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ARTICLE 50

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TEXT OF ARTICLE 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

I. INTRODUCTORY NOTE

1. In general, the structure of the present study differs somewhat from the corresponding study of this article in *Repertory Supplements No. 7-9*, as an attempt has been made to align the general structure of the study with most other studies of the *Repertory* on various articles of the Charter. Like many other *Repertory* studies, this study will therefore contain, in addition to this introductory note, two sections: General Survey and Analytical Summary of Practice.
2. Contrary to the study of the article in *Repertory Supplements 7-9*, the General Survey of the present study provides an overview of the treatment of Article 50 by the Principal Organs of the United Nations during the review period.
3. The Analytical Summary presents decisions and discussions of the Principal Organs in detail with regard to the application and interpretation of Article 50. With respect to each of the Principal Organs, the sections also provide a review of those decisions and resolutions aimed at improving the effectiveness of both sanctions and Article 50 redress mechanisms. Sections further address actions taken in response to special economic problems raised by third States in relation to existing sanctions regimes.

II. GENERAL SURVEY

4. During the period covered, the Security Council, in dealing with several situations before it, extended the existing sanctions or imposed new sanctions. It also examined the impacts of the sanctions on third states and adopted appropriate measures – including the imposition of targeted sanctions – to alleviate the suffering of third States. Specific cases include, *inter alia*, measures taken in connection with Angola as well as Iraq and Kuwait, which will be examined in the analytical section.

5. The Security Council also established an Informal Working Group on General Issues of Sanctions, which carried out its functions from 2000 to 2006¹.

6. During the period under review, the General Assembly adopted two resolutions addressing the impact of an existing sanctions regime – in particular, regarding economic assistance to the Eastern European States affected by the developments in the Balkans².

7. The General Assembly also adopted five resolutions under the agenda item “Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions” in which Article 50 was explicitly referred to³. By virtue of these resolutions, the General Assembly renewed its invitation to the Security Council to establish mechanisms or procedures enabling the implementation of Article 50 provisions relating to assistance to third States affected by the application of sanctions.

8. The General Assembly further considered, in the same period, ten reports by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. Accordingly, it adopted ten resolutions under the agenda item entitled “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role

¹ The Working Group examined unintended impacts of sanctions and ways to assist affected untargeted States. See subsection III (A)(i), below.

² G A resolutions 55/170 and 56/110.

³ G A resolutions 55/157; 56/87; 57/25; 58/80; and 59/45.

of the Organization” – five of which make explicit reference to Article 50⁴, and five of which have an implicit bearing on Article 50⁵. The resolutions, *inter alia*, requested the Secretary-General to report on the implementation of the provisions of the Charter of the United Nations relating to assistance to third States affected by the application of sanctions.

9. During the period under review, arrangements were made in the Secretariat relating to assistance to third States affected by the application of sanctions due to the increasing imposition of targeted rather than comprehensive sanctions.

10.

III. ANALYTICAL SUMMARY OF PRACTICE

A. In the Security Council

(i) Measures taken in connection with special economic problems raised by third States in relation to existing sanctions regimes

11. During the period covered, the Security Council – in dealing with several situations before it – extended the existing sanctions or imposed new sanctions, examined the impact of the sanctions on third States and adopted appropriate measures including the imposition of targeted sanctions to alleviate the suffering of third States. The practice of the Council in this regard is summarized below.

a. Measures taken in connection with Angola

12. By Security Council Resolution 1295 (2000), action was taken under Chapter VII of the Charter of the United Nations mandating Security Council sanctions against the rebel movement

⁴ G A resolutions 60/23; 61/38; 62/69; 63/127; and 64/115.

⁵ G A resolutions 55/156; 56/88; 57/24; 58/248; and 59/44.

in Angola⁶. During the Security Council's deliberations regarding the draft resolution, the potential impact of the sanctions on third States were discussed⁷.

13. Several representatives noted that the draft resolution placed a particular burden on States neighbouring Angola, and drew attention to the fact that the international community should extend to third countries the necessary assistance to implement the measures contained within the resolution⁸.

