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## Sixth Committee

### Summary record of the 26th meeting

Held at Headquarters, New York, on Thursday, 4 November 2021, at 10 a.m.

*Chair:* Ms. Al-Thani ..... (Qatar)

## Contents

Agenda item 80: Report of the United Nations Commission on International Trade  
Law on the work of its fifty-fourth session (*continued*)Agenda item 84: Report of the Special Committee on the Charter of the United  
Nations and on the Strengthening of the Role of the Organization (*continued*)

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*The meeting was called to order at 10.05 a.m.*

**Agenda item 80: Report of the United Nations Commission on International Trade Law on the work of its fifty-fourth session (continued)**  
([A/C.6/76/L.3](#), [A/C.6/76/L.4](#) and [A/C.6/76/L.5](#))

*Draft resolution [A/C.6/76/L.3](#): Mediation Rules of the United Nations Commission on International Trade Law*

*Draft resolution [A/C.6/76/L.4](#): Expedited Arbitration Rules of the United Nations Commission on International Trade Law*

*Draft resolution [A/C.6/76/L.5](#): Enlargement of the membership of the United Nations Commission on International Trade Law*

1. **Mr. Gorke** (Austria), introducing draft resolution [A/C.6/76/L.3](#) on behalf of the Bureau, said that in the resolution, the General Assembly would express its appreciation to the United Nations Commission on International Trade Law (UNCITRAL) for having adopted the UNCITRAL Mediation Rules and would recommend their use in the settlement of international commercial disputes.

2. Introducing draft resolution [A/C.6/76/L.4](#) on behalf of the Bureau, he said that in the resolution, the General Assembly would express its appreciation to the Commission for having adopted the UNCITRAL Expedited Arbitration Rules and would recommend their use in the settlement of international commercial disputes.

3. Introducing draft resolution [A/C.6/76/L.5](#) on behalf of the Bureau and also Japan, which had helped to coordinate negotiations in the Committee, he said that in the resolution, the General Assembly would decide to increase the membership of the Commission from 60 to 70 States and would also decide on the rules for the election of the 10 additional members. The draft resolution reflected a consensus among delegations and should be adopted without a vote.

**Agenda item 84: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (continued)** ([A/76/33](#), [A/76/186](#) and [A/76/223](#))

4. **Ms. Montejo** (Security Council Practices and Charter Research Branch, Department of Political and Peacebuilding 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 the Security Council Practices and Charter Research Branch had continued to make very significant

progress in the preparation of the *Repertoire*. The advance version of the twenty-third Supplement, covering 2020, had been completed and posted on the website of the Council, as scheduled, in October 2021 as planned, and the Branch was well advanced in the research and drafting of the twenty-fourth Supplement, covering 2021.

5. All Supplements of the *Repertoire* covering the period 1989–2015 were available in hard copy in English and online in all six official languages. The twenty-second Supplement, covering 2019, had been published in hard copy and online in English and should be available online in all official languages in the second quarter of 2022. Through efficient collaboration with the Department for General Assembly and Conference Management, the Branch had been able to keep pace with the 22-month schedule for hard copy publication of each Supplement in English. And thanks to the response to the 2020 appeal for additional contributions to the trust fund for the updating of the *Repertoire*, it would be able to expedite the editing of the *Repertoire* with a view to having the publication available earlier in all the official languages.

6. In 2020, the Branch had developed a broad range of visual and interactive datasets on Security Council practices which were available on the website of the Council. In addition to releasing the 2020 edition of the *Highlights of Security Council Practice*, it had developed three new datasets on the representation of women in the work of the Council, the membership history of the Council and the Chairs and Vice-Chairs of its subsidiary organs. In May, at the request of Council members, it had launched a new monthly newsletter entitled “The UN Security Council in Review”, which would soon be available on the website. Contributions received in response to the 2020 appeal had also allowed the Branch to begin work on improving the online *Repertoire* search engine in close collaboration with the Office of Information and Communications Technology. To increase awareness and understanding of data about the Security Council, the Branch had actively promoted the *Repertoire* beyond traditional channels, including through social media.

7. The progress made in the preparation and publication of the *Repertoire*, the development of research tools and the maintenance of the website 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, Estonia, France, India, Ireland, Saint Vincent and the Grenadines, Switzerland and the United Kingdom for their recent contributions to the trust fund, and to Denmark, Japan, the Republic of Korea and Sweden for

their sponsorship of associate experts. Given the financial constraints facing the Organization, continued financial support remained critical.

