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Chair: Mr. Bhandari (Vice-Chair) (Nepal)

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In the absence of Mr. Skoknic Tapia (Chile), Mr. Bhandari (Nepal), Vice-Chair, took the Chair.

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

Agenda item 171: Report of the Committee on Relations with the Host Country (continued)
(A/75/26)

1. **Mr. Ghorbanpour Najafabadi** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement reiterated its principled position to do its utmost to uphold and defend the principles of the Charter of the United Nations and to promote and preserve multilateralism. Multilateralism provided the international community with the opportunity to come together and work in a spirit of mutual understanding and cooperation. It was therefore important to maintain appropriate conditions for delegations and missions accredited to the United Nations and to support the United Nations to fully and efficiently discharge its responsibilities and fulfil its purposes.

2. Host countries of United Nations Headquarters and headquarters duty stations played a critical role in preserving multilateralism and facilitating multilateral diplomacy and intergovernmental norm-making processes. The Non-Aligned Movement called upon all such countries to facilitate the presence of the representatives of Member States in the relevant meetings of the United Nations, in accordance with their respective headquarters agreements and the Vienna Convention on Diplomatic Relations. It also recalled that the provisions of the agreements applied irrespective of the bilateral relations between Governments and host countries.

3. The Movement was deeply concerned about the denial of, or delay in, the issuance of entry visas to the representatives of its member States by the host country of the United Nations Headquarters, and reiterated that political considerations should not interfere with the provision of facilities required under the Headquarters Agreement for Member States to participate in United Nations activities. The Movement also opposed the arbitrary movement restrictions imposed on the diplomatic officials of some missions of its member States by the host country, as they constituted flagrant violations of the Vienna Convention on Diplomatic Relations, the Headquarters Agreement and international law. The Movement thus urged the host country to expeditiously take all necessary measures to remove them.

4. In line with the decisions taken by their Heads of State and Government at their eighteenth Summit, held in Baku in October 2019, the States members of the Movement had announced their resolve to present to the General Assembly a short, action-oriented draft resolution demanding the fulfilment by the host country of its responsibilities, pursuant to the Headquarters Agreement and the Vienna Convention on Diplomatic Relations, including the timely issuance of entry visas and the removal of arbitrary movement restrictions, in order to ensure that delegations could fully exercise their right to participate in multilateral meetings and could properly discharge their diplomatic duties and official responsibilities.

5. **Ms. Popan** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, North Macedonia, Serbia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, the Republic of Moldova, said that the European Union supported the work and engagement of the Office of Legal Affairs in addressing matters arising in connection with the implementation of the Headquarters Agreement. The European Union welcomed the increased involvement of the United Nations Legal Counsel to that end and also recognized the commitment of the United States to engage in all matters related to its status as host country. The European Union was well aware of the challenges that the coronavirus disease pandemic (COVID-19) posed and appreciated the efforts of the mission of the United States to the United Nations to respond to specific requests from the diplomatic community.

6. The primary purpose of the Headquarters Agreement was to enable the United Nations, as well as the permanent missions and their staff, to fulfil their tasks in the host country. Under both the Agreement and the Convention on the Privileges and Immunities of the United Nations, the United Nations, delegations and missions accredited to the United Nations enjoyed privileges and immunities which could not be subject to any restrictions arising from the bilateral relations of the host country. That stipulation was in the interests of the United Nations and of all its Member States.

7. The European Union therefore took note of the statement delivered by the Legal Counsel at the seventy-fourth session, in which he had confirmed the legal position of the United Nations regarding the host country's obligations with respect to the issuance of visas to persons covered by the Headquarters Agreement, indicating that the persons mentioned in section 11 of the Agreement had an unrestricted right to enter the United States for the purpose of proceeding to

the Headquarters district. The European Union also noted that there had been no change in the long-standing position conveyed to the host country on travel restrictions, namely that there was no room for the application of measures based on reciprocity in the treatment accorded to permanent missions accredited to the United Nations in New York.

8. The European Union and its member States were strong supporters of a multilateral rules-based order, with the United Nations at its heart. They were concerned that issues related to the implementation of the Headquarters Agreement might affect the work of the United Nations. Indeed, the Committee had acknowledged in its report (A/75/26) that there were issues raised in the report that remained unresolved and expected that all issues raised at its meetings would be duly settled expeditiously in a spirit of cooperation and in accordance with international law. The European Union therefore encouraged the Committee and the Secretariat and the representatives of the host country to continue to discuss and identify solutions to those issues. It urged the Secretary-General and the Legal Counsel to continue engaging, in consultation with the permanent missions of the affected Member States and with the assistance of the Chair of the Committee, with the authorities of the host country, at a high level, in order to resolve the outstanding issues in line with the Headquarters Agreement.

9. **Ms. Rodríguez Abascal** (Cuba) said that the members of the Committee on Relations with the Host Country strove to ensure that the Committee addressed, in a timely manner, all issues that arose in the context of the relationship between the United Nations, Member States and the host country. It was regrettable that the situation that had prevented the start of the work of some Main Committees of the General Assembly at its seventy-fourth session remained unresolved, essentially because it was impossible for all delegations to perform their functions on equal terms. It was also regrettable that the one year that had elapsed since the inception of that situation and the 10 months that had elapsed since the adoption of General Assembly resolution 74/195 had not been considered a “reasonably short” period of time by the Secretariat to submit to arbitration the disputes between the United Nations and the Government of the United States concerning the interpretation and application of the Headquarters Agreement. At the same time, the arbitrary and illegal measures imposed by the United States Government had not been lifted, not even during the worst moments of the COVID-19 pandemic.

10. The United States committed all manner of violations: arbitrarily imposing movement restrictions on diplomats from various countries and their families;

delaying and refusing to issue visas to allow officials to participate in the work of the Organization at its Headquarters; unjustifiably expelling diplomats accredited to the United Nations; confiscating property; violating diplomatic bags; and preventing Member States from opening bank accounts and carrying out transactions to fulfil their financial commitments, leading inter alia to the loss of the right to vote. The testimonies contained in the Committee’s report (A/75/26) reflected violations of international provisions and disrespect for sovereign Member States and open abuse of power by the United States, which used its status as host country to pursue its political agenda.

11. Cuba rejected the selective and arbitrary use of the Headquarters Agreement by the United States to prevent or limit the participation of certain delegations in the Organization’s work, in clear violation of the principle of sovereign equality among States Members of the United Nations. The United States could not be allowed to continue its repeated and increasingly disproportionate violations, in shameful disregard of the rules of international law and the recommendations set out in the reports of the Committee on Relations with the Host Country.

12. The different issues raised constituted endless obstacles to the work of delegations that were under attack from the host country, impeding the work not only of that Committee but of the Organization as a whole. As reported in the latest report of the Committee on Relations with the Host Country (A/75/26), the Legal Counsel had indicated that there was a lack of progress in discussions with representatives of the host country. Her delegation was therefore pleased to see that a consensus had been reached to recommend that the Secretary-General use the mechanisms offered by section 21 of the Headquarters Agreement to find a legal solution to the long-standing dispute between the United Nations and the United States.

13. The reluctance of the United States to resort to the peaceful settlement of disputes could only be interpreted as reflecting its unwillingness to reverse its non-compliance, its intention to continue abusing its status as host country, and hence its disrespect for multilateralism. The Committee on Relations with the Host Country had a moral, ethical and legal duty to recommend that the Secretary-General seek a peaceful solution to any dispute concerning the application and interpretation of the Headquarters Agreement, which could help to legally resolve the deep differences that existed and to put an end to the host country’s increasingly disproportionate violations.

