KEYNOTE

Seventy-Six Going on a Hundred: International Cooperation and International Law at the United Nations

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Although cycles of trust and mistrust have often characterized the relationship between international law and international cooperation, the practice of the United Nations is testament to the rich interplay between the two. This short Note, which was given as a keynote address in March 2021 at the University of Virginia School of Law, begins by considering the interplay between international cooperation and international law at the United Nations in the past seventy-six years, to then address some recent initiatives aimed at the future of international cooperation at the United Nations, including the Common Agenda Declaration adopted by the General Assembly as its first resolution at its seventy-fifth session, as well as the important role that international law must come to play in the next twenty-four years of the Organization's work.

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I. INTRODUCTION

In the past thirty-four years or so, during which I had the privilege of working in the field of public international law both for my own Government, the United States, and for the United Nations, I have personally witnessed several cycles of trust and mistrust in the international legal order and in the perception of its fitness for purpose in the service of international cooperation. When the trajectory is upwards, States are willing to build institutions and set up frameworks of cooperation, including through international law-making—as was the case, for example, in the early 1990s and in the wake of the terrorist attacks of the early 2000s, when entire new institutions and branches of international law emerged and flourished, respectively in the domains of international criminal law and international counter-terrorism law. When such momentum is lost, however, States may appear to retreat towards isolation and mutual mistrust. Inevitably, the latter times tend to engender narratives, if not entire literatures, of crisis—the so-called 'crisis of multilateralism' discussed these days being just one recent variation in a long string of such real or perceived crises.

I am not here today to deny that these are sombre times: both as to international cooperation, broadly, and as to international law, specifically. At the beginning of 2021, the United Nations Secretary-General remarked that the current "global geopolitical divides" lead us all to "fear the possibility of a great fracture: the world splitting in two, with the two largest economies on Earth leading two areas with different dominant currencies, trade and financial rules, each with its own Internet, and its own zero-sum geopolitical and military strategies."[1] Such fractures between large countries, however, existed before, perhaps most glaringly during the Cold War. Indeed, it was towards the end of that period that I began my career in international law, and I vividly remember the challenges at that time.

My message today is about the resilience of international cooperation: we can be hopeful as to the future, or at least moderately so, because States usually end up showing an ability to compromise and find common solutions—again, at least moderately so. The question is what role international law may play in such an endeavour. In what follows, I will begin by reflecting upon the interplay between international cooperation and international law at the United Nations in the past seventy-six years (Part II below), to then consider some recent initiatives aimed at the future

1. U.N. Secretary-General, Special Address at Davos Agenda (Jan. 25, 2021), https://www.un.org/sg/en/content/sg/speeches/2021-01-25/special-address-davos-agenda.

of international cooperation at the United Nations, as well as the important role that international law must come to play in this context (Part III below).

II. SEVENTY-SIX YEARS OF INTERNATIONAL COOPERATION AND INTERNATIONAL LAW

A. Achievements of International Cooperation at the United Nations

The United Nations was founded upon the belief that international cooperation is essential in solving "international problems of an economic, social, cultural, or humanitarian character."[2] In fact, the Preamble and Articles 1 and 2 of the Charter have offered every new generation of international lawyers and policy-makers fresh pathways of possible legal interpretations and calls to transnational policy action and reform. Allow me to shy away from the debate as to whether 'originalism,' 'textualism,' or other methods of interpretation should be applied to these words—we are not, after all, talking about a Constitution. Instead, let us briefly consider these first 665 words of the Charter as if they were a map for international cooperation, one that was laid out for all of us in San Francisco in 1945.

