



General Assembly

Distr.: Limited
18 February 2021

Original: English

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

16–24 February 2021

Draft report

Rapporteur: Ms. Sarah Weiss Ma'udi (Israel)

II. Maintenance of international peace and security

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

1. During the general exchange of views held at the 297th and 298th meetings of the Special Committee, on 16 February, and at the 2nd meeting of the Working Group of the Whole, on 17 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. The sponsors favoured retaining the proposal on the agenda of the Special Committee. A sponsor delegation expressed its regret that there appeared to be doubt about the advisability of the proposal.

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. It was highlighted that an advisory opinion by the International Court of Justice would contribute to the clarification of the provisions of the Charter regarding the use of force and could contribute to the strengthening of the Organization and of a rules-based international system. Support was expressed for the work and the role of the Court.



4. Opposition to the request for an advisory opinion by the International Court of Justice, which had been expressed at previous sessions of the Special Committee, was reiterated. Some delegations were of the view that the proposal neither posed a well-defined and specific question nor addressed a clear and specific need.
