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

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Draft report

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V. Working methods of the Special Committee and identification of new subjects

A. Working methods of the Special Committee

1. The issue of the working methods of the Special Committee was considered during the general exchange of views at the 312th and 313th meetings of the Special Committee, held on 18 February, and at the 3rd meeting of the Working Group of the Whole, held on 21 February.
2. During the general exchange of views, delegations stressed the importance of the Special Committee in strengthening the role of the Organization in furtherance of the principles and objectives of the Charter, strengthening international cooperation and fostering dialogue and advancing the development of international law, as well as the role of the Special Committee in the clarification and interpretation of provisions of the Charter. A number of delegations emphasized that the Special Committee could contribute to the reform process of the Organization, in particular in the examination of legal aspects thereof, and to its revitalization.
3. The Special Committee was encouraged to improve its efficiency and productivity, including by considering shortening its sessions or transitioning to biennial meetings to make better use of limited Secretariat resources. It was reiterated that the Special Committee should focus its attention on proposals that were practical, non-political and not duplicative of efforts elsewhere in the United Nations and that it should not be used as a forum for raising bilateral concerns. Some delegations emphasized the need to streamline the working methods of the Special Committee, to remove outdated or duplicative proposals and to move beyond repetitive debates towards concrete and time-bound proposals.
4. It was stated that the working methods of the Special Committee should be practical and effective, ensuring that all proposals were fairly and equitably examined



and focusing on results that could strengthen the role of the United Nations. It was stressed that the Special Committee must find a balance between the competencies of the main organs of the United Nations, while adhering to the provisions of the Charter and promoting enhanced cooperation and coordination among the various bodies in order to avoid any duplicative efforts. Several delegations opposed the biennialization of the Special Committee, highlighting the importance of annual thematic debates.

5. It was reiterated that the full implementation of the mandate of the Special Committee depended on the political will of States and on the full and effective implementation of the methods of work of the Special Committee. Concern was expressed at the lack of willingness of some States to engage in meaningful discussions to consider proposals that had long been before the Special Committee. It was stated that the Special Committee had been paralysed since 2022, as it had been unable to adopt substantive parts of its report owing to a lack of consensus among its members.

6. Delegations were encouraged to participate actively in the annual thematic debates, engage in constructive exchanges and ensure more interaction and thematic discussion. Delegations were also encouraged to use the annual thematic debates to share their best practices and successful examples of the use of procedures for the peaceful settlement of disputes. The importance of maintaining a balanced agenda was also highlighted to ensure that the work of the Committee was thoroughly documented and that all viewpoints, including divergent ones, were accurately reflected in the annual report.

B. Identification of new subjects

7. The issue of the identification of new subjects was considered during the general exchange of views held at the 312th and 3013th meetings of the Special Committee, on 18 February, and at the 3rd meeting of the Working Group of the Whole, on 21 February.

8. During the general exchange of views, several delegations stated that the Special Committee could contribute to the examination of legal matters relating to the reform and revitalization of the Organization and its organs, including issues surrounding the roles and prerogatives of the General Assembly and the Security Council. The view was expressed that new subjects could assist in providing ways to improve the implementation of the Charter and strengthen the Organization and, in that connection, delegations were urged to exercise flexibility with regard to the inclusion of new subjects in the agenda of the Special Committee. Other delegations stressed that proposals must be practical and non-political, must not duplicate efforts elsewhere within the United Nations, must ensure the efficient and effective use of the time and resources allocated to the Special Committee and should be considered on the basis of the likelihood that they would enjoy consensus.

9. During the general exchange of views and in the Working Group, the delegate of Mexico introduced a further revised version of the proposal to include a new subject entitled “Discussion on the application of Article 51, in the light of its interrelation with Article 2 (4), of the Charter of the United Nations” ([A/AC.182/L.168](#)) and announced that Brazil had joined as a sponsor. It was explained that the aim of the revised proposal was to create a focused space for a legal and technical discussion among all Member States to exchange recent practices that had an impact on the interpretation and application of Articles 2 (4) and 51 of the Charter. It was emphasized that the purpose of the proposal was not to conduct an analysis of specific cases, situations or communications submitted to the Security Council under Article 51 but should include the consideration of procedural

questions, including elements of the communications invoking those provisions, as well as ensuring the transparency and publicity of the communications, which was of relevance to the entire membership of the Organization. It was noted that, since the initial presentation of the proposal in the Special Committee, there had been an increase in the number of communications to the Council in which Article 51 had been invoked and that it had been invoked at least 78 times in the previous four years.

