



General Assembly

Sixty-ninth session

Official Records

Distr.: General
8 December 2014

Original: English

Sixth Committee

Summary record of the 9th meeting

Held at Headquarters, New York, on Tuesday, 14 October 2014, at 10 a.m.

Chair: Mr. Manongi. (United Republic of Tanzania)

Contents

Agenda item 81: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Control Unit (srcorrections@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

14-62587 (E)



Please recycle



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

Agenda item 81: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
(A/69/33, 119 and 159)

1. **Mr. Van Den Bogaard** (Netherlands), Chair of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, introducing the report of the Special Committee (A/69/33), said that the Special Committee had met in New York from 18 to 26 February 2014 and had continued its deliberations on the questions mandated by General Assembly resolution 68/115.

2. He recalled that in paragraph 3 of that resolution, the Committee had been requested, among other things, to continue its consideration of all proposals concerning the question of the maintenance of international peace and security; to continue to consider, in an appropriate, substantive manner and framework, including the frequency of its consideration, the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter; and to continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency and utilization of resources with a view to identifying widely acceptable measures for future implementation.

3. The report consisted of five chapters. The first chapter was entirely procedural. Paragraphs 11 to 13 listed all items and proposals that had been under consideration by the Special Committee. The second dealt with the maintenance of international peace and security. Pursuant to the request of the General Assembly, the Special Committee had considered the question of the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions. Paragraphs 15 to 25 of the report, contained in section A of chapter II, reflected the Special Committee's work on that question.

4. The revised proposal by Libya with a view to strengthening the role of the United Nations in the maintenance of international peace and security was discussed in section B of chapter II. Section C summarized the discussion on the further revised working paper submitted by the Bolivarian Republic of

Venezuela entitled "Open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs".

5. Section D dealt with the revised working paper submitted by Belarus and the Russian Federation concerning a request for an advisory opinion from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence. The text of a further revised working paper presented by the Russian Federation, also on behalf of Belarus, at the third meeting of the Working Group of the Whole was reproduced in paragraph 37. Section E reflected the work of the Special Committee on the working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations.

6. The item entitled "Peaceful settlement of disputes" was set out in chapter III. Summaries were provided of the general exchange of views and of discussions on the proposals introduced by the Russian Federation to establish a website dedicated to the peaceful settlement of disputes between States and to prepare an update of the 1992 *Handbook on the Peaceful Settlement of Disputes between States*.

7. The discussions on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* by the Committee were summarized in chapter IV. The Committee had been briefed by the Secretariat on the status of those two documents. The recommendations on that item that had been agreed upon by the Special Committee were set out in paragraph 64.

8. Chapter V concerned the consideration of the remaining items on the agenda of the Special Committee. Section A reflected a summary of the discussion on the working methods of the Special Committee. Section B summarized the views expressed on the identification of new subjects. Paragraph 78, on the identification of new subjects, reflected a summary of the views expressed in connection with the proposal by Ghana for the inclusion of a new item, presented in 2010, entitled "Principles and practical measures/mechanisms for strengthening and ensuring more effective cooperation between the United Nations and regional organizations on the matters relating to

maintenance of international peace and security in areas of conflict prevention and resolution and post-conflict peacebuilding and peacekeeping, consistent with Chapter VIII of the Charter of the United Nations”.

9. **Mr. Korontzis** (Director of the Codification Division, Office of Legal Affairs) said that the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/69/159) outlined the progress of work on the *Repertory* during the last 12 months since the issuance of the previous report (document A/68/181). With regard to the *Repertory*, the General Assembly was invited to take action in the light of the conclusions drawn in paragraph 13 of the report. The report provided further details regarding the *Repertory* studies on which progress had been made.

10. He drew attention to the updated chart on the status of the *Repertory of Practice of United Nations Organs*, which had been made available electronically to delegations through the PaperSmart Portal. With regard to the backlog in volume III of the *Repertory*, he noted the understanding reached with the Department of Peacekeeping Operations on the drafting of the studies on Articles 40 to 54 for volume III of Supplements Nos. 7 to 10 (1985-2009), which was referred to in the 2012 report of the Secretary-General (A/67/189), according to which the Codification Division would reach out to partnering institutions potentially willing to prepare draft studies for the articles in question. Consistent with that understanding, studies on Articles 40 and 48, as well as on Article 51, regarding volume III, Supplements Nos. 7 to 9 (1985-1999), had been prepared by the Codification Division with the assistance of interns or in collaboration with academic institutions.

11. With a view to further addressing the backlog in volume III, the Codification Division had also finalized a study on Article 35 (as far as the practice of the General Assembly was concerned), prepared in cooperation with the University of Ottawa Faculty of Law, as well as a study on Article 41 covering the same period, the latter having been prepared by an external consultant. Single studies for each of the aforementioned Articles of the Charter addressed the entire period covered by the three Supplements. Those studies had been placed on the *Repertory* website (un.org/law/Repertory) as advance versions. As in the

case of earlier studies prepared for volume III of Supplements Nos. 7 to 9, they contained a short introduction and provided references to the relevant studies of the *Repertoire of the Practice of the Security Council*. The references were intended to replace the elaboration of *Repertory* studies whenever there would be an overlap with the studies of the *Repertoire*. The advance versions had been submitted to the Department of Peacekeeping Operations, in its capacity as author department, for consideration. Further efforts would be undertaken to ensure the preparation of the outstanding studies for Supplements Nos. 7 to 10. On the other hand, significant progress had been made in the preparation of studies for Supplement No. 10 (2000-2009).

12. During the reporting period, the following had been prepared: studies on Articles 24 to 32, 33 (2), 34, 35 (as far as the practice of the Security Council was concerned) and 36 to 39 for volume III, by the Security Council Affairs Division of the Department of Political Affairs; a study on Article 97 for volume VI, by the Office of the Legal Counsel and the General Legal Division of the Office of Legal Affairs; studies on Articles 40, 42 and 50 for volume III, in collaboration with the University of Ottawa Faculty of Law; and a study on Article 98 for volume VI. The studies were available online as advance versions, and those on Articles 40, 42 and 50 had been submitted to the Department of Peacekeeping Operations, in its capacity as author department, for consideration.

13. Moreover, with regard to volume III, a study on Article 41 was being prepared by the University of Ottawa Faculty of Law, and a study on Article 51, prepared by the Columbia University Law School, was under review. Lastly, studies on Articles 104 and 105 were being prepared by the Office of the Legal Counsel.

14. The current status of the publication was the following: from among the 50 volumes of which the publication as a whole (original *Repertory* and supplements thereto, up to Supplement No. 10) should consist, 42 volumes had been completed; 28 of them had been published and 14 had been finalized and submitted for translation and publication. Thus, the work remained to be completed on eight volumes. Five of those pertained to Supplement No. 10, which covered the most recent reviewable period, and the other three pertained to volume III of Supplements Nos. 7, 8 and 9.

