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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 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.

2. 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.

3. 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.

4. 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.

5. 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

6. 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.

7. 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.

8. In relation 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), support was expressed for the consideration of procedural aspects of the issue by the Special Committee. Support was also expressed 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.

9. 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.

10. Several 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 that the increasing number of communications to the Security Council under Article 51 raised legal and technical questions of concern to Member States. A number of 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 any exercise in interpretation should not incorporate new elements into the provision.

11. At the same meeting, the representative of Cuba 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.

12. 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, particularly ongoing discussions under the agenda item “Revitalization of the work of the General Assembly”.