The Charter begins with a clear sentiment: "succeeding generations"—again, that is us—must be saved from the "scourge of war."[3] The first purpose of the United Nations is "to maintain international peace and security."[4] As we consider when these words were written, it becomes clear that the key objective was preventing another all-out conflict similar to the one that had just ended, involving several States all over the world, with the use of the newly-invented nuclear arsenal. For all the other many structural and historical flaws of the United Nations in this domain, the fact that such all-out nuclear confrontation has not occurred again in the past seventy-six years remains the most important achievement of the Organization and its Member States. Two strategies were envisaged in the Charter for this purpose: a toolkit for the peaceful settlement of disputes "in conformity with the principles of justice and international law,"[5] and the various possible collective measures envisaged under Chapters VI and VII of the Charter. All these methods were premised upon the cornerstone prohibition of the use of force in Article 2, paragraph 4, so that "armed force shall not

2. U.N. Charter art. 1, ¶ 3.
3. *Id.* pmbl.
4. *Id.* art. 1, ¶ 1.
5. *Id.* art. 1, ¶ 1, art. 2, art. 33.

be used, save in the common interest"[6]—perhaps the most innovative aspect of the Charter from a legal perspective.

The second insight we garner from the Preamble and the first two Articles of the Charter is that peace and security are not sufficient, nor are they an end in themselves. The maintenance of peace and security rests upon "fundamental human rights," the "dignity and worth of the human person," the "equal rights of men and women and of nations large and small," the establishment of "conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained," as well as "social progress and better standards of life in larger freedom."[7] Perhaps the second most important achievement of the United Nations is that it was the catalyst for decolonisation, as well as the place where the voices of all nations, large and small, have been and continue to be heard. Without such "larger freedom" of nations, peoples, and individuals, as Secretary-General Kofi Annan remarked in 2005, there can be no peace: "development, security and human rights go hand in hand."[8] The work of the United Nations in the past seventy-six years has thus spanned the whole gamut of international cooperation: not only peace and security, but also sustainable development—most recently enshrined in the 17 Sustainable Development Goals of the 2030 Agenda for Sustainable Development[9]—as well as the protection of human rights for all.

B. The Development of International Law in the Service of International Cooperation

International cooperation and international law are mutually indispensable. Over the course of its more than seventy-five years of existence, the United Nations has played a fundamental role in the development of international law. Not only do the Preamble and Article 1 of the Charter both explicitly refer to international law, but Article 13 thereof entrusts the General Assembly with the specific role of initiating "studies and mak[ing] recommendations for the purpose of . . . promoting international co-operation in the political field and encouraging the progressive development of international law and its codification." Here,

6. *Id.*

7. *Id.*

8. U.N. Secretary-General, *In Larger Freedom: Towards Development, Security and Human Rights for All*, ¶ 14, U.N. Doc. A/59/2005 (Mar. 21, 2005).

9. G.A. Res. 70/1 (Sept. 25, 2015).

again, international co-operation and international law are mentioned in the same breath—their interdependence made once again unequivocal.

It is helpful to think of the contribution of the United Nations to international law in the past seventy-six years in three dimensions. First, the United Nations is a *place*: suffice it to note the institutional role the United Nations has played as a venue for collective action for the development of international law, including multilateral treaty negotiation and law-making that occurred through the organs and institutions of the Organization, such as the work of the International Law Commission. Second, the United Nations has played a role as a *rule-maker*, for example, through the adoption of resolutions by the General Assembly and the Security Council. Third, the United Nations has acted as an *interpreter* of international law, not only through the jurisprudence of its principal judicial organ, the International Court of Justice, and that of other international tribunals, but also through the legal opinions of the United Nations Office of Legal Affairs. I will now briefly address these three roles of the United Nations—as a *place*, as a *rule-maker*, and as an *interpreter*—in turn.

