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Agenda item 84

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: Ms. Ana L. Villalobos (Costa Rica)

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 seventy-sixth session of the General Assembly pursuant to Assembly resolution [75/140](#) of 15 December 2020.

2. At its 2nd plenary meeting, on 17 September 2021, 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 25th, 26th, 28th and 29th meetings, on 3, 4, 10 and 18 November 2021. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records.¹

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/76/33](#));

(b) 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/76/186](#));

(c) 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/76/223](#)).

¹ [A/C.6/76/SR.25](#), [A/C.6/76/SR.26](#), [A/C.6/76/SR.28](#) and [A/C.6/76/SR.29](#).



5. At the 25th meeting, on 3 November, 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.

6. 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*.

7. At the 26th meeting, on 4 November, the Senior Political Affairs Officer of the Security Council Practices and Charter Research Branch of the Department of Political and Peacebuilding Affairs made a statement on the status of the *Repertoire of the Practice of the Security Council*.

II. Consideration of proposals

A. Draft resolution [A/C.6/76/L.7](#)

8. At the 28th meeting, on 10 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.6/76/L.7](#)).

9. At the 29th meeting, on 18 November, the Committee adopted draft resolution [A/C.6/76/L.7](#) without a vote (see para. 12, draft resolution I).

B. Draft resolution [A/C.6/76/L.8](#)

10. At the 28th meeting, on 10 November, the representative of Philippines, on behalf of the Bureau, introduced a draft resolution entitled “Fortieth anniversary of the Manila Declaration on the Peaceful Settlement of International Disputes” ([A/C.6/76/L.8](#)).

11. At the 29th meeting, on 18 November, the Committee adopted draft resolution [A/C.6/76/L.8](#) 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

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 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/76/223](#).

Recalling 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 2021,⁶

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;

2. *Decides* that the Special Committee shall hold its next session from 22 February to 2 March 2022;

3. *Requests* the Special Committee, at its session in 2022, 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 2022, including strengthening the relationship and cooperation between the United Nations and regional organizations or arrangements in the peaceful settlement of disputes;

(b) To consider, in accordance with paragraph 2 of the annex to resolution [71/146](#) of 13 December 2016, in an appropriate, substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations relating to assistance to third States affected by the application of sanctions (Article 50 of the Charter) based on all of the related reports of the Secretary-General⁷ and the proposals submitted on the question, and requests the Secretary-General to submit his next report on this issue to the General Assembly at its seventy-eighth session;

⁴ Resolution [60/1](#).

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

⁶ *Ibid.*, *Seventy-sixth Session, Supplement No. 33 (A/76/33)*.

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](#), [A/54/383/Add.1](#), [A/55/295](#), [A/55/295/Add.1](#), [A/56/303](#), [A/57/165](#), [A/57/165/Add.1](#), [A/58/346](#), [A/59/334](#), [A/60/320](#), [A/61/304](#), [A/62/206](#), [A/62/206/Corr.1](#), [A/63/224](#), [A/64/225](#), [A/65/217](#), [A/66/213](#), [A/67/190](#), [A/68/226](#), [A/69/119](#), [A/70/119](#), [A/71/166](#), [A/72/136](#), [A/74/152](#) and [A/76/186](#).

(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 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 and utilization of resources with a view to identifying widely acceptable measures for future implementation;

4. *Requests* the Secretary-General, in accordance with paragraph 3 of the annex to resolution 71/146, to brief the Special Committee at its next session on the document entitled “Introduction and implementation of sanctions imposed by the United Nations” contained in the annex to General Assembly resolution 64/115;

5. *Also requests* the Secretary-General to brief the Special Committee at its next session on the information referred to in paragraph 14 of his report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;⁸

6. *Recalls* its decision, in its resolution 72/118 of 7 December 2017, to undertake an annual thematic debate in the Special Committee, under the agenda item on the peaceful settlement of disputes, to discuss 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,⁹ and in that regard:

(a) Invites Member States to focus their comments during the thematic debate, to be held at the next session of the Special Committee, at the seventy-sixth session of the General Assembly, on the subtopic “Exchange of information on State practices regarding the use of judicial settlement”, while ensuring that the other means of dispute settlement will be discussed at the subsequent sessions of the Special Committee;

(b) Also invites Member States to comment on the subtopics of the annual debate in their general statements with a view to having the texts of those statements posted on the website of the Special Committee;¹⁰

(c) Calls upon the Special Committee to include a summary of the subtopics of the annual debate in its annual report for further consideration;

7. *Also recalls* its endorsement of the decisions and recommendations adopted by the Special Committee at its 2016 session, in particular as set forth in paragraphs 2 and 3 of the annex to resolution 71/146;

8. *Invites* the Special Committee, at its session in 2022, 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;

9. *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;

⁸ A/76/186.

⁹ Resolution 37/10, annex.

¹⁰ <http://legal.un.org/committees/charter>.

10. *Requests* the Special Committee to submit a report on its work to the General Assembly at its seventy-seventh session;

11. *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, notes 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;

12. *Commends* 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*;

13. *Encourages* Member States to identify academic institutions that have the capacity to contribute to the preparation of studies for the *Repertory* and to provide the contact details of such institutions, and in this regard further welcomes the initiative of the Secretariat also to invite members of the International Law Commission to recommend academic institutions that the Secretariat could contact for this purpose;

14. *Notes with appreciation* the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory* and to the trust fund for the updating of the *Repertoire*, as well as other contributions, including the sponsoring of associate experts to assist in the updating of the *Repertoire*;

15. *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* so as to sustain the annual publication schedule; 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;

16. *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, and encourages the continued updating of the websites for the *Repertory*¹¹ and for the *Repertoire*;¹²

17. *Notes with concern* that the backlog in the preparation of all volumes of the *Repertory*, in particular volume III, although slightly reduced, 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 progress made in reducing the backlog;

18. *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 dated 18 September 1952;¹³

¹¹ <http://legal.un.org/repertory>.

¹² www.un.org/securitycouncil/content/repertoire/structure.

¹³ A/2170.

19. *Requests* the Secretary-General to submit to the General Assembly at its seventy-seventh session a report on both the *Repertory* and the *Repertoire*;

20. *Decides* to include in the provisional agenda of its seventy-seventh 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”.

Draft resolution II

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

The General Assembly,

Acknowledging that 15 November 2022 will mark the fortieth 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 Disputes¹ 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 fortieth 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* the United Nations and all Member States to commemorate the fortieth anniversary of the adoption of the Manila Declaration through appropriate activities;

4. *Stresses* that the cost of all activities that may arise from the implementation of the present resolution shall be met from voluntary contributions;

5. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, the organizations of the United Nations system and all relevant stakeholders for observance.

¹ Resolution [37/10](#), annex.