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## Sixth Committee

### Summary record of the 12th meeting

Held at Headquarters, New York, on Thursday, 10 October 2002, at 3 p.m.

*Chairman:* Mr. Prandler . . . . . (Hungary)

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

**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**

*(continued)* (A/57/33, A/57/165 and Add.1, A/57/370 and A/57/88-S/2002/672).

1. **Mr. Kottut** (Kenya) said that while economic sanctions were an important means of changing a delinquent State's behaviour, they could cause serious humanitarian, social and economic problems. They should be imposed only in accordance with Chapter VII of the Charter of the United Nations and after all peaceful means of dispute settlement had been exhausted, and a study of their short- and long-term effects should be undertaken. Their objectives should be clearly defined and they should be lifted as soon as those objectives had been achieved; they should be imposed for a specific period of time; the conditions for their lifting must be clearly defined and reviewed periodically; and attempts to impose or extend them for reasons other than the specified objectives should be rejected. Article 50 of the Charter should be implemented; a mechanism or fund to provide relief to third States affected by the application of sanctions should be created; and coordination at the international and regional levels should be used to minimize their negative effects.

2. He welcomed the Security Council's improvements in the sanctions regime and expressed the hope that the Council and the Secretariat would make full use of the recommendations on "smart" sanctions made in London and Stockholm. Further discussion of the revised working paper submitted by the Libyan Arab Jamahiriya on the strengthening of certain principles concerning the impact and applications of sanctions would also be useful. Any outcome on improvements in the sanctions regime should also take into account the proposals contained in documents A/53/312, A/54/383 and Add.1 and A/57/165 and Add.1; his delegation also awaited the report of the Secretary-General requested in, inter alia, paragraph 5 of General Assembly resolutions 54/107 and 55/157. The Committee should establish a working group to address the issue on the basis of those documents.

3. While the maintenance of international peace and security was the primary responsibility of the Security

Council, dialogue and peaceful resolution of conflicts were the only ways of guaranteeing enduring peace and stability. He noted with satisfaction the newly launched African Union's initiatives regarding unresolved conflicts in Africa and was encouraged by the peace agreements between the Government of Angola and the União Nacional para a Independência Total de Angola, between the Government of the Sudan and the Sudanese People's Liberation Army and between the Democratic Republic of the Congo and Rwanda, which were proof of Africa's resolve to settle conflicts peacefully.

4. His Government was committed to the procedure laid down in Article 33 of the Charter. Regional organizations such as the Economic Commission for West African States (ECOWAS), the Southern African Development Community (SADC) and the Inter-Governmental Authority on Development should be strengthened in recognition of their contribution to conflict prevention, management and resolution in Africa and should cooperate closely with the United Nations. He noted with interest the Cuban proposal entitled "Strengthening of the role of the Organization and enhancing its effectiveness" and welcomed the conclusion of discussions on the proposals sponsored by the delegations of Sierra Leone and the United Kingdom.

5. It would not be useful for the Trusteeship Council to address global concerns relating to the common heritage of mankind; it would be preferable to further strengthen the United Nations Environment Programme and the bodies established under the Convention on the Law of the Sea.

6. Lastly, he welcomed the Japanese proposal on improving the working methods of the Special Committee; any changes in those methods should enhance the Special Committee's ability to fulfil its mandate, and it should be seen as complementing rather than duplicating the work of other United Nations bodies so that concrete results devoid of political inclinations could be achieved.

7. **Mr. Ekedede** (Nigeria) said that by their very nature, sanctions were an extreme measure to be applied with caution and only when all other means of peaceful settlement of disputes had been exhausted. They should not be open-ended and should be terminated as soon as their goals were achieved; thus, they should be renewed only in the absence of

compliance or on the basis of their continued relevance and effectiveness. Periodic reviews would enable the sanctions committees to assess their impact on the civilian population and on third States and to determine the best mode of assistance for their innocent victims.

8. “Smart” sanctions did not always achieve the desired result; his delegation therefore supported the establishment of a standing consultative mechanism or a functional mechanism to offset the adverse effects of sanctions and provide relief as appropriate. Further measures could include the establishment of a voluntary trust fund and the granting of trade exemptions or concessions to affected third States. The sanctions committees should also implement the recommendations of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive and enforcement measures.