Multilateral treaty-making at the United Nations is extensively diverse and multifaceted. There is no single process or forum within the United Nations for negotiating a treaty; there are a wide variety of processes and fora. Perhaps chiefly among such fora, the General Assembly has been an important collective venue for treaty-making since its beginning, having convened conferences and adopted numerous treaties in various areas of international law. Overall, the number of multilateral treaties adopted under the auspices of the United Nations has grown exponentially over time. In 1977, around eighty multilateral treaties were deposited with the Secretary General; forty-four years later, this figure has risen to more than 560.[10] The subject matters governed by these cover almost every area of international cooperation you may think of, from international taxation to the law of outer space, as well as the pacific settlement of international disputes, diplomatic and consular relations, the law of the sea, disarmament, international trade, commercial arbitration and mediation, transport, communications, navigation, the environment, public health, international human rights law, the law of refugees and stateless persons, international criminal law, narcotic drugs, and human trafficking.[11]

10. *See* U.N. Treaty Collection, Multilateral Treaties Deposited with the Secretary-General, https://treaties.un.org/Pages/Content.aspx?path=DB/MTDSGStatus/pageIntro_en.xml.

11. *Id.*

Several of these treaties were developed through the process of codification of international law that was directly envisaged by the Charter. In 1947, the General Assembly established the International Law Commission to undertake its mandate under Article 13(1)(a) of the Charter, that I mentioned earlier, to "initiate studies and make recommendations for the purpose of . . . encouraging the progressive development of international law and its codification." Several projects of the International Law Commission, subsequently taken up by the Sixth Committee of the General Assembly, led to the adoption of certain core building blocks of contemporary international law, for example the 1961 Vienna Convention on Diplomatic Relations,[12] the 1969 Vienna Convention on the Law of Treaties,[13] and the 1998 Rome Statute of the International Criminal Court.[14]

In recent years, it has been often remarked that this particular methodology of treaty-making appears somewhat in crisis. More recent sets of draft articles adopted by the International Law Commission have not led to action by the Sixth Committee leading to new international treaties, but rather to what has been termed 'codification light'—sets of provisions resting on their (somewhat limited) own authority and purporting to represent the current status of customary international law, or its progressive development, but whose exact status is wholly uncertain despite their widespread use by scholars and courts alike.[15] A case in point are the Articles on the responsibility of States for internationally wrongful acts, which have been widely employed by courts and tribunals since their adoption by the International Law Commission in 2001, even as there is still no consensus at the Sixth Committee of the General Assembly as to whether a treaty based thereupon should be pursued.[16]

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12. Vienna Convention on Diplomatic Relations, Apr. 18, 1961, 23 U.S.T. 3227, 500 U.N.T.S. 95.

13. Vienna Convention on the Law of Treaties, May 23, 1969, 1155 U.N.T.S. 331.

14. Rome Statute of the International Criminal Court, July 17, 1998, 2187 U.N.T.S. 90.

15. Santiago Villalpando, *Codification Light: A New Trend in the Codification of International Law at the United Nations*, VII-2 ANUÁRIO BRASILEIRO DE DIREITO INTERNACIONAL 117 (2013).

16. G.A. Res. 56/83 (Dec. 12, 2001); G.A. Res. 59/35 (Dec. 2, 2004); G.A. Res. 62/61 (Dec. 6, 2007); G.A. Res. 65/19 (Dec. 6, 2010); G.A. Res. 68/104 (Dec. 16, 2013); G.A. Res. 71/133 (Dec. 13, 2016); G.A. Res. 74/180 (Dec. 18, 2019); *see also* the periodic compilations of decisions of international courts, tribunals and other bodies referring to the Articles over the years: U.N. Secretary-General, *Responsibility of States for Internationally Wrongful Acts*, U.N. Doc. A/62/62 (Feb. 1, 2007); U.N. Secretary-General, *Responsibility of States for Internationally Wrongful Acts*, U.N. Doc. A/62/62/Corr.1 (June 21, 2007); U.N. Secretary-General, *Responsibility of States for Internationally Wrongful Acts*, U.N. Doc. A/62/62/Add.1 (Apr. 17, 2007); U.N. Secretary-General, *Responsibility of States for Internationally Wrongful Acts*, U.N. Doc. A/65/76 (Apr. 30, 2010); U.N. Secretary-General, *Responsibility of States for Internationally Wrongful Acts*, U.N. Doc. A/68/72 (Apr. 30, 2013); U.N. Secretary-General, *Responsibility of States for Internationally Wrongful Acts*, U.N. Doc. A/71/80 (Apr. 21, 2016); U.N. Secretary-General, *Responsibility of States for Internationally Wrongful Acts*, U.N. Doc. A/74/83 (Apr. 23, 2019).