10. It was also emphasized that the proposal was not duplicative of or inconsistent with the work of other organs of the United Nations. It was noted that the Security Council often did not engage in a substantive debate concerning the invocation of Article 51, which was an impediment for States in asserting their views on the question and was different from the broad technical and legal discussion open to all Member States that was being proposed. The sponsor delegation thanked all those delegations that had expressed support for the revised proposal, or provided comments thereto, and expressed its readiness to revise the text, as necessary.

11. During the debate in the Working Group, a number of delegations expressed support for the revised working paper presented by Mexico and stressed the importance of the consideration of this topic. It was noted that the proposal touched upon important questions regarding international peace and security and questions on the scope of interpretation of Articles 2 (4) and 51 of the Charter of the United Nations. Several delegations considered that the Special Committee would be the appropriate forum to address the issues raised by the proposal since it concerned a matter within the scope of the mandate of the Special Committee that was of interest to all Member States. It was further pointed out that, as a sub-organ of the General Assembly, the Special Committee was more inclusive and transparent than other potential forums. Some delegations emphasized that, while the Security Council had primary responsibility for the maintenance of international peace and security, its competence was not exclusive. The two sponsoring delegations further announced plans to hold informal consultations on the proposal.

12. Some delegations reiterated their doubts regarding the proposal and questioned whether it fell within the scope of the mandate of the Special Committee and whether the Committee was the appropriate forum for addressing the issues raised. It was emphasized that Member States had a duty to report to the Security Council immediately when they acted in exercise of the right of self-defence and that the Council remained the primary organ for dealing with peace and security. It was observed that notifications under Article 51 and responses thereto were already published on the website of the United Nations and in the *Repertoire of the Practice of the Security Council*. Some delegations noted that other parts of the United Nations system were better placed to discuss the issues raised and that the proposal was duplicative of efforts being made elsewhere within the Organization, such as through the convening of Arria-formula meetings and the work of the Informal Working Group on Documentation and Other Procedural Questions. A sponsor delegation noted that the discussion of the subject in the context of Arria-formula meetings, and the Informal Working Group on Documentation and Other Procedural Questions of the Security Council, remained informal exchanges and that there were limited opportunities for a meaningful exchange on the subject matter of the proposal.

13. At the same meeting, the Working Group considered the proposal for the inclusion of a new item concerning the role of the General Assembly in the Organization, as presented orally at the 2019 session of the Special Committee by the delegation of Cuba ([A/74/33](#), paras. 88 and 89). The sponsor delegation requested a deferral on the consideration of the proposal to the following session of the Committee. No comments were made on the proposal.

14. During the general exchange of views and at the 3rd meeting of the Working Group, the representative of the Islamic Republic of Iran introduced a further revised version of its proposal to include a new subject entitled “Obligations of Member States in relation to unilateral coercive measures: guidelines on ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures” (A/AC.182/L.167) and explained the technical update to the proposal made therein. The sponsor delegation emphasized that unilateral coercive measures constituted serious threats to the purposes and principles of the Charter, had no legal basis under international law and defied the rule of law at the international level, regardless of their nomenclature. It noted that unilateral coercive measures impeded the realization of and violated human rights, including the right to development, the right to life and the right to health. It was also noted that such measures threatened the international legal and economic order, inter alia, by hindering international cooperation, trade and investment and undermining the right and freedom of States to engage in international economic cooperation and to choose the forms of organization of their foreign economic relations. It was reiterated that unilateral coercive measures had adverse impacts on the humanitarian needs of affected populations, especially on the most vulnerable groups, while there existed humanitarian exceptions to various sanction regimes. The sponsor delegation reiterated its willingness to work on improving the proposal in cooperation with other delegations and emphasized that the proposal had been made with a view to having a technical discussion on the topic.

