



# General Assembly

Seventy-third session

Official Records

Distr.: General  
16 January 2019

Original: English

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## Sixth Committee

### Summary record of the 13th meeting

Held at Headquarters, New York, on Friday, 12 October 2018, at 10 a.m.

*Chair:* Mr. Biang ..... (Gabon)  
*later:* Mr. Luna (Vice-Chair) ..... (Brazil)

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

**Agenda item 85: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization**  
(A/73/33 and A/73/190)

1. **Mr. Hilale** (Morocco), 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/73/33), said that the Special Committee had met in New York from 20 to 28 February 2018 and had continued its deliberations on the questions mandated by General Assembly resolution 72/118.

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 2018; to consider, in an appropriate, substantive manner and framework, the question of the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions based on all of the related reports of the Secretary-General and the proposals submitted on the question; 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. Pursuant to paragraph 6 of the resolution, the Special Committee had also undertaken an annual thematic debate, under the agenda item on the peaceful settlement of disputes, to discuss the means for the settlement of disputes.

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. Section A of chapter II concerned the Special Committee's work on the question of the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions. In accordance with paragraph 5 of General Assembly resolution 72/118, the Special Committee had been briefed by the Secretariat on developments relating to paragraph 12 of the Secretary-General's report on the

matter (A/72/136). A summary of the briefing was contained in paragraph 19 of the Special Committee's report.

4. Section B of chapter II covered the Special Committee's consideration of the question of the introduction and implementation of sanctions imposed by the United Nations and the briefing it had received from the Secretariat on the document annexed to General Assembly resolution 64/115 on the introduction and implementation of sanctions imposed by the United Nations. Section C concerned 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. Section D contained a summary of the discussion on the revised working paper submitted by Belarus and the Russian Federation concerning a request for an advisory opinion from the International Court of Justice as to the legal consequences of the 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 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.

5. The Special Committee's consideration of the item entitled "Peaceful settlement of disputes", which had focused on the subtopic "Exchange of information on State practices regarding the use of negotiation and enquiry", was set out in section A of chapter III. At the thematic debate to be held at the following session of the Special Committee, Member States would discuss the subtopic entitled "Exchange of information on State practices regarding the use of mediation". Section B of chapter III contained a summary of 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*.

6. Chapter IV dealt with the Special Committee's discussions on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, and also the briefing by the Secretariat on the status of the *Repertory* and the *Repertoire*. Chapter V concerned the consideration of the remaining items on the agenda of the Special Committee. Section

A reflected a summary of the discussion on its working methods. Section B contained a summary of the views expressed on the identification of new subjects.

7. **Mr. Llewellyn** (Director of the Codification Division, Office of Legal Affairs), introducing the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/73/190), said that the *Repertory* contained a review of the practice of the various United Nations organs under each individual Article of the Charter of the United Nations. It was available online in English, French and Spanish. The purpose of the *Repertory* was to give Member States an understanding of how the provisions of the Charter were operating in practice. However, there was a significant backlog of studies that needed to be carried out.

8. More progress had been made towards eliminating the backlog over the past year than in previous years. With regard to volume III of Supplements Nos. 7 to 9 (1985-1999) of the *Repertory*, a study on Article 23 of the Charter that had been dormant for some years had been resumed, with the assistance of Peking University, and two previously completed studies, one on Article 33 and the other on Article 49, had been submitted for final review to the responsible author departments. A study concerning Article 49 for volume III of Supplement No. 10 (2000-2009) had been completed. Two studies, regarding Article 55 and Article 56, had been prepared for volume IV of Supplement No. 10, and the Department of Economic and Social Affairs had hired a consultant to conduct a study on Article 58 for the same volume. Work was also ongoing concerning studies on Articles 104 and 105 for volume VI, in preparation by the Office of Legal Affairs. As for Supplement No. 11 (2010-2015), six studies, on Articles 33, 39, 50 and 51 for volume III and Articles 92 and 99 for volume VI, had been prepared with the assistance of the University of Ottawa. A further two studies, on Articles 55 and 56, were being prepared by the Office of the United Nations High Commissioner for Human Rights for volume IV of Supplement No. 11, and a study on Article 101 had been prepared for volume VI. Volume II of Supplement No. 8 (1989-1994) had recently been published in hard copy and online. All in all, 44 complete volumes of studies were available on the *Repertory* website.

