



**United Nations**

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

**General Assembly  
Official Records  
Seventy-fourth Session  
Supplement No. 33**





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



United Nations • New York, 2019

*Note*

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

## Contents

| <i>Chapter</i>  | <i>Page</i> |
|---|-------------|
| I. Introduction . . . . .   | 4           |
| II. Maintenance of international peace and security. . . . .  | 6           |
| A. Introduction and implementation of sanctions imposed by the United Nations . . . . .   | 6           |
| B. Consideration of the revised proposal submitted by Libya with a view to strengthening the role of the United Nations in the maintenance of international peace and security . . . . .  | 8           |
| C. Consideration of the revised working paper submitted by Belarus and the Russian Federation. . . . .  | 9           |
| D. Consideration of the revised working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations. . . . .  | 9           |
| E. Consideration of the further revised working paper submitted by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes. . . . .       | 10          |
| III. Peaceful settlement of disputes. . . . .   | 12          |
| A. Means for the settlement of disputes: exchange of information on State practices regarding the use of mediation . . . . .  | 12          |
| B. Proposal by the Russian Federation to recommend that the Secretariat be requested to establish a website on the peaceful settlement of disputes and update the <i>Handbook on the Peaceful Settlement of Disputes between States</i> . . . . . | 14          |
| IV. <i>Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council</i> . . . . .  | 15          |
| V. Working methods of the Special Committee and identification of new subjects . . . . .  | 18          |
| A. Working methods of the Special Committee . . . . .   | 18          |
| B. Identification of new subjects. . . . .  | 19          |
| <b>Annexes</b>  |             |
| I. Revised working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations . . . . .  | 21          |
| II. Further revised working paper submitted by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes. . . . .                           | 24          |

## Chapter I

### Introduction

1. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization was convened in accordance with General Assembly resolution [73/206](#) and met at United Nations Headquarters from 19 to 27 February 2019.
2. In accordance with paragraph 5 of General Assembly resolution [50/52](#), the Special Committee was open to all States Members of the United Nations.
3. The Special Committee held three meetings: the 290th and 291st on 19 February and the 292nd on 27 February. The Working Group of the Whole, established at the 290th meeting, held three meetings, on 20, 21 and 25 February.
4. The session was opened by Omar Hilale (Morocco) in his capacity as Chair of the previous session of the Special Committee.
5. At its 290th meeting, on 19 February, the Special Committee, bearing in mind the terms of the agreement regarding the election of officers reached at its session in 1981,<sup>1</sup> elected the following members of its Bureau:

*Chair:*

Maria Theofili (Greece)

*Vice-Chair:*

Giorgi Mikeladze (Georgia)

*Rapporteur:*

Dié Millogo (Burkina Faso)

6. At its 292nd meeting, on 27 February, the Special Committee elected the following member of its Bureau:

*Vice-Chair:*

María Alejandrina Sande (Uruguay)

7. The Bureau of the Special Committee also served as the Bureau of the Working Group of the Whole.
8. The Director of the Codification Division of the Office of Legal Affairs acted as Secretary of the Special Committee. The Principal Legal Officer of the Division acted as Assistant Secretary of the Special Committee. The Division provided substantive services for the Special Committee and the Working Group.
9. At its 290th meeting, the Special Committee adopted the following agenda:
  1. Opening of the session.
  2. Election of officers.
  3. Adoption of the agenda.
  4. Organization of work.
  5. Consideration of the questions referred to in General Assembly resolution [73/206](#), in accordance with the mandate of the Special Committee as set out in that resolution.

---

<sup>1</sup> See [A/36/33](#), para. 7.

## 6. Adoption of the report.

10. General statements touching on all or several items were made at the 290th and 291st meetings. Their substance is reflected in the relevant sections of the present report.

11. With regard to the question of the maintenance of international peace and security, the Special Committee had before it General Assembly resolution [64/115](#) and the annex thereto, entitled “Introduction and implementation of sanctions imposed by the United Nations”.

12. The Special Committee also had before it the following documents: a revised proposal submitted at the 1998 session by Libya with a view to strengthening the role of the United Nations in the maintenance of international peace and security;<sup>2</sup> a further revised version, submitted at the 2014 session, of the working paper submitted by Belarus and the Russian Federation at the 2005 session on an advisory opinion to 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;<sup>3</sup> a revised working paper submitted by Cuba at the 2019 session on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations;<sup>4</sup> and a further revised working paper submitted by Ghana at the 2019 session on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes.<sup>5</sup>

13. With regard to the question of the peaceful settlement of disputes, the Special Committee undertook its annual thematic debate on the means for the settlement of disputes, in accordance with Chapter VI of the Charter, including in particular those contained in Article 33 thereof, and consistent with the Manila Declaration on the Peaceful Settlement of International Disputes. During that debate, the discussions were focused on the subtopic “Exchange of information on State practices regarding the use of mediation”. The Special Committee also had before it a proposal, revised in 2014 by the Russian Federation, recommending that the Secretariat be requested to establish a website dedicated to the peaceful settlement of disputes between States and to update the *Handbook on the Peaceful Settlement of Disputes between States*.<sup>6</sup>

14. At its 292nd meeting, on 27 February, the Special Committee adopted its report on its 2019 session.

<sup>2</sup> See [A/53/33](#), para. 98.

<sup>3</sup> See [A/69/33](#), para. 37.

<sup>4</sup> [A/AC.182/L.150](#), reproduced in annex I to the present report.

<sup>5</sup> [A/AC.182/L.151](#), reproduced in annex II to the present report.

<sup>6</sup> See [A/69/33](#), para. 52.

## Chapter II

### Maintenance of international peace and security

15. The Special Committee considered the question of the maintenance of international peace and security during the general exchange of views held at its 290th and 291st meetings, on 19 February, and at the 1st meeting of the Working Group of the Whole, on 20 February.

