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Chair: Mr. Charles (Trinidad and Tobago)
later: Mr. Kravik (Vice-Chair) (Norway)
later: Mr. Charles (Chair) (Trinidad and Tobago)

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The meeting was called to order at 10 a.m.

Agenda item 84: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (A/70/33, A/70/119 and A/70/295)

1. **Mr. Tevi** (Vanuatu), Chair of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, introducing the Special Committee's report (A/70/33), said that the Special Committee had met in New York from 17 to 25 February 2015 and had continued its deliberations on the questions mandated by General Assembly resolution 69/122.

2. In paragraph 3 of that resolution, the Special Committee had been requested, among other things, to continue its consideration of all proposals concerning the question of the maintenance of international peace and security; to consider other proposals concerning that question already submitted or which might be submitted to the Special Committee at its session in 2015; to continue to consider, in an appropriate, substantive manner and framework, including the frequency of its consideration, the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, based on all the related reports of the Secretary-General and the proposals submitted on the question; to keep on its agenda the question of the peaceful settlement of disputes between States; to consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the high-level plenary meeting of the sixtieth session of the General Assembly that concerned the Charter and any amendments thereto; and to continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency and utilization of resources with a view to identifying widely acceptable measures for future implementation. The Special Committee had been further requested, in paragraph 5 of the resolution, to consider the question of an appropriate commemoration of the seventieth anniversary of the Charter.

3. The report consisted of five chapters and two annexes. Chapter I was entirely procedural. Chapter II dealt with the maintenance of international peace and security. Pursuant to the request of the General Assembly, the Special Committee had considered the

question of the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions. Section A of chapter II reflected the Special Committee's work on that question. In accordance with paragraph 16 of the resolution, the Special Committee had been briefed on developments relating to paragraph 12 of the relevant report of the Secretary-General (A/69/119); it had received a second briefing from the Secretariat on the implementation of the document annexed to General Assembly resolution 64/115 on the introduction and implementation of sanctions imposed by the United Nations.

4. The consideration of 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 was summarized in section B of chapter II. Section C summarized the discussion on the further revised working paper submitted by the Bolivarian Republic of Venezuela entitled "Open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs".

5. Section D summarized the discussion on the revised working paper submitted by Belarus and the Russian Federation concerning a request for an advisory opinion from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence. Section E reflected the work of the Special Committee on the working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations. Section F reflected the work of the Special Committee on the question of a suitable commemoration of the seventieth anniversary of the Charter and, notably, the proposal that the commemoration should also include an intergovernmental component, taking into account the steps and activities already carried out or planned by the Organization, and that the Chair should transmit the section of the Special Committee's report on the item to the President of the General Assembly.

6. Consideration of the item entitled "Peaceful settlement of disputes" was set out in chapter III. Section A summarized the discussions on the proposals introduced by the Russian Federation to establish a website dedicated to the peaceful settlement of

disputes between States and to prepare an update of the 1992 *Handbook on the Peaceful Settlement of Disputes between States*. Section B covered the discussion of a proposal submitted on behalf of the Non-Aligned Movement entitled “Pacific settlement of disputes and its impact on the maintenance of peace” (A/AC.182/L.138), reproduced in annex I to the report.

7. The Special Committee’s discussions on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* were summarized in chapter IV. The Special Committee had been briefed by the Secretariat on the status of those two documents. The recommendations on that item that had been agreed upon by the Special Committee were set out in paragraph 75.

8. Chapter V concerned the consideration of the remaining items on the agenda of the Special Committee. Section A reflected a summary of the discussion on the working methods of the Special Committee. Section B summarized the views expressed on the identification of new subjects, with particular reference to a proposal submitted by Ghana entitled “Concept paper by Ghana on strengthening the relationship and cooperation between the United Nations and regional organizations or arrangements in the peaceful settlement of disputes”. The proposal was reproduced in annex II to the report.

9. **Mr. Llewellyn** (Director of the Codification Division, Office of Legal Affairs) said that the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/70/295) outlined the progress of work on the *Repertory* and the *Repertoire* during the last 12 months since the issuance of the previous report (A/69/159). With regard to the *Repertory*, the General Assembly was invited to take action in the light of the conclusions drawn in paragraph 14 of that report. He also wished to draw attention to the updated chart on the status of the *Repertory of Practice of United Nations Organs*, which had been made available electronically to delegations through the PaperSmart Portal.

10. During the period under review, the Codification Division, acting as coordinator, had invited all United Nations offices involved in the preparation of *Repertory* studies to participate in the Interdepartmental Committee on Charter Repertory to consider the period of time to be covered by Supplement No. 11; it had

been decided that it would cover the period 2010 to 2015. That time frame would allow the Secretariat to bring the studies closer to the present time and would highlight significant trends of relevance to the interpretation and application of the provisions of the Charter.

11. With regard to the backlog in volume III of the *Repertory*, he noted the understanding reached with the Department of Peacekeeping Operations on the drafting of the studies on Articles 40 to 54 for volume III of Supplements Nos. 7 to 10 (1985-2009), which was referred to in the 2012 report of the Secretary-General (A/67/189). Consistent with that understanding, the Codification Division had reached out to partnering institutions willing to prepare draft studies on those articles, which it would submit for review by the Department of Peacekeeping Operations. Research and drafting of studies on Articles 52 and 54 of the Charter for volume III of Supplements Nos. 7 to 9 (1985-1999) had been completed by the University of Ottawa Faculty of Law, and the studies were currently under review. It was anticipated that additional studies for volume III of Supplements Nos. 7 to 9 would be assigned to academic institutions. Studies on Article 33, paragraph 1, and Article 53 of the Charter had been prepared with the assistance of interns in the Codification Division and were currently under review. Further efforts would be made to ensure the preparation of the outstanding studies for volume III of Supplements Nos. 7 to 10, pursuant to the aforementioned understanding.

12. Significant progress had been made in the preparation of other studies for Supplement No. 10 (2000-2009). During the reporting period, the following had been prepared: a study on Article 23, paragraphs 1 and 3, (insofar as the practice of the Security Council was concerned) had been finalized by the Department of Political Affairs; a study on Article 16, prepared with the assistance of an intern in the Codification Division, and a study on Article 51, drafted with the assistance of Columbia University Law School, had been completed; studies on Articles 41, 52 and 54 had been drafted with the assistance of the University of Ottawa Faculty of Law and a study on Article 53 for volume III had been prepared with the assistance of a consultant; and studies on Articles 104 and 105 were in progress in the Office of the Legal Counsel. Upon the finalization of the study on Article 16, volume II of Supplement No. 10 had been completed

and submitted, in April 2015, for translation and publication. For Supplement No. 11 (2010-2015), a study on Article 13, paragraph 1(a), was currently in preparation in the Codification Division.