15. As indicated in the report of the Secretary-General, studies from 42 complete volumes, including the 14 volumes being processed for publication, were available on the United Nations website for the *Repertory*. Advance versions of several studies on individual Articles for volume III of Supplements Nos. 7, 8 and 9, as well as a considerable number of studies for Supplement No. 10 that had been finalized, were accessible on the website, awaiting completion of the respective volumes. The electronic version of the *Repertory* included a full-text search feature, providing users with the opportunity to search all the studies instantaneously for any word or combination of words in the three languages of the publication, namely English, French and Spanish.

16. Turning to the question of cooperation with academic institutions, he was pleased to report that the well-established cooperation with Columbia University Law School had continued for the eleventh consecutive year and had contributed to the preparation of the above-mentioned study on Article 51 for volume III of Supplement No. 10. In addition, the cooperation with the University of Ottawa Faculty of Law had continued for the fourth consecutive year and had contributed to the completion of a study on Article 35 for volume III of Supplements 7-9 as well as three studies pertaining to volume III of Supplement No. 10, i.e. studies on Articles 40, 42 and 50. The Secretariat would continue to take advantage of the involvement of interns and academic institutions in the preparation of *Repertory* studies, mainly in the fields of research and collection of documentation. It was understood that the Secretariat bore the ultimate responsibility for the quality and the final preparation of all the studies.

17. With regard to funding, in resolution 68/115 the General Assembly had reiterated its call for voluntary contributions to the trust fund established pursuant to resolution 59/44, in order to eliminate the backlog in the *Repertory*. A note verbale had been sent to all permanent missions to the United Nations, reminding them of the possibility of making voluntary contributions to the trust fund and inviting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals that might wish to assist in that regard. Since the issuance of his latest report, the Secretary-General had welcomed with appreciation the contributions to the trust fund of €5,000 from Finland and US\$ 10,000 from Turkey. As of 30 September 2014, the total

balance of the Fund had been US\$ 26,152. In an environment of financial constraint, voluntary contributions to the Fund remained a crucial element for sustaining progress on the *Repertory* and maintaining its website. He called on Member States for their assistance to continue to support the Secretariat's work on reducing the backlog through their contributions.

18. **Mr. Boventer** (Security Council Practices and Charter Research Branch, Department of Political Affairs), updating members of the Sixth Committee on the status of the *Repertoire of the Practice of the Security Council* and related activities, said that in 2014 the Security Council Practices and Charter Research Branch had continued to make good progress in the updating of the *Repertoire*. The Branch had simultaneously worked on the preparation of the seventeenth and eighteenth Supplements to the *Repertoire* in order to expedite its coverage of the contemporary practice and procedure of the Security Council.

19. Early in the year, the Branch had focused on completing the seventeenth Supplement to the *Repertoire*, covering the period from 2010 to 2011. The entire volume had been completed and made available in its advance version on the *Repertoire* website in June 2014. Actual drafting of the eighteenth Supplement, covering the two-year period from 2012 to 2013, had commenced in early 2014. Groundwork for that Supplement had been systematically laid down during the past two years through recording the most contemporary practice of the Security Council in an internal database. Several chapters of that Supplement would start appearing in the advance version on the *Repertoire* website towards the end of 2014.

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

21. He was pleased to report that all English-language versions of the *Repertoire* up to the 15th Supplement had been published. The translated versions of the twelfth, thirteenth and fourteenth Supplements were expected to be available

electronically early in 2015, while that of the 15th Supplement would be available towards the end of 2015. The English-language version of the 16th Supplement, covering the period 2007-2009, had been edited and indexed and would be published in early 2015. The seventeenth Supplement, covering the period 2010-2011, would be submitted for editing in the coming weeks. The work involved in the publication of the *Repertoire* had proven to be time-intensive and required extensive coordination with outside offices. Work continued with the Department for General Assembly and Conference Management (DGACM) to shorten the time lag between the completion of a Supplement and its eventual publication in all six official languages. During the past year, the Branch had continued to respond to requests for information from Member States, United Nations staff, students, academic scholars and researchers on questions relating to the current and past practice of the Council and its subsidiary bodies.

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

23. Apart from its work on the *Repertoire*, the Branch, in accordance with General Assembly resolution 68/115, had contributed to addressing the backlog in the preparation of volume III of the *Repertory* by submitting all studies on various Charter Articles for the period 2000 to 2009. It was his understanding that the Office of Legal Affairs had now made those studies available on the *Repertory* website.

24. The progress made in the preparation and publication of the *Repertoire* and the updating of the *Repertoire* section of the Council website would not

have been possible without contributions to the trust fund for the updating of the *Repertoire*. He expressed gratitude for the contributions recently made to the trust fund by China and Turkey, as well as to Switzerland for its sponsorship of an Associate Expert, who had made a valuable contribution to advancing the work of the Branch.

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

26. **Mr. Dehghani** (Islamic Republic of Iran), speaking on behalf of the Non-Aligned Movement, said that the Movement continued to attach great importance to the work of the Special Committee and considered that it should play a key role in the current reform process of the United Nations, as mandated in General Assembly resolution 3499 (XXX) of 15 December 1975. The Non-Aligned Movement was of the view that the United Nations was the central and indispensable forum for addressing issues relating to international cooperation, economic development and social progress, peace and security, human rights and the rule of law, based on dialogue, cooperation and consensus-building among States. It attached high importance to strengthening the role of the United Nations and recognized the efforts being made to develop its full potential.

27. Democratization of the main United Nations organs and respect for the General Assembly's role and authority, including with regard to questions relating to international peace and security, were important elements in the reform process. The General Assembly

was the chief deliberative, policymaking and representative organ of the United Nations, and its intergovernmental and democratic character, as well as its subsidiary bodies, had contributed extensively to promoting the purposes and principles of the Charter and the Organization's objectives.

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

29. Security Council-imposed sanctions remained an issue of serious concern to the members of the Non-Aligned Movement. Sanctions should be considered as a last resort and only when there was a threat to international peace and security or an act of aggression in accordance with the Charter. They were not applicable as a preventive measure in any and all instances of violation of international law, norms or standards. They were blunt instruments, the use of which raised fundamental ethical questions of whether the suffering inflicted on vulnerable groups in the target country was a legitimate means of exerting political pressure. The purpose of sanctions was not to punish or otherwise exact retribution on the population.

30. The objectives of sanctions regimes should be clearly defined and based on tenable legal grounds, and their imposition should be for a specified time frame. They should be lifted as soon as the objectives were achieved. The conditions demanded of the State or party on which sanctions were imposed should be clearly defined and should be subject to periodic review.

31. The Non-Aligned Movement looked forward to the Security Council's use of the annex to General Assembly resolution [A/64/115](#), entitled "Introduction

and implementation of sanctions imposed by the United Nations", as a reference to guide its future work. Other aspects concerning sanctions that had been raised in other proposals that were currently on the agenda of the Special Committee, including the issue of compensation, should also be considered.

32. The Non-Aligned Movement looked forward to contributing to the advancement of the important proposals before the Committee, which needed to be urgently debated and analysed. The new subjects proposed at previous sessions of the Special Committee should be given careful consideration. The Non-Aligned Movement looked forward to further deliberations on the proposal made by the delegation of the Bolivarian Republic of Venezuela during the 2012 session of the Special Committee.

