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## Sixth Committee

### Summary record of the 7th meeting

Held at Headquarters, New York, on Thursday, 11 October 2012, at 3 p.m.

*Chair:* Mr. Sergeev ..... (Ukraine)

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*The meeting was called to order at 3.05 p.m.*

**Agenda item 83: The rule of law at the national and international levels** (*continued*) (A/66/749 and A/67/290)

1. **Mr. Aljadey** (Libya) said that the new Libya was committed to abiding by international humanitarian law and international law and entrenching the values of democracy and good governance in order to guarantee freedom and equality. It had acted quickly to reinstate the rule of law, including by establishing a national reconciliation commission and a national council for human rights and public freedoms. Steps were being taken to reintegrate supporters of the former regime and to reinstate trust in the State. Libya supported Palestine's request for full membership in the United Nations because it was the only country whose people were not justly represented in the Organization.

2. **Ms. Diaz Mendoza** (Bolivarian Republic of Venezuela) said that her delegation reaffirmed its full support for the principles of the equality of sovereign States, self-determination of peoples, territorial integrity of States, the right of States to the use, exploitation and management of their own resources, peaceful settlement of disputes, refraining from the threat or use of force and non-interference in the internal affairs of States, which were fundamental to the achievement of a just and equitable international order in which the rule of law prevailed. To preserve the rule of law at the national and international levels, it was necessary to respect and strengthen the political and legal structures of the sovereign States.

3. Respect for fundamental human rights essential to the rule of law; the current Government had striven to ensure that enjoyment of those rights was universal and a reality in daily life. Ratified international treaties carried the same force of law as the Constitution. The Bolivarian Republic of Venezuela was a participatory democracy, based on internationally recognized principles. Referendums were held often, for example, on international agreements that might transfer sovereign powers to supranational bodies.

4. The de facto concentration of decision-making power for matters of international peace and security in the hands of the five permanent members of the Security Council was a relic of the Second World War. It was necessary to democratize the United Nations and strengthen the central role of the General Assembly.

Despite the efforts of the United Nations' legal commissions to promote and codify international law, the current balance of power often prevent the rule of law from prevailing in a true sense in the international community. His delegation had often had occasion to deplore illegal unilateral coercive measures taken by the imperial powers to suppress the right of peoples to define their own political, social and economic systems. Moreover, peace based on the privileges of the imperial Powers was both fragile and a violation of the rule of law. In view of the Security Council's repeated breach of the rule of law, most blatantly through its adoption of resolution 1973 (2011) on the situation in Libya and its handling of the Palestinian question, his delegation had expressed its reservations concerning paragraph 28 of the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels (General Assembly resolution 67/1), in which it recognized the positive contribution of the Security Council to the rule of law.

5. **Mr. Paraiso** (Niger) said that the Niger was committed to the principles of the Charter as a basis of relations among States and to the peaceful settlement of international disputes. Promotion of the rule of law at the national and international levels was a prerequisite for stability, peace and respect for human rights. However, it was impossible to establish the rule of law without adequate human and financial resources, and as a developing country, Niger reiterated its plea for high-level technical assistance in strengthening the institutions involved.

6. In Niger, respect for the rule of law was enshrined in the Constitution, which also affirmed the principles of a pluralist democracy and equality before the law without discrimination and guaranteed the rights and liberties of individuals and citizens, including specific provisions regarding women and disabled persons. The Niger had ratified international instruments concerning women's rights and had adopted a law reserving 20 per cent of elective, governmental and administrative posts for women. His Government had recently established an office to combat government corruption and another to promote knowledge of the judicial system and combat judicial corruption, including a hot line for complaints. It had taken significant steps to enhance freedom of the press, including an ordinance opening access to government records and the signing of the Table Mountain

Declaration on freedom of the press adopted in 2007 in Cape Town, South Africa. In the areas of education and health, efforts were under way to make education to the age of 16 free and compulsory, and free health care was provided to pregnant women and children under five.

7. In closing, his delegation welcomed the Declaration of the High-level Meeting on the Rule of Law and expressed the hope that it would contribute to strengthening the rule of law at all levels.