16. In their general comments, a number of delegations reaffirmed that the reform of the Organization should be carried out in accordance with the principles and procedures established by the Charter and preserve the legal framework of the Charter as a constitutional instrument. It was underlined that the General Assembly remained the chief deliberative, policymaking and representative organ of the United Nations. A number of delegations reiterated their concern that the Security Council had encroached on the functions and powers of the Assembly and the Economic and Social Council by addressing issues that fell within the competences of those organs and attempting to enter areas of setting norms and establishing definitions which fell within the purview of the Assembly. The view was expressed by some delegations that the Assembly had, on occasion, gone beyond its mandate, in violation of Article 12 of the Charter, by beginning debates on matters that were still being considered by the Security Council. Another view was expressed that there was a need to achieve the right balance envisaged by the Charter between the functions and powers of the principal organs of the United Nations. It was further emphasized that the Special Committee was the appropriate forum for examining the legal aspects of those issues.

#### A. Introduction and implementation of sanctions imposed by the United Nations

17. Reference was made to the question of the introduction and implementation of sanctions imposed by the United Nations (see General Assembly resolution [64/115](#), annex) during the general exchange of views held at the 290th and 291st meetings of the Special Committee, on 19 February, and during the 1st meeting of the Working Group of the Whole, on 20 February.

18. During the general exchange of views and the 1st meeting of the Working Group of the Whole, a number of delegations reiterated their concerns regarding sanctions imposed by the Security Council. It was emphasized that sanctions should not be adopted indiscriminately or be used as blunt instruments designed to inflict suffering on vulnerable groups in the target country and that their objective should not be to punish or otherwise exact retribution on the population.

19. Many delegations emphasized that sanctions should be introduced and applied in conformity with the provisions of the Charter and international law. It was asserted that sanctions should be implemented in full compliance with international human rights law by ensuring that sanctions procedures are fair and clear and respect the rights of sanctioned persons. The important role of the Office of the Ombudsperson established pursuant to Security Council resolution [1904 \(2009\)](#) was mentioned in that regard. It was reiterated that sanctions should be imposed only as a measure of last resort when there existed a threat to international peace and security, a breach of the peace or an act of aggression, in accordance with the Charter. It was asserted that the objectives of sanctions regimes should be clearly defined, based on tenable legal grounds and imposed with a clear time frame, and that sanctions should be subject to monitoring and periodic review and be lifted as soon as their objectives are achieved. It was further emphasized that sanctions should not hinder humanitarian assistance from reaching the civilian population. Delegations reaffirmed their concerns about



the imposition of unilateral sanctions in violation of international law. The view was expressed by some delegations that, in practice, such sanctions were often imposed as a result of the extraterritorial application of national laws, with extraterritorial effects, that disregarded the sovereignty of States and the principles contained in the Charter. In that connection, the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights contained in document [A/73/175](#) was recalled.

20. A number of delegations reaffirmed that sanctions were an important tool under the Charter for ensuring the maintenance and restoration of international peace and security. In addition, it was highlighted that, when applied in a targeted fashion, sanctions could increase efficiency in attaining their agreed objectives, while minimizing their adverse impact and unintended consequences for the well-being of the civilian population and third parties.

21. Delegations welcomed the institution of regular briefings by the Secretariat on the document entitled “Introduction and implementation of sanctions imposed by the United Nations”, annexed to General Assembly resolution [64/115](#), which had been adopted on the basis of the work of the Special Committee. The increased transparency and responsiveness of the sanctions committees in providing guidance on the implementation of sanctions were welcomed. It was suggested that the Secretariat should develop its capacity to properly assess the unintended side effects of sanctions imposed by the Security Council, as such capacity had not been sufficiently developed in the past, in order to fully assess the short- and long-term socioeconomic and humanitarian consequences of the Organization’s sanctions regimes. The increasing dialogue between the Organization and the private sector on sanctions and the best-practices guidelines project was noted.

### **Briefing**

22. At its 1st meeting, the Working Group of the Whole was briefed by a representative of the Department of Political and Peacebuilding Affairs on the document annexed to General Assembly resolution [64/115](#), as requested by the Assembly in paragraph 4 of its resolution [73/206](#). The representative provided information on the elements of the document and general information about United Nations sanctions regimes, the role of the sanctions committees and expert panels in the implementation of sanctions, the monitoring and review mechanisms and recent developments in the implementation of sanctions regimes following the requests made by the Special Committee at its previous session. The representative also responded to questions from delegations on several aspects of the sanctions regimes. The representative indicated that the information presented was available on the website of the subsidiary bodies of the Security Council, in particular in the fact sheets of the subsidiary organs of the Security Council.<sup>7</sup>

23. Delegations generally expressed their appreciation for the briefing and the efforts made to enhance the transparency of the procedures relating to sanctions and due process.

24. The Secretariat was encouraged to further improve communication with countries affected by the United Nations sanctions regimes, with a view to identifying lessons learned and best practices. The representative of the Department of Political and Peacebuilding Affairs clarified that the Department had limited capacity to conduct lessons-learned exercises owing to budgetary and resource constraints. The representative stated that the sanctions committees and their chairs conducted outreach to affected countries and regions in order to further improve interaction with

<sup>7</sup> Available at [www.un.org/securitycouncil/sanctions/information](http://www.un.org/securitycouncil/sanctions/information).

Member States. Moreover, the representative noted that, in 2018, the Secretariat had conducted outreach and workshops for Member States and the private sector on the implementation of United Nations sanctions and that it stood ready to continue those activities within existing capabilities and resources.

25. On the issue of expert panels, the Secretariat was asked how a sanctions committee obtained the necessary information on a particular situation when no expert panel had been established to support the committee. The representative of the Department of Political and Peacebuilding Affairs highlighted that Member States, including committee members themselves, provided such information and that the establishment of expert panels fell within the purview of the Security Council.

26. The Secretariat was encouraged to develop its capacity for the assessment of the unintended side effects of sanctions imposed by the Security Council. The representative of the Department of Political and Peacebuilding Affairs indicated that international humanitarian law and human rights law experts already served on the expert panels but that focused consideration of this issue might require a specific mandate, dedicated expertise and additional resources.

27. The Secretariat was asked to clarify which criteria were applied in the decision to lift sanctions. The representative of the Department of Political and Peacebuilding Affairs clarified that the establishment of such criteria fell within the purview of the Security Council and that they were determined on a case-by-case basis.

