



General Assembly

Fifty-seventh session

Official Records

Distr.: General
2 December 2003
English
Original: Spanish

Sixth Committee

Summary record of the 11th meeting

Held at Headquarters, New York, on Monday, 7 October 2002, at 10 a.m.

Chairman: Mr. Prandler (Hungary)

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The meeting was called to order at 10.10 a.m.

1. **The Chairman** said that four draft resolutions would be put to the vote.

2. **Ms. Willson** (United States of America), speaking on a point of order, said it was her understanding that a decision would be taken regarding three and not four applications for observer status, since her country had requested more time to study one of them. She would like that point to be clarified before the voting began.

3. **The Chairman** observed that some delegations had indeed said they needed to obtain more information before voting on the draft resolution on observer status for the International Centre for Migration Policy Development in the General Assembly and that hence the item would be postponed for the time being. The Committee would therefore vote on three draft resolutions.

Agenda item 164: Observer status for Partners in Population and Development in the General Assembly (A/C.6/57/L.2)

4. **The Chairman** drew attention to draft resolution A/C.6/57/L.2, which had been introduced by Bangladesh.

5. *Draft resolution A/C.6/57/L.2 was adopted.*

Agenda item 22: Cooperation between the United Nations and regional and other organizations

(h) Cooperation between the United Nations and the Inter-Parliamentary Union (A/C.6/57/L.5)

6. **The Chairman** recalled that draft resolution A/C.6/57/L.5 had been introduced by Hungary, which had announced that Argentina, Bangladesh, Denmark, Italy, Malta, Monaco and Viet Nam wished to join the sponsors. A number of countries had informed the Secretariat that they, too, wished to join the sponsors, namely Algeria, Armenia, Benin, Bolivia, Canada, Greece, Lithuania, Nepal, Nigeria, the Sudan, Thailand, Uganda and Ukraine. Finland, Ireland, Portugal and the United Kingdom had likewise joined the sponsors.

7. *Draft resolution A/C.6/57/L.5 was adopted.*

8. **The Chairman** said that Belarus also wished to join the sponsors.

Agenda item 165: Observer status for the Asian Development Bank in the General Assembly (A/C.6/57/L.6)

9. **The Chairman** recalled that draft resolution A/C.6/57/L.6 had been introduced by China, which had announced that Bangladesh, Nepal, Thailand and the United States wished to join the sponsors. He enquired whether any other country wished to become a sponsor.

10. **Mr. Shah** (Pakistan) said that his country wished to join the sponsors.

11. *Draft resolution A/C.6/57/L.6 was adopted.*

Agenda item 166: Observer status for the International Centre for Migration Policy Development in the General Assembly (A/C.6/57/L.7)

12. **The Chairman** announced that the decision on resolution A/C.6/57/L.7 would be postponed pending consultations among delegations.

Agenda item 159: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (A/57/33, A/57/165 and Add.1, A/57/370, A57/88-S/2002/672)

13. **Mr. Kulyk** (Chairman of the Special Committee) said that the Special Committee had concluded its consideration of the proposal submitted by Sierra Leone and the United Kingdom concerning the peaceful settlement of disputes and was therefore submitting to the General Assembly a draft resolution entitled "Prevention and peaceful settlement of disputes", contained in paragraph 162 of the Special Committee's report. It had likewise concluded the second reading of the revised working paper of the Russian Federation entitled "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation" and the addendum thereto, and also its consideration of the revised working paper submitted by Japan on ways and means of improving the Special Committee's working methods. As requested by the General Assembly, the Special Committee had considered, on a priority basis, the question of the implementation of the Charter provisions relating to assistance to third States affected by the application of sanctions, and had then

formulated the recommendations set out in paragraphs 49 and 50 of the report. In particular, the Special Committee recommended that the General Assembly should continue considering the item at the current session. The Special Committee had also discussed the other items on its agenda, including the proposals relating to the Trusteeship Council and the identification of new subjects. It had likewise heard statements on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. He then went through the Special Committee's report (A/57/33) and summarized the matters dealt with in each chapter. In particular, he drew attention to the recommendation set out in paragraph 134 concerning the strengthening of the role of the Organization and enhancing its effectiveness.

14. **Mr. Popkov** (Belarus) said that his delegation was following with interest the deliberations of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. The working papers submitted by the Russian Federation on basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation and by the Libyan Arab Jamahiriya on the strengthening of certain principles concerning the impact and application of sanctions were crucial to the establishment of a just sanctions regime paying due heed to the humanitarian consequences of the measures taken. The Special Committee was the right body to take stock of various legal aspects of sanctions, even if they were reviewed by other organs, first and foremost the Security Council.

15. Sanctions should be imposed only as a last resort, for a finite period, when all other remedies had been exhausted. It was unfortunate that the Special Committee had not devoted enough time to looking at the Security Council's responsibility for mitigating the effects of sanctions in accordance with Article 50 of the Charter. Sanctions should be proportional to the gravity of the violation; his Government therefore supported the ad hoc expert group's main findings and recommendations, which offered a firm basis for further examination of the topic and the adoption of practical steps. All the proposals must be carefully scrutinized, since they dealt with real problems in international relations and were designed to consolidate the mechanisms provided for in the Charter of the United Nations. To that end, the Special Committee

should pursue its consideration of the joint working paper submitted by his Government and the Russian Federation, which recommended that an advisory opinion should be requested 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 of self-defence.