However, the process involving the International Law Commission is by no means the only method of treaty-making employed in the past seventy-six years at the United Nations. The law of the sea provides us with an excellent example of the manifold, and at times long and winding, paths such law-making can take. After four Conventions were adopted in 1958 pursuant to a process that had indeed begun before the International Law Commission,[17] negotiations resumed in successive intergovernmental conferences, under the auspices of the United Nations, until the adoption of the historic 1982 United Nations Convention on the Law of the Sea.[18] Interestingly, negotiations continued even after such adoption, and for several years thereafter, and more treaties were adopted.[19] Then, in 2004, the General Assembly began informal consultations and established a working group on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction—an aspect which still required further law-making. After several years of such preparatory work, in its resolution 72/249 of 2017, the General Assembly decided to convene an Intergovernmental Conference, again under the auspices of the United Nations, to elaborate the text of an international legally binding instrument under the United Nations Convention on the Law of Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. The Conference is now ongoing, and it may produce important results at the crossroads between international environmental law and the law of the sea.

International law-making does not begin and end with treaty-making. Another role of the United Nations is that of a *rule-maker*. Among the six principal organs of the United Nations, established by its Charter, the two primary political organs, the General Assembly and the Security Council, have been very active in the development of international law in the exercise of their deliberative functions, throughout the seventy-six years of existence of the Organization.[20] Setting aside the essential, albeit diffuse and indirect,

17. Convention on the Territorial Sea and the Contiguous Zone, Apr. 29, 1958, 15 U.S.T. 1606, 516 U.N.T.S. 205; Convention on the High Seas, Apr. 29, 1958, 13 U.S.T. 2312, 450 U.N.T.S. 11; Convention on Fishing and Conservation of the Living Resources of the High Seas, Apr. 29, 1958, 17 U.S.T. 138, 559 U.N.T.S. 285; Convention on the Continental Shelf, Apr. 29, 1958, 15 U.S.T. 471, 499 U.N.T.S. 311; *see also* Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes, Apr. 29, 1958, 450 U.N.T.S. 169.

18. United Nations Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 397.

19. *See* Agreement Relating to the Implementation of Part XI of the U.N. Convention on the Law of the Sea, July 28, 1996, 1836 U.N.T.S. 3; Agreement for the Implementation of the Provisions of the U.N. Convention on the Law of the Sea, and Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, Aug. 4, 1995, T.I.A.S. No. 01-1211, 2167 U.N.T.S. 3.

20. *See* JOSÉ E. ALVAREZ, INTERNATIONAL ORGANIZATIONS AS LAW-MAKERS (2005).

role of the General Assembly, I will focus here on one example relating to the Security Council, and more specifically to international counter-terrorism law.

Under Article 25 of the Charter, the Security Council has the power to take binding decisions on substantive matters.[21] Since the early 1990s, the practice of the Security Council had already seen the adoption of an increasing number of "generic resolutions," meaning "resolution[s] not in response to a particular fact situation."[22] Following the terrorist attacks of 11 September 2001, the Security Council established a Counter-Terrorism Committee, composed of all members of the Security Council, by means of resolution 1373 (2001). Crucially, this resolution also obliged Member States to take a number of measures to prevent terrorist activities and to criminalize various forms of terrorist acts, as well as to take measures that assist and promote cooperation among countries including adherence to international counter-terrorism instruments. Member States were also required to report regularly to the Counter-Terrorism Committee on the measures they had taken to implement the resolution. The provisions against terrorist financing, mainly set out in the first section of the resolution, were innovative both in their nature, being legislative and not only declarative, and in content. The Security Council was perceived as legislating new binding international law for the first time. Since then, the Security Council has adopted several resolutions further extending and clarifying several counter-terrorism obligations binding upon States. Indeed, such obligations have become so complex that the United Nations Counter-Terrorism Committee Executive Directorate periodically issues a very detailed guideline intended to assist States in complying with such obligations, now running to almost 150 pages.[23]

