



Statement on behalf of the European Union and its Member States

by

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*at the Special Committee on the Charter of the United Nations and on the Strengthening of
the Role of the Organization*

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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.

Alignment....

At the outset, we would like to congratulate you and the other members of the Bureau on your election. We are very pleased to see you continuing a tradition of women chairing the special committee and are confident that you will guide it with great skill in its deliberations. We also take this opportunity to thank the staff of the UN Secretariat for the assistance in preparing this meeting.

Mr./Madam Chair,

General Assembly resolution 73/206 of 20 December 2018 requests the Special Committee to continue its consideration of a number of proposals and issues.

With regard to the agenda item "*Maintenance of international peace and security*", we continue to believe firmly that sanctions are an important tool under the Charter for ensuring the maintenance and restoration of international peace and security. Sanctions are imposed in a targeted way to increase their efficiency and attain the agreed objectives while minimising their negative impact upon the well-being of the civilians of the targeted States as well as upon third parties. It is crucial that sanctions are implemented in full compliance with international human rights law, by ensuring that sanctions procedures are fair and clear and respect the rights of sanctioned persons, including due process rights such as the right to be informed and the right to an effective review of their designation. In this regard, we underline the important role of the Ombudsperson to the ISIL (Da'esh) and Al-Qaida sanctions Committee and the need for the United Nations Security Council to improve further compliance with due process standards when implementing sanctions. We welcome growing awareness within the UN system of implementation issues and the addressing of these issues through further training, increased transparency and responsive sanctions committees providing guidance on implementation. We also welcome the increasing dialogue between the UN and the private sector on sanctions and the Best Practices Guidelines project. The latter provides positive evidence of the increased interest in sanctions by the UN community. In this respect, we further welcome and are looking forward to the annual briefing by the Secretariat later this session 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"

We note again that some proposals identified in the report of last year's session have been discussed for several years. Most of the proposals identified in the report of the Special Committee are duplicative of revitalizing efforts taking place within other fora of the Organisation, or do not seem to represent an added value. 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 this Committee.

Concerning Ghana's proposal entitled "Working paper by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes", we thank Ghana for introducing their revised working paper during the Committee's last session in 2018. We would like to reaffirm that the pacific settlement of disputes is

primarily the responsibility of the parties to the dispute as provided for in Article 33 of the UN Charter, while we acknowledge that resort to regional agencies or arrangements is one of the means of peaceful settlement of disputes. In this regard, we would like to highlight that the UN Office of Legal Affairs handbook on the Peaceful Settlement of Disputes between States lists the European Union as one example of a regional arrangement for the peaceful settlement of disputes, through the jurisdiction of the Court of Justice of the EU. In this respect, we welcome Ghana's proposal to improve the role that regional organisations play in the peaceful settlement of disputes. However, we are still not convinced about some aspects of the proposal, querying in particular the legal basis of the framework defining the responsibilities of the UN and relevant regional organizations as well as the added value of the partnership agreements and the reference to enforcement actions mentioned in the Ghana paper. We remain ready to continue contributing to the discussion and considering how the proposals could be pursued, provided that this work does not duplicate or prejudge discussions in other fora where these matters are already dealt with.

With regard to the agenda item "*Peaceful settlement of disputes*", we stand ready to contribute to the first annual thematic debate which will focus this year on mediation.

On the proposal informally put forward at the end of the last session of our Committee by Mexico for a possible new agenda item concerning notifications under Article 51 of the UN Charter, in our view it is questionable whether the Charter Committee is the competent forum to address the issues which would arise under such proposal.

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. 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.

It is for this reason that we again urge the Special Committee to implement its 2006 decision on reforming its working methods, as reflected in paragraph 3 (d) of General Assembly resolution 73/206 of the General Assembly. This is indeed, as stipulated in that provision, a priority issue and we should work together to explore ways and means to achieve the best use of resources and of the meetings of the Committee. This could be done by reviewing all existing agenda items, looking into the usefulness of further discussion, taking into account their continued relevance and the likelihood of reaching a consensus in the future, before examining proposals for new items, or by re-examining the duration of the sessions of the Committee. This remains a priority issue for the EU and its member States and we look forward to continuing constructive engagement on this matter.

Finally Mr./Madam Chair, regarding the "*Repertory of Practice of United Nations Organs and Repertoire of Practice of the Security Council*", we welcome the progress and the efforts undertaken by the Secretariat to reduce the backlog in the preparation of those two publications. We express our gratitude to the States that have made voluntary contributions to the trust fund for the elimination of the backlog in the Repertory, and to the trust fund for the updating of the Repertoire, and encourage other Member States to do likewise.

I thank you, Mr. /Madam Chair.