14. The Canadian representative noted that Angola's neighbouring countries had a greater responsibility in implementing sanctions regimes, and offered Canada's technical and financial assistance to countries of the Southern African Development Community to reduce their burden⁹.

b. Measures taken in connection with Iraq and Kuwait

15. The Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait¹⁰ (hereunder referred to as "the Committee") held numerous deliberations regarding requests by third States affected by Iraq-Kuwait sanctions¹¹.

16. The Committee notably discussed how to proceed with communications from Belarus and India concerning their requests for assistance as third parties in application of Article 50 at its 215th meeting on 19 March 2001¹². At its 224th meeting on 9 October 2001, the Committee decided to send letters seeking clarification to both Belarus and India and inviting their representatives to present their cases to the Committee¹³. At its 227th meeting, on 3 December 2001, further to a statement made by the representative of India, the Committee decided that it would continue to discuss the issue in informal consultations.

⁶ S C Resolution 1295 (2000).

⁷ S/PV.4129 and S/PV.4129 (Resumption 1).

⁸ S/PV.4129, United Kingdom p. 3 and S/PV.4129 (Resumption 1), Brazil, p. 18.

⁹ S/PV.4129 (Resumption 1), p. 5.

¹⁰ S C 661 (1990), para.6

¹¹ UN Document S/2002/647, paras. 52 and 53.

¹² *Ibid.*

¹³ *Ibid.*

17. The Security Council also heard requests for assistance on numerous occasions. At the 4336th meeting on 28 June 2001, the Security Council discussed the situation between Iraq and Kuwait. The representative of India observed that the sanctions on Iraq had caused acute economic and financial hardship to other countries, including India. He complained that the request by India for relief under Article 50 was still pending with the Committee.¹⁴ At its 227th meeting, on 3 December 2001, the Additional Secretary of the Ministry of External Relations of India addressed the Committee regarding special economic problems arising from the carrying out of preventive or enforcement measures applied by the Council, including that India estimated to have lost \$25 billion to \$30 billion as a result of sanctions against Iraq, and suggested measures for compensation¹⁵. By a letter from the Chairman dated 28 February 2002, the Committee informed India that it had considered the matter at several formal and informal meetings but had been unable to reach a consensus, although it would continue to study the matter¹⁶.

18. With regard to Turkey's request for assistance, the Committee's annual report of major activities from 21 November 1999 to 30 November 2000 reported that it had not been in a position to grant a request to resume the import of petroleum and petroleum products from Iraq for domestic purposes, which had been on the Committee's agenda for four years, despite the serious economic difficulties Turkey considered it had suffered as a result of the sanctions against Iraq¹⁷.

19. In a letter dated 24 June 2002 addressed to the President of the Security Council, the Permanent Representative of Tunisia to the United Nations invoked Article 50. Tunisia requested the Security Council to take note of the impact of the Iraqi sanctions regime on the Tunisian economy during the previous 11 years, totalling \$7 billion as at May 2002¹⁸. Tunisia thereby requested the Security Council to take note "once more" of the very serious impact of the

¹⁴ S/PV.4336 (Resumption 1), p. 5.

¹⁵ UN Document S/2002/647, para. 53.

¹⁶ Letter from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait addressed to the President of the Security Council dated 6 March 2003, UN Document S/2003/300.

¹⁷ UN Document S/2001/738, p. 7.

¹⁸ UN Document S/2002/698.

sanctions on its national economy, insisting on the necessity for the Security Council to understand Tunisia's "urgent and vital need to maintain its national interests in cooperation with Iraq on the basis of Article 50 of the United Nations Charter"¹⁹. The Security Council agreed to refer the letter to the Security Council Committee for its consideration²⁰.

20. On 31 July 2002, at its 236th meeting, the Committee considered the letter from Tunisia to the President of the Security Council²¹. The Committee agreed to have its Chairman approach the Permanent Representative of Tunisia to hear what kind of response, if any, he was expecting from the Committee²². There were no further developments on the matter²³.

21. By a letter dated 17 July 2001 addressed to the President of the Security Council, the representative of Malaysia brought to the attention of the Security Council that many countries, including Malaysia, had suffered "enormous economic losses" as a result of the implementation of the Council's sanctions against Iraq²⁴. The representative asked that the Security Council enable Malaysia to benefit from the provisions of Article 50 of the Charter of the United Nations in the context of its economic and trade relations with Iraq in order to alleviate the negative consequences Malaysia was experiencing as a result of Iraqi sanctions²⁵. There were no further developments on the matter.

