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Chair: Mr. Gafoor (Singapore)
later: Ms. McDougall (Vice-Chair).....(Australia)

Contents

Agenda item 83: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

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The meeting was called to order at 3.10 p.m.

Agenda item 83: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
(A/72/33, A/72/136 and A/72/184)

1. **Mr. Varankov** (Belarus), 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/72/33), said that the Special Committee had met in New York from 21 February to 1 March 2017 and had continued its deliberations on the questions mandated by General Assembly resolution 71/146.

2. In paragraph 3 of that resolution, the Special Committee had been requested, among other things, to continue its consideration of all proposals concerning the question of the maintenance of international peace and security; to consider other proposals concerning that question already submitted or which might be submitted to the Special Committee at its session in 2017; to keep on its agenda the question of the peaceful settlement of disputes between States; to consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the high-level plenary meeting of the sixtieth session of the General Assembly that concerned the Charter and any amendments thereto; and to continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency and utilization of resources with a view to identifying widely acceptable measures for future implementation. The Special Committee had also taken into account the decisions and recommendations adopted at its 2016 session, set out in the annex to the resolution.

3. The report consisted of five chapters and one annex. Chapter I was entirely procedural. Chapter II dealt with the maintenance of international peace and security. Pursuant to the request of the General Assembly, the Special Committee had considered the question of the introduction and implementation of sanctions imposed by the United Nations. Section A of chapter II reflected the Special Committee's work on that question. In accordance with paragraph 4 of General Assembly resolution 71/146 and paragraph 3 of the annex thereto, the Special Committee had been briefed by the Secretariat on the document annexed to General Assembly resolution 64/115 on the introduction and implementation of sanctions imposed by the United Nations.

4. The consideration of the revised proposal submitted by Libya with a view to strengthening the role

of the United Nations in the maintenance of international peace and security was summarized in section B of chapter II. Section C summarized the discussion on the further revised working paper submitted by the Bolivarian Republic of Venezuela entitled "Open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs".

5. Section D summarized 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 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. Section E reflected the work of the Special Committee on the working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations. Section F covered the work of the Special Committee on the 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.

6. Consideration of the item entitled "Peaceful settlement of disputes" was set out in chapter III. Section A summarized the discussions on the proposals introduced by the Russian Federation to establish a website dedicated to the peaceful settlement of disputes between States and to prepare an update of the 1992 *Handbook on the Peaceful Settlement of Disputes between States*. Section B covered the discussion of a proposal submitted on behalf of the Movement of Non-Aligned Countries entitled "Pacific settlement of disputes and its impact on the maintenance of peace". The sponsor delegations had presented a non-paper reflecting a revised version of their proposal, which was set out in the annex to the report. The Special Committee's recommendations on that item, including the undertaking of an annual thematic debate under the agenda item entitled "Peaceful settlement of disputes", were reproduced in paragraph 60 of the report.

7. The Special Committee's discussions on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* were summarized in chapter IV. The recommendations on that item agreed upon by the Special Committee were set out in paragraph 72. 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

summarized the views expressed on the identification of new subjects.

8. **Ms. Blanco** (Security Council Practices and Charter Research Branch, Department of Political 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/72/184) and updating members of the Sixth Committee on the status of the *Repertoire* and related activities, said that over the past year the Secretariat had made sustained progress in updating the *Repertoire*. It had completed the nineteenth Supplement thereto, covering the period 2014–2015, and all parts had been made available in an advance version online. It was now focusing on the preparation of the twentieth Supplement, covering the period 2016 to 2017.

9. Progress in the preparation of the *Repertoire* was largely the result of efficiency-enhancing initiatives, such as the specialized training of staff, the review of editorial processes, automation of data collection, more advanced use of internal databases and the continuous updating of the *Repertoire* drafting guidelines. It had also been achieved through close collaboration with the Department for General Assembly and Conference Management, the Department of Public Information and the Office of Information and Communications Technology. All Supplements of the *Repertoire* covering the period 1993–2009 were available online in all six official languages, and all translated versions of the seventeenth Supplement, covering the period 2010–2011, along with the English version of the eighteenth Supplement, covering the period 2012–2013, were expected to be made available by December 2017. Through cooperation with the Department for General Assembly and Conference Management, the time lag between the completion of Supplements and their eventual publication in all six official languages was being shortened.

10. The *Repertoire* section of the Security Council website was also available in all official languages. The search function had been further improved and now included advanced search features and an enhanced digital view in portable document format (PDF). The changes were aimed at making the *Repertoire* more accessible to Member States and the broader public and had resulted in a more user-friendly, reliable and accurate tool that enabled faster and more efficient searches. The website also offered a broad range of other information resources, including tables and graphs relating to the mandates of peacekeeping operations and special political missions, and also the relevant provisions of decisions of the Council in relation to cross-cutting agenda items, namely children and armed

conflict, women and peace and security, and the protection of civilians. The 2015 and 2016 editions of *Highlights of Security Council Practice* had also benefited from close collaboration with the Office of Information and Communications Technology. A variety of graphs featuring information on decisions and measures relating to sanctions regimes and other restrictions authorized pursuant to Article 41 of the Charter had been made available, together with monthly statistics on the work of the Security Council. Subject to the availability of resources, the Security Council Practices and Charter Research Branch would continue to strive to make more such tools available in 2018, in line with the General Assembly's intention set out in resolution 686 (VII). Such tools helped raise awareness of the Security Council's central role in the maintenance of international peace and security. Following the conclusion in 2016 of the lessons learned study on the *Repertoire* and its website, additional measures to improve the publication had been identified. While the Branch continued to pursue new efficiency and quality measures, future progress would be largely dependent on additional resources.