8. **Mr. Troya** (Ecuador) said that shared values and principles formed the basis for civilized coexistence, but those values must be the fruit of consensus and democratic participation. In consequence, Ecuador firmly defended the equality of all citizens at the national level and the sovereign equality of States as enshrined in the Charter of the United Nations. His delegation joined in advocating reform of the Security Council to reflect the existence of new international actors, make its functioning more democratic and transparent and eliminate the use of the veto, which unfairly benefited some countries. Respect for the sovereignty and territorial integrity of States was an indispensable pillar of the rule of law. Ecuador therefore considered the extraterritorial application of national laws to be a serious violation of international law and condemned the adoption of unilateral measures, especially the threat or use of force. The pretexts of protection of national security or the need to combat transnational crime could not justify violation of international norms or the principles of the Charter.

9. It was also important to strengthen regional mechanisms for the protection of democracy. Latin America, taking to heart the lessons of its history, had moved strongly in that direction. In that regard, he should mention the Additional Protocol to the Constitutive Treaty of the Union of South American Nations on Commitment to Democracy.

10. At the national level, Ecuador endeavoured to provide fair, effective and speedy justice for all inhabitants, and every effort was made to assure access to justice for vulnerable or marginalized groups and protect witnesses and victims. To that end the Ecuadorian Government had devoted resources to building the physical infrastructure, training judicial officers, updating technology and improving inter-institutional cooperation. It also aimed to ensure

accountability, transparent handling of public funds, public access to information and effective oversight to prevent abuses in the system of administration of justice. Ecuador also considered gender equity to be essential to the rule of law. Over the past four years it had made historic progress in the empowerment of women; as one example, 40 per cent of the judges of the National Court of Justice were women. While the rule of law was a fundamental tool for development and it was essential to establish clear rules of the game for foreign investors, it was up to each State, which controlled the country's resources on behalf of its people, to determine the conditions and restrictions on foreign investment.

11. In conclusion, his delegation considered that the role of the Sixth Committee should not be handed off to high-level committees, groups of experts or forums outside the context of the General Assembly, the only international body with sufficient authority to take the lead in developing and strengthening the rule of law.

12. **Mr. Kohona** (Sri Lanka) said that the rule of law had evolved over the centuries in many societies, and it was important to respect its diverse roots when discussing it in the contemporary context. The Charter of the United Nations was one of humanity's seminal achievements. The High-level Meeting on the Rule of Law was an important milestone in efforts to develop a common understanding, but more remained to be done; the Sixth Committee should maintain its focus on the rule of law.

13. A strong adherence to the rule of law had been a major contributing factor in protecting individual rights and protecting and empowering women, children and minorities. Sri Lanka's legal system had evolved to accommodate the diverse cultural, ethnic and religious differences of the society. Countries emerging from decades of conflict, such as Sri Lanka, needed support in strengthening the democratic institutions essential for the rule of law, yet judgmental international involvement could be counterproductive.

14. At the international level, while many organs and agencies of the United Nations played a role in promoting the rule of law, duplication should be avoided. In developing international rules, it was important to maintain the principles of sovereign equality and non-interference. Where specific, exceptional circumstances called for intervention, action should be based on the agreement of all States,

and unilateral and selective application of international law principles should be avoided.

15. It should be remembered that, in combating the growing problems of transnational organized crime, terrorism and piracy, long-term solutions would depend on the delivery of basic justice and security, as well as economic and social progress. In addition to promoting peace and international security, strengthening the rule of law could contribute to the achievement of the Millennium Development Goals. The rule of law could also play an important role in maintaining a balance between economic progress and environmental sustainability.

16. **Mr. Zeidan** (Observer for Palestine) said that the Committee had been informed of his country's progress on strengthening the rule of law and its highly praised institution-building programme. However, Israel's impunity for its 45-year illegal occupation of the Palestinian Territory, including East Jerusalem, severely undermined the rule of law. The Committee had been warned of the illegal siege on Palestinians in the Gaza Strip and the rapid expansion of Israel's illegal settlement enterprise, which affected every aspect of Palestinian life: water, worship, agriculture, access and movement, and even the right to life. Palestine held Israel fully accountable for the acts of terrorism committed by the illegal settlers. The occupying Power's transfer of parts of its own population to the Occupied Palestinian Territory represented a clear violation of article 49 of the Fourth Geneva Convention and a war crime under article 8 of the Rome Statute of the International Criminal Court. In that regard, he welcomed the initiatives of many States to begin labelling Israeli settlement products as such and encouraged others to do likewise.

17. Palestine had been seeking to bring an end to Israeli colonization and occupation of its land and to create an appropriate environment for genuine peace negotiations for the achievement of the two-State solution in accordance with international law. Unfortunately, because of the continued impunity Israel enjoyed in the Security Council, it had yet to comply with the demands of the international community expressed most evidently in the annual resolutions of the General Assembly.