9. The Codification Division had a coordinating role rather than a lead role in the preparation of the *Repertory*, which meant that it could only encourage, not require, the other offices and departments to prepare the studies they had been allocated. In any case, those entities were doing what they could within the limits of their scarce resources. All of them relied significantly on the services of interns and, funding permitting,

consultants. Cooperation with the University of Ottawa and Peking University had also been fruitful, and the 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 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 reach out to their national and regional academic institutions to discuss the possibility of contributing to the preparation of *Repertory* studies. It was understood that the Secretariat bore the ultimate responsibility for the quality and the final preparation of all the studies.

10. Lastly, insufficient funding was the main reason why it had not yet been possible to eliminate the *Repertory* backlog. The *Repertory* was not funded from the regular budget, and none of the 10 United Nations offices and departments involved in preparing it had sufficient financial or human resources to conduct all the studies for which they were responsible. He encouraged delegations to consider contributing to the *Repertory* trust fund. The hiring of consultants to conduct studies was entirely dependent on such voluntary funding, but no contributions had been received in the past 12 months. The current balance of the *Repertory* trust fund was approximately \$47,000.

11. More detailed comments on status of the *Repertory* could be found in his written statement, available on the PaperSmart portal.

12. **Ms. Blanco** (Security Council Practices and Charter Research Branch, Department of Political Affairs), updating members of the Sixth Committee on the status of the *Repertoire of the Practice of the Security Council* and related activities, said that over the past year the Secretariat had made significant progress in updating the *Repertoire*. It had completed the twentieth Supplement thereto, covering the period 2016–2017, and parts had been made available in an advance version online. It was now focusing on the preparation of the twenty-first Supplement, covering the year 2018, which it expected to publish in the third quarter of 2019.

13. The considerable progress that had been made in the preparation of the *Repertoire* was largely the result of contributions from Member States, which had enabled the Security Council Practices and Charter Research Branch to implement efficiency-enhancing initiatives and make available additional human resources. 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. The Branch had also mobilized resources to develop technological solutions to progressively automate data collection and enhance data analysis, which had simplified the research and drafting process. All Supplements of the *Repertoire* covering the period 1989–2013 were available online in all six official languages. Through cooperation with the Department for General Assembly and Conference Management, the time lag between the completion of Supplements and their eventual publication in all six official languages was being shortened. The English version of the edited nineteenth Supplement (2014–2015) would be available in print by early 2019, and the translated versions should be available online around the same time.

14. For the first time, edited Supplements were being made available online almost simultaneously in the six official languages. The *Repertoire* section of the Security Council website, which was available in all six official languages, also offered relevant information concerning all items on the agenda of the Security Council, including its subsidiary organs. The Branch continued to collaborate with the Office of Information and Communications Technology and the Dag Hammarskjöld Library to make the website more reliable, accurate and user-friendly, including by improving the search function. 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. Such tools helped raise awareness of the Security Council's central role in the maintenance of international peace and security.

15. The 2015, 2016 and 2017 editions of *Highlights of Security Council Practice* had also benefited from close collaboration with the Office of Information and Communications Technology. Since September 2017, that technology had also been used to share monthly statistics. 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 years to come, 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. Over the past year, 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.

16. 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 a consultant, who had been instrumental in advancing the completion of the twentieth Supplement and in making it possible to prepare the twenty-first supplement in the space of a year.

17. The Branch would continue to be dependent on voluntary contributions to the trust fund. She expressed gratitude to China for its recent contribution to the trust fund and appealed to other Member States to follow its example. She also expressed gratitude to Italy for its sponsorship of an associate expert, 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.

18. **Mr. Nasimfar** (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.

19. 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.

20. 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.

21. 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.

22. 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.

23. The Non-Aligned movement believed that the Special Committee's annual thematic debate would contribute to more efficient and effective use of such peaceful means of dispute settlement and would promote a culture of peace among Member States. Moreover, once the Special Committee had exhausted discussions on all means of dispute settlement under Article 33 of the Charter, the inputs and materials collected for that purpose could provide a valuable basis for further deliberations and the achievement of concrete and results-oriented outcomes. The Movement encouraged Member States to actively participate in the debate by sharing their experiences and best practices.

24. While the Movement appreciated the positive contribution of Member States to the finalization of its proposal on the pacific settlement of disputes and its impact on the maintenance of peace, 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 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.

25. 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.

26. **Mr. Jaiteh** (Gambia), speaking on behalf of the Group of African States, 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.

27. 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.

28. Several topics on the Special Committee's agenda could benefit from careful scrutiny. In particular, the revised working paper submitted by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies – which the Group of African States 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 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.