8. The focus of the 2020 appeal had been on enhancing the multilingualism of the *Repertoire* and on the accessibility and quality of information available on the website. In 2021, the Branch would launch a new appeal with a focus on improving information on cross-cutting and emerging topics, including women and peace and security, youth, peace and security and climate and security. Further contributions to the trust fund would help the Branch to provide more and better information to Member States and to do so more quickly in all official languages. The very significant increase in requests for information and research from Council members and other Member States proved the value of the *Repertoire* as an essential tool for understanding the dynamics and work of the Security Council.

9. **Ms. Lahmiri** (Morocco), 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. The Special Committee had the potential to play a major role in improving the effectiveness of the United Nations and promoting international peace and security, but its working methods and its tendency to let ideological battles take precedence over legal analysis had limited its impact. The Special Committee should continue its in-depth consideration of the proposals on its agenda, several of which merited and would receive the careful, constructive scrutiny of the Group. It should also consider how to strengthen its own role while ensuring respect for the mandate of each organ of the United Nations.

10. The Group supported the revised working paper submitted by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes, which was topical and could help to fill gaps in the work of the United Nations. The paper had received satisfactory support from the delegations during the 2021 session, and the Group looked forward to the further revision thereof promised by the delegation of Ghana.

11. The Group appreciated the Special Committee's consideration of the question of peaceful settlement of disputes and wished also to highlight the equally important role of preventive diplomacy in conflict prevention, the peaceful settlement of disputes and the promotion of a culture of peace. In view of the fundamental importance of using peaceful means to settle disputes, it welcomed the Special Committee's

willingness to continue to analyse all the means set forth in that regard in Article 33 of the Charter of the United Nations.

12. The Manila Declaration on the Peaceful Settlement of International Disputes was among the major achievements of the Special Committee and had contributed to a better understanding of international law and the Charter. The Group hoped that the fortieth anniversary of the Declaration would encourage delegations to revisit the means of peaceful settlement set forth in the Charter.

13. **Mr. Abdelaziz** (Egypt) said that it was important to continue discussing the working methods of the Special Committee with a view to strengthening its capacity to fulfil its functions. With regard to the report of the Secretary-General on implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/76/186), it was essential for the sanctions committees of the Security Council to consult and coordinate, as appropriate, with the States and regions concerned. His delegation hoped that the Secretary-General would include an analysis and assessment of such dialogue in his next report, specifying the problems faced by regional States and the solutions proposed by the sanctions committees.

14. His delegation welcomed the progress that had been made in preparing the *Repertory of Practice of the United Nations Organs* and the *Repertoire of the Practice of the Security Council*, both of which had an important role to play in strengthening transparency and codifying the legal history of the United Nations. In that connection, it was important to strengthen the principle of multilingualism by ensuring that both the *Repertory* and the *Repertoire* were issued in all six official languages of the United Nations.

15. His delegation supported the draft resolution entitled "Fortieth anniversary of the Manila Declaration on the Peaceful Settlement of International Disputes" recommended by the Special Committee for the consideration of the General Assembly. Egypt had been among the proponents of the Declaration, which was a testament to the positive contribution made by the Special Committee with regard to the maintenance of international peace and security and the promotion of the rules of international law.

16. **Ms. Solano Ramirez** (Colombia) said that her delegation attached particular importance to the Special Committee as an appropriate space for the analysis of proposals, observations and suggestions on the Charter as well as on strengthening the role of the Organization and, more generally, the rule of law within it. The

Manila Declaration was a concrete example of its achievements.

17. Her delegation reiterated the importance of using all the peaceful means enumerated in Article 33 of the Charter to settle disputes among States, and it considered Security Council sanctions an important tool for the maintenance of international peace and security. It supported all processes that would increase transparency within the Organization.

18. Her delegation welcomed the progress made on the updating of the *Repertory of Practice of the United Nations Organs* and the *Repertoire of the Practice of the Security Council*, which maintained the institutional memory of the Organization and were important for the study of international law. It appreciated the contributions of the universities that had helped to make that progress possible and had duly noted the suggestion that the collaborating institutions should be more geographically diverse.

19. **Mr. Almansouri** (Qatar) said that the responsibilities of the main organs of the United Nations were clearly defined in the Charter: the General Assembly was the main deliberative body of the Organization, and the Security Council was responsible for maintaining international peace and security. It was important to strengthen the role of the General Assembly, and to prevent any endeavour to encroach on its mandate or on that of the Economic and Social Council.

