



**China University of Political Science and Law
Beijing, People's Republic of China**

**- International Law at the United Nations –
A conversation with the United Nations Legal Counsel**

Lecture by

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Professor HUANG Jin, President of the China University of
Political Science and Law,
Distinguished Deans and Party Secretaries,
Distinguished Members of the Faculties,
Dear students,
Ladies and Gentlemen,

I am pleased to be back again in Beijing and I am grateful for the opportunity to speak and discuss with you today. As you may be aware the reason for my visit to China is the Second Belt and Road Forum for International Cooperation, hosted by President XI Jinping. I am accompanying the Secretary-General of the United Nations, Mr. António Guterres. However, I am not here to speak about the Belt and Road Initiative but about my job, the job of the United Nations Legal Counsel and the mandate of my Office, the Office of Legal Affairs.



providing advice on a wide range of issues, from privileges and immunities, to liability issues, to contractual matters, often under tight timelines.

Another achievement that my Office was involved in relates to one of our significant portfolios – criminal accountability. In November 2018, we saw important progress in the work of the Extraordinary Chambers in the Courts of Cambodia (ECCC), which is one of the hybrid tribunals that the Office supports, with the issuance of the trial judgement in Case 002/02.

In that case, the Trial Chamber convicted Nuon Chea and Khieu Samphan, the most senior former Khmer Rouge leaders indicted before the Chambers, for genocide, crimes against humanity and grave breaches of the Geneva Conventions of 1949. This is the first case in the ECCC in which evidence related to charges of genocide against the Cham and Vietnamese minority populations were heard.

Another noteworthy aspect of the judgement is the Trial Chamber’s finding in relation to sexual violence in conflict. Specifically, the Trial Chamber found that practices of forced marriage, and rape in the context of forced marriage, constituted crimes against humanity of other inhumane acts. This is an important contribution to the development of international criminal law in this area. The proceedings, in which 185 individuals provided testimony, provide an invaluable historic record for the people of Cambodia, and the judgment clearly demonstrates that perpetrators of the most heinous crimes can be held accountable, even decades after those crimes have been committed.

I personally attended the reading of the summary of the judgement in Phnom Penh last November to mark this important milestone in the Chambers’ work.

Additionally, you may be aware of the request of 22 June 2017 from the General Assembly to the International Court of Justice for an Advisory Opinion pertaining to a question about the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. In conveying the request to the Court, the Secretary-General also informed that the Secretariat would prepare a dossier containing a collection of all relevant documents, to be transmitted to the Court. My Office took the lead in putting together a dossier of all documents “likely to throw light upon the question”, and after months of intensive work, we were able to submit the dossier, containing a total of 473 documents collected from the United Nations





archives, to the Court in support of the proceedings. The Court recently delivered its Advisory Opinion on the issue on 25 February 2019.

I also wish to refer to a new project of the Office, which has been the establishment of non-judicial accountability mechanisms3(t)-4ra1 0 0 1 71-an the el-3()11(2)- t (a)8(b4(p)-3(r)8





conclusions, the text of which were annexed to resolutions 73/202 and 73/203, with the commentaries thereto, and brought them to the attention of States and all concerned entities and encouraged their widest possible dissemination.

Another important area worth mentioning is the role that the Office plays in the





States), interested international organizations and invited international non-governmental organizations.

The participants share experience on the topics concerned, in multilingual discussions (that is, in the six official UN languages which, as you probably know, includes Chinese). The delegations come to consensus on the solutions to be adopted. The process is also highly transparent – not only UNCITRAL legal texts, but all written materials and draft proposals that the delegations consider, and the reports of their week-long deliberations, are published on the UNCITRAL website in the six official UN languages.

I should add, here, that transparency encourages debate outside the UNCITRAL sessions, as they are called, and informs the UNCITRAL deliberations. Using the published materials, States and organizations can consult on obstacles that their businesses or stakeholders have encountered, and on potential solutions.

In-depth commentary on UNCITRAL topics from outside the UNCITRAL process, found in journal articles, online and at conferences, further supports the process. The resulting legal texts are practical in approach, and we can be sure that they work. In addition, all regions and levels of development are represented in UNCITRAL sessions, so the solutions developed are truly universal – they work everywhere.

The Secretariat of UNCITRAL, the International Trade Law Division of the Office of Legal Affairs that I lead, is the oil in the UNCITRAL engine. The Secretariat supports the States and organizations in their deliberations, preparing and publishing research materials and proposals for the States and organizations to consider. And once UNCITRAL has adopted legal texts, the Secretariat provides technical assistance to States in the effective use of the texts.

The texts themselves take different forms: international conventions, model laws and legislative guides. UNCITRAL has no power to require States to use its texts, which all require domestic implementation. In recent years, States have ratified, enacted





UNCITRAL works in many subject-areas – reflecting that international commerce requires confidence in domestic legal environments as well as rules enabling cross-border transactions. So UNCITRAL texts cover setting up and financing businesses, selling and transporting their products and services, often now through the digital economy, resolving business disputes and, in some cases, winding-up businesses that fail.

I should like to focus on some aspects of UNCITRAL’s work that are relevant to large commercial transactions such as infrastructure development, which are familiar to you through the Belt and Road Initiative. UNCITRAL has a model law and legislative guide on procedures to conclude infrastructure contracts between governments and private enterprise, i.e. on public procurement and public-private partnerships.

These texts are designed to encourage broad competition, and transparent and objectinmii dcas04 61Beltl4 61Be-0(i)4(3960.00()JTJ)-396zniop stlaw960.0fstren53(b)4(u





I mentioned above the importance of data, the basic commodity for the digital economy and oil of the 21st century. UNCITRAL is also focusing on enabling the digital economy, which as we all know has transformed the way we do business and encourages regional cooperation in commercial transactions.

Just last year, UNCITRAL adopted a Model Law on Electronic Transferable Records, which supports the timely completion of commercial agreements, improving speed and security of transmission, permitting the reuse of data and automating certain transactions through "smart contracts". These are invaluable





In September 2000, world leaders attending the landmark Millennium Summit were invited to take advantage of their presence at the Organization's Headquarters to sign or ratify these multilateral treaties.

A successful side event called the "Treaty Event" offered a platform for Governments to showcase their commitment to strengthening the rule of law at home and in the global arena.

Similar events have been held since then during the opening of the General Assembly sessions each year for high-level delegations to undertake treaty actions in a solemn setting, resulting in more than 2,000 new signatures, ratifications and other treaty-related actions.

The upcoming Treaty Event organized by the Treaty Section of the Office of Legal Affairs will take place from 24 to 27 September.

To deliver results for a strengthened international framework, the Treaty Section also works with Member States to build their capacity and offers legal expertise and technical assistance in the field of the law of treaties and treaty practice.

The Treaty Section of the Office of Legal Affairs is also involved in the dissemination of international law, in particular bilateral and multilateral treaties that are registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter, by publishing registered treaties in the United Nations Treaty Series.

A searchable electronic database with information about over 70,000 registered treaties and 120,000 treaty-related actions is available at the website of the Treaty Section.

The full texts of these treaties in all their authentic languages, as well as daily updated status of multilateral treaties deposited with the Secretary-General, are also available on the internet through the website of the Treaty Section.





and to elaborate the text of such an instrument, with a view to developing it as soon as possible.





If you consider embarking on a career in the practice of international law, the Office of Legal Affairs is – in my admittedly biased view – a very interesting option.

Thank you very much for attention. You have all my best wishes for your studies and future career.