22. In relation to the above trade-related impacts on third States, the Security Council terminated, with certain exceptions²⁶, prohibitions related to trade imposed with respect to Iraq

¹⁹ Ibid.

²⁰ UN Document A/57/165, para. 7.

²¹ UN Document S/2003/300, para. 67.

²² Ibid., para. 67.

²³ Ibid.

²⁴ UN Document S/2001/703.

²⁵ Ibid.

²⁶ With the exception of prohibitions related to the sale or supply to Iraq of arms and related materiel other than those arms and related materiel required by the Authority (United States of America and the United Kingdom of Great Britain and Northern Ireland) to serve the purposes of this and other related resolutions.

and the provision of financial or economic resources to Iraq by its resolution 1483 (2003)²⁷. By the same resolution, the Security Council decided to impose new, targeted financial sanctions²⁸.

(ii) Targeted sanctions to minimize negative effects on third States

23. In a statement of the President dated 22 June 2006, the Security Council reaffirmed the role sanctions played in the maintenance and restoration of international peace and security²⁹. It further resolved to ensure that sanctions were carefully targeted in support of clear objectives and were implemented in ways that balanced effectiveness against possible adverse consequences³⁰.

24. The Secretary General, in his 2007, 2008 and 2009 reports entitled “Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions”,³¹ noted that changes in the design and implementation of sanctions regimes had led to the increased application of targeted sanctions rather than comprehensive sanctions³². He specified that this shift to targeted sanctions brought significant changes in the design, implementation, monitoring and assessment of the impact of sanctions, newly focussing on “possible humanitarian, political, and economic impacts.”³³

25. On several occasions, delegations discussed the issue of targeted sanctions in the Security Council. Delegations expressed the view that sanctions should be made more effective while minimizing the negative humanitarian impact on civilian populations, as well as the adverse economic effects on third States³⁴.

26. At the 4394th meeting of the Security Council, held on 22 and 25 October 2001, delegates discussed general issues relating to sanctions, with many representatives again

²⁷ S C resolution 1483 (2003), para. 10 (adopted 22 May 2003 by a vote of 14 to none, with one non-voting (Syrian Arab Republic)), lifting prohibitions as established by S C resolution 661 (1990) and subsequent resolutions including resolution 778 (1992) of 2 October 1992.

²⁸ *Ibid.*, para. 2.

²⁹ S/PRST/2006/28, p. 2, dated 22 June 2006.

³⁰ *Ibid.*

³¹ UN Documents A/62/206; A/63/224; and A/64/225.

³² UN Document A/62/206, para. 13.

³³ *Ibid.*

³⁴ See for example. S/PV.4713; S/PV.4394; S/PV.4394 (Resumption 1); S/PV.5474 (Resumption 1).

emphasizing the need to minimize sanctions' negative effects on third States³⁵. No decisions was made in the meeting, however representatives supported the so-called 'Interlaken process'³⁶ and 'Bonn-Berlin process'³⁷ as means of minimizing the unintended effects of sanctions on the civilian population of the country concerned, and on third countries by introducing targeted or smart sanctions.

(iii) An Informal Working Group of the Security Council on General Issues of Sanctions

27. The President of the Security Council, in his note of 17 April 2000, declared the decision of the Security Council to establish, on a temporary basis, an informal working group of the Security Council to develop general recommendations on how to improve the effectiveness of United Nations sanctions³⁸. In doing so, the Security Council noted the work of the General Assembly and the considerable recent scholarship on the subject of United Nations sanctions³⁹. The informal working group was tasked with, *inter alia*, examining unintended impacts of sanctions and assisting member States in implementing sanctions⁴⁰.

28. In the deliberations of the Security Council held in connection with general issues relating to sanctions during its 4128th meeting on 17 April 2000, the President (Canada) drew attention to the note by the President dated 17 April 2000 as discussed above in paragraph 10⁴¹. No decisions was taken in the meeting, however, each of the representatives present offered their

³⁵ S/PV.4394 and S/PV.4394 (Resumption 1).