20. Qatar had proved to be an effective mediator in international and regional disputes. For instance, it had acted as an impartial mediator in the peace process in Afghanistan and remained committed to working with international partners to fulfil the aspirations of the Afghan people. Doha had been a forum for talks to facilitate the peace and reconciliation process among the Afghan parties. In the wake of recent developments, Qatar had called for an immediate and comprehensive ceasefire and for a peaceful transfer of power that would pave the way for a comprehensive political settlement including all Afghan parties and guaranteeing security, stability and human rights for all. His delegation supported the continued inclusion of the item "Peaceful settlement of disputes" on the agenda of the Special Committee and the convening of annual thematic debates.

21. Targeted sanctions applied in accordance with the Charter were an important way to maintain international peace and security, but could be imposed only in cases of threats to the peace, breaches of the peace and acts of aggression. They should be imposed only if the means set forth in the Charter had been attempted, and only for

a specified time. They should be subject to periodic review and should be lifted as soon as their objectives had been achieved. Action should be taken to alleviate their humanitarian effects.

22. His delegation welcomed the progress made in preparing the *Repertory of Practice of the United Nations Organs* and the *Repertoire of the Practice of the Security Council*. From 2019 to 2021, Qatar had donated a total of \$30,000 to facilitate the completion of that important task.

23. **Ms. Grosso** (United States of America) said that her delegation commended the Office of Legal Affairs on its continued work on the *Repertory of Practice of the United Nations Organs* and the *Repertoire of the Practice of the Security Council*, which were valuable resources. Her delegation had participated with interest in the Special Committee's thematic debate on the subtopic "Exchange of information on State practices regarding the use of arbitration", especially in view of her country's long history of utilizing arbitration. It supported the proposal to mark the fortieth anniversary of the Manila Declaration, which had made a valuable and lasting contribution to the peaceful settlement of disputes and deserved renewed attention.

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

25. With respect to new subjects for consideration by the Special Committee, her delegation continued to welcome proposals that were practical, non-political and non-duplicative. However, it urged Member States to avoid using the Special Committee as a forum for airing bilateral concerns or to pursue topics more appropriately raised in other forums. Her delegation appreciated the Special Committee's efforts to streamline its agenda and to close the discussion of proposals that failed to generate consensus. Nevertheless, further steps were needed to improve its efficiency and productivity and make the best use of Secretariat resources. It should perhaps give serious consideration to biennial or shortened sessions, especially if the impact of the COVID-19 pandemic continued to create intense scheduling demands.

26. **Ms. Flores Soto** (El Salvador) said that 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 important resources for the study of international law. El Salvador remained committed to the use of peaceful means for the adjustment or settlement of international disputes or situations which might lead to a breach of the peace and firmly believed in the fundamental role of diplomacy, which fostered the necessary spirit of compromise.

27. The Special Committee had made important contributions to the maintenance of international peace and security through its role in the adoption of the Manila Declaration and in the preparation of the *Handbook on the Peaceful Settlement of Disputes between States*. Both enunciated the principle of free choice of means, according to which the parties to a dispute could choose the method of peaceful settlement they considered most appropriate. However, in order to ensure legal certainty in that regard, it was necessary to agree on and respect the different general means of peaceful dispute settlement between States and the procedures for their use.

28. Her delegation hoped that the draft resolution on the commemoration of the fortieth anniversary of the Manila Declaration (A/C.6/76/L.8) would receive the unanimous support of the Member States.

29. With respect to the thematic debate on the subtopic “Exchange of information on State practices regarding the use of arbitration”, her delegation believed that arbitration was a means of peaceful settlement of disputes based on the express consent of the States involved. The parties would comply with the arbitral decision in good faith because they would have voluntarily agreed to be bound by respect the principles of *res judicata* and *pacta sunt servanda*. Arbitration clearly played a significant role in the settlement of disputes, especially the area of international trade law.

30. **Mr. Arrocha Olabuenaga** (Mexico) said that, during the 2021 session of the Special Committee, his delegation had submitted a revised working paper entitled “Analysis of the application of Articles 2 (4) and 51 of the Charter of the United Nations”. The original proposal, submitted during the 2020 session, had received the support of a significant number of delegations. The new subject proposed in the paper not only fell within the purview of the Special Committee but was also a necessary discussion, given the recent challenges to those core provisions of the Charter. More than ever, it was important to have a space where

delegations could share their positions on the recent reinterpretations of Article 51, in particular in the context of the use of force against terrorist groups and the precedent that such actions could set for the future.