13. The current status of the *Repertory* was the following: from among the 56 volumes of which the publication as a whole should consist, 43 volumes had been completed; 28 of them had been published and 15 had been finalized and submitted for translation and publication. Work remained to be completed on 13 volumes. Six of those pertained to Supplement No. 11, which covered the most recently defined time period (2010-2015), on which work had begun; four pertained to Supplement No. 10 (2000-2009 and were at various stages of preparation; and the other three pertained to volume III of Supplements Nos. 7, 8 and 9, which covered the period 1985 to 1999.

14. As indicated in the report of the Secretary-General, studies from 43 complete volumes, including the 15 volumes being processed for publication, were available on the United Nations website for the *Repertory*. Advance versions of several studies on individual Articles for volume III of Supplements Nos. 7, 8 and 9, as well as a considerable number of studies for Supplement No. 10 that had been finalized, were accessible on the website, awaiting completion of the respective volumes. The electronic version of the *Repertory* included a full-text search feature, providing users with the opportunity to search all the studies instantaneously for any word or combination of words in the three languages of the publication, namely English, French and Spanish.

15. Turning to the question of cooperation with academic institutions and the use of interns, he was pleased to report that the well-established cooperation with Columbia University Law School had continued for the twelfth consecutive year and had contributed to the preparation of the aforementioned study on Article 51. In addition, the cooperation with the University of Ottawa Faculty of Law had continued for the fifth consecutive year and had contributed to the preparation of studies on Articles 52 and 54, as well as studies on Articles 41, 52 and 54 for volume III of Supplement No. 10. The Codification Division would be reaching out to other academic institutions to try to increase the possibilities for cooperation and to pursue a more diverse geographical spread. The Secretariat would continue to take advantage of the involvement of interns and academic institutions in the preparation

of *Repertory* studies, mainly in the fields of research and collection of documentation. It was understood that the Secretariat bore the ultimate responsibility for the quality and the final preparation of all the studies.

16. With regard to funding, in resolution 69/122 the General Assembly had reiterated its call for voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory*. A note verbale had been sent to all permanent missions to the United Nations, reminding them of the possibility of making voluntary contributions to the trust fund and inviting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals that might wish to assist in that regard. Since the issuance of his 2014 report, the Secretary-General had welcomed the contributions to the trust fund of US\$ 10,000 from Turkey. As of 30 June 2015, the total balance of the Fund had been US\$ 31,669. In an environment of financial constraint, voluntary contributions to the Fund remained a crucial element for sustaining progress on the *Repertory* and maintaining its website. He called on the continued support of Member States for the Secretariat's work on reducing the backlog through their voluntary contributions.

17. **Mr. Boventer** (Security Council Practices and Charter Research Branch, Department of Political Affairs), updating members of the Sixth Committee on the status of the *Repertoire of the Practice of the Security Council* and related activities, said that in 2015 the Secretariat had continued to make good progress in updating the *Repertoire*. The Branch had simultaneously worked on the preparation of the eighteenth and nineteenth Supplements to the *Repertoire* in order to expedite its coverage of the contemporary practice and procedure of the Security Council.

18. In the past year, the Branch had focused on completing the eighteenth Supplement to the *Repertoire*, covering the period from 2012 to 2013. Five parts of the Supplement had been posted online and it was expected that the entire volume would be made available in its advance version on the *Repertoire* website towards the beginning of 2016. Actual drafting of the nineteenth Supplement, covering the two-year period from 2014 to 2015, would commence in early 2016. Groundwork for that Supplement had been systematically laid down during the past two years through recording the most contemporary practice of the Security Council in an internal database.

19. Progress in the preparation of the *Repertoire* was mostly due to efficiency-enhancing initiatives, such as the specialized training of staff, the review of editorial processes, automation of data collection, increased use of internal databases and the continuous updating of the *Repertoire* drafting guidelines. However, future progress would very much depend on the availability of resources.

20. All English-language versions of the *Repertoire* up to the sixteenth Supplement had been published. The seventeenth Supplement, covering the period 2010-2011, had been submitted for editing and indexing. All translated versions of the twelfth, thirteenth, fourteenth, fifteenth and sixteenth Supplements were expected to be available electronically early in 2016. Work continued with the Department for General Assembly and Conference Management to shorten the time lag between the completion of a Supplement and its eventual publication in all six official languages. During the past year, the Branch had continued to respond to requests for information from Member States, United Nations staff, students, academic scholars and researchers on questions relating to the current and past practice of the Council and its subsidiary bodies.

21. The *Repertoire* section of the Security Council website regularly posted new studies. Improvements had been made in the search function with a view to guiding users more intuitively when researching the wealth of information on practices of the Security Council contained in the *Repertoire*. The website also offered a broad range of research tools, such as tables and graphs featuring the mandates of all current peacekeeping operations and special political missions, as well as the relevant provisions of decisions of the Council in relation to cross-cutting agenda items, namely children and armed conflict, women and peace and security, and the protection of civilians. Those tables and graphs enhanced the ability of researchers and others interested in the work of the Council to analyse systematically the practice of the Council in the areas mentioned.

22. Apart from its work on the *Repertoire*, the Branch, in accordance with General Assembly resolution 69/122, had contributed to addressing the backlog in the preparation of volume III of the *Repertory* by submitting all studies on various Articles of the Charter for the period 2000 to 2009. It was his understanding

that the Office of Legal Affairs had now made those studies available on the *Repertory* website.

23. The progress made in the preparation and publication of the *Repertoire* and the updating of the *Repertoire* section of the Council website would not have been possible without contributions to the trust fund for the updating of the *Repertoire*. He expressed gratitude for the contributions recently made to the trust fund by Angola, Benin and Turkey, as well as to China for its sponsorship of an Associate Expert, who was expected to make a valuable contribution to advancing the work of the Branch.

24. However, the Branch faced a heavy workload in sustaining a regular publication schedule for the *Repertoire* to prevent new backlogs from forming, in updating the *Repertoire* section of the Council website in all official languages and in continuing to improve the quality and accessibility of information about the Security Council. Besides regular budget resources, it was also dependent on voluntary contributions to the trust fund established by the General Assembly in resolution 54/106. He was grateful to those Member States that had contributed generously to the trust fund over the years, and he encouraged all Member States to follow suit or to consider sponsorship of an Associate Expert for the Branch. The feedback from Member States on the work of the Branch was very much appreciated. The Branch continued to stand ready to assist them with information and guidance on all procedural and constitutional aspects of current and past Security Council practice.

25. **Mr. Fornell** (Ecuador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), stressed once again that fulfilment of the Special Committee's mandate depended on the political will of the Member States and on the full implementation and optimization of its methods of work. Given the important functions of the Special Committee, Member States must make genuine efforts to that end by shaping a solid thematic agenda based on new topics and the study of current ones that would permit optimal use of the resources assigned to the Special Committee by the General Assembly.

26. CELAC underscored the importance of the obligation to settle disputes by peaceful means and recalled that the Charter of the United Nations provided the basic framework in that regard. It also

stressed the need to comply with the relevant resolutions of the General Assembly.

