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## Sixth Committee

### Summary record of the 18th meeting

Held at Headquarters, New York, on Friday, 18 October 2019, at 10 a.m.

*Chair:* Mr. Jaiteh (Vice-Chair) . . . . . (Gambia)

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Agenda item 82: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*)

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*In the absence of Mr. Mlynár (Slovakia), Mr. Jaiteh (Gambia), Vice-Chair, took the Chair.*

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

**Agenda item 82: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization**  
(continued) (A/74/33, A/74/152 and A/74/194)

1. **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/74/194), said that, with regard to volume III of Supplements Nos. 7 to 9 (1985–1999) of the *Repertory*, Peking University was preparing a study on Article 23 of the Charter, and the Codification Division had completed studies on Articles 33 and 49, which were under review. With regard to the preparation of studies for volumes III and IV of Supplement No. 10 (2000–2009), a study on Article 49 for volume III was under review. Two studies for volume IV, on Articles 55 (c) and 56, were under review by the Office of the United Nations High Commissioner for Human Rights, which was the responsible author department. For the same volume, the Department of Economic and Social Affairs had finalized a study on Article 58, which was available on the *Repertory* website. In relation to Supplement No. 11 (2010–2015), 12 studies, on Articles 12, 14, and 19 for volume II, Articles 27, 29, 34, 35, 40, 52 and 53 for volume III, and Articles 99 and 103 for volume VI, had been prepared with the assistance of the University of Ottawa. A further two studies for volume IV, on Articles 55 (c) and 56, were being prepared by the Office of the United Nations High Commissioner for Human Rights. Volumes I and IV of Supplement No. 7 (1985–1988) had been issued in English and Spanish respectively. Of the 57 volumes of the *Repertory*, 44 had been completed, of which 33 had been published and 11 had been finalized and submitted for translation and publication. In the electronic version of the *Repertory*, users could search for any word or combination of words in the three languages of the publication, namely English, French and Spanish.

2. It would be useful for delegations to reach out to their national and regional academic institutions to discuss the possibility of contributing to the preparation of *Repertory* studies. The Codification Division 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. It was understood that the Secretariat bore the

ultimate responsibility for the quality and the final preparation of all the studies.

3. The General Assembly, in its resolution 73/206, had 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 to the United Nations, reminding them of the possibility of making voluntary contributions to the trust fund and inviting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals that might wish to assist in that regard. Since the issuance of his 2018 report, the Secretary-General had welcomed contributions to the trust fund from Azerbaijan, Cyprus, Iraq and Qatar. As at 30 September 2019, the balance of the fund had been \$69,651. Since, in an environment of increased financial constraint, voluntary contributions to the trust fund remained crucial to progress on the *Repertory* and the maintenance of its website, the continued support of Member States in those endeavours would be appreciated. More detailed comments on the status of the *Repertory* could be found in his written statement, available on the PaperSmart portal.

4. **Mr. Al Habib** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization 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.

5. 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.

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

7. 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 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.

8. The Non-Aligned Movement supported all efforts to promote the peaceful settlement of disputes on the basis of international law and the Charter; the Special Committee's annual thematic debate on the means for the settlement of disputes was the result of an initiative of the Movement. In 2019, the Special Committee had held a constructive debate on States' use of mediation in the peaceful settlement of disputes, and the Movement looked forward to discussing other means. The annual thematic debate would contribute to more efficient and effective use of peaceful means of dispute settlement and would promote a culture of peace among Member States. Moreover, once the Special Committee had exhausted discussions on all 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.

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

10. 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 the issue as a matter of priority.

11. **Ms. Cujo** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro and North 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, the Secretary-General stated, in his report on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions ([A/74/152](#)), that, during the period under review, there had been no assessment reports concerning the likely or actual

unintended impact of sanctions on third States; that the Security Council could authorize access to frozen funds for certain expenses; that, under certain conditions, the freezing of assets did not prevent the payment of amounts due under a contract; that the Council could ensure that persons were not held responsible for failure to comply with contractual obligations when that failure was due to measures imposed by the Council; that, at the regional level, sanctions committees held meetings and made other arrangements to allow States to discuss implementation challenges; and that the shift from comprehensive to targeted sanctions had significantly reduced the possibility of unintended adverse impacts on third States.

12. 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. 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. 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.

13. The European Union remained ready to contribute to the discussion of the further revised working paper submitted by Ghana; some of the actions proposed therein had already been taken by the European Union. However, it continued to have doubts with regard to the legal basis for the proposed framework for cooperation between the United Nations and regional organizations and the purpose and content of the partnership agreements referred to in the working paper.

14. With regard to the item “Peaceful settlement of disputes” on the Special Committee’s agenda, the European Union had appreciated the debate on the subtopic “Exchange of information on State practices regarding the use of mediation”. It 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 conciliation”. 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.

15. The European Union commended the continued efforts to update the *Repertory of Practice of United Nations Organs*, which was of great value in enhancing understanding of the Charter. It welcomed the fact that all *Repertory* studies were available online, thanked those universities that had helped prepare such studies, urged other universities to consider doing likewise, and thanked those States that had made voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory*. The European Union also welcomed the progress made in the preparation of the Supplements to the *Repertoire of the Practice of the Security Council* and the adaptation of the Secretariat’s working methods to enable the contemporaneous coverage of the Council’s practice. The European Union and its member States supported efforts to modernize the production of the *Repertoire* and reduce the related backlog: the Netherlands had provided support for the revamping of the Council’s website and Italy had sponsored an associate expert in the Security Council Practices and Charter Research Branch.

16. 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 73/206. At the Special Committee’s 2019 session, the representative of Mexico had reiterated that country’s intention to submit a written proposal regarding the interpretation and application of Article 51 of the Charter. The European Union and its member States were not convinced that the Special Committee was the competent forum for addressing that issue.

17. **Mr. Yaremenko** (Ukraine), speaking also on behalf of Georgia and the Republic of Moldova, said that the discussion, at the Special Committee’s 2019 session, of the peaceful settlement of disputes had been productive but was reflected only in general terms in the report of the Special Committee (A/74/33). In future reports, the positions of Member States should be reflected in a more detailed and nuanced manner.

18. With regard to the use of mediation, the obligation to settle international disputes peacefully was enshrined in Article 2, paragraph 3, and Article 33 of the Charter.