11. The progress made in the preparation and publication of the *Repertoire* and the updating of the *Repertoire* section of the Council website would not have been possible without contributions to the trust fund for the updating of the *Repertoire*. Those contributions had also made it possible to retain the services of an Associate Political Affairs Officer, who had been instrumental in advancing the completion of the nineteenth Supplement and in preventing the formation of new backlogs. The Branch continued to be dependent on voluntary contributions to the trust fund. She expressed gratitude to those Member States that had contributed over the years, including China and Turkey, which had made contributions recently, and appealed to all Member States to do likewise. She also expressed gratitude to China and Italy for their sponsorship of associate experts, who made a valuable contribution to the work of the Branch, and encouraged other Member States to consider sponsorship of such experts. The Branch welcomed feedback on its work from Member States and stood ready to support them with information and guidance on all procedural and constitutional aspects of current and past Security Council practice.

12. **Mr. Llewellyn** (Director of the Codification Division, Office of Legal Affairs), said that the Secretariat had worked to address the backlog in the compilation of the *Repertory of Practice of United Nations Organs*. Primary responsibility for the preparation of *Repertory* studies had been divided among ten departments of the Secretariat, which were

listed in annex I of the report of the Secretary-General concerning the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/72/184). No regular budget resources had been made available for that process, which was being coordinated by the Codification Division.

13. Progress had been made in compiling 12 of the studies. Six had been allocated to the Codification Division, which had used the services of interns and consultants; the Division had completed two studies concerning Article 49 of the Charter (mutual assistance in carrying out the measures decided upon by the Security Council), for volume III of Supplements Nos. 7 to 9 (1985–1999) and volume III of Supplement No. 10 (2000–2009), respectively. It had then completed a study of Article 33, regarding the peaceful settlement of disputes, covering the period 1985–1999, and studies of Articles 55 (c) and 56 (protection of universal respect for human rights), for volume IV of Supplement No. 10 (2000–2009). The Division had almost completed a study of Article 13(1) (a) of the Charter (progressive development and codification of international law), for volume II of Supplement No. 11 (2010–2015). Two studies had been allocated to the Office of the Legal Counsel, concerning Articles 104 (legal capacity of the United Nations within Member States) and 105 (privileges and immunities of the United Nations in the territory of Member States), respectively, for volume VI of Supplement No. 10 (2000–2009). A consultant working for the Office of Human Resources Management was completing studies on Articles 100 (independent nature of United Nations staff) and 101 (conditions of work of United Nations staff), for volume VI of Supplement No. 11 (2010–2015). A number of Articles had been allocated to the Department of Economic and Social Affairs. Most of the completed studies were available on the Internet, although some were awaiting approval from the relevant departments. The online versions included a full-text search feature.

14. Turning to the question of cooperation with academic institutions and the use of interns, he said that cooperation with the Faculty of Law of the University of Ottawa had continued for the seventh consecutive year. The Codification Division had reached out to other academic institutions to increase the possibilities for cooperation and to pursue a more diverse geographical spread; it was now in contact with four academic institutions, two in the Asia-Pacific region, one in the Latin America and Caribbean region and one in the Western European and other States region. He renewed his call for delegations to express an interest in contributing to the preparation of *Repertory* studies through the involvement of their national or regional

academic institutions. It was understood that the Secretariat bore the ultimate responsibility for the quality and the final preparation of all the studies.

15. With regard to funding, in resolution 71/146, the General Assembly had reiterated its call for the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the *Repertoire* and the *Repertory*. A note verbale on the subject had been sent to all permanent missions to the United Nations, and some expressions of interest had been received from representatives from the Asia-Pacific region and the Eastern Europe region. The General Assembly had also reiterated its call for voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory*. A note verbale had been sent to all permanent missions, reminding them of the possibility of making voluntary contributions to the trust fund and inviting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals that might wish to assist in that regard. Since the issuance of his 2016 report, the Secretary-General had welcomed a contribution to the trust fund by Turkey. As at September 2017, the total balance of the fund had been US\$ 45,288.

16. **Mr. Al Habib** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the Special Committee continued to be engaged in important work and should play a key role in the current reform process of the United Nations, as mandated in General Assembly resolution 3499 (XXX). It had the potential to clarify and promote general international law and the provisions of the Charter. 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.

17. Democratization of the main United Nations organs and respect for the General Assembly's role and authority, including with regard to questions relating to international peace and security, were important elements in the reform process. The General Assembly was the chief deliberative, policymaking and representative organ of the United Nations, and its intergovernmental and democratic character, as well as its subsidiary bodies, had contributed extensively to promoting the purposes and principles of the Charter and the Organization's objectives.

18. 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 by continuing to study the legal nature of the implementation of Chapter IV of the Charter, in particular Articles 10, 11, 12, 13 and 14, dealing with the functions and powers of the General Assembly.

19. Security Council-imposed sanctions 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 any and all instances of violation of international law, norms or standards. They were blunt instruments, the use of which raised fundamental ethical questions of whether the suffering inflicted on vulnerable groups in the target country was a legitimate means of exerting political pressure. The purpose of sanctions was not to punish or otherwise exact retribution on the population. Sanctions regimes should avoid unintended consequences in the target State or third States that might lead to violations of human rights and fundamental freedoms; they should not hinder humanitarian assistance from reaching the civilian population. The objectives of sanctions regimes should be clearly defined and based on tenable legal grounds, and their imposition should be for a specified time frame. They should be lifted as soon as the objectives were achieved. The conditions demanded of the State or party on which sanctions were imposed should be clearly defined and should be subject to periodic review. 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.

20. While the Non-Aligned Movement had appreciated the briefing given by the Department of Political Affairs on all aspects of the annex to General Assembly resolution [64/115](#) dealing with sanctions imposed by the United Nations, it had expected 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, referred to in paragraph 9 of the annex. Information would also be welcome 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.