27. The Community reiterated its firm conviction that legitimacy in the use of sanctions was essential to their effectiveness. Thus, sanctions must be imposed and applied in conformity with the Charter and with other norms of international law, in particular those relating to human rights. CELAC underlined the relevance of the document entitled “Introduction and implementation of sanctions imposed by the United Nations” annexed to General Assembly resolution 64/115 and called upon the Security Council to take it into account in its methods of work. The Special Committee should also continue to examine all issues relating to the maintenance of international peace and security so as to strengthen the role of the United Nations. The Community considered that the briefing and the ensuing discussion on implementation of that document at the Special Committee’s last session had been very useful; such briefings should be an annual event. The question of the application of sanctions by the Security Council, including due process, was of interest to the entire membership, as it could affect the Organization’s credibility. CELAC was flexible as to the agenda item under which the briefings might be held and was open to the possibility of a specific agenda item for that purpose.

28. Furthermore, and in line with General Assembly resolution 67/96, the Special Committee should continue to consider the question of the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions under Chapter VII, along with the proposals submitted on the question. The fact that no State had yet requested that kind of assistance did not mean that the issue should be removed from the Special Committee’s agenda, since it was preventive in nature. CELAC took note that in most cases, the Security Council had granted exceptions in order to allow States to request an authorization of access to frozen funds for a variety of basic and extraordinary expenses.

29. It was recognized in the most recent report of the Secretary-General on the matter (A/70/119), that the General Assembly and the Economic and Social Council had continued to play their respective roles in mobilizing and monitoring, as appropriate, the economic assistance provided by the international community and the United Nations system to third States affected by the application of sanctions. Also

important in that regard was the work of the Secretariat in compiling, coordinating and analysing information relating to the economic and social problems in such third States, offering solutions and evaluating requests made by those States to the Security Council under Article 50 of the Charter. Indeed, the various ways that sanctions affected third States, including financially, needed to be taken into account.

30. CELAC recognized the notable contribution of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* to international law and to the international system, the work of the Secretariat in updating those important documents and the efforts and progress made regarding the incorporation of the *Repertory* volumes in the United Nations website. CELAC appreciated the progress made in recent years concerning the backlog of the *Repertory* and the *Repertoire* and called for greater efforts to close the existing gap. It was grateful to those Member States that had contributed to the trust fund.

31. The challenge at hand was to reinvigorate the work of the Special Committee, enabling it to exercise its mandate efficiently, and in so doing to make a valuable contribution to the revitalization of the most important organ established by the Charter. CELAC attached particular importance to the Special Committee. It would continue to contribute to its work on all the proposals on its agenda, and it encouraged all Member States to do the same, in line with the mandate conferred upon the Special Committee by the General Assembly. The Community recalled in that regard the proposals made by the Bolivarian Republic of Venezuela and Cuba. The Special Committee could, in particular, if explicitly requested by the General Assembly, examine the legal aspects of the reforms already decided by that organ with a view to recommending appropriate amendments to the Charter. The Community welcomed the document entitled “Full validity of the Charter of the United Nations on its seventieth anniversary” (A/AC.182/L.139) considered at the past session of the Special Committee and regretted that, despite broad support, a consensus had not been reached on it. In view of new proposals submitted by the delegations of Ghana and the Non-Aligned Movement, CELAC stressed the need to adopt a realistic timetable for the Special Committee’s work that would give delegations the time to examine and discuss them. The Community had a genuine

interest in strengthening the substantive agenda of the Special Committee and was mindful of the responsibility of Member States for ensuring the most efficient use of United Nations resources.

32. **Mr. Dehghani** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement continued to attach great importance to the work of the Special Committee and considered that it should play a key role in the current reform process of the United Nations, as mandated in General Assembly resolution 3499 (XXX). The Non-Aligned Movement was of the view that the United Nations was the central and indispensable forum for addressing issues relating to international cooperation, economic development and social progress, peace and security, human rights and the rule of law, based on dialogue, cooperation and consensus-building among States. It attached high importance to strengthening the role of the United Nations and recognized the efforts being made to develop its full potential.

33. Democratization of the main United Nations organs and respect for the General Assembly's role and authority, including with regard to questions relating to international peace and security, were important elements in the reform process. The General Assembly was the chief deliberative, policymaking and representative organ of the United Nations, and its intergovernmental and democratic character, as well as its subsidiary bodies, had contributed extensively to promoting the purposes and principles of the Charter and the Organization's objectives.

34. The Non-Aligned Movement remained concerned that the Security Council continued to encroach on the functions and powers of the General Assembly and the Economic and Social Council by addressing issues that fell within the competence of the latter organs and by attempting to set norms and establish definitions in areas that came within the purview of the General Assembly. The reform of the Organization should be carried out in accordance with the principles and procedures established by the Charter and preserve its legal framework. The Special Committee could contribute to the examination of legal matters in that process by continuing to study the legal nature of the implementation of Chapter IV of the Charter, in particular Articles 10, 11, 12, 13 and 14 dealing with the functions and powers of the General Assembly.

35. Security Council-imposed sanctions remained an issue of serious concern to the members of the Non-Aligned Movement. The imposition of sanctions should be considered as a last resort and only when there was a threat to international peace and security or an act of aggression, in accordance with the Charter. They were not applicable as a preventive measure in any and all instances of violation of international law, norms or standards. They were blunt instruments, the use of which raised fundamental ethical questions of whether the suffering inflicted on vulnerable groups in the target country was a legitimate means of exerting political pressure. The purpose of sanctions was not to punish or otherwise exact retribution on the population. The objectives of sanctions regimes should be clearly defined and based on tenable legal grounds, and their imposition should be for a specified time frame. They should be lifted as soon as the objectives were achieved. The conditions demanded of the State or party on which sanctions were imposed should be clearly defined and should be subject to periodic review.

36. The Non-Aligned Movement looked forward to the Security Council's use of the annex to General Assembly resolution 64/115, entitled "Introduction and implementation of sanctions imposed by the United Nations", as a reference to guide its future work. It welcomed the briefing on the subject given by representatives of the Secretariat earlier in the year; it had been helpful and should be repeated annually. Other questions concerning sanctions that had been raised in other proposals that were currently on the agenda of the Special Committee, including the issue of compensation, should also be considered.

37. The Non-Aligned Movement looked forward to contributing to the advancement of the important proposals before the Committee, which needed to be thoroughly debated and analysed. The Movement had itself submitted a new proposal, entitled "Pacific settlement of disputes and its impact on the maintenance of peace", while the delegation of Ghana had submitted a concept paper entitled "Strengthening the relationship and cooperation between the United Nations and regional organizations or arrangements in the peaceful settlement of disputes". It was regrettable the Special Committee had not been able to reach a consensus on the matter of the document entitled "Full validity of the Charter of the United Nations on its

seventieth anniversary”, despite its importance and the broad support it had received from Member States.

38. The Non-Aligned Movement took note of the progress made by the Secretariat since the last report in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. However, it noted with concern that the backlog in the preparation of volume III of the *Repertory* had not been eliminated, and it called upon the Secretary-General to address that matter effectively and on a priority basis.