28. The Secretariat was asked to improve geographical representation in the selection of the Ombudsperson of the Security Council Committee pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities. The representative of the Department of Political and Peacebuilding Affairs explained that the Security Council, in paragraph 20 of its resolution [1904 \(2009\)](#), had mandated the Secretary-General to appoint the Ombudsperson in close consultation with the Committee. While the Secretariat ensured that its selection process resulted in a list of qualified and geographically diverse candidates, the final decision remained with the Committee.

29. The Secretariat was also asked to indicate which system, in its view, was more efficient in the delisting process: the Ombudsperson or the Focal Point for Delisting. The representative of the Department of Political and Peacebuilding Affairs stated that, according to an empirical study, the Ombudsperson mechanism was more likely to withstand fair process legal challenges compared with the Focal Point system.<sup>8</sup> The decision to extend the mandate of the Ombudsperson or a similar mechanism to other sanctions regimes remained with the Security Council. The representative expressed the view that the prolonged absence of the Ombudsperson had been a vulnerability, and a number of suggestions on how to improve the Focal Point process were made.

## **B. Consideration of the revised proposal submitted by Libya with a view to strengthening the role of the United Nations in the maintenance of international peace and security**

30. The revised proposal submitted by Libya with a view to strengthening the role of the United Nations in the maintenance of international peace and security (see [A/53/33](#), para. 98) was referred to in general terms during the general exchange of views held at the 290th and 291st meetings of the Special Committee, on 19 February,

<sup>8</sup> See James Cockayne, Rebecca Brubaker and Nadeshda Jayakody, *Fairly Clear Risks: Protecting UN Sanctions' Legitimacy and Effectiveness through Fair and Clear Procedures* (United Nations University, 2018).

and was considered at the 1st meeting of the Working Group of the Whole, on 20 February.

31. While several delegations reiterated their support for the continued consideration of the proposal, other delegations were of the view that the proposal was among those that duplicated revitalization efforts undertaken elsewhere within the Organization and that the relationship between the different organs within the Organization was adequately defined in the Charter and did not need further clarification by the Special Committee.

32. The sponsor was also encouraged to consider extracting those key elements of the proposal that remained valid and incorporating them into the annual General Assembly resolution on the report of the Special Committee.

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

33. During the general exchange of views held at the 290th and 291st meetings of the Special Committee, on 19 February, and at the 1st meeting of the Working Group of the Whole, on 20 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 (see [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.

34. The sponsors of the proposal recalled the background thereto and highlighted the continued relevance of the subject matter of the 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. 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. 90). The sponsors favoured retaining the proposal on the agenda of the Special Committee and called for input from delegations to improve the document so that it could be presented to the General Assembly.

35. 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 its further consideration. It was pointed out 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.

36. Opposition to the request for an advisory opinion, which had been expressed at previous sessions of the Special Committee, was reiterated.

### **D. Consideration of the revised working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations**

37. The working paper entitled “Strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations” was submitted by Cuba at the 2012 session of the Special Committee ([A/67/33](#), annex). The revised working paper, submitted by Cuba at the 2019 session of the Special Committee (see annex I), was referred to during the general exchange of views held at the 290th and

291st meetings of the Special Committee, on 19 February, and was considered at the 1st meeting of the Working Group of the Whole, on 20 February.

38. During the general exchange of views, the sponsor delegation invited delegations to consider the revised working paper so as to allow for a fruitful discussion at the next session of the Special Committee. At the 1st meeting of the Working Group of the Whole, the sponsor delegation explained that the revised working paper made concrete recommendations for strengthening the role of the General Assembly, including the establishment of a working group to conduct a legal study of Chapter IV of the Charter. The sponsor delegation reiterated its invitation to delegations to share their views on the paper at the next session of the Special Committee.

39. Several delegations expressed their support for the proposal contained in the revised working paper. It was noted that the aim of the paper was to achieve the delicate balance, envisaged in the Charter, between the mandates of all the principal organs of the United Nations. It was considered that the revised working paper was timely and valid and should therefore remain on the agenda of the Special Committee.

40. During the general debate, other delegations were of the opinion that the Special Committee should not consider topics that would be duplicative of or inconsistent with the roles of the principal organs of the United Nations as set forth in the Charter.

#### **E. Consideration of the further revised working paper submitted by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes**

41. The revised working paper on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes, submitted by Ghana at the 2018 session of the Special Committee ([A/73/33](#), annex) in follow-up to its 2015 concept paper ([A/70/33](#), annex II) and its 2016 working paper ([A/71/33](#), annex) on the same subject, was referred to during the general exchange of views held at the 290th and 291st meetings of the Special Committee, on 19 February. The further revised working paper, submitted by Ghana at the 2019 session of the Special Committee (see annex II), was referred to during the general exchange of views held at the 290th meeting and was considered at the 1st meeting of the Working Group of the Whole, on 20 February.

42. The sponsor delegation introduced the further revised working paper during the general exchange of views held at the 290th meeting, explaining that it had taken into account the views and concerns expressed by other delegations at the 2018 session of the Special Committee. The sponsor delegation clarified that the further revised working paper was aimed at identifying eight general principles on which cooperation between the Organization and regional arrangements or agencies could be based. The sponsor delegation asserted that the further revised working paper was largely based on General Assembly resolution [49/57](#) of 17 February 1995 and on principles identified in March 1999 by the Lessons Learned Unit of the then Department of Peacekeeping Operations, in a document entitled “Cooperation between the United Nations and regional organizations/arrangements in a peacekeeping environment: suggested principles and mechanisms”.

43. At the 1st meeting of the Working Group of the Whole, the sponsor delegation reiterated that the eight proposed guidelines contained in the further revised working paper were aimed at providing a basis for discussions on the subject. It explained that the gaps in the working relationship between the United Nations and regional

arrangements or agencies, which had been identified at the 2018 session of the Special Committee, had served as a basis for preparing the eight guidelines. The sponsor delegation invited delegations to provide suggestions and comments, with a view to finalizing the guidelines at the next session of the Special Committee.