³⁶ Between 1997-1999, the Government of Switzerland facilitated a dialogue between sanctions practitioners and experts, known as "the Interlaken process". Its goal was to explore the potential effectiveness of targeted financial sanctions, which may include freezing the financial assets and blocking the financial transactions of targeted entities or individuals (Report of the Secretary-General on the work of the Organization, UN Document A/54/1, p. 15).

³⁷ The Bonn-Berlin process followed the model of the Interlaken process in investigating how to make United Nations sanctions better targeted, but with the primary focus on arms embargoes and travel and aviation sanctions (Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict, UN Document S/2001/331, annex II, p. 22.).

³⁸ Note by the President of the Security Council date 15 April 2000, UN Document S/2000/319, para. 3.

³⁹ *Ibid.*, para. 2

⁴⁰ *Ibid.*, para. 4.

⁴¹ S/PV.4128, p. 2.

delegations' support for the establishment of a Security Council working group to develop recommendations on how to improve the effectiveness of United Nations sanctions⁴².

29. Subsequent notes by the President of the Security Council dated 15 January 2002,⁴³ 18 December 2003⁴⁴, 23 December 2004⁴⁵ and 29 December 2005⁴⁶ extended the mandate of the working group, by then referred to as the "Informal Working Group on General Issues of Sanctions", for a total of six years. The extensions made to the duration of the Informal Working Group in both 2004 and 2005 also expanded the scope of its mandate, *inter alia*, to discuss within this framework, as appropriate, and with the consensus of its members, a number of sanctions-related issues, including the "assessment of the unintended impact of sanctions and ways to assist affected untargeted States"⁴⁷.

30. The Security Council Informal Working Group on General Issues of Sanctions, in its report to the President of the Security Council dated 19 December 2005, concluded that, unlike comprehensive sanctions, targeted sanctions tended to have minimal negative effects on civilian populations and third States⁴⁸. The Informal Working Group also noted, however, that if targeted sanctions were not properly designed and implemented, their legitimacy could be compromised and their usefulness questioned⁴⁹. In the report's observations and recommendations, the Informal Working Group noted that some delegations made calls for the Security Council to improve its monitoring of the implementation and effects of sanctions and the establishment of a mechanism to address special economic problems arising from the application of sanctions⁵⁰.

⁴² Bangladesh (Ibid., p. 5), the United Kingdom (Ibid., p. 6), United States of America (Ibid., pp. 6-7), Namibia (Ibid., p. 11), Ukraine (Ibid., p. 11), China (Ibid., p. 12), Malaysia (Ibid., p. 15), Argentina (Ibid., p. 16), Argentina (Ibid., pp. 15-17), Netherlands (Ibid., p. 18), Tunisia (Ibid., pp. 19-20), Mali (Ibid., p. 20), Jamaica (Ibid., pp. 21-23), Russian Federation (Ibid., p. 23), Canada (Ibid., p. 26), the European Union (Ibid., pp. 26-27), Germany (Ibid., p. 28), Sweden (Ibid., p. 33), Australia (Ibid., p. 34), Bulgaria (Ibid., p. 35), the Former Yugoslav Republic of Macedonia (Ibid., p. 44).

⁴³ Note by the President of the Security Council dated 15 January 2002, UN Document S/2002/70.

⁴⁴ Note by the President of the Security Council dated 18 December 2003, UN Document S/2003/1185.

⁴⁵ Note by the President of the Security Council dated 23 December 2004, UN Document S/2004/1014.

⁴⁶ Note by the President of the Security Council dated 29 December 2005, UN Document S/2005/841.

⁴⁷ UN Document S/2004/1014, para. 1 and UN Document S/2005/841, para. 1.

⁴⁸ Note by the President of the Security Council dated 29 December 2005, UN Document S/2005/842, annex, para. 16.

⁴⁹ Ibid., annex, para. 16.

⁵⁰ Ibid., annex, para. 10.

31. The final report of the Informal Working Group on General Issues of Sanctions was transmitted by its Chairman to the Security Council on 18 December 2006⁵¹. Several of the recommendations and best practices set out in that report related to improved sanctions design and monitoring – including the recommendation that “possible humanitarian, political, and economic impacts” of sanctions should be taken into account in their design and implementation⁵². However, the report did not contain any recommendations that explicitly referred to ways to assist third States affected by the unintended impact of sanctions⁵³.