29. The Group had welcomed the Special Committee's consideration of the topic of the peaceful settlement of disputes at its 2018 session and looked forward to a fruitful discussion on that subject during the next annual thematic debate, 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.

30. **Mr. Jaime Calderón** (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.

31. 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.

32. 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. CELAC also took note of the proposal by Mexico that the Special Committee consider the interpretation and application of Article 51 and encouraged that delegation to present a written proposal for consideration by the Committee.

33. 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.

34. 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 posting of the *Repertory* volumes on 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.

35. **Mr. Chaboureaux** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that, with regard to the maintenance of international peace and security, his delegation welcomed the fact 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 was now being considered on a biennial basis. The European Union welcomed 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. It fully supported the Office of the Ombudsperson of the Security Council Committee pursuant to resolutions [1267 \(1999\)](#) [1989 \(2011\)](#) and [2253 \(2015\)](#) concerning ISIL (Da’esh), Al-Qaida and associated individuals, groups, undertakings and entities. In that connection, it welcomed the appointment of a new Ombudsperson and

called on all Member States to fully cooperate with the Office.

36. The European Union welcomed the submission of the revised working paper by Ghana and the constructive discussions that had taken place on the topic. While his delegation continued to have doubts with regard to the legal basis for the framework defining the responsibilities of the United Nations and relevant regional organizations in a given conflict situation and the partnership agreements referred to in the working paper, it remained ready to continue contributing to the discussion and considering how the proposals contained therein could be pursued. However, it 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. Those matters were important, but 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.

37. With regard to the item “Peaceful settlement of disputes” on the Special Committee’s agenda, his delegation had appreciated the debate on the subtopic “Exchange of information on State practices regarding the use of negotiation and enquiry”, which had been enhanced by the practical examples of negotiation provided by delegations. The European Union supported the Committee’s recommendation that the thematic debate at its next session be on the use of mediation. However, it remained unconvinced about the added value of the proposals to update the 1992 *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.

38. The European Union commended the continued efforts to update and reduce the backlog in the preparation of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. 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. His delegation supported the recommendations of the Special Committee with respect to the *Repertory* and the *Repertoire*.

39. The list of items on the agenda of the Special Committee should be reviewed, taking into account their practical relevance, potential duplication 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 72/118.

40. With regard to the proposal that the Special Committee consider the substantive and procedural aspects of recourse to Article 51 of the Charter, in particular with regard to recent interpretations of the right to self-defence in response to armed attacks perpetuated by non-State actors, the European Union and its member States were not convinced that the Special Committee was the competent forum for tackling that issue.

41. **Mr. Al-Thani** (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. The United Nations drew its legitimacy from the principles and purposes enshrined in its Charter. There was broad consensus that, in confronting threats to international peace and security, the international community should seek to ensure that disputes were settled through peaceful means, in accordance with Article 33 of the Charter. Regrettably, there was a growing tendency to use diktat and intervention to undermine the sovereignty of other States. Such policies, which had been denounced in numerous resolutions and decisions of the international community, constituted a flagrant violation of the Charter and of international law, not to mention a serious threat to world order. Moreover, they violated the equality, sovereignty and territorial integrity of States and interfered with the mandate of the organs of the United Nations. By impeding regional and international coordination, they provoked conflict and allowed terrorist organizations to operate freely. Sanctions imposed by the Security Council were part of a comprehensive political strategy; they 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. Unilateral sanctions, on the other hand, lacked a legal basis, and their purpose was to advance special interests.

42. In accordance with its policy of supporting collective action, Qatar had worked with its partners and the competent United Nations entities to promote

security, development, human rights and the peaceful settlement of disputes. In so doing, Qatar had forged robust international partnerships. It was now receiving extensive support and sympathy as it confronted the emergency situation imposed on it. The International Court of Justice had recognized the harm caused by the unjust blockade imposed on Qatar and had upheld the rights of Qatari citizens. By its order of 23 July 2018 in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*, the Court had granted the request submitted by Qatar for the indication of provisional measures against the United Arab Emirates, which had taken discriminatory measures against Qatari citizens. In the order, the Court had indicated that the United Arab Emirates must ensure that families that included a Qatari that had been separated by the measures adopted by the United Arab Emirates on 5 June 2017 were reunited; that Qatari students affected by the measures were given the opportunity to complete their education in the United Arab Emirates or to obtain their educational records if they wished to continue their studies elsewhere; and that Qataris affected by the measures adopted by the United Arab Emirates on 5 June 2017 were allowed access to tribunals and other judicial organs of the United Arab Emirates.

