



# 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

New York, 20–28 February 2024

### Draft report

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## II. Maintenance of international peace and security

1. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered the question of the maintenance of international peace and security during the general exchange of views held at its 308th and 309th meetings, on 20 February 2024, and at the 1st meeting of the Working Group of the Whole, on 21 February.

2. In their general comments, several delegations called on all Member States to strengthen their commitment to the Charter of the United Nations, including by upholding its purposes and principles, in particular refraining from the threat or use of force, respecting territorial integrity and the peaceful settlement of disputes, faithfully practising multilateralism and upholding the international system with the United Nations at its core and on the basis of international law. Concern was expressed over the selective or accommodative interpretation of the provisions of the Charter and attempts to replace the purposes and principles enshrined in the Charter with a new set of so-called rules that had never been discussed in an inclusive and transparent manner.

3. Many delegations expressed serious concern about the illegal use of force, foreign occupation or unlawful foreign military presence in various regions of the world. They reiterated their call for the redoubling of efforts towards the achievement of balanced, effective and sustainable solutions for settling outstanding international disputes on the basis of international law and through the participation of and cooperation among States.

4. A number of delegations reaffirmed the necessity of upholding international law and the purposes and principles of the Charter with regard to the question of Palestine and called for the full implementation of all relevant United Nations resolutions. They condemned the continuing Israeli military action against the Palestinian population, in particular in the Gaza Strip, and reiterated the demand for an immediate humanitarian ceasefire to prevent the risk of what had been described by Special



Rapporteurs as an “unfolding genocide”. Those delegations welcomed the application filed by South Africa on 29 December 2023 instituting proceedings against Israel before the International Court of Justice and demanded the immediate and effective implementation of the provisional measures ordered by the Court. Those delegations also stressed the importance of the request by the General Assembly on 30 December 2022 for an advisory opinion by the Court regarding the legal consequences and obligations resulting from the continuation of the policies and practices of Israel and the denial of the Palestinian people’s right to self-determination.

5. Some delegations regretted the failure to condemn the terrorist attack that Hamas carried out against Israel on 7 October 2023, during which thousands of innocent civilians were killed or injured and some 240 people taken hostage. Those delegations recognized the very real security challenges that Israel faced, as well as its legitimate right to defend its people and territory from terrorism, and emphasized that the terrorist actions of Hamas had no justification nor legitimacy and had to be universally condemned. They called for the immediate and unconditional release of all hostages held by Hamas and other armed groups. Some delegations made it clear that Israel must do everything possible to prevent civilian casualties, minimize collateral damage and increase humanitarian access and assistance in Gaza to ensure life-saving aid for those in need. A view was expressed that, instead of being a mechanism to foster dialogue and understanding, international courts had unfortunately been used as tools to advance narrow political agendas on conflicts that should have been solved by diplomatic negotiations. Such a departure from the intended purpose of peaceful dispute settlement risked eroding the credibility of international institutions and compromising their ability to contribute to global harmony.

6. A number of delegations recalled the six resolutions adopted by the General Assembly at its eleventh emergency special session since the invasion of Ukraine by the Russian Federation, in violation of Article 2(4) of the Charter, which demonstrated the overwhelming support and unity of States Members of the United Nations for the sovereignty, territorial integrity and political independence of Ukraine. They underlined the need to reach a comprehensive, just and lasting peace in Ukraine in line with the purposes and principles of the Charter of the United Nations. Those delegations reaffirmed their demand for the immediate withdrawal of Russian forces from within the internationally recognized borders of Ukraine and called upon the Russian Federation to comply with the order of the International Court of Justice.

7. The view was expressed that the Ukraine crisis had been caused by the coup of 2014 and mass killings in the Donbas region perpetrated by nationalists that had come to power under the pretext of a counter-terrorist operation. It was noted that the International Court of Justice had dismissed most of the allegations by Ukraine and had not required the Russian Federation to take any actions or to pay any compensation. It was emphasized that the Special Committee should avoid politicization in its work.

8. Some delegations expressed regret that the Special Committee had been unable to adopt a substantive report at its most recent two sessions owing to divergent views and a lack of consensus on difficult issues, and expressed concern that the lack of a substantive report rendered it impossible to have an effective institutional record of what had taken place during the sessions. Those delegations urged a return to consensus so that the Committee could adopt its report.

9. It was reiterated that the reform of the Organization should be carried out in accordance with the principles and procedures established in the Charter while focusing on preserving the legal framework of this 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 at the continuing encroachment by the Security Council 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 at the attempts to enter areas of setting norms and establishing definitions that fell within the purview of the Assembly. The view was expressed that there was a need to achieve the right balance envisaged in the Charter between the functions and powers of the principal organs of the Organization, which were encouraged to intensify cooperation and dialogue with one another. It was also emphasized that the Special Committee was the appropriate forum for examining the legal aspects of those issues.

#### **A. Implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions**

10. The Special Committee considered the question of the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions during the general exchange of views held at its 308th and 309th meetings, on 20 February 2024, and at the 1st meeting of the Working Group of the Whole, on 21 February.

11. During the general exchange of views and the 1st meeting of the Working Group of the Whole, several delegations emphasized the importance of the consideration of assistance to third States affected by the application of sanctions. The view was expressed that the Security Council should take a prudent and responsible approach to the issue in order to minimize the adverse impact of sanctions on the general public and third States and that the Secretariat should strengthen its capacity to properly assess the humanitarian impact of sanctions. While it was acknowledged that no formal requests for assistance had been made since 2003, it was noted that the item should be retained for preventive purposes.

##### **Briefing**

12. At its 1st meeting, the Working Group of the Whole received a briefing by representatives of the Department of Political and Peacebuilding Affairs and the Department of Economic and Social Affairs on developments relating to paragraph 15 of the report of the Secretary-General (A/78/114), as requested by the General Assembly in paragraph 5 of its resolution 78/111. The representatives informed the Working Group that the shift from comprehensive to targeted sanctions had significantly reduced unintended consequences for third States and that no official appeal by Member States to monitor or evaluate the unintended adverse impacts on third States had been conveyed to the Secretariat since 2003. The representatives also provided general information about the mechanisms available to monitor and evaluate sanctions regimes, to prevent adverse consequences of sanctions, to strengthen dialogue with Member States and to provide, upon request by the Security Council, assistance to third States affected by the application of