16. Turning to the proposal submitted by Sierra Leone and the United Kingdom on the establishment of a dispute prevention and settlement service, he was of the view that it was vital to find additional methods of resolving disputes through third-party conciliation. It was to be hoped that the Committee would promote the application of the principle of the peaceful settlement of disputes. Lastly, he agreed that it was imperative to harmonize and improve the working methods of the Special Committee and to instruct it to examine the most pressing questions within its mandate. His delegation was therefore prepared to analyse, in the Committee, any proposal conducive to the attainment of that goal, including the Japanese proposal, which contributed some valuable ideas.

17. **Mr. Kofod** (Denmark) said that he was speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia and in addition Iceland.

18. Strong and efficient sanctions regimes were an indispensable tool for maintaining international peace and security, and hence the European Union was committed to alleviating and, if possible, eliminating the unintended effects of sanctions. For that purpose, it was essential to maximize the impact of sanctions, while simultaneously minimizing their negative effects on the innocent civilian population and third States. It was preferable to apply targeted sanctions, such as arms embargoes, travel restrictions and the confiscation of assets, since that approach would significantly reduce the adverse effects of sanctions on third States.

19. The European Union strongly urged the United Nations and Member States to follow the recommendations resulting from the Interlaken process on the effectiveness of sanctions and the Bonn-Berlin process on arms embargoes and travel sanctions. It looked forward to the outcome of the Stockholm process on the implementation and monitoring of

targeted sanctions and assistance to States in their implementation of sanctions. It also hoped for early agreement on the report of the Security Council Working Group on General Issues on Sanctions.

20. While the working paper submitted by the Russian Federation on basic conditions and standard criteria for the introduction of sanctions was commendable, the Special Committee should not become substantially involved in matters that could be better handled in other forums.

21. The European Union supported the draft resolution entitled "Prevention and peaceful settlement of disputes" which, hopefully, would be adopted by consensus at the current session of the General Assembly. The emphasis on the use of existing means of peaceful settlement and the need to solve disputes at the earliest possible stage was particularly welcome.

22. The issue of the Special Committee's working methods, which had been on the agenda for several years, had become a matter of urgency owing to increasing concern over the Committee's lack of efficiency and tangible results. For that reason, in recent years, the European Union had put forward a number of suggestions, such as adopting a results-oriented agenda with set priorities. The European Union fully supported the important recommendations which Japan had presented on the subject and was also ready to back all initiatives aimed at reforming the Committee's working methods.

23. **Mr. Su Wei** (China) said that no positive progress had been achieved on the question of assistance to third States affected by sanctions, although it had been high on the agenda of the Special Committee for about 10 years. The proposals concerning the creation of a special fund and a permanent consultative mechanism merited in-depth study. In the meanwhile, efforts should be made to find ways of mitigating the losses suffered by third States, through either multi-channel financial arrangements or economic assistance.

24. Decisions to impose sanctions should be made with caution and should be subject to strict criteria, in conformity with the United Nations Charter and the principles of international law. Sanctions should constitute a last resort when all the peaceful means of settling a dispute had been exhausted. They must be limited in duration and not treated as a preventive measure. For that reason, his Government supported the constructive proposal submitted by the Russian

Federation on basic conditions and standard criteria for the introduction of sanctions.

25. It would be beneficial to take stock of the Organization's lengthy experience in peacekeeping operations.

26. There was no urgent need to abolish the Trusteeship Council, or to change its status, a move which would require an amendment to the Charter. Consequently, it was a question which should be examined in the context of strengthening the role of the United Nations and reforming the Organization.

27. The Special Committee could play the role entrusted to it, as long as all parties demonstrated the requisite political will. Steps to improve its working methods and efficiency should be explored pragmatically and on the basis of consensus. His Government had taken note of Japan's proposal and was ready to exchange views with other delegations in that regard.

28. **Ms. Álvarez Núñez** (Cuba) said that the Special Committee should improve its working methods and enhance its effectiveness, and that its work should be analysed in the context of how the Organization had evolved over the past decade. The Special Committee could consider some steps for revitalizing the General Assembly and other measures proposed in the report of the Secretary-General, entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387), in order to determine their consequences and propose ways of realizing that goal; one such measure was the proposal that the United Nations should cease publication of the Repertory of Practice of United Nations Organs. Her delegation, which was in favour of a thoroughgoing reform of the United Nations and, in particular, of the strengthening of its deliberative bodies, was convinced that the Special Committee could contribute to the overall strengthening of the Organization.