31. Mexico remained deeply concerned about the abuse of Article 51 to authorize the use of force against non-State actors through broad interpretations beyond the boundaries of the provision, such as including the intention to add an “unwilling and unable” test for the use of force against a third State without its consent. Many States shared the concern over that practice, which was neither general nor uniform. His delegation called upon all the other delegations to use the intersessional period to seriously assess and consider its proposal, which was meant solely to create and opportunity for dialogue and a constructive exchange of ideas.

32. His delegation recognized the right to self-defence for inter-State relations as well as the gravity of terrorist acts, their high humanitarian, political and social cost and the threat they posed to international peace and security. However, it was important to establish the conditions necessary for States whose territorial integrity, political independence or very survival was threatened to be able to exercise that right effectively without contravening the purposes and principles of the Charter. The debate surrounding the interpretation and scope of Article 51 remained highly relevant, as the Security Council continued to receive reports under the Article.

33. The proposal was technical and legal, and not political, in nature. It aimed merely to provide a space for dialogue and the constructive exchange of ideas on the operation, scope and limits of the right to self-defence, with a focus on recent practice and on other situations that might occur in the future with respect to non-State actors. In those discussions, it was important to address both substantive and procedural issues, such as the content of reports submitted to the Security Council under Article 51, how to interpret its failure to act on them and how to ensure timely and easy access to those reports, which were public documents of general interest. The ultimate goal was to improve the transparency, effectiveness and accountability of the Security Council. His delegation hoped that the proposal would be included in agenda of the next session of the Special Committee.

34. **Ms. Bhat** (India) said that the General Assembly remained the chief deliberative and representative organ of the United Nations, and there was a need to achieve balance between the functions and powers of the principal organs of the Organization while enhancing



cooperation and dialogue among them; her delegation considered the Special Committee to be the appropriate forum for examining the legal aspects of such efforts. As the principal judicial organ of the United Nations, the International Court of Justice had a role in promoting the peaceful settlement of disputes, and the Security Council should take more frequent recourse to it under the relevant provisions of the Charter, in order to promote the use of judicial settlement before other means of peaceful dispute settlement.

35. While sanctions authorized by the Security Council under Chapter VII of the Charter could be an important tool for the maintenance of international peace and security, they should be applied only as long as necessary and their economic impact on third States should be addressed. Her delegation took note of the arrangements made by the Secretariat with respect to affected third States and encouraged it to play a constructive role in exploring practical and effective measures to assist such States. Her delegation welcomed the efforts of the Secretariat to increase transparency and equity in the implementation of sanctions and valued its regular briefings on the document annexed to General Assembly resolution 64/115 on the introduction and implementation of sanctions imposed by the United Nations. It encouraged the Secretariat to develop its capacity to assess the short-term and long-term socioeconomic and humanitarian consequences of the Organization's sanctions regimes.

36. Further clarification of the provisions of the Charter regarding the prohibition of the use of force could contribute to the rules-based international system. Her delegation therefore supported the proposals to analyse the relevant provisions of the Charter. It also looked forward to the discussion of the revised proposal for a new subject entitled "Analysis of the application of Articles 2 (4) and 51 of the Charter of the United Nations".

37. Her delegation 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. India encouraged the Secretariat to continue its efforts to make the publications available electronically and had contributed to the trust fund of the Security Council Affairs Division.

38. **Ms. Birhanu** (Ethiopia) said that her Government was fully committed to the peaceful settlement of

disputes and pursued peaceful settlement even in difficult circumstances. The international community should support the dispute resolution choices of States and should encourage consultative means that fostered sustainable solutions and diplomatic relations.

39. The relationship between the United Nations and regional organizations was of paramount importance. In that connection, Article 52 of the Charter provided for the principle of subsidiarity and the need to give priority to regional peace initiatives. Similarly, the constitutive instruments of regional organizations such as the African Union made reference to the Charter as an overarching framework of reference. Ethiopia considered regional organizations to be best placed to provide context-informed, lasting solutions to disputes. Her delegation would continue to support close cooperation between the United Nations and regional organizations and looked forward to receiving the further revised working paper of Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes.

40. Ethiopia condemned unilateral coercive measures and punitive actions as an abuse of power. Security Council sanctions should be a measure of last resort and should be targeted to achieve only the desired purpose and avoid unintended economic and social consequences. Her delegation considered the work of the Special Committee pivotal for establishing a legal framework for the application of sanctions, and commended the Secretariat for its work on updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*.