44. A number of delegations expressed their support for the 2018 revised working paper and the further revised working paper during the general exchange of views and at the 1st meeting of the Working Group of the Whole. It was noted that the subject was topical and relevant to the work of the Special Committee in developing guidelines to facilitate cooperation between the United Nations and regional organizations. It was also stated that it could serve the practical purpose of helping to fill gaps in the work of the Organization.

45. Other delegations voiced concerns regarding the nature of the proposed guidelines, their applicability and their implementation, as well as regarding the added value of the partnership agreements referred to in the further revised working paper. The legal basis of the framework defining the responsibilities of the United Nations and the relevant regional organizations was questioned.

46. The sponsor delegation was asked to provide more information on the intended addressees of the guidelines contained in the further revised proposal and to specify which provisions of the Charter the guidelines were aimed at clarifying. It was also reiterated that the proposal contained in the further revised working paper should not duplicate efforts conducted elsewhere within the United Nations.

47. The sponsor delegation clarified that the proposed guidelines were addressed to the Organization as a whole, with a particular focus on the Security Council owing to its pivotal role with regard to the peaceful settlement of disputes, as well as to regional and subregional arrangements that cooperate with the United Nations. It was also stated that the proposed guidelines in the further revised working paper were intended to supplement the provisions of Chapter VIII of the Charter.

## Chapter III

### Peaceful settlement of disputes

48. The Special Committee considered the question of the peaceful settlement of disputes during the general exchange of views held at its 290th and 291st meetings, on 19 February, and during the 2nd meeting of the Working Group of the Whole, on 21 February.

49. During the general exchange of views and in the Working Group of the Whole, delegations expressed their support for all efforts to promote the peaceful settlement of disputes. Delegations recalled that States should refrain from the threat or use of force, highlighting the obligation to settle disputes by peaceful means pursuant to Articles 2 (3) and 33 of the Charter. A number of delegations emphasized that Article 33 was applicable only to disputes of an international nature, to the exclusion of domestic disputes. Several delegations emphasized the right of States to freely choose peaceful means to settle international disputes. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV), annex) was recalled in that respect. The importance of State sovereignty, territorial integrity and non-interference in internal affairs was also noted.

50. Several delegations asserted the importance of preventative diplomacy and conflict prevention in the peaceful settlement of disputes. The importance of the participation of women in all stages of conflict resolution was also underlined. Several delegations pointed out the importance of multilateralism in the peaceful settlement of disputes. Several delegations also underlined the importance of regional arrangements in the peaceful settlement of disputes. A view was expressed that a holistic approach had to be taken to reach tangible results in the peaceful settlement of disputes.

51. Several delegations reaffirmed the role of the International Court of Justice, as the principal judicial organ of the United Nations, in promoting the peaceful settlement of disputes. The usefulness of the Court's advisory opinions on legal questions was also noted. The significance of the Manila Declaration on the Peaceful Settlement of International Disputes, approved by the General Assembly in 1982 and annexed to its resolution [37/10](#), was also recalled.

52. A number of delegations stated that the annual thematic debate on the means for the settlement of disputes contributed to the more efficient and effective use of peaceful means and promoted a culture of peace among Member States. In the general exchange of views and in the Working Group of the Whole, a number of delegations expressed the view that the Special Committee should analyse all means envisaged in Article 33 of the Charter.

53. Delegations reiterated their preference that, in accordance with the mandate of the Special Committee, the question of the peaceful settlement of disputes remain on its agenda.

#### **A. Means for the settlement of disputes: exchange of information on State practices regarding the use of mediation**

54. In accordance with paragraph 5 (a) of General Assembly resolution [73/206](#), delegations focused their debate on the subtopic "Exchange of information on State practices regarding the use of mediation".

55. Delegations generally emphasized the importance of mediation, noting that it was a key aspect of preventative diplomacy and an effective tool widely used in practice to peacefully settle disputes. Delegations underlined that mediation should be applied in accordance with the Charter and that the consent of parties to a dispute to mediation was essential. Several delegations asserted that mediation played an important role in easing tensions and narrowing the gaps between the positions of the parties, as well as in creating an environment conducive to the peaceful settlement of a dispute.

56. Several delegations recalled that mediation involved the participation of a third party, the mediator, whose purpose was to assist parties to a dispute in communicating with each other, clarifying issues and reaching a mutually acceptable solution. A number of delegations stressed that the mediator should take into account the particularities of each conflict, be independent, impartial, fair, transparent and neutral, and act in good faith. A view was expressed that a party to a conflict could not act as a mediator in that same conflict. It was clarified that any proposals or suggestions offered by the mediator were not binding on the parties; rather, their acceptance and implementation depended on the good faith and political will of the parties. The need for confidentiality during a mediation process was noted.

57. The importance of the engagement of women and civil society in mediation and reconciliation processes was highlighted, in particular the role of networks of women mediators, such as the Mediterranean Women Mediators Network, the Nordic Women Mediators Network and the African Women Leaders Network. It was noted that contemporary conflicts required a multidisciplinary approach, allowing for ample and inclusive agreements to be reached. A view was expressed that caution ought to be exercised when involving civil society in mediation processes.

58. Delegations recalled instruments relevant to mediation, such as the Hague Conventions of 1899 and 1907, General Assembly resolutions [68/303](#) and [70/304](#), the United Nations Guidance for Effective Mediation of 2012, the protocol to the Charter of the Association of Southeast Asian Nations on dispute settlement mechanisms and the Concept on Strengthening European Union Mediation and Dialogue Capacities. The Group of Friends of Mediation and the Security Council debate of 2018 on mediation and the peaceful resolution of conflicts were also recalled. The unique position of the United Nations to serve as a mediator in situations of conflict, as well as the good offices of the Secretary-General and the contribution of the Mediation Support Unit and the United Nations special envoys, were emphasized. It was suggested that the Organization's role in responding to ongoing conflicts needed to be improved and strengthened.