9. He welcomed the adoption of the draft resolution on prevention and peaceful settlement of disputes, sponsored by Sierra Leone and the United Kingdom, and agreed with the emphasis on existing means of peaceful dispute settlement, the need to employ them at an early stage and the principle of free choice as to the means of peaceful settlement adopted. He urged States to follow Nigeria’s example in accepting the compulsory jurisdiction of the International Court of Justice as suggested in paragraph 9 of the draft resolution. Fact-finding and goodwill missions, special envoys, observers, good offices, mediation, conciliation and arbitration should also be employed; he recognized the usefulness of regional and subregional peace initiatives such as those used by ECOWAS in Liberia, Sierra Leone and Guinea Bissau and by SADC in the Great Lakes region.

10. He urged the Special Committee to undertake a comprehensive study of new areas to which the Trusteeship Council could channel its energy and resources within the context of the reform of the United Nations and relevant amendments to its Charter. The Special Committee itself should be streamlined and should avoid duplication of effort; for example, it should not venture into the area of peacekeeping operations. Its work should be closely coordinated with that of other United Nations bodies and it should focus on a few areas identified through informal consultations as likely to enjoy broad support from delegations.

11. Lastly, he supported the Secretary-General’s effort to reduce the backlog in publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and urged Member States and international financial institutions to contribute generously to the Trust Fund established for that purpose.

12. **Mr. Mahtab** (India) said that his delegation attached great importance to the effective implementation of Article 50 of the Charter. Sanctions were intended to change the behaviour of recalcitrant States, but they could also punish innocent people and destabilize the economy of the targeted State and of third States; it was the Security Council’s obligation to give direct consideration to such effects. Sanctions regimes should be subject to review and the Council should consider establishing a fund, financed from assessed contributions on a scale applicable to peacekeeping operations as well as from voluntary contributions, to assist the victims of sanctions. He also supported the establishment of a working group on the topic within the Committee.

13. It was important to develop consensus on the core issues raised in the Russian and Libyan proposals on sanctions. He had followed with interest discussions on the Libyan proposal, which stated that the imposition of sanctions must not place upon the targeted State financial, economic or humanitarian burdens that were additional to and other than those resulting from the direct application of the sanctions to the extent necessary to achieve their objective. The Charter defined the manner and circumstances in which sanctions could be imposed, but consideration should be given to testing their legality on the basis of a proportionality criterion and to building organizational controls into the system. However, he was opposed to the proposal that target States should be entitled to just compensation for any unlawful damage sustained as a result of illegal or excessive sanctions since that right would call into question the legality of the sanctions themselves.

14. With regard to the working paper submitted by the Russian Federation on the legal basis for United Nations peacekeeping operations in the context of Chapter VI of the Charter, the Committee should contribute its views on legal matters only as a last resort and after Member States had reached consensus on the political and operational issues involved. He welcomed the revised proposal by Sierra Leone and the

United Kingdom on the establishment of a dispute prevention and settlement service.

15. While it was necessary to build consensus on the future role of the Trusteeship Council, it would be inappropriate for the Council to deal with the global commons since that area was covered adequately by the Convention on the Law of the Sea, the Antarctic treaty system and various environmental treaties.

16. Lastly, he hoped that many of the ideas contained in the Japanese proposal would be adopted in order to improve the practical aspects of the Special Committee's functioning and that no new topics would be added to its agenda until it had dealt with the proposals currently pending.

17. **Mr. Lobach** (Russian Federation) said that further progress in the examination of the subjects on the Special Committee's agenda would contribute substantially to the strengthening of the legal foundations for the maintenance of international peace and security and to the development of the corresponding provisions of the Charter in the context of the reform of the Organization.

18. The issue of sanctions was of major importance in that respect. The discussion at the Special Committee's previous session of the Russian working paper entitled "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation" had been constructive and there were grounds for hoping that consensus might be achieved on the broad parameters governing a legal regime for sanctions. While sanctions were a powerful tool for deterring and preventing conflicts, they should not destabilize the economies of either the target State or of third States. Agreement on the principles governing the application of sanctions might facilitate the work of the Security Council and increase the legitimacy of its decisions. His delegation trusted that, at the current session, the Special Committee would be able to make headway towards the speedy completion of work on that subject.