41. **Mr. Panier** (Haiti) said that the Special Committee had demonstrated its importance through such authoritative legal instruments as the Manila Declaration and the *Handbook on the Peaceful Settlement of Disputes between States*. Any act contrary to the spirit of the Charter of the United Nations was a threat to multilateralism and international peace and security. Security Council sanctions were a matter of deep concern for Haiti, which had experienced them directly. Sanctions were an important tool, but they should be imposed only as a last resort. They should be part of a holistic approach and should be issued only in the event of a breach of peace or act of aggression, in strict accordance with the Charter. Developing countries should not be subjected to coercive economic measures, including unilateral sanctions, which were contrary to the spirit of the Charter and the fundamental principles of international law. It was the duty of the international community to prevent certain powers from hijacking United Nations mechanisms to serve their own interests.

42. His delegation supported all efforts to promote the peaceful settlement of disputes in accordance with international law and the Charter and welcomed the extensive coverage of peaceful dispute settlement in the report of the Special Committee. It commended the progress made on reducing the backlog in the preparation of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, which were important sources of analyses of the application and interpretation of the Charter by the respective bodies.

43. The preamble of the Charter referred to “nations large and small”. A nation was simply a people with a shared culture, history, economy and territory. While the term could be used to mean “sovereign State” in international relations, it had no legal definition. As there was no way to determine if an undefined entity was large or small, it might be advisable to amend the Charter to refer simply to “nations”.

44. **Mr. Skachkov** (Russian Federation), noting the revised working paper of Belarus and the Russian Federation on an advisory opinion to be requested from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence, and the proposal by the Russian Federation to recommend that the Secretariat be requested to establish a website on the peaceful settlement of disputes and update the *Handbook on the Peaceful Settlement of Disputes between States*, said that his delegation participated actively in the work of the Special Committee. It urged the Special Committee to organize full-fledged discussions of those proposals and looked forward to constructive exchanges on them during the upcoming session of the Special Committee.

45. His delegation also looked forward to full-fledged discussions of the revised proposal of Mexico for a new subject entitled “Analysis of the application of Articles 2 (4) and 51 of the Charter of the United Nations”, as well as the proposal of the Syrian Arab Republic for a new subject entitled “Privileges and immunities enjoyed by representatives of the Members of the United Nations and officials of the Organization that are necessary for the independent exercise of their functions in connection with the Organization”. 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*.

46. **Ms. Nze Mansogo** (Equatorial Guinea) said that it was urgent to strengthen the role of the Organization in order to enable it to respond effectively to global

challenges. The work of the Special Committee in defence of the purposes and principles of the Charter was indispensable for the maintenance of international peace and security, the development of inter-State cooperation and the promotion of international law. To strengthen the role of the United Nations, reforms must be introduced to balance the powers of its main organs and strengthen dialogue and cooperation among them, while remaining faithful to the principles and procedures of the Charter and preserving the legal framework of the Charter as a constitutional instrument.

47. While there had been significant progress in the application of sanctions, her delegation continued to be concerned that in its region, arms embargoes on States confronting armed groups always benefited the latter, as they did not obtain arms through formal channels. To be an effective instrument for the maintenance of international peace and security, sanctions must be applied in full compliance with the Charter and international law, including international humanitarian law, international human rights law and international refugee law. They should not be unilateral, indiscriminate or disproportionate, and they should be applied transparently and equitably.

48. Member States should use the tools available to them for the peaceful settlement of disputes, including multilateralism, preventive diplomacy and application to the International Court of Justice. In addition, stronger United Nations cooperation with regional organizations on the peaceful settlement of disputes would be beneficial, since regional bodies had a deeper understanding of the root causes of the conflict. Her delegation therefore supported the revised working paper of Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes.

49. **Mr. Kim In Chol** (Democratic People's Republic of Korea) said that it was imperative to end the use of double standards in the United Nations. Recently, missiles had been launched from both the north and the south of the Korean Peninsula, and hypersonic glide vehicles had been test-launched by several countries, including the United States of America and his own. However, only his country's launches had been condemned by the United Nations as a threat to international peace. The United States, which paid lip service to strengthening international nuclear non-proliferation, had shown its true colours when it had transferred the technology for building nuclear-powered submarines to Australia. The application of double standards violated the fundamental principles of sovereign equality and impartiality, thereby impeding

the proper functioning of the Organization and undermining its ability to foster world peace.