43. Qatar remained committed to international law and to its partnerships with the international community. Accordingly, 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.

44. **Ms. Onanga** (Gabon) said that the Special Committee played a crucial role in the formation and strengthening of international law. Her delegation welcomed the multifaceted contributions made by Member States in support of the Special Committee. At a time when the world was facing a large number of threats to international peace and security, it was essential that efforts to preserve peace were made in keeping with the Charter, and in particular taking into account the balance that should exist between the principal organs of the United Nations. Care must also be taken to avoid any unilateral reinterpretation of the principles governing the use of force set forth in Article 51 of the Charter.

45. Her delegation shared the Special Committee's concern about the risks that the unbridled application of sanctions could entail for third parties or the general population. Every effort should be made to rigorously regulate the use of sanctions to ensure that they were an effective tool for the promotion of international law.



Sanctions should be used only to achieve specific objectives within a set time frame, and they should be applied in line with a road map setting out clearly the conditions under which sanctions would be implemented and lifted. In that connection, her delegation supported the Special Committee's efforts to enhance the efficacy and transparency of the Organization's sanctions regimes. When used properly, those regimes should help limit, or even eliminate, unilateral sanctions, which were sometimes applied in response to the unilateral concerns of a specific State and could undermine international law.

46. Gabon welcomed the Special Committee's emphasis on the peaceful settlement of disputes, which should always be the preferred means of dispute resolution. In that connection, her delegation supported the Special Committee's recommendation that the thematic debate at its next session be on the subtopic "Exchange of information on State practices regarding the use of mediation". It would be difficult to consider the question of mediation without taking into account cooperation between the United Nations and regional arrangements or agencies concerned with the peaceful settlement of disputes, and her delegation fully supported the proposal by Ghana in that regard. However, the application of the principle of subsidiarity did not absolve the United Nations, in particular the Security Council, from its primary responsibility for the maintenance of international peace and security.

47. Africa States, which had often demonstrated their willingness to take the initiative in resolving conflicts on the continent, needed the unreserved support of the Security Council, the General Assembly and the Secretariat in their efforts. The case of Somalia was an example of how strong strategic partnerships between the United Nations Secretariat and the African Union Commission could bring about greater coherence and coordination in dispute settlement efforts in Africa.

48. **Mr. Tenya** (Peru) said that the Manila Declaration on the Peaceful Settlement of International Disputes was a concrete achievement of the Special Committee and was particularly valued by his Government. All States had the duty to act in good faith and in accordance with the purposes and principles of the Charter in order to prevent disputes between them. Since one of the cornerstones of the international order was the prohibition against any use of force incompatible with the Charter, it was a matter of concern that some countries were putting forward arguments and interpretations that were alien to international law and undermined the system of collective security. His delegation noted with interest the proposal to discuss the scope of Article 51 of the Charter.

49. Stressing that the briefings provided by the Department of Political Affairs gave the Special Committee an overview of the introduction and implementation of sanctions imposed by the United Nations, he said that the sanctions regime of the Security Council was an important instrument for maintaining international peace and security without the use of force. His delegation welcomed the appointment of an Ombudsperson for the Security Council Committee established pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#) concerning ISIL (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities.

50. He reiterated his Government's appreciation of the key role performed by the International Court of Justice in the system for the peaceful settlement of disputes. It was an essential contribution to the promotion of the international rule of law. Through both its judgments and its advisory opinions, it helped to promote and clarify the scope of international law, as a true peaceful option.

51. His delegation welcomed the progress made in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and reaffirmed its resolve to continue striving to advance the Special Committee's work, including in selecting and duly discussing new topics; its success in addressing issues relating to the maintenance and strengthening of international peace and security and the promotion of international law was of the greatest importance for the establishment of a more just international community.

52. **Mr. Hermida Castillo** (Nicaragua) said that his country remained more than ever committed to the vital work of the Special Committee and would continue to make substantive and constructive contributions to its deliberations. The General Assembly continued to be the pre-eminent universal democratic body mandated to consider all issues within the limits set by the Charter. His delegation was concerned that the Security Council was conferring upon itself the power to address topics that did not come within its purview.

53. Nicaragua welcomed the results achieved at the Special Committee's most recent session, such as the first thematic debate on the use of negotiation under the topic of the peaceful settlement of disputes. Such debates contributed to the promotion of a culture of peace among Member States. Once the Special Committee had completed discussions on all the means for settling disputes under Article 33 of the Charter, the materials compiled would be of great value for its work. All Member States were encouraged to communicate

their best practices in respect of the subtopic of the next annual debate, namely, mediation.