29. The Cuban delegation expressed its appreciation to the Secretary-General for his report entitled "Implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions" (A/57/165 and Add.1) and was willing to continue supporting intergovernmental debate on that question; the Special Committee should continue to consider the issue regardless of the work that had been done by other United Nations bodies, as an urgent and lasting solution was needed. Her

delegation believed that both the procedural and the substantive aspects of the issue should be considered. The implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions was inseparable from the general question of the application of Security Council sanctions, which in turn was linked to reform of the Council's working methods and an increase in the number of its members. Accordingly, the proposal relating to the basic conditions and criteria for the introduction of sanctions was especially important to the comprehensive study of the question of sanctions, a fundamental question that should be considered by the Special Committee, since the General Assembly was the principal organ of a universal and truly democratic character that was fully capable of dealing with an issue affecting the majority of States. The Security Council could consider the imposition of sanctions only as an exceptional measure when faced with a real threat to international peace and security. The imposition or lifting of sanctions by the Security Council could not be a second prerogative of its permanent members, in addition to the veto. In order to ensure that sanctions were an effective and fair mechanism, a dynamic and genuine interrelationship must be established between the General Assembly and the Security Council. The General Assembly should participate actively in taking decisions concerning the possible imposition of sanctions against a Member State and, subsequently, in following up their application. Accordingly, her Government supported the draft resolution contained in paragraph 162 of the report of the Special Committee.

30. The Cuban delegation was convinced that the Special Committee could make a decisive contribution to the reform process, thus making it possible for each action by the United Nations and its principal organs to be based on the letter and spirit of the Charter, helping to fulfil the mandates conferred by Member States, and embodying the sovereign equality of all States.

31. **Mr. Hafrad** (Algeria) said that the goal of sanctions was to modify the conduct of a State; they should not be imposed until all other peaceful means of settling disputes had been exhausted and the Security Council had determined the existence of a threat to the peace, a breach of the peace or an act of aggression. In order to eliminate the adverse effects of sanctions, they should be of limited duration, and their economic,

social and humanitarian consequences in the short and long term should be assessed.

32. His Government, which supported the working paper submitted by the Russian Federation, entitled "Basic conditions and criteria for the introduction of sanctions and other coercive measures and their implementation" (A/AC.182/L.100), believed that all steps should be taken to prevent suffering on the part of the most vulnerable groups in States affected by sanctions, as in the case of the Iraqi people. Since the goal of sanctions was not to punish innocent populations by instigating poverty and destabilizing the economy of the States subjected to sanctions, or of third States, the possible effects of sanctions should be assessed.

33. The Algerian delegation believed that the Security Council should assist third States affected by the imposition of sanctions, and that Article 50 of the Charter could not be interpreted as a purely procedural provision; the principle of collective responsibility should govern the methods of sharing the burdens arising from the application of sanctions.

34. In that context, consideration should be given to the proposal submitted by the Movement of Non-Aligned Countries for the establishment of a permanent mechanism that could help to prevent the adverse consequences of sanctions, in order to palliate the difficulties faced by affected third States. The period of two months provided for in Security Council resolution 1373 (2001), which allowed for a change in the conduct of a State subjected to sanctions, would help third States to prepare and would mitigate the adverse consequences of sanctions, should also be borne in mind.

35. His delegation believed that the Special Committee should consider the working paper submitted by Cuba, entitled "Strengthening of the role of the Organization and enhancing its effectiveness" (A/AC.182/L.93 and Add.1), in order to contribute to the work being carried out by other bodies on the question of reform and revitalization of the General Assembly. It also supported the paper submitted by the Russian Federation and Belarus, proposing that the International Court of Justice be requested to give an advisory opinion on the legal consequences of the use of armed force by States without prior authorization by the Security Council, except in the exercise of the right of self-defence (A/AC.182/L.104), the revised version

of which would be submitted to the Special Committee at its next session. It was to be hoped that Member States would support that document, as the ideas which it presented were fully in keeping with the principles of international law and the purposes and principles of the Charter of the United Nations.

36. With regard to another matter within the Special Committee's mandate, the peaceful settlement of disputes, the Algerian delegation welcomed the Special Committee's approval of a draft resolution on the prevention and peaceful settlement of disputes, and hoped that it would be adopted by consensus. Lastly, his delegation believed that role of the Trusteeship Council should be considered in the context of reform of the Organization.

37. **Mr. Uykur** (Turkey) said that, as his country had suffered the adverse consequences of sanctions applied to other States, his Government hoped that the relevant United Nations bodies would conclude their deliberations on assistance to third States affected by sanctions and would establish a mechanism for that purpose. He underscored the findings of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of the application of sanctions; those findings were summarized in document A/53/312 and in other reports of the Secretary-General (A/54/383 and A/57/165) which contained the views of Governments and relevant international organizations on the topic. Although four years had elapsed since the publication of the ad hoc expert group report, the Special Committee had not yet addressed the matter. His delegation reiterated that it was high time to engage in an in-depth discussion of the report and take the necessary steps to alleviate the burden of third States affected by sanctions. Among the measures suggested to the Special Committee were trade exemptions or concessions, giving priority to the contractors of affected States for investments in the target State, and directly consulting with the affected third States. An in-depth discussion of the matter would add to such measures and promote their application. In that context, his delegation stressed that the Security Council should act without delay in addressing the requests transmitted by States under Article 50 of the Charter and assisting third States affected by the imposition of sanctions on other States. On a related topic, his delegation noted that the working paper submitted by the Russian Federation referred to the

impermissibility of sanctions in situations where they would inflict considerable material and financial harm on third States. The Turkish delegation also welcomed the draft resolution submitted by Sierra Leone and the United Kingdom on dispute prevention and settlement (A/AC.182/111/Rev.1).

38. His delegation commended the Secretary-General on his efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. Lastly, he drew attention to the working paper submitted by Japan on the working methods of the Special Committee, a very important body which should be utilized more efficiently.

