



Declaration on behalf of the European Union and its Member States

by

**Mr Eric Chaboureau
First Counsellor
Delegation of the European Union to the United Nations**

at the General Assembly

on the agenda item 85

**“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 Chair,

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

The Candidate Countries the former Yugoslav Republic of 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/73/33.

With regard to the agenda item "*Maintenance of international peace and security*", we reiterate our appreciation that the question of the implementation of the provisions of the Charter of the United Nations relating to assistance to third States affected by the application of sanctions be considered by the Special Committee biennially as from the seventy second session of UNGA. On 21 February 2018, at its first meeting of the Working Group of the Whole, the Secretariat provided a briefing 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" Delegations expressed their appreciation for the briefing. Such a briefing and the discussions usefully complemented by the open briefings delivered by the sanctions committees, contributes to fostering positive 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.

We welcome the appointment of Daniel Kipfer Fasciati as Ombudsperson of the Security Council Committee established pursuant to resolution 1267 (1999), and seize this opportunity to reiterate our full support to the Office of the Ombudsperson and to call upon all Member States to extend full cooperation with it in each case and every case.

We thank Ghana for introducing their revised Working paper on "Strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes" during the Committee's session in February and commend the constructive discussions on this topic. We remain ready to keep on contributing to the discussion and considering how the proposals could be pursued, while querying in particular, as explained during the last session of the Special Committee, the legal basis of the framework defining the responsibilities of the UN and relevant regional organisations as well as the partnership agreements mentioned in paragraph 12 (b) of the Ghana paper.

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 working paper on the "*Strengthening of the role of the Organization and enhancing its*

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

effectiveness", and for the revised proposal on "*Strengthening the role of the United Nations in the maintenance of international peace and security*". While these are important priorities, we continue to hold the view that those proposals are duplicative of revitalizing efforts taking place within other fora of the Organization (including in the Sixth Committee: Revitalisation of the work of the General Assembly). 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 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.

With regard to the agenda item "*Peaceful settlement of disputes*", we appreciated the debate on the sub topic "*Exchange of information on States practices regarding the use of negotiation and inquiry*". Indeed, Delegations offered practical examples of negotiation which made the discussions very concrete. 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 "*Use of mediation*".

On the question of updating the "*Handbook on the Peaceful Settlement of Disputes between States*" prepared by the UN in 1992 and of establishing an 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. Chair,

We would like to commend the Secretary-General for his continued efforts to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and to eliminate the backlog in the preparation. We take note of the status of preparation of the Repertory and the Repertoire. 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, as well as to the trust fund for updating the Repertoire, and reiterate our call for other UN Member States to do likewise. We support the recommendations made by the Special Committee on this subject.

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, potential duplication 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 (e) of resolution 72/118 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, it was proposed during the last Special Committee that the latter could consider the substantive and procedural aspects of recourse to Article 51 of the UN Charter, regarding in particular interpretations of the right to self-defence in response to armed attacks perpetrated by non-States actors. 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 Chair.