32. By its resolution 1732 (2006), the Security Council decided that the Informal Working Group on General Issues of Sanctions had “fulfilled its mandate...to develop general recommendations on how to improve the effectiveness of United Nations sanctions”⁵⁴.

33. By the same resolution 1732 (2006), the Security Council did not adopt the final report of the Informal Working Group, but took note with interest of the best practices and methods it set out and requested its subsidiary bodies to take note of them as well⁵⁵.

B. In the General Assembly

(i) Measures taken in connection with the Balkans

34. During the reporting period, in response to the earlier invocation of Article 50 by eight States, of which seven were Eastern European States, affected by sanctions imposed by the Security Council on the Federal Republic of Yugoslavia⁵⁶, the General Assembly passed, in 2000, resolution 55/170 entitled “Economic assistance to the Eastern European States affected by the developments in the Balkans.” In it, the General Assembly “expresse[d] concern at the

⁵¹ Note by the President of the Security Council date 17 December 2006, UN Document S/2006/997, annex.

⁵² S/2006/997, annex, sect. II.A, para. 3 (a); A/64/225 para 13.

⁵³ Ibid.

⁵⁴ S C resolution 1732 (2006), adopted unanimously on 21 December 2006.

⁵⁵ Ibid.

⁵⁶ The Security Council imposed sanctions on the Federal Republic of Yugoslavia beginning in 1991 [S C resolution 757 (1992); see also S C resolutions 760 (1992); 787 (1992); and 820 (1993)], following which eight States, namely, Albania, Bulgaria, Hungary, Romania, Slovakia, the former Yugoslav Republic of Macedonia, Uganda and Ukraine requested, in accordance with Article 50 of the Charter, consultations with the Security Council (UN Document A/49/356).

persistence of special economic problems confronting the Eastern European States affected by the developments in the Balkans, in particular their impact on regional trade and economic relations and on the navigation along the Danube and on the Adriatic Sea”⁵⁷.

35. The General Assembly emphasized the importance of a well-coordinated and timely donor response to provide financial support to affected countries of Eastern Europe⁵⁸, “invite[d] all States and the relevant international organizations, both within and outside the United Nations system, in particular the international financial institutions, to continue to take into account the special needs and situations of the affected States in providing support and assistance”⁵⁹, and invited international organizations “to broaden access for interested local and regional vendors and to facilitate their participation in the international assistance efforts for reconstruction, recovery and development of the region.”⁶⁰

36. The General Assembly also acted to encourage the affected States of the region to cooperate to repair transport and infrastructure problems and to foster conditions favourable to trade, investment and private sector development in all the countries of the region⁶¹.

37. The recommendations made in resolution 55/170 were renewed by the General Assembly in its subsequent session by virtue of resolution 56/110⁶².

(ii) Implementation of the provision of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

38. During the period under review, the General Assembly adopted five resolutions under the agenda item “Implementation of the provision of the Charter of the United Nations related to assistance to third States affected by the application of sanctions⁶³.” In so doing, the

⁵⁷ S C resolution 55/170, para. 1, adopted without a vote on 14 December 2000.

⁵⁸ Ibid., para. 5.

⁵⁹ Ibid., para. 4.

⁶⁰ Ibid., para. 7.

⁶¹ Ibid., para. 6.

⁶² S C resolution 56/110 adopted without a vote 14 December 2001.

⁶³ G A resolutions 55/157; 56/87; 57/25; 58/80; and 59/45.

General Assembly renewed⁶⁴ its invitation to the Security Council to establish mechanisms or procedures for consultations under Article 50 “with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter” with a view to finding a solution to those problems.⁶⁵ The General Assembly further acted to request the Secretary-General to ensure that the competent units within the Secretariat have the capacity to monitor and report information about international assistance available to third States affected by the implementation of sanctions, and to continue developing methods to assess and identify solutions to the special economic problems of those States.⁶⁶

39. General Assembly resolutions 56/87, 57/25, 58/80 and 59/45 each made identical requests to the Security Council, its sanctions committees and the Secretariat to take specific measures to account for and advise third States affected by sanctions. Specifically, they were requested to ensure that “[b]oth pre-assessment reports and ongoing assessment reports include as part of their analysis the likely and actual unintended impact of the sanctions on third States and recommend ways in which the negative impact of sanctions can be mitigated.”⁶⁷ Sanctions committees were requested to consult with third States affected by sanctions regarding “the unintended impact of sanctions they are experiencing and on assistance needed by them to mitigate the negative impact of sanctions.”⁶⁸ Further, the Secretariat was urged to “provide, upon request, advice and information to third States to help them to pursue means to mitigate the unintended impact of sanctions, for example, on invoking Article 50 of the Charter for consultation with the Security Council”⁶⁹.