The aspiration to achieve peace, however, should not be taken as readiness to accept the violation of the principles of the United Nations; to do so would be detrimental to regional and global security. Only genuinely neutral actors could be constructive, efficient mediators. Georgia, the Republic of Moldova and Ukraine knew from experience the difficulties that arose when a party to a conflict cast itself as a mediator in that conflict in an attempt to avoid taking responsibility for it. Ongoing or protracted armed conflict did not entail the suspension of the general obligations arising from the Charter, including the obligation to settle international disputes peacefully. The Russian Federation, though an aggressor State, did not recognize itself as a party to its conflicts with Georgia and Ukraine, and instead attempted to portray itself as a mediator. It continued to station military forces and armaments in the Republic of Moldova without consent, in violation of that country's sovereignty and territorial integrity.

19. The party that started a conflict did not seek the just and fair resolution of that conflict; on the contrary, it aimed to consolidate its political, territorial or other gains, in violation of the principle of international law that no territorial acquisition resulting from the threat or use of force should be recognized as legal. Allowing a party to a conflict to play a mediator's role essentially undermined the legitimacy of the overall mediation process and perpetuated the conflict; it also did not relieve the State concerned of its other responsibilities and obligations under international law, including human rights law and international humanitarian law, which remained applicable to that State irrespective of its potential roles in or claims to mediation.

20. No mediation model with such glaring shortcomings could be relied on to produce a sustainable solution. The role of the United Nations in responding to ongoing or protracted conflicts must therefore be strengthened. The concrete actions and decisions of the United Nations remained as relevant as ever for the people of Georgia, the Republic of Moldova and Ukraine, who continued to face the threat and use of force against their sovereignty, territorial integrity and political independence. The United Nations must limit the ability of a party to a conflict to influence decisions taken in the Organization, especially the Security Council, that were aimed at settling that conflict peacefully. The relevant provisions of the Charter must be implemented unconditionally.

21. **Mr. Furdora** (Cuba) said that the importance of the Special Committee's mandate 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. One such country was the United States of America, which had gone so far as to arbitrarily violate the prohibition of the threat of the use of force in January 2019, when senior officials of its Government had arrogantly and brazenly stated in relation to Venezuela that all options, including the military option, were on the table. As part of that interventionist policy, which overtly contravened the Charter, the United States had imposed an economic, financial and commercial embargo against the Cuban people simply for freely exercising their right to self-determination and establishing the economic, political and social system of their choice. As if that were not enough, the United States had also arrogated the power to hamper economic relations between Cuba and third countries.

22. The Charter must be upheld and the leading role of the General Assembly as the principal normative, deliberative, policymaking and representative body of the United Nations must be preserved and strengthened. 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 resolution, decision or action that was proposed by United Nations organs and had implications for the implementation of the Charter.

23. Despite 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. His 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.

24. His delegation also took note of the progress made in the updating of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and called for the elimination of the backlog in the preparation of volume III of the *Repertory* as a matter of priority. It also welcomed the availability of studies on the Internet and the periodic



updating of the *Repertory* and *Repertoire* sections of the Security Council's website.

25. Some delegations sought to abolish the Special Committee or curtail its sessions, even though its importance 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.

26. Although the situation of the Special Committee had improved in comparison 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 oral proposal made at the seventy-second session of the General Assembly, he urged other delegations also to submit substantive proposals and to participate constructively in the Special Committee's discussions.

27. **Mr. Varankov** (Belarus) said that the Special Committee was the only expert legal body empowered to consider all legal questions related to the Charter and the functioning of the United Nations. Although his delegation understood the motives of those delegations that considered it more appropriate to bring such matters directly before the General Assembly plenary, it believed that the Special Committee could and should contribute to the discussions, even if it did not take any concrete decisions. It agreed with the view expressed in the Special Committee that the Special Committee should consider at least the legal aspects of the balance of power among the main organs of the Organization, including the Economic and Social Council. The existence of parallel political processes, including the revitalization of the General Assembly and the reform of the Security Council, should not be considered harmful duplication of the Special Committee's functions. Rather, the Special Committee should discuss the appropriate division of labour among the various organs.

28. The Special Committee's potential with regard to issues relating to United Nations sanctions was not being fully tapped. His delegation thanked the Secretariat for its briefings on the matter and, in general, welcomed the system that was being established, with the involvement of the Office of the Ombudsperson

established pursuant to Security Council resolution 1904 (2009), expert panels and the Focal Point for Delisting, to enable appeals against and the lifting of targeted sanctions. It appreciated the explanations provided by the Secretariat to Member States regarding the implementation of sanctions. The new version of the International Treaties Act of Belarus expressly stipulated that acts of international organizations were binding if provisions to that effect were contained in the constituent documents of those organizations. His Government had also approved a procedure for coordination among State bodies for the implementation of Security Council sanctions. In addition, it was vital to increase the awareness of the private sector in that regard. The Secretariat should consider the possibility of holding regional training events for the private sector, which itself could be responsible for the funding and organization of such events.

29. His delegation was aware of the political character of the work of sanctions committees and the almost absolute powers of the Security Council in that area. At the same time, it would be useful for an organization based on the rule of law to have a single body that developed common conceptual approaches to sanctions-related matters, approaches that would subsequently be adapted to specific national circumstances. The establishment of such a body could result in constructive cooperation between the General Assembly and the Council and proper delineation of their powers.

30. With regard to the long-standing problem of unilateral coercive measures imposed in circumvention of the Council, such measures violated the universally recognized principles of international law reflected in the Charter and other authoritative documents and rarely achieved the stated aims of those who imposed them. They were likely only to provoke cycles of confrontation and mutual distrust and undermine the rule of law in international relations. In addition, the circumvention of the Council, the only body empowered to take coercive measures on behalf of the international community, undermined the authority of the United Nations and the entire multilateral system.

31. His delegation affirmed the timeliness and relevance of all the initiatives under consideration by the Special Committee and was ready to work with the delegation of Libya to include the main elements of its proposal in the draft resolution on the current agenda item. It would take a flexible and constructive approach to the suggestions of all interested delegations regarding the refinement of the working paper submitted by Belarus and the Russian Federation concerning a request for an advisory opinion from the International Court of Justice, and would not rule out the use of other available

mechanisms for requesting such an opinion. His delegation was also ready to work with the delegations of Ghana, Cuba and Mexico on their important initiatives.