14. Cuba stood ready to work with all delegations to achieve a fair formula which, within the rules of international law, served the interests of the affected States.

15. **Mr. Khng** (Singapore) said that the issues raised by a number of delegations, including those relating to entry visas and travel restrictions, should be resolved in a spirit of cooperation, and in accordance with international law, including the Charter of the United Nations, the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations. Fundamental principles, such as sovereign equality and the sovereign right of each Member State to choose its representatives and delegates to the United Nations, must be respected.

16. His delegation took note of the statement delivered by the Legal Counsel to the Committee at its 295th meeting, in which he had confirmed that the legal position of the United Nations regarding the host country's obligations with respect to the issuance of visas to persons covered by the Headquarters Agreement remained unchanged from that provided by the then-Legal Counsel to the Committee in 1988. It also noted that the Legal Counsel had informed the host country authorities that the Headquarters Agreement could not be applied in a discriminatory manner; that considerations of a bilateral diplomatic nature should not and could not interfere with the application of the Headquarters Agreement; that the Headquarters Agreement should be applied in a way so as not to impede the effective exercise of diplomatic activity; and that inevitable differences in the interpretation and application of the Agreement were to be addressed in a reasonable and finite period of time.

17. The host country and other Member States should cooperate seriously to resolve the relevant issues in accordance with the Headquarters Agreement and the Charter. The Secretary-General should also engage meaningfully with the host country and the relevant Member States to ensure the implementation of that Agreement. The regular contact between the Office of Legal Affairs and the authorities of the host country was welcome in that regard. Lastly, his delegation endorsed the recommendation of the Committee on Relations with the Host Country that the Secretary-General participate more actively in the Committee's work in order to ensure the representation of the interests concerned.

18. **Mr. Altarsha** (Syrian Arab Republic) said that his delegation welcomed the new recommendations contained in the report of the Committee on Relations with the Host Country ([A/75/26](#)) and, in particular, the provision concerning the invocation of section 21 of the

Headquarters Agreement. The response of the host country, however, remained far from satisfactory. His delegation commended the work of the Chair of the Committee on Relations with the Host Country, which had been characterized by professionalism and transparency. However, it hoped that all members of the Committee would respond more earnestly and effectively to the concerns of certain Member States, which had been subjected to restrictions and discriminatory treatment. It encouraged all Member States to attend the meetings of the Committee on Relations with the Host Country as observers with a view to ensuring that its recommendations were implemented. For several years, the Government of the host country had persisted in imposing unlawful restrictions on the representatives of numerous Member States, including those of his Permanent Mission. It continued to act as though hosting the United Nations Headquarters was a privilege that entitled it to impose punitive and discriminatory measures against the representatives of Governments with which it had political disagreements.

19. His delegation did not seek confrontation; it merely wanted to uphold the Headquarters Agreement and ensure fair and equal representation in accordance with sections 11, 12, 13, 27 and 28 thereof. It was confident that, by acting together, members of the Committee could avoid recourse to the legal options set out in section 21, provided that the Government of the host country absolutely and unconditionally rescinded all the restrictive, punitive and discriminatory measures imposed on Cuba, the Democratic People's Republic of Korea, the Islamic Republic of Iran, the Russian Federation, the Syrian Arab Republic and the Bolivarian Republic of Venezuela or any other State.

20. The diplomatic community in New York had believed that the difficult situation caused by the coronavirus disease (COVID-19) pandemic would have prompted the Government of the host country to rescind the measures. However, the latter had remained in place, and representatives of the Islamic Republic of Iran even faced new, unprecedented and unacceptable restrictions. Syrian diplomats and their families continued to receive single-entry visas valid for a period of six months that needed to be renewed more than one month before expiry. That situation created obstacles to professional and personal travel. Mission staff often could not travel to Syria, even for emergency reasons. Syrian diplomats and their families were also prevented from travelling beyond a 25-mile radius measured from Columbus Circle in New York City. Moreover, with the sole exception of the United Nations Federal Credit Union, banks in New York refused to open personal or official

accounts for the Permanent Mission of the Syrian Arab Republic, citing American sanctions against Syria and its citizens.

21. His delegation would closely monitor implementation of the recommendations set out in the Committee's report and would call on the Secretary-General to exercise his prerogative of initiating the arbitration measures set forth in section 21 of the Headquarters Agreement. The concerned delegations believed that the reasonable and finite period of time referred to in the report had now elapsed, and that they now had both the right and the duty to contact the Secretary-General and the Committee on Relations with the Host Country periodically for an update on their interaction with the Government of the host country, with a view to initiating the measures set out in section 21 of the Headquarters Agreement.

22. **Mr. Proskuryakov** (Russian Federation) said that no progress had been made in the previous year to resolve the situation that had resulted in the derailment of the start of the Committee's deliberations during the seventy-fourth session of the General Assembly, when the host country had failed to issue visas to any of the 18 members of his delegation and had imposed unprecedented restrictions on the movement of the members of the Iranian delegation. The diplomatic property of the Permanent Mission of the Russian Federation continued to be held hostage by the host country authorities, which had denied the Permanent Mission's request to use the property to reduce the risk of exposure of its staff to the novel coronavirus; and the staff of the Permanent Mission, and even nationals of the Russian Federation employed by the Secretariat, continued to be subject to movement restrictions. The requirement that the representatives of the Islamic Republic of Iran relocate to a specially designated area had been postponed, but not withdrawn, while strict restrictions on movement continued to be in force in respect of the representatives of the Islamic Republic of Iran, Cuba and the Syrian Arab Republic.

23. In a key provision of its resolution [74/195](#), adopted in response to those gross violations of the Headquarters Agreement by the host country, the General Assembly had indicated that if the issues raised in the 2019 report of the Committee on Relations with the Host Country ([A/74/26](#)) had not been resolved in a reasonable and finite period of time, serious consideration would be given to referring the matter to an arbitral tribunal, in accordance with section 21 of the Headquarters Agreement. All reasonable and finite periods of time had, without a doubt, expired. His delegation was grateful to the Committee on Relations with the Host Country for approving a number of new recommendations by

consensus and for presenting the host country with increasingly stringent demands. The time had come for the Secretary-General to pursue the arbitration measures provided for in section 21 of the Headquarters Agreement without delay. At stake was the reputation and authority of the Organization, which must not allow the host country to subject representatives of its Member States to pressure regardless of their bilateral relations. The Secretary-General must take decisive action in line with the instructions of the General Assembly and the recommendations of the Committee on Relations with the Host Country.

24. **Ms. Llano** (Nicaragua) said that her Government was concerned at the discriminatory manner in which the host country applied the Headquarters Agreement, including by imposing movement restrictions on the representatives of Member States, insisting on the relocation of the staff of one permanent mission during the pandemic, and violating the right to the inviolability of diplomatic property, illegally expelling the members of permanent missions, preventing one Member State from fulfilling its financial commitments to the United Nations and exercising its rights, including the right to vote. As a firm believer in equality under the law and sovereign equality of all Member States, Nicaragua stood in solidarity with the countries affected, and called on the international community to support those countries' efforts to arrive at a settlement. It was necessary to resolve that situation immediately in order to ensure that all Member States, and especially those that had been affected by the different arbitrary measures, participated in the activities of the Organization on an equal footing.