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

⁶⁴ See G A resolutions 50/51; 51/208; 52/162; 53/107; and 54/107, as adopted prior to the current reporting period.

⁶⁵ G A resolutions 55/157; 56/87; 57/25; 58/80; and 59/45.

⁶⁶ Ibid.

⁶⁷ G A resolutions 56/87; 57/25; 58/80; and 59/45, each at para. 3(a).

⁶⁸ Ibid., each at para. 3(b).

⁶⁹ Ibid., each at para. 3(c).

40. Also during the period under review, the General Assembly annually considered reports by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization⁷⁰. Ten resolutions were adopted under the agenda item entitled “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization”, which explicitly referred to or had bearing on article 50⁷¹. All ten resolutions contained a substantive paragraph requesting the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to continue to consider on a priority basis the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter.”⁷²

41. The first five resolutions from 2000 to 2004 did not explicitly mention Article 50, but urged the Sixth Committee, *inter alia*, to:

- i. Take into consideration the debate on the question of assistance to third states held by the Sixth Committee at the fifty- sixth session of the General Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to Assembly resolution 51/242, and also the implementation of the provisions of General Assembly previous resolutions under the agenda item “Implementation of Charter provisions related to assistance to third States affected by the application of sanctions.”⁷³
- ii. Commence a substantive debate on all of the related reports of the Secretary-General entitled “Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions” and the proposals submitted on the question⁷⁴.

⁷⁰ The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization was established by General Assembly resolution 3499 (XXX) of 15 December 1975. The Charter Committee was, *inter alia*, mandated: “to examine in detail the observations received from Governments concerning: (i) Suggestions and proposals regarding the Charter of the United Nations; (ii) The strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States.” [G A resolution 3499(XXX), para. 1].

⁷¹ G A resolutions 60/23; 61/38; 62/69; 63/127; 64/115; 55/156; 56/86; 57/24; 58/248; and 59/44.

⁷² G A resolutions 55/156; 56/86; 57/24; 58/248; and 59/44.

⁷³ G A resolutions 55/156 and 56/86.

⁷⁴ G A resolutions 55/156; 56/86; 57/24; 58/248; and 59/44.

42. Also during the period under review, the General Assembly considered reports by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization⁷⁵.

43. Starting in 2005, the five resolutions entitled “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization”, recalled Article 50 in preambular paragraphs⁷⁶. In addition to the general request noted above in paragraph 39, these resolutions, *inter alia*, requested the Secretary-General to report on the implementation of the provisions of the Charter of the United Nations relating to assistance to third States affected by the application of sanctions.

44. The 2009 resolution 64/115 additionally took note of and annexed the document entitled “Introduction and implementation of sanctions imposed by the United Nations,”⁷⁷ which was submitted to it by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization with a view to its adoption⁷⁸. The document resulted from the Special Committee’s consideration of and revisions to working papers submitted by the Russian Federation, entitled “Basic conditions and standard criteria for the introduction and implementation of sanctions imposed by the United Nations,” which was contained in the annex to the 2009 report of the Special Committee⁷⁹.

⁷⁵ The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization was established by G A resolution 3499 (XXX) of 15 December 1975. The Charter Committee was, *inter alia*, mandated: “to examine in detail the observations received from Governments concerning: (i) Suggestions and proposals regarding the Charter of the United Nations; (ii) The strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States.” [G A resolution 3499(XXX), para. 1].

⁷⁶ G A resolutions 60/23; 61/38, 62/69; 63/127; and 64/115.

⁷⁷ G A resolution 64/115, para. 2 and annex.

⁷⁸ G A resolution 64/33, para. 20 and annex.