19. The strengthening of the legal bases for United Nations peacekeeping operations in the context of Chapter VI of the Charter was also a matter deserving priority. The establishment of fundamental principles and criteria based on the Organization's broad practical experience would not only be useful for the functioning of the United Nations itself and of the Security Council, but would also serve as a model for various

regional and subregional bodies active in that sphere. The Special Committee should therefore devote some time to the Russian proposal and draft a United Nations declaration on the question. His country fully endorsed the opinion expressed by the representative of Belarus concerning the working paper jointly presented by both countries, the purpose of which was to defend the key provisions of the Charter. It also welcomed the outcome of the Special Committee's consideration of the draft document on the principles for the prevention and peaceful settlement of disputes presented by Sierra Leone and the United Kingdom. The Russian Federation was opposed to abolishing the Trusteeship Council or changing its status. The Charter would have to be amended if the Trusteeship Council were to be given new functions, but the question was of no urgency.

20. Although his country did not support the proposal that the duration of the Special Committee's regular sessions should be shortened, it thought that the useful ideas on improving the work of the Special Committee deserved close attention and encouragement. His delegation was grateful to the Secretary-General for the report he had presented pursuant to General Assembly resolution 56/87 on the implementation of the Charter provisions related to assistance to third States affected by the application of sanctions. The establishment of a Sixth Committee Working Group was helpful. His delegation hailed the tireless 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*.

21. **Mr. Shah** (Pakistan) said that it was crucial for all Member States to implement fully the provisions of the Charter, Security Council resolutions and international law in order to ensure the rule of law at the domestic and international levels. There must be a balance in the roles of the various United Nations bodies; the primacy of the Security Council in the maintenance of international peace and security did not entitle it to exceed its mandate under the Charter or to diminish the role of the General Assembly, which represented the membership of the Organization as a whole. He endorsed the Cuban proposal for the revitalization of the General Assembly and the efforts of the President of the Assembly to improve its working methods.

22. His delegation shared the Special Committee's concern at the impact of sanctions on third States and

vulnerable groups within the target States and supported the development of broad parameters governing the sanctions regime. The United Nations should bear the primary responsibility for assisting affected third States and should help establish a comprehensive compensation mechanism in line with the provisions of Article 50 of the Charter. A trust fund should be established to provide such compensation, taking into account factors such as the level of economic development and the nature of the relationship between the third State and the target State. Other measures, such as commercial and trade exemptions and the awarding of contracts for investment in targeted States to contractors of affected third States, should be further explored. The Security Council should not resort to sanctions until all other means of dispute settlement had been exhausted; the revised working paper by the Libyan Arab Jamahiriya contained a number of interesting legal arguments which deserved further consideration.

23. Pakistan played an active role in United Nations peacekeeping missions, which should be purpose-specific; they should not be time-limited and should not be terminated until they had fulfilled their purpose. His delegation took note of the proposal to establish a dispute settlement service; however, such a service should be consistent with the provisions of the Charter and, in particular, Article 101 thereof.

24. The Trusteeship Council should be maintained as one of the six principal organs of the United Nations system and consideration should be given to entrusting it with new responsibilities for safeguarding the common heritage of mankind. Any revision of the Charter should be undertaken with the utmost care and in accordance with the procedure laid down in Article 108 of the Charter.

25. Lastly, he appreciated the efforts of the Secretary-General to reduce the backlog in publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*.

26. **Mr. Dhakal** (Nepal) said that the current proliferation of conflicts lent unprecedented urgency to the question of strengthening the role played by the United Nations in the maintenance and consolidation of international peace and security. The report contained in document A/57/33 was analytical and comprehensive.

27. His country believed that the introduction of mechanisms and procedures to deal with the consequences of sanctions would greatly further the implementation of the sanctions regime and produce more effective results. Sanctions were an extreme measure which should be imposed only as a last resort, when the Security Council had determined that there was a threat to peace, a breach of the peace or an act of aggression. They should never be used to punish and impoverish innocent people or to destabilize third States. The working paper presented by the Russian Federation offered an excellent basis for the Committee's deliberations. The absence of an agreed methodology for assessing the adverse effects of sanctions, including "smart" sanctions, was a matter of grave concern. Sanctions should be reviewed regularly and should be lifted as soon as the reasons for their imposition ceased to exist. Sanctions should be renewed only if they were effective and only in the event of non-compliance by the target State. Both the Economic and Social Council and the General Assembly should be given a larger role in the sanctions regime so as to foster synergy and complementarity.

