



**Statement on behalf of the European Union and its Member States**

**by**

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Counsellor**

**Delegation of the European Union to the United Nations**

*at the General Assembly*

**on the agenda item 82**

**“Report of the Special Committee on the Charter of the United Nations and on the  
Strengthening of the Role of the Organisation”**

**United Nations**

**New York**

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**— CHECK AGAINST DELIVERY —**

Mr. / Madam Chair,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries the Republic of North Macedonia\*, Montenegro\* and Albania\*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

We welcome the consideration of the report of the Special Committee contained in document A/74/33.

1. With regard to the agenda item "*Maintenance of international peace and security*", we thank the Secretary General for his report A/74/152 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. As mentioned in the report, during the period under review, there continued to be no assessment reports concerning the likely or actual unintended impact of sanctions on third States. It is also worth recalling that in the framework of assets freezes decided by the Security Council, the Council may allow States to authorise access to frozen funds for certain expenditures. Furthermore, asset freezes do not prevent the payment of amounts due under a contract under some conditions, and they may rule out the responsibility of a person failing to comply with a contractual obligation when such failure is due to measures imposed by the Council. In addition, the meetings and outreach organised by the sanctions committees allow regional States to discuss the implementation challenges they might be facing. We note also that the shift from comprehensive to targeted sanctions has significantly reduced the possibility of unintended adverse impacts on third States.

We welcome once again the appreciation expressed by many delegations on the briefing given by the Secretariat General to the Special Committee on the issues covered by the document contained in the annex to General Assembly resolution 64/115 of 16 December 2009 entitled "Introduction and implementation of sanctions imposed by the United Nations." Such a briefing contributes to enhanced dialogue and better understanding of the latest developments in implementing targeted sanctions as an important tool for ensuring the maintenance and restoration of international peace and security in line with the Charter.

Yet, we also note that other considerations developed in the report of the Special Committee have been discussed for several years, without substantial progress. This is the case for the revised working paper for the proposal on "*Strengthening the role of the United Nations in the maintenance of international peace and security*", as well as for the revised proposal on the "Strengthening of the role of its Organisation and enhancing its effectiveness: adoption and recommendations" submitted at the 2019 session of the Special Committee. We continue to hold the view that those proposals are duplicative of revitalizing efforts taking place within other fora of the Organization. We reiterate that the relationship between the different organs within the UN system is adequately defined in the UN Charter and does not need further clarification by the Committee. As regards the working paper

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\* *The Republic of North Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.*

seeking, inter alia, an "*advisory opinion from the International Court of Justice on the use of force*", we do not see the need or the added value for such a request at the moment.

Concerning the further revised working paper submitted by Ghana at the end of the session of the Special Committee on "*strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes*", we remain ready to keep on contributing to the discussion. We note that part of the proposals made by the revised paper is already in place within the European Union. We continue to query the legal basis of the framework for cooperation between the United Nations and regional organisations, as well as the purpose and the contents of the partnership agreements referred to in the last paragraph of the Ghana paper.

Mr. / Madam. Chair,

2. With regard to the "*Peaceful settlement of disputes*", we appreciated the debate on the sub topic "*Exchange of information on States practices regarding the use of mediation*". We support the recommendation made by the Committee during its session in February to undertake a debate during the next session of the Charter Committee on the subtopic "*Exchange of information on States practices regarding the Use of conciliation*".

On the question of updating the "*Handbook on the Peaceful Settlement of Disputes between States*" prepared by the UN in 1992 and of establishing a UN website dedicated to this issue, we remain unconvinced about the added value of such efforts. As already expressed by several delegations during the Committee's sessions, multiple resources and legal tools are already available online and easily accessible through search engines. We therefore call for proper prioritization of the limited resources allocated to the Secretariat so as to avoid a duplication of efforts.

Mr. / Madam. Chair,

3. We would like to commend the Secretary-General for his continued efforts to update the *Repertory of Practice of United Nations Organs*. Such a document is a valuable tool for the international community regarding the knowledge and understanding of the Charter. We appreciate the progress that has been made in relation to the Repertory and its supplements. We welcome the availability of all studies online. We thank the participating universities for their cooperation in the preparation of studies and call on other universities to consider contributing to these studies. We would also like to express our gratitude to those States which have made voluntary contributions to the trust fund for the elimination of the backlog in the Repertory. On the *Repertoire of the Practice of the Security Council*, we commend the Secretariat for the progress made in the preparation of the supplements and welcome the adaptation of its working methods in order to enable the contemporaneous coverage of the practice of the Security Council. The EU and its Member States are committed to support the efforts towards upgrading the Repertoire and reducing its backlog, as shown, for example, by the Netherlands' support in the launching of a revamped Security Council website and Italy's funding for a JPO.

4. Concerning the "*Working methods of the Special Committee and identification of new subjects*", we reiterate our call for reviewing the list of agenda items, considering whether there is value in continuing

to discuss them, taking into account their practical relevance and the likelihood of reaching a consensus on them in the future. We also call for the duration and frequency of the sessions to be reviewed. We continue to strongly advocate for the implementation of the 2006 decision on reforming the working methods of the Special Committee, as also reflected by paragraph 3 (d) of resolution 73/206 of the General Assembly. This is a priority issue and we should work together to explore ways and means to achieve a better use of resources and of the meetings of the Committee.

As far as the identification of new subjects is concerned, we note that the representative of Mexico reiterated during the last session of the Special Committee their country's intention to present a written proposal regarding the interpretation and application of Article 51 of the Charter. The EU and its Members States continue to question whether the Special Committee would be the competent forum to address this issue.

I thank you, Mr. / Madam. Chair.