



Statement on behalf of the European Union and its Member States

by

**Ms. Simona Popan
Counsellor**

Delegation of the European Union to the United Nations

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

United Nations

New York

16 February 2021

— 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 congratulate you and the other members of the Bureau on your election. We also thank the staff of the UN Secretariat for the assistance in preparing this meeting.

Mr./Madam Chair,

[Maintenance of international peace and security]

The Charter of the United Nations is the Constitution of nations. By making the maintenance of international peace and security one of the main purposes of the United Nations, its founders pledged to make the world a safer place. We believe that sanctions are part of the toolbox to be used in order to maintain and achieve international peace and security.

Sanctions measures must be implemented in full compliance with international law, in particular international refugee law, international humanitarian law and international human rights law, by ensuring that sanctions procedures are fair and clear and respect the rights of listed persons, including due process rights. 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 enhance its due process standards in the implementation of

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

all sanctions regimes. If UN sanctions do not comply with due process standards their effectiveness is put at risk at the national and regional level. It is key that sanctions are fully implemented by all Members in order to avoid a fragmented implementation.

It is equally crucial to avoid any unintended negative impact of counter-terrorism measures on exclusively humanitarian activities, including medical activities, that are carried out by impartial humanitarian actors in full compliance with humanitarian principles and international humanitarian law. The EU reaffirms its continued commitment to preserving the humanitarian space, including inter alia through the development of best practices, the provision of guidance and the adoption of appropriate mitigating measures.

For the EU, sanctions are part of a comprehensive policy approach and aim to promote international peace and security, respect for human rights, democracy, the rule of law and good governance. EU sanctions comply with EU and international law. They support efforts to fight the proliferation of weapons of mass destruction, including chemical weapons, repressive policies against the civilian populations, terrorism or the threat of cyber-attacks. EU sanctions are targeted to those responsible for human rights abuses, for breaches of international law, flows of arms into war zones, and spoilers of peace processes. The targeted nature of sanctions aims to reduce as much as possible any adverse humanitarian effects or unintended consequences for persons not targeted, in particular the civilian population or the neighbouring countries. In addition, EU sanctions regimes provide for exceptions, which include, when appropriate, provisions facilitating the delivery of humanitarian aid.

With regard to the question of the *Implementation of the provisions of the Charter relating to assistance to third States affected by the application of*

sanctions’, we welcome the finding of the Working Group of the Whole that the shift from comprehensive to targeted sanctions had minimized unintended consequences for third States. It is also our view that targeted and proportionate sanctions minimise adverse consequences for those not responsible for the policies or actions leading to their adoption.

We note again that some proposals identified in the report of the Special Committee have been discussed for several years. Most of the proposals duplicate revitalization efforts taking place within other fora of the Organisation or do not seem to bring added value. The relationship between the different organs within the UN system is adequately defined by the UN Charter and does not need further clarification by this Committee.

We thank Ghana for providing further clarification on the proposed guidelines. We value the contribution made by regional arrangements or agencies to the maintenance of international peace and security. We see them as usefully complementing the work of the Organization provided that such arrangements or agencies are consistent with the purposes and principles of the United Nations. We remain ready to contribute to the discussion and to consider how the proposal could be pursued as long as this work does not duplicate or prejudice discussions in other fora, in particular with regard to the financing of peace-keeping operations.

[Peaceful settlement of disputes]

Turning now to the Peaceful settlement of disputes, we are grateful for the opportunity to contribute to the thematic debate on the use of arbitration. On the question of updating the ‘*Handbook on the Peaceful Settlement of Disputes between States*’ and of establishing an UN website dedicated to this issue, we remain unconvinced of the added value of such efforts given that multiple

resources and legal tools are already available online and easily accessible through search engines.

[Repertory of Practice of the UN Organs and Repertoire of the Practice of the Security Council]

We welcome the progress and efforts made by the Secretariat to reduce the backlog in preparing the Repertory of Practice of United Nations Organs and the Repertoire of Practice of the Security Council. We express our gratitude to those that have made voluntary contributions to the trust fund, including EU Member States, which enabled such important progress.

[Working methods of the Special Committee and identification of new subjects]

Mr./Madam Chair, there is scope to streamline the work and working methods of the Special Committee to deliver on its 2006 decision. Resources and time should be allocated where they are most needed. This calls for a proper prioritization of the limited resources of the Secretariat and for a screening of all agenda items in terms of their relevance, aim and likelihood of reaching a consensus to avoid a duplication of efforts. This is a priority for us and we look forward to continuing constructive engagement on this matter.

Finally, Mr./Madam Chair, on the identification of the new subjects, we have doubts as to whether the Special Committee is the appropriate forum to discuss the proposals submitted. The Mexican paper raises a number of useful questions. Since the specific communications are addressed to the Security Council under Article 51 of the Charter, we wonder whether these questions should not be addressed by that body. The Iranian proposal raises legal issues on which the membership has diverging views. Since such differences cannot be bridged, we see it difficult to pursue this proposal. Lastly, the Syrian proposal essentially aims at addressing bilateral issues with the host country, which must be addressed in the Committee on relations with the Host Country.

I thank you.