32. Belarus welcomed the Special Committee's recent practice of holding thematic debates on peaceful means for the settlement of disputes; the same approach could be applied to other fundamental provisions of the Charter. His delegation favoured greater use of mediation in the settlement of international problems. It was therefore regrettable that the potential of the Court of Conciliation and Arbitration of the Organization for Security and Cooperation in Europe, whose members included qualified, experienced mediators, was not being fully used.

33. His delegation supported the Russian initiative regarding the establishment of a website dedicated to the peaceful settlement of disputes and the updating of the *Handbook on the Peaceful Settlement of Disputes between States*. Although the initiative might result in some duplication of existing resources, it should be borne in mind that many States lacked the means to conduct their own searches and analysis of all the available information. More importantly, the initiative would have the Organization's stamp of authority and would thus contribute to the attainment of the goals set out in the Charter.

34. Belarus thanked the Secretariat experts and other specialists who were working on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. His Government was considering the possible involvement of Belarusian universities in that work and hoped to make substantive proposals on the matter in the near future.

35. **Mr. Yang Xi** (China) said that his delegation supported the work of the Special Committee, as the sole permanent United Nations mechanism dealing with issues related to the Charter and the strengthening of the role of the Organization. At its 2019 session, the Special Committee had made the use of mediation the focus of its deliberations on the peaceful settlement of disputes. Mediation, as prescribed in the Charter, was an important means of resolving disputes, and it remained widely used. Given that it involved third parties, it should be used in strict compliance with the purposes and principles of the Charter and only with State consent; it should not be imposed on any country. Only when mediation was undertaken on a voluntary and equal basis, and in a spirit of amity and mutual accommodation, would its results be readily accepted by the parties concerned.

36. As a founding member of the United Nations and a permanent member of the Security Council, China took its due share of the responsibility for the maintenance of regional and international peace and promoted the resolution of contentious issues by peaceful means. In doing so, it adhered to the principle of non-interference in other States' internal affairs, respected the sovereignty and will of the countries concerned, upheld objectivity and impartiality, resolutely opposed the pursuit of self-interest and complied with the purposes and principles of the Charter.

37. United Nations sanctions were a means rather than an end and should further political solutions to problems. The Security Council should exercise prudence in its use of sanctions, which should not be imposed until other non-coercive measures were exhausted and should be consistent with the Charter and the relevant principles of international law in order to minimize their impact on the general population and third States. Member States should strictly implement the Council's sanctions resolutions and oppose the imposition of additional unilateral sanctions in contravention of the Charter and international law. Currently, a certain country was pursuing unilateralism and wilfully imposing unilateral sanctions to the detriment of the effectiveness and authority of United Nations sanctions. The discussions of the Special Committee on the introduction and implementation of sanctions imposed by the United Nations were therefore of particular importance.

38. China supported further discussion by the Special Committee of the proposal that an advisory opinion be requested from the International Court of Justice on the legal consequences of the resort to the use of force by States without prior authorization by the Security Council; such an advisory opinion could help clarify the rules of international law on the prohibition of the use of force and facilitate the interpretation and implementation of the Charter. China was also willing to consider favourably the proposal regarding the interpretation and application of Article 51 of the Charter on the right of self-defence. That right must be exercised in accordance with the purposes and principles of the Charter; any expanded interpretation or abuse of it must be avoided.

39. His delegation hoped that, in a spirit of pragmatism, all concerned parties would explore effective new ideas and measures to improve the Special Committee's working methods and efficiency. His delegation commended the Secretariat on the progress made 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 facilitate the publication of the *Repertory* and the *Repertoire* in all official languages of the United Nations.

40. **Ms. Ponce** (Philippines) said that one of the Special Committee's greatest achievements was the 1982 Manila Declaration on the Peaceful Settlement of International Disputes, which built on the Charter and other key instruments, such as the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV). The Special Committee had always supported efforts to make the United Nations more efficient in fostering peace and security; her delegation therefore attached great importance to its work.

41. Her delegation was committed to upholding Article 2, paragraph 3, and Article 33 of the Charter, pursuant to which parties to any dispute must first of all seek a solution by peaceful means. States should refrain from the threat or use of force. Preventing war through the peaceful settlement of disputes was at the heart of the Organization's work; human rights were safer in peace than in war, and the United Nations had been established to uphold such rights after the horrors of the Holocaust.

42. Her delegation supported the proposal submitted by Cuba on strengthening the role of the Organization and enhancing its effectiveness, and 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 consistent with the Manila Declaration. Her delegation supported the development by the Special Committee of guidelines on those matters. It also supported the Special Committee's recommendation that the thematic debate to be held at its next session be on the subtopic "Exchange of information on State practices regarding the use of conciliation".

43. Her delegation welcomed the report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/74/152). Sanctions should be imposed as a last resort, not as a preventive measure, and only when it was determined that there existed a threat to international peace and security or an act of aggression, in accordance with the Charter.

44. Her delegation appreciated the progress made in the preparation of studies for the *Repertory of Practice*

*of United Nations Organs* and in the posting of such studies on the Internet in three languages. It supported the use of the United Nations internship programme and cooperation with academic institutions for the preparation of *Repertory* studies, and would seek to identify academic institutions that could contribute to the preparation of such studies. It also supported the Secretariat's initiative of inviting academic institutions to which members of the International Law Commission were affiliated to consider making such a contribution. Her delegation noted the progress made towards updating the *Repertoire of the Practice of the Security Council*, which should be made available electronically in all its language versions.

45. **Mr. Korbih** (Ghana) said that his delegation appreciated the suggestions made by various delegations at the Special Committee's 2019 session with regard to 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. The concerns expressed about the possible duplication of existing legal frameworks and about programme budget implications would be reflected in the revised working paper to be submitted to the Special Committee in 2020.

46. Ghana had submitted the working paper because of its commitment to the Charter of the United Nations, particularly Article 33 on the peaceful settlement of disputes among nations. Regional arrangements or agencies were closer to conflicts, understood their dynamics, appreciated the specific needs for intervention and knew how to effect such intervention. In addition, the fluidity of conflict imposed a greater burden on those arrangements or agencies to act quickly to prevent conflict in one country from spreading to contiguous States. Consequently, a partnership between the United Nations and regional arrangements or agencies would be beneficial to the peaceful settlement of disputes. In calling for such a partnership, his delegation was aware that the Manila Declaration on the Peaceful Settlement of International Disputes contained definitions of the substantive duties of States and the competencies of the relevant United Nations organs in peaceful dispute settlement; that, under Article 33 of the Charter, the parties to a dispute could resort to "regional agencies or arrangements", an expression that referred to regional treaties and regional organizations; and that Chapter VIII of the Charter was devoted to regional arrangements, whose role in dispute settlement was addressed specifically in Article 52. His delegation, however, in the proposed guidelines contained in its working paper, called for more structured engagement between the United Nations and regional arrangements



or agencies. To that end, issues related to clarity of roles and the capacity of regional arrangements or agencies and the Organization to engage with each other in their responses to security situations must be addressed. His delegation appreciated the continuous support of other delegations for the working paper.