21. Following the meeting held to finalize the proposal by the Non-Aligned Movement on the pacific settlement of disputes and its impact on the maintenance of peace, the Special Committee had agreed to undertake an annual thematic debate under the agenda item "Peaceful settlement of disputes", to discuss the means of settling disputes, in accordance with Chapter VI of the Charter. It had also decided that the thematic debate at its next meeting would focus on State practices regarding the use of negotiation and enquiry, and that other means of dispute settlement, namely, mediation, conciliation, arbitration, judicial settlement, recourse to regional agencies or arrangements or other peaceful means chosen by States, would be discussed at its subsequent meetings. The Non-Aligned Movement believed that the annual thematic debate would contribute to more efficient and effective use of such peaceful means and would promote a culture of peace among Member States. Moreover, once the Special Committee had exhausted discussions on all means of dispute settlement under Article 33 of the Charter, the inputs and materials collected for that purpose could provide a valuable basis for the next phase of its deliberations. It might wish to develop a guideline regarding one of the areas under discussion in which the entire membership shared an interest.

22. While the Movement appreciated the positive contribution of Member States to the finalization of the proposal, which could be regarded as a step forward in the Special Committee's work, it remained concerned about the reluctance of some Member States to engage in meaningful discussion on the other proposals. The Special Committee should redouble its efforts to examine those and other proposals regarding the Charter and strengthening the role of the United Nations. The Non-Aligned 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.

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

24. **Mr. Boukadoum** (Algeria), speaking on behalf of the African Group, said that the Special Committee had the potential to play an exceedingly important role in the Organization, but it had not lived up to its full potential, mainly because of its methods of work and its tendency to allow ideological battles to prevent it from performing its function, namely legal analysis. The Special Committee's work should be directed primarily at ensuring that the United Nations lived up to the goals of the rule of law and justice. The Organization could not require its Member States to adhere to the rule of law while making no attempt itself to demonstrate or reflect that important principle. The Special Committee's work should contribute to protecting the Organization from the charge of hypocrisy.

25. As the primary organ mandated to ensure peace, security and stability in the world, the Security Council needed first and foremost to become more representative; it also needed to review its working methods. Maintaining the status quo would only contribute to the further erosion of its credibility and legitimacy and would result in a weakening of the Organization.

26. Several topics on the Special Committee's agenda could benefit from careful scrutiny. In particular, the working paper submitted by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies — which the African Group fully supported — warranted in-depth discussion and analysis. Such consideration could help the Special Committee to break free of the ideological chains that so often hindered its work and deliberations. The African Group was satisfied by the support given by delegations to that working paper, which was on a topical subject that could help to fill gaps in the work of the United Nations.

27. The success of the Special Committee's 2017 session had also been reflected in the finalization of the proposal by the Non-Aligned Movement proposal entitled "Pacific settlement of disputes and its impact on the maintenance of peace". The African Group looked forward to a fruitful discussion on that subject during the first annual thematic debate, in 2018, as well as to a positive consideration of the revised working paper submitted by Ghana on strengthening the relationship

and cooperation between the United Nations and regional arrangements or agencies at the Special Committee's next session.

28. **Mr. Celarie Landaverde** (El Salvador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that the CELAC countries continued to believe that the fulfilment of the Special Committee's mandate depended on the political will of Member States and on full implementation and optimization of its methods of work. Given the important functions of the Special Committee, Member States must make genuine efforts to that end by shaping a solid thematic agenda based on new topics and the study of current ones that would permit optimal use of the resources assigned to the Special Committee by the General Assembly.

29. CELAC underscored the importance of the obligation to settle disputes by peaceful means and recalled that the Charter provided the basic framework in that regard. It was important in that context for the Special Committee to continue its work on all issues relating to the maintenance of international peace and security as a contribution to strengthening the role of the United Nations. CELAC therefore welcomed the Special Committee's recommendation to undertake a thematic discussion under the item "Peaceful settlement of disputes", in order to examine the means of settling disputes under Chapter VI of the Charter and in accordance with the Manila Declaration on the Peaceful Settlement of International Disputes.

30. CELAC considered the question of the sanctions imposed by the United Nations, including due process, to be also of interest to the entire membership. CELAC therefore reiterated that, for sanctions to be effective and contribute to the maintenance of international peace and security, they must be enforced in accordance with the Charter and with other norms of international law, in particular those relating to human rights. CELAC underlined the relevance of the document entitled "Introduction and implementation of sanctions imposed by the United Nations" annexed to General Assembly resolution [64/115](#) and called upon the Security Council to take it into account in its methods of work. Furthermore, and in accordance with General Assembly resolution [67/96](#), the question of the implementation of the provisions of the Charter on assistance to third States affected by the application of sanctions under Chapter VII should continue to be considered, along with the proposals submitted thereon. Although no State had yet requested such assistance, it did not follow that the issue should be taken off the Special Committee's agenda, since it was preventive in nature. CELAC noted that in most cases, the Security Council had granted exceptions

in order to allow States to request an authorization of access to frozen funds for a variety of basic and extraordinary expenses.

31. CELAC recognized that the General Assembly and the Economic and Social Council had continued to play their respective roles in mobilizing and monitoring, as appropriate, the economic assistance provided by the international community and the United Nations system to the third States affected by the application of sanctions. Also important in that regard was the work of the Secretariat in continuing to monitor and evaluate information relating to the economic and social problems in such third States, in order to offer solutions and evaluate requests made by those States to the Security Council under Article 50 of the Charter.

32. CELAC recognized the notable contribution of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council to international law and to the international system, the work of the Secretariat in updating those important documents, and the efforts and progress made regarding the incorporation of the Repertory volumes in the United Nations website. CELAC appreciated the progress made in recent years concerning the backlog of the Repertory and the Repertoire and called for greater efforts to close the existing gap. It was grateful to those Member States that had contributed to the trust fund. Lastly, CELAC reaffirmed its responsibility concerning the revitalization of the work of the Special Committee to enable it to effectively discharge its mandate as an organ of the General Assembly and, above all, under the Charter.

33. **Mr. Chaboureau** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Turkey and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, the Republic of Moldova and Ukraine, said that the Special Committee was to be commended for the progress it had made on rationalizing its agenda and work. The decisions and recommendations contained in chapter V of the report of the Special Committee (A/72/33) represented a balanced outcome and a good basis for meaningful further work by the Committee.