18. It had been over a year since Palestine had submitted an application for United Nations membership. His delegation called on the Security

Council to make a positive recommendation to the General Assembly in accordance with Article 4 of the Charter and in keeping with the advisory opinion of the International Court of Justice of 28 May 1948 on *Admission of a State to the United Nations*. With respect to another membership issue, in recent months there had been an effort to thwart Palestine's participation in various international conferences held under the auspices of the United Nations. As a member of one specialized agency, the United Nations Educational, Scientific and Cultural Organization, Palestine was entitled to participate in such conferences under the "all States" and "Vienna" formulas.

19. **Mr. Civili** (Observer for the International Development Law Organization) said that the rule of law was hampered globally by a lack of public trust in institutions and a disconnect between the formal mechanisms of the rule of law and people's lived experience of justice. The International Development Law Organization (IDLO) would continue to do its part to create a true culture of justice by supporting efforts to strengthen the functioning and responsiveness of legal and judicial institutions; working to enable Governments to uphold human rights and empower people to claim them; and gearing the law to advance sustainable development and economic opportunity. In conjunction with the High-level Meeting on the Rule of Law, IDLO had pledged to carry out a global survey of the role of women in justice-sector institutions and to analyse the legal barriers to women's access to justice. That pledge and its overall commitments had arisen out of a broad process of consultation in the context of developing a strategic plan for 2013-2016. The IDLO plan would be guided by the policy orientations articulated in the Declaration of the High-level Meeting and, in particular, would remain committed to the principle of national and local ownership of rule of law initiatives. It would give high priority to strengthening IDLO research and evaluation capabilities, sharing results across the international system and working with strategic partners.

20. Demand for IDLO programmes continued to grow. Even with increased emphasis on innovation and partnership, to make serious progress towards the goals embodied in the High-level Meeting's Declaration, significantly increased international assistance for rule of law programming would be needed. IDLO pledged to bring all of its strengths, including its advocacy and

convening capacity, to support the United Nations in following up on the Declaration and building consensus on the value of the rule of law at the national and international levels.

21. **Ms. Mosoti** (Observer for the International Criminal Court) expressed the Court's gratitude to all of the States and international organizations that had used the High-level Meeting on the Rule of Law to affirm their support for the role and work of the Court, including by pledging to ratify the Kampala amendments to the Rome Statute. It was also grateful for the support received within the United Nations system and noted with interest the decision of the Rule of Law Coordination and Resource Group to undertake a lessons-learned exercise on the Organization's work to ensure accountability for international crimes at the national level.

22. The Court's case portfolio comprised seven investigations and eight preliminary examinations in various regions of the world. In March 2012, it had issued its first verdict, against Congolese warlord Thomas Lubanga. The Court had jurisdiction only if a State was unwilling or unable to investigate or prosecute and it was continuing to work with the States parties, the United Nations and other international actors to help the many countries that lacked such capacity to build it.

23. To fulfil its primary mandate effectively, the Court required the cooperation and support of all countries. It had issued arrest warrants for 17 individuals, of whom 11 remained at large in the absence of the international community's concerted effort to bring them to justice. The Member States' common commitment to the rule of law required them to ensure the accountability of perpetrators of the most serious crimes of international law, and it should also inspire States that had not yet ratified or acceded to the Rome Statute to consider doing so.

24. **Ms. Elyahou** (Observer for the International Committee of the Red Cross) said that, while there was a wide range of national experience in the area of the rule of law, there were common international norms shared by all States, including international humanitarian law. The work of the International Committee of the Red Cross (ICRC) in conflict areas had shown that the existence of a clear framework of rules saved lives and reduced suffering, for instance, by ensuring respect for the rules protecting the

wounded and sick as well as healthcare workers. Such frameworks should include accountability provisions to discourage and punish violations of international humanitarian law and other international crimes.

25. ICRC promoted the exchange of best practices and worked closely with national authorities to develop the technical expertise required to promote compliance with international humanitarian law. At the request and with the consent of national authorities, ICRC made contributions in areas as diverse as prison reform, strengthening the judiciary, training civil servants and the security forces and developing university programmes. It had learned from experience that establishing a national committee to coordinate the efforts of the many ministries, departments or agencies involved in its implementation was often the key to achieving significant results.

26. Her organization's experience had also demonstrated that all efforts to build national capacity should integrate local legal and institutional traditions. National Red Cross and Red Crescent Societies could play a valuable role in that regard, not only because they possessed relevant local knowledge, but also because, as part of the broader International Red Cross and Red Crescent Movement, they were well informed about global possibilities for international support. ICRC would pay particular attention to the implementation of the pledges made during the High-level Meeting and, more importantly, it would continue to provide technical advisory assistance in close cooperation with national authorities and other interested parties.