39. **Mr. Cheah Sam Kip** (Malaysia) endorsed the recommendations of the Special Committee on the application of the provisions of the Charter related to assistance to third States affected by the application of sanctions, particularly the recommendation that the General Assembly should continue to consider the results of the ad hoc expert group meeting, as contained in document A/53/312. Sanctions were an extreme measure and should be imposed only as a last resort. Sanctions regimes should have clearly defined mandates, be of limited duration, be subject to regular review, and be lifted as soon as the reason for which they were imposed no longer existed. His delegation was of the view that the Security Council should alleviate the damage suffered by third States. To that end, various measures, such as trade exemptions or concessions, should be applied. With regard to targeted sanctions, his delegation believed that further consideration should be given to the proposal submitted by the Libyan Arab Jamahiriya on the responsibility of the United Nations to minimize the financial or economic consequences of the direct application of sanctions. The Malaysian delegation hoped that the proposal would be considered at the Special Committee's next session.

40. His Government welcomed the working paper submitted by the Russian Federation, entitled "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation" (A/AC.182/L.100), which raised important questions related to the adverse impact of sanctions. Sanctions should not be used to punish the population, nor should they destabilize the economy of the targeted State or third States. In view of the serious implications of sanctions, there was a need to develop a

consensus on the parameters governing them. An agreement on the principles governing the application of sanctions could enhance the legitimacy of the sanctions regime. The revised working paper submitted by the Russian Federation could be the basis for consideration of the topic in the Special Committee. The Special Committee should deal with the legal aspects of the sanctions regardless of work undertaken by the Security Council.

41. With regard to the working paper submitted by the Russian Federation entitled "Fundamentals of the legal basis for United Nations peacekeeping operations in the context of Chapter VI of the Charter of the United Nations" (A/AC.182/L.89/Add.2 and Corr.1), the Malaysian delegation welcomed the initiative to develop a legal framework for United Nations peacekeeping operations; such operations should be guided strictly by the principles of the Charter, namely, non-interference in the affairs of States and respect for their sovereignty and territorial integrity. The mandate for the deployment of a peacekeeping operation should derive from the Security Council, which, in accordance with Article 24 of the Charter, had the primary responsibility for the maintenance of international peace and security. Consideration of that proposal by the Special Committee was in line with its mandate and would not duplicate the work of other United Nations bodies dealing with the issue. His delegation welcomed any proposals that could help to strengthen the coordination and cooperation between the Special Committee on the Charter and the Special Committee on Peacekeeping Operations. In view of the current state of world affairs, the request contained in the revised working paper submitted by Belarus and the Russian Federation (A/AC.182/L.104/Rev.2) for the International Court of Justice to issue an advisory opinion on the legal consequences of the use of force by States without prior authorization by the Security Council, except in the exercise of the right of self-defence, was also timely. His delegation was concerned at the tendency to resort to the use or threat of force without authorization by the Security Council and in contravention of the provisions of the Charter.

42. The Malaysian delegation welcomed the approval of the draft resolution entitled "Principles for the prevention and peaceful settlement of disputes", contained in the working paper submitted by Sierra Leone and the United Kingdom (A/AC.182/L.111/Rev.1). It also underscored the

importance of revitalizing the General Assembly as the chief deliberative, policy-making and representative organ of the United Nations, in order for it to exercise effectively its functions under the Charter; to that end, his delegation welcomed the working paper submitted by the delegation of Cuba (A/AC.182/L.93 and Add.1). On the other hand, his delegation had reservations concerning the proposal by Malta (A/50/142) that the Trusteeship Council should be given a new role as a guardian and trustee of the global commons and the common concerns, when there were already other institutions performing that role. Lastly, his delegation welcomed the efforts of the Secretary-General to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, and it welcomed the proposal submitted by Japan to improve the working methods of the Special Committee (A/AC.182/L.108/Rev.1).

43. **Mr. Stagno** (Costa Rica), speaking on behalf of the Rio Group, said that the Millennium Assembly had demonstrated the need for the United Nations to adapt to the new challenges of the contemporary world and that the Special Committee was called upon to respond to those challenges with practical initiatives, respecting and defending the principles embodied in the Charter. The Special Committee could make a valuable contribution in that connection, particularly with regard to the priority question of implementation of the Charter provisions related to assistance to third States affected by the application of sanctions. The Special Committee should consider the conclusions and recommendations submitted in 1998 by the expert group meeting on exploring innovative and practical measures of international assistance to the affected third States (A/53/312) and the Secretary-General should prepare a report on the political, financial and administrative feasibility of the proposed measures, as he had been requested to do on several occasions. The Rio Group was awaiting with great interest the results of the work of the Security Council working group on general issues on sanctions, including all aspects relating to assistance to third States affected by their application. Preventive diplomacy was a better alternative than the imposition of measures against a State, since on various occasions sanctions regimes had failed to achieve their objectives and had inflicted suffering on the innocent civilian population. The Security Council must develop a clear, uniform and impartial conceptual framework for the application and

removal of sanctions. It was to be hoped that the Council would approve the working group's recommendations as soon as possible and that those recommendations would help to improve the formulation, application and administration of sanctions. The Rio Group urged the States members of the Council to resolve the differences that had thus far prevented the attainment of a consensus concerning those recommendations.