39. With regard to the important issue of the peaceful settlement of disputes among States, the Non-Aligned Movement supported all efforts to promote the peaceful settlement of disputes in accordance with international law and the Charter of the United Nations, in particular Article 33.

40. **Mr. Mamabolo** (South Africa), speaking on behalf of the African Group, said that the Special Committee’s work should be directed primarily at ensuring that the United Nations lived up to the goals of the rule of law and justice. The Organization could not require its Member States to adhere to the rule of law while making no attempt itself to demonstrate or reflect that important principle. The Special Committee’s work should contribute to protecting the Organization from charge of hypocrisy.

41. As the primary organ mandated to ensure peace, security and stability in the world, the Security Council needed first and foremost to become more representative; it also needed to review its working methods. Maintaining the status quo would only contribute to the further erosion of its credibility and legitimacy and would result in a weakening of the Organization.

42. The Special Committee had the potential to play an exceedingly important role in the Organization, but it had not lived up to its full potential, mainly because of its methods of work and its tendency to allow ideological battles to prevent it from performing its function, namely legal analysis. Several topics currently on the Committee’s agenda could benefit from careful scrutiny, including the working papers or proposals submitted by Libya, the Bolivarian Republic of Venezuela, Belarus, the Russian Federation and Cuba.

43. The African Group fully supported in particular the proposal contained in a concept paper submitted by

Ghana entitled “Strengthening the relationship and cooperation between the United Nations and regional organizations or arrangements in the peaceful settlement of disputes”; the topic could benefit from an in-depth discussion and analysis. The African Group noted that the Security Council had adopted resolution 2033 (2012) on the topic, which, in paragraph 4, called for the “establishment of a more effective relationship between the Security Council and the African Union Peace and Security Council”. The resolution itself recognized that much more work needed to be done in the area of cooperation with regional organizations. The Special Committee could contribute meaningfully to that development, thereby making it possible to break free from the ideological chains that so often hindered its work and deliberations.

44. **Mr. Marhic** (Observer for the European Union), speaking also on behalf of the candidate countries Montenegro and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Iceland, said that the Charter of the United Nations remained the cornerstone of international peace and security, as well as of international law, and that respect for its principles guided the international action of the European Union. The President of the General Assembly and the Secretary-General of the United Nations were therefore to be commended for their initiatives to celebrate its seventieth anniversary in a proper manner.

45. The European Union continued to believe that sanctions remained an important instrument under the Charter for the maintenance and restoration of international peace and security. The practice of the Security Council in recent years demonstrated that sanctions could be designed in a targeted way to minimize the possibility of adverse consequences for civilian populations and third States.

46. In his report on the matter (A/70/119), the Secretary-General had again indicated that neither the General Assembly nor the Economic and Social Council had found it necessary to take any action related to assistance to third States affected by sanctions and that no States had appealed to the United Nations for relief for economic problems arising from sanctions since 2003. That being the case, the Special Committee’s study of the question of assistance to third States affected by sanctions was no longer relevant. Since the European Union was aware that not all States

Members of the United Nations shared its view that the inclusion of that item in the agenda should be reconsidered, it had proposed that the item should be taken up by the Special Committee every three years, except in cases where one or more third States appealed for assistance in confronting special economic problems arising from the application of sanctions; in such cases, the Special Committee would consider the item at its next session. The European Union hoped that that proposal would gain more support in the coming months.

47. The European Union noted the lack of substantial progress on most of the proposals identified in the report of the Special Committee, which it considered duplicative of revitalizing efforts elsewhere in the Organization. The relationship between the various organs within the United Nations system was clearly defined in the Charter and was in no need for further clarification by the Special Committee, nor was there currently any point in seeking an advisory opinion from the International Court of Justice on the use of force. As for the matter dealt with in the concept paper proposed by Ghana on cooperation between the United Nations and regional organizations, it was already being discussed in several other forums and the outcome of those discussions should not be prejudged. Further discussions in the Special Committee on the topic should be consistent with existing work. Similarly, the proposal on the “Pacific settlement of disputes and its impact on the maintenance of peace” presented significant overlaps with ongoing discussions in other forums of the United Nations.

48. The European Union remained unconvinced about the added value of the proposals to update the 1992 United Nations *Handbook on the Peaceful Settlement of Disputes between States* and to establish a United Nations website dedicated to that issue, given the multiple resources available online. It called for a proper prioritization of the limited resources allocated to the Secretariat in order to avoid duplication of effort. The list of items on the agenda of the Special Committee should be reviewed, taking into account their continued relevance and the likelihood of reaching a consensus, before examining proposals for new items. The European Union continued to advocate strongly the implementation of the 2006 decision on reforming the working methods of the Special Committee, as reflected also in General Assembly resolution 69/122, including a re-examination of the

duration and frequency of the sessions of the Special Committee.

49. The European Union took note of the progress made by the Secretariat in reducing the backlog in the preparation of the *Repertory of Practice of United Nations Organs* and the updating of the *Repertoire of the Practice of the Security Council* during the reporting period. It welcomed the increased use of the internship programme and the further strengthening of cooperation with academic institutions for the preparation of studies. Considering the importance of the *Repertory* and the *Repertoire* both as research tools for the international community, in particular the diplomatic community and universities, and as a means of preserving the institutional memory of the Organization, the European Union called upon the Secretary-General to continue his efforts to update the two publications and make them available electronically in all language versions. It expressed gratitude to those States that had made voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory*, as well as to the trust fund for updating the *Repertoire*, and reiterated its call for other Member States to do likewise.

50. **Mr. Meza-Cuadra** (Peru) said that, as the United Nations prepared to celebrate its seventieth anniversary, the Special Committee on the Charter continued to have an important role to play. It should be recalled that the rationale for its founding, as set out in General Assembly resolution 3499 (XXX), was to create a forum for considering in depth any proposals or suggestions regarding the Charter and the role of the United Nations with regard to the maintenance of international peace and security, the development of cooperation among all nations and the promotion of the rules of international law in relations between States. The Manila Declaration on the Peaceful Settlement of International Disputes, one of its concrete achievements, underscored the duty of States to act in good faith and in compliance with the principles and purposes enshrined in the Charter of the United Nations to prevent any disputes between them that might affect their friendly relations.

51. His delegation appreciated the briefing provided by representatives of the Department of Political Affairs on the use of sanctions and hoped that the practice of such briefings would be repeated. Peru considered it important that the Special Committee should keep the question of the peaceful settlement of disputes on its

agenda and that States should continue to study the proposals still pending. The International Court of Justice continued to play a fundamental role in that regard; moreover, in accordance with article 96 of the Charter, it could give advisory opinions on legal questions to all organs of the United Nations. In both ways, the Court served to promote and clarify international law in the cause of peace.

52. His delegation welcomed the decision to cover the period 2010 to 2015 in Supplement No. 11 of the *Repertory of Practice of United Nations Organs* and hoped that cooperation would also be established in the near future with academic institutions in Latin America and the Caribbean. That *Repertory* and the *Repertoire of the Practice of the Security Council*, now happily available in an electronic version in all official languages, were a valuable contribution to international law.