47. **Mr. Elsadig Ali Sayed Ahmed** (Sudan) said that the role of the General Assembly in formulating policy on the maintenance of international peace and security should be strengthened. 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 to 14 concerning the functions and powers of the General Assembly.

48. 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 transparent monitoring and periodic review. The conditions required of the targeted State or party should be clearly spelled out.

49. 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.

50. 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 revised working paper from Ghana on promoting cooperation between the United Nations and regional organizations.

51. His delegation strongly supported the revised working paper submitted by Cuba in relation to the maintenance of international peace and security. Although some paragraphs should be reordered and some rewording was needed, the paper contained concrete recommendations on strengthening the role of the General Assembly, including the establishment of a working group to conduct a legal study on Chapter IV of the Charter and achieve the delicate balance envisaged in the Charter between the mandates of the main bodies of the United Nations.

52. His delegation was confident that the Special Committee's annual thematic debate would improve the efficiency and effectiveness of peaceful approaches and foster a culture of peace among Member States. The selection of the subtopic "Exchange of information on State practices regarding the use of mediation" as the focus of that debate at the 2019 session had been appropriate. 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.

53. The Sudan, despite its political and economic situation, was committed to the maintenance of international peace and security and to the peaceful settlement of disputes, particularly in Africa. It had therefore used its good offices to bring together the parties to the conflict in South Sudan; as a result, a peace agreement had been signed in Khartoum in July 2018. His Government had also brought together the parties to the conflict in the Central African Republic through a peace and reconciliation initiative that had led to the signature of another peace agreement in Khartoum in February 2019. He hoped that those agreements would yield clear, tangible results.

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

electronically in all their language versions. The website of the *Repertory* should be continuously updated.

55. **Mr. Al-Thani** (Qatar) said that his delegation commended the work of the Special Committee. The United Nations was essential to addressing issues of international cooperation, peace and security, sustainable development, human rights and the rule of law; the Special Committee had a great responsibility for strengthening international law and ensuring that the Charter was respected. In accordance with the definition, in the Charter, of the responsibilities of the principal organs of the United Nations, the international community must strike a balance between the mandates of those organs, in particular the General Assembly, as the main deliberative and representative body, and the Security Council, as the body responsible for international peace and security. The principles of pluralism, international cooperation, sovereign equality, non-intervention in the domestic affairs of States and respect for international law were emphasized in the Charter; States should therefore act in good faith to comply with those principles and prevent conflicts.

56. The prohibition of the threat or use of force was essential to the multilateral system. His delegation was concerned about attempts by some States to justify illegal acts that violated the Charter and international law and undermined collective security. The international community must join forces to curb such acts and ensure that the Charter was respected. The illegal unilateral sanctions and unjust embargo imposed on Qatar for more than two years undermined the Special Committee's efforts to promote adherence to the Charter and international law. The threats posed by such policies to international and regional peace and security and human rights must be addressed, and the Organization's role in the international arena must be strengthened.

57. The peaceful settlement of disputes was essential to international peace and security and strengthened the rule of law. It was a fundamental principle that applied to all Member States in accordance with Article 2, paragraph 3, and Article 33 of the Charter, which set forth the means available to the parties to a dispute. The International Court of Justice, as the principal judicial organ of the United Nations, played an important role in strengthening international law through its judgments and advisory opinions, which contributed to the peaceful settlement of disputes and the clarification of international law and thus to the achievement of peace and stability in international relations.

58. Qatar had a consistent policy of resolving disputes peacefully and attached great importance to the Manila

Declaration on the Peaceful Settlement of Disputes, which represented a great achievement of the international community. In addition, it had always supported collective action and cooperation with its partners and with the United Nations entities responsible for international peace and security, development and human rights. It had established international partnerships based on the Charter and international law and continued to participate in the work of the Special Committee.

59. In line with its international commitments, Qatar rejected any recourse to policies of diktats and interference designed to undermine the sovereignty of other States. Such policies were a flagrant violation of the Charter, international law and human rights, and a threat to the multilateral system. In many international resolutions and declarations, the international community had rejected such illegal unilateral measures, which were taken on false pretexts to achieve particular goals in violation of the principles of the sovereign equality and territorial integrity of States.

60. His delegation would continue to help strengthen the role of the United Nations so that the Organization could fulfil the objectives for which it had been established, and would work with other Member States in the Special Committee to maintain international peace and security.

61. **Ms. Lahmiri** (Morocco) said that targeted sanctions remained an appropriate way of sparing third parties and civilian populations the negative consequences of comprehensive sanctions, or at least mitigating the effects of such sanctions on them. When peace and security were under threat, it was imperative to be able to restore them using the measures provided for in the Charter. However, those measures should not be the only ones used to restore peace and security, as they risked undermining the possibility of socioeconomic development. To ensure a proper balance between the need to maintain peace and the preservation of the economic interests of States, sanctions should have specific objectives and be imposed for a limited period of time. Generally speaking, sanctions imposed by the Security Council should be of a subsidiary nature and should be applied only 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. The Organization's actions in that regard must be guided by the principle of proportionality, in accordance with the spirit of international humanitarian law and international human rights law. Wherever possible, the Security Council

should seek advice on relevant legal and economic matters before resorting to sanctions.

62. Morocco had always favoured a peaceful approach to dispute settlement and considered prevention an essential part of the maintenance of international peace and security. It therefore attached great importance to the role of the Special Committee and welcomed initiatives to revitalize its work and improve its efficiency and use of resources, as well as initiatives aimed at strengthening the role of the United Nations and enhancing cooperation between the Organization and regional arrangements or agencies in the peaceful settlement of disputes. Her delegation also recognized the significant contribution that adjudicative mechanisms in areas such as investment, trade and the law of the sea had made to dispute settlement and the promotion of the rule of law at the international level.