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

34. With regard to the important issue of the peaceful settlement of disputes among States, the Non-Aligned Movement supported all efforts to promote the peaceful settlement of disputes in accordance with international law and the Charter of the United Nations, in particular Article 33. The Non-Aligned Movement looked forward to the seventieth anniversary of the adoption of the Charter in 2015 and requested that special preparations be made by the Secretariat to commemorate that event at the next meeting of the Special Committee with the participation of all Member States.

35. **Mr. Joyini** (South Africa), speaking on behalf of the African Group, said that the Group attached great importance to the item under consideration. The Special Committee had the potential to play an exceedingly important role in the Organization, but it had not lived up to its full potential, mainly because of its methods of work and its tendency to allow ideological battles to prevent it from performing its function, namely legal analysis. The African Group expressed support for several topics currently on the Committee's agenda that could benefit from careful

scrutiny and also for the new topics proposed by several delegations.

36. With regard to the proposal submitted by Ghana entitled “Principles and practical measures/mechanisms for strengthening and ensuring more effective cooperation between the United Nations and regional organizations on the matters relating to maintenance of international peace and security”, the African Group was aware that Ghana was still working on it. That topic could benefit from an in-depth discussion and analysis. The African Group noted that the Security Council had adopted resolution 2033 (2012) on the topic, which called for the “establishment of a more effective relationship between the Security Council and the African Union Peace and Security Council”. However, even the resolution noted that much more work needed to be done in that area. The Special Committee could contribute meaningfully to that development, thereby making it possible to break free from the ideological chains which so often hindered its work and deliberations.

37. The Special Committee’s work should be directed primarily at ensuring that the United Nations lived up to the goals of the rule of law and justice. The Organization could not require its members to adhere to the rule of law while making no attempt itself to demonstrate or reflect that important principle. The Special Committee’s work should contribute to protecting the Organization from charges of hypocrisy.

38. As the primary organ mandated to ensure peace, security and stability in the world, the Security Council first and foremost must address internal challenges. Maintaining the status quo would only contribute to the further erosion of its credibility and legitimacy and would result in a weakening of the Organization.

39. **Ms. Guillén-Grillo** (Costa Rica), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), stressed once again that the due fulfilment of the Special Committee’s mandate depended on the political will of the Member States and on the full implementation and optimization of its methods of work. To that end, and given the important functions of the Special Committee, Member States must make genuine efforts through the elaboration of a sound thematic agenda — in particular with regard to content — that was based on the identification of new subjects and the study of current ones and that would

permit optimal use of the resources assigned to the Special Committee by the General Assembly.

40. CELAC underscored the importance of the obligation to settle disputes by peaceful means and recalled — as recognized by delegations at the Special Committee — that the Charter of the United Nations provided the basic framework in that regard. It also stressed the need to comply with the relevant resolutions of the General Assembly.

41. The Community reiterated its firm conviction that legitimacy in the use of sanctions was essential to their effectiveness. Thus, sanctions must be imposed and applied in conformity with the Charter and with other norms of international law, in particular those relating to human rights. CELAC underlined the relevance of the document entitled “Introduction and implementation of sanctions imposed by the United Nations” annexed to General Assembly resolution 64/115 and called upon the Security Council to take it into account in its methods of work. The Special Committee must also continue to examine all issues relating to the maintenance of international peace and security so as to strengthen the role of the United Nations.

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

43. CELAC stressed the report’s recognition that the General Assembly and the Economic and Social Council had continued to play their respective roles in mobilizing and monitoring, as appropriate, the economic assistance efforts of the international community and the United Nations system on behalf of third States affected by the application of sanctions. It also highlighted the work of the Secretariat in compiling, coordinating and analysing information relating to the economic and social problems in third

States affected by the application of sanctions, offering solutions and evaluating requests made by those States to the Security Council under Article 50 of the Charter.

44. The Community recognized the notable contribution of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* to international law and to the international system, the work of the Secretariat in updating those important documents and the efforts and progress made regarding the incorporation of the *Repertory* volumes into the United Nations website.

45. CELAC appreciated the progress made in recent years concerning the backlog of the *Repertory* and the *Repertoire* and called for greater efforts to close the existing gap. It was grateful to those Member States that had contributed to the trust fund. The challenge was to reinvigorate the work of the Special Committee, enabling it to exercise its mandate efficiently, and in so doing to make a valuable contribution to the revitalization of the Charter's most important organ.

46. CELAC attached particular importance to the Special Committee. It would continue to contribute to its work on all the proposals on its agenda, and it encouraged all Member States to do the same, in line with the mandate conferred upon the Special Committee by the General Assembly. The Community also noted the introduction of a working paper by the Bolivarian Republic of Venezuela. Nevertheless, given the modest concrete results produced at the most recent sessions of the Special Committee, better approaches needed to be adopted and options considered so as to enhance its efficiency and ensure the best use of United Nations resources.

47. **Mr. Marhic** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Iceland, Montenegro and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia and the Republic of Moldova, said that sanctions remained an important instrument under the Charter for the maintenance and restoration of international peace and security. The practice of the Security Council in recent years demonstrated that sanctions could be designed in a targeted way to minimize the possibility of adverse consequences for civilian populations and third States.

48. In 2014 the Secretary-General had again indicated in his report that neither the General

Assembly nor the Economic and Social Council had found it necessary to take any action related to assistance to third States affected by sanctions and that no States had appealed to the United Nations for relief for economic problems arising from sanctions since 2003. That being the case, the Special Committee's study of the question of assistance to third States affected by sanctions was no longer relevant and should be removed from the agenda.

49. The European Union had doubts as to the added value of the proposals to establish a United Nations website dedicated to the peaceful settlement of disputes between States and to update the 1992 United Nations *Handbook on the Peaceful Settlement of Disputes between States*, given the multiple resources available online. It called for a proper prioritization of the resources allocated to the Secretariat in order to avoid duplication of effort.

50. More broadly, the European Union continued to strongly advocate the implementation of the 2006 decision on reforming the working methods of the Special Committee. It noted with concern that in 2014, a total of seven working days had again been allotted to the Special Committee and its Working Group, while the discussions on the substance of the topics under consideration had in fact required far less time. For the sake of efficiency, Member States should explore ways of achieving a better use of resources and meetings, in line with the paper submitted by Japan on the reform of working methods (A/AC.182/L.108/Rev.3) adopted by the Special Committee in 2006 (A/61/33, paras. 72 and 73). That could be done by considering whether items should remain on the agenda, looking into the usefulness of further discussion of them, and taking into account their continued relevance and the likelihood of reaching a consensus in the future before examining proposals for new items, or by re-examining the duration and, as suggested by Mexico in 2010, the frequency of the Special Committee's sessions.