25. The Headquarters Agreement and General Assembly resolution [74/195](#) provided a legal response to those issues, and the Committee on Relations with the Host Country had itself recommended that the Secretary-General use the measures set out in section 21 of the Agreement to resolve the issues raised in the report of the Committee on Relations with the Host Country ([A/75/26](#)).

26. **Mr. Guerra Sansonetti** (Bolivarian Republic of Venezuela) said that respect for diplomatic missions and their staff was essential to the effective functioning of the United Nations, as enshrined in the Headquarters Agreement, the Vienna Convention on Diplomatic Relations and the Convention on the Privileges and Immunities of the United Nations. The host country continued, however, to demonstrate contempt for international legality by continuing to systematically and deliberately undermine the rights of some States, particularly those with which it had bilateral differences, which were subjected to unilateral measures

imposed illegally in order to advance the so-called policy of regime change of the United States Government. That arbitrary policy, which had caused so much pain, suffering, chaos and destruction around the world, was imposed in disregard of the principle of legal and sovereign equality of States and was designed to hinder the work of the targeted countries. It had been extended and beefed up against the diplomatic officials of said countries, even during the COVID-19 pandemic.

27. The host country continued to violate its obligations under the Charter, General Assembly resolutions and other international agreements, and to ignore the recommendations of the Committee on Relations with the Host Country by delaying or refusing the issuance of visas and restricting the movement of diplomats accredited to the Organization, as was the case of diplomats from his country who, since February 2019, could not travel beyond a 25-mile radius measured from Columbus Circle in New York City. The host country also continued to violate the immunities of diplomatic missions, as was the case of his country's diplomatic offices in Washington, D.C. and its general consulate in New York, which for more than a year had been illegally and forcefully occupied by unknown individuals, and to close bank accounts, as was the case for his delegation, which did not have a bank account for its regular operations for 15 months, until August 2020. The host country also continued to attempt to violate diplomatic pouch privileges.

28. The most egregious violation committed over the past few months was undoubtedly its decision to impose all sorts of impediments, including through threats, coercion and blackmail, to prevent the Bolivarian Republic of Venezuela from fulfilling its financial obligations to the United Nations, in order to ensure that it lost its rights and privileges as a full Member State, in particular its right to vote. That unfortunate situation, which was solely designed to advance the national political agenda of the United States, constituted not only a clear abuse of its role as host country but also a flagrant violation of its commitments under the Headquarters Agreement. His delegation continued to denounce the situation it faced, considering the recommendation contained in paragraph 194 (m) of the report of the Committee on Relations with the Host Country (A/75/26), which the host country had still not been implemented, despite expressing certain assurances.

29. His Government had always indicated its political will and financial capacity to meet its quota and contribution commitments to the United Nations in a timely manner. Yet, despite its endless efforts, it had found it impossible to date to transfer the necessary

resources to pay its dues to the Organization, owing to the economic, commercial and financial blockade illegally imposed on it by the United States. Two hundred and seventy-nine days had elapsed since his delegation had raised the issue of the suspension of its right to vote in the General Assembly with the Committee on Relations with the Host Country, in application of Article 19 of the Charter of the United Nations, yet the issue had still not been resolved in a satisfactory manner.

30. Although the delegation had received a third licence issued by the Office of Foreign Assets Control of the United States Department of Treasury on 5 August 2020 and despite the indication from the parties involved in ensuring the operationality and effectiveness of the licence that all the impediments and restrictions on the transfer of funds had been lifted, his Government had still not been able to successfully pay its dues to the United Nations. Indeed, the delegation had been informed earlier in the day of the current meeting of another delay and was currently waiting for a new licence from the Office of Foreign Assets Control, an amended version of the last licence issued, which seemed to be an additional requirement for his delegation to be able to make the necessary transfer to pay its dues to the United Nations.

31. The Bolivarian Republic of Venezuela welcomed the recommendation contained in paragraph 194 (p) of the Committee's report, in which the Committee encouraged the Secretary-General, in accordance with General Assembly resolution 2819 (XXVI), to participate more actively in its work in order to ensure the representation of the interests concerned, and indicated that, should the issues raised by Member States not be resolved in a reasonable and finite period of time, serious consideration would be given to taking steps under section 21 of the Headquarters Agreement. Only by fulfilling that recommendation could the Organization demonstrate the significance of the Agreement and prevent the Government of the United States from continuing to flagrantly violate it.

32. **Mr. Nasimfar** (Islamic Republic of Iran) said that having the privilege of hosting the United Nations, the United States was supposed to enable the Organization to fully and efficiently discharge its responsibilities; to act as a hospitable host for its guests; to at least maintain the appropriate conditions for delegations and missions to effectively carry out their normal activities; and to ensure the participation of all delegations in all meetings of the United Nations by issuing visas promptly and without political considerations. Although those requirements, at a first glance, seemed to be more ethical in nature, they had also been crystallized in the

binding instruments that now formed a robust body of law spelling out the host country's obligations. However, neither the moral nor the binding nature of those obligations had prevented the United States from resisting the temptation to weaponize its host country privileges. The denial of a visa to his country's Minister for Foreign Affairs to attend a meeting of the Security Council during the current session undermined the principles and objectives of the United Nations.

33. The Permanent Mission of the Islamic Republic of Iran had faced and continued to face unprecedented restrictions and punitive measures intended to subject its diplomats to harassment and psychological pressure and, ultimately, to put the Mission out of existence, in violation of the foundational principle of the United Nations, namely the sovereign equality of its Member States. It had been more than 500 days since the host country had imposed additional movement restrictions on Iranian diplomats, thereby hampering their normal functioning, infringing their basic human rights and creating conditions with serious humanitarian consequences. Representatives of the Islamic Republic of Iran on temporary assignments were confined to just three buildings in New York and the 25-mile radius to which the personnel of its Permanent Mission and their families had been previously confined had been reduced to a radius of less than 3 miles in parts of Manhattan and Queens. Although the host country was insisting that the deadline for the compulsory relocation of Iranian diplomats living outside the designated areas had been extended until 15 December 2020, it was worth noting that the designated area in Queens was one of the hot spots for COVID-19.

34. The host country had not only ignored the General Assembly's request to lift its punitive restrictions, but had also disregarded the Secretariat's plea in that regard. The Legal Counsel had made it clear at a meeting of the Committee on Relations with the Host Country that there was no room for the application of measures based on reciprocity in the treatment accorded to permanent missions accredited to the United Nations. He had also stressed that the Headquarters Agreement could not be applied in a discriminatory manner; that considerations of a bilateral diplomatic nature should not and could not interfere with the application of the Agreement; and that the Agreement should be applied in a way so as not to impede the effective exercise of diplomatic activity. Yet the host country had refused and continued to refuse to fulfil those legal requirements.

35. The ever-increasing unresolved cases before the Committee on Relations with the Host Country stemmed from a systematic policy of discriminatory application of the Headquarters Agreement against certain Member

States. The host country should be held accountable for its irresponsibly and wrongful acts and for its wilful violation of its commitments and obligations. His delegation welcomed the recommendation of the Committee on Relations with the Host Country that the Secretary-General consider and take the appropriate steps under section 21 of the Headquarters Agreement, and called on him to trigger the mechanism in order to remove all illegal restrictions once and for all.

36. **Mr. Liu Yang** (China) said that the issues regarding visas and travel restrictions raised in the report of the Committee on Relations with the Host Country must be addressed in accordance with international law, including the Charter of the United Nations and the Headquarters Agreement. It was only by ensuring respect for the legitimate rights of all Member States that the United Nations could fully leverage its role in multilateral diplomacy. Section 21 of the Agreement, which set out methods and procedures for the settlement of disputes, should be applied to ensure that all Member States could exercise their legitimate rights and participate equally in the work of the Organization.

