



# 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

20–28 February 2024

### Draft report

*Rapporteur:* Ms. Gloria **Dakwak** (Nigeria)

## II. Maintenance of international peace and security

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

1. During the general exchange of views held at the 308th and 309th meetings of the Special Committee, on 20 February, and at the 1st meeting of the Working Group of the Whole, on 21 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 sponsor delegations recalled the continued relevance of the topic addressed in the further revised working paper, highlighting that the topic was key in the international agenda. A sponsor delegation emphasized that an advisory opinion by the International Court of Justice would make a significant contribution to safeguarding and to the progressive development of the principles and rules of international law, as well as to strengthening international peace and security. It stated that the proposal required detailed consideration by the Special Committee and, in that regard, called for input from delegations to improve the proposal so that it could be presented to the General Assembly.

3. A number of delegations reiterated their support for the thorough and meaningful consideration of the proposal by the Special Committee. Other delegations expressed their opposition to the request for an advisory opinion by the International Court of Justice as outlined in the proposal. It was indicated that the proposal did not pose a well-defined and specific question for the International Court of Justice to provide a meaningful response. The view was expressed that the proposal



was not necessary because it was duplicative of work already being undertaken by the General Assembly.

4. A view was also expressed that, on the basis of the proposal, an advisory opinion could be requested from the International Court of Justice on the legality of the use of force by the Russian Federation against Ukraine, which had been previously recognized by the General Assembly, in its resolution [ES-11/1](#) of 2 March 2022, as contrary to Article 2 (4) of the Charter of the United Nations. A sponsor delegation responded that the legal question proposed in the further revised working paper was of a generic character and was not to seek the Court's position on any specific situation.

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