51. The European Union took note of the progress made by the Secretariat in reducing the backlog in the preparation of the *Repertory of Practice of United Nations Organs* and the updating of the *Repertoire of the Practice of the Security Council* during the reporting period. It welcomed the increased use of the internship programme and the further strengthening of cooperation with academic institutions for the preparation of studies. Considering the importance of the *Repertory* and the *Repertoire* both as research tools

for the international community, in particular the diplomatic community and universities, and as a means of preserving the institutional memory of the Organization, the European Union called upon the Secretary-General to continue his efforts to update the two publications and make them available electronically in all language versions. It expressed gratitude to those States which had made voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory*, including one European Union member State, as well as to the trust fund for updating the *Repertoire* and reiterated its call for other United Nations Member States to do likewise.

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

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

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

international efforts to settle disputes by peaceful means and to strengthen the International Court of Justice.

55. The Manila Declaration on the Peaceful Settlement of International Disputes, approved in 1982 by the General Assembly, served as a comprehensive framework for the peaceful settlement of disputes. His delegation applauded regional initiatives to that end, in particular those of the African Union, which was witnessing continued development and progress and had found African solutions to African problems. The United Nations should encourage regional mechanisms to help achieve peace and security on the basis of Chapter VIII of the Charter; in that connection, the Special Committee should continue to consider the proposal from Ghana on promoting cooperation between the United Nations and regional organizations.

56. The Special Committee should be revitalized and made more effective so that it could play a key role in addressing issues within its mandate. His delegation called for constructive dialogue and cooperation in the Special Committee in order to arrive at useful recommendations that would contribute to strengthening the United Nations and enable it to achieve its objectives under the Charter.

57. **Ms. Sandoval** (Nicaragua), noting that the main objective of the Special Committee had been to reform the United Nations in order to democratize its main bodies, said her delegation was concerned that the Security Council was conferring upon itself the power to address topics which came under the purview of the General Assembly, the ideal universal democratic body mandated to consider all issues and questions, within the limits authorized by the Charter.

58. Nicaragua rejected the application of unilateral sanctions or coercive measures. Such practices were in violation of the principles enshrined in the Charter and in international law. Her delegation was also opposed to the selective application of international law.

59. Nicaragua stressed the importance of the work of the International Court of Justice, which contributed to international peace and security. For that reason, the peaceful settlement of disputes should be an item on the Special Committee's agenda. In that connection, her delegation endorsed the proposal by the Russian Federation and Belarus to ask the Court for an advisory opinion as to the legal consequences of the use of force

by States without prior authorization by the Security Council.

60. Her delegation welcomed the working paper submitted by Cuba, entitled “Strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations”, and that put forward by the Bolivarian Republic of Venezuela, entitled “Open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs”.

61. Her delegation supported the call to discuss in detail the various proposals on the Special Committee’s agenda as well as new proposals submitted. The Special Committee had important work ahead, and shortening its sessions or holding them biennially would undermine efforts to revitalize and reform the Organization.

62. **Mr. Musikhin** (Russian Federation) said that, by helping to resolve difficult legal questions relating to the implementation of the Charter on the basis of universally recognized principles and norms of international law, the Special Committee contributed to ensuring the primacy of the rule of law at the international level. Although his delegation shared the view that the Special Committee needed to optimize its efforts, it believed that it should continue its work on a regular basis. Most important of all, the Special Committee must not lose its potential.

63. At the Special Committee’s previous session, the Russian Federation had submitted a proposal to update the 1992 *Handbook on the Peaceful Settlement of Disputes between States* so as to take into account the experience gathered since that time by the Organization. It had also suggested that delegations should give thought to the possibility of establishing a website dedicated to the peaceful settlement of disputes and containing references to United Nations documents on the subject. It was to be hoped that a consensus could be reached in the Special Committee on those questions.

64. His delegation appreciated the Secretariat’s efforts to prepare the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. It was his understanding that, in establishing the *Repertoire*, the Secretariat would follow the rules and standards outlined in the report of

the General Assembly (A/2170) dated 18 September 1952.

65. **Ms. Dieguez La O** (Cuba) said that the importance of the Special Committee’s mandate pursuant to General Assembly resolution 3349 (XXIX) was shown by the current international situation, in which certain countries were attempting to reinterpret the principles set out in the Charter in order to pursue a political agenda of intervention and interference in the internal affairs of States, to the detriment of developing countries. Her delegation stressed the need to respect and promote the norms contained in the Charter. The General Assembly’s leading role as the main normative, deliberative, policymaking and representative body of the United Nations must be preserved.

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

67. In 2014, certain delegations had continued to interfere with the Special Committee’s work, and thus it had not been possible to approve a number of useful documents on improving the work of the United Nations, such as the proposals submitted by the delegation of the Russian Federation. The Secretariat could better organize the Special Committee’s work if it set aside more time for a substantive debate on the proposals, which should not be put forward informally, but should be made within a working group established for that purpose so as to have an official record of the views of Member States. There should be a substantive discussion of the proposals paragraph by paragraph, as was done in other forums.

68. The Special Committee’s efforts were constantly undermined by certain developed countries which sought to abolish it or reduce its work to a minimum. Those countries argued that the Special Committee did

not produce concrete results, although they themselves systematically refused to discuss substantive proposals and interfered with the adoption of any decision by the Special Committee, merely stating their disagreement without giving any reasons.

69. The Special Committee's current situation was the direct result of the lack of political will on the part of certain States. That was nothing new in the Organization, which for more than 20 years had tried unsuccessfully to reform the Security Council and to adopt a convention on terrorism. Cuba was opposed to any attempt to hold biennial sessions of the Special Committee or to cut back its work or agenda. Instead of analysing its working methods, the Special Committee should get on with its business. Thus, delegations should submit substantive proposals and participate constructively in the debate.

70. Her delegation endorsed the Special Committee's current agenda and expressed appreciation to the delegations of the Bolivarian Republic of Venezuela, Ghana and the Russian Federation for their readiness to contribute to its work by submitting specific proposals. In past sessions, her delegation had submitted a proposal under the topic of the maintenance of international peace and security. That document continued to be valid, and her delegation requested others to submit their comments so that changes could be made to the proposal, as necessary, in order to help arrive at a consensus on it.

71. Her delegation was also submitting a new document for consideration, on the topic of the peaceful settlement of disputes, and once again it asked all delegations to submit their comments and contribute to improving it through discussion and careful analysis.

72. **Mr. Belaid** (Algeria) reiterated his delegation's support for the work of the Special Committee, stressing its important role in the peaceful settlement of international disputes. His delegation also reaffirmed the relevance of the provisions of the 1982 Manila Declaration on the Peaceful Settlement of International Disputes.

73. The proposals and working papers submitted by Belarus, the Bolivarian Republic of Venezuela, Cuba, Libya and the Russian Federation were pertinent, and his delegation looked forward to participating in discussions on the revised drafts of those proposals during the upcoming session of the Special Committee.

74. In his delegation's view, the Special Committee should maintain its consideration of the question of assistance to third States affected by the application of sanctions. Sanctions should be applied cautiously as a last resort and within a clear framework in order to minimize any adverse consequences for vulnerable groups, civilian populations and third States. The question of the lifting of sanctions and their time frame, including the possibility of sunset clauses, was of the utmost importance.

