

Statement of the United States of America
Special Committee on the Charter of the United Nations and on the
Strengthening of the Role of the Organization (Charter Committee)
February 21-March 1, 2017
Emily Pierce, Counselor

Thank you, Chair.

The United States is pleased to offer you our full support as Chair of this Committee

I first wanted to say that we were supportive of the General Assembly's adoption of the commemorative resolution to mark the 70th anniversary of the International Court of Justice, which was recommended by the Special Committee. We think it was important for the General Assembly to commend the ICJ for the important role that it has played as the principal judicial organ of the United Nations and to stress the importance of promoting the Court's work.

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, they should be practical, non-political, and not duplicate efforts elsewhere in the UN. As we said in our statement to the Sixth Committee, if a proposal such as that of Ghana aimed at strengthening peacebuilding and related cooperation between the UN and regional organizations could give value-added by helping to fill gaps, then it should be seriously considered by the Committee.

In this regard, we were very pleased to participate in the informal, intercessional meeting of the Special Committee that took place on February 2. We were encouraged by the constructive tone taken by those who participated in the discussions on proposals presented by the Non-Aligned Movement and by Ghana. We are looking forward to receiving revised proposals from both the NAM and Ghana that reflect the comments made during that meeting, as well as working together this session with an eye towards making further progress on the proposals.

The United States continues to stand ready to engage on matters in this Committee that have the potential of providing appropriate value-added and are not duplicative of other efforts in the Organization. The Committee did some good work in years past, for example, with respect to the Manila Declaration and sanctions.

At the same time, the Committee needs to continue rationalize its work as necessary. It made good practical sense that, during last year's Charter Committee session, we agreed to biennialize the consideration of the "third country effects of sanctions" item on the Committee agenda. Biennialization reflects a better, albeit imperfect, 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. We hope 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.

Despite this positive development, the United States continues to view the "third country effects of sanctions" agenda item as an example of an item that had been overtaken by events and whose continued inclusion on the agenda makes little sense. For our part, we have a special interest in this issue as the U.S. was instrumental some years ago in having a working group established by this Committee to examine the issue. Our position now is that it is time for the Committee to move on from this issue as this is an aspect of sanctions that has been effectively dealt with by the United Nations through the employment of targeted sanctions.

We note once again in this connection 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 matter of third States affected by the application of sanctions, as stated in the Secretary-General's report A/71/119, "...the need to explore practical and effective measures of assistance to third States affected by sanctions has been reduced considerably. 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 of the Secretariat since 2003."

Such being the case, and as touched on above, we believe 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 in the future that this issue no longer merits discussion in the Committee.

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.

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.

Again, 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 this session, including by giving serious

consideration to such steps as biennial meetings and shortened sessions. These steps would be reasonable and practical

Finally, we welcome the Secretary-General's report A/71/202, regarding the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council. We applaud the Secretary-General's further progress and ongoing efforts to reduce the backlog in preparing these works and to make them available in electronic form in all official UN languages on the website. 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, Chair.