54. The time currently assigned to the Special Committee to undertake the important work ahead was adequate. In the immediate future, fresh proposals were expected; they would be discussed in depth together with existing proposals and would contribute effectively to implementing the Charter. His delegation would continue to support all efforts to strengthen the central role and authority of the General Assembly and would always be ready to discuss constructively initiatives that would help to improve the Organization's work.

55. **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.

56. 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.

57. His delegation supported all international efforts to settle disputes by peaceful means and to strengthen the International Court of Justice. Under Article 33 of the Charter, the parties to any dispute, the continuance of which was likely to endanger the maintenance of

international peace and security, should, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. The Security Council should, when it deemed necessary, call upon the parties to settle their dispute by such means.

58. The Manila Declaration on the Peaceful Settlement of International Disputes 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.

59. 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". He hoped that the Special Committee's recommendations to the General Assembly would be acted upon. 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 its Charter.

60. His delegation commended the efforts that had been made to publish and disseminate the *Repertory of Practice of United Nations Organs* in three languages. He hoped that the *Repertory* would be made available in Arabic as soon as possible, as was already the case for the *Repertoire of the Practice of the Security Council*.

61. **Mr. Korbich** (Ghana) said that, following discussions at the 2018 session 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, his delegation had sought further consultations with other interested delegations to arrive at a proposal that would find consensus among all the delegations and address

issues raised at that session. Some delegations had expressed the view that the working paper duplicated existing United Nations documents. His delegation had therefore submitted a revised paper that identified some of the gaps, 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; the United Nations Model Rules for the Conciliation of Disputes between States; and the mandate of the Security Council, as set out in Article 54 of the Charter.

62. The proposal of Ghana sought to identify gaps in those documents in the light of current developments in the relations between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes. The latter were closer to regional conflicts, understood their dynamics, appreciated the specific needs for intervention and knew the quickest and most efficient ways of ensuring it. Moreover, the fluidity of conflict imposed a greater burden on regional arrangements or agencies to act quickly to prevent conflict in one country from spreading to contiguous States. For those reasons and for many others, the involvement of regional arrangements or agencies in the peaceful settlement of disputes was indispensable, as had long been recognized by the United Nations. That being said, they did not always have the necessary resources to respond appropriately to conflicts, while the United Nations might lack the required expertise to handle regional conflict dynamics alone. If an acceptable partnership framework could be established between them, as had been repeatedly sought by the United Nations, it needed to be determined how far regional arrangements or agencies could engage with the United Nations and how far United Nations could absorb the capacities of those arrangements or agencies in their responses to security situations in their region. Once those two issues had been addressed, his delegation would submit draft guidelines for the consideration of the Special Committee at its next session.

63. *Mr. Luna (Brazil), Vice-Chair, took the Chair.*

64. **Mr. Yedla** (India) said that, under the Charter, the maintenance of international peace and security was the

primary responsibility of the Security Council, which acted on behalf of all Member States. In some situations, the Council authorized sanctions under Chapter VII of the Charter; such sanctions must be consistent with the Charter and must not violate the principles of international law; they should be imposed only as a last resort. Where third States were confronted with special economic problems as a result of sanctions, as stated in Article 50 of the Charter, they should consult the Security Council with regard to a solution to those problems.

65. The peaceful settlement of disputes was an important tool to maintain international peace and security and promote the rule of law and a fundamental principle applying to all Member States under Article 2, paragraph 3, of the Charter, further strengthened by Article 33, which set out the means of solution available to the parties to the dispute. The International Court of Justice, as the principal judicial organ of the United Nations, played a critical role in that connection by adjudicating disputes between States. The Security Council should have more frequent recourse to the Court under Chapter VI of the Charter to promote judicial settlement of international disputes before resorting to other means.

66. His delegation supported the maintenance of the topic "Peaceful settlement of disputes between States" on the Special Committee's agenda and 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.

67. **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.

68. 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.

69. 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 past sessions of the Special Committee by providing opportunities for substantive debate on proposals.

70. 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.

71. Although the current situation of the Special Committee had improved 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 Belarus, the Russian Federation, Ghana and the Non-Aligned Movement for their contributions to the Special Committee's work and encouraging the delegation of Mexico to submit in writing the proposal made at the Special Committee's most recent session, she urged other delegations also to submit substantive proposals and to participate constructively in the Special Committee's discussions.