⁷⁹ *Ibid.*, Chapter III. The Russian Federation submitted in 1998 a working paper entitled “Basic conditions and criteria for the introduction of sanctions and other coercive measures and their implementation” (UN Document A/AC.182/L.100; see also UN Document A/53/33, para. 45) and a revised version thereof in 2000 (A/AC.182/L.100/Rev.1; see UN Document A/55/33, para. 52). During the Committee’s 2002 session, an addendum entitled “List of proposals and amendments to the Russian working paper entitled ‘Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation’ introduced during the first reading of the paper” was submitted (A/AC.182/L.100/Rev.1/Add.1; see UN Document A/57/33, para. 54), and further revised versions of the working paper were introduced at the 2003 session (A/AC.182/L.114; see UN Document A/58/33, para. 39) and at the 2004 session (A/AC.182/L.114/Rev.1; see UN Document A/59/33, para. 32). Also at the 2004 session, as a result of informal consultations, the Russian Federation submitted a further revised

45. The document made recommendations in support of targeted sanctions “in ways that balance effectiveness to achieve the desired results against possible adverse consequences, including socio-economic and humanitarian consequences, for populations and third States.”⁸⁰ Specific recommendations regarding the unintended side effects of sanctions on third states included, *inter alia*⁸¹:

Sanctions should avoid to the extent possible adverse humanitarian effects or unintended consequences for individuals and entities not targeted or third States. Targeted sanctions are a way of achieving this.

An objective assessment of the short-term and long-term socio-economic and humanitarian consequences of sanctions should be conducted by the Security Council and its sanctions committees with the assistance of the Secretariat at the stage of their preparation, as appropriate, and in the course of their implementation. [...]

Information on the humanitarian consequences of the introduction and implementation of sanctions, including those which have a bearing on the basic living conditions of the civilian population of the State concerned, on its socio-economic development and on third States which have suffered or may suffer as a result of their implementation, may be useful for the Security Council and its sanctions committees to consider.

To the maximum extent possible, situations in which the consequences of the introduction of sanctions would inflict considerable material and financial harm on

working paper to be considered at the Committee’s 2005 session (*ibid.*, para. 70). At the 2007 session, the Russian Federation submitted a further revised version of its working paper entitled “Basic conditions and standard criteria for the introduction and implementation of sanctions imposed by the United Nations” (A/AC.182/L.114/Rev.2; see UN Document A/62/33, para. 23). The Russian Federation submitted a revised working paper, entitled “Basic conditions and standard criteria for the introduction and implementation of sanctions imposed by the United Nations”, during the sixty-second session of the General Assembly (A/C.6/62/L.6).

⁸⁰ G A resolution 64/115, annex para. 1.

⁸¹ G A resolution 64/115, annex paras. 8-11.

third States or in which the civilian population in the State concerned or third States would experience considerable adverse consequences should be avoided.

C. In the Secretariat

46. In his reports⁸² in 2007, 2008 and 2009, the Secretary-General made reference to the resolutions of the General Assembly discussed in paragraphs 6-7, above, that urged competent units within the Secretariat to compile and evaluate information pertaining to any special economic problems in third States arising from the application of sanctions and to evaluate any appeals to the Security Council made by such affected third states under the provisions of Article 50 of the Charter of the United Nations⁸³.

47. The Secretary-General explained that such modifications reduced the need for the Department of Economic and Social Affairs of the Secretariat to explore practical and innovative measures of assistance to the affected third States given significant reductions in unintended economic consequences for third States⁸⁴. He further explained that appraisals of adverse consequences of sanctions incurred by third States had been replaced by detailed case-by-case assessments of the effectiveness of targeted sanctions and their adverse impact on innocent civilians in target and non-target States⁸⁵.

⁸² UN Documents A/62/206; A/63/224; and A/64/225.

⁸³ G A resolutions 55/157; 56/87; 57/25; 58/80; 59/45; 60/23; 61/38; 62/69; and 63/127.

⁸⁴ UN Documents A/62/206, para. 14; A/63/224 para. 13; A/63/224 para. 13; and A/65/217 para. 12.

⁸⁵ UN Documents A/62/206 para. 14; A/63/224 para. 14; A/63/224 para. 14; A/64/225 para. 13; and A/65/217 para. 13.