53. **Ms. Dieguez La O** (Cuba) said that the importance of the mandate of the Special Committee was underscored by the current international situation, in which attempts were being made to reinterpret the principles of the Charter to promote a political agenda in support of interference in the domestic affairs of States, to the detriment of developing countries. It was vitally important to uphold those principles and, in particular, to preserve and strengthen the leading role of the General Assembly as the principal normative, deliberative, policy-making and representative body of the United Nations.

54. The Special Committee was the appropriate framework for negotiating amendments to the Charter, including those stemming from the current United Nations reform process, as her delegation had repeatedly stressed. It was the forum for proposing recommendations that would make it possible to implement all the provisions of the Charter and ensure that all Member States and United Nations organs were in conformity with its principles and precepts and with international law. Accordingly, the Special Committee should promote and be open to a comprehensive debate on any proposal for a resolution, decision or action on the part of the United Nations organs that had implications for the implementation of the Charter.

55. At the Special Committee's past session, a number of useful initiatives had been put forward but, despite the efforts made, the results had fallen short of expectations. Some delegations had continued to raise

obstacles, thereby blocking the adoption of proposals that would strengthen the work of the United Nations. Such initiatives included a proposal to update the *Handbook on the Peaceful Settlement of Disputes between States*, which would enable developing countries without easy access to electronic search engines to obtain relevant information; a proposal to request from the International Court of Justice an advisory opinion on the use of force; a proposal concerning the celebration of the seventieth anniversary of the Charter; a proposal on the pacific settlement of disputes; and a proposal on strengthening cooperation between the United Nations and regional and subregional organizations, all of which had the strong support of her delegation.

56. As had been stressed on other occasions, the Secretariat needed to organize the Committee's work more effectively by offering greater opportunities for substantive debate on proposals, which should not be put forward informally but should be made within a working group established for that purpose so as to have an official record of the views of Member States. There should be a substantive discussion of proposals, paragraph by paragraph, as was done in other forums. Her delegation had appreciated, however, the recent briefing on the subject of sanctions, which had provided Member States with relevant first-hand information.

57. The Special Committee's efforts were constantly undermined by certain developed countries which sought to abolish it or reduce its work to a minimum; nevertheless, its necessity had been demonstrated by the proliferation of initiatives in the past year. Those delegations argued that the Special Committee did not produce concrete results, although they themselves systematically refused to discuss substantive proposals and interfered with the adoption of any decision, merely stating their disagreement without giving any reasons.

58. The Special Committee's current situation was a direct result of a lack of political will on the part of certain States. That was nothing new in the Organization, which for more than 20 years had tried unsuccessfully to reform the Security Council and to adopt a comprehensive convention on international terrorism. In the spirit of revitalization marking the current celebration of the seventieth anniversary of the Charter, everyone was called upon to strive to ensure the best possible results for that organ. Cuba opposed

all attempts to biennialize or reduce the work of the Special Committee and supported its current agenda; her delegation could be counted on to contribute constructively to the implementation of its mandate.

59. **Mr. Spresov** (Belarus) said that his delegation was concerned about the current situation in the Special Committee which, at its February 2015 session, had not even been able to adopt a formal resolution regarding the seventieth anniversary of the Charter, despite the fact that some delegations, among those that had blocked proposals to that effect, had themselves put forward similar initiatives while circumventing the Special Committee. Clearly, some delegates were reluctant to set a precedent by allowing the Special Committee to bring one of its sessions to a successful outcome.

60. Topics of international law required a thorough and lengthy discussion, giving due consideration to the positions of all interested parties; following such discussion, decisions should be taken by consensus, provided that the principle of consensus was not abused. His delegation was ready to review the working methods of the Special Committee in order to resolve the question of consensus. Nevertheless, priority should not be given to discussing working methods; a constant concern with procedural rather than substantive matters on the part of the Special Committee would undermine confidence in it.

61. Attention should be given to a number of proposals made by the Non-Aligned Movement; with real political will, a compromise could be achieved on those important initiatives, which would make a genuine contribution to enhancing the effectiveness of the United Nations. Belarus had consistently maintained that the Security Council was the only organ legally empowered to introduce sanctions, irrespective of their nature or target. The time had come for the Special Committee to consider similar actions by other subjects of international law, in particular the question of the compatibility of such actions with the powers of the Security Council.

62. His delegation welcomed the involvement of academia in the work for the *Repertory* and the *Repertoire*. Studies interpreting the work of the principal organs of the United Nations should be of practical use. Belarus therefore supported efforts to put the *Repertory* and the *Repertoire* into digital form to allow for the possibility of full text searches.

63. **Mr. Saeed** (Sudan) said that the Special Committee had a key role to play in the reform of the United Nations, in accordance with its mandate as set forth in General Assembly resolution 3499 (XXX). The role of the General Assembly, as the largest and most representative United Nations body, in formulating policy on the maintenance of international peace and security should be strengthened. The Charter set out clear functions for the principal United Nations organs, but in actual practice the Security Council had exceeded its powers by addressing matters that came under the scope of the General Assembly and the Economic and Social Council. Hence there was a need to restore balance between the Security Council, on the one hand, and the General Assembly and the Economic and Social Council, on the other.

64. The Security Council's approach to imposing sanctions was a matter of great concern to Member States. Such sanctions were a blunt instrument and undermined stability and development. Given the Security Council's current practice, there needed to be a full review of its working methods, rules and procedures, membership, powers and mandate as part of a long-awaited comprehensive reform process. A more just, democratic and representative, and less politicized and selective, Security Council must be created.

65. Unilateral sanctions and the use of force without international authorization constituted a grave violation of international law and the Charter. Such actions were motivated by narrow political interests and aggravated tensions and disputes; they did not serve international relations or development and were rejected by most Member States. His delegation called on those responsible to desist from such actions and to comply with international instruments. It supported all international efforts to settle disputes by peaceful means and to strengthen the International Court of Justice.

66. The Manila Declaration on the Peaceful Settlement of International Disputes, approved in 1982 by the General Assembly, served as a comprehensive framework for the peaceful settlement of disputes. His delegation applauded regional initiatives to that end, in particular those of the African Union, which was witnessing continued development and progress and had found African solutions to African problems. The United Nations should encourage regional mechanisms to help achieve peace and security on the basis of

Chapter VIII of the Charter; in that connection, the Special Committee should continue to consider the proposal from Ghana on promoting cooperation between the United Nations and regional organizations.

67. The Special Committee should be revitalized and made more effective so that it could play a key role in addressing issues within its mandate. As Vice-Chair of the Special Committee and representative of the African Group, his delegation had sought to encourage dialogue and bring about positive outcomes. The proposals submitted by the Non-Aligned Movement, Belarus, Cuba, Ghana, Libya, the Russian Federation and the Bolivarian Republic of Venezuela should serve as a basis for further constructive dialogue in order to arrive at useful recommendations that would contribute to strengthening the United Nations and enable it to achieve its objectives under the Charter.

