



**Second World Meeting of the Societies for International Law
Plenary Round Table – New Crisis of International Law or Threat
of Collapse of the International Legal Order?**

Introductory Remarks

by

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Distinguished colleagues,

This is quite a unique gathering, where practitioners and academics can meet, reflect and discuss the challenges that the international legal framework is facing, and I am honored to launch this first plenary roundtable.

I leave the question of the conceptual analysis of the existence of a crisis of international law to the academic world. I do not intend to provide an answer to this question, but to listen, with great interest, to the discussions that will take place during the next two days.



This gathering provides a unique opportunity for me, as a practitioner, and as United Nations Legal Counsel I am directly involved in the Secretary-decision-making, to engage with the international law scientific community on important issues concerning international law.

In addition, as a member of two scientific societies, the Portuguese Society of International Law and the American Society of International Law, I follow, as much as I can, these scientific discussions and any potential outcomes.

In this regard, I would like to reflect on such a premise. In other words, I wish to discuss if there is such a crisis or if there is more what we could consider a perception of the existence of a crisis.

There are different indicators of a so-called crisis of international law, which fall into two major categories: (1) States disengagement from the production of norms of international law, in particular multilateral treaties; (2) lack of enforcement mechanisms, in particular when international law obligations are not respected.





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Regarding the production of international norms, and because of the time constraints, I will only refer to a couple of very recent examples, which counter the assumption of States disengagement in the production of international norms.

In light of the involvement of my Office in this endeavour, I wish to refer to the process regarding an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ). I had the honour to open in August 2019 the Third Session of the BBNJ Intergovernmental Conference, which discussed the draft text of an agreement, prepared with the assistance of OLA.

The other very recent example is the adoption, on 7 August 2019, of the United Nations Convention on International Settlement Agreements Resulting from signing on the first day. This convention had previously been adopted by consensus by the General Assembly of the United Nations, in December 2018.

And I cannot avoid mentioning the annual Treaty Events which provide special facilities for the Heads of States or Government to sign multilateral conventions, of which the Secretary-General is the depositary, or deposit their instruments of





ratification, accession or through other instruments establishing the consent to be





What is often essentially a political question or dispute should not be automatically translated as an international law crisis. It should be read in political terms, at a time where political organs are not fulfilling their responsibilities.

However, States have also found creative ways of countering political blockades. As an example, we are assisting to a new trend, since December 2016, in the field of international criminal accountability. In contexts where it is difficult to foresee effective judicial accountability in the immediate future, there has been an increasing appetite, at a minimum, for gathering and securing evidence of atrocity crimes. Such evidence could be used in the future by national, regional or international courts that may have jurisdiction. This represents a significant new approach in the field of international criminal accountability, focusing on supporting the prosecution efforts of other stakeholders rather than conducting its







self-defense, legal aspects of peacekeeping operations and interpretation of Charter provisions.

I will conclude these remarks by saying that from my personal experience, international law is still a fundamental component of the international order. It is our collective responsibility to ensure that remains so.

Thank you.