75. His delegation emphasized the need to respect the Charter, in particular its provisions relating to the functions and powers of each principal organ of the Organization, and to maintain the right balance of competence among those organs, above all between the General Assembly and the Security Council.

76. The United Nations reform process, including the revitalization of the General Assembly, would benefit from the Special Committee's activities, especially if it was possible to reach an agreement in the Special Committee on the initiative to establish an open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its main organs, in particular the General Assembly, the Security Council and the Economic and Social Council, as well as the other initiatives in that regard. It was essential to explore new approaches aimed at reinvigorating the Special Committee's work and enhancing the efficiency of its working methods. His delegation underscored the need for genuine political will in order to advance the long-standing issues on the agenda.

77. His delegation welcomed the progress made in the publication and updating of the *Repertory of Practice of United Nations Organs* and the *Repertoire of Practice of the Security Council*.

78. **Mr. Arbogast** (United States of America) said that the report recorded some positive movement in the Special Committee's work, particularly as it reflected a continuing examination of the matters with which the Committee should concern itself. The 2012 commemoration of the thirtieth anniversary of the Manila Declaration on the Peaceful Settlement of International Disputes had again been cited as an example of a timely undertaking that was appropriate for consideration by the Special Committee and on which it could agree. The topic of the third country effects of sanctions, on the other hand, had again been

referred to by many as an example of an item that had been overtaken by events and whose continued inclusion on the agenda made little sense.

79. It was heartening that during the 2012 session of the Special Committee two long-standing proposals had been withdrawn or set aside by their sponsors on the grounds that they were, in fact, outdated and had been overtaken by events elsewhere in the Organization. That had been a welcome step toward the much-needed rationalization of the Special Committee's work. It was to be hoped that other stagnant items on its agenda would be similarly scrutinized by sponsors and members alike, with a view to keeping the Special Committee relevant and potentially useful.

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

81. The United States continued to believe that the Special Committee should not pursue items on its agenda concerning international peace and security, because it would be duplicative or inconsistent with the roles of the principal organs of the United Nations as set forth in the Charter. That included consideration of a further revised working paper calling for a new, open-ended working group to study the proper implementation of the Charter with respect to the functional relationship of its organs, and consideration of another revised, long-standing working paper that similarly called for a legal study of the General Assembly's functions and powers.

82. In the area of sanctions, there had been positive developments elsewhere in the United Nations that were designed to ensure that the Organization's system of targeted sanctions remained a robust tool for combating threats to international peace and security. With respect to the matter of third States affected by the application of sanctions, the Secretary-General's report (A/69/119) concluded that the need to explore practical and effective measures of assistance to the affected third States had been reduced considerably because the shift from comprehensive to targeted

sanctions had reduced the incidence of unintended harm to third States. In fact, no official appeals by third States to monitor or evaluate unintended adverse impacts on non-targeted countries had been conveyed to the Department of Economic and Social Affairs since June 2003. Such being the case, the Special Committee should decide that the issue no longer merited discussion. That point of view had received increasing support in the Special Committee, and it was to be hoped that such a decision could be taken in the near future.

83. Nevertheless, a positive development had taken place in that connection, as reflected in General Assembly resolution 68/115, paragraph 3 (b), in which the Special Committee was requested to continue to consider the third-State-related sanctions issue in an appropriate manner and framework, including "the frequency of its consideration." That additional language reflected a compromise which would permit the issue to remain on the agenda (at least for the time being), while dispensing with the need to have the Special Committee consider it — and to have the Secretary-General produce reports on it — every year, even though there had been no developments. Accordingly, his delegation believed that the triennialization of the issue, at a minimum, should be discussed and agreed upon at the next meeting of the Special Committee.

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

85. His delegation continued to be cautious about adding new items to the Committee's agenda. While it was not opposed in principle to exploring new items, they should be practical and non-political and should not duplicate efforts elsewhere in the United Nations system. As for the proposals put forward to request the Secretariat to update the 1992 *Handbook on the Peaceful Settlement of Disputes between States* and to establish a website also dedicated to the peaceful settlement of disputes, he felt that such new, labour-intensive exercises would not be the best use of scarce Secretariat resources and would not offer much added value, given the wealth of websites and other online tools that made such information so much more readily available than in the past.

86. His delegation commended the Secretary-General's ongoing efforts to reduce the backlog in preparing the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. Both publications served as a useful resource on the practice of United Nations organs, and his delegation greatly appreciated the Secretariat's work on them.

87. **Mr. Escalante Hasbún** (El Salvador) said that the Charter of the United Nations could not be regarded as an ordinary international agreement, but as the Organization's constituent and leading instrument, whose content had set a framework for all international activity. Hence there was a need to monitor the Special Committee's work on an ongoing basis and to improve its proper functioning.

88. The item on the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions was important and should not be removed from the Special Committee's agenda. Noting, however, that the Secretary-General's report on the topic (A/68/226) had referred to the absence of appeals or practical situations in that context, his delegation recommended that the Special Committee should move forward with the consideration of other topics of current interest.

89. His delegation was convinced of the need to make changes so as to improve the Special Committee's working methods and efficiency; such changes should not focus on temporal aspects, but on substantive ones that led to new results enjoying greater acceptance by States. His delegation was particularly interested in introducing new topics, provided that they were in line with the Special Committee's mandate to contribute to the revitalization of the Organization's work and that their focus was consistent with the legal nature of the Sixth Committee, because that would avoid duplication of effort with other United Nations organs. Given the need to move ahead with the work on the agenda, the Special Committee should consult in writing with all Member States in order to have a general overview of the situation.

90. His delegation expressed appreciation to the Secretariat for its initiatives aimed at updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*; those useful documents should be broadly publicized

so as to contribute to the study and strengthening of the international legal system.

91. **Mr. Choo Hwai Jeng** (Malaysia) expressed concern about the impact of sanctions, in particular on the question of maintaining international peace and security. In principle, Malaysia was against the application of sanctions, although it appreciated the improvements made by the sanctions committees. Sanctions were an ineffective way of punishing intended targets. Most of the time, they caused collateral damage, harming innocent people. Thus, they should be considered only as a last resort and when there was a clear threat to international peace and security. They should not be used as preventive measures, and they should only be applied in accordance with the Charter and the principles of international law.

92. With regard to the Secretary-General's report on the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions (A/68/226), his delegation noted the improvements made by the Security Council in shifting from comprehensive economic sanctions to targeted sanctions. That step would help to minimize the potential negative impact on third States.

93. On the proposal to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs, concrete proposals for discussion needed to be made. Many delegations continued to underscore that the General Assembly remained the Organization's chief deliberative, policy-making and representative organ. Consequently, its role and authority must be preserved. The Special Committee, in accordance with its mandate as provided for by relevant General Assembly resolutions, was thus an appropriate forum to consider that issue.

94. However, his delegation was concerned about the continuing encroachment by the Security Council on functions and powers that fell within the competence of other main United Nations organs. The Special Committee had an important role to play in dividing the work of the Organization's main organs, which must respect each other's mandate in accordance with the principles set out in the Charter.