28. The creation of a fund to offset the adverse effects of sanctions, to be funded from voluntary contributions, should receive the priority attention of the world community and practical measures to alleviate the harmful repercussions of sanctions ought to be devised. Similarly, there was a manifest need to elaborate methods for ascertaining the direct and indirect damage caused by the imposition of sanctions and, when addressing that issue, the level of economic development and the relationship between third States and the target State should be borne in mind. Sanctions entailed serious humanitarian consequences, especially for the most vulnerable sections of the civilian population, who should be the first to receive humanitarian assistance. The latter should, however, be provided only with the agreement of the recipient State and under the supervision of the United Nations.

29. He endorsed the suggestion that a briefing by the Chairman of the informal working group of the Security Council on general issues related to sanctions and on the progress of work and an exchange of views between the members of the Security Council and the Special Committee might facilitate the latter's operations. The Special Committee should adhere to its mandate so as not to duplicate the tasks of other United Nations organs and it should consider new patterns of

partnership with them. There was a need to reform the working methods and structures of the General Assembly in a manner enabling it to meet the enormous challenge of maintaining international peace and security. The Special Committee should conclude its work on the topics identified by previous General Assembly sessions before it embarked on any new issues.

30. **Mr. Raafenberg** (Suriname) said the report of the Special Committee was most welcome and of crucial significance. The role of bodies fulfilling critically important functions within the Organization needed to be enhanced so as to enable it to protect effectively the interests of the international community as a whole. His country therefore hoped that the Security Council would be enlarged and the General Assembly and the Economic and Social Council revitalized. The latter should also improve the functioning of its subsidiary bodies by ensuring greater complementarity of their activities.

31. Lastly, his delegation recommended the setting-up of mechanisms to counteract the negative social and economic impact of sanctions on third States.

32. **Mr. Al-Hadithi** (Iraq) said that sanctions were an extreme coercive measure which should be applied only as a last resort after the Security Council had exhausted all available means of peaceful resolution including inquiry, mediation, arbitration and resort to regional organizations.

33. The authority of the Security Council to impose sanctions under the Charter must be exercised in compliance with the Charter and with other principles of public international law. The legality of the Council's actions depended on the primary responsibility conferred on it by the Member States to act on behalf of the international community for the maintenance of peace and security as explicitly stated in Article 24, paragraph 1, of the Charter. The authority thus conferred, however, was not absolute since it was limited by the provisions of paragraph 2 of that Article whereby the Council was obliged to act in accordance with the purposes and principles of the United Nations, including the principles of justice and international law as specified in Article 1, paragraph 1, of the Charter.

34. His country considered that, in order for Security Council resolutions to be truly international and representative of the will of the international community, they should be related to resolutions of the

General Assembly, as the organ of the United Nations most representative of the international community, or to an advisory opinion of the International Court of Justice.

35. Action by the Security Council to impose sanctions in order to maintain international peace and security was subject to certain limitations. Coercive measures in general, and sanctions in particular, were exceptional measure entailing interference in the affairs of the target State and affecting its interests, and should therefore be regarded as a last resort to be used only after all non-coercive measures specifically referred to in the Charter had been exhausted. The sanctions should, moreover, be subject to a time limit. The Council should not apply sanctions in a discriminatory, selective and arbitrary manner and should not go beyond the requirements of maintaining international peace and security. The measures imposed should have the result of restoring peace and security and should remain within the limits of the authority conferred under Article 24, paragraph 1, of the Charter. Lastly, the Security Council should not broaden and perpetuate sanctions to the detriment of the population of the target State, affecting public health and other aspects of everyday life in a manner incompatible with the main principles of human rights and fundamental freedoms.

36. There had been 1.7 million victims of the unprecedented economic blockade imposed on his country, most of them such vulnerable members of society as children, women and the elderly, particularly as a result of the shortage of food and medicines. Security Council resolution 1409 (2002) had not alleviated the suffering of the civilian population as its sponsors had intended but had further impeded the performance of contracts for the purchase of food and medicines which the Committee established under resolution 661 (1990) had deliberately obstructed. Under the new arrangements, contracts for foodstuff such as wheat and rice had been referred to the weapons experts of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) after being approved by the Office of the Iraq Programme. The effect of the new arrangements was therefore to delay still further the delivery of food.