34. With regard to the maintenance of international peace and security, it should be recalled that the General Assembly, in its resolution 71/146, had endorsed the recommendation of the Special Committee that the question of the implementation of the provisions of the Charter of the United Nations relating to assistance to third States affected by the application of sanctions

should be considered by the Special Committee at the seventy-second session of the General Assembly and biennially thereafter. The European Union welcomed the positive reception by many delegations of the briefing by the Secretary-General to the Special Committee on the issues covered in the annex to General Assembly resolution 64/115, entitled "Introduction and implementation of sanctions imposed by the United Nations", which could contribute to a better understanding of developments in implementing targeted sanctions as a critical tool for the maintenance of international peace and security. The European Union welcomed the constructive discussions during the Special Committee's latest session on the proposals of the Non-Aligned Movement on pacific settlement of disputes and of Ghana on cooperation between the United Nations and regional organizations. That positive spirit should be preserved.

35. However, the European Union noted the lack of substantial progress on other proposals identified in the report of the Special Committee, which duplicated revitalizing efforts elsewhere in the Organization. The relationship between the various organs within the United Nations system was clearly defined in the Charter and there was no need for further clarification by the Special Committee, nor was there currently any point in seeking an advisory opinion from the International Court of Justice on the use of force.

36. The European Union remained unconvinced about the added value of the proposals to update the 1992 United Nations Handbook on the Peaceful Settlement of Disputes between States and to establish a United Nations website dedicated to that issue, given the multiple resources already available online. It called for a proper prioritization of the limited resources allocated to the Secretariat so as to avoid duplication of effort. The list of items on the agenda of the Special Committee should be reviewed, taking into account their practical relevance and the likelihood of reaching a consensus. The duration and frequency of the Special Committee's sessions should also be re-examined. The European Union continued to advocate strongly the implementation of the 2006 decision on reforming the working methods of the Special Committee, as reflected in General Assembly resolution 71/146.

37. The European Union took note of the progress made in 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* and in updating those two publications during the reporting period. It welcomed the increased use of the internship programme and the further strengthening of cooperation with academic institutions for the preparation of studies.

Considering the importance of the *Repertory* and the *Repertoire*, both as research tools for the international community and as a means of preserving the institutional memory of the Organization, the European Union called upon the Secretary-General to continue his efforts to update the two publications and make them available electronically in all language versions. It expressed gratitude to those States that had made voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* and to the trust fund for updating the *Repertoire*, and reiterated its call for other Member States to do likewise.

38. **Mr. Elsadig Ali Sayed Ahmed** (Sudan) said that the Special Committee had a key role to play in the reform of the United Nations, in accordance with its mandate as set forth in General Assembly resolution 3499 (XXX). The role of the General Assembly in formulating policy on the maintenance of international peace and security should be strengthened. The Charter set out clear functions for the principal United Nations organs, but in actual practice the Security Council had exceeded its powers by addressing matters that came under the scope of the General Assembly and the Economic and Social Council. Hence there was a need to restore balance between the Security Council, on the one hand, and the General Assembly and the Economic and Social Council, on the other. The reform of the Organization should take place in accordance with, and within the legal context of, the Charter. The Special Committee could assist with that process by examining the legal issues involved and continuing its legal analysis of the provisions of Chapter IV of the Charter, particularly Articles 10 through 14 concerning the functions and powers of the General Assembly.

39. The sanctions imposed on States by the Security Council undermined peace, security and development. The suffering that they inflicted on vulnerable societies made one wonder whether they were a legitimate tactic, and whether their true purpose was to retaliate against civilians. Sanctions regimes should seek to avoid 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 monitoring and periodic review. The conditions required of the targeted State or party should be clearly spelled out.

40. His delegation supported all international efforts to settle disputes by peaceful means and to strengthen the International Court of Justice. The Manila Declaration on the Peaceful Settlement of International Disputes, approved in 1982 by the General Assembly, served as a comprehensive framework for the peaceful

settlement of disputes. It was essential to apply Chapter VI of the Charter before resorting to Chapter VII. His delegation applauded regional initiatives to that end, in particular those of the African Union, which was witnessing continued development and progress and had found African solutions to African problems. The United Nations should encourage regional mechanisms to help achieve peace and security on the basis of Chapter VIII of the Charter; in that connection, the Special Committee should continue to consider the proposal from Ghana on promoting cooperation between the United Nations and regional organizations.

41. At its most recent meeting, the Special Committee had completed its consideration of the proposal submitted on behalf of the Non-Aligned Movement entitled "Pacific settlement of disputes and its impact on the maintenance of peace". 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 negotiation and enquiry". His delegation was confident that the discussion would improve the efficiency and effectiveness of such peaceful approaches and foster a culture of peace among Member States. 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 the Charter.

42. **Ms. Fernandez** (Philippines) said that her delegation welcomed the Special Committee's support for the proposal of the Non-Aligned Movement on the pacific settlement of disputes. The Special Committee should consider referring the proposal submitted by Cuba, on the strengthening of the role of the Organization and enhancing its effectiveness, to the International Law Commission or setting up a working group to examine the document, with a view to making progress towards clarifying the relationship between the General Assembly and the Security Council in the maintenance of international peace and security. Her delegation also supported the proposal 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 in line with the Charter of the United Nations and also the 1982 Manila Declaration on the Peaceful Settlement of International Disputes, through which the Special Committee had contributed significantly to the maintenance of peace and security. The Association of Southeast Asian Nations (ASEAN), of which the Philippines was a member, had consolidated itself as an important regional organization

that, inter alia, upheld international law and promoted both regional and international peace and security.

43. **Mr. Al-Mohannadi** (Qatar) said that his delegation commended the work of the Special Committee, which had played an important role in recommending ways to revitalize the work of the Organization. It was essential to preserve the balance set out in the Charter of the United Nations between the mandate of the Security Council, which was responsible for maintaining international peace and security, and the General Assembly, which was the main deliberative and representative organ of the United Nations.