95. His delegation welcomed the progress made in compiling the *Repertory of Practice of United Nations Organs* and updating the *Repertoire of the Practice of*

the Security Council. However, much still needed to be done, in particular to eliminate the backlog in volume III of the *Repertory*.

96. His delegation was concerned about the lack of progress made in studying the Special Committee's proposals. Member States needed to demonstrate the political will to move ahead on the items reflected in the Special Committee's report. Malaysia reiterated its support for the Special Committee efforts to find ways of addressing the issues highlighted in its report.

97. **Ms. Abayena** (Ghana) said that her delegation welcomed the interest shown by some delegations in its proposal for a new subject. There had been considerable discussion within the United Nations on the need to strengthen the partnership, cooperation and coordination between the Organization and regional and subregional organizations on the maintenance of international peace and security. Although Chapter VIII of the Charter explicitly prescribed a role for regional organizations, the guidelines and practices underpinning that partnership had always been consistent with the provisions of the Charter.

98. Ghana's proposal was therefore intended to add value to existing arrangements by building on past achievements. It was important to work to establish clearer principles and practical measures leading to the promotion of better coordination and cooperation in the relationship between the United Nations and regional organizations, the goal being a more effective and peaceful settlement of disputes. Those measures could cover regional global security, the role of regional organizations in preventive diplomacy, early warning systems, and peacekeeping and post-conflict peacebuilding.

99. At the meetings of the Special Committee earlier in the year, her delegation had revised the title of the proposal to read "Strengthening cooperation between the United Nations and regional organizations/arrangements in the peaceful settlement of disputes". A working paper had been prepared, and her delegation would approach other delegations on streamlining and soliciting inputs with a view to arriving at a concrete and practical outcome.

100. **Mr. Essa** (Libya) said that his delegation attached great importance to the work of the Special Committee and the strengthening of the role of the Organization as the main forum for discussing the legal aspects for the reform of the United Nations. It had

submitted a number of proposals for the reform of the Organization's work, chief among which was its revised paper affirming certain principles concerning sanctions; that paper had contributed to the adoption of General Assembly resolution 64/115, to which a document was annexed concerning the introduction and application of sanctions by the United Nations.

101. His delegation welcomed the progress made in reducing the backlog on the *Repertory* and the *Repertoire*. Both documents should be published in all official languages, in particular Arabic, so that researchers and others could benefit from them.

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

103. **Mr. Gharibi** (Islamic Republic of Iran) said that the Special Committee was an appropriate forum for Member States to review and renew their commitments to the purposes and principles of the Charter, in particular the maintenance of international peace and security, the peaceful settlement of disputes and respect for the rule of law in international relations. The Special Committee's valuable potential required a strong political will by all, but the current situation was not in the interest of all Member States and might create a dangerous precedent. It was essential to embark on a constructive dialogue to revitalize the Special Committee and make wise use of the opportunities it offered.

104. The prohibition of the threat or use of force was the single most important achievement of the United Nations. Pursuant to the Charter, States had an unambiguous obligation to refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the object and purpose of the

Organization. They were also under an obligation to settle their international disputes by peaceful means.

105. Those fundamental principles of international law should be strictly observed by all States and should constitute the cornerstone of the rule of law at the international level. Debates regarding the threat or use of force by certain States against others showed that much still needed to be done to promote the principles enshrined in the Charter. The Special Committee had an important role to play in addressing those concerns. In that connection, his delegation favoured a careful consideration of all proposals on the agenda of the Special Committee regarding the maintenance of international peace and security, including the proposal submitted by Belarus and the Russian Federation concerning a request for an advisory opinion from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence.

106. Sanctions, as a coercive measure, might be introduced as a last resort only after the Security Council had determined that there was an actual threat to peace, a breach of peace or an act of aggression, and only when peaceful measures had been exhausted or proven to be inadequate. In so doing, the Security Council must act in strict conformity with the purposes and principles of the Charter and avoid exceeding its authority or infringing the principles of international law.

107. As set out in paragraph 1 of the document entitled "Introduction and implementation of sanctions imposed by the United Nations" annexed to General Assembly resolution 64/115, sanctions should be in support of legitimate objectives. As such, the Security Council must not seek to deprive any Member State of its legitimate rights under international law. Nor could it decide that lawful and legitimate conduct by a State was a threat to international peace and security. The Council must not exceed its authority or act in breach of the principles and rules of international law. It must not overstep its competence as outlined under the Charter, in particular in Articles 24 and 25.

108. As a constituent organ of the United Nations established by an intergovernmental agreement, the Security Council was subjected to, and obliged to comply with, the legal obligations defined under the Charter, including the purposes and principles

enshrined therein, and other peremptory principles of international law, or *jus cogens*.

109. As had been clearly stated by the International Court of Justice in its advisory opinion of 28 May 1948 on *Conditions of admission of a State to membership in the United Nations*, the political character of an organ could not release it from the observance of the treaty provisions established by the Charter when they constituted limitations on its powers or criteria for its judgement. In order to ascertain whether an organ had freedom of choice for its decisions, reference must be made to the terms of its constitution. The Court's advisory opinion of 1971 reinforced the preponderant view on Article 25 of the Charter. By the same token, Member States were bound to carry out decisions taken in accordance with the Charter.

110. Consequently, sanctions imposed on the basis of arbitrary and politically motivated definitions of the notion of threat to peace and security and resulting from the political manipulation of the Security Council by certain permanent members could not be seen as legitimate or lawful. As a key organ of an international organization, the Security Council must be accountable for the consequences of sanctions imposed on the basis of unlawful objectives and/or introduced under political pressure by certain permanent members with a political agenda involving the targeted States. Member States that took undue advantage of their membership in the Security Council to impose unlawful sanctions against other States must bear responsibility for the internationally wrongful acts of the Organization. In such cases, the targeted States were entitled to compensation for damages inflicted upon them.

111. In that connection, the International Law Commission should give consideration to the legal consequences of arbitrarily imposed sanctions against Member States by the Security Council under the topic "Responsibility of international organizations", given that, according to article 3 of the Commission's draft articles on the topic, "Every internationally wrongful act of an international organization entails the international responsibility of the international organization".

112. The continuing arbitrary economic sanctions imposed on developing countries as an instrument of foreign policy remained a matter of serious concern; such morally wrong and ethically unjustified measures not only defied the rule of law at the international level

but also infringed upon the right to development and led to violations of basic human rights. Those unilateral coercive measures, which had almost always been initiated by one particular State against a large number of developing countries, clearly contravened international law and the Charter, especially when they were aimed at depriving nations of their legitimate rights anchored in treaties, as well as the fundamental human rights of individual citizens in the targeted States. In many cases, unilateral sanctions had been imposed as a result of an extraterritorial application of domestic legislation against legal and natural persons in other countries, which was all the more in contravention of international law.

113. The unilateral sanctions and extraterritorial application of domestic legislation violated the legal equality of States and the principles of respect for and dignity of national sovereignty and non-intervention in the internal affairs of States. They imposed suffering and deprivation on innocent people through mass violations of their human rights including their right to development and self-determination.