37. Sanctions of that kind, which were analogous to genocide, had been imposed on his country for over 11 years and there was no end in sight. His country was therefore entitled to demand just compensation for the damage it had suffered as a result of the sanctions

which were excessive and disproportionate to their original objective. To describe them as “smart” sanctions was no more than a deceitful cover for the harmful effects of the measures that were imposed by the dominant States to further their own interests. The sanctions also had an impact on third States. The provisions of Article 50 of the Charter in that connection should be considered by the Council, which should respond to requests from other States affected.

38. With respect to the strengthening of the role of the Organization, his delegation considered that there should be a better balance and greater coordination between the Security Council and the General Assembly, as it was the latter that was more representative of the will of the international community. The existing composition of the Security Council was no longer appropriate since the membership of the United Nations was over four times greater than when the Organization was established. The number of both permanent and non-permanent members of the Council should be increased.

39. The arbitrary exercise of the right of veto should also be restricted to cases of the utmost necessity in accordance with the original undertakings given by the permanent members. In any case, the discretionary authority of the Council should be restricted and its powers should be subject to the oversight of the General Assembly or of the International Court of Justice, particularly in connection with matters pertaining to Chapter VII of the Charter.

40. The use of peaceful means of resolving disagreements was the natural way of preventing the deterioration of relations between States and was conducive to international peace and security. If the International Court of Justice were given a more active role, that would increase the confidence of the Member States in the Organization and would mitigate the bias, double standards and hegemony that characterized the Security Council and would promote peaceful settlement based on international law and on the principles of justice and impartiality exemplified by the Court.

41. Reconsideration of the Charter and the strengthening of the role of the Organization in accordance with such criteria would enable Member States to trust that their Organization was a true guardian of international peace and security in

accordance with the demands of justice and international law.

42. **Mr. Samy** (Egypt) said that his delegation attached particular importance to the provisions of the Charter concerning assistance to third States affected by sanctions, not only because his country had been affected by the sanctions imposed on neighbouring countries but also because the matter stemmed from the text of the Charter, the provisions of which were binding. There was no doubt that there was a growing awareness among Member States of the secondary effects of sanctions, both on third countries and also on the civilian population of the target States. It was clear that sanctions often had an adverse impact on the most vulnerable groups in target States and that such sanctions did not necessarily result in any change in the policies of those States. It was particularly important to implement the provisions of the Charter relating to third States affected by sanctions. His delegation therefore called once again on the Security Council to establish permanent arrangements and procedures for holding the consultations with third countries required by the Charter in order to assist them to overcome the economic problems they faced, and noted that the General Assembly could also play an effective part in finding a solution to those problems.

43. Consideration should be given to making sanctions an exceptional measure, to be applied only in extreme circumstances after all peaceful means of resolving disputes had been exhausted, and to establishing firm and objective criteria that would ensure that sanctions were not used as a political weapon against particular States.

44. **Mr. Al-Khasawneh** (Jordan) said that, as a result of his country's scrupulous compliance with the sanctions imposed on several States by the United Nations through the Security Council, it had suffered, and was continuing to suffer, adverse economic consequences. In that context, he drew attention to the necessity of finding effective means of assisting third countries that were suffering economically as a result of their compliance with Security Council sanctions. Article 50 of the United Nations Charter specifically provided that such third countries had the right to consult the Council with regard to finding a solution to those problems; it was essential that the most effective means of eliminating, or at least alleviating, those problems should be found. Consideration should be given in that context to creating a clear international

obligation, corresponding to the right to consult the Council, to provide assistance to States that were suffering in that way. He therefore emphasized the importance of finding effective means of providing assistance, through the United Nations, to States so affected in order to protect the level of living and well-being of their citizens.

45. **Mr. Adamhar** (Indonesia) said that the work of the Special Committee was of paramount importance if the United Nations was to be strengthened in the twenty-first century. The current debate provided a unique opportunity to step up efforts to formulate generally acceptable legal principles that would guarantee the cardinal precepts governing relations between States.