59. Delegations offered practical examples of mediation, such as the mediation by the Secretary-General's good offices of the armed conflict in El Salvador, pursuant to the Geneva Agreement of 1990, which promoted the peace process and the signing of the peace agreement between the parties to the conflict in 1992; the good offices exercised by the Soviet Union in the conflict between India and Pakistan, which led to the Tashkent Declaration of 1966; the facilitation of the Belgrade-Pristina dialogue by the European Union; the role of the United Nations in the Geneva international discussions; the mediation of peace agreement processes in Northern Ireland and the Balkans by the United States of America; peace and reconciliation processes mediated by Qatar in Afghanistan and the Sudan; the mediation by the Organization for Security and Cooperation in Europe of the conflict in and around the Nagorno-Karabakh region of Azerbaijan; the use of mediation to settle the conflict involving the Sudan and South Sudan; the mediation by the Sudan in the Central African Republic; the signing, under the auspices of the Personal Envoy of the Secretary-General, of the Prespa Agreement between Greece and North Macedonia and its entry into force on 12 February 2019; the involvement of the United Nations and Morocco in reducing



tensions and defining an acceptable solution to all parties in the conflict in the Central African Republic; and the Libyan political dialogue facilitated by the Special Representative of the Secretary-General for Libya and hosted by Morocco, which led to the signing, on 17 December 2015, of the Libyan Political Agreement in Skhirat, Morocco.

60. It was noted that mediation could serve as an alternative for resolving disputes at the national level, such as disputes relating to labour and employment issues, family issues, environmental management and criminal justice. In that regard, reference was made to the negotiations at the United Nations Commission on International Trade Law to create a uniform framework for the recognition of settlement agreements resulting from mediation.

61. The Special Committee recommends that the thematic debate to be held at its next session be on the subtopic “Exchange of information on State practices regarding the use of conciliation”.

**B. Proposal by the Russian Federation to recommend that the Secretariat be requested to establish a website on the peaceful settlement of disputes and update the *Handbook on the Peaceful Settlement of Disputes between States***

62. During the general exchange of views held at the 290th and 291st meetings of the Special Committee, on 19 February, and at the 2nd meeting of the Working Group of the Whole, on 21 February, the sponsor delegation recalled its proposal, as revised in 2014 (A/69/33, para. 52), that the Special Committee consider requesting the Secretariat to establish a website, within existing resources, dedicated to the peaceful settlement of disputes between States, which would include references to relevant United Nations documents, as well as to the United Nations and other organs active in the field, and to update the *Handbook on the Peaceful Settlement of Disputes between States*, prepared by the United Nations in 1992. The sponsor delegation regretted that no consensus had been reached on the proposal, which had been on the agenda of the Special Committee for several years. It was recalled that the *Handbook* had been prepared on the basis of an earlier initiative of the Special Committee (see General Assembly resolutions 39/79 and 39/88 A of 13 December 1984). It was further emphasized that an updated *Handbook* and a website by the Secretariat would provide the most reliable source of information on new developments in the peaceful settlement of disputes. The sponsor delegation requested that the proposal be retained on the agenda of the Special Committee.

63. Several delegations voiced support for the proposal in the general exchange of views and in the Working Group of the Whole. The view was expressed that updating the *Handbook* and establishing a website on the means for the peaceful settlement of disputes as a reliable source of information would be useful to all Member States, especially smaller States with limited resources. It was also suggested that the *Handbook* could be updated to take into account the best practices raised by Member States in the course of the annual thematic debate on the means for the settlement of disputes.

64. Other delegations questioned the added value of the proposal, given the availability of other sources of information online, and reiterated their concern that it would not be a proper prioritization of the limited resources allocated to the Secretariat.



## Chapter IV

### ***Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council***

65. Reference was made to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* during the general exchange of views held at the 290th and 291st meetings of the Special Committee, on 19 February, and during the 2nd meeting of the Working Group of the Whole, on 21 February.

66. During the general exchange of views, delegations commended the Secretariat on its continuing efforts to update the *Repertory* and the *Repertoire* and to eliminate the backlog in their preparation. The significance of the two publications as sources of reference and as effective means of maintaining the institutional memory of the Organization, as well as their importance in the dissemination of the work of the Organization, were recalled. Several delegations emphasized the need to eliminate the backlog with regard to volume III of the *Repertory*. The Secretariat was also encouraged to continue its efforts to make the publications available electronically and to publish the *Repertory* and the *Repertoire* in all official languages of the United Nations at the same time.

67. Delegations expressed appreciation to those Member States that had contributed to the two trust funds established for the *Repertory* and the *Repertoire*, which had facilitated the progress made in eliminating the backlog with regard to those publications, and encouraged Member States to make additional contributions.

68. At its 2nd meeting, the Working Group of the Whole was informed by representatives of the Secretariat about the status of the preparation of the *Repertory* and the *Repertoire*.

69. With regard to the *Repertoire*, it was reported that the Security Council Practices and Charter Research Branch of the Security Council Affairs Division had completed Supplement 20, covering the years 2016 and 2017, which was in the process of being published. An advance version was available on the website of the *Repertoire*. The Branch had also made significant progress in the drafting of Supplement 21, covering the year 2018, which was scheduled for completion by October 2019. In parallel, the Branch had commenced work on Supplement 22, covering the year 2019. To achieve progress, the Branch had continued to develop efficiency-enhancing initiatives, including the progressive automation of data collection and the enhancement of data analysis, and had closely collaborated with other departments.

70. Work was also continuing on translating the *Repertoire* into all the official languages and publishing the completed Supplements. All Supplements covering the period from 1993 to 2013 had been made available online in all official languages. The publication of all translated versions of Supplement 19 (2014–2015) and Supplement 20 (2016–2017) was expected, respectively, by June 2019 and the beginning of 2020.

71. Attention was drawn to the *Repertoire* section on the new website of the Security Council, which was available in all six official languages. Modern technology continued to be leveraged to enhance the tools on the website and their interactive capabilities, and efforts were under way to improve users' visualization of and interaction with the available information. The Branch was also pleased that, with the support of the Office of Information and Communications Technology, the *Highlights of Security Council Practice 2018* had been released earlier than ever before.