37. His delegation was concerned that one Member State had been unable to pay its assessed contributions to the United Nations owing to unacceptable, unilateral sanctions imposed on it by another Member State. Regardless of the bilateral relations between the host country and another Member State, the host country authorities had no right to impede the work of that Member State in the United Nations. His delegation hoped that the countries involved would work with the Secretariat to try and achieve an early resolution to the matter.

38. **Ms. Grosso** (United States of America) said that her Government was honoured to host the United Nations and took that responsibility seriously. It did its utmost to fulfil its obligations under the Headquarters Agreement and to be welcoming and supportive to all permanent missions in New York. In an extraordinary year characterized by the COVID-19 pandemic, the Permanent Mission of the United States had worked overtime to provide unprecedented assistance to many permanent missions as they dealt with the new challenges posed by the pandemic for travel, life and work in New York, at a time of rapidly changing policies and guidance. The pandemic had also posed challenges to its operations as host country, leading to staff reductions in many of its missions abroad and a curtailment of its capacity to perform in-person tasks in New York. The Permanent Mission had been deeply engaged throughout the year with the members of the Committee on Relations with the Host Country,

representatives of interested States and the Office of Legal Affairs to work towards a resolution of the concerns raised by some States.

39. Her Government's responses to the specific issues raised by Member States in the Committee on Relations with the Host Country were clearly stated in the report of the Committee on Relations with the Host Country. The Permanent Mission was engaged in a productive and constructive dialogue with the Office of Legal Affairs involving senior officials in Washington and the Mission that had led to concrete actions to address some of those complaints. Her Government remained committed to constructive engagement through such informal channels and found calls for more formal steps to be inappropriate and unjustified. It was pleased that the recommendations contained in the report of the Committee on Relations with the Host Country had been adopted by consensus and hoped that the Sixth Committee would continue its practice of folding the recommendations into its own resolution and to adopt that resolution by consensus.

Agenda item 85: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
(A/75/33 and A/75/145)

40. **Ms. Azucena** (Philippines), Chair of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, introducing the Special Committee's report (A/75/33), said that the Special Committee had met in New York from 18 to 26 February 2020 and had continued its deliberations on the questions mandated by General Assembly resolution 74/190.

41. The report consisted of five chapters and three annexes. Chapter I was entirely procedural. Chapter II dealt with the maintenance of international peace and security. Section A of chapter II covered the Special Committee's consideration of the question of the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions. It also covered the briefing the Special Committee had received from the Secretariat on the work of its competent units that monitored information pertaining to any special economic problems in third States arising from the application of preventive or enforcement measures imposed by the Security Council, evaluated any appeals to the Council made by such affected third States under the provisions of Article 50 of the Charter and identified solutions to the special economic problems of those States. Section B covered the Special Committee's consideration of the question of the introduction and implementation of sanctions

imposed by the United Nations and the briefing it had received from the Secretariat on the document annexed to General Assembly resolution 64/115 on the introduction and implementation of sanctions imposed by the United Nations.

42. Section C contained a summary of the discussion on the revised proposal submitted by Libya aimed at strengthening the role of the United Nations in the maintenance of international peace and security. Section D contained a summary of the discussion on the revised working paper submitted by Belarus and the Russian Federation concerning a request for an advisory opinion from the International Court of Justice as to the legal consequences of the use of force by States without prior authorization by the Security Council, except when exercising the right to self-defence. Section E dealt with the Special Committee's consideration of the revised working paper submitted by Cuba on strengthening the role of the Organization and enhancing its effectiveness: adoption of recommendations. Section F covered the work of the Special Committee on the working paper further revised and resubmitted by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes.

43. The Special Committee's consideration of the item entitled "Peaceful settlement of disputes", which had focused on the subtopic "Exchange of information on State practices regarding the use of conciliation", was set out in section A of chapter III. At the thematic debate to be held at the following session of the Special Committee, Member States would discuss the subtopic entitled "Exchange of information on State practices regarding the use of arbitration". Section B of chapter III contained a summary of the discussion of the proposals of the Russian Federation to establish a website dedicated to the peaceful settlement of disputes between States and to prepare an update of the *Handbook on the Peaceful Settlement of Disputes between States*.

44. Chapter IV dealt with the Special Committee's discussions on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, and also the briefing by the Secretariat on the status of the *Repertory* and the *Repertoire*. It also contained the Special Committee's recommendations on the item. 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 its working methods. Section B contained a summary of the view expressed on the identification of new subjects.

45. **Mr. Llewellyn** (Director of the Codification Division, Office of Legal Affairs), introducing 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/75/145), said that, with regard to volume III of Supplements Nos. 7 to 9 (1985–1999) of the *Repertory*, three studies on Article 23 of the Charter of the United Nations, prepared with the assistance of Peking University, had been completed. With regard to the preparation of studies for volumes III and IV of Supplement No. 10 (2000–2009), one study on Article 49 of the Charter and two studies on Articles 55 (c) and 56 were under review. In addition, the Department of Economic and Social Affairs, with the assistance of a consultant, had finalized and published on the website of the *Repertory* a study on Article 58 of the Charter. Studies on Articles 104 and 105 were being prepared by the Office of the Legal Counsel in the Office of Legal Affairs for volume VI. In relation to Supplement No. 11 (2010–2015), the Faculty of Law at the University of Ottawa had completed five studies on Articles 8, 36, 54, 94, 104 and 105 of the Charter.

46. He offered special thanks to Cyprus and Qatar for their generous contributions to the trust fund for the elimination of the backlog in the *Repertory* and to the Faculty of Law at the University of Ottawa and Peking University for their contributions. As geographical diversity was very important for the preparation of the *Repertory*, it would be useful if delegations could reach out to their national and regional academic institutions to discuss the possibility of contributing to the preparation of *Repertory* studies.

47. A complete version of his written statement could be found on the website of the Sixth Committee and on the eStatements portal.

48. **Mr. Stefanovic** (Security Council Practices and Charter Research Branch, Department of Political and Peacebuilding Affairs), speaking via video link to update members of the Sixth Committee on the status of the *Repertoire of the Practice of the Security Council* and related activities, said that, by its resolution 686 (VII), the General Assembly had mandated the Secretary-General to undertake the publication of the *Repertoire* as one of the means for making the evidence of customary international law more readily available. Since the publication of its first volume in 1954, the *Repertoire* had provided an authoritative overview of the Security Council's contribution to the advancement of international law, including its interpretation and application of the Charter of the United Nations and its own provisional rules of procedure. The publication, which contained unique insights into the Security

Council's history and was an important tool for Council and non-Council members alike, was available on the Council's website.

49. In the preceding year, the Security Council Practices and Charter Research Branch had adapted its methodology, enabling it to produce the *Repertoire* on a contemporaneous basis. Most of the twenty-second Supplement covering 2019 was already available on the website, while the remaining parts would be posted shortly. Significant progress had also been made in the research and drafting of the twenty-third Supplement covering 2020. Following the decision of the Secretary-General to restrict the presence of Secretariat staff at United Nations Headquarters during the COVID-19 pandemic, the Branch had implemented business continuity plans to avoid any interruption to its research and drafting work. It had also adapted its methodology to the new working methods of the Council, such as the holding of meetings by video teleconference instead of in person and the use of written procedures for the adoption of resolutions, in order to maintain a comprehensive and accurate record of the practice of the Security Council during that unique period in its history. The twenty-third Supplement was on course to be published on the Security Council's website during the third quarter of 2021.

