

**NEW YORK UNIVERSITY SCHOOL OF LAW  
CONVOCATION CEREMONY FOR LL.M. STUDENTS  
Ms. Patricia O'Brien, Under-Secretary for Legal Affairs  
The United Nations Legal Counsel  
Friday, 18 May 2012  
Beacon Theatre, New York**

Richard L. Revesz, Dean and Lawrence King Professor of Law,  
Graduates, families and friends,

I am honoured to be with you today, on this wonderful day.

Today is a day of celebration.

I am here to say: "Congratulations."

You made it.

You made it, with your tireless efforts, sleepless nights and endless hours in the library over the past year.

You made it, with the love and support of your friends and families who are here now, with their hearts full of joy and pride, to celebrate your remarkable achievement.

You made it. And the question in all of our minds is:

**Now what?**

Some of you have your jobs lined up after you graduate. Some of you may not.

In five years, some of you may still be in those same jobs. Some of you may not.

Let me tell you, whether you are 25, 45, or 65, your career will go in directions that you never dreamed of and take you to places that you never planned to go.

And, believe me, that is a good thing.

When I graduated from law school, I could never have imagined that I would one day end up as the Legal Counsel of the United Nations or that my work would take me face to face with victims of the killing fields in Cambodia, the genocidaires from Rwanda, the war criminals from countries devastated by conflict.

I know I have been remarkably fortunate in my own career, and let me remind you of your enormous good fortune as well.

Today, you will be graduating with a law degree from one of the finest universities in this country.

The men and women of NYU Law School have changed the history of this city, this state, this country and the world.

Three mayors of this great city – Fiorello La Guardia, Ed Koch and Rudy Giuliani – are NYU Law School alumni.

The first female Chief Judge of New York State and a champion of judicial reform – the Honorable Judith Kaye – is another NYU Law School luminary.

This law school has produced countless members of the United States Congress, including from its class of 1867, the illustrious Elihu

Root who served as a US Senator and a Secretary of State. He was a pioneer in international arbitration, an architect of the Permanent Court of International Justice, and a Nobel Peace Prize Winner.

When Elihu Root accepted the Nobel Peace Prize in 1912, one hundred years ago, he declared that “pressing forward the development of international law and the agreement of nations upon its rules” was key to “making peace permanent”.

He advocated for creating international institutions so that “when an international controversy arises, the first reaction is not to consider war but to consider peaceful litigation”. (This is an approach that we, as lawyers, can all appreciate.)

In the past century, legions of NYU Law School graduates have taken up the challenge posed by Elihu Root in 1912. I will mention but a few:

From the class of 1960, Thomas Buergenthal served as judge on the International Court of Justice, from 2000 – 2010.

From the class of 1968, Carol Bellamy had a distinguished record of public service in New York State and New York City politics, before she went on to serve as the Executive Director for UNICEF for 10 years.

From the class of 1974, Mohammed ElBaradei became the Director-General of the International Atomic Energy Agency. For his efforts to prevent nuclear energy from being used for military purposes, he too won the Nobel Peace Prize in 2005.

And what will we see from the class of 2012? While we cannot tell the future, I can say this: we will expect nothing less.

I would never pretend to know what you should do with your life. But I would urge you to make your choices with a keen awareness of the incredibly privileged position that you are in.

By virtue of holding a degree from this esteemed law school, by being part of this legacy, you will have doors open to you that are not open to others. You will have access to people and opportunities that others could never imagine to have for themselves.

***With the privileges of access and opportunity, comes the responsibility to speak out.***

When I think about the privileges of access and opportunity, I think about the corner of First Avenue and 47<sup>th</sup> Street. This is a corner where people from all over the city, from all over the world convene to protest, to make their voices heard outside the United Nations, because their voices cannot be heard inside the United Nations.

On this corner is an engraving of a quote from Dag Hammarskjold, the second Secretary-General of the United Nations. It reads: "Never, for the sake of peace and quiet, deny your own experience or convictions".

As lawyers, we are often called upon to give the green light to policy decisions. There is always a long list of reasons why you may want to say "yes", but sometimes the single reason to say "no" may overwhelm all the others – you have to be true to the law.

I will give you an example from my experience:

In the Democratic Republic of Congo, the United Nations was asked to unconditionally support Congolese armed forces to protect the civilian population. However, when evidence came to light that a

contingent was involved in violating human rights, the United Nations could not continue supporting such a contingent without undermining its integrity, its commitment to human rights and the rule of law.

This episode highlighted for us the importance of establishing a Human Rights Due Diligence Policy, which now applies across the board. It requires any United Nations body to ensure that its support for security forces is consistent with our Charter and international law. If we believe those security forces may commit grave violations of international law, we stop our cooperation.

This demonstrated the important role of lawyers. Too often, we are seen as naysayers waiting to tell others why the law constrains them from acting. However, when we do our jobs right and we do our jobs well, we can convince our clients to be mindful of their long-term interests in complying with the law rather than focusing on their short-term interests in moving ahead with a particular course of action.

But in order to do this, we must have the courage to stay true to the law, and to never deny our own convictions, even for the sake of peace or quiet or an easier time.