72. It was emphasized that the preparation and publication of the *Repertoire* continued to rely on voluntary contributions to the trust fund and the sponsorship of

associate experts. In the light of the increasing activity of the Security Council, future progress depended largely on the provision of additional resources.<sup>9</sup>

73. Concerning the status of the *Repertory*, it was reported that, in the past year, volume II of Supplement 8 (1989–1994) and volume I of Supplement 10 (2000–2009) had been published online. Studies on Article 33 for Supplements 7 to 9 (1985–1999) and Article 49 for volume III of Supplements 7 to 9 (1985–1999) and Supplement 10 (2000–2009) had been submitted to the lead department, the Department of Political and Peacebuilding Affairs, for review. Studies on Article 23 for Supplements 7 to 9 (1985–1999) were under preparation. Work continued in the Office of the Legal Counsel on studies on Articles 104 and 105 for volume VI of Supplement 10 (2000–2009). With the assistance of the Codification Division, the Department of Economic and Social Affairs had recruited a consultant to prepare a study on Article 58 for volume IV of Supplement 10 (2000–2009). Four studies on Articles 55 (c) and 56 for volume IV of Supplement 10 (2000–2009) and Supplement 11 (2010–2015) were under review or preparation by the responsible author unit, the Office of the United Nations High Commissioner for Human Rights. Moreover, six studies, on Articles 33, 39, 50 and 51 for volume III and on Articles 92 and 99 for volume VI of Supplement 11 (2009–2015), were pending review. On the website of the *Repertory*, 51 completed volumes, together with advance versions of studies under review, could be searched through the website's full-text search function.

74. The Secretariat maintained its long-standing relationship with the University of Ottawa and was also assisted by the work of interns in preparing studies for the *Repertory*. The Secretariat had invited academic institutions to which members of the International Law Commission were affiliated to consider contributing to the preparation of studies, which had resulted in a cooperation agreement with Peking University. The Secretariat had also asked States to consider sponsoring associate experts to work on the *Repertory*. The Secretariat reiterated its appeal, previously made in the Sixth Committee, that delegations convey expressions of interest by academic institutions for possible cooperation on the *Repertory*.

75. Since the establishment of the trust fund in 2005, more than \$170,000<sup>10</sup> had been donated. After the use of part of the funds for the preparation of *Repertory* studies, approximately \$42,000 remained available in the trust fund.

76. Following the reports by the representatives of the Secretariat, a suggestion was made that the new Security Council website should provide for easier access to documents issued or received by the Security Council, in particular notifications required under Article 51 of the Charter.

77. The Special Committee recommends that the General Assembly:

(a) Commend the Secretary-General for the progress made in the preparation of studies for the *Repertory of Practice of United Nations Organs*, including the use of the internship programme of the United Nations and cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

(b) Encourage Member States to identify academic institutions that have the capacity to contribute to the preparation of studies for the *Repertory* and to provide

<sup>9</sup> Donations were made, or associate experts were sponsored, by Albania, Angola, Belarus, Belgium, Benin, China, the Congo, Croatia, Finland, France, Germany, Greece, Ireland, Italy, Japan, Libya, Luxembourg, Mexico, New Zealand, Nigeria, Norway, Pakistan, Portugal, Qatar, the Republic of Korea, the Russian Federation, Singapore, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland.

<sup>10</sup> Donations were made by Albania, Chile, Cyprus, Finland, Greece, Guinea, Ireland, Lebanon, Luxembourg, Turkey and the United Kingdom.

the contact details of such institutions, and in this regard welcome the initiative of the Secretariat also to invite academic institutions to which members of the International Law Commission are affiliated to consider contributing to the preparation of studies;

(c) Note with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*, as well as the trust fund for the updating of the *Repertoire*;

(d) Reiterate its call for voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog; voluntary contributions to the trust fund for the updating of the *Repertoire*; and the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

(e) Call upon the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions, and encourage the continued updating of the website for the *Repertory*;

(f) Note with concern that the backlog in the preparation of volume III of the *Repertory*, although slightly reduced, has not been eliminated, and call upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for progress made in reducing the backlog;

(g) Reiterate the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire*, and with regard to the *Repertoire* call upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report dated 18 September 1952 ([A/2170](#)).

## Chapter V

### **Working methods of the Special Committee and identification of new subjects**

#### **A. Working methods of the Special Committee**

78. The issue of the working methods of the Special Committee was addressed by several delegations during the general exchange of views held at the 290th and 291st meetings of the Special Committee, on 19 February, and was considered at the 3rd meeting of the Working Group of the Whole, on 25 February.

79. During the general exchange of views, delegations stressed the importance of the functions of the Special Committee relating to the maintenance of international peace and security, the development of cooperation among States and the promotion 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 also emphasized the key role of the Special Committee in assisting in the revitalization and strengthening of the Organization, and in the current reform process of the Organization, in accordance with General Assembly resolutions 3349 (XXIX) and 3499 (XXX). A number of delegations highlighted the adoption of the Manila Declaration on the Peaceful Settlement of International Disputes as one of the major achievements of the Special Committee.

80. The Special Committee was urged to fully implement the decision on working methods adopted in 2006, as reflected in paragraph 3 (d) of General Assembly resolution [73/206](#). A number of delegations encouraged the Special Committee to examine the frequency and duration of its meetings and to seriously consider meeting every two years or shortening its sessions. It was also reiterated that the work of the Special Committee should be reviewed in order to ensure that it added value, that the overlap between organs considering the same or similar issues was minimized and that items that had been or were being considered elsewhere in the Organization were not duplicated by the Special Committee. Increased efforts to rationalize the Special Committee's work to improve its efficiency and productivity, including by revisiting stagnating proposals, were encouraged. In terms of a further view, the Special Committee could play a greater role by improving the methods and efficiency of its work.

81. A number of delegations reiterated that the full execution 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. The view was expressed that the working methods of the Special Committee should be guided by a pragmatic approach to the substance of its work. It was observed that the work of the Special Committee should be directed primarily at ensuring that the Organization lived up to the goals of the rule of law and justice. Opposition to the biennialization of the Special Committee's sessions was expressed. It was noted that any reform of the working methods of the Special Committee should be in line with the rules of procedure of the General Assembly.

82. During the general exchange of views and at the 3rd meeting of the Working Group of the Whole, it was suggested that several items on the agenda could benefit from careful scrutiny and needed to be meaningfully debated and analysed by the Special Committee in an open and transparent manner.