44. The United Nations drew its legitimacy from the principles of pluralism and equality among States. In confronting threats to international peace and security, it had the option of resorting to sanctions under Chapter VII of the Charter. Such measures could be justified 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 under Chapter VI had already been attempted and once the short- and long-term effects had been assessed. In discussions in the Special Committee, the view had been expressed that unilateral sanctions imposed outside the scope of the United Nations lacked a legal basis, as they sought to impose special interests, threatened the international order, violated the equality, sovereignty and territorial integrity of States, and interfered with the mandate of the Security Council, which was the international body entitled to impose sanctions. Despite having an established record of promoting the rule of law, counter-terrorism, human rights and sustainable development, Qatar had recently been subjected to unilateral measures. The imposition of such measures hampered international cooperation and caused instability, creating a gap that could be exploited by terrorist groups.

45. His country was committed to the peaceful settlement of disputes and had worked intensively in recent years to prevent, alleviate and resolve a number of international conflicts. His delegation would continue to participate in the deliberations of the Special Committee, whose efforts would help the United Nations to fulfil the objectives for which it had been established.

46. **Mr. Nfati** (Libya) said that his delegation attached great importance to the work of the Special Committee as the main forum for discussing the legal aspects of the reform of the United Nations. It welcomed the progress made in reducing the backlog on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. Both documents

should be published in all official languages, so that researchers and others could benefit from them.

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

48. **Ms. Melikbekyan** (Russian Federation), noting that the work of the Special Committee contributed to the rule of law at the international level, said that many useful discussions had taken place at its most recent session. Recalling that her country had introduced a proposal to update the *Handbook on the Peaceful Settlement of Disputes between States* prepared by the United Nations in the early 1990s on the basis of material compiled by the Special Committee, she said that it would also be useful to establish a special section of the United Nations website dedicated to the peaceful settlement of disputes, with links to relevant United Nations documents.

49. Proposals to change the Special Committee's working methods, including a reduction in the duration or frequency of its sessions, had once again been discussed. While it might be useful to consider ways of optimizing the Special Committee's work, it was important not to diminish its potential in any way. Its work should continue to be carried out on a permanent basis.

50. Her delegation welcomed the efforts of the Secretariat to prepare the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. In compiling the *Repertoire*, the Secretariat should follow the clear rules and standards laid down for that purpose in the report of the Secretary-General entitled "Ways and means for making the evidence of customary international law more readily available" (A/2170).

51. **Ms. Argüello González** (Nicaragua) said that her country, a founding member of the United Nations, was strongly committed to the vital work of the Special Committee. The General Assembly continued to be the pre-eminent universal democratic body mandated to consider all issues within the limits authorized by the

Charter. Her delegation was concerned that the Security Council was conferring upon itself the power to address topics that did not come within its purview, such as climate change, to give just one example.

52. Nicaragua welcomed the results achieved at the Special Committee's most recent session thanks to the constructive spirit shown by delegations. Her delegation was opposed to proposals to shorten the sessions of the Special Committee or hold them biennially; more than ever, it needed all the time available to it to discharge its important functions. She called on all delegations to continue to support efforts to strengthen the central role and authority of the General Assembly.

53. **Ms. Guardia González** (Cuba) said that the importance of the mandate of the Special Committee was underscored by the current international situation, in which attempts were being made by some countries to reinterpret the principles of the Charter to promote a political agenda supporting interference in the domestic affairs of States, to the detriment of integrity and sovereignty, particularly in developing countries. It was vitally important to uphold those principles and to preserve and strengthen the leading role of the General Assembly as the principal normative, deliberative, policymaking and representative body of the United Nations.

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

55. Despite the attempts to obstruct the Special Committee's work, concrete results had been achieved in the form of an agreement to hold an intersessional meeting to discuss the proposal on the pacific settlement of disputes made by the Non-Aligned Movement. Her delegation welcomed the support provided by the Secretariat and called on it to create the necessary conditions for fulfilling the agreements reached at the Special Committee's most recent session by providing opportunities for substantive debate on proposals.

56. Some delegations sought to abolish the Special Committee or reduce its working sessions, even though its importance and necessity had been demonstrated by

the proliferation of initiatives in the past year. Those delegations argued that the Special Committee did not produce concrete results, although they themselves systematically refused to discuss substantive proposals and interfered with the adoption of any decision, merely stating their disagreement without giving any reasons.

57. Although the current situation of the Special Committee had improved slightly compared with previous years, the continued lack of political will on the part of certain States impeded greater progress. Cuba opposed all attempts to biennialize or reduce the work of the Special Committee and supported its current agenda. Expressing gratitude to the Bolivarian Republic of Venezuela, Belarus, the Russian Federation, Ghana and the Non-Aligned Movement for their contributions to the Special Committee's work, she urged other delegations also to submit substantive proposals and to participate constructively in the Special Committee's discussions.

58. **Mr. Kabir** (Bangladesh) said that his delegation was pleased to note the Special Committee's recommendation that the General Assembly should decide to undertake an annual thematic debate in the Special Committee under the agenda item "Peaceful settlement of disputes", and looked forward to participating in the proposed first debate, which would be an exchange of information on State practices regarding the use of negotiation and enquiry. The renewed focus on reform of the United Nations, including in its peace and security pillar, created an opportunity for infusing further momentum into the Special Committee's work. Some of the issues under the Special Committee's remit were already being addressed sporadically in other forums, yet the Special Committee's potential to deal with those issues in a cohesive fashion remained largely untapped. That trend needed to be reversed through the demonstration of sufficient political will by all Member States. The recommendation to hold an annual thematic debate was evidence of such political will and would help to reinvigorate the Special Committee's work.

59. The role of the General Assembly and the Security Council in the maintenance of international peace and security was being discussed both in the Ad Hoc Working Group on the Revitalization of the Work of the General Assembly and in intergovernmental negotiations on Security Council reform. Such discussions should ideally take place in the Special Committee so that a more holistic approach could be taken. They should also address the vexed question of Security Council encroachment on the functions and competences of the General Assembly.