50. In order to shift responsibility for the Korean War onto the Democratic People's Republic of Korea and legitimize its own military intervention, the United States had taken advantage of the boycott of Security Council meetings by the former Soviet Union to establish a unified command under the United States of America. The United Nations Command in Korea was nothing more than that same entity, craftily renamed. In its resolution 3390 (XXX) of 1975, the General Assembly had pointed to the need to dissolve the United Nations Command. That entity was a disgrace to the United Nations, as it served the Asia strategy of the United States, which sought to undermine the Democratic People's Republic of Korea. Moreover, the continued presence of United States troops in the Republic of Korea fuelled tensions on the Peninsula, thereby impeding inter-Korean reconciliation and cooperation on a case-by-case basis.

51. **Mr. Changara** (Zimbabwe) said that it was important for Member States to reaffirm their commitment to the Charter of the United Nations and multilateralism. International cooperation, solidarity and multilateralism were catalysts for peace and development. His delegation supported the proposal of Ghana on strengthening cooperation between the United Nations and regional organizations in peaceful dispute resolution. Partnership and cooperation between the United Nations and the regional organizations were critical for the peaceful settlement of disputes, because regional organizations better understood the dynamics of regional conflicts, and by virtue of their proximity, were more aware of the intervention requirements.

52. States must refrain from the threat or use of force as a way of settling disputes. They should bear in mind the importance of preventive diplomacy, and they should include women in all stages of dispute and conflict resolution. His delegation supported the Special Committee's continued consideration of the means of peaceful dispute settlement envisaged in the Charter, in accordance with its mandate. Member States should play a greater role in improving the working methods of the Special Committee and should continue to explore new measures and topics that would advance its work.

53. Sanctions should be introduced and applied in conformity with the provisions of the Charter and international law, including international humanitarian law, international human rights law and international refugee law. Procedures for their application should be fair and clear and should in keeping with the rights of the sanctioned States. Sanctions should not be imposed

indiscriminately or inflict suffering on vulnerable groups in the targeted States, and assistance to affected third States should be considered.

54. The imposition of unilateral sanctions violated the sovereignty of States and the principles of the Charter and should not be allowed to continue unabated. His delegation therefore saw value in the proposal by the Islamic Republic of Iran for the inclusion of a new subject entitled "Obligations of Member States in relation to unilateral coercive measures: guidelines on ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures". Given the fundamental role of the Special Committee in strengthening compliance with the Charter and international law, more should be done to increase the visibility of its work and to exhaust the topics still on its agenda.

55. **Mr. Altarsha** (Syrian Arab Republic) said that it was essential to support the work of the Special Committee, which was the principal forum for clarifying and strengthening the provisions of the Charter. International relations in general, and the work of the United Nations in particular, faced a significant threat. The provisions of the Charter and the principles of international law were being interpreted in an arbitrary manner, and certain States were abusing United Nations mechanisms to serve their own petty political agendas. That was why his Government had decided to join the Group of Friends in Defence of the Charter of the United Nations.

56. One example of such abuse of the Charter was the misinterpretation of Article 51 by certain States that invoked self-defence and counter-terrorism as a pretext to attack other States, intervene in their internal affairs, occupy parts of their territory and endanger international peace and security. That misinterpretation had clearly been invoked to justify attacking the Syrian Arab Republic, supporting terrorist organizations and groups, and occupying parts of Syrian territory. Such a grave violation of the Charter and international law could not be condoned. His delegation therefore supported the proposal made by the Russian Federation and Belarus that an advisory opinion be requested from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence. It welcomed the revised working paper submitted by Mexico entitled "Analysis of the application of Articles 2 (4) and 51 of the Charter of the United Nations".



57. In another violation of the Charter, certain States imposed unilateral coercive economic measures, outside the scope of the United Nations, on the peoples of numerous developing States, including the Syrian people. All of the population was affected, particularly children, women and older persons. Those inhumane measures had a destructive effect, particularly during the outbreak of the coronavirus disease (COVID-19) pandemic, and hindered the efforts of the Syrian Government to implement early recovery projects and achieve sustainable development, something that would facilitate reconstruction, the restoration of security and prosperity, and the safe and voluntary return of refugees and displaced persons.

58. In view of those concerns, his delegation supported the proposal made by the Islamic Republic of Iran entitled “Obligations of Member States in relation to unilateral coercive measures: guidelines on ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures”. The principle of equal sovereignty was one of the cornerstones of the United Nations; but numerous violations of sovereignty had gone unchallenged, including illegal armed aggression, air raids and the threat or use of force. The international community must curb those practices in order to protect the sovereignty and integrity of developing States and enable them to make their own policy decisions and to ensure the achievement of sustainable development and the building of a peaceful and secure world.

