



*PERMANENT MISSION OF THE REPUBLIC OF
EL SALVADOR TO THE UNITED NATION*



**STATEMENT OF THE PERMANENT MISSION OF THE REPUBLIC OF
EL SALVADOR ON BEHALF OF THE COMMUNITY OF LATIN AMERICAN AND
CARIBBEAN STATES, CELAC**

**SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND THE
STRENGTHENING OF THE ROLE OF THE ORGANIZATION**

New York, 20-28 February 2018

Mr. Chairman,

I have the honor to speak on behalf of the Member States of the Community of Latin American and Caribbean States (CELAC).

Let me begin by congratulating you on your election to the Presidency of the Committee, as well as the other distinguished members of the Bureau. We are certain that under your leadership our work will be guided in the best possible manner.

CELAC is looking forward to participate actively in the work of the present session of the Special Committee. The group acknowledges the role this Committee has played in the United Nations, and on the revitalization of the system.

The Community of Latin American and Caribbean States considers that the prospect of a full implementation of the mandate of the Special Committee depends on the political will of Member States and the full and effective



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implementation of its working methods. To that end, it is imperative for us, member States, to make genuine efforts to develop a solid thematic agenda, which would ensure optimal use of the resources assigned to the Committee by the General Assembly.

We take this opportunity to express our appreciation to the Committee for its continued work regarding prevention and peaceful settlement of disputes. Non-coercive measures should be valued, pursued and exhausted before resorting to those foreseen in Chapter VII of the Charter. In this context, the document “Introduction and implementation of sanctions imposed by United Nations” deserves a special mention. As we previously stated, we expect this document to be applied by relevant organs of the United Nations.

In this regard, CELAC welcomes the decision of the General Assembly contained document A/72/118 in where decides that the Special Committee undertakes an annual thematic discussion under the item "Peaceful Settlement of Disputes", in order to examine and discuss the means for the settlement of disputes, in accordance with Chapter VI of the United Nations, in particular those contained in article 33, and in accordance with the Manila Declaration on the Pacific Settlement of International Disputes, addressing this year the subtopic “Exchange of information State practices regarding the use of negotiation and enquiry”.

During this session, as mandated by General Assembly’s Resolution 72/118, and in order to strengthen the role of the Organization, the Committee must continue its discussion of the question of the maintenance of international peace and security, through the consideration of the proposals already submitted as well as of any others which might be submitted in this year’s session.



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Mr. Chairman,

For CELAC, it is a priority to continue to consider the question of the implementation of the provisions of the Charter related to the assistance to third States affected by the application of sanctions under Chapter VII, and the proposals submitted on the question. The Community of Latin American and Caribbean States understands that the nature of this matter is preventive, but although no State has required assistance so far, this does not imply that the item should be eliminated. We also stress the fact that the Committee must keep on its agenda the question of the peaceful settlement of disputes between States, as decided by the Assembly on the said resolution. The aforementioned shows that the Assembly assigns the Committee a role in this important matter.

We wish to highlight, once again, the recognition given by the Report A/72/136 to the role of the General Assembly and the Economic and Social Council in assisting third States affected by the application of sanctions. The same can be said of the competent units within the Secretariat that compile and evaluate information pertaining to any special economic problems faced by third States that arise from the application of sanctions, and which also evaluate any appeals to the Security Council made under Article 50 of the Charter of the United Nations.

In this regard CELAC welcome the regular briefings on aspects of the document entitled “Introduction and implementation of sanctions imposed by the United Nations” contained in the Annex to General Assembly resolution 64/115 of 16 December 2009.



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Mr. Chairman,

CELAC has noted an increase in the number of letters addressed to the President of the Security Council under Article 51 of the Charter regarding military action, in the context of counterterrorism. As it has been noted before by the Group, this is an issue of concern where there is certainly room for improvement regarding both the content and the procedure that follows, so as to ensure that the obligations laid out in the Charter are being fulfilled. There are also underlying concerns stemming from attempts to reinterpret the law on self-defense and to *de facto* expand an exception to the general prohibition to the use of force contained in Article 2.4 of the Charter, in an irregular manner.

Being an issue of concern to all UN Member States, the flow of information towards non-members of the Security Council should also be improved. In order to increase transparency, CELAC reiterates the suggestion to create a specific section in the Council's website listing all such communications.

Mr. Chairman,

CELAC recognizes that both the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council constitute an important contribution to give certainty and consistency in the practice of the bodies and allow an analysis of the legality of acts. We wish to acknowledge the work of the Secretariat in updating both documents. Nevertheless, CELAC reiterates that the gap in the Volume III of the Repertory of Practice of the UN is regrettable, and calls for its update as soon as possible. It expresses once more its appreciation to Member States –some of them members of this Group- who have contributed to



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the trust fund for the updating of the Repertoire, as well as to the trust fund for the elimination of the backlog in the Repertory of Practice of United Nations Organs.

We reiterate, once again, that the challenge ahead of us is to reinvigorate the work of the Special Committee, enabling it to exercise its mandate as an efficient organ in the gear of the General Assembly and, while doing so, to make a valuable contribution to the revitalization of the most important organ in the Charter.

The Community of Latin American and Caribbean States attaches special importance to the work of this Special Committee. The Committee, under Resolution 3499 (XXX) of 15th December 1975, was entrusted, *inter alia*, to examine States' suggestions and proposals regarding the Charter of the United Nations and the strengthening of the role of the Organization, as well as other proposals aimed at enhancing the ability of the United Nations to achieve its purposes. Consequently, it could carry out the task of examining, when the General Assembly explicitly so requests, the legal aspects of the reforms already decided by this organ, with a view to recommending modifications to the Charter of the United Nations.

CELAC strongly supports the work of the Special Committee on the Charter and will work jointly with its Chair in order to thoroughly consider the observations Governments might make on proposals and suggestions related to the optimal application of the Charter of the UN, with a view to enhancing the ability of the United Nations to achieve its purposes.

It is important for States to cooperate and be flexible in the debate on the significant proposals the Special Committee has before it, which will contribute to the progress of its work.

CELAC will continue to work and contribute to the substantive discussion of proposals under consideration by the Committee, including the proposals made by



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Cuba in this regard. Our region is actively participating in the work of the Committee and encourages all Member States to contribute to the work of the Special Committee, as mandated to it by the General Assembly.

Mr. Chairman,

The Community of Latin American and Caribbean States considers that the best way for the Special Committee to continue its work efficiently is to redouble its efforts.

We wish to express our support to a thorough review of States' observations, suggestions and proposals, in order to strengthen the Charter of the United Nations, its compliance and full implementation.

Our main goal should be to ensure that the actions of the Organization are in line with the mandate granted to it by Member States.

Thank you Mr. Chairman