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

Report of the Sixth Committee

Rapporteur: Mr. **Pham** Quang Hieu (Viet Nam)

I. Introduction

1. The item entitled “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization” was included in the provisional agenda of the sixty-seventh session of the General Assembly pursuant to Assembly resolution 66/101 of 9 December 2011.
2. At its 2nd plenary meeting, on 21 September 2012, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 7th, 8th, 16th, 23rd, 24th and 25th meetings, on 11, 12 and 24 October and on 6, 9 and 16 November 2012. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records (A/C.6/67/SR.7, 8, 16 and 23-25).
4. For its consideration of the item, the Committee had before it the following documents:
 - (a) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (A/67/33);
 - (b) Report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/67/189);
 - (c) Report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/67/190).



5. At the 7th meeting, on 11 October, the Chair of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization introduced the report of the Special Committee (see A/C.6/67/SR.7).

6. Also at the same meeting, the Director of the Codification Division of the Office of Legal Affairs made a statement on the status of the *Repertory of Practice of United Nations Organs*, and the Chief of the Security Council Practices and Charter Research Branch of the Department of Political Affairs made a statement on the status of the *Repertoire of the Practice of the Security Council* (see A/C.6/67/SR.7).

II. Consideration of proposals

A. Draft resolution A/C.6/67/L.3

7. At the 16th meeting, on 24 October, the representative of the Philippines, on behalf of the Bureau, introduced a draft resolution entitled “Thirtieth anniversary of the Manila Declaration on the Peaceful Settlement of International Disputes” (A/C.6/67/L.3).

8. At its 23rd meeting, on 6 November, the Committee adopted draft resolution A/C.6/67/L.3 without a vote (see para. 12, draft resolution I).

9. At the same meeting, the representatives of the Philippines and Armenia made statements in explanation of position after the adoption of the draft resolution (see A/C.6/67/SR.23).

B. Draft resolution A/C.6/67/L.11

10. At the 24th meeting, on 9 November, the representative of Egypt, on behalf of the Bureau, introduced a draft resolution entitled “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization” (A/C.6/67/L.11).

11. At its 25th meeting, on 16 November, the Committee adopted draft resolution A/C.6/67/L.11 without a vote (see para. 12, draft resolution II).

III. Recommendation of the Sixth Committee

12. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

Thirtieth anniversary of the Manila Declaration on the Peaceful Settlement of International Disputes

The General Assembly,

Acknowledging that 15 November 2012 will mark the thirtieth anniversary of the Manila Declaration on the Peaceful Settlement of International Disputes, as approved by the General Assembly in its resolution 37/10 of 15 November 1982, which was adopted without a vote,

Recalling that the Manila Declaration was negotiated on the initiative of Egypt, Indonesia, Mexico, Nigeria, the Philippines, Romania, Sierra Leone and Tunisia and on the basis of a text prepared by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization,

Recalling also that the Manila Declaration was the first instrument adopted by the General Assembly as a result of the work of the Special Committee,

Recalling further that the Manila Declaration is a landmark declaration on the peaceful settlement of international disputes, building upon the Charter of the United Nations, in particular its Article 33,

Recalling that the International Court of Justice is the principal judicial organ of the United Nations,

1. *Recognizes* the Manila Declaration on the Peaceful Settlement of International Disputes as a concrete accomplishment of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and welcomes the thirtieth anniversary of the adoption of the Declaration;

2. *Reiterates its call* to all States to observe and promote in good faith the Manila Declaration in the peaceful settlement of their international disputes;

3. *Encourages* all Member States to commemorate the thirtieth anniversary of the adoption of the Manila Declaration through appropriate activities.

Draft resolution II
Report of the Special Committee on the Charter of the United Nations
and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council,¹

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled “Supplement to an Agenda for Peace”, by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Concerned about the special economic problems confronting certain States arising from the carrying-out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recalling also that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Mindful of the adoption of the revised working papers on the working methods of the Special Committee,²

Taking note of the report of the Secretary-General entitled “*Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council*”,³

¹ *Official Records of the General Assembly, Sixty-third Session, Supplement No. 47 (A/63/47).*

² *Ibid.*, *Sixty-first Session, Supplement No. 33 (A/61/33)*, para. 72.

³ A/67/189.

Taking note also of paragraphs 106 to 110, 176 and 177 of the 2005 World Summit Outcome,⁴

Mindful of the decision of the Special Committee in which it expressed its readiness to engage, as appropriate, in the implementation of any decisions that might be taken at the high-level plenary meeting of the sixtieth session of the General Assembly in September 2005 that concerned the Charter and any amendments thereto,⁵

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000, 56/87 of 12 December 2001, 57/25 of 19 November 2002, 58/80 of 9 December 2003 and 59/45 of 2 December 2004,

Recalling also its resolution 64/115 of 16 December 2009 and the document entitled "Introduction and implementation of sanctions imposed by the United Nations" annexed thereto,

Having considered the report of the Special Committee on the work of its session held in 2012,⁶

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;⁶

2. *Decides* that the Special Committee shall hold its next session from 19 to 27 February 2013;

3. *Requests* the Special Committee, at its session in 2013, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2013;

(b) To continue to consider, in an appropriate, substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General⁷ and the proposals submitted on the question;

⁴ Resolution 60/1.

⁵ *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33* (A/60/33), para. 77.

⁶ *Ibid.*, *Sixty-seventh Session, Supplement No. 33* (A/67/33).

⁷ A/48/573 S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346, A/59/334, A/60/320, A/61/304, A/62/206 and Corr.1, A/63/224, A/64/225, A/65/217, A/66/213 and A/67/190.

(c) To keep on its agenda the question of the peaceful settlement of disputes between States;

(d) To consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the high-level plenary meeting of the sixtieth session of the General Assembly in September 2005 that concern the Charter and any amendments thereto;

(e) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

4. *Invites* the Special Committee, at its session in 2013, to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

5. *Notes* the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

6. *Requests* the Special Committee to submit a report on its work to the General Assembly at its sixty-eighth session;

7. *Recognizes* the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes, takes note that, consistent with Article 96 of the Charter, the Court's advisory jurisdiction may be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies, and requests the Secretary-General to distribute, in due course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations;

8. *Commends* the Secretary-General for the progress made in the preparation of studies for the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

9. *Notes 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*;

10. *Reiterates 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;

11. *Calls upon* the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions;

12. *Notes with concern* that the backlog in the preparation of volume III of the *Repertory* has not been eliminated, and calls upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for some progress made in reducing the backlog;

13. *Reiterates* the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire*, and, with regard to the *Repertoire*, calls upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952;⁸

14. *Requests* the Secretary-General to submit to the General Assembly, at its sixty-eighth session, a report on both the *Repertory* and the *Repertoire*;

15. *Also requests* the Secretary-General to brief the Special Committee at its next session on the information referred to in paragraph 12 of his report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;⁹

16. *Further requests* the Secretary-General to submit to the General Assembly, at its sixty-eighth session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", a report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;

17. *Decides* to include in the provisional agenda of its sixty-eighth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

⁸ A/2170.

⁹ A/67/190.