114. His delegation looked forward to further deliberation on some of the proposals under consideration, in particular those submitted by the delegations of the Bolivarian Republic of Venezuela and Cuba.

115. **Mr. Kim Yong Song** (Democratic People's Republic of Korea) said that although the seventieth anniversary of the founding of the United Nations was nearing, some United Nations actions continued to be in violation of its Charter. Certain Member States continued to use the Security Council, which was mandated by the Charter to maintain international peace and security, to further their political objectives and interests. A case in point was the increasingly dangerous situation on the Korean Peninsula, which had been brought about by the misuse of the Security Council. The root cause was the hostile policy of the United States towards his country, as exemplified by the provocative military exercises it held jointly with the Republic of Korea.

116. Unfortunately, the Security Council had turned its back on his Government's repeated calls for a suspension of those exercises. Instead, it had criticized his country, although its defensive response had been unavoidable. That testified to the unfairness and double standards which prevailed in the Security Council. The

Special Committee should examine whether the Security Council was in compliance with its legal obligations under the Charter and then take appropriate action. The United Nations Command, which had been occupying the Republic of Korea for more than 60 years, was being used to conduct hostile acts against his country, such as the above-mentioned joint military exercises. That was in blatant violation of the Charter, and it made a mockery of the United Nations itself.

117. If the Charter and the Organization were to be strengthened and peace and security ensured on the Korean Peninsula, the United States must dismantle the illegal United Nations Command without delay in order to comply with General Assembly resolution 3390 (XXX). His delegation voiced the expectation that all Member States would actively join it in that regard.

118. **Mr. Rao** (India) said that the maintenance of international peace and security was the primary responsibility of the Security Council, acting on behalf of all United Nations Member States in the discharge of its duties. The impact of the application of sanctions was a significant issue for all. The Security Council had responsibility for finding solutions to the problems of third States affected by the application of sanctions.

119. Article 50 of the Charter was not merely procedural. It conferred the right on third States confronted with special economic problems arising from the implementation of sanctions to consult the Security Council with regard to a solution and thus required the Security Council to address the problems of such States. When necessary and applied in accordance with the provisions of the Charter, sanctions could serve as an important tool for the maintenance of international peace and security, but they should be a last resort and should be imposed in strict conformity with the Charter. Although targeted sanctions had helped to reduce the special economic problems confronting third States, the topic of sanctions and related issues should continue to be considered in order to find a definitive solution.

120. The Special Committee should retain the topic of the peaceful settlement of disputes by States on its agenda. Pursuant to Article 2, paragraph 3, of the Charter, States had a responsibility to settle disputes by peaceful means. Article 33 of the Charter strengthened that obligation and provided that the parties to a dispute could seek a solution by peaceful means of

their own choice. The International Court of Justice also played an important role in the peaceful settlement of disputes.

121. His delegation commended the Secretary-General for his efforts to continue to publish and update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, as those documents were important reference sources.

122. **Mr. Aldahhak** (Syrian Arab Republic) said that the Charter was the cornerstone on which international law and relations among States were based. States currently had a good opportunity to review their commitments to the Charter and to the principles and purposes of the United Nations. Practices over the past seven decades had shown that there was a need for further work to uphold the principles of international law and to reform some of the Organization's working methods so that the United Nations could play its role in a manner which safeguarded its credibility, its effectiveness and its integrity.

123. The painful situation in some Arab countries, including in his own, and other countries around the world were a direct consequence of the lack of commitment on the part of influential countries and their allies to comply with international law and the Charter and with measures governing relations among States. The Arab States and peoples had paid and were still paying a high price for military interventions in the region, which had destabilized a number of United Nations Member States, undermining their unity and infringing upon their sovereignty and territorial integrity, as well as plundering their wealth, reversing their economic development and exacerbating the pollution of the environment.

124. The Israeli occupation of Arab territories still cast its shadow over regional and international peace and security, given that Israel had benefited from the declared support of a number of influential countries and the inability of the international community, as represented in the United Nations, to find and impose a just solution to a crisis that had accompanied the Organization since its inception.

125. For three years, a number of Member States had been violating the Charter by blatantly intervening in the internal affairs of his country, thereby causing an escalation of violence, placing obstacles in the way of a political settlement and provoking terrorism. Those States had also stirred up religious and sectarian strife

and brutal *takfirist* ideas, which had nothing to do with any religious or humanitarian principles and which were based on the rejection and annihilation of others. Those same States, for which terrorism served as a tool for achieving their ends in those countries, had sent thousands of terrorist foreign fighters and mercenaries to target the Syrian State, its institutions and its infrastructure and to inflict harm on the Syrian people.

126. Yet over the past three years, no common voice had been raised calling upon States that supported terrorism to stop violating the Charter and to refrain from threatening regional and international peace and security. Astonishingly, it had taken three years and the slaughter of thousands of Syrians before the Security Council had adopted resolutions 2170 (2014) and 2178 (2014). His delegation wondered whether those resolutions, like hundreds of others, would also remain dead letters because certain States prevented their implementation. The Charter emphasized the importance of maintaining international peace and security, but apparently support by certain States for terrorism was tolerated and did not call for a firm response by the international community.

127. Certain Member States continued to attempt to apply their domestic legislation extraterritorially and to impose coercive unilateral measures on the people of other States, including Syria. That had had adverse consequences for the lives and economic well-being of civilians, who as a result had difficulty meeting their most basic needs. The United Nations had repeatedly emphasized that those measures were illegal and contravened international law and had demanded that they be rescinded without delay, but those calls had gone unheeded, and the States which had imposed the coercive measures ignored the international community and the Charter. His delegation reiterated its rejection of the policies of hegemony, selectivity and double standards practised by certain States. It was essential to seek peaceful settlements in accordance with the Charter.

128. His delegation supported the proposal submitted by the Russian Federation and Belarus to request an advisory opinion from the International Court of Justice as to the legal consequences of the use of armed force by States in a manner that violated the Charter. The seventieth anniversary of the United Nations should serve as an opportunity to review all gaps and shortcomings and to uphold the Charter, rather than following the objectives of certain States.

129. **Mr. Lasri** (Morocco) reiterated his Government's view that sanctions under Chapter VII of the Charter should be imposed only as a last resort, after the exhaustion of all means of arriving at a peaceful settlement of disputes; that was in the interest of the maintenance of international peace and security. Sanctions should be applied for a specific, limited period of time, and they should be kept constantly under scrutiny in order to review, change or lift them as soon as they were no longer felt to be necessary.

130. Morocco upheld the principles set out in the Charter on the peaceful settlement of disputes and firmly supported the role of the United Nations as the universal body responsible for resolving questions concerning the maintenance of international peace and security and for promoting human rights and sustainable development, with due regard for the sovereignty and territorial integrity of Member States. Hence there was a need to employ all means set out in the Charter and recognized by international law to address actions and risks likely to constitute a breach of or threat to international peace and security. His delegation called on all Member States to step up their efforts to construct a common vision to respond to current and future needs for strengthening peace and security and to meet the challenges facing the international community in that regard.