68. **Mr. Nasir Faysal Al Thani** (Qatar) said that his delegation commended the work of the Special Committee, which had played an important role in recommending ways to revitalize the work of the Organization. It was essential to preserve the balance set out in the Charter of the United Nations between the mandate of the Security Council, which was responsible for maintaining international peace and security, and the General Assembly, which was the main deliberative and representative organ of the United Nations. For that purpose, the General Assembly and the Economic and Social Council must be allowed to fulfil their mandate comprehensively and without interference.

69. His country was committed to the peaceful settlement of disputes and had worked intensively in recent years to prevent, alleviate and resolve a number of international conflicts. Accordingly, his delegation believed that the question of the peaceful settlement of disputes should be kept on the agenda of the Special Committee and supported the proposal submitted on behalf of the Non-Aligned Movement. That proposal was particularly timely in the light of the seventieth anniversary of the Organization, and it was consistent with the provisions of the Manila Declaration.

70. Targeted sanctions imposed under the Charter were an important tool for the maintenance and restoration of international peace and security. In order to limit their humanitarian repercussions, they should be imposed for a limited time frame, be subject to periodic review, and be lifted as soon as their

objectives were met. Such measures could be justified only in cases of threats to the peace, breaches of the peace and acts of aggression, as stipulated in Chapter VII of the Charter. They should be regulated, defensible and grounded in international law, and assistance should be available for any third States that might be unintentionally affected.

71. His delegation commended the efforts of the Secretariat to complete the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and prepare the outstanding studies. Qatar had provided financial support for those endeavours, which would help to preserve the institutional memory of the Organization, raise awareness of its work and promote international justice. His delegation would continue to participate in the deliberations of the Special Committee, whose efforts would help the United Nations to fulfil the objectives for which it had been established.

72. **Ms. Argüello González** (Nicaragua) said that at the seventieth anniversary of the United Nations the work of the Special Committee on the Charter remained vital for the Organization. The General Assembly continued to be the pre-eminent universal democratic body mandated to consider all issues within the limits authorized by the Charter. Her delegation was concerned that the Security Council was conferring upon itself the power to address topics that did not come within its purview, such as climate change, to give just one example.

73. Nicaragua, a founding member of the United Nations, not only recognized the principle of the peaceful settlement of international disputes through the means available under international law; it had also often made use of those means and would continue to do so. In that context, it attached special importance to the International Court of Justice which, as one such means, contributed to world security. The peaceful settlement of disputes should accordingly remain on the Special Committee's agenda. Her delegation was opposed to proposals to shorten the sessions of the Special Committee or hold them biennially; more than ever, it needed all the time available to it to discharge its important functions. It was regrettable that, at its last session, a consensus had not been achieved on the proposal of Cuba regarding the full validity of the Charter on its seventieth anniversary.

74. Her Government supported all initiatives aimed at recreating, reinventing and reshaping the United Nations to ensure that the interest of all prevailed on the basis of equal conditions among all Member States; it also advocated a respectful, responsible and ethical role for United Nations organs and rejected any kind of interference or intervention in the domestic affairs of sovereign States. It remained committed to all initiatives aimed at meeting the growing demand for a democratic organization that would serve the supreme interest of sovereign security, justice and peace in the world.

75. **Ms. Pobee** (Ghana) said that her delegation attached great importance to the work of the Special Committee, particularly its contribution to the revitalization of the United Nations to enhance the ability of the Organization to deal with current challenges. It reiterated its support of the Special Committee and urged continuing engagement and constructive dialogue for the good of the Organization.

76. Ghana had submitted a proposal to the Special Committee earlier in the year aimed at strengthening the relationship and cooperation between the United Nations and regional organizations or arrangements in the peaceful settlement of disputes. Clear mechanisms and actions needed to be identified in order to deal effectively with the gaps and challenges encountered in that relationship. In view of the significant role played by regional organizations in promoting the rule of law, respect for human rights and international humanitarian law and the maintenance of peace and security, the United Nations should work assiduously to improve coordination in that regard. On the basis of the constructive comments made concerning the proposal, her delegation would be submitting a revised proposal for the 2016 session of the Special Committee and would also formulate recommendations on the subject for future discussion. Ghana would continue to welcome any further suggestions and comments from delegations.

77. *Mr. Kravik (Norway), Vice-Chair, took the Chair.*

78. **Ms. Sathyananth** (India) said that her delegation attached great importance to the work of the Special Committee and considered that the specific proposals on its agenda deserved in-depth consideration. The maintenance of international peace and security was the primary responsibility of the Security Council, acting on behalf of all Member States. Since it imposed sanctions, the Security Council was also responsible

for finding solutions to the problems of third States affected by those sanctions. Article 50 of the Charter, which recognized the right of third States confronted with special economic problems as a result of sanctions to consult the Security Council, could not be regarded as merely procedural; it obliged the Security Council to find solutions. Adequate and timely assistance should be given to affected third States, with particular consideration to humanitarian aspects. It was important, of course, to ensure that sanctions were introduced in accordance with the provisions of the Charter and with international law.

79. Pursuant to Article 2, paragraph 3, of the Charter, States were under an obligation to settle their disputes by peaceful means. Article 33 strengthened that obligation and stipulated that the parties to a dispute could seek a solution by peaceful means of their own choice, including resort to the International Court of Justice. Her delegation therefore considered that the Special Committee should keep the topic of the peaceful settlement of disputes on its agenda and, at its next session, should consider the Non-Aligned Movement's proposal and the concept paper submitted by Ghana contained respectively in annexes I and II to the Special Committee's report (A/70/33).

80. Her delegation commended the Secretary-General's for his efforts to prepare and update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, as those documents were important sources of reference and helped maintain the institutional memory of the Organization.

81. **Mr. Remaoun** (Algeria) said that his delegation reiterated its support for the work of the Special Committee and stressed its important role in the peaceful settlement of international disputes. His delegation also reaffirmed the relevance of the provisions of the 1982 Manila Declaration on the Peaceful Settlement of International Disputes.

82. The new proposal submitted by the Non-Aligned Movement and the concept paper submitted by Ghana were both highly relevant, and his delegation looked forward to discussing them during the upcoming session of the Special Committee. The Special Committee should maintain its consideration of the question of assistance to third States affected by the application of sanctions. Sanctions should be applied cautiously as a last resort and within a clear framework

in order to minimize any adverse consequences for vulnerable groups, civilian populations and third States; they should accordingly be imposed within a set time frame and be based on tenable legal grounds and their objectives should be clearly defined.

83. The provisions of the Charter should be respected, in particular those relating to the functions and powers of each principal organs of the Organization, and the right balance of competence should be maintained among those organs, above all between the General Assembly and the Security Council. The United Nations reform process, including the revitalization of the General Assembly, would benefit from the Special Committee's activities, especially if an agreement could be reached on the initiative, proposed by the Bolivarian Republic of Venezuela, to establish an open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its main organs, in particular the General Assembly, the Security Council and the Economic and Social Council. It was essential to explore new approaches aimed at reinvigorating the work of the Special Committee and enhancing the efficiency of its working methods. Moreover, genuine political will was needed in order to advance the long-standing issues on the agenda.