72. **Mr. Arrocha Olabuenaga** (Mexico) said that he wished to explain in greater detail a proposal already made by his delegation and referred to in paragraph 83 of the Special Committee's report (A/73/33). During the seventy-second session of the General Assembly, his delegation had noted the increase in the number of letters sent to the Security Council invoking Article 51 of the Charter as a justification for the use of armed force by some Member States in the territory of other Member States in the case of armed attacks by terrorist groups. Mexico recognized the gravity of terrorist acts and their high humanitarian, political and social cost and

the threat they presented to international peace and security; it had firmly condemned and rejected such acts. The purpose of his delegation's initiative was to clarify the legal scope of the obligations set out in Article 51 and to fuel discussion of the matter by the Member States, without in any way impairing the legal regime applicable to the fight against international terrorism. Consideration of such communications by States Members of the Organization needed to be more transparent and far-reaching, in the light of the purposes and principles of the Charter.

73. His delegation requested the Special Committee to consider whether it was enough simply to notify the Security Council for an armed attack to be lawful under Article 51 of the Charter; and to determine the scope of the right of self-defence. From the point of view of Mexico, that right should be governed strictly by the requirements of international law and the standards set by the Charter itself. Article 51 could not be invoked to justify a response to an armed attack by a non-State actor unrelated to the State; even less could it open the way to impairing the territorial integrity of another State in the event of that State being unable or unwilling to act against such private entities. It was clear from the wording of Article 51 that exercise of the right of self-defence was provisional, in other words, that right could be exercised only until such time as the Security Council addressed the matter, in accordance with its duty as the Charter body entrusted with maintaining international peace and security.

74. His delegation therefore proposed that the Special Committee conduct a legal analysis of Article 51 from both a substantive and a procedural perspective, focusing on the requirements to be met for the exercise of self-defence in accordance with international law. To that end, States submitting communications to the Security Council would need to provide at the same time sufficient information regarding their compliance with the requirements of the Charter and customary international law. In the analysis, the Special Committee would also address the need for the Security Council to ensure the transparency of such communications and circulate them as official documents to all Members of the United Nations and for it to act in accordance with its obligations as the body responsible for maintaining international peace and security, in accordance particularly with Articles 24, 39, 42 and 51 of the Charter. It would be essential for the Security Council to guarantee the provisional nature of self-defence, while concerning itself with the situation immediately upon receipt of a letter of notification of the use of force under Article 51.

75. A study should be also conducted of the limits established under Article 51 of the Charter within the framework of the Special Committee, bearing in mind that a broad interpretation, without a thorough examination of its effects, might lead to abuses.

76. **Mr. Kim In Chol** (Democratic People's Republic of Korea) said that, more than 70 years after the founding of the United Nations, the purposes and principles of its Charter were still being flouted and that it was therefore more pressing than ever to ensure that it was fully observed and to further strengthen the Organization's role. The Security Council, in particular, must act strictly in line with those purposes and principles. It was abnormal that the Security Council, which had been so eager to express "concerns" about the tense situation on the Korean Peninsula, had remained silent over the current positive trend towards peace on the Peninsula. More than one year after his Government had discontinued its nuclear tests and rocket test launches, the Council had yet to lift or relax the sanctions against his country, contrary to the wishes of some of its members. He drew the Committee's attention to the annex to General Assembly resolution [64/115](#), in which the Assembly noted that sanctions should be periodically reviewed with a view to lifting them or not, or to adjusting them, taking into account the humanitarian situation and depending on the fulfilment by the target State and other parties of the requirements of the Security Council.

77. The "United Nations Command" in South Korea should be dismantled at the earliest possible date in view of the developments towards détente and peace on the Peninsula. In fact, the "United Nations Command" was a monster-like organization that misused the name of the United Nations, with which it was not affiliated, and which did not budget for it, as had been made clear by high-ranking officials of the Organization, including the Secretary-General. Already 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 foreign troops from South Korea. The "United Nations Command" was a fallout from the cold war era and even, according to some States members of the Security Council, created the impression that the United Nations was standing in the way of the current inter-Korean reconciliation and unity.

78. **Mr. Xu Chi** (China) said that the discussions at the most recent session of the Special Committee with regard to Article 33 of the Charter were of great significance, given that the peaceful settlement of disputes was a fundamental principle of international law binding on all States. All countries had the right to

choose freely the means for the peaceful settlement of disputes in accordance with the principle of State consent. The most frequently used means was negotiation, which could best reflect the free will of the parties and the principle of sovereign equality. It was the most suitable way for the parties to manage the dispute settlement process and its outcome was the most likely to be accepted and implemented by them. However, no means should be imposed on any country.