59. **Mr. Paraiso Souleymane** (Niger) said that the time had come to propose courageous reforms of the Security Council, the General Assembly and the Economic and Social Council, following the principles and procedures defined in the Charter. It was necessary to strengthen multilateralism and to comply more strictly with certain imperatives in the application the Charter, not only to avoid a repeat of the tragic events that had led to the establishment of the United Nations in 1945, but also to confront new threats such as terrorism, cybercrime, epidemics and pandemics and the effects of climate change. Recognizing that national interests were best defended through cooperation, his Government reaffirmed its support for multilateralism as an indispensable tool for confronting those challenges.

60. Reiterating its commitment to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, his Government urged Member States to settle their differences peacefully, in conformity with the Charter, and to practise preventive diplomacy. Niger preferred to settle

its disputes with other States by submitting them to the International Court of Justice, in order also to promote the rule of law and strengthen cooperation between States. His delegation welcomed the regular briefings by the Secretary-General on the annex to General Assembly resolution 64/115, entitled “Introduction and implementation of sanctions imposed by the United Nations”, as such sanctions were an important tool for world peace when applied in accordance with the Charter.

61. **Mr. Doh Kwangheon** (Republic of Korea) said that his delegation commended the Secretariat for its ongoing efforts to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* despite the difficulties engendered by the COVID-19 pandemic. Given the limited resources of the United Nations, serious consideration should be given to rationalizing the work of the Special Committee, including by retiring stagnant proposals and working papers and biennializing its sessions.

62. The lack of interest and participation in the work of the Special Committee might be due to the many duplicative proposals and working papers on its agenda. It was important to ensure consistency between the activities of the Special Committee and those of other United Nations bodies. The work of the Special Committee should be reviewed to keep the duplication of efforts to a minimum. His delegation also urged Member States not to use the Special Committee as a forum for political propaganda, because politicization prevented practical, productive discussion and wasted time and resources.

63. His delegation hoped that the draft resolution on the commemoration of the fortieth anniversary of the Manila Declaration on the Peaceful Settlement of International Disputes would be adopted by consensus.

64. **Mr. Xu Chi** (China) said that the Charter of the United Nations was the foundation of modern international law and the bedrock of international order. His delegation supported the continued work of the Special Committee, as mandated by the General Assembly, and appreciated the discussions held over recent years on such issues as United Nations sanctions and the prohibition of the use of force. Sanctions were a means rather than an end and should further political solutions to problems. The Security Council should take a prudent and responsible approach to the application of sanctions, which should be consistent with the Charter and the relevant principles of international law. Sanctions should not be imposed until all other peaceful means had been exhausted, and their impact on the

general population and third States should be minimized. Member States should enforce sanctions in strict compliance with the relevant Security Council resolutions and oppose the imposition of additional unilateral sanctions in contravention of the Charter, since such sanctions would undermine the effectiveness and authority of United Nations sanctions.

65. China supported further discussion by the Special Committee of the proposal that an advisory opinion be requested from the International Court of Justice on the legal consequences of the resort to the use of force by States without prior authorization by the Security Council; such an advisory opinion could help clarify the rules of international law on the prohibition of the use of force, as contained in the Charter.

66. Disputes should be settled by the concerned countries through peaceful means such as negotiation and consultation, and the right of each country to independently choose the means of settlement should be respected. In 2021, the Special Committee's discussion of peaceful means of settlement had focused on arbitration. A flexible and efficient method, arbitration rested on the political will of the parties to the dispute and on the voluntary acceptance of the method by all parties to the dispute. For arbitration to play an effective role in the peaceful settlement of disputes between States, international arbitration institutions should adhere to the principle of national consent. They should establish and exercise jurisdiction strictly within the scope authorized by the parties and should interpret and apply the law faithfully and in good faith. China had nominated four arbitrators to the Permanent Court of Arbitration, and arbitration was listed as one of the dispute resolution methods in its economic, trade and investment agreements as well as its host country agreements with international organizations.

67. China had been the first country to sign the Charter and was currently celebrating the fiftieth anniversary of the restoration of its lawful seat in the United Nations. It would continue to practice true multilateralism, safeguard the rules-based international order and uphold the basic norms of international relations as it worked with Member States to build a community with a shared future for humankind.