44. It was important to continue preparing the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, in accordance with the mandate given by the General Assembly. The Rio Group reiterated its support for the Secretariat's initiative to speed up their preparation and eliminate the delays in their publication, and urged that they be issued quickly in the various languages. Lastly, it was necessary to reformulate the Special Committee's mandate so that it could perform its role within the Organization more effectively.

45. **Mr. Lavalle-Valdés** (Guatemala) recalled that for many years the question of implementation of the Charter provisions related to assistance to third States affected by sanctions in accordance with Chapter VII of the Charter had been taken up by the General Assembly in successive resolutions, by the Secretary-General in his annual reports on the question, by the Security Council, by the Administrative Committee on Coordination, by the Economic and Social Council and by the informal working group of the Security Council on general issues on sanctions. To that impressive body of work should be added the important methodological proposals made by the ad hoc expert group which had met in June 1998 at the request of the Secretary-General (A/53/312). Nonetheless, due to the date of its annual sessions, the Special Committee had never examined any of those reports before the General Assembly, a situation which had certainly had a somewhat negative impact on the consideration of the item. In practical terms, the results of the considerable amount of work done were very sparse, not to say non-existent, thus justifying the disappointment expressed by some States participating in the work of the Special Committee that so little progress had been achieved (A/57/33, para. 17). His delegation was therefore awaiting with great interest the detailed views of the Secretary-General on the feasibility of the expert group's recommendations.

46. Guatemala welcomed the adoption by the Special Committee of the proposal presented by Sierra Leone and the United Kingdom (A/AC.182/L.111/Rev.1) and hoped that, when that proposal was converted into a General Assembly resolution, the question of preventing armed conflict would be treated as a matter of fundamental importance, including under the agenda item entitled "Report of the Secretary-General on the work of the Organization". With regard to the revised working paper of the Russian Federation entitled "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation" (A/AC.182/L.100/Rev.1), it might be advisable for the Special Committee to defer further consideration of the question until the Security Council working group had completed its work. Guatemala supported the proposal put forward in paragraph 61 of the Special Committee's report (A/57/33) that in section I, paragraph 1, of that working paper the words "when other peaceful options provided by the Charter are inadequate" should be replaced by a new sentence reading: "The foregoing is without prejudice to the application of sanctions being combined with other peaceful means provided for in the Charter or which, notwithstanding not being specifically provided for therein, are lawful". There was no doubt that it was contrary to common sense and the provisions of the Charter to claim that if the application of sanctions was to be lawful, a prior effort must have been made to settle the dispute giving rise to the situation justifying the sanctions. With regard to the working paper by the Russian Federation entitled "Fundamentals of the legal basis for United Nations peacekeeping operations in the context of Chapter VI of the Charter of the United Nations" (A/AC.182/L.89/Add.2 and Corr.1) he was concerned that consideration of that paper might overlap with the functions of the Special Committee on Peacekeeping Operations. Lastly, his delegation agreed with the views expressed by the delegation of Costa Rica concerning the need to continue the process of bringing up to date the *Repertory of Practice of United Nations Organs* and the *Repertoire of Practice of the Security Council*.

47. **Mr. Fadaifard** (Islamic Republic of Iran) said that, while the Special Committee had made a substantial contribution to the maintenance of international peace and security and the peaceful settlement of disputes between States, it was still striving to reshape its role in the framework of the

reform of the United Nations. While efforts were being made to revitalize the Special Committee by adding new items to its agenda, the Committee could give priority to items which had been on its agenda for several years and which enjoyed sufficient support, such as the issue of assistance to third States affected by United Nations sanctions, an item that had also been considered by other United Nations bodies. Now that the report of the Secretary-General had been issued (A/57/165), containing his views on the conclusions and recommendations of the ad hoc expert group, the time was ripe to begin serious negotiations in the Special Committee on the implementation of the Charter provisions related to assistance to third States affected by the application of sanctions. Those recommendations provided a sound basis for the preparation of guidelines relating to the implementation of those provisions. His Government was mindful of the Security Council's ongoing efforts to undertake a comprehensive review of the sanctions regime, as evidenced by the draft report of the informal working group of the Security Council on general issues relating to sanctions, and the extension of the group's mandate until 31 December 2003. However, such initiatives should not prevent the General Assembly from playing its due role in standard-setting in international relations in general and on sanctions in particular. Consequently, the proposal submitted by the Russian Federation on the basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation (A/AC.182/L.100/Rev.1 and Add.1) was valuable and timely. The time had come to utilize the experience gained from the application of sanctions over the past decade in order to develop a sanctions regime that had general support; that would enhance the credibility and authority of the United Nations in dealing with threats to international peace and security.