79. An advocate and practitioner of peaceful dispute settlement, China had resolved the issues of Hong Kong and Macao as well as the delimitation of land and maritime boundary lines with the countries concerned through negotiation and consultation. It would continue to follow that approach in respect of other disputes, while emphasizing that the parties to disputes should conduct negotiations in good faith and that other countries should also create in good faith an enabling environment for the parties to negotiate and resolve disputes and should not disturb or intervene in the process. To proceed otherwise would be to violate the provisions of the Charter and relevant international law and would not contribute to the peaceful settlement of disputes.

80. China continued to believe that the Security Council should adopt a prudent and responsible approach to sanctions, which should not be imposed until other peaceful means were exhausted and should be in accordance with the Charter and relevant principles of international law. Their impact on ordinary people and third States should be minimized.

81. The Special Committee could play a greater role by improving its working methods and efficiency. His delegation hoped that, in a spirit of pragmatic and constructive cooperation, all concerned parties would explore practical and effective new ideas and measures 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. China welcomed the new topics proposed for discussion within the Special Committee, under the mandate given to it by the General Assembly. His delegation looked forward to the written documents to be submitted on the issue of the interpretation and application of Article 51 of the Charter on the right of self-defence in view of the imperative to guard against any arbitrary interpretation or abuse of that right.



82. **Ms. Melikbekyan** (Russian Federation), noting that the work of the Special Committee contributed to the rule of law at the international level, said that it should continue to be carried out on a permanent basis. 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, she repeated the suggestion that a special section of the United Nations website dedicated to the peaceful settlement of disputes, with links to relevant United Nations documents, be established.

83. The Special Committee's useful discussions of her Government's proposal and other items on its agenda at its most recent session had demonstrated the Special Committee's usefulness as a platform for dialogue. Her delegation therefore looked forward to discussing in that forum the proposal made by Mexico concerning recent interpretations and applications of Article 51 of the Charter of the United Nations on the right to self-defence in the context of counter-terrorism operations.

84. 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).

85. **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. His delegation had submitted a draft paper on the imposition of sanctions that had informed the annex to General Assembly resolution 64/115, entitled "Introduction and implementation of sanctions imposed by the United Nations". It would continue to participate in the work of the Special Committee and would revise the draft paper on strengthening the role of the United Nations the maintenance of international peace and security which it had initially submitted in 1998.

86. His delegation welcomed the progress made in reducing the backlog in 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.

87. 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.

88. **Mr. Al Arsan** (Syrian Arab Republic) said that his delegation would continue to support the Special Committee in its endeavour to promote effectiveness, professionalism, balance and justice throughout the United Nations. It also supported the content of the revised working paper submitted by Belarus and the Russian Federation, in which it was recommended, inter alia, 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. His Government valued the independence and credibility of the International Court of Justice, which was the foremost judicial organ of the United Nations system. Like many others, his delegation was concerned at the growing number of cases in which States had invoked Article 51 of the Charter of the United Nations, using self-defence or counter-terrorism as a pretext for attacking the sovereignty and territorial integrity of other States, including the Syrian Arab Republic. For instance, the so-called Global Coalition to Counter ISIL was carrying out military operations on Syrian territory without seeking permission from or coordinating with the Syrian Government, and without authorization from the Security Council. Such actions could only be described as aggression and occupation.

89. It was vital to consider the role of the panels of experts and mechanisms that assessed the impact and effectiveness of sanctions imposed by the United Nations. Such sanctions often failed to induce States to change their behaviour, and civilians ultimately paid the price. The Special Committee should also pay attention to the issue of unilateral coercive economic measures, which were illegal and inconsistent with the Charter. In a considerable number of resolutions, the General Assembly had categorically and unambiguously condemned such measures. Certain States that had imposed such measures were also calling for the Sustainable Development Goals to be achieved by 2030, seemingly unaware of the contradiction inherent in that approach.

90. The Syrian Arab Republic supported any initiative to reform the United Nations that was consistent with the principles and purposes of the Charter. It recognized the role of the General Assembly as the chief

deliberative, policy-making and representative organ of the United Nations. In accordance with the Charter, a balance must be struck among powers of the three main organs of the Organization. Some delegations had expressed concern that the Security Council was encroaching on the powers of the General Assembly and the Economic and Social Council. It was only fair and transparent, however, to point out that the General Assembly had, in some cases, also encroached on the powers of the Security Council, something that violated Article 12 of the Charter. In other cases, certain subsidiary entities had exceeded the powers conferred on them by the General Assembly or the Security Council.