50. Financial support from Member States continued to be critical to ensuring the sustainability of contemporaneous coverage, which was aimed at ensuring that invaluable information on the practice of the Council was made available expeditiously to the broader United Nations membership. Voluntary contributions from Member States had enabled the Branch to implement efficiency-enhancing initiatives and make additional human resources available. The Branch had also strengthened its collaboration with the Department for General Assembly and Conference Management, the Department of Global Communications and the Office of Information and Communications Technology.

51. All Supplements of the *Repertoire* covering the period 1989–2017 were available online in all six official languages. Through cooperation with the Department for General Assembly and Conference Management, the time lag between the completion of the Supplements and their publication in all official languages had been shortened. The English version of the twenty-first Supplement covering 2018 had been published in October 2020; it was expected to be published in the other five official languages in the second quarter of 2021. The Branch aimed to publish the hard copy of each Supplement within 22 months of the closing of the relevant period.

52. The Branch had continued to use modern technologies to develop a broad range of visual and interactive tools that gave insight into the practice of the Council and to publish them on the Council's website. A revamped edition of the 2019 edition of *Highlights of Security Council Practice*, featuring enhanced interactivity and data visualization, had been published in January 2020. *Highlights* was an annual online publication that gave a comprehensive snapshot of the activities of the Council related to its agenda, meetings, decisions, voting patterns, and the work of its subsidiary bodies. In addition, the Branch had recently introduced three cross-cutting dashboards that provided comprehensive information about the Council's practice since 2008 with regard to the cross-cutting issues of children and armed conflict, the protection of civilians, and women and peace and security. The Branch had also published a new resource on the composition of the Council since 1946 that allowed users to visualize the data by year and by each elected member. The Branch would continue to make more information products available to help Member States and the public at large become better acquainted with the work of the Council and its central role in the maintenance of international peace and security.

53. The progress made in the preparation and publication of the *Repertoire*, in particular the timely completion of the twenty-first and twenty-second Supplements and the ongoing work on the twenty-third Supplement, would not have been possible without contributions to the trust fund for the updating of the *Repertoire*. In that regard, the Branch expressed gratitude to China and Ireland for their recent contributions to the trust fund, and to Denmark, Japan, the Republic of Korea and Sweden for their sponsorship of associate experts, and encouraged other Member States to consider sponsoring such experts. In view of the deepening financial constraints faced by the Organization, the progress achieved thus far might prove unsustainable unless the trust fund was replenished and resources were secured to strengthen the work of the Branch, for which the Council's increasingly dynamic and complex practice posed a significant challenge. The Branch welcomed feedback on its work from Member States and stood ready to provide them with insights and guidance on all aspects of current and past Council practice.

54. **Mr. Ghorbanpour Najafabadi** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the Special Committee continued to do important work and should play a key role in the ongoing United Nations reform process, as mandated in General Assembly resolution 3499 (XXX).

As the negotiation and adoption of the Manila Declaration on the Peaceful Settlement of International Disputes had demonstrated, the Special Committee had the potential to clarify and promote general international law and the provisions of the Charter of the United Nations. The Special Committee had also been instrumental in the preparation of the *Handbook on the Peaceful Settlement of Disputes*, which needed to be updated in light of new developments and State practice.

55. 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. The Non-Aligned Movement attached high importance to strengthening the role of the United Nations and recognized the efforts being made to develop its full potential.

56. The Non-Aligned Movement remained concerned that the Security Council continued to encroach on the functions and powers of the General Assembly and the Economic and Social Council by addressing issues that fell within the competence of the latter organs and by attempting to set norms and establish definitions in areas that came within the purview of the General Assembly. The Organization should be reformed in accordance with the principles and procedures established by the Charter and in keeping with its legal framework. The Special Committee could contribute to the examination of legal matters in that process.

57. In the Special Committee, Member States received briefings from the Secretariat on all aspects of the introduction and implementation of sanctions imposed by the United Nations, in accordance with the annex to General Assembly resolution 64/115. Those briefings should preserve the comprehensive, balanced approach, reflected in that annex, to the issue of United Nations sanctions. In particular, the Non-Aligned Movement was interested to hear more about objective assessments by the Security Council's sanctions committees of the short-term and long-term socioeconomic and humanitarian consequences of sanctions and the methodology used to assess the humanitarian implications of sanctions. It also expected to hear information on the humanitarian consequences of the introduction and implementation of sanctions having a bearing on the basic living conditions of the civilian population of the target State and its socioeconomic development and on third States that had suffered or might suffer as a result of their implementation. The Secretariat should develop its capacity to assess the unintended side effects of sanctions.

58. Sanctions imposed by the Security Council remained an issue of serious concern to the members of the Non-Aligned Movement. The imposition of sanctions should be considered as a last resort and only when there was a threat to international peace and security or an act of aggression, in accordance with the Charter. Sanctions were not applicable as a preventive measure in all instances of violation of international law, norms or standards. The Movement also expressed its deep concern at the imposition of laws and coercive economic measures, including unilateral sanctions, against developing countries, which violated the Charter and undermined international law and the rules of the World Trade Organization, and called on countries that imposed unilateral sanctions to put an end to such sanctions immediately.

59. The Non-Aligned Movement supported all efforts to promote the peaceful settlement of disputes on the basis of international law and the Charter; the annual thematic debates on the means for the settlement of disputes was the result of an initiative of the Movement. In 2019, the Special Committee had held a constructive debate on States' use of conciliation in the peaceful settlement of disputes, and the Movement looked forward to discussing other means. The annual thematic debate would contribute to the more efficient and effective use of peaceful means of dispute settlement and would promote a culture of peace among Member States. Moreover, once the Special Committee had exhausted discussions on all the means of dispute settlement under Article 33 of the Charter, the inputs and materials collected for that purpose could provide a valuable basis for further deliberations and the achievement of concrete and result-oriented outcomes.

60. The Movement was concerned about the reluctance of some Member States to engage in meaningful discussion of proposals on the maintenance of peace and security and the peaceful settlement of disputes. The Special Committee should redouble its efforts to examine proposals relating to the Charter and to strengthening the role of the United Nations. The Movement stood ready to engage in discussions with other groups on the establishment of a work programme for the Special Committee with a view to facilitating future discussions aimed at enhancing the ability of the United Nations to achieve its purposes.

61. **Mr. Molefe** (South Africa), speaking on behalf of the Group of African States, said that the Group associated itself with the statement delivered on behalf of the Movement of Non-Aligned Countries.

62. The Special Committee had a major role to play in improving the effectiveness of the United Nations and

in promoting international peace and security, but its working methods and its tendency to let ideological battles take precedence over legal analysis had kept it from living up to its full potential. The Special Committee should focus on helping to make the Organization's principal organs more democratic and to keep the Organization from being labelled as hypocritical for demanding that Member States adhere to the rule of law while making no attempt to do so itself. The Special Committee should examine ways to strengthen the roles and mandates of each of the Organization's organs as set out in the Charter. Any encroachment on the role and responsibilities of the General Assembly – the most democratic and representative organ in the United Nations system – deviated from the purposes and principles of the Charter and undermined the General Assembly's decision-making powers. Similarly, the Security Council, which had the mandate to ensure peace, stability and security in the world, should become more representative in its composition to reflect international reality. It also needed to re-examine its working methods. Maintaining the status quo would contribute to the continued erosion of that body's credibility and legitimacy and would also weaken the Organization as a whole.