48. His delegation expressed appreciation to the Special Committee for its efforts to ensure respect for the peaceful settlement of disputes between States, a universally recognized principle of international law. On a related topic, the proposal submitted by Sierra Leone and the United Kingdom on dispute prevention and settlement (A/AC.182/L.111/Rev.1) referred to the many ways and means at the disposal of States, the General Assembly, the Security Council and the Secretary-General for settling disputes peacefully. It should be noted, however, that in accordance with Article 33 of the Charter, the parties to a dispute were

entitled to decide by mutual agreement on the peaceful means most appropriate to the circumstances and nature of the dispute. With regard to improving the working methods of the Special Committee, the item was consistent with the current overall reform of the Organization and with General Assembly resolution 45/45, which called upon the Assembly's subsidiary organs to seek constantly to improve their methods of work. The revised working paper submitted by Japan (A/AC.182/L.108/Rev.1) contained a number of useful elements for consensus-building with regard to the working methods of the Special Committee. Nevertheless, he reiterated that, under the current circumstances, the General Assembly should identify priority items for each session of the Special Committee. Lastly, his delegation commended the efforts made by the Secretariat to reduce the backlogs in the publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, and to prepare a report on the activities and programme of work undertaken to that end.

49. **Ms. Katungye** (Uganda) concurred with the recommendations contained in paragraphs 170 and 171 of the report of the Special Committee (A/57/33) on improving the work of the Special Committee, taking into account the changes agreed upon by consensus. Her delegation believed that it was essential to: revitalize the General Assembly in order to enhance its effectiveness and efficiency; improve the working methods of the Assembly and the Security Council and enhance their collaboration in the maintenance of international peace and security; minimize the negative impact of sanctions on vulnerable groups in the targeted States, especially children, women and the elderly; minimize the unintended negative impact of sanctions on the economies of third States; and establish early warning mechanisms for threats to international peace and security.

50. It was heartening to see that the integral nature of the provisions of the Charter related to assistance to third States affected by the application of sanctions was recognized, and her delegation hoped that progress had been made on the item following the conclusion of the 240th meeting of the Special Committee and the meetings of the Working Group. The Ugandan delegation agreed that sanctions were an instrument for the maintenance of peace and security and conflict prevention; it believed, however, that they should be

imposed only as a last resort, bearing in mind their impact on innocent civilians and third States and the fact that, in most cases, sanctions hurt civilians more than the Governments they were designed to target. Accordingly, her delegation joined those delegations that had welcomed the work of the Security Council and the General Assembly in addressing the outstanding issues relating to mitigating the effects of sanctions, especially on third States.

51. Her delegation endorsed the recommendation that sanctions should be reviewed and adjusted, taking into account other contemporary problems, so as to avoid creating extreme poverty. The Ugandan delegation also supported the proposal to widen the scope of criteria and conditions for the imposition of sanctions in conformity with the principles of international law, justice and equity. The report also outlined practical relief measures to offset the adverse effect of sanctions; her delegation endorsed those measures and welcomed the positive impact they could have. Such measures could be coupled with the regulation and calculation of indirect damage resulting from sanctions. Her delegation subscribed to the appeal made by the Russian Federation for an objective assessment of the consequences of sanctions prior to their implementation. Her delegation also supported the creation of a fund with automatic and easy access for affected third States. As underscored in the report, the United Nations bore the primary responsibility for the provision of assistance to third States affected by the application of sanctions; her delegation would welcome an increased role for the Economic and Social Council in effectively monitoring the situation of such States. That in turn underscored the need for maximum coherence, coordination and transparency across the entire United Nations system when addressing issues related to sanctions.

52. Her delegation concurred with the general opinion that the Security Council should impose sanctions only after determining the existence of a threat to the peace, a breach of the peace or an act of aggression, that sanctions should have a time frame which would be reviewed regularly, and that they should be lifted as soon as international peace and security had been restored; it remained flexible, however, on whether or not such a time frame was to be considered mandatory.

53. With regard to peacekeeping missions in the context of Chapter VI of the Charter, her delegation was of the view that the Special Committee on Peacekeeping Operations was the appropriate body to undertake a comprehensive review of the relevant aspects of such missions.

54. The Ugandan delegation welcomed the revised draft proposal submitted by Sierra Leone and the United Kingdom on the establishment of a dispute prevention and settlement service, as it was critical to have early warning of disputes and situations likely to threaten international peace and security.

55. **Mr. Chol Mun Jong** (Democratic People's Republic of Korea) said that, at a time when the world was witnessing the open perpetration of self-righteous acts based on power supremacy and the principles of justice and impartiality were violated as a means of resolving international problems, it was more necessary than ever to enhance the role and functioning of the United Nations. Certain countries were trying to attain their political goals through an abusive use of the sanctions regime instead of seeking fair solutions to problems, thus deviating from the inherent purposes and principles of the United Nations.

56. The sanctions currently in place targeted developing countries, increased the suffering of their peoples, invited social chaos, and were used as a threat to remove political and economic systems. That situation necessitated a review of the power and role of the United Nations in the application of sanctions and a comprehensive examination of the effectiveness of sanctions. Making coercive measures such as the application of sanctions and the use of force subject to approval by the General Assembly following approval by the Security Council would be conducive to reflecting a broad range of views of Member States concerning the application of sanctions and reducing their negative impact to a minimum. There was also a need to define detailed and clear criteria for the application of sanctions and not allow the decision concerning their application to be taken in the light of the special goals and interests of individual countries.

57. In order to strengthen the leading role of the United Nations in international relations, all Member States should respect and sincerely implement the Charter, reject any unilateral acts and recognize the equality of all States. If one powerful State was allowed to judge for itself what was just or unjust, or

good or evil, and to set international standards as it pleased, the purposes and principles of the United Nations would be nothing more than a vain commitment. The Special Committee should not confine itself to considering only the sanctions already imposed, but should discuss in depth all forms of coercive measures that constituted illegal interference, including the unilateral imposition of sanctions.