63. **Mr. Kim In Chol** (Democratic People's Republic of Korea) said that, over the past year, acts challenging the law-based international order had continued unhindered, with total disregard for the Charter. A certain country, which had interfered in the domestic affairs of sovereign States around the world by means of sanctions and armed invasions, had recently attempted to deprive members of the Government of Venezuela of United Nations credentials. Member States must unite to uphold the Charter in the face of unilateralism and defend global peace and security. In that connection, the adoption of General Assembly resolution [73/127](#), concerning the International Day of Multilateralism and Diplomacy for Peace, reflected the international community's commitment to opposing unilateralism.

64. The "United Nations Command" in South Korea was an example of abuse of the United Nations by an individual country. There were no legal grounds for its continuing presence in South Korea. The Security Council resolutions used as a basis for its establishment had been adopted in the absence of any representative of the former Soviet Union, then a permanent member of the Council, and did not contain the phrase "United Nations Command". The "United Nations Command" had nothing to do with the United Nations and was misusing the Organization's name. High-ranking United Nations officials, including the Secretary-General, had made it clear that the entity was not a subsidiary organ of the United Nations and was not funded by it; rather, it was under the control of the United States. In its resolution [3390 \(XXX\)](#), adopted in 1975, the General Assembly had called for the dissolution of the Command and the withdrawal of all foreign troops from South Korea, yet the "United Nations Command" continued to exist and was even seeking to expand its reach beyond the Korean Peninsula.

65. Attempts to involve Japan in the "United Nations Command" were unacceptable, given that Japan had committed war crimes and crimes against humanity against the Korean people and other peoples in Asia. The Government of Japan should apologize and provide reparation for its past crimes rather than attempting to establish itself as a military power by invading other countries.

66. The United States had admitted that it was attempting to turn the "United Nations Command" into an aggressive military alliance on the model of the North Atlantic Treaty Organization (NATO). If the United States truly wished to promote peace and security in the Korean Peninsula, it should immediately dismantle the "United Nations Command". Moreover, the United Nations should put an end to a situation that was to its discredit and make a tangible contribution to the maintenance of peace and security in the Korean Peninsula and around the world by removing its flag from the "United Nations Command" as soon as possible. His country would remain faithful to the Charter and actively participate in efforts to strengthen the role of the Organization.

67. **Mr. Bukoree** (Mauritius) said that the Charter had helped establish a better and more peaceful world, in part through its provisions concerning the peaceful settlement of disputes. The International Court of Justice played a vital role in that regard by clarifying aspects of international law and provisions of the Charter, and all Member States should comply with its decisions. The Special Committee had helped strengthen the role of the United Nations in the maintenance of international peace and security by successfully negotiating a number of important instruments, such as the Manila Declaration on the Peaceful Settlement of International Disputes, and assisting in the preparation of the *Handbook on the Peaceful Settlement of Disputes between States*. The General Assembly had reaffirmed the principle of the peaceful settlement of disputes in a number of resolutions, including the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

68. His delegation welcomed the Secretary-General's vision of rebalancing the Organization's approach to peace and security and promoting the use of Chapter VI rather than Chapter VII of the Charter, including by focusing on conciliation and dialogue rather than the application of sanctions. Sanctions must be used only as a last resort and must be imposed and implemented in full conformity with the Charter and international law, as their legitimacy was essential to their effectiveness.

The General Assembly should be adequately informed and consulted on matters relating to sanctions, since questions concerning the application of sanctions by the Security Council, including due process, were of interest to all Member States. His delegation reiterated its full support for the Special Committee in its efforts to ensure full adherence to the Charter.

69. **Mr. Arrocha Olabuenaga** (Mexico) said that his delegation remained concerned about the increase in the number of letters sent to the Security Council invoking Article 51 of the Charter as justification for the use of armed force by some Member States in the territory of other States. Consideration of such communications, which had a bearing on respect for the purposes and principles of the Organization and were thus of interest to all Member States, should be more transparent and far-reaching.

70. Mexico recognized the gravity of terrorist acts, their high humanitarian, political and social cost, and the threat they presented to international peace and security. The world today faced new threats, such as the proliferation of non-State armed groups, that required a new approach, thus presenting a huge challenge to the Organization as a whole and in particular to the Security Council and the General Assembly, the organs responsible for collective security.

71. His delegation wished to reiterate its proposal that the Special Committee conduct an analysis of Article 51 from both a substantive and a procedural perspective, focusing on compliance with 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 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 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 was essential for the Security Council to guarantee the provisional nature of self-defence, while dealing with the situation immediately upon receipt of a letter of notification of the use of force under Article 51. It was particularly worrying that at least five communications under Article 51 were listed in part V, "Matters brought to the attention of the Security Council but not discussed at meetings of the Council during the period covered", of the Council's report for 2018 (A/73/2). The Council should provide more information

to all Member States about its follow-up to such communications.

72. His delegation commended the Secretariat for its efforts to reduce the backlog in the publication of supplements to the *Repertoire of the Practice of the Security Council*. While the most recent supplements were not yet available in all the official languages, the fact that there was no longer a delay of at least two years in the publication of Supplements, as had been the case for many years, was a welcome development.

73. Debates on the interpretation and implementation of the Charter should not focus on particular situations; rather, they should comprise an exchange of views on aspects of the Charter concerning which there were diverging views, particularly given the changing nature of the threats to international peace and security. The perspectives of all Member States should be taken into consideration, given that such discussions required a broad view of the evolution of international law. The Special Committee was an ideal forum for the discussions, as it was open to all Member States and had the necessary mandate.

74. **Ms. Llano** (Nicaragua) said that her delegation would continue to make substantive contributions to the work of the Special Committee, which could make a significant contribution to the democratization of the principal organs of the United Nations as part of the Organization's reform process. The Special Committee was the appropriate body for making recommendations aimed at ensuring that different organs did not overstep their mandates. In that connection, her delegation was concerned that, on occasion, the Security Council was conferring upon itself the power to address topics that fell within the purview of the General Assembly.

75. Her delegation supported all initiatives aimed at promoting the peaceful settlement of disputes and hoped that the Special Committee's practice of holding an annual thematic debate on an aspect of the topic would continue. The debate at the 2019 session, on the exchange of information on State practices regarding the use of mediation, had been constructive. The meeting time currently assigned to the Special Committee to undertake the important work ahead was necessary; its sessions should not be shortened. Her 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. It also remained committed to ensuring international peace and security and strengthening multilateralism in accordance with the Charter and international law.