60. The Special Committee had the potential to add value to the ongoing debate on the merits and demerits of sanctions regimes, especially when they hurt the interests of civilians or third parties. Sanctions regimes were often couched in legal and technical provisions that posed various compliance challenges, depending on the legal and administrative contexts at the national level. Sanctions should be used by the Security Council only as a last resort in the event of a serious threat to international peace and security, a breach of the peace or an act of aggression, and must be accompanied by dialogue and negotiation. They must be applied in an unbiased manner so as to avoid accusations of political motivation.

61. The Special Committee's working methods should be guided by the substance of its work. If there was sufficient collective will to take that work forward, no major difficulty should be encountered in further streamlining its working methods. The frequency of the Special Committee's meetings should be determined by the need to maximize its potential in a manner that was satisfactory to all Member States.

62. **Mr. Zhang Peng** (China) said that his country had always supported the Special Committee in carrying out its work, as mandated by the General Assembly. International disputes should be settled through negotiation, dialogue and consultation between the parties and the right of all countries to choose their means of dispute settlement must be respected. His delegation welcomed the Special Committee's recommendation to hold an annual thematic debate on peaceful means of dispute settlement and looked forward to participating in the debate.

63. China had always maintained that the Security Council should exercise prudence in imposing sanctions, which should be the last resort after all non-coercive means had been exhausted and should be consistent with the Charter of the United Nations and other relevant rules of international law. The consequences of sanctions should be evaluated carefully and any negative impact on ordinary people and third States minimized. The Council's resolutions on sanctions must be strictly implemented. China opposed the imposition of additional unilateral sanctions, which were inconsistent with the Charter and undermined the authority of the United Nations and the effectiveness of its sanctions.

64. His delegation welcomed the continued consideration by the Special Committee of the proposal by Ghana on cooperation between the United Nations and regional organizations in the peaceful settlement of disputes. In the context of such cooperation, regional

organizations must abide by the relevant provisions of the Charter, including recognition of the primary responsibility of the Security Council for the maintenance of international peace and security, and report to the Council on any actions that they were considering taking for that purpose.

65. The Special Committee could play a greater role by improving its working methods and efficiency. His delegation hoped that all concerned parties would continue to engage in pragmatic consultations to that end. Lastly, his delegation appreciated the progress made by the Secretariat in compiling the *Repertory of Practice of United Nations Organs* and updating the *Repertoire of the Practice of the Security Council* and hoped that the Secretariat would continue to strive for the simultaneous publication of the *Repertory* and the *Repertoire* in all official languages of the United Nations.

66. **Ms. Pierce** (United States of America), welcoming the positive movement in the Special Committee's work, said that, during the 2017 session, delegations had come together in a constructive spirit to finalize the proposal submitted on behalf of the Movement of Non-Aligned Countries that an annual thematic debate should be held in the Special Committee on the peaceful settlement of disputes. Her delegation looked forward to the first such debate.

67. In the area of sanctions, there had been positive developments elsewhere in the United Nations that were designed to ensure that the Organization's system of targeted sanctions remained a robust tool for combating threats to international peace and security. Her delegation had welcomed the decision in 2016 to consider biennially the question of the effects of sanctions on third States. However, in the light of the reduced need for assistance to such States, the Special Committee should now decide that there was no further need for it to discuss the issue. Moreover, further efforts were needed to improve the Special Committee's efficiency and productivity, including by giving serious consideration to such steps as shortening sessions or holding sessions biennially.

68. The United States continued to believe that the Special Committee should not pursue activities in the area of international peace and security that would be duplicative of or inconsistent with the roles of the principal organs of the United Nations as set forth in the Charter. That included consideration of revised working papers calling for a new, open-ended working group to study the proper implementation of the Charter with respect to the functional relationship of its organs, and for a legal study of General Assembly and Security

Council functions and powers. Moreover, the United States had consistently stated that it did not support the proposal for the General Assembly to request an advisory opinion on the use of force from the International Court of Justice.

69. Her delegation remained cautious about adding new items to the Special Committee's agenda. While it was not opposed in principle to exploring new items, they should be practical and non-political and should not duplicate efforts elsewhere in the United Nations. With regard to the proposal to request the Secretariat to update the 1992 *Handbook on the Peaceful Settlement of Disputes between States* and to establish a website on that subject, such new and labour-intensive exercises would not be the best use of scarce resources and would not offer much added value, given the wealth of relevant websites and online tools that made such information much more readily available than in the past. However, if a proposal such as that submitted by Ghana on strengthening peacebuilding and related cooperation between the United Nations and regional organizations could add value by helping to fill gaps, then it should be seriously considered by the Committee. Lastly, her delegation commended the Secretary-General's ongoing efforts to reduce the backlog in preparing the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*.

70. *Ms. McDougall (Australia), Vice-Chair, took the Chair.*

71. **Mr. Bayyapu** (India), noting that States were obliged, pursuant to Articles 2 and 33 of the Charter, to settle their disputes by peaceful means, said that his delegation supported keeping the question of the peaceful settlement of disputes between States on the Special Committee's agenda and hoped that Member States would engage constructively on the proposal by the Movement of Non-Aligned Countries on that topic.

72. Sanctions imposed by the Security Council must be consistent with the Charter and must not violate other principles of international law. Where third States were confronted with special economic problems as a result of sanctions, as mentioned in Article 50 of the Charter, they should consult the Security Council with regard to a solution to those problems.

73. India commended the continuing efforts of the Secretariat and the Secretary-General 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. The two publications were important reference sources and effective means of maintaining the institutional memory of the Organization and disseminating its work.

