



General Assembly

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

18–26 February 2020

Draft report

Rapporteur: Ms. Alis Lungu (Romania)

II. Maintenance of international peace and security

D. Consideration of the further revised working paper submitted by Belarus and the Russian Federation

1. During the general exchange of views held at the 293rd and 294th meetings of the Special Committee, on 18 February, and at the 1st meeting of the Working Group of the Whole, on 19 February, the Special Committee considered the further revised working paper submitted by Belarus and the Russian Federation at the 2014 session of the Special Committee ([A/69/33](#), para. 37), in which it was recommended, *inter alia*, that an advisory opinion be requested from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence.

2. The sponsors of the proposal recalled the background thereto and highlighted the continued relevance of the subject matter of the further revised working paper and its value in providing a common understanding of the legal consequences of the resort to the use of force by States without prior authorization by the Security Council and in strengthening the prohibition on the threat or resort to the use of force in international relations. A sponsor delegation expressed its regret that consensus had not yet been achieved on the proposal, which had initially been introduced at the 1999 session of the Special Committee (see [A/54/33](#), para. 89). The sponsors favoured retaining the proposal on the agenda of the Special Committee and called for input from delegations to improve the proposal so that it could be presented to the General Assembly.

3. Several delegations stressed the importance of the prohibition on the threat or use of force, contained in the Charter, and reiterated their support for the proposal and for its thorough and meaningful consideration. The view was again expressed that an advisory opinion by the International Court of Justice would contribute to the



clarification and reaffirmation of the provisions of the Charter regarding the use of force and could contribute to the strengthening of the Organization.

4. Opposition to the request for an advisory opinion, which had been expressed at previous sessions of the Special Committee, continued to be reiterated. The view was expressed that, in the absence of additional detail regarding the circumstances of the use of force, the proposal was presented in terms that were too general for the International Court of Justice to provide a meaningful response.