This occurred to me in a small way during one of my first overseas missions as UN Legal Counsel.

I was taught my manners growing up. Always be polite. Please and thank you. And always take the hand of someone who extends theirs.

I thought about that when I travelled to Rwanda three years ago.

Before I joined the UN, I had read "Shake Hands with the Devil," the compelling memoir by General Romeo Dallaire, the Force Commander of the UN peacekeeping operation in Rwanda, about his experience during the genocide.

General Dallaire described how, "In just 100 days, over 800,000 innocent Rwandan men, women and children were brutally murdered while the developed world ... sat back and watched the unfolding apocalypse or simply changed channels."

This indifference allowed the génocidaires to rain so much bloodshed on Rwanda that the rivers overflowed with dead bodies.

When I arrived at the Rwanda Tribunal fifteen years later, the government officials took me to the prison. This is customary to show that conditions are humane and comply with international standards.

And so, I found myself face to face with one of the suspected war criminals at the door of his cell.

He reached out his hand to shake mine.

What should I do?

I had never refused anyone's hand in my life.

Part of me thought - and my instinct impelled me - to go with the flow.

It was not for me to forgive, but forgiveness is part of our credo and a way of moving forward.

It is not as though anyone would have known the difference.

Shaking his hand would have resolved an awkward social moment.

But it would have created a much bigger problem. It would have haunted my conscience.

I do not pretend it was brave to refuse his hand. I do not say I was right or wrong. I am very glad I did not shake his hand.

He was later convicted of genocide.

***With the privileges of access and opportunity, comes as well the responsibility not to succumb to cynicism.***

The General Assembly adopted the doctrine of "Responsibility to Protect" in 2005 which entails the responsibility of States and the international community to protect civilian populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Many wondered whether lack of political will would render this doctrine meaningless.

However, we have seen in a very short space of time that Responsibility to Protect has become part of the UN approach and of preventive diplomacy in situations as diverse as the Ivory Coast, Kenya, Kyrgyzstan, Guinea, the Democratic Republic of the Congo, and elsewhere.

Last year, the Security Council adopted two resolutions to authorize the protection of civilians in Libya. These were the most robust resolutions adopted to date on Responsibility to Protect.

Step by step, these Responsibility to Protect efforts enhance the concept of the sovereignty of States as responsibility of States towards their people. The UN's resolutions and actions are a testament to what can be achieved by the international community when it acts with resolve to protect civilians from atrocity crimes.

People may look at other places in the world today, where civilians remain under threat. What is the United Nations doing there? Why isn't the Security Council acting there?

We can always do more. We must always do more. But we cannot allow cynicism erode our commitment to work for justice.

Last month, after enduring years of house arrest, Aung Sang Suu Kyi was elected to the parliament in Myanmar. Her unwavering resistance in the face of seemingly unending oppression is a humbling example for us all.

I hope that, as lawyers, you will recognize that your contributions to the legal field may not yield immediate results, but that does not make your day-to-day efforts any less important.

As Martin Luther King said, the "arc of the moral universe is long but it bends towards justice". It bends slowly, but we all have to keep bending.

***And finally, with the privileges of access and opportunity, comes the responsibility to dream the impossible.***

In the decades following the Nuremberg Tribunals, the project of international criminal justice seemed to be a futile exercise. A draft statute for an international criminal court prepared by the

International Law Commission in the 1950s seemed headed for the dustbins, a casualty of the Cold War.

But on 1 July 2012, the International Criminal Court – the ICC - will mark its 10-year anniversary.

And in recent years, many of those most responsible for atrocities in the former Yugoslavia, Rwanda and Cambodia have been convicted for their crimes.

The conviction last month of Charles Taylor by the Special Court for Sierra Leone is a signal of the strength of the law and represents a significant milestone for international criminal justice. It sends a strong signal to all leaders that they will be held accountable for their actions.

We have changed the global landscape by chasing criminals and putting them on trial where they meet the hands of justice and the eyes of their victims.

As Ariel Dorfman wrote, when the Chilean Supreme Court finally stripped General Pinochet of his immunity:

“At times it is right to dream the impossible, to ask for the impossible, to shout for the impossible. History might happen to be listening. History just might happen to answer.”

I hope that, as lawyers, you will help usher in this new era of accountability around the world in whatever area of work you find yourselves.

**Ladies and gentlemen,  
Future lawyers, champions of justice and the families who  
raised you,**

In these circumstances and being from Ireland, I want to leave you the powerful words of our poet Seamus Heaney from his work "*Doubletake*":

*History says, Don't Hope  
on this side of the grave,  
But then, once in a lifetime  
the longed for tidal wave  
of justice can rise up,  
and hope and history rhyme*

History says, Don't Hope.

But as I have already said, NYU Law School graduates have never been afraid to change history.

Looking at you, class of 2012, you can be the makings of a wave of justice.

You graduate NYU Law School with sophisticated knowledge. But more than that, you have an inborn sense of what is right and what is just.

These are your powers in the fight for justice. Now go out into the world and use them.

Congratulations to you all!

Thank you.