



## FACT SHEET #1

### Role of the United Nations in International Law

#### **United Nations contributes to the development of International Law**

The United Nations was founded not only to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights, but also to “establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained” (Preamble of the United Nations Charter). Encouraging the development of international law as a way to regulate international relations has been a major objective of the United Nations since its very beginning.

In a globalized world, where people, commerce and ideas cross borders with ever-increasing frequency, countries have long recognized that international norms and standards are essential for modern society to function. These international rules are spelled out in the more than 500 treaties that have been deposited with the Secretary-General of the United Nations, covering a wide range of subjects, such as human rights, disarmament, refugees, the environment and the law of the sea, as well as in many other treaties deposited with governments or other entities.

As Secretary-General Ban Ki-moon noted in his invitation letter to Heads of State and Government to participate in the 2008 Treaty Event, “[t]o deliver results for a more just world, we will continue to work with Member States to build capacity in the rule of law...”

The United Nations Charter states in Article 102 that “Every treaty and every international agreement entered into by any Member of the United Nations ..... shall as soon as possible be registered with the Secretariat and published by it.” The publication of treaties is designed to ensure transparency, accountability and fairness in international relations.

#### **General Assembly as a forum for adopting multilateral treaties**

The General Assembly is composed of representatives from each United Nations Member State and is the main deliberative body on matters relating to international law. Many multilateral treaties are in fact adopted by the General Assembly and subsequently opened for signature and ratification.

The Legal (Sixth) Committee assists the work of the General Assembly by providing advice on substantive legal matters. The Committee is also made up of representatives from all Member States of the United Nations.

The General Assembly has adopted a number of multilateral treaties throughout its history, including:

- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Convention on the Elimination of All Forms of Racial Discrimination (1966)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- United Nations Convention on the Law of the Sea (1982)
- Convention on the Rights of the Child (1989)
- Comprehensive Nuclear-Test-Ban Treaty (1996)
- International Convention for the Suppression of Terrorist Bombings (1997)



- International Convention for the Suppression of the Financing of Terrorism (1999)
- International Convention for the Suppression of Acts of Nuclear Terrorism (2005)
- Convention on the Rights of Persons with Disabilities (2006)

### **International Law Commission**

The General Assembly in 1948 established an expert legal body, the International Law Commission (ILC), “to promote the progressive development of international law and its codification.”

“Progressive development” is defined as “the preparation of draft conventions on subjects which have not yet been regulated by international law or in regard to which the law has not yet been sufficiently developed in the practice of States,” whereas “codification” is defined as “the more precise formulation and systematization of rules of international law in fields where there already has been extensive State practice, precedent and doctrine.”

The Commission concerns itself primarily with public international law, though it is not precluded from entering the field of private international law. The Commission, for example, has worked extensively in the field of international criminal law, culminating in the completion of the draft Statute for an International Criminal Court (1994) and the draft Code of Crimes against Peace and Security of Mankind (1996). It also drafted the Vienna Convention on Diplomatic Relations (1961), the Vienna Convention on the Law of Treaties (1969), and the draft articles on the Responsibility of States for Internationally Wrongful Acts (2001).

The Commission is composed of 34 members, experts in their individual capacities, who do not act as representatives of their governments. They are elected by the General Assembly for five-year terms and meet for a period of 10-12 weeks each year in Geneva.

### **Other multilateral bodies**

Throughout the United Nations system, treaties are also developed by the specialized agencies of the United Nations, such as the International Labour Organization (ILO) and the World Health Organization (WHO), by the subsidiary organs of the United Nations, such as the United Nations Commission on International Trade Law (UNCITRAL) and the United Nations Office on Drugs and Crime (UNODC), and by multilateral negotiating bodies, such as the Commission on Disarmament.