46. Turning to the implementation of the Charter provisions relating to assistance to third States affected by sanctions, he noted that, especially in the case of developing countries, economic sanctions had caused tremendous hardship to such States and their populations. Experience had shown that the imposition of sanctions did not achieve the desired objectives, but did have profound, adverse repercussions on the lives of civilians, particularly women, children and the elderly. While the Security Council had the competence to impose and enforce sanctions, it also had the responsibility to implement the relevant provisions of the Charter in such a way as to ensure that third States did not have to bear the harmful consequences of sanctions. Furthermore, it should minimize the damage suffered by third States by establishing relief mechanisms. The Secretary-General's reports on the matter therefore deserved further consideration. He concurred with the finding of the Russian working paper entitled "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation" that appropriate conditions should be created in order to allow the adequate supply of humanitarian assistance to the civilian population.

47. It was most important to strengthen the role of the Organization and enhance its effectiveness. His delegation noted with interest the proposal submitted by Cuba and the Libyan Arab Jamahiriya and supported all efforts aimed at revitalizing the role of the General Assembly as the highest deliberative and decision-making organ of the United Nations in which all Member States could participate on equal terms. It likewise appreciated all steps that would lead to

meaningful and sustained interaction between the General Assembly and the Security Council.

48. The proposal submitted by Sierra Leone and the United Kingdom on the establishment of a dispute prevention and settlement service outlined useful methodology and machinery for that purpose. His delegation appreciated 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*, because they were both useful sources of data on the implementation of the Charter. It supported the Japanese view that any proposal regarding the working methods of the Special Committee should be submitted in advance so that the Special Committee could study it. Lastly, his country took the view that, since the Special Committee discussed many important and complex issues, it would be unwise to reduce the length of its sessions.

49. **Mr. Maiga** (Mali) said there was growing concern about the negative socio-economic effects of sanctions on civilian populations and third States; provision should therefore be made for humanitarian exemptions, so that assistance could be provided to the most vulnerable segments of society. Sanctions should be imposed only as a last resort and on a temporary basis and, in order to ensure their legitimacy and acceptance by the international community, should be lifted immediately once the requirements of the Security Council were met. The needs of third States, particularly neighbouring States, should be taken into account by the Security Council and international donors, in accordance with Article 50 of the Charter of the United Nations, and he therefore supported the creation of a fund to provide relief for third States affected by sanctions.

50. He welcomed the efforts being made in the Security Council with regard to the imposition of sanctions which were better targeted and of limited duration and recalled that while sanctions had rarely been successful they had inflicted much suffering on civilian populations. He therefore regretted that no consensus had been possible with regard to the report of the informal working group established by the Security Council to develop general recommendations on how to improve the effectiveness of sanctions. He urged continued efforts in that regard and hoped the recommendations of the group would be considered by

the Security Council with a view to shaping future sanctions regimes.

51. With regard to the maintenance of international peace and security, in particular the use of armed force without prior authorization by the Security Council, he fully supported the revised working paper submitted by Belarus and the Russian Federation suggesting that an advisory opinion be requested from the International Court of Justice. He stressed that any use of armed force in international relations must be undertaken in accordance with the provisions of the Charter of the United Nations and in exercise of the right of self-defence as contained in Article 51 of that Charter or with the authorization of the Security Council. International cooperation based on international law must have priority in the quest for sustainable solutions to crises and conflicts; unilateral measures were counterproductive and weakened the authority of the Organization.

52. Turning to the peaceful settlement of disputes, he welcomed the proposal submitted by Sierra Leone and the United Kingdom on the establishment of a dispute prevention and settlement service. Such a mechanism would make an important contribution to preventing conflicts which threatened international peace and security and should be adopted at the current session.

53. **Mr. Kanu** (Sierra Leone), referring to the issue of assistance to third States affected by the application of sanctions, said he supported the work of the ad hoc expert group; the issue should be studied further to take into account the relevant provisions of Chapter VII of the Charter of the United Nations as well as the relevant General Assembly resolutions. While sharing the concerns voiced by many States regarding the unintended negative effects of sanctions on civilian populations and third States, his delegation believed effective sanctions were a useful tool in the maintenance of international peace and security. The revised 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" deserved serious consideration.