63. The Group called on the Special Committee to break the ideological chains that so often bound its work and engage in an in-depth discussion and analysis of the revised working paper submitted by Ghana on the strengthening of the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes. That working paper addressed a topical subject and sought to fill gaps in the work of the Organization.

64. The Group believed in the importance of using peaceful means to settle disputes, in accordance with Article 33 of the Charter, and therefore welcomed the Special Committee's annual thematic debate under the item entitled "Peaceful settlement of disputes", which encouraged the use of such means as conciliation and promoted a culture of peace.

65. **Ms. Popan** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, North Macedonia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that sanctions were an important tool for the promotion and maintenance of international peace and security. A targeted approach to sanctions was both effective and reflective of key principles, such as compliance with international law, including international human rights law, international refugee law, and international humanitarian law.

Targeted sanctions were intended to reduce as much as possible any adverse humanitarian effects or unintended consequences, especially on civilian populations and humanitarian aid workers. The European Union and its member States remained committed to preserving the humanitarian space, including by developing best practices and adopting appropriate mitigating measures.

66. Sanctions must be proportionate to their objectives. Furthermore, respect for fundamental human rights and due process guarantees were essential for the credibility and effectiveness of sanctions. The Office of the Ombudsperson to the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities played an important role in that regard. The Security Council also needed to enhance its due process standards for the implementation of all sanctions regimes.

67. The European Union was open to considering other topics under the item "Maintenance of international peace and security", such as the relationship between the different organs of the United Nations and the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes, provided that the Special Committee's work did not duplicate or prejudge discussions in other forums, in particular on the financing peacekeeping operations.

68. With regard to the item "Peaceful settlement of disputes", the European Union had welcomed the opportunity to participate in the Special Committee's debate on the subtopic "Exchange of information on State practices regarding the use of conciliation". With regard to the other topics under the item, the European Union did not support initiatives that required the allocation of financial resources, duplicated efforts and brought no added value to resources and legal tools that were already easily accessible online.

69. The European Union welcomed the progress and efforts made by the Secretariat to reduce the backlog in the preparation of the *Repertory of Practice of United Nations Organs* and the *Repertoire of Practice of the Security Council*.

70. Lastly, while the European Union was not opposed to adding new topics to the Special Committee's agenda, the Special Committee was not the appropriate forum in which to analyse specific communications submitted to the Security Council under Article 51 of the Charter.

71. **Mr. Korbieh** (Ghana) said that some delegations had expressed concerns at the Special Committee's

session in February that his delegation's draft paper on guidelines for cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes might duplicate existing legal frameworks and might also have budgetary implications. His delegation would therefore submit revised draft guidelines for consideration at the next session of Special Committee.

72. **Mr. Umasankar** (India) said that Special Committee played an important role in the interpretation of the provisions of the Charter. No State had been pushed to join the United Nations or to express allegiance to the Charter. Each State had acted on the belief that it owed it to itself and to humankind to create an effective organization that would protect succeeding generations from the scourge of war, reaffirm faith in fundamental human rights, promote respect of international law and pursue better standards of living for all. The purposes and principles of the Charter had become the foundation of international law. They also represented common objectives for all of humanity and had been part of the journey of many Member States towards peace, security and international cooperation.

73. The peaceful settlement of disputes was an important tool for maintaining international peace and security and promoting the rule of law. Although States were obligated to settle their disputes by peaceful means, in line with the Charter, the Security Council should make greater use of the International Court of Justice to that end. Sanctions authorized by the Council in certain situations under Chapter VII of the Charter were another important tool in the maintenance of international peace and security, provided they were only used when necessary, after all other options had been exhausted, and were in accordance with the Charter and the principles of international law. In view of the Council's increased use of targeted sanctions against individuals and entities, his delegation took note of the measures taken by the Council to improve its procedures and working methods. His delegation encouraged the Secretariat to explore practical and effective measures to assist third States affected by the application of sanctions under Article 50 of the Charter.

74. His delegation supported Ghana's proposal, which was aimed at strengthening cooperation between the United Nations and regional organizations and could play an important role in the peaceful settlement of disputes between Member States, as exemplified by the role played by the Economic Community of West African States in the recent conflict in Mali.

75. India also supported the proposal of the Russian Federation to establish a website dedicated to the

peaceful settlement of disputes and to update the *Handbook on the Peaceful Settlement of Disputes between States*. It also commended the continuing efforts of the Secretariat to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and to eliminate the backlog in their preparation. Both publications served as important reference sources and helped to maintain the institutional memory of the Organization and disseminate information about its work.

76. **Mr. Kim In Chol** (Democratic People's Republic of Korea) said that the principle of sovereign equality was enshrined in the Charter of the United Nations and formed the cornerstone of all the Organization's activities. However, acts that impinged on sovereignty, such as the threat or use of force, including illegal armed invasions of and airstrikes against sovereign States, were increasingly allowed to go unchecked. Sovereign States were also subjected to double standards as when their justified self-defence measures were deemed a threat to international peace, or their right to peaceful use of outer space was violated or they were accused of violating human rights merely for not obeying a certain other country. The dream of a peaceful and prosperous world would never come true unless such practices were addressed immediately.

77. The "United Nations Command" in South Korea was an illegal entity that had been established to legitimize the provocation of the Korean War in 1950 and contravened the purposes and principles of the Charter. The entity had been named after the United Nations by the United States of America despite having nothing to do with the Organization, as confirmed several times by the Organization's former Secretaries-General. Such misuse of the Organization's name should be brought to an end without delay. In its resolution [3390 \(XXX\)](#), the General Assembly had called for the dissolution of the Command and the withdrawal of all foreign troops from South Korea, yet the entity had continued to serve the hostile policy of the United States against his country and to lay huge obstacles to peace and security on the Korean Peninsula and beyond. Unless the Command was dismantled immediately in accordance with the aforementioned resolution, the misuse of the United Nations by a single State to meet its political objectives would continue to be a disgrace to the Organization.

78. **Ms. Ponce** (Philippines) said that her country had been proud to chair the session of the Special Committee in 2020, which had marked the fortieth anniversary of the establishment in Manila of a working group of the Special Committee to consider the draft of what had become the Manila Declaration. The Declaration was

the first comprehensive plan for the peaceful settlement of international disputes. It had built on and had promoted general international law, the Charter and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States. The Manila Declaration was inextricably linked to the mandate, role and functions of the Special Committee. It had reaffirmed Member States' commitment to Articles 2, paragraph 3, and 33 of the Charter, which obligated parties to any dispute to settle their disputes by peaceful means. Although the Declaration in large part reaffirmed the principles set out in the Charter itself, it had been negotiated and adopted with the active contribution of both the Organization's founding Member States and approximately 100 additional Member States, making it representative of the views of the Organization's current membership.

79. With regard to the maintenance of international peace and security, her Government continued to view sanctions as a measure of last resort that should be used when there existed a threat to international peace and security, a breach of the peace or an act of aggression, and always in accordance with the Charter. It rejected as unacceptable the imposition of unilateral sanctions in violation of international law. Sanctions were an important tool of the Security Council when properly utilized. They should have clearly defined objectives, be based on tenable legal grounds and be imposed with a clear time frame. They should also be subject to monitoring and periodic review and be lifted as soon as their objectives were achieved.