27. **Ms. Schonmann** (Israel), speaking in exercise of the right of reply, said that the work of the Committee had been hijacked by a political sideshow, as some among the world's worse human rights violators continued to exploit the forum. It was extraordinary that the representative of Syria, a State sponsor of terrorism whose proxies, Hamas and Hezbollah, had murdered tens of thousands in the Middle East and elsewhere, had had the audacity to lecture her delegation on human rights while the regime he represented continued to slaughter and brutally repress its own people. The representative of Saudi Arabia, where people were beheaded for sorcery; where stoning, flogging, amputation of limbs and public executions were a common disciplinary means of punishment; and where women were denied women the most basic human rights; was confused about the

meaning of the rule of law. There was a marked distinction between the concept of the rule of law inherent in a democracy and the authoritarian use of laws as instruments of repression, which was rampant in countries like his own; rule of law in a democracy was both government by law and government subject to the law.

28. It was common knowledge that Kuwait had no rule of law. Its representative presented his country as a champion of the Palestinian cause but failed to mention that it had itself expelled at least 300,000 Palestinians living and working there.

29. Lastly, with regard to the distinguished Palestinian observer, for every claim he had raised she could readily provide compelling arguments to the contrary. In the appropriate forum she could offer solid evidence of the atrocities, war crimes and crimes against humanity that the Palestinians had committed against Israelis and against their own people. Countless Israelis had been victims of the Israeli-Palestinian conflict and continued to be the targets of rocket and mortar attacks from the Gaza Strip, which was controlled by the Hamas terrorist organization. Equally troubling, the Palestinian representative had failed to mention the human rights abuses by the security apparatus in the West Bank, let alone the widespread human rights violations by the rulers in Gaza, who had diverted every resource to oppressing their own people or attacking the people of Israel. Women were subjugated, political opponents were jailed and murdered, and children were used as human shields and bombers.

30. Israel, with all its imperfections, was a vibrant and pluralistic democracy with an independent judiciary that was internationally renowned. It was committed to upholding the rule of law, even with respect to its cruellest enemies — terrorists who not only blatantly disregarded those rules and principles but also deliberately exploited them against their own and Israeli civilians. She would challenge any of those speakers to cite another country in the area that adhered to the same level of judicial review, transparency, pluralism, freedom and liberties and freedom of the press during peacetime that Israel practiced during an armed conflict.

31. **Mr. AlAjmi** (Kuwait) reiterated that Israel was violating United Nations resolutions, international law and international humanitarian law by threatening

peace and security in the Middle East and by continuing its policy of establishing new settlements in the West Bank in an attempt to change its demographic composition.

32. **Mr. Zeidan** (Observer for Palestine) said that Israel was an apartheid State that discriminated against non-Jews, even with respect to such basic services as water and housing. The representative of Israel had the benefit of specific domestic laws in her own country, while her Government practiced terrorism against others. Her memory was short: only recently undercover Israeli police officers had shot a Palestinian man walking through the olive groves. The Jewish settlements thrived on a terrorist ideology; settlers attacked Israeli army bases and desecrated Palestinian churches and mosques. The representative of Israeli had failed to mention the exodus of 800,000 Palestinians from their homes, the 45 years of Israeli occupation of Palestine or the opinion of the International Court of Justice with regard to that occupation.

33. **Mr. Aldahhak** (Syrian Arab Republic) said that if anyone was audacious, it was the representative of Israel, who dared to give lessons on the rule of law when it had been a well-documented violator of the rule of law since its establishment. Its history of war crimes and crimes against humanity, its massacres of Arabs in Palestine, Lebanon and other countries, were documented in international reports. The suffering of Syrians in the occupied Syrian Golan since 1967 continued. Israel had been practicing State terrorism, sometimes using passports issued by countries in North America and Europe. It desecrated Christian and Muslim religious sites, continued to expel Palestinians from their homeland and to blockade the Gaza Strip. One wondered how the representative of Israel could talk about women and children. It was ironical to hear lectures on the rule of law from the representative of a country that knew only the law of the jungle.