76. **Mr. Jaime Calderón** (El Salvador) said that the promotion of the peaceful settlement of disputes was a particularly important aspect of the Special Committee's work. In the interest of preventing aggression and maintaining international peace and security, it was important to ensure that States had various means of peaceful settlement of disputes available to them. The annual thematic debate on the subtopic "Exchange of information on State practices regarding the use of mediation" had been of great interest, since mediation was an extremely effective means of settling disputes between States, whether the mediator was a State or an international organization. Mediation could also be a useful tool for resolving internal conflicts, as evidenced by the important role that mediation by the United Nations had served in ending the internal conflict in El Salvador. International organizations serving as mediators played a significant role in enabling States around the world to engage in peace processes and establishing order and stability at the international level. It should also be borne in mind that peace and development were inextricably linked. Early peacebuilding activities were an essential element of any dialogue or mission, as they not only promoted good relations between a mission and the local population but also helped prevent a resurgence of the conflict. His delegation would continue to follow with particular interest the Special Committee's work on the peaceful settlement of disputes, in the hope that it would shed further light on the circumstances in which the various mechanisms for dispute settlement could be most useful.

77. **Mr. Park Chull-Joo** (Republic of Korea) said that his country commended the efforts of the Secretary-General to prepare the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. It was sponsoring an associate expert to work on updating the Repertoire, and would continue to explore ways to help reduce the backlog in the preparation of the *Repertory*.

78. His delegation appreciated the efforts of the Department of Political and Peacebuilding Affairs to ensure procedural transparency in the implementation of sanctions imposed by the United Nations. With regard to the item "Peaceful settlement of disputes" on the Special Committee's agenda, his delegation was pleased that many delegations had offered practical examples of mediation, and looked forward to participating in a thematic debate at the forthcoming session of the Special Committee on the subtopic "Exchange of information on State practices regarding the use of conciliation".

79. It should, however, be noted that many, if not all, of the items on the agenda of the Special Committee had

been discussed for several years without substantial progress. The Special Committee should revisit those issues and should not rule out the possibility of discontinuing their consideration for the sake of more efficient and productive discussions. Duplication between the Special Committee and other organs of the United Nations, whether in considering existing subjects or identifying new ones, was also a recurring concern. The Special Committee should seek to avoid such duplication and should seriously consider holding shorter and less frequent sessions.

80. **Ms. Pierce** (United States of America) said that, overall, the work of the Special Committee lacked the pace of years past; at least two of the proposals on its agenda had been under consideration for more than 20 years. Members might have legitimate disagreements on the substantive issues before them, but all shared an interest in rationalizing the work of the Special Committee. At its forthcoming session, the Special Committee should take steps to improve its efficiency and productivity. The Special Committee should also seriously consider shortening its sessions or holding them on a biennial basis. Such steps were reasonable and long overdue, given the current environment of reform, with tighter budgets and an emphasis on enhanced efficiency.

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

82. 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 the proposal calling for a legal study of General Assembly functions and powers and the proposal concerning the reform of the Organization. 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. Her delegation reiterated that 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 considered.

83. Her delegation looked forward to participating in the thematic debate on the subtopic "Exchange of

information on State practices regarding the use of conciliation” at the Special Committee’s 2020 session. With regard to the other subjects considered under the item “Peaceful settlement of disputes”, her delegation did not support the allocation of resources to build a website hosting information that was already widely available online.

84. 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, should not duplicate efforts elsewhere in the United Nations and should respect the mandates of the principal organs of the Organization. The Special Committee was not the appropriate forum to assess the sufficiency of Member State communications submitted pursuant to Article 51 of the Charter. 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*.

85. **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. The Special Committee had had on its agenda for some years her delegation’s proposal that the *Handbook on the Peaceful Settlement of Disputes between States* be updated and 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. It was regrettable that the Special Committee, at its 2019 session, had once again not reached a consensus on those initiatives, which were intended to establish the most reliable source of information about new aspects of the peaceful settlement of disputes between States. Nonetheless, the Special Committee’s discussions of her Government’s proposal and other items on its agenda had demonstrated its usefulness as a platform for dialogue. Her delegation looked forward to continuing in that forum the discussions on the proposal made by Mexico concerning recent applications of Article 51 of the Charter on the right to self-defence.

86. 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).

87. With regard to the comments made by one delegation, speaking also on behalf of two others, at the current meeting, she said that those States had at various stages unleashed war on their own people and were now abusing the platform provided by the United Nations, and the Sixth Committee in particular, to shift the blame onto others. Her delegation’s view was that the politicization of the Committee’s work should be avoided.

88. **Mr. Nfati** (Libya) said that his delegation attached great importance to the work of the Special Committee, particularly with regard to the maintenance of international peace and security. In order to encourage cooperation for that purpose, there was a need to reorganize and reform the United Nations and ensure that its main organs acted in accordance with the principles of justice, democracy and the sovereign equality of Member States.

89. His delegation had submitted several proposals in that regard, including a proposal on strengthening the role of the United Nations in the maintenance of peace and security that had first been submitted in 1998. In the proposal, emphasis was placed on the following points: consideration, pursuant to the provisions of Articles 10, 11 and 14 of the Charter, of ways and means of bolstering the role of the General Assembly in the maintenance of international peace and security as a common responsibility of all Member States of the United Nations; recommendation of ways to enhance the relationship between the General Assembly and the Security Council on the basis of Articles 15 and 24 of the Charter and within the framework of the endeavour by both organs to strengthen international peace and security; elaboration of criteria to ensure that the composition of the Security Council reflected the general membership of the United Nations, equitable geographical distribution in the membership of the Council, and conduct of a periodic review to improve the Council’s working methods; and formulation of a precise definition of what constituted a threat to international peace and security so as to ensure that there was no resort to action under Chapter VII of the Charter in cases that did not constitute such a threat.

90. **Mr. Yedla** (India) said that peace and prosperity could be achieved only through cooperative and effective multilateralism, which in turn required the rule of law at the international level. Although the Charter provided for the use of force under certain specific conditions, States had an obligation under Article 2, paragraph 3, of the Charter to settle their disputes by peaceful means. That provision was strengthened by Article 33, which set out the means available to the parties to a 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.

91. 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 should not be used as punitive measures, and should be imposed only as a last resort and only so long as necessary. They must also be consistent with the Charter and must not violate the principles of international law. 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, which had an obligation to find a definitive solution to those problems.

