit de la mer. Il ne fournit pas seulement un cadre pour aborder, de manière holistique, les multiples pressions qui affectent la santé des océans, il ouvre également la voie à une plus grande équité dans les avantages tirés des activités océaniques. L'accord apporte aussi une contribution essentielle à la lutte contre la triple crise planétaire du changement climatique, de la pollution et de la perte de biodiversité.

À ce jour, l'Accord compte 82 signataires. Nous devons maintenir cet élan pour assurer son entrée en vigueur rapide. Mon Bureau apportera son aide aux Etats pour atteindre cet objectif, notamment par le biais d'un solide programme d'activités visant à promouvoir une meilleure compréhension de l'Accord et à préparer son entrée en vigueur.





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 I 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.