91. Genuine reform of the United Nations must reflect the governmental character of the Organization, which was emphasized in the Preamble to the Charter. Any relations or partnerships entered into by the United Nations must be based on the explicit collective consent of the Governments of Member States and must be consistent with the principles and purposes of the Charter. The aim of the reform process should also be to strengthen confidence among Member States and close the significant trust deficit that had emerged. To truly reflect the collective determination to foster peace, security and prosperity for all on an equal basis, without exception, certain States must abandon the belief that their political and economic influence or the scale of their contributions to the United Nations entitled them to set the Organization's agenda, to violate international conventions and norms, or to make threats or use force against other States.

92. **Mr. Varankov** (Belarus) said that his delegation was cautiously optimistic that the direction that the Special Committee was taking in its work, reflected in the adoption by the General Assembly of the resolutions on the reports of the Special Committee and the exchange of views on the use of negotiation and enquiry as means of peaceful settlement of disputes, would gradually restore the spirit of trust and constructive cooperation within the Special Committee. That was important in the light of the diminishing relevance of the Special Committee and, regrettably, also of the Sixth Committee. For example, the agenda item concerning the request for an advisory opinion of the International Court of Justice on the immunities of Heads of State and Government and other senior officials had not been brought before the Sixth Committee or the Special Committee, despite the fact that it concerned matters closely related to the principles of the Charter of the United Nations. In that context, his delegation hoped that efforts to reach consensus on outstanding issues would be redoubled.

93. A first step could be to consider the proposal concerning the establishment of a website on the peaceful settlement of disputes. Although some duplication would be difficult to avoid, such a website would require minimal investment of financial or human resources, and the fact that it would have the stamp of authority of the United Nations would contribute greatly to the peaceful settlement of international disputes. The website would be particularly helpful to practitioners who were not experts in international law when called on to address international disputes.

94. The Special Committee's potential with regard to issues relating to United Nations sanctions was not being fully tapped. The Special Committee was the appropriate forum for examining all aspects of sanctions, including human rights issues, the impact of sanctions on third States and the evolution of sanctions regimes; it could solicit input from relevant experts and issue recommendations as appropriate. In doing so, it would not encroach on the prerogatives of the Security Council or of other United Nations bodies. Rather, the synergy created by discussions of the legal ramifications of sanctions and closer cooperation among the subsidiary organs of the Security Council and the General Assembly would lend the sanctions regimes greater legitimacy and ensure their effectiveness.

95. Belarus commended the Secretariat's efforts to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and would facilitate cooperation between the Secretariat and Belarusian universities and other academic institutions to that end.

96. **Mr. Hilale** (Morocco), Chair of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, speaking in his national capacity, said that Morocco had always favoured a peaceful approach to dispute settlement and considered prevention an essential part of maintaining international peace and security. His delegation welcomed proposals to strengthen the Organization's role, in particular by strengthening cooperative relations between the United Nations and regional arrangements or agencies. The annual thematic debate on the peaceful settlement of disputes, held in accordance with Chapter VI of the Charter and the Manila Declaration on the Peaceful Settlement of International Disputes, was an initiative that was bound to broaden the scope of discussions among States within the Special Committee. In that spirit, the Special Committee could be expected to gain a great deal in the long term by including new topics conducive to the revitalization of the Organization's work.

97. Regarding the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions, his delegation considered, in the light of recent information from the Secretary-General, that targeted sanctions remained an appropriate way of sparing third parties and civilian populations from the negative consequences of comprehensive sanctions, or at least mitigating the effects of such sanctions on them.

98. Generally speaking, sanctions imposed by the Security Council under Chapter VII should be of a subsidiary nature and should only be applied as a last resort, in the event of a threat to international peace and security, a breach of the peace or an act of aggression. Sanctions should therefore be reviewed continuously and lifted immediately whenever the conditions governing their application no longer existed. His delegation was in favour of adjustments to the sanctions regime since they allowed Security Council sanctions committees to improve their working methods and increase their interaction with Member States to help in rebuilding their national capacities. It fully supported the exploration and implementation of the necessary means of improving the Special Committee's working methods, optimizing its effectiveness and appropriately using its resources.

*The meeting rose at 1 p.m.*