80. Her delegation continued to support the proposal of Cuba on strengthening the role of the United Nations and enhancing its effectiveness, as well as the proposal of Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes. That proposal was consistent with the Manila Declaration in that it expressed the need to fill gaps in the work of the Organization by improving its coordination with regional organizations with regard to enforcement and conflict prevention and by clarifying the role of the Security Council.

81. Her delegation noted with appreciation the progress made in the preparation of both the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. Those publications provided valuable information about the application and interpretation of the Articles of the Charter by the Organization and the Security Council. However, they needed to be available, both electronically and online, in all official languages. Her

delegation supported using the internship programme of the United Nations and cooperating with academic institutions in the preparation of the analytical studies to address the backlogs for both publications. Her delegation would help to identify academic institutions that could contribute in that regard and supported the Secretariat's initiative to invite academic institutions with which members of the International Law Commission were affiliated to contribute to the preparation of the studies.

82. Her delegation supported the Special Committee's recommendation to focus the next annual thematic debate on the subtopic entitled "Exchange of information on State practices regarding the use of arbitration".

83. **Ms. Llano** (Nicaragua) said that the Special Committee played an important role in the reorganization and democratization of the United Nations and its organs as part of the Organization's reform process. The Special Committee was the appropriate body for making recommendations aimed at ensuring that the various organs did not overstep their mandates. In that connection, her delegation was concerned that the Security Council was conferring upon itself the power to address topics that fell within the purview of the General Assembly.

84. Her delegation supported the peaceful settlement of disputes whenever possible. The debate at the current session on the exchange of information on State practices regarding the use of conciliation had been constructive. Her delegation looked forward to discussing other means of peaceful settlement of disputes at future sessions. The meeting time currently assigned to the Special Committee to carry out its work was necessary; its sessions should not be shortened.

85. Her delegation urged Member States to redouble their efforts to strengthen the authority and the central role of the General Assembly and to show the political will and flexibility needed to make headway on the items on the Special Committee's agenda.

86. Nicaragua rejected the use of unilateral coercive measures of any kind. Such practices violated the principles enshrined in the Charter and in international law. During the COVID-19 pandemic, such measures amounted to crimes against humanity and shook the very foundations of multilateralism.

87. **Mr. Elsadig Ali Sayed Ahmed** (Sudan) said that sanctions regimes should seek to avoid unintentionally affecting targeted States and third States in ways that would violate human rights and fundamental freedoms. They should be clearly defined, have a workable legal

basis, have a limited time frame, be lifted as soon as their objectives were met, and be subject to transparent monitoring and periodic review. The conditions required of the targeted State or party should be clearly spelled out.

88. His delegation supported all international and regional efforts to settle disputes by peaceful means and to strengthen the International Court of Justice. In that regard, it underscored the importance of the Manila Declaration on the Peaceful Settlement of International Disputes. It was confident that the Special Committee's annual thematic debate would improve the efficiency and effectiveness of peaceful approaches and foster a culture of peace among Member States. In view of the provisions of Article 22 of the Charter, the recommendation that the thematic debate to be held at the seventy-sixth session be on the subtopic "Exchange of information on State practices regarding the use of arbitration" was apt.

89. His delegation commended the Secretary-General on the progress made in the preparation of studies for the *Repertory of Practice of United Nations Organs*, including the use of the internship programme and cooperation with academic institutions for that purpose, and in the updating of the *Repertoire of the Practice of the Security Council*. It encouraged Member States to identify academic institutions that had the capacity to contribute to the preparation of studies for the *Repertory* and to provide the contact details of such institutions. The Secretary-General should continue to update the *Repertory* and the *Repertoire* and make them available electronically in all their language versions. The website of the *Repertory* should be continuously updated.

90. His delegation urged Member States to engage in further constructive dialogue in order to arrive at useful recommendations that would contribute to strengthening the United Nations and enable it to achieve its objectives under its Charter.

91. More detailed comments on those issues could be found in his written statement, available in the eStatements section of the *Journal of the United Nations*.

92. **Ms. Grosso** (United States of America) said that her delegation commended the Office of Legal Affairs on its work on the *Repertory of Practice of the United Nations Organs* and the *Repertoire of the Practice of the Security Council*. It had participated with interest in the thematic debate on the subtopic "Exchange of information on State practices regarding the use of conciliation". Her Government had been an early proponent of conciliation as a means of peaceful dispute

settlement and hoped it would be used more in the future.

93. Targeted sanctions adopted by the Security Council in accordance with the Charter remained an important instrument for the maintenance of international peace and security. Her delegation would support further discussion on options to strengthen implementation.

94. The United States continued to believe that the Special Committee should not pursue activities relating to the maintenance of international peace and security that would duplicate or be inconsistent with the roles of the principal organs of the United Nations as set forth in the Charter. The Special Committee should not become a forum for airing bilateral concerns or for consideration of topics that belonged in other forums. Proposals for new subjects for consideration by the Special Committee should be practical, non-political and have the potential to add value. Therefore, her delegation did not support the proposal concerning the obligations of Member States in relation to unilateral coercive measures. It also had serious doubts concerning the proposal relating to Article 51 of the Charter. Concerns about the obligations of the host country, meanwhile, should be raised in the Committee on Relations with the Host Country. There was little prospect for reaching consensus on those topics in the Special Committee.

95. The Special Committee should continue to take steps in 2021 to improve its efficiency and to make the best use of scarce Secretariat resources. In particular, it should seriously consider holding its sessions on a biennial basis or shortening them. Such steps were reasonable and long overdue, given the current environment of reform, with tighter budgets and increased focus on efficiency, and particularly given the intense scheduling demands on the United Nations in the coming months.

96. **Ms. Falconi** (Peru) said that the Special Committee played a special role in ensuring that proposals, observations and suggestions relating to the Charter of the United Nations and to strengthening the role of the Organization were given adequate consideration. The Manila Declaration was one of the Special Committee's notable achievements. In that connection, all States had a duty to pursue the peaceful settlement of disputes and to act in good faith and in accordance with the purposes and principles of the Charter.

97. The prohibition against the use of force was one of the cornerstones of the world order. Her delegation therefore took great interest in the proposal to discuss the application of Articles 2, paragraph 4, and 51 of the

Charter to better understand the scope and limits of the right to self-defence. The application of sanctions by the Security Council constituted an important instrument provided for in the Charter for the maintenance of international peace and security without resorting to the use of force.

98. Her delegation was grateful to the Secretariat for the progress made in the preparation of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, as those publications helped to preserve the institutional memory of the United Nations.

99. Her country supported the Special Committee's efforts to identify and examine new topics. The Special Committee's success in taking up matters relating to the maintenance and consolidation of international peace and security and the promotion of international law norms played a key role in building a more just international community.

100. **Ms. Flores Soto** (El Salvador) said that the maintenance of international peace and security and the promotion of the peaceful settlement of disputes were particularly important aspects of the Special Committee's work. In the interests of peaceful coexistence and cooperation, States should be able to choose freely among the various means of peaceful settlement of disputes available to them. No State could be compelled to settle its disputes with other States using a means to which it had not consented. In order for States to have legal certainty when exercising such consent, they should agree on the different means of peaceful settlement of disputes and the procedures to be followed in each case.

101. In that connection, her delegation welcomed the annual thematic debate on the subtopic "Exchange of information on States practices regarding the use of conciliation", which highlighted the usefulness of treaty provisions regulating the use of conciliation and the resulting obligation of States to comply in good faith with such provisions. The regulation of conciliation procedures should be strengthened. The United Nations Commission on International Trade Law, along with other subsidiary bodies of the United Nations had considered potential guidance and model instruments that could assist Member States in that regard.