## B. Identification of new subjects

83. The issue of the identification of new subjects was considered during the general exchange of views held at the 290th and 291st meetings of the Special Committee, on 19 February, and at the 3rd meeting of the Working Group of the Whole, on 25 February.

84. During the general exchange of views, a number of delegations recalled proposals made at previous sessions of the Special Committee and called for their meaningful consideration. 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, the Security Council and the Economic and Social Council. Others stressed that proposals must be practical and non-political and must not duplicate efforts elsewhere within the United Nations.

85. In reaction to the proposal concerning Article 51 of the Charter which had been made orally by the representative of Mexico during the previous session of the Special Committee (see [A/73/33](#), para. 83), during the general exchange of views, some delegations supported the consideration of procedural aspects of the issue by the Special Committee. Support was also expressed by some delegations for the suggestion that communications to the Security Council concerning counter-terrorism operations could be published on the website of the Council, in order to increase transparency. Nevertheless, some delegations reiterated their doubts regarding the proposal and questioned whether the Special Committee would be the competent forum to address the issues raised.

86. At the 3rd meeting of the Working Group of the Whole, the representative of Mexico reiterated that country's intention to present a written proposal regarding the interpretation and application of Article 51, in conjunction with Article 2 (4), of the Charter, for future consideration by the Special Committee. It was stated that the document would take the form of a non-paper presenting a set of questions on substantive, procedural, and publicity and transparency aspects of the topic, and that the document would be negotiated in an open and transparent manner with all delegations. In the light of the briefing by the Secretariat on the status of both the *Repertory* and the *Repertoire* during the present session, it was considered that there was a need for greater access to information regarding the reports submitted to the Security Council under Article 51 of the Charter. It was noted that the proposal would fall under the mandate and competence of the Special Committee, as established in paragraph 3 (a) of General Assembly resolution [70/117](#) of 14 December 2015. It was further highlighted that the intention of the proposal was not to conduct an analysis of the communications to the Security Council under Article 51, but to generally evaluate the elements and practical operation of Article 51. In addition, it was stressed that the proposal was not political but rather technical and legal in nature, that it was not duplicative and not inconsistent with the work of other organs of the United Nations, including the Security Council, and that it was relevant as it touched upon the current practice concerning Article 51.

87. Some delegations expressed interest in the proposal to be presented by Mexico as well as support for a transparent and inclusive process of discussion during the intersessional period. It was noted by some delegations that the increasing number of communications to the Security Council under Article 51 raised legal and technical questions of concern to Member States. Some delegations reserved their position until a written proposal was presented and issued in all official languages. Some delegations considered that the Special Committee would be the appropriate forum to address the issues raised by the proposal, while others reiterated their doubts in that

regard. The view was expressed that the text of Article 51 of the Charter was unambiguous and that the Committee should not engage in an exercise that would involve reading new elements into the provision.

88. At the same meeting, the representative of Cuba orally proposed the role of the General Assembly in the Organization as a new subject for consideration by the Special Committee. It was noted that the new subject could be discussed in a general debate, similar to the annual thematic debate on the means for the peaceful settlement of disputes.

89. Several delegations voiced support for the proposal by Cuba, while others stated their reservations until a written proposal was submitted. Concern was expressed that the proposal might duplicate efforts within the United Nations, in particular ongoing discussions under the agenda item "Revitalization of the work of the General Assembly".

## Annex I

### **Revised working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations**

1. In accordance with the mandate set forth in General Assembly resolution 3499 (XXX) of 15 December 1975, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization must be directly involved in the restructuring exercise that is being conducted in the United Nations in response to the growing recognition of the need for a comprehensive reform of the principal organs of the Organization.
2. In fulfilment of that mandate, the Special Committee must tackle specific tasks that will help to achieve an appropriate balance between the mandates of the principal organs of the Organization, in particular between the mandate of the General Assembly and that of the Security Council, and contribute to the necessary reform of the Security Council, with a view to making it into an organ that is more representative, more transparent and more democratic in its operations.
3. These tasks are becoming increasingly important, bearing in mind the persistence of international tensions that threaten international peace and security and the need for the full application of the principles of sovereign equality and equitable geographical representation on the basis of the Organization's universal make-up.
4. Accordingly, the Special Committee has the important responsibility of contributing actively to the efforts under way in the various open-ended working groups of the General Assembly by providing an analysis, from a juridical perspective, of fundamental issues involved in the reform process, including: "The role of the General Assembly in the maintenance of international peace and security".
5. The objective of having the General Assembly examine an issue in the context of the maintenance of international peace and security should be seen not as hindering the operation of the Security Council but as supporting its efforts in this regard. The objective is not to strip the Council of its fundamental role in the maintenance of international peace and security, but to support it in fulfilling its functions.
6. A number of examples may be cited to show that the General Assembly has broad prerogatives and powers, and that many of those extensive powers have never been used or fully exercised. Article 10 of the Charter of the United Nations<sup>1</sup> confers wide authority on the Assembly, and the Assembly should make greater use of that provision and actively and effectively exercise the authority conferred on it.
7. Article 12, paragraph 1, of the Charter provides that the General Assembly shall not make any recommendations with regard to a dispute or situation before the Security Council, but this provision does not prevent the General Assembly from discussing any question, dispute or situation that is being considered by the Security Council, nor does it exclude the possibility that Member States may express their opinions on these questions before the Council.
8. The Security Council must act in consonance with the purposes and principles of the United Nations, foremost among them being to maintain international peace and security; to that end, it must take effective collective measures to prevent and

---

<sup>1</sup> Article 10 of the Charter of the United Nations provides: "The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters."

eliminate threats to peace or breaches of the peace. The Security Council must discharge this vitally important responsibility in accordance with Article 24 of the Charter.

9. If the Members of the Organization determine or consider that the Council is not ready to act in accordance with the purposes and principles of the Organization, whether because it takes no action or because there is a lack of consensus, such a determination may mitigate the procedural restriction contained in Article 12, paragraph 1, of the Charter, and the General Assembly should be allowed to act so that the decisions of the Security Council genuinely reflect the will of the majority of the Members of the Organization.

