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799 UNITED NATIONS PLAZA
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Statement of the United States of America Sixth Committee 69th Session of the UN General Assembly

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (Charter Committee)

John Arbogast, Counselor for Legal Affairs

Agenda Item 81

Mr. Chairman:

We welcome consideration of the report of the Charter Committee, which had its annual meeting in February. We appreciate the opportunity to provide a few observations on the Committee's recent work.

We believe the report records some positive movement in the work of the Charter Committee, particularly as it reflects a continuing examination of the matters with which the Committee should concern itself. The 2012 commemoration of the thirtieth anniversary of the Manila Declaration, dealing with the peaceful settlement of disputes, was again cited as an example of a timely undertaking that was appropriate for Committee consideration and on which it could agree. The "third country effects of sanctions" item on the Committee agenda, on the other hand, was again cited by many as an example of an item that had been overtaken by events and whose continued inclusion on the agenda makes little sense.

I will return to that matter in a minute, as the issue of third country effects provides a window into the areas of Special Committee efficiency and working methods. A key aspect of Committee efficiency is the fact that the Charter Committee has a number of longstanding proposals before it. We believe – as we have stated many times before – that many of the issues these proposals consider have been taken up and addressed elsewhere in the United Nations. There is also a considerable degree of overlap in these proposals. These are reasons why the Committee has shown little enthusiasm for acting on or discussing these proposals in depth.

It was heartening that during the 2012 Charter Committee session, two such longstanding proposals were withdrawn or set aside by their sponsors on the grounds that they were, in fact, outdated and had been overtaken by events elsewhere in the

Organization. This was a welcome step toward the much-needed rationalization of the work of the Special Committee. It is hoped that other stagnant items on the Committee's agenda will be similarly scrutinized by sponsors and members alike, with a view toward keeping the Charter Committee relevant and potentially useful.

Such continuing review efforts are vital for the Special Committee as it goes forward. We urge that the Committee continue to remain focused on ways to improve its efficiency and productivity throughout its next session, including by giving serious consideration to such steps as biennial meetings and/or shortened sessions. The Committee needs to do its job by recognizing that these steps are reasonable and make good practical sense.

With regard to items on the Committee's agenda concerning international peace and security, the United States continues to believe that the Committee should not pursue activities in this area that would be duplicative or inconsistent with the roles of the principal organs of the United Nations as set forth in the Charter. This includes consideration of a further revised working paper calling for a new, open-ended working group "to study the proper implementation of the Charter...with respect to the functional relationship of its organs." It also includes consideration of another revised, longstanding working paper that similarly calls *inter alia* for a Charter Committee legal study of General Assembly functions and powers.

In the area of sanctions, we note once again that positive developments have occurred elsewhere in the United Nations that are designed to ensure that the UN system of targeted sanctions remains a robust tool for combating threats to international peace and security. With respect to the aforementioned matter of third States affected by the application of sanctions, as stated in the Secretary-General's report A/69/119, "...the need to explore practical and effective measures of assistance to the affected third States has been reduced considerably because the shift from comprehensive to targeted sanctions has reduced the incidence of unintended harm to third States. In fact, no official appeals by third States to monitor or evaluate unintended adverse impacts on non-targeted countries have been conveyed to the Department of Economic and Social Affairs since June 2003."

Such being the case, and as touched on above, we believe that this is another prime example of an issue that the Special Committee – with an eye both on the current reality of the situation and the need to stay current in terms of the matters it considers – should decide no longer merits discussion in the Committee. This initiative has received increasing support in the Special Committee and we hope that this step can be taken in the near future.

Having said that, we would note a positive development regarding this issue reflected in resolution 68/115, the resolution on the Charter Committee that was adopted by the General Assembly in December. Paragraph 3(b) of that resolution requests the Special Committee to continue to consider the third State-related sanctions issue in an appropriate manner and framework, including – and I quote – "the frequency of its

consideration.” What that additional language reflects is a balance between the views of those who believe that this issue is no longer appropriate for Committee consideration and those who believe that the issue should be kept on the Special Committee’s agenda in the event of changed circumstances in future. The language reflects a compromise which would permit the issue to remain on the agenda (at least for now), while dispatching with the need to have the Committee consider it – and have the Secretary-General produce reports on it -- every year, even though there have been no pertinent developments concerning it.

Accordingly, in the spirit of compromise reflected in the GA resolution, we believe that the triennialization of this issue, at a minimum, should be discussed and hopefully agreed at the next meeting of the Special Committee.

On the question of the General Assembly requesting an advisory opinion on the use of force from the International Court of Justice, we have consistently stated that the United States does not support that proposal.

With respect to proposals regarding new subjects that might warrant consideration by the Special Committee, we continue to be cautious about adding new items to the Committee’s agenda. While the United States is not opposed in principle to exploring new items, it is our position that they should be practical, non-political, and not duplicate efforts elsewhere in the UN system.

In this regard, we refer to the proposals made at the Committee’s last meeting to have the Committee request the Secretariat to update the 1992 Handbook on the Peaceful Settlement of Disputes between States, and to establish a website also dedicated to the peaceful settlement of disputes. We are of the view that such new, labor-intensive exercises would not be the best use of scarce Secretariat resources, and at the end of the day would not, in any event, offer much value-added given the wealth of relevant websites and other online tools that make such information so much more readily available than in the past.

Finally, we welcome the Secretary-General’s report A/69/159, regarding the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council. We commend the Secretary-General’s ongoing efforts to reduce the backlog in preparing these works. Both publications provide a useful resource on the practice of United Nations organs, and we much appreciate the Secretariat’s hard work on them.

Thank you, Mr. Chairman.