74. **Mr. Kim In Ryong** (Democratic People's Republic of Korea) said that the purposes and principles of the United Nations set out in the Charter — including the principle of the sovereign equality of all Member States, regardless of their size or level of development, and the prohibition of the threat or use of force against the territorial integrity or political independence of any State — must be upheld, including by the Security Council in the discharge of its duties relating to the maintenance of international peace and security. Regrettably, the Security Council was failing to fulfil its obligations and was indeed wantonly violating the Charter, with the issue of the Korean Peninsula being a notable case in point. It had never taken issue with the United States, which had been posing a nuclear threat to his country for more than half a century, yet it had condemned the measures taken by his country to strengthen its nuclear self-defence forces, referring to them as a threat to world peace and security, and had adopted numerous illegal and unreasonable resolutions in that regard. There was no justification for censuring his country's conduct while keeping silent about the nuclear tests and launches of ballistic missiles and artificial satellites carried out by the United States.

75. The stationing in South Korea of the "United Nations Command", an illegal entity established by the United States as part of its provocation of the Korean war, was another example of the misuse of the United Nations in violation of the Charter. Despite bearing the Organization's name, the Command had no involvement in the activities of the United Nations, and its troops were not answerable to the Organization. In 1975, the General Assembly had unanimously adopted resolution 3390 (XXX), in which it had called for the dissolution of the Command and the withdrawal of all troops from South Korea. More than 40 years later, the United States still refused to implement the resolution, and its forces remained stationed in South Korea under the United Nations flag. The Security Council must cease to serve as an instrument of the unilateralism and arbitrary and high-handed actions of the United States and take due measures to peacefully resolve the issue of the Korean Peninsula in strict compliance with the purposes and principles of the United Nations.

76. **Ms. Bagdasarova** (Belarus) said that the Special Committee's work must be carried out in strict compliance with the rules of procedure of the General Assembly. Instances of abuse of the principle of consensus made it all the more pressing to review the working methods of the Special Committee and the Sixth Committee. Her delegation stood ready to participate in such a discussion.

77. Under the Charter of the United Nations, the Security Council was the only organ entitled to introduce sanctions, which should be as limited as possible in scope and duration. Extraterritorial coercive measures imposed in circumvention of the Security Council, and also attempts by other bodies to arrogate to themselves the powers of the principal organs of the United Nations, not only undermined the Organization's authority and effectiveness but also lacked moral authority and the procedural guarantees developed by the Organization. In that context, the increasing use of countermeasures both undermined international law and distracted attention from the original cause of the problem.

78. Her delegation supported the proposal by the Russian Federation to recommend that the Secretariat should be requested to establish a website on the peaceful settlement of disputes and update the *Handbook on the Peaceful Settlement of Disputes between States*. Such a website could be interactive and could include the applicable United Nations documents and also serve as a repository of relevant precedents and doctrine. Her delegation welcomed the Special Committee's recommendation that an annual thematic debate should be held to discuss means for the settlement of disputes, in accordance with Chapter VI of the Charter, and called on States to participate actively in such debates. Members of the International Law Commission could also participate, for example by giving a briefing on the chosen topic. Her delegation also welcomed the Secretariat's efforts to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*.

79. Claims that the Special Committee was duplicating work carried out elsewhere in the Organization and was making no progress on some of the proposals before it were not constructive. Her delegation was in favour of strengthening the Special Committee's role in the process of reform and revitalization of the Organization, in accordance with General Assembly resolution 3499 (XXX). It also hoped that States would reach agreement during the Special Committee's next session on the proposal submitted by Belarus and the Russian Federation that an advisory opinion should be requested from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence. Her delegation stood ready to consider any constructive suggestions aimed at refining the proposal so that the Special Committee could submit a consensus document to the General Assembly for consideration.

80. Reiterating her delegation's interest in the 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, she said that Belarus was a member of the Collective Security Treaty Organization, which was already cooperating with the United Nations on various security-related issues. A successful outcome to the consideration of the working paper could help the two organizations to deepen their cooperation.

81. **Ms. Muhammad Fuad** (Malaysia) said that the Special Committee's report contained several useful proposals that were worthy of deliberation. However, her delegation was concerned that the number of items on the Special Committee's agenda might cloud its focus and hamper further progress. Her delegation would continue to contribute to efforts to identify the best methods for the Special Committee's future work. At its 2017 session, the Special Committee had had before it several proposals and papers relating to the maintenance of international peace and security, among which there were considerable overlaps. The Special Committee should therefore consider merging some of those proposals and papers. Lastly, 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*.

82. **Mr. Bagherpour Ardekani** (Islamic Republic of Iran) said that the Special Committee was the only enduring platform within the United Nations for the discussion of issues relating to the Charter and the strengthening of the role of the Organization. In the light of the unlawful threat or use of force by some Member States, which was a violation of one of the key principles enshrined in the Charter, his delegation supported the proposal submitted by Belarus and the Russian Federation that an advisory opinion should be requested from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence.

83. Sanctions could be imposed by the Security Council only as a last resort, after determination of the existence of an actual threat to peace or a breach of peace, based on valid evidence and not mere speculation and misinformation. Even more importantly, sanctions should be adopted only after peaceful measures had been exhausted or proven to be inadequate. In so doing, the Security Council must act in strict conformity with the purposes and principles of the Charter and avoid exceeding its authority and competence or infringing the

principles of international law. Sanctions imposed pursuant to the arbitrary and politically motivated determination of threats to peace and security, based on political manipulation of the Council by some States, could not be seen as legitimate and lawful; furthermore, the special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council on third States should be addressed.

84. Some developing countries were unjustly targeted by arbitrary unilateral sanctions, which were morally wrong and ethically unjustifiable, not only undermining the rule of law at the international level, but also infringing the right to development and violating basic human rights. Such measures, which had almost always been initiated by one State, clearly contravened international law and the Charter of the United Nations, especially where they deprived nations of their lawful and legitimate rights under treaties. In many cases they had been imposed as a result of extraterritorial application of domestic law against legal and natural persons in other countries, despite the fact that numerous General Assembly resolutions called on States to refrain from such practices.