10. If the Security Council, owing to a lack of unanimity among its permanent members, ceases to discharge its primary responsibility for the maintenance of international peace and security in any situation in which there is a threat to or breach of international peace or security or an act of aggression, the General Assembly should immediately consider the question with a view to making appropriate recommendations to the Members for the adoption of collective measures.

11. The Special Committee on the Charter must play a more active role, from a legal viewpoint, in disputes such as those mentioned above, where the Members of the United Nations might contribute effectively to the maintenance of international peace and security.

12. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization could conduct a study on the situations described above, either directly or through ad hoc subsidiary bodies. With this in mind, the Special Committee proposes the following:

(a) Establish a working group to take the following steps:

(i) Conduct a legal study on the implementation of Chapter IV of the Charter, specifically its Articles 10, 11, 12, 13 and 14 dealing with the functions and powers of the General Assembly and the relationship between those Articles. This study should be conducted in the light of the process of reform of the Organization and should, in particular, contain an assessment of the validity of the general exception contained in Article 12, paragraph 1, of the Charter with respect to the provisions of Articles 10, 11, 13 and 14, under which functions are conferred on the Assembly, indicating the possibility that the Assembly may, in certain circumstances, make recommendations regarding a matter that is being considered by the Security Council.

(ii) Conduct a study to determine the following: what is the meaning of the phrase “is exercising in respect of any dispute or situation the functions ...”, used in Article 12, paragraph 1?<sup>2</sup>

---

<sup>2</sup> Statement made by the Legal Counsel at the 1637th meeting of the Third Committee on 12 December 1968: “Article 10 of the Charter of the United Nations provides that the General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council on any such questions or matters. Article 12 provides that while the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests. Nevertheless, the Assembly has interpreted the words ‘is exercising’ as meaning ‘is exercising at this moment’; consequently it has made recommendations on other matters which the Security Council was also considering.”



(b) Request Member States to give their opinions on the questions in subparagraphs (i) and (ii) below and ask the Secretariat to submit, at the beginning of the Special Committee's session, a report containing the views of Member States, which will serve as input for the study by the working group.

(i) Although the General Assembly may not make recommendations on a matter before the Security Council, it may discuss any question, dispute or situation on the Council's agenda (Article 12 of the Charter in conjunction with Articles 10, 11, 13 and 14).

(ii) If the Security Council, because of its inaction, lack of consensus or lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in cases where there appears to be a threat to the peace, breach of the peace or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for the adoption of collective measures.<sup>3</sup>

(c) The working group will make recommendations to the Special Committee, which will include these recommendations in its report to the General Assembly.

(d) The Special Committee on the Charter will consider the implementation of its recommendations to the General Assembly on these matters.

---

<sup>3</sup> General Assembly resolution 377 (V), "Uniting for peace", adopted in 1950, provides: "if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor."

## Annex II

### **Further revised working paper submitted by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes**

#### **Guidelines on strengthening the relationship and cooperation between the United Nations and regional organizations or arrangements in the peaceful settlement of disputes**

*Recalling* the provisions of the Charter of the United Nations concerning the role of regional arrangements or agencies in the maintenance of international peace and security, in particular in Chapter VIII,

*Recalling also* that resort to regional arrangements or agencies is among the means referred to in Chapter VI of the Charter for the peaceful settlement of disputes,

*Recognizing* that regional arrangements or agencies can play an important role in preventive diplomacy and in enhancing regional and international cooperation,

*Recognizing also* the importance of the role of regional arrangements or agencies in dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations,

*Taking into account* the experience gained and the favourable results achieved by regional arrangements or agencies in the peaceful settlement of disputes in different parts of the world,

*Bearing in mind* the variety in mandate, scope and composition of regional arrangements or agencies,

*Considering* that action at the regional level can contribute to the maintenance of international peace and security,

*Emphasizing* that respect for the principles of sovereignty, territorial integrity and political independence of States and of non-intervention in matters that are essentially within the domestic jurisdiction of any State is crucial to any common endeavour to promote international peace and security,

*Emphasizing also* that peacekeeping activities undertaken by regional arrangements or agencies should be conducted with the consent of the State in whose territory such activities are carried out,

*Stressing* the primary responsibility of the Security Council, under Article 24 of the Charter, for the maintenance of international peace and security,

*Emphasizing* that the efforts made by regional arrangements or agencies in their respective fields of competence, in cooperation with the United Nations, can usefully complement the work of the Organization in the maintenance of international peace and security,

*Stressing* the need to enhance cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security,

*Considering* that such enhanced cooperation between the United Nations and regional arrangements or agencies would promote collective security in accordance with the Charter,

*Considering also* the lack of monitoring and evaluation mechanisms in such cooperation arrangements,

*Considering further* the lack of partnership agreements between the United Nations and all regional organizations or arrangements, as such partnerships are largely ad hoc,

*Considering* the lack of clarity on approach for engagement with a Member State belonging to multiple regional arrangements,

*Now, therefore, propose the following guidelines:*

1. *Create* a United Nations liaison office similar to the United Nations Office to the African Union in Addis Ababa, to help in the development of the relationship between the United Nations and organizations or arrangements taking into consideration regional specificities;
2. *Also create* a council on peace and security within each regional organization or arrangement, having a close relationship with the Security Council, similar to the one that exists with the Peace and Security Council of the African Union;
3. *Strengthen* the role of civil society in order to enhance its input in conducting research, by providing expertise to the regional organizations or arrangements and assisting in the implementation of stated goals in diverse areas of peace and security;
4. *Ensure* that the organizations or arrangements partner with universities and other educational and training institutions to establish training programmes specifically targeted at developing, especially among the youth, the knowledge and skills needed to enhance capacity for conflict management;
5. *Enhance* the predictability, sustainability and flexibility of financing regional organizations when they undertake peacekeeping under a Security Council mandate;
6. *Develop* a common strategic vision, underpinned by a common understanding in order to strengthen and better coordinate actions in the peaceful settlement of disputes;
7. *Establish* a mechanism for monitoring and for periodic evaluation, which should be accompanied by a framework for cooperation between the United Nations and regional organizations or arrangements to ensure that all the parties fulfil their responsibilities;
8. *Take* concrete action to hold consultations on, and finalize, partnership agreements between the United Nations and regional organizations by the General Assembly.