Finally, let me say just a few words on the role of the United Nations as an *interpreter* of international law in the service of international cooperation. First, the International Court of Justice has played an essential role over the past seventy-six years in the development of international law through its jurisprudence, both when deciding disputes submitted to it and when giving

21. *See* Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, 1971 I.C.J. 16, 53, ¶ 114 (June 21); *see also* Michael Wood, *The Interpretation of Security Council Resolutions*, 82 MAX PLANCK Y.B. U.N. L. 83 (1998).

22. *See* U.N. SCOR, 57th Sess., 4568th mtg. at 5, U.N. Doc. S/PV.4568 (July 10, 2002); U.N. SCOR, 58th Sess., 4772d mtg. at 5, U.N. Doc. S/PV.4772 (June 23, 2003) (explanations by New Zealand); *see also* U.N. SCOR, 57th Sess., 4568th mtg. at 20, U.N. Doc. S/PV.4568 (July 10, 2002) (Liechtenstein's intervention).

23. *See* U.N. Chair of the S.C. Comm., Letter dated Dec. 27, 2019 from the Chair of the Security Council Committee to the President of the Security Council, U.N. Doc. S/2019/998 (Dec. 27, 2019).

advisory opinions on legal questions. Second, in the very specific field of international criminal law, the Security Council created a number of international criminal tribunals as subsidiary bodies, including the International Tribunals for the former Yugoslavia and Rwanda, that have had an essential impact in the development of international criminal law. Third, the Secretariat itself, through its Office of Legal Affairs, has played a role in the development of some specific areas of international law through the legal opinions it has rendered over the past seventy-six years. Such opinions range from narrow issues of internal United Nations procedural and administrative law to wide-ranging issues of international cooperation and are collected annually and published in the UN Juridical Yearbook.[24]

III. TOWARDS A HUNDRED YEARS

A. A Reinvigorated Common Agenda for International Cooperation

So far, I have sought to address, with inevitably broad brushes, the role of the United Nations in the past seventy-six years as to international cooperation and, more specifically, as to the development of international law in the service of international cooperation. Let me now look to the future in both areas. What can we expect from international cooperation and international law in the path towards the centenary of the United Nations in 2045?

Last year, on the seventy-fifth anniversary of the United Nations, the Secretary-General launched an unprecedented global conversation on reinvigorating international cooperation,[25] which led to the adoption by the General Assembly of a Declaration on the "common agenda" for the future as its first resolution for its seventy-fifth session.[26] The Declaration sought both to honour the multilateral framework that was crafted in San Francisco in 1945 and to promote its reinvigoration. In the Declaration, Member States laid out twelve succinct commitments to reanimate global resolve: "leave no one behind" when it comes to international development and human rights;[27] "protect our planet" through "more determined action" in

24. Oscar Schachter, *The Development of International Law through the Legal Opinions of the United Nations Secretariat*, 25 BRIT. Y.B. INT'L L. 91 (1948).

25. *See* Off. of the Under-Secretary General & Special Adviser on Preparations for the Commemoration of the UN's 75th Anniversary, *Shaping our Future Together: Listening to People's Priorities for the Future and Their Ideas for Action, Concluding Report of the UN75 Office* (Jan. 2021), https://www.un.org/sites/un2.un.org/files/un75_final_report_shapingourfuturetogether.pdf .

