



General Assembly

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

22 February–2 March 2022

Draft report

Rapporteur: Ms. Ligia Lorena Flores Soto (El Salvador)

II. Maintenance of international peace and security

D. Consideration of the revised working paper submitted by Belarus and the Russian Federation

1. During the general exchange of views held at the 300th meeting of the Special Committee, on 22 February, and at the 1st meeting of the Working Group of the Whole, on 23 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 (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.

2. The sponsor delegations recalled the background of the proposal. The continued relevance of the subject matter of the further revised working paper was highlighted, as well as 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 and in strengthening the prohibition on the threat or resort to the use of force in international relations. A sponsor delegation emphasized that an advisory opinion by the International Court of Justice would make a significant contribution to safeguarding the principles and rules of the Charter and called for input from delegations to improve the proposal so that it could be presented to the General Assembly.

3. 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 thorough and meaningful consideration of the proposal by the Special Committee. It was recalled that the International Court of Justice was the principal judicial organ of the United Nations and, accordingly, that an advisory opinion by the Court would



contribute to the clarification of the rules of the Charter regarding the use of force. Willingness to collaborate with the sponsor delegations to refine the question to be posed to the Court was expressed.

4. Opposition to the request for an advisory opinion by the International Court of Justice, which had been expressed at previous sessions of the Special Committee, was reiterated. It was indicated that the proposal neither posed a well-defined and specific question nor addressed a clear and specific need for the International Court of Justice to provide a meaningful response. The view was expressed that, despite the proposal being too general, the issue addressed therein was relevant.