**Agenda item 82: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization**  
(A/67/33, 189 and 190; A/C.6/67/L.3)

34. **Mr. Nazarian** (Armenia), Chair of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, introducing the report of the Committee (A/67/33) on its 2012 session, recalled that the Special Committee

had been asked to continue its consideration of the questions of maintenance of international peace and security in all its aspects, implementation of provisions of the Charter relating to assistance to third States affected by the application of sanctions, peaceful settlement of disputes and the working methods of the Committee. The Committee had also been asked to examine any proposals referred to it by the General Assembly pursuant to decisions of the high-level plenary meeting of the sixtieth session of the Assembly in September 2005 concerning the Charter and any amendments thereto. The Special Committee's decisions and recommendations on those matters were discussed in chapter II of the report. Chapter III was devoted to the question of the peaceful settlement of disputes, and chapter IV presented its recommendations concerning the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. Lastly, chapter V discussed the working methods of the Special Committee and summarized the views expressed in connection with prior proposals relating to principles and measures for strengthening and ensuring more effective cooperation between the United Nations and regional organizations on matters relating to the maintenance of international peace and security in conflict and post-conflict areas.

35. **Mr. Mikulka** (Secretary of the Committee), speaking as the Director of the Codification Division and introducing the report on the status of the *Repertory* and the *Repertoire* (A/67/189), noted that an updated chart showing the status of the *Repertory* had been distributed electronically. With respect to the preparation of studies for backlogged Supplements, the Secretariat had submitted volume II of Supplement No. 9 and volume VI of Supplements Nos. 8 and 9 for translation and publication. The Security Council Affairs Division had prepared studies on Articles 24, 26, 28, 30, 34 and 35 to 39 of the Charter, thereby enabling the submission of all outstanding studies for Supplements Nos. 7 to 9 (1985 to 1999). It had been agreed within the Secretariat that the Codification Division would reach out to partnering institutions potentially willing to draft studies on Articles 40 to 54 for volume III of Supplements Nos. 7 to 10.

36. With respect to Supplement No. 10 (2000 to 2009), studies had been prepared on Articles 3, 5, 6 and 8 for volume I; Articles 13, 14 and 17 for volume II; and Articles 92 to 95, 98, 103 and 106 to 111 for

volume VI. All studies relating to volume I had been submitted for translation and publication. Progress had also been made in preparing studies on a number of Articles pertaining to volumes II, IV, V and VI of Supplement No. 10. Thus, 42 of the 50 *Repertory* volumes had been completed to date. Studies from completed volumes were available in searchable form in English, French and Spanish on the *Repertory* website, as were some advance versions of studies for volumes awaiting completion.

37. Students from several universities had once again collaborated in preparing *Repertory* studies, and the Secretariat had expanded its cooperation with academic institutions interested in assisting with the preparation of studies, including Fordham University School of Law and Concord Law School. It was, of course, understood that the Secretariat bore ultimate responsibility for the final preparation and quality of all studies.

38. A note verbale had been sent to all permanent missions to the United Nations, reminding them of the General Assembly's appeal for voluntary contributions to the trust fund established pursuant to its resolution 59/44 in order to eliminate the backlog in the *Repertory* and inviting them to bring the matter to the attention of private institutions and individuals who might wish to contribute. The Secretary-General welcomed with appreciation the recent contributions of US\$5,000 from Chile and €5,000 from Finland. Contributions to the trust fund had been used to hire consultants, who had prepared studies for volumes II and VI. The current balance in the fund, approximately US\$20,000, would be used to hire additional consultants to prepare studies for volumes nearing completion.

39. **Mr. Boventer** (Security Council Practices and Charter Research Branch, Department of Political Affairs), updating the Committee on the status of the *Repertoire*, said that the Branch had been able to work simultaneously on the preparation of several Supplements and continued to make good progress. It had completed the sixteenth Supplement (2008/2009) in 2012, and it expected to have the advance version of the seventeenth Supplement (2010/2011) available by mid-2013. With most of the groundwork for the eighteenth Supplement (2012/2013) laid over the past two years, actual drafting would commence in early 2013. Recent progress in the preparation of the *Repertoire* was mostly due to efficiency-enhancing



initiatives. Future progress would very much depend on the availability of resources.

40. With regard to the status of drafted Supplements, he noted that translations of the English-language version of the twelfth and thirteenth Supplements, covering the years 1993 to 2009, were expected to be published shortly in the remaining languages. The English-language version of the fourteenth Supplement would be published soon, with the other languages to follow by year-end. Editing and typesetting of the fifteenth and sixteenth Supplements, covering the years 2004 to 2009, had not yet begun. The Branch continued to work with the Department for General Assembly and Conference Management to shorten the time lag between the completion of a Supplement and its publication in all six official languages. The Branch also continued to respond to requests for information and regularly posted advance versions of studies in the *Repertoire* section of the redesigned, searchable Security Council website, which was at last available in all official languages. That section of the Council website, which was regularly updated, also included a comprehensive historical list and short descriptions of all agenda items discussed and information on all subsidiary organs established by the Council since 1946.