85. His delegation welcomed the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights (A/72/370) and endorsed his call for a solemn reaffirmation by the United Nations of the intrinsic unlawfulness of domestic measures, including sanctions, that were intended to apply extraterritorially, absent a valid jurisdictional link recognized by international law. Domestic legislation or measures aimed at extending their effects to nationals or entities of third countries, with the purpose of dissuading them from entertaining lawful commercial or other relations with the target country, were especially to be condemned as unlawful under international law and in violation of commonly accepted rules of international trade. His delegation also endorsed the Special Rapporteur's call for an affirmation of the principle according to which the implementation by States of any sanctions having adverse extraterritorial effects on the human rights of individuals within the territory and under the jurisdiction of the targeted State should ipso facto entail the responsibility of the targeting State.

86. New approaches to improving the working methods of the Special Committee should be explored. Genuine political will was needed in order to make progress on the long-standing issues on its agenda. Lastly, his delegation expressed appreciation for all the valuable proposals put forward at the Special

Committee's sessions, which deserved in-depth consideration.

87. **Mr. Korbieh** (Ghana) said that, during discussions in the Special Committee, some delegations had expressed the view that the 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 duplicated existing United Nations documents. His delegation would therefore submit a revised version of the working paper for the Special Committee's consideration at its next session, taking into account the Manila Declaration on the Peaceful Settlement of International Disputes; the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field; the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security; the Conclusions of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization concerning the rationalization of existing United Nations procedures (General Assembly resolution 45/45, annex); the United Nations Model Rules for the Conciliation of Disputes between States; and the mandate of the Security Council with regard to activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security, as set out in Article 54 of the Charter. In its revised working paper, his delegation would seek to identify gaps in those documents in the light of current developments. He thanked other delegations for their support for the working paper and would welcome comments and recommendations for further improvements.

88. **Mr. Mohamed** (Maldives) said that sanctions or embargoes should be employed not as punitive measures but as a means of encouraging countries to defuse situations that might constitute a threat to international peace and security. They must also be explicitly approved by the Security Council, in accordance with the Charter of the United Nations; when imposed unilaterally, they were illegal.

89. In its report, the Special Committee reiterated the view of several Member States that there was a need to establish the right balance of functions and parallel activities among the principal organs of the United Nations. In particular, the functions and competences of the General Assembly, which held a privileged position as the most representative body in the United Nations system, must be protected.

90. The Charter established the principle of the sovereign equality of all Member States, yet time and again the sovereignty and political independence of small States were compromised. Greater efforts should therefore be made to ensure the protection and security of such States, in line with General Assembly resolutions 44/51 and 46/43. The Maldives, as a small State with limited material resources to mobilize in its own defence, relied on international law, in particular the Charter, as the ultimate guarantor of its political independence.

91. The world was currently facing diverse challenges; the solutions to those challenges might not be found in the institutional memory of the United Nations or in individual Member States. Innovative approaches would therefore be needed in order to craft shared solutions for a shared destiny.

92. **Mr. Nyanid** (Cameroon) said that his delegation welcomed the progress made in updating the *Repertoire of the Practice of the Security Council* and the *Repertory of Practice of United Nations Organs*, and also the strengthening of cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes. However, such developments must be accompanied by reforms that would equip the Organization to meet the huge challenges it faced. The decisions taken in that regard at the 2005 World Summit should be implemented so as to improve the Organization's working methods and efficiency. First and foremost, the Security Council must be reformed by increasing the number of permanent members. In line with the Ezulwini Consensus of the African Union, two permanent seats, with the right of veto, should be allocated to Africa, along with two non-permanent seats in addition to the three already allocated. Second, the functions of the United Nations should be reformed through effective implementation of its decisions and resolutions and the reframing of the concepts of peace, security and development in line with the interests of developing countries. In particular, poverty should be taken into consideration in the peaceful settlement of disputes, since it was a major factor in the outbreak of conflicts and the main impediment to their resolution. It was not sufficient simply to debate the issue; action should be taken to help countries in need, to foster people's well-being and to create the conditions necessary to curb conflict and terrorism. Lastly, his delegation called for voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* and the trust fund for the updating of the *Repertoire*.

93. **Mr. Ahmed** (Iraq) said that it was important to prevent duplication in the work the United Nations so

that it could fulfil the purposes for which it had been established, particularly the peaceful settlement of disputes. As the body with universal membership, the General Assembly was the ideal forum for all Member States to express their points of view.

94. **Mr. Rhee Zha Hyoung** (Republic of Korea), speaking in exercise of the right of reply, said that the Special Committee should not be abused in order to challenge the United Nations Command, a well-functioning entity that had been established by the Security Council in accordance with due legal procedures, or to make excuses for grave violations of the Charter of the United Nations and the relevant resolutions of the Security Council. The invalidity of the allegations made by the representative of the Democratic People's Republic of Korea and the position of the Republic of Korea on those allegations had been made clear on many occasions at the Special Committee's sessions and in other relevant forums and did not need to be repeated at the current juncture.

95. **Mr. Pak Chol Jin** (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that one of the Organization's purposes under the Charter was the maintenance of international peace and security. The Charter also provided that the Organization was based on the principle of the sovereign equality of all its Member States and that all Members must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State. Those principles were being violated continuously on the Korean Peninsula. His delegation therefore categorically rejected the assertion that the Special Committee was not an appropriate forum in which to discuss the issue.

96. The United Nations Command, which was not financed or controlled by the United Nations, had been used by the United States of America to conceal its provocation of the Korean war in 1950 and the large-scale deployment of its forces in that war, and subsequently to permanently occupy South Korea and control its army. Under the Command's leadership, large-scale joint military exercises had been conducted in South Korea several times a year for over 40 years, during which his country had demonstrated great patience. The United States was now using the Command as a cover to provoke another war on the Korean Peninsula in order to gain supremacy in the Asia-Pacific region. The United Nations Command was a cancer-like entity that threatened the peace and security of the Korean Peninsula and the wider world, and its maintenance by the United States was a blatant violation of the Charter and an abuse of the Organization's name. It should be dismantled without further delay.

The meeting rose at 6 p.m.