26. G.A. Res. 75/1 (Sept. 21, 2020).

27. *Id.* ¶ 7.

the field of the environment and "climate-related challenges";[28] "promote peace and prevent conflicts," including in relation to terrorism and cyber-conflicts;[29] "abide by international law and ensure justice," including by promoting the "respect for democracy and human rights";[30] "place women and girls at the centre" by addressing gender inequalities and abuse, such as sexual and gender-based violence;[31] "build trust" to address the "growing inequalities within and among countries" and their "root causes" that lead to "xenophobia, racism, intolerance, hate speech and disinformation";[32] "improve digital cooperation";[33] "upgrade the United Nations";[34] "ensure sustainable financing" both for the United Nations and for international development;[35] "boost partnerships" across "the whole of society";[36] "listen to and work with youth";[37] and, finally, "be prepared" for challenges and crises, especially in light of the experience from the COVID-19 pandemic.[38] Member States also asked the Secretary-General to report back with recommendations to advance such an ambitious common agenda and to respond to current and future challenges.[39]

Of course, several other milestone years have seen the General Assembly adopt lofty Declarations and resolutions aimed at reinvigorating international cooperation. You may be forgiven a healthy dose of scepticism given the inherently rhetorical nature of some of the statements included in these documents over the years—setting all-too-easily forgotten agendas for change. Nonetheless, political declarations can constitute the basis for actual reform efforts, especially if Member States to encouraged and assisted to follow through with commitments they have embraced.

B. The Function of International Law in the Service of International Cooperation

The common agenda adopted in 2020 can be seen as a roadmap for the future of international cooperation under the auspices of the United Nations, and the Secretary-General has initiated steps to take this process forward with some concrete recommendations and reform actions. At the

28. *Id.* ¶ 8.
29. *Id.* ¶ 9.
30. *Id.* ¶ 10.
31. *Id.* ¶ 11.
32. *Id.* ¶ 12.
33. *Id.* ¶ 13.
34. *Id.* ¶ 14.
35. *Id.* ¶ 15.
36. *Id.* ¶ 16.
37. *Id.* ¶ 17.
38. *Id.* ¶ 18.
39. *Id.* ¶ 20.

Office of Legal Affairs, efforts are ongoing to make certain pragmatic suggestions to make the agenda effective by rejecting the narrative of a supposed 'crisis' of international law and bringing the law back to the centre of international cooperation. From our perspective, it is reassuring to note that international law features prominently throughout the agenda. Not only was there a specific commitment by Member States to "abide by international law and ensure justice,"[44] but the whole Declaration is permeated with efforts which require international law as a framework, a tool, and a process to be taken forward. Indeed, international law will play a fundamental role in achieving a more networked and inclusive multilateralism, based on the enduring values of the Charter, which remains the cornerstone of international law.

First, in considering the framework of international law and the possible need for new law when we are faced with new challenges, it is important not to embrace the narrative of a perceived "crisis" of international law because of the slower pace of law-making these days. Rather, in any new or emerging context—for instance, cyber warfare—it may be more helpful to first examine whether the existing rules of international law are, in fact, adequate and whether they are being fully implemented. A lack of compliance with existing rules, or a lack of willingness to apply the existing rules with the necessary flexibility, should not automatically lead to the conclusion that new international legal instruments are necessary. Before proposing new treaties, we must also ponder the risk of unravelling prior consensus. To stay in the realm of the previous example, *i.e.*, cyber warfare: international humanitarian law rules on the protection of civilians do not suddenly disappear simply because an attack to civilian infrastructure is carried out in cyberspace rather than in person; questions would rather arise as to how to apply these rules in any given international armed conflict. Some inherently difficult conversations are thus required to assess when new international law is truly needed. Such conversations could benefit from a specific framework of legal analysis to evaluate the distinction between gaps in the law and gaps in its application, implementation, or compliance. This will be as important a task for future international lawyers as that of proposing new rules.