68. **Ms. Lahmiri** (Morocco), noting that the strength of the United Nations Charter lay in its contemporary relevance and universal nature, said that the Charter placed special emphasis on the prevention, mediation and peaceful settlement of disputes. The peaceful settlement of disputes required respect for international law, including international humanitarian law and international human rights law, within which the

principles of sovereignty and territorial integrity were sacrosanct.

69. The General Assembly and the Security Council must respect the provisions of the Charter with regard to the distribution of functions and powers, as the preservation of the balance between them was a *sine qua non* for the achievement of their mandates and for the effectiveness of the entire Organization. Partnership with regional organizations was also central to compliance with the Charter, and strengthening strategic partnerships with the Organization would remain a cornerstone of mutual cooperation.

70. Respect for the Charter would also strengthen international cooperation and international relations as well as international peace and security. The actions of States and the international community must be guided by the purposes and principles of the United Nations, as enshrined in the Charter. In particular, the international community must ensure respect for the cardinal principles of the sovereign equality, territorial integrity and national unity of States.

71. Her delegation commended the ongoing efforts of the Secretariat to reduce the backlog in the preparation of the *Repertory of Practice of the United Nations Organs* and the *Repertoire of the Practice of the Security Council*. It encouraged the Special Committee to continue to examine proposals for strengthening the role of the Organization in the maintenance of international peace and security, and it reaffirmed its full support for continued efforts to revitalize the work of the Special Committee and improve its working methods, efficiency and use of resources.

72. **Ms. Llano** (Nicaragua) said that the Special Committee played an important role in the reorganization and democratization of the United Nations, which should benefit the people rather than hegemonic Powers. It also carried out the important work of developing concrete recommendations to prevent the abuse of functions and mandates, as in the case of the Security Council, which had appropriated topics that fell within the purview of the General Assembly.

73. Her delegation supported all efforts to promote the peaceful settlement of disputes and had welcomed the Special Committee's recent constructive discussion of State practices regarding the use of arbitration. Annual exchanges of information on the various means of peaceful dispute settlement could contribute to their more efficient and effective use and promote a culture of peace among States. Respect for the principles of the Charter, including the prerogatives of States and the

principle of sovereign equality, were sufficient to prevent war.

74. The meeting time currently assigned to the Special Committee to carry out its work was necessary; its sessions should not be shortened. Her delegation urged the Committee to step up its efforts to examine the proposals before it. Member States must redouble their efforts to strengthen the authority and the central role of the General Assembly and must show the political will and flexibility needed to make headway on the items on the Special Committee's agenda. Only a responsible international alliance could counter the negative impact of brutal measures imposed by powerful States on peace, international security, the sovereignty equality of States and the self-determination of peoples.

75. Nicaragua rejected the use of unilateral coercive measures of any kind, which 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. It would continue to defend multilateralism and to build relations based on respect, sovereign equality, solidarity and mutual cooperation, non-interference in the internal affairs of States and respect for international law and the sovereignty and self-determination of peoples.

76. **Ms. Hackman** (Ghana) said that her delegation appreciated the support expressed by Member States for its further revised working paper on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes. Regular consultations between the United Nations and regional bodies provided an important framework for bridging differences in the conceptual understanding of security challenges and improving the coordinated response to such challenges. Furthermore, the United Nations would benefit from enhanced engagement with regional bodies in its preventive diplomacy and peace-sustaining efforts, as well as from the participation of women, young people and civil society in peace processes. In view of the growing volatility of different regions and the complementary role of regional bodies in collective global security, her delegation had developed general guidelines that filled existing gaps and enhanced cooperation with regional bodies without undermining the primary role of the Security Council in the maintenance of international peace and security. It looked forward to further constructive engagement with Member States on its proposal in the 2022 session.

77. The Manila Declaration was significant not only as the pioneering work of the Special Committee but, more importantly, as a unique framework for the peaceful settlement of international disputes. Her delegation therefore welcomed the proposed draft resolution on the commemoration of the fortieth anniversary of its adoption.

*Draft resolution A/C.6/76/L.8: Fortieth anniversary of the Manila Declaration on the Peaceful Settlement of International Disputes*

78. **Ms. Arumpac-Marte** (Philippines), introducing the draft resolution, said that it was identical to the draft resolution recommended by the Special Committee in paragraph 63 of its report (A/76/33). The text was an update of General Assembly resolution 67/95 on the thirtieth anniversary of the Manila Declaration. It contained an additional operative paragraph stressing that the cost of all activities that might arise from the implementation of the resolution should be met from voluntary contributions.

*The meeting rose at 12.05 p.m.*