58. Existing realities required that due attention be paid to the consequences of the cold war. Currently, a situation persisted in the Korean peninsula in which abusive use was made of the United Nations flag, without regard for its purpose. There was no legal basis for the continued presence of the so-called "United Nations force" in the southern part of Korea. That force, which served the interests of a single Power and not the ideals of the United Nations, and over which the United Nations exerted no political, military or financial authority, could never be called a "United Nations force". His country hoped that the United Nations would adopt as a matter of urgency appropriate measures to redress that abnormal situation, in which its name and flag had been abused for more than 50 years. It was also to be hoped that the Special Committee would make a meaningful contribution to strengthening its role in international relations by respecting the principles of the Charter.

59. **Ms. Zorai** (Tunisia) said it was regrettable that so little progress had been made on the question of assistance to third States affected by the application of sanctions, despite the fact that it had been on the Special Committee's agenda for 10 years. She wished to emphasize once again the need to act cautiously when imposing such measures, to carry out prior studies on the effects of sanctions in the target State and in third States, to allocate special funds for third States whose economies were affected by sanctions and to establish a permanent consultative mechanism within the Special Committee that would enable those States to be heard. There was an urgent need for Article 50 of the Charter to be applied effectively and satisfactorily for the benefit of third States and to that end she urged the Security Council to establish a system for consultations with third States whose economies, like that of Tunisia, had been substantially affected by sanctions.

60. Her delegation regretted that, despite the repeated requests of the General Assembly, the Secretary-General had not issued a report on the capacity of the

Secretariat to implement the recommendations of the ad hoc expert group meeting. It considered that the group's proposals and conclusions should be studied and therefore supported the Egyptian proposal for the establishment of a Sixth Committee working group to study the matter.

61. With regard to the question of strengthening measures adopted by the Organization on the basis of the provisions of the Charter, the maintenance of international peace and security was another area in which continual improvements must be made, with a view to adapting to the new problems facing the Organization. In that regard, the papers submitted by the Russian Federation, the Libyan Arab Jamahiriya and Cuba, which provided a good basis for the work, highlighted the importance of fully respecting the relevant provisions of the Charter in order to ensure the success of measures taken by the Organization with a view to maintaining peace, preventing conflicts and strengthening the principles of democracy, transparency and cooperation within the Organization.

62. Tunisia wished to stress the importance of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, which constituted a very useful source of information concerning the application of the Charter and the various organs of the Organization. It regretted the backlog in their publication and called for the publication of those which had not yet been issued.

63. **Mr. Elmessallati** (Libyan Arab Jamahiriya) reaffirmed the importance of establishing basic conditions and criteria for the imposition of sanctions. It was necessary to introduce an objective regime applicable to any country which violated international law or endangered security. Precise limits should be set, so that sanctions did not become a tool for coercing or intimidating one particular country for political reasons. Sanctions should be imposed only when all the peaceful procedures provided for in the Charter had failed, and there had to be a mechanism for assessing their humanitarian impact on the most vulnerable sections of the population and third States. His delegation therefore supported the Russian Federation's proposal.

64. His Government backed all the proposals on reforming the working methods and membership of the Security Council so that it would function with greater transparency and so that all its members would be

placed on an equal footing. Security Council meetings must be public and its rules of procedure should be re-examined by the General Assembly. It was essential to consider the right of veto, which should be either abolished or extended to all members. The General Assembly should be given wider powers for the maintenance of peace and security, as suggested in Cuba's proposal.

65. At earlier sessions, Libya had submitted a number of proposals aimed at making the Organization more transparent and more efficient in the way it operated. The most recent of those proposals was to be found in document A/AC.182/L.99, whose salient points were: consideration of means of bolstering the General Assembly's role in the maintenance of international peace and security, since the Assembly was the sole, genuinely democratic and universal organ where all States enjoyed sovereign equality; recommendation of ways to enhance the relationship between the Security Council and the General Assembly; consideration of the adverse consequences of using the veto in the Security Council, as well as the viability and advisability of the veto; elaboration of criteria for broadening the composition of the Security Council on the basis of complete equality among States, while at the same time respecting the principle of equitable geographical distribution; definition of what constituted a threat to international peace and security, so as to ensure that there was no resort to the use of force under Chapter VII of the Charter; and exploration of the effective implementation of Article 31 of the Charter, which ensured the right of any Member to participate, without a vote, in the discussion of any question which affected its interests. He trusted that the Special Committee would examine those proposals in detail at its next session and would bear in mind the opinions of the other Members.

66. He endorsed the proposal of Belarus and the Russian Federation to recommend that an advisory opinion be requested from the International Court of Justice as to the legal consequences of the resort to the use of force by States without the prior authorization of the Security Council, except in the exercise of the right of self-defence. He also supported Japan's proposals on the working methods of the Special Committee, which were designed to revitalize it. The root of the problem lay not so much in working methods, as in the fact that certain countries saw to it that their national interests

prevailed and in the Organization's functional rigidity, which was paralysing the Special Committee's efforts.