131. His delegation supported all initiatives aimed at promoting the peaceful settlement of disputes, which continued to be a pillar of the Organization's work; it therefore stressed the importance of the Manila Declaration on the Peaceful Settlement of International Disputes, which had been adopted on the basis of a text elaborated by the Special Committee.

132. His delegation welcomed the progress made on reducing 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 rich sources of information and an effective means of preserving the Organization's institutional memory. It agreed that the two documents should be made available on the United Nations website in all official languages.

133. His delegation stressed the importance of an optimal management of the resources allocated to the Special Committee. The realization of that objective was a joint responsibility, which should lead to a careful consideration of ways of making the Special

Committee's work more efficient with regard to future topics it might examine. A revitalization of its work must avoid any duplication with other bodies and must remain within the framework of the Charter and the mandate conferred upon it by the General Assembly.

134. **Mr. Shang Zhen** (China) said that the Special Committee was the only permanent mechanism within the United Nations framework that discussed issues relating to the Charter and the strengthening of the Organization. Since its establishment in 1975, the Special Committee had played an important role in preserving the Charter's authority, maintaining international peace and security and promoting the peaceful settlement of international disputes. His delegation had always supported the Special Committee in carrying out its work within its purview as mandated by the General Assembly, and it appreciated the cooperative attitude and spirit of consensus that States had demonstrated during the Special Committee's deliberations.

135. The Security Council should exercise caution with sanctions, which should be imposed solely as a last resort after all other peaceful means had been exhausted. The Charter and relevant principles of international law must be complied with, and negative effects on the civilian population and third States minimized. It was to be hoped that the Security Council would continue to improve its working methods and steadily reduce the negative impact of sanctions on third States.

136. His delegation hoped that, in a spirit of consensus and pragmatism, States would explore new ways of improving the Special Committee's working methods and efficiency. While open to the consideration of relevant and feasible new agenda items, it was of the view that no new item should involve an amendment to the Charter unless clearly mandated by the General Assembly.

137. His delegation appreciated the progress made by the Secretariat in compiling the *Repertory of Practice of United Nations Organs* and updating the *Repertoire of the Practice of the Security Council*, and urged it to continue to work towards the simultaneous publication of the *Repertory* and the *Repertoire* in all official languages.

138. **Ms. Nworgu** (Nigeria) stressed that international peace and security could only be achieved in an environment that emphasized the rights and

responsibilities of all States under an equitable and progressive international legal system. To ensure sustainable peace and security, States must see to it that their relations were not based on might over right, and that they promoted common interests.

139. Her delegation endorsed the view that mechanisms must be created to evaluate the impact of sanctions on third States. It agreed with other Member States that the application of sanctions should be within the ambit of the Charter and should be in line with the general principles of international law. It called on the International Law Commission to give due consideration to the legal consequences of sanctions affecting third States.

140. Nigeria subscribed to the principle of accountability. Sanctions should not be imposed until all means of peaceful settlement had been exhausted. Hence the importance of the procedures prescribed for imposing such measures. Those procedures could facilitate the effective implementation of sanctions and enhance the role of the United Nations in effectively maintaining international peace and security.

141. On the peaceful settlement of disputes, her delegation noted that Nigeria had consistently pursued a foreign policy of promoting international peace and security and had demonstrated its respect for the rule of law in its relations with other States as well as its close cooperation with the United Nations and its various organs and institutions and with other multilateral organizations of which it was a member.

142. **Ms. Zarrouk Boumiza** (Tunisia) stressed the importance of ensuring the future existence of the Special Committee, which could play a key role in reforming the United Nations within the framework of the principles and procedures set out in the Charter. To promote the purposes and principles of the Charter and meet the objectives of the Organization, it was essential to carry out major reforms, in particular a far-reaching democratization of the Security Council both at the level of its composition and in order to further strengthen the transparency and inclusiveness of its work. The General Assembly must also respond more rapidly and effectively to questions concerning international peace and security. Her delegation stressed the need to focus more closely on enhancing the functional relationship between the various United Nations organs so that they reinforced each other through the use of regular and transparent mechanisms.

143. The annex to General Assembly resolution [A/64/115](#), entitled "Introduction and implementation of sanctions imposed by the United Nations" underscored the need to take into account the undesired collateral effects of sanctions. In particular, it was important to remedy the negative consequences that sanctions might have for third States in accordance with their rights under Article 50 of the Charter. Deliberations on that question had not been exhausted by any means, because other aspects also needed to be examined, including the question of possible compensation for the targeted State or third States for damages arising from the sanctions.

144. The Special Committee was still considering a number of important proposals for strengthening the role of the United Nations. After many years of consultations, a number of proposals had reached an advanced stage and should be adopted. Their finalization would give fresh impetus to the Special Committee's work. Some thought should be given to ways of adopting more rational working methods so that the Special Committee could consider the various proposals on its agenda more expeditiously. Her delegation endorsed the inclusion of new topical proposals in the agenda.

145. To fulfil its mandate fully and effectively, the Special Committee should be able to count on the political will of Member States much more than on the revision of its working methods.

146. **Ms. Hong Yujin** (Republic of Korea), speaking in exercise of the right of reply, said she regretted that the representative of the Democratic People's Republic of Korea had once again made allegations about a legitimate institution established by the United Nations. Her delegation had pointed out on numerous occasions in the Special Committee that the United Nations Command had been established pursuant to Security Council resolution 84 (1950) and that the Special Committee was not the appropriate forum for discussing its status.

147. **Mr. Kim Yong Song** (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that the Special Committee was the forum for addressing all issues relating to the implementation and strengthening of the Charter. The United Nations Command in the Republic of Korea was one such issue, having been illegally created by the United States in violation of the Charter.

148. His Government had put forward a number of peaceful initiatives earlier in the year, including proposals to hold reunion events between the north and the south for separated families and for the parties to cease military exercises targeting each other and to desist from slandering each other. Those initiatives, which had been directed at creating a peaceful environment on the Korean Peninsula, had not received any response from the United States. Instead, when representatives of the north and the south had held talks to discuss the family reunion event, the United States had ordered B-52 bombers equipped with nuclear warheads to fly over the Korean Peninsula. A similar situation had occurred when the north and the south had met to discuss the participation of the Democratic People's Republic of Korea in the Asian Games held in September in the Republic of Korea.

149. The United States had been staging joint military exercises on the Korean Peninsula for more than six decades, employing the aircraft carrier *George Washington*, B-52 strategic bombers and other means of launching a nuclear strike, and it had openly stated that the purpose of the exercises was to occupy Pyongyang, the capital city of the Democratic People's Republic of Korea. So-called "regime change" was none other than the United States once again misusing the United Nations.

150. That the United Nations Command had nothing to do with the United Nations had even been confirmed by the Deputy Spokesperson of the Secretary-General in a statement made on 21 June 2013 affirming that the United Nations had never had any role in the command of any armed forces deployed in the Korean Peninsula. The Deputy Spokesperson had gone on to say that, in particular, the United Nations had not at any time had any role in the command of the forces that operated in Korea under the unified command between 1950 and 1953.

The meeting rose at 1.05 p.m.