92. The Security Council increasingly made use of targeted sanctions against individuals and entities. His delegation noted the measures, highlighted in the report of the Secretary-General (A/74/152), for further improvement of the procedures and working methods of the Security Council related to assistance to third States affected by the application of sanctions. It also noted that the Council had adopted a procedure whereby States could signal to the relevant sanctions committee their intention to authorize access to frozen funds for a variety of basic and extraordinary expenses. His delegation believed that such exceptions should be made at the behest of the affected State or of any States acting on its behalf. The General Assembly and the Economic and Social Council should play a more proactive role in assisting third States affected by the application of sanctions. His delegation took note of the arrangements made by the Secretariat with a view to assisting such third States, and it encouraged the Secretariat to play a constructive role in exploring practical and effective measures for that purpose. It agreed that detailed case studies were required to assess possible adverse impacts of sanctions on individual countries, and it would cooperate fully in that endeavour.

93. His 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*, eliminate the backlog in their preparation and make them available in electronic form.

94. **Mr. Guerra Sansonetti** (Bolivarian Republic of Venezuela) said that supporting the work of the Special Committee meant reaffirming the principles of the Charter at a time when unilateralism was undermining Member States' independence, territorial integrity, self-determination and right to peaceful coexistence. The reform of the Organization, including the Security Council, was a matter of priority as it would improve democracy and balance in the main organs of the United Nations. The Special Committee had a vital role to play in strengthening the authority of the General Assembly, which was the most democratic and representative of those organs.

95. Sanctions under Chapter VII of the Charter should be imposed only when all peaceful means of dispute settlement had been exhausted. Assistance to States affected by sanctions should be a matter of priority, given the negative impact of sanctions on human rights, such as the rights to food, development, education and health. The Secretary-General should build capacity to mitigate that impact. His Government condemned the increasing tendency of the United States to call for unilateral coercive measures against the Bolivarian Republic of Venezuela, and also Cuba, the Democratic People's Republic of Korea, the Islamic Republic of Iran, the Russian Federation and the Syrian Arab Republic, with the sole objective of promoting regime change. Those measures were referred to in the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights (A/73/175).

96. The threat or use of military force without authorization from the Security Council was contrary to the Charter and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. In that connection, the activation of the 1947 Inter-American Treaty of Reciprocal Assistance (Rio Treaty), a holdover of the Cold War to which his country was not a party, violated the right of the Venezuelan people to peace and security, posed a clear threat to regional peace and security, and undermined the authority of the Security Council. In the current context of extended conflicts in various parts of the world, it was essential for Member States to settle their disputes peacefully in accordance with Article 33 of the Charter and with the Manila Declaration on the Peaceful Settlement of International Disputes.

97. The Bolivarian Republic of Venezuela supported the proposals made by the delegations of Belarus, Cuba, Ghana and the Russian Federation and would consider with interest any new proposals submitted to the Special Committee, such as that of Mexico.

98. **Mr. Knyazyan** (Armenia) said that each conflict was unique in terms of its root causes, essence, mediation forum and principles put forward for its resolution. It was therefore necessary to be cautious and guard against attempts by some States to make generalizations about conflicts or to establish an artificial hierarchy of principles of international law; such actions were not conducive to achieving a fair and lasting settlement. In order for a peace process to move forward, it was essential for mediators to engage with all parties to the conflict. With regard to initiatives aimed at promoting recourse to mediation, care should be taken to avoid duplicating the internationally mandated mediation formats or creating incentives for mediation shopping.

99. Internationally mandated mediation formats within the framework of regional organizations offered the necessary capacity and expertise to address specific conflict situations. Effective use of the capacity of regional agencies and arrangements in mediation, conflict prevention and the peaceful settlement of disputes was provided for in Article 33 and Chapter VIII of the Charter.

100. The Special Committee should examine carefully the information provided by Member States before including it in its report, in order to avoid factual mistakes and the distortion of internationally accepted terminology. Armenia strongly objected to the wording used in paragraph 59 of the report to refer to the Nagorno-Karabakh conflict. The manner in which the conflict was described sharply deviated from the manner in which it was referred to by the Organization for Security and Cooperation in Europe in its official documents. The distorted formulation used in the report had been included at the last minute, on the basis of a suggestion made by a single delegation, thus propagating a one-sided narrative.

101. **Mr. Al Reesi** (Oman) said that the Special Committee had an important role to play in fostering compliance with the Charter. As a peace-loving State, Oman was convinced of the need to uphold the Charter, settle disputes peacefully and refrain from the use of force. The revitalization of the Organization's role in mediation and diplomacy would help promote stability, development and cooperation. His delegation hoped that the international community would join forces to find solutions to the problems in several States in the Middle East and develop an appropriate legal framework for the establishment of an independent Palestinian State, in accordance with the relevant resolutions of the Security Council and the agreements concluded among the parties concerned.

102. **Mr. Adamou** (Niger) said that, in 2020, the international community would mark the seventy-fifth anniversary of the United Nations under the theme "The future we want, the United Nations we need: reaffirming our collective commitment to multilateralism". In that connection, an ambitious reform of the Security Council, the General Assembly and the Economic and Social Council should be undertaken in a manner consistent with the principles and procedures established in the Charter. Multilateral diplomacy constituted the best way to tackle such challenges as climate change and the attainment of the Sustainable Development Goals.

103. Niger was concerned at the introduction and implementation of sanctions imposed by the United Nations and, in particular, their effect on third States. Since sanctions were an important tool for maintaining or restoring international peace and security, they should be imposed in compliance with the provisions of the Charter and international law. His delegation welcomed the institution of regular briefings by the Secretariat on the document entitled "Introduction and implementation of sanctions imposed by the United Nations", annexed to General Assembly resolution [64/115](#). It urged the Security Council sanctions committees, regional organizations and Member States to continue exchanging information in order to enhance fairness and transparency in sanctions procedures and to improve delegations' knowledge of those procedures.

104. In its efforts to maintain international peace and security, the international community should focus more on peaceful coexistence and the peaceful settlement of disputes. Thus, in accordance with Articles 2 and 33 of the Charter, his delegation called on States to refrain from the threat or use of force. Similarly, it attached great importance to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. It also wished to emphasize the importance of preventive diplomacy, conflict prevention and respect for human rights in the peaceful settlement of disputes. The United Nations and, in particular, the Human Rights Up Front initiative of the Secretary-General played a commendable role in that regard. The International Court of Justice, as the principal judicial organ of the United Nations, also had an important part to play in the peaceful settlement of disputes. It was vital to strengthen international courts, tribunals and arbitration mechanisms.