15. During the general exchange of views and in the Working Group, a number of delegations supported the inclusion of the proposal in the agenda of the Special Committee, noting that unilateral coercive measures were illegitimate, ineffective and punitive in nature, constituted a direct violation of international law and undermined the principles and purposes of the Charter. Some delegations expressed the view that the proposal had legal and practical implications and deserved serious consideration and expressed openness to discussing the substance of the application of unilateral coercive measures in the Committee. Emphasis was placed on the adverse effects of unilateral coercive measures and on the fact that they often affected vulnerable groups. Several delegations considered that unilateral coercive measures undermined both the enjoyment of human rights and sustainable development in the countries targeted, and reference was made to the ongoing work of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights. The view was expressed that it could be helpful to subdivide the discussion of the topic into various issues related to unilateral coercive measures, such as the extraterritorial application of domestic law, the possible legal justifications for unilateral coercive measures, questions of the appropriate terminology and the overall lawfulness of the use of such measures.

16. Several delegations expressed doubts about the proposal. It was considered that the proposal was politically charged and that it had little prospect of generating consensus in the Special Committee, given the diverging opinions of Member States on the legal issues raised therein. Several delegations considered that sanctions other than United Nations sanctions were lawful and legitimate means for achieving foreign policy objectives and restoring peace and security. The view was expressed that sanctions were effective and highly targeted and were not directed at the general population, and that there existed several humanitarian exceptions to the existing sanction regimes.

17. During the general exchange of views, several delegations referred to the proposal made by the delegation of the Syrian Arab Republic delegation in 2020 to include a new subject, as contained in the working paper entitled “Privileges and immunities enjoyed by representatives of the Members of the United Nations and

officials of the Organization that are necessary for the independent exercise of their functions in connection with the Organization” (A/75/33, annex III). Some delegations expressed support for the proposal, emphasizing the importance of the proper implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations. The view was also expressed that proposals that raised bilateral concerns were outside the mandate of the Special Committee.

18. During the 3rd meeting of the Working Group, the Chair of the Special Committee announced that the sponsor delegation had requested that the Committee defer its consideration of the proposal to the following session of the Committee. There were no further comments on the proposal.

19. During the general exchange of views and in the Working Group, the representative of the Russian Federation referred to the proposal for a new subject submitted by Belarus, the Plurinational State of Bolivia, China, the Democratic People’s Republic of Korea, Equatorial Guinea, the Islamic Republic of Iran, Mali, Nicaragua, the Russian Federation, Saint Vincent and the Grenadines, the Syrian Arab Republic and the Bolivarian Republic of Venezuela, as contained in the working paper entitled “Challenges to the purposes and principles of the Charter of the United Nations arising from initiatives promoting enhanced non-governmental organization participation in the work of the United Nations” (A/AC.182/L.164). A sponsor delegation observed that, while non-governmental organizations (NGOs) were already participating in relevant United Nations meetings and processes, there existed insufficient diversity of geographical representation of civil society, with NGOs from developed countries having more access to the activities of the United Nations. Such a situation deepened inequalities between the developed and developing States, thereby adversely affecting the purposes and principles enshrined in the Charter of the United Nations. A sponsor observed that the prevalence of NGOs from developed States allowed them to shift the focus of United Nations bodies towards issues prioritized by Western nations. It further explained that there was a need to implement procedural reforms with a view to ensuring fair and equal geographical representation of NGOs and financial transparency, as well as to create a mechanism to hold NGOs accountable for abuse of United Nations processes.

20. During the general exchange of views, and in the Working Group, several delegations supported the inclusion of the proposal in the agenda of the Special Committee, noting the importance of equal geographical representation of NGOs. The importance of preserving the principles enshrined in the Charter of the United Nations was emphasized. It was also observed that the aim of the proposal was not to limit or exclude the participation of NGOs in the United Nations, and several delegations emphasized the goal of protecting the intergovernmental nature of the Organization. The view was also expressed that NGOs should work at the level of States rather than the United Nations.

21. Several delegations indicated that they were not in a position to support the proposal. It was observed that independent civil society organizations played an important role in assisting the United Nations in achieving its purposes and that NGO involvement should, if anything, be further strengthened. Several delegations noted that the participation of civil society brought new perspectives and improved the outcomes of the work of the United Nations. A number of delegations expressed the view that NGO participation did not expand inequalities but reduced them, while providing a voice for the most vulnerable, thereby contributing to the protection of human rights and holding Governments accountable. Some delegations considered that concerns regarding the accreditation of NGOs were better suited to consideration by the Committee on Non-Governmental Organizations of the Economic and Social Council or in the context of the modalities for a particular conference.