41. Neither the progress made in the preparation and publication of the *Repertoire* nor the updating of the *Repertoire* section of the Council website would have been possible without contributions to the trust fund for the updating of the *Repertoire* by China, Ireland, Mexico and Turkey. He was grateful to the Member States that had generously contributed to the fund over the years, and he encouraged all Member States to do likewise or to consider sponsoring an associate expert for the Branch.

42. **Mr. Al Habib** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the Special Committee should play a key role in the ongoing process of United Nations reform. Important elements of that process were the democratization of the Organization's principal organs and respect for the role and authority of the General Assembly as the chief deliberative, policymaking and representative organ, which, together with its subsidiary bodies, had done a great deal to promote the purposes and principles of the Charter and the Organization's objectives. He wished to reiterate the Movement's concern over the Security Council's

continuing encroachment on the functions and powers of both the General Assembly and the Economic and Social Council and to reaffirm that reform of the Organization should be carried out in accordance with the principles and procedures established by the Charter. The Special Committee should continue to study the legal aspects of the implementation of Chapter IV of the Charter, particularly Articles 10 to 14 on the functions and powers of the General Assembly.

43. The non-aligned countries remained seriously concerned about the issue of sanctions imposed by the Security Council. Sanctions should be imposed only in accordance with the Charter, i.e. as a last resort and only where a threat to international peace and security or an act of aggression existed. They should never be applied as a preventive measure, nor should they inflict suffering on vulnerable groups in the target country as a means of exerting political pressure. Their objectives and the conditions demanded of the targeted State or party should be clearly defined and based on tenable legal grounds, and they should be time-limited and subject to periodic review. The annex to General Assembly resolution 64/115, on the introduction and implementation of sanctions imposed by the United Nations, should guide the Security Council's future work with regard to sanctions.

44. The question of compensation and other sanctions-related issues raised in the various proposals on the agenda of the Special Committee were worthy of its consideration. The Movement looked forward to further fruitful deliberations on the proposal submitted by the Bolivarian Republic of Venezuela, as well as to meaningful consideration of other new subjects proposed during past sessions.

45. The Movement appreciated the Secretariat's progress on eliminating the backlog in the publication of the *Repertoire* and *Repertory*, but it wished to reiterate the importance of reducing the backlog in the preparation of volume III of the latter. Lastly, the Movement supported the Special Committee's draft resolution on the commemoration of the thirtieth anniversary of the Manila Declaration on the Peaceful Settlement of International Disputes (A/C.6/67/L.3).

46. **Mr. Salem** (Egypt), speaking on behalf of the African Group, stressed the Group's support for the 2005 World Summit Outcome (A/60/L.1), in particular the sections on sanctions, the rule of law and the strengthening of the United Nations. The Security



Council's power to impose sanctions should be exercised in accordance with the Charter and international law. Sanctions should be considered only after all means of peaceful settlement of disputes had been exhausted, be imposed for a precise time frame, be reviewed periodically and be lifted as soon as the objectives were achieved. They should also be non-selective and targeted to mitigate their humanitarian consequences. The Group considered the use of unilateral economic sanctions against developing countries to be a violation of international law and the right to development.

47. The African Group was open to discussing all of the proposals remaining on the agenda of the Special Committee and continued to take a keen interest in the revised proposal submitted by Libya with a view to strengthening the role of the United Nations in the maintenance of international peace and security. The Special Committee could not validly be criticized for a lack of results if Member States did not exercise their right to submit relevant new proposals, and he encouraged them to do so. The Group recognized the important role of such judicial mechanisms as the International Court of Justice and urged Member States to make effective use of existing procedures for the prevention and peaceful settlement of their disputes, as they provided the most efficient means available for achieving one of the United Nations' essential objectives. In that connection, the Manila Declaration remained a valuable document, and the Group supported efforts to commemorate its anniversary.