Second, the United Nations can continue harnessing its role at the centre of international diplomacy to promote a more inclusive multilateralism. The Secretary-General has recently set an important example in relation to the Roadmap for Digital Cooperation that arose after

44. *Id.* ¶ 10.

the multi-stakeholder High-level Panel on Digital Cooperation.[45] The common agenda Declaration by the General Assembly explicitly calls for the United Nations to be "more inclusive" in its multilateralism, bringing together not only States but "all relevant stakeholders, including regional and subregional organizations, non-governmental organizations, civil society, the private sector, academia and parliamentarians to ensure an effective response to our common challenges."[46] In this regard, a note of caution may be apposite. While giving voice to these actors and truly listening to all these voices is essential, the fact remains that, ultimately, States have a primary role in international law-making that is not likely to be given away anytime soon. For new international agreements having the force of law to be adopted, or for new customary international law to arise, we need States. The fact that lack of consensus among Member States, especially on sensitive issues, prevents the hasty creation of new international law is not a bug, but a feature of international law.

Third, this brings me to reiterating a fundamental point: the development of international law in the service of international cooperation must go beyond the negotiation and adoption of new normative instruments. It also concerns processes, including processes intended to make sure that the existing law is more fully implemented and applied. In this respect, the United Nations has a clear role in the promotion of international law; the administrative roles assigned to the Secretary-General in certain compliance mechanisms can help all of us in analysing the root causes for the lack of compliance by States with certain norms, and thus provide opportunities to identify ways to offer capacity building or other support in the efforts by States to implement their obligations under international law. But there is more. The Secretary-General also plays a fundamental role whenever Member States wishing to peacefully settle disputes between them opt to involve the United Nations in employing one of the several methods envisaged by Article 33 of the Charter. This is perhaps the most direct way in which international law may assist in international cooperation: by providing a set of criteria to guide the possible outcome of negotiations, mediation efforts, or good offices missions under the auspices of the United Nations.

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45. *See* Secretary-General's High-level Panel on Digital Cooperation (June 2019), https://www.un.org/en/digital-cooperation-panel/; U.N. Secretary-General, *Roadmap for Digital Cooperation: Implementation of the Recommendations of the High-Level Panel on Digital Cooperation*, U.N. Doc. A/74/821 (May 29, 2020).

46. G.A. Res. 75/1, ¶ 16 (Sept. 21, 2020).

Fourth, we must consider the fundamental role of the United Nations as an actor in the global social and cultural landscape—we may call this the communicative side of international law. The way the United Nations itself will choose to speak the language of international law in the coming twenty-four years could itself bolster the international legal order and make it resilient and future-proof beyond 2045. Reinforcing the existing capacity-building, academic training and research efforts in international law is essential to this particular purpose. The manifold activities under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which was established by the General Assembly at its twentieth session, in 1965,[47] and is administered by the Office of Legal Affairs, are just an example of the enduring efforts of the United Nations in that regard.

IV. CONCLUSION

A judicious dose of international law-making, combined with a robust, international-law oriented use of the processes and tools for compliance and dispute settlement, without forgetting capacity-building, training, and research; if I were here to suggest a formula for the future of international law in the service of international cooperation, those would be its main elements.

These elements also bring me that modicum of hope with which I started my brief address today: if I look back to the difficult times of retreat from multilateralism, I recall that one of the strongest and most enduring features of the United Nations has been its ability to be attuned to geopolitical change without losing sight of the anchoring principles of the Charter. The Charter and international law will continue providing us with the map for speaking to each other, as peoples and nations large and small, even in times of strong disagreement. The Charter and international law will equally be ready whenever new times arise of fiery institution-building, ambitious projects, and joint efforts on behalf of the whole of humanity. Such times will surely come. As the General Assembly aptly put it, "only together can we build":[48] be it resilience, or whatever else is needed for international cooperation in the coming twenty-four years and beyond.

47. G.A. Res. 2099 (XX) (Dec. 20, 1965).
48. G.A. Res. 75/1, ¶ 5 (Sept. 21, 2020).