67. **Mr. Akamatsu** (Japan) said that his Government supported the draft resolution on the prevention and settlement of disputes (A/AC.182/L.111/Rev.1) submitted by Sierra Leone and the United Kingdom, which reminded States that they could make a declaration under Article 36, paragraph 2, of the Statute of the International Court of Justice, in which they recognized the Court's compulsory jurisdiction. Japan, which had made such a declaration in 1958, hoped that many other States would do so in response to the resolution.

68. Before a Special Committee meeting was convened, informal consultations should be held in order to clarify the focal points of the discussion and to facilitate States' preparations. Those consultations should be held at least three weeks before the opening of the Special Committee's next session, so that fruitful discussions could be held on each item of its agenda.

69. His Government welcomed the report of the Secretary-General (A/57/165 and Add.1) describing the situation of third States affected by the application of sanctions and it appreciated the efforts of the Security Council to alleviate the effects of sanctions on third States by means of smart sanctions. The General Assembly, the Economic and Social Council and the Committee for Programme and Coordination must, however, fulfil their roles in that respect.

70. Given that the purpose of the Special Committee was to strengthen the Organization's role, improving the Committee's working methods and enhancing its efficiency were very important. In the course of the previous three years, Japan had advocated a review of the Committee's working methods and had proposed practical measures to enhance its efficiency. At the Committee's April session, his delegation had presented a working paper reflecting the views expressed by other delegations, in the hope that it would make a decisive contribution to debates and would be adopted at the following year's session.

71. The Secretariat's efforts to expedite the publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* were greatly appreciated. He urged the Secretariat to pursue its endeavours to reduce the delay in publishing those documents, which were

an important resource for delegations and for scholars all over the world.

72. **Ms. Cavaliere de Nava** (Venezuela) endorsed the statement made by Costa Rica on behalf of the Rio Group, along with the efforts of the Organization, in particular the Special Committee, to respond to the new challenges confronting the international system. One of the most valuable contributions which the Committee could make was closely linked to the issue of assistance to third States affected by sanctions, an issue to which Venezuela attached priority, and which was being considered in the framework of another, broader topic crucial to the future of the United Nations — the review of the sanctions regime.

73. Her delegation noted with optimism that in its resolution 56/87, of 12 December 2001, the General Assembly had invited the Security Council to request the Secretary-General to consider appointing a special representative or dispatching fact-finding missions on the ground to identify possible means of assistance. That same resolution indicated that the Security Council could consider establishing working groups to consider the situation in such States.

74. Her Government, which believed firmly in the benefits of a culture of prevention, attached great importance to the proposal to establish a dispute settlement mechanism which would offer its services in the initial stages of a dispute; in that way, the number of cases in which the Security Council imposed sanctions would be reduced and the adverse consequences incurred by both the directly targeted States and third States would be diminished.

75. **Mr. Mamba** (Swaziland) said that, since his country's accession to independence, his Government had promoted the vision of the Charter and the goals of the Organization. One of its primary purposes was the maintenance of international peace and security, including the settlement of international disputes which could entail breaches of international peace and security. In that context, his delegation supported the proposal submitted by the Libyan Arab Jamahiriya (A/AC.182/L.99), which recognized the need to strengthen the role of the General Assembly, and proposed ways and means of enhancing the relationship between the Assembly and the Security Council on the basis of Articles 15 and 24 of the Charter. His delegation, which expressed appreciation for the efforts made by the Special Committee to

finalize its work on the topic of the peaceful settlement of disputes, would support all measures aimed at strengthening the principles of peaceful settlement.

76. The frequent imposition of sanctions by the Security Council in compliance with its obligations under the Charter had made it necessary to develop a mechanism for alleviating the suffering of third States affected by the application of sanctions, since the mere right to consult the Council in accordance with Article 50 was clearly unsatisfactory. During the 1980s, the international community had decided to impose economic sanctions against one of his country's neighbours; as a small landlocked country economically linked to its neighbour, his country's economic survival had been threatened. He expressed appreciation for the efforts of certain Member States which had shown flexibility in response to that specific situation. His delegation noted with satisfaction the efforts of the Secretary-General, as outlined in document A/57/165, to implement measures for further improvement in the procedures and working methods of the Security Council and its sanction committees relating to assistance to third States affected by the application of sanctions, and to review the capacity and modalities of the Secretariat with regard to implementing the intergovernmental mandates and recommendations of the ad hoc expert group meeting on the topic. It was to be hoped that the usefulness of that mechanism, which was more in line with the purpose of Article 50 of the Charter, would be recognized.

77. His Government welcomed the progress made on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, as indicated in the report of the Secretary-General (A/57/370). It was essential to resume those publications, which were of great value to the Organization's institutional memory. It was a matter of concern, therefore, that proposals had been made in some quarters to eliminate them. Before such a decision was taken, the alternative should be considered, namely, establishing a unit in the Secretariat with responsibility for those publications, or establishing permanent posts for that purpose within the relevant departments.

78. The Chairman asked whether the members of the Committee agreed on the establishment of a working group of the Sixth Committee, open to all States Members of the United Nations or members of the

specialized agencies or the International Atomic Energy Agency, to continue the work of the Ad Hoc Committee established pursuant to General Assembly resolution 51/210 with regard to the elaboration of a draft comprehensive convention on international terrorism, as called for in Assembly resolution 56/88.

79. *It was so decided.*

The meeting rose at 1.05 p.m.