48. **Mr. Gonzalez** (Chile) speaking on behalf of the Community of Latin American and Caribbean States (CELAC), stressed the importance of the obligation to settle disputes peacefully on the basis of the Charter of the United Nations, the Manila Declaration and the relevant General Assembly resolutions. The Group remained firmly convinced that, to contribute effectively to the maintenance of international peace and security, sanctions must be applied legitimately, i.e. in accordance with the Charter and other rules of international law. In that connection, it reiterated the importance of the Special Committee document annexed to Assembly resolution 64/115 on the introduction and implementation of sanctions imposed by the United Nations and urged the Security Council to follow its prescriptions. The Special Committee's continued consideration of the full spectrum of topics

relating to the maintenance of peace and security was essential to achieving its mission.

49. The Special Committee should continue to give priority consideration to the question of assistance to third States affected by the application of sanctions and existing proposals on that topic, in accordance with General Assembly resolution 66/101. The fact that no State had yet requested such assistance did not mean that the topic should be dropped from the Special Committee's agenda, since such provisions were precautionary.

50. The *Repertory* and *Repertoire* made valuable contributions to international law and to the institutional memory of the Organization, and CELAC not only welcomed the Secretariat's progress in reducing the backlog in those publications and increasing their availability on the Organization's website, but also appreciated the contributions made by Member States to the respective trust funds. The Secretariat should intensify its efforts with a view to eliminating the backlog altogether.

51. **Mr. Tricot** (Observer for the European Union), speaking also on behalf of the acceding country Croatia; the candidate countries Iceland, Montenegro and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania and Bosnia and Herzegovina; and, in addition, Georgia, Norway and the Republic of Moldova, said that the European Union continued to consider sanctions to be a valuable tool for maintaining and restoring international peace and security. Noting that the Security Council had demonstrated in recent years that sanctions could be targeted to minimize adverse effects on civilians and third parties and that no third States had appealed to the United Nations for relief of economic problems arising from sanctions since 2003, he reiterated the view that the question of assistance to third States was no longer relevant and should be removed from the Special Committee's agenda.

52. The European Union noted with concern that actual discussions had required far less than the seven days allotted to the Special Committee and its Working Group for the 2012 session. It once again urged the Special Committee to implement the working methods adopted in 2006 and to work together to explore ways of optimizing the Committee's resources and meetings, either by eliminating outdated agenda items and those that were not likely to lead to consensus, or by revising

the duration and frequency of its sessions. The European Union stood ready to participate constructively in such a process and hoped that a shared spirit of cooperation would allow it to move forward.

53. With respect to the *Repertory* and the *Repertoire*, he welcomed the increased use of interns and the further strengthening of cooperation with academic institutions. He commended the Secretariat's progress on eliminating the backlog and urged it to persevere in its efforts to update both publications and make them available electronically in all official languages. The European Union was grateful to the States that had contributed to the trust funds established for the preparation of those publications and encouraged other Member States to follow their example.

54. **Mr. De Vega** (Philippines) said that the Manila Declaration was one of the Special Committee's most significant achievements. During its 2012 session, the Philippine delegation had submitted a proposal for the celebration of the 30-year anniversary of the Declaration's adoption on 15 November 1982. The draft resolution represented a consensus achieved through extensive consultation, and he hoped that the Sixth Committee would decide to approve it. The Philippine Mission was organizing a panel discussion on the continuing relevance of the Declaration, which would be held at the Fordham University School of Law on 26 October 2012.

55. **Mr. Kim Saeng** (Republic of Korea) said that his delegation shared the concern expressed in the report regarding the inefficiency of the Special Committee's working methods. Increased efficiency could be achieved by revising the Special Committee's mandate to avoid overlap with other United Nations organs or forums and by decreasing the length and frequency of its sessions. It might also be more effective to adopt a thematic approach, rather than discussing wide-ranging issues in an unfocused manner.

56. **Ms. Arias Orozco** (El Salvador) said that the Charter of the United Nations could not be considered an ordinary international agreement: it was the founding and guiding instrument of the Organization and its content had provided a framework for all international activities. It was particularly important to comply with Article 33 of the Charter and to resolve conflicts by peaceful means. In that regard, the

adoption in 1982 of the Manila Declaration was a milestone and should be commemorated.

57. In view of the importance of the Special Committee's mandate, priority importance should be given to a deep-seated review of its working methods, in order to increase its efficiency and produce better results. Reducing the length or number of its sessions, however, would be ineffective. Her delegation recommended incorporating new topics or subtopics, which must be strictly aligned with the Special Committee's objectives, and eliminating proposals that had been discussed at length with no results.

58. **Ms. Ren Xiaoxia** (China) said that at its next session the Special Committee should continue to give priority to considering the impact and implementation of sanctions and the question of assistance to affected third States. In her delegation's view, the Security Council should continue to exert caution in applying sanctions, doing its utmost to avoid any negative impact on third States and civilians and to ensure that any sanctions that were deemed necessary were implemented in compliance with the Charter and international law. Her delegation was open to new proposals, provided that they were realistic, feasible and in line with the Special Committee's mandate. Despite its achievements, it was inefficient, and she hoped that the Member States could work together pragmatically to reach agreement on widely acceptable efficiency measures. As a contributor to the relevant trust funds, China appreciated the Secretariat's work on the *Repertory* and *Repertoire* and hoped that its continued efforts would allow it to achieve the goals set out in the Special Committee's report.

59. **Mr. Sharma** (India) said that the right of a third State affected by sanctions to bring its situation before the Security Council obligated the Council to find a solution to the State's problems. If implemented only as a last resort and accordance with the provisions of the Charter, sanctions could be a valuable tool for the maintenance of international peace and security. India considered the Security Council's recent practice of authorizing access to frozen funds for a variety of basic and extraordinary expenses to be an important development and noted with satisfaction that the shift from comprehensive to targeted sanctions had reduced the incidence of unintended harm to third States.

60. India supported further consideration of the proposal to organize a study of the proper

implementation of the Charter of the United Nations with respect to the functional relationship of its organs, as it attached great significance to the revitalization of the General Assembly and the democratization and expansion of both the permanent and non-permanent membership of the Security Council. It was also in favour of keeping the topic of peaceful settlement of disputes on the Special Committee's agenda. Lastly, it commended the Secretary-General's efforts to update and continue publishing the *Repertory* and *Repertoire*, which were very valuable references.

61. **Ms. Zarrouk Boumiza** (Tunisia) said that the Special Committee should play a leading role in shaping the needed reforms. The main objectives should be to democratize the Security Council's membership and to allow the General Assembly to respond more quickly and effectively to issues of peace and international security. In addition, greater consideration should be given to strengthening the functional relationships among the various organs.

62. Regarding sanctions, she stressed that such measures should be imposed only as a last resort and in compliance with the Charter and should be targeted to avoid harm to civilians and third States. With respect to the Special Committee's pace of work, consideration should be given to different approaches to streamlining its working methods and to adopting a thematic agenda. However, the Special Committee's ability to fulfil its mandate depended more on the Member States' political will than on any improvements in its working methods.

63. **Mr. Ali** (Sudan) said that the United Nations would be better able to achieve its purposes if the Member States could participate in its organs on a democratic basis in accordance with the principle of sovereign equality. The central position of the General Assembly should be reinforced, as agreed in the 2005 World Summit Outcome, in order to allow it to assume a leading role in maintaining international peace and security. The composition of the Security Council was outdated, and it could in any case maintain international peace and security more effectively if it was not a tool in the hands of certain countries. In any reforms, it would be necessary to maintain a balance between the two organs.

64. Turning to the issue of sanctions, he said that he, too, wished to express concern at the manner and haste in which the Security Council had implemented

sanctions over the past 20 years. Sanctions should be imposed humanely in accordance with a special legal framework and the norms of international law, and only after all peaceful means had been exhausted. They should not become a political tool. He thanked the States that had submitted proposals for the consideration of the Special Committee and expressed the hope that the troubling issue of unilateral sanctions would be discussed. Last but not least, regional organizations should be allowed to play their full role in issues related to the maintenance of international peace and security, with the support of the international community. In that connection, his delegation wished to pay tribute to the African Union for its contributions throughout the continent, including the Sudan.

65. **Mr. Pavlichenko** (Ukraine) said that, while aligning itself with the statement made on behalf of the European Union, his delegation wished to express its own position. It welcomed the progress made on reducing the backlog on the *Repertory* and *Repertoire*, thanks in part to voluntary contributions from Member States, and it urged other Member States to follow their example. It also welcomed the draft resolution on the thirtieth anniversary of the Manila Declaration. With regard to assistance to third States affected by the imposition of sanctions, the issue could no longer be considered a priority, given that no organ of the United Nations had been approached for assistance since 2003, but it still merited discussion and should remain on the Special Committee's agenda. Indeed, the proposal to focus the Special Committee's efforts on the issue of establishing a mechanism for evaluating the effects of sanctions on third States and assisting affected third States deserved further consideration. Lastly, his delegation stood ready to contribute to the effort of enhancing the Special Committee's efficiency, which should receive priority attention.

*The meeting rose at 6 p.m.*