105. **Mr. Islam** (Bangladesh) said that the Special Committee, after being held up in its work for some time owing to lack of political will, had recently been able to build up momentum in its consideration of the peaceful

settlement of disputes. Multilateralism remained the essential basis for dispute settlement. States should refrain from the threat or use of force, in accordance with the Charter, and bear in mind the importance of State sovereignty, territorial integrity and non-interference in the internal affairs of other States. Preventive diplomacy also had an important role to play, as did the participation of women in all stages of conflict resolution. In addition, Bangladesh highly valued the role of the International Court of Justice, as the principal judicial organ of the United Nations, in promoting the peaceful settlement of disputes, particularly through its advisory opinions.

106. The reform of the United Nations should take place in accordance with the principles and procedures set forth in the Charter. The legal framework of the Charter should be preserved, and the status of the General Assembly as the chief deliberative, policymaking and representative organ of the United Nations should be upheld. A number of delegations had expressed concern that the Security Council had encroached on the functions and powers of the General Assembly and the Economic and Social Council. Some had also expressed the view that the Assembly had on occasion exceeded its mandate, in violation of Article 12 of the Charter, by debating matters that were still being considered by the Security Council. It was important to strike a balance between the functions and powers of the principal organs of the United Nations, and the Special Committee was the appropriate forum for examining the legal aspects of that issue.

107. The Special Committee had made worthwhile contributions 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 often included legal and technical provisions that posed various compliance challenges at the national level. Sanctions should be consistent with the Charter and international law, and should be used only as a last resort, when there existed a threat to international peace and security, a breach of the peace or an act of aggression. The Special Committee could help advance the debate on the time frame and legal grounds of sanctions regimes.

108. The working methods of the Special Committee should be guided by the substance of its work; if there was sufficient political will to advance that work, there should be no major difficulty in streamlining working methods.

109. **Ms. Ighil** (Algeria) said that her delegation continued to support the work of the Special Committee, which made an important contribution to the

maintenance of international peace and security, the promotion of the principles of international law, and the peaceful settlement of international disputes. Her delegation also supported the efforts of many Member States to consider ways and means to enhance the efficiency of the Special Committee and its working methods and to encourage interaction and substantive discussions on proposals before the Special Committee. All such proposals merited due consideration, but political will was needed to make progress, in particular in relation to a number of long-standing issues. Despite the lack of movement on the consideration of certain proposals, her delegation was encouraged by the reinvigoration of the work of the Special Committee.

110. Her delegation encouraged the Special Committee to continue its in-depth consideration of all matters relating to the maintenance of international peace and security. Her delegation had concerns about the impact of sanctions, in particular in relation to the implementation of the provisions of the Charter concerning assistance to third States affected by the application of sanctions. Sanctions must be applied in strict accordance with the Charter and the relevant principles of international law, and only as a last resort, in order to minimize any unintended adverse consequences for vulnerable groups, civilian populations and other States. Thus, the objectives of and legal basis for sanctions, and the time frame for their implementation, must always be clearly defined.

111. Her delegation reiterated the importance of full respect for the provisions of the Charter concerning the functions and powers of the principal organs of the United Nations and the maintenance of an appropriate balance among those entities. The ongoing reform of the United Nations and the revitalization of the work of the General Assembly would benefit from the input of the Special Committee in that regard.

112. Algeria was committed to the principles of the Charter concerning the peaceful settlement of disputes, and also recognized the vital role of the International Court of Justice in the prevention and settlement of disputes among States. The thematic debate at the Special Committee's 2019 session had provided an opportunity for States to exchange information on best practices regarding the use of mediation. Regional arrangements and agencies played an important role in the peaceful settlement of disputes and the maintenance of peace and security; her delegation therefore welcomed the 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 in the peaceful settlement of disputes.

113. Her delegation commended the ongoing efforts to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. Those efforts should be given higher priority, and resources should be specifically allocated for that purpose. Her delegation hoped that the two publications could be made available in all official languages.

114. **Mr. Musayev** (Azerbaijan) said that his delegation welcomed the progress made in the preparation of studies for the *Repertory of Practice of United Nations Organs* and the efforts made to update the *Repertoire of the Practice of the Security Council*. In 2019, his Government had made a contribution to the trust fund for the elimination of the backlog in the *Repertory*.

115. The Special Committee made a valuable contribution to the examination of issues related to the Charter of the United Nations and the strengthening of the role of the Organization in maintaining international peace and security, encouraging cooperation among States and promoting international law. The role of the Special Committee was particularly relevant in view of ongoing efforts to make the United Nations more efficient and responsive to the needs of Member States. The annual thematic debates on the means for the settlement of disputes helped to promote a culture of peace. At the Special Committee's most recent session, many delegations, including his own, had shared their views and experience with regard to mediation, emphasizing its importance as a key aspect of preventive diplomacy and an effective and widely used tool for the peaceful settlement of conflicts.

116. In the report of the Special Committee, reference was made to practical examples of mediation, including the mediation by the Organization for Security and Cooperation in Europe of the conflict in and around the Nagorno-Karabakh region of Azerbaijan. The report had been discussed and adopted by consensus. The comments that had just been made by one delegation, seven and a half months after the adoption of the report, therefore required some clarification.

117. The delegation in question had claimed that the official title of the mediation process was different from the one given in the report of the Special Committee. The main purpose of that position was clearly not to ensure adherence to a given formulation, but to question the sovereignty of Azerbaijan over its Nagorno-Karabakh region and evade responsibility for the war that had been waged and its consequences. In resolutions 853 (1993), 874 (1993) and 884 (1993), adopted in response to the capture and occupation of territories of Azerbaijan, the Security Council referred explicitly to "the conflict in and around the Nagorny

Karabakh region of the Azerbaijani Republic", while "reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic", as well as "the inviolability of international borders". Similar wording had been used in Council resolution 822 (1993) and in a series of resolutions adopted by the General Assembly on cooperation between the United Nations and the Organization for Security and Cooperation in Europe and on the situation in the occupied territories of Azerbaijan. The formulation "the conflict in and around the Nagorno-Karabakh region of Azerbaijan", which appeared in paragraph 59 of the report of the Special Committee, was therefore consistent with the relevant resolutions of the Security Council and General Assembly and thus reflected strong support for the sovereignty and territorial integrity of Azerbaijan within its internationally recognized borders.

*The meeting rose at 1.05 p.m.*