84. His delegation welcomed the progress made in the publication and updating of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and reiterated its support for the document entitled "Full validity of the Charter of the United Nations on its seventieth anniversary" (A/AC.182/L.139) submitted by Cuba.

85. **Ms. Thanarat** (Thailand) said that, by its mandate, the Special Committee had been entrusted with an important role in interpreting the Charter to ensure its effective implementation. It had successfully negotiated many important documents, including the Manila Declaration on the Peaceful Settlement of International Disputes, and in the current global context its role was more relevant than ever before.

86. The time was ripe to revitalize and strengthen the Special Committee. Thailand supported initiatives to that end, including the appointment of members of the Bureau three months before its session, so as to allow the Bureau to prepare for the session and circulate documents in advance. Such initiatives would enable

the Special Committee to engage in more substantive debates, in particular on existing and new proposals from States. In that connection, her delegation hoped that the Non-Aligned Movement proposal annexed to the Special Committee's report would be considered favourably by Member States. It recognized the important role of the Special Committee in determining the respective responsibilities of the principal organs of the United Nations and called for greater effectiveness and transparency in the work of the Security Council and its subsidiary bodies, including the sanctions committees.

87. Her delegation welcomed the progress made in issuing the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*.

88. **Mr. Essa** (Libya) said that his delegation attached great importance to the work of the Special Committee as the main forum for discussing the legal aspects of the reform of the United Nations. It had submitted a number of proposals for the reform of the Organization's work, chief among which was its revised paper affirming certain principles concerning sanctions; that paper had contributed to the adoption of General Assembly resolution 64/115, to which a document was annexed concerning the introduction and application of sanctions by the United Nations.

89. The Special Committee should continue to play an effective role in the reorganization and reform of the United Nations and take measures to reinvigorate its main organs, based on the principles of justice and democracy, and in particular to strengthen the role of the General Assembly as the main organ concerned with negotiations and policy-making so that the goals of the maintenance of international peace and security and the peaceful settlement of disputes could be achieved. However, the Special Committee's ability to fulfil its mandate would depend on its members. Libya stood ready to support the work of the Special Committee in accordance with the common vision of all Member States.

90. His delegation welcomed the progress made in reducing the backlog on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. Both documents should be published in all official languages, including Arabic, so that researchers and others could benefit from them.

91. **Mr. Ringim** (Nigeria) said that no effort should be spared in ensuring that the United Nations remained the primary global multilateral institution responsible for maintaining international peace and security and bringing about sustainable development. However, such efforts should be a product of dialogue, cooperation and consensus-building among Member States. Respect for the sovereign equality of all nations was essential for international peace and security and, together with the promotion of the common interest, would ensure harmonious interrelations.

92. The imposition of unilateral sanctions ran counter to sovereign equality and international law. Imposition of sanctions on any sovereign State should always be in conformity with the provisions of the Charter. It was noteworthy that almost all existing sanctions targeted developing countries belonging to the African Union, the Group of 77 and China and the Non-Aligned Movement. Sanctions should be applied only as a last resort, after exhaustion of all other peaceful means of dispute settlement; their purpose should be not to punish but to pressure a country to comply with its international obligations. Not every violation of an international obligation should attract sanctions, as other peaceful means could be explored. Member States should make the most effective use of such means, in accordance with the principles of the Charter. The role of the International Court of Justice in that regard should be strengthened. It would also be useful for the International Law Commission to weigh the legality of unilateral sanctions and their impacts on the targeted States. The frequency of the resort to sanctions should be reduced, their scope narrowed and their duration shortened to avoid prolonged damage to the interests of targeted States and their populations. The Sixth Committee itself should discuss the legality of unilateral sanctions and recommend mechanisms for the periodic review of all sanctions regimes.

93. Nigeria wished to recall that, under Article 2, paragraph 7, of the Charter, the United Nations could not infringe upon the sovereign right of Member States, particularly in matters of domestic jurisdiction. Similarly, States were not obliged to submit such matters to settlement under the Charter. It followed that the Organization had no power to make decisions that would affect the law-making capacities of Member States or to subject such States to any legal commitment without their consent and participation in the norm-setting process. His delegation was concerned

about the growing tendency to assume that the concept of sexual orientation and gender identity was defined in international law. That was not the case, nor did the concept have any basis in international human rights law; indeed, there was a complete lack of consensus among Member States on the use of the term. Nigeria called on the United Nations to refrain from further entrenching the concept in its work and to cease supporting that agenda. As a responsible member of the United Nations, Nigeria would continue to fulfil its international obligations by promoting global peace and security and recognizing the sovereign equality of nations, as enshrined in Article 2 of the Charter.

94. **Mr. Aldahhak** (Syrian Arab Republic) said that the Charter was the cornerstone on which international law and relations among States were based. A representative of his own country had been among the signatories of the Charter in San Francisco in 1945. The seventieth anniversary of that event provided a good opportunity for States to review their commitments to the Charter and to the principles and purposes of the United Nations. The past seven decades had shown that there was a need for further work to uphold the principles of international law and to reform some of the Organization's working methods so that the United Nations could play its role in a manner which safeguarded its credibility, its effectiveness and its integrity.

95. The painful situation in some Arab countries, including his own, and in other countries around the world were a direct consequence of the lack of commitment on the part of influential countries and their allies to compliance with international law and the Charter and with the norms governing relations among States. The Arab States and peoples continued to pay a high price for military interventions in the region, which had taken place outside the scope of international law or were based on a manipulation of the provisions of the Charter. Such interventions had destabilized a number of Member States, undermining their unity and infringing upon their sovereignty and territorial integrity, as well as plundering their wealth, reversing their economic development and exacerbating damage to the environment.

96. The Israeli occupation of Arab territories still cast its shadow over regional and international peace and security, given that Israel had benefited from the declared support of a number of influential countries and the inability of the international community, as

represented in the United Nations, to find and impose a just solution to a crisis that had accompanied the Organization since its inception.

97. For three years, a number of well-known Member States had been violating the Charter by blatantly intervening in the internal affairs of his country, thereby causing an escalation of violence, placing obstacles in the way of a political settlement and provoking terrorism. Those States had also stirred up religious and sectarian strife and brutal *takfirist* ideas, which had nothing to do with any religious or humanitarian principles and which were based on the rejection and annihilation of others. Those same States, for which terrorism served as a tool for achieving their own ends, had sent thousands of foreign terrorist fighters and mercenaries to target the Syrian State, its institutions and its infrastructure and to inflict harm on the Syrian people. Yet over the past three years, no common voice had been raised calling upon State sponsors of terrorism to stop violating the Charter, or requiring that they should be held to account.