54. With regard to peacekeeping operations, there had been failures but also successes, for example in Sierra Leone, and the lessons learned should be reviewed. The Special Committee was an appropriate forum for the

discussion of such operations and its work should complement that of other concerned bodies.

55. Concerning the strengthening of the role of the Organization and enhancing its effectiveness, he supported continued measures to revitalize the General Assembly as the chief deliberative and policy-making organ of the United Nations. He also believed the revised proposal submitted by the Libyan Arab Jamahiriya with a view to strengthening the role of the United Nations in the maintenance of international peace and security, as well as the revised working paper submitted by Belarus and the Russian Federation recommending that an advisory opinion be requested from the International Court of Justice regarding the use of force by States without prior authorization by the Security Council, deserved further consideration.

56. With regard to the working methods of the Special Committee, he agreed that its work should be streamlined and coordinated with that of other United Nations bodies and that documents should be distributed well in advance of meetings. He commended the Secretary-General for 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*, which were invaluable sources of information for delegations. Lastly, he welcomed the agreement reached on the draft resolution submitted by Sierra Leone and the United Kingdom entitled "Prevention and peaceful settlement of disputes".

57. **Mr. Arbogast** (United States of America) associated himself with previous speakers who had expressed concern about the work of the Special Committee, especially those items on its agenda which were otiose, inappropriate or duplicated work being done elsewhere, such as proposals which purported to suggest general criteria and principles for peacekeeping missions and sanctions regimes, urged review of the use of force or addressed general issues concerning the prerogatives of the Security Council and the General Assembly.

58. The Special Committee should concentrate on more productive and practical issues, for example, the effect of sanctions on third countries. It was partly as a result of the Special Committee's efforts in that regard that the matter was being considered by the working group of the Security Council on general issues relating to sanctions. The work of the ad hoc expert group

meeting, including its conclusion that global and regional financial institutions should play a leading role in assessing and addressing third State economic consequences, had stimulated much more focused thinking on the issues involved on the part of both the United Nations system and other international institutions.

59. The Special Committee was also particularly well suited to engage in consideration of the issue of dispute prevention and settlement mechanisms and he looked forward to adoption by the General Assembly of the draft resolution on the prevention and peaceful settlement of disputes (A/57/33, para. 162), which would increase access to and awareness and use of dispute settlement tools as well as enhancing the Organization's early warning and dispute prevention capabilities.

60. He welcomed the priority the Special Committee had given to updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and the creation of the Trust Fund for the updating of the Repertoire and was concerned by suggestions that the Repertory be eliminated. In the context of the reform of the Organization, the Special Committee should set an example with respect to both rationalization of its work and efficient use of its resources. It should meet only when actually necessary and only for as long as actually necessary and he supported consideration of the full range of reform measures identified by Japan and other delegations.

61. **Mr. Ilnytskyi** (Ukraine) reiterated the importance of the Special Committee as a forum for discussing the legal aspects of the role of the Organization and possible reforms. He welcomed the draft resolution on prevention and peaceful settlement of disputes submitted by Sierra Leone and the United Kingdom as an example of the positive work the Committee could do in the area of the maintenance of international peace and security.

62. He also welcomed the revised working paper submitted by the Russian Federation on "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation" as a positive contribution and took note of the revised working paper submitted by the Libyan Arab Jamahiriya on the strengthening of certain

principles concerning the impact and application of sanctions.

63. With regard to the effects of sanctions on third States, he recalled that the Security Council imposed sanctions on behalf of the entire Organization and the international community and, while sacrifices were at times required, all Member States had a responsibility not only to ensure their implementation but also to address their consequences. A clear methodology must be developed for both the imposition and lifting of sanctions in accordance with Chapter VII of the Charter of the United Nations. There was in fact growing concern within the international community about the consequences for third States of preventive or enforcement measures, which had led to the creation of an ad hoc expert group to study that issue (A/Res/52/162, para. 4). It was important that the work of that expert group be followed up and further discussed at the next session of the Committee.

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

64. **The Chairman** drew attention to draft resolution A/C.6/57/L.7 and announced that Zambia wished to join the list of sponsors. He took it that the Committee wished to adopt the draft resolution without a vote.

65. *It was so decided.*

*The meeting rose at 4.55 p.m.*