102. Her delegation commended the Secretariat on its valuable work to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, which were an important resource for the study of international law.

103. **Mr. Nasimfar** (Islamic Republic of Iran) said that the Special Committee was the only remaining United Nations mechanism where issues related to the Charter of the United Nations and to the strengthening of the role of the Organization, as well as the challenges facing the Organization's principles, could be discussed. It was against that backdrop that his delegation had made its proposal concerning the obligations of Member States in relation to unilateral coercive measures and its proposed guideline for Member States taking action to redress the impact of such measures.

104. Unilateral coercive measures limited trade in humanitarian goods and medicine, thereby violating the human rights of the affected populations, and also hindered humanitarian assistance in the event of disasters. Such measures were mainly aimed at causing hunger and social unrest, in line with policies designed to produce regime change, and constituted criminal acts in view of their severe humanitarian consequences and the ill intent accompanying them. The Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights had called such measures unjust and harmful, noting that they made imported goods unaffordable, thereby severely reducing access to much-needed supplies, and caused economic destruction. Unilateral coercive measures amounted to war by another name, except that, unlike in conventional wars, they targeted and killed civilians indiscriminately and in large numbers.

105. His delegation wished to draw attention in particular to the proposal made by the Syrian Arab Republic, which sought to address the violation of Article 100 and Article 105 of the Charter by the host country. By subjecting nationals of certain countries to punitive measures, such as inhumane movement restrictions, the host country had gravely jeopardized the ability of certain permanent missions in New York City, including that of the Islamic Republic of Iran, to perform their functions. It had also shown disregard for the international character of Secretariat staff by restricting the movement of those from certain countries in retaliation against those countries. In view of such flagrant violations, the Special Committee should urgently review the aforementioned Articles of the Charter and formulate recommendations aimed at strengthening the Organization.

106. The unlawful threat or use of force was a violation of a peremptory norm of international law that put the credibility of the Organization in question. His delegation therefore supported the proposal of the Russian Federation and Belarus to request 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 from the Security Council, except in the exercise of the right to self-defence.

107. **Mr. Edrees** (Egypt) said that the year 2020 marked the fiftieth anniversary of the issuance, in General Assembly resolution 2625 (XXV), of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States. That document, which had been drafted with crucial input from Egyptian diplomats, showed that the General Assembly could make a positive contribution to the codification and progressive development of general international law, and that the purposes and principles of the Charter were an integral part of that process. The Declaration set out an essential commentary on the seven principles enshrined in Article 2 of the Charter, and its provisions were considered by many jurists to constitute peremptory norms of international law (*jus cogens*). At a time when the multilateral system faced a genuine test owing to the coronavirus disease (COVID-19) pandemic and numerous political tensions, the Declaration served as a reminder that Member States had the capacity to develop the fundamental principles of general international law governing their relations. Egypt remained committed to confronting emerging challenges through multilateral action consistent with the purposes and principles of the Charter.

108. **Ms. Guardia González** (Cuba) said that Member States should continue to work together in support of the Special Committee's mandate, especially in view of attempts by certain countries to reinterpret the Charter as promoting political interventionism in the internal affairs of States. The United States of America, in particular, engaged in a policy of interference and had imposed coercive unilateral measures on various States, including the economic, financial and trade embargo against the people of Cuba. It had furthermore interfered in the economic relations between Cuba and other countries.

109. The role of the Special Committee was to promote the norms of the Charter, in particular the guiding role of the General Assembly as the Organization's primary normative organ, and to ensure that all Member States and United Nations organs were acting in accordance with the purposes and principles of the Charter. Any amendments to the Charter should be negotiated in the Special Committee, which was also the appropriate forum for debating any proposals or decisions or calls for action put forward by United Nations organs that could affect the implementation of the Charter.

110. Despite attempts by certain States to place obstacles in the way of the Special Committee, the

body's recent discussions on the topic of the peaceful settlement of disputes and the proposals submitted for its consideration in 2020 had demonstrated its relevance. The Special Committee should continue to engage in fully fledged discussions of substantive proposals, such as the ones submitted by Belarus, the Russian Federation, Mexico, the Syrian Arab Republic, the Islamic Republic of Iran and Cuba.

111. **Mr. Al-Thani** (Qatar) said that his delegation supported all initiatives to reactivate and improve the effectiveness of the Special Committee and to uphold respect for the Charter. The responsibilities of the three principal organs of the United Nations, namely the General Assembly, the Security Council and the Economic and Social Council, were clearly set out in the Charter. Sanctions imposed by the Security Council were one tool provided for in the Charter in the event of a threat to peace and security. It was, however, important to avoid negative repercussions for civilians and for third States. Sanctions should be imposed only on an exceptional basis. They should be a last resort, be subject to periodic review, be proportionate and consistent with the principles of international human rights law and international humanitarian law, and be lifted as soon as the reasons for their imposition no longer applied. They should not impede development efforts.

112. His delegation appreciated the efforts that had been made to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. In 2019 and 2020, his Government had contributed some \$20,000 to the trust fund for the elimination of the backlog in the *Repertory*.

113. The prohibition of the threat or use of force was essential to international relations under the Charter. His delegation was therefore concerned about attempts to impose diktats, undermine the sovereignty of other States and interfere in their internal affairs. The illegal unilateral sanctions and unjust embargo imposed on Qatar for more than two years undermined the Special Committee's efforts to promote adherence to the Charter and international law, as well as international peace and security. The international community must join forces to curb such acts and ensure that the Charter was respected. Qatar would continue to support the peaceful settlement of disputes and the role of the International Court of Justice, as the principal judicial organ of the United Nations, in strengthening international law, ensuring the peaceful settlement of disputes and helping to achieve peace and stability in international relations.

114. More detailed comments on those issues could be found in his delegation's written statement, available in the eStatements section of the *Journal*.

115. **Mr. Skachkov** (Russian Federation) said that his delegation supported the Special Committee's efforts to address complex pressing legal questions relating to the Organization's work in the peaceful settlement of disputes and the maintenance of international peace and security. It hoped that the Special Committee would engage in a constructive discussion of its two proposals and believed that the Special Committee would serve as a good forum for a fully-fledged discussion of the three new topics proposed by the Syrian Arab Republic, the Islamic Republic of Iran and Mexico. His delegation commended the Secretariat for its work on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*.

116. **Ms. Nguyen Quyen Thi Hong** (Viet Nam) said that the United Nations had played a central role throughout its existence in the maintenance of international peace and security, the development of friendly relations among States and the achievement of international cooperation. The principles enshrined in the Charter relating to those purposes had become principles of international law and guided friendly relations and cooperation among nations. Viet Nam strongly supported all efforts to strengthen the role of the Organization and its contribution to peace, stability and development in the world. It also supported meaningful and constructive consideration of the working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness.

117. Viet Nam called on all States to explore all peaceful means, including conciliation, to settle their disputes, and on the United Nations and other international and regional organizations to support such efforts. Her delegation welcomed the Special Committee's recommendation that its thematic discussion in 2021 be devoted to the subtopic "Exchange of information on State practices regarding the use of arbitration". It also supported the proposal of the Russian Federation that the *Handbook on the Peaceful Settlement of Disputes between States* be updated with information and best practices shared by Member States and that new developments in the peaceful settlement of disputes be identified during thematic discussions.

The meeting rose at 5.55 p.m.