98. For decades, the Syrian Arab Republic had been a host to millions of refugees, who had enjoyed good living conditions and had not suffered discrimination. The United Nations High Commissioner for Refugees was well aware of his country's record in that regard. However, the military action and unilateral economic measures imposed by certain States, which claimed a concern for human rights, had created inhumane conditions that had driven out large numbers of Syrian refugees. The latter had fallen victim to human traffickers and profiteers. The conditions that they endured fell far short of international standards and violated the Charter and international law.

99. Certain Member States continued to attempt to apply their domestic legislation extraterritorially and to impose coercive unilateral measures on the people of other States, including the Syrian Arab Republic. That had had adverse consequences for the lives and economic well-being of civilians, who as a result had difficulty meeting their most basic needs. For example, the sanctions were depriving millions of Syrians of access to fuel for heating at a time when winter was approaching. The United Nations had repeatedly emphasized that those measures were illegal and contravened international law and had demanded that they be rescinded without delay, but those calls had gone unheeded, and the States which had imposed the coercive measures ignored the international community

and the Charter. His delegation reiterated its rejection of the policies of hegemony, selectivity and double standards practised by certain States. It was essential to seek peaceful settlements in accordance with the Charter. In that connection, his delegation supported the proposals submitted by the Non-Aligned Movement, Belarus and the Russian Federation. By addressing gaps in the application of the Charter, Member States could ensure that the United Nations lived up to its name, instead of furthering the objectives of a select group of States.

100. **Mr. Zamora Rivas** (El Salvador) said that the Special Committee had an important function. The Charter was no ordinary international agreement but rather the Organization's constituent and leading instrument, and the Special Committee was mandated to improve its functioning. Documents prepared within the framework of the Special Committee, such as the Manila Declaration on the Peaceful Settlement of International Disputes and the United Nations Model Rules for the Conciliation of Disputes between States, were important achievements that attested to its usefulness. The Special Committee could also contribute to progress in other areas, for instance in the matter of rules governing negotiations on the restructuring of sovereign debt. Moreover, the peaceful settlement of disputes and the maintenance of international peace and security were not minor issues; they continued to be particularly relevant to the various problems facing the international community. His delegation reaffirmed its support for the work of the Special Committee and expressed appreciation of its report (A/70/33).

101. Because of the importance it attributed to the Special Committee, his delegation continued to consider it necessary to review its working methods, as the revitalization of its work would yield widely-accepted results and ensure greater stability in the long term. The debate on the frequency of the Special Committee's sessions should be set aside in order to focus on ways of achieving substantial change, with regard in particular to the process of identifying new topics with, in each case, concrete goals.

102. His delegation commended the Secretariat for its initiatives aimed at updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*; both documents were of value for the study of international law.

103. *Mr. Charles (Trinidad and Tobago) resumed the Chair.*

104. **Mr. Arbogast** (United States of America) said that the report of the Special Committee (A/70/33) recorded some positive movement in its work, particularly as it reflected a continuing examination of the matters with which it should concern itself. The 2012 commemoration of the thirtieth anniversary of the Manila Declaration had again been cited as an example of a timely undertaking that was appropriate for consideration by the Special Committee and on which it could agree. The topic of the third country effects of sanctions, on the other hand, had again been cited by many as an example of an item that had been overtaken by events and whose continued inclusion on the agenda made little sense.

105. On the question of the efficiency of the Special Committee, a key aspect was the number of long-standing proposals before it. There was considerable overlap among those proposals and, in any case, many of the issues covered had been taken up elsewhere in the United Nations. It was therefore heartening that during the 2012 session of the Special Committee two long-standing proposals had been withdrawn or set aside by their sponsors on the grounds that they were, in fact, outdated and had been overtaken by events elsewhere in the Organization. That had been a welcome step towards the much-needed rationalization of the Special Committee's work. It was to be hoped that other stagnant items on the agenda would be similarly scrutinized by sponsors and members alike, with a view to keeping the Special Committee relevant and potentially useful.

106. Such continuing review was vital for the Special Committee. His delegation urged the Special Committee to continue to remain focused on ways of improving its efficiency and productivity throughout its next session, including by giving serious consideration to such steps as biennial meetings and/or shortened sessions. The Special Committee needed to recognize that those steps were reasonable and made good practical sense.

107. The United States continued to believe that the Special Committee should not pursue items on its agenda concerning international peace and security, because it would be duplicative or inconsistent with the roles of the principal organs of the United Nations as set forth in the Charter. That included consideration of

a further revised working paper calling for a new, open-ended working group to study the proper implementation of the Charter with respect to the functional relationship of its organs, and consideration of another revised, long-standing working paper that similarly called for a legal study of the General Assembly's functions and powers.

108. In the area of sanctions, there had been positive developments elsewhere in the United Nations that were designed to ensure that the Organization's system of targeted sanctions remained a robust tool for combating threats to international peace and security. With respect to the matter of third States affected by the application of sanctions, the Secretary-General's report (A/70/119) recognized that the need to explore practical and effective measures of assistance to the affected third States had been reduced considerably because the shift from comprehensive to targeted sanctions had reduced the incidence of unintended harm to third States. In fact, no official appeals by third States to monitor or evaluate unintended adverse impacts on non-targeted countries had been conveyed to the Department of Economic and Social Affairs since June 2003. Such being the case, the Special Committee should decide that the issue no longer merited discussion. That point of view had received increasing support in the Special Committee, and it was to be hoped that such a decision could be taken in the near future.

109. Nevertheless, a positive development had taken place in that connection, as reflected in General Assembly resolution 69/122, paragraph 3 (b), in which the Special Committee was requested to continue to consider the third-State-related sanctions issue in an appropriate manner and framework, including "the frequency of its consideration." That additional language reflected a compromise which would permit the issue to remain on the agenda (at least for the time being), while dispensing with the need to have the Special Committee consider it — and to have the Secretary-General produce reports on it — every year, even though there had been no developments. Accordingly, his delegation believed that the triennialization of the issue, at a minimum, should be discussed and agreed upon at the next meeting of the Special Committee. As a variation on that proposal, introduced by the European Union, the issue might be considered more frequently in the event of an actual request for assistance. Another option, suggested at the

Special Committee's last meeting, would be to have a Secretariat briefing on the issue in lieu of a written report.

110. The United States had consistently stated that it did not support the proposal that the General Assembly should request an advisory opinion from the International Court of Justice on the use of force.

111. His delegation continued to be cautious about adding new items to the Special Committee's agenda. While it was not opposed in principle to exploring new items, they should be practical and non-political and should not duplicate efforts elsewhere in the United Nations system. If a proposal such as that of Ghana on strengthening peacebuilding and related cooperation between the United Nations and regional organizations could help fill gaps or give added value, then it should be seriously considered by the Special Committee.

112. His delegation welcomed the Special Committee's views on the importance of a suitable commemoration of the seventieth anniversary of the United Nations, as conveyed to the President of the General Assembly. His delegation commended the Secretary-General's ongoing efforts to reduce the backlog in preparing the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, both of which served as a useful resource on the practice of United Nations organs, and it greatly appreciated the Secretariat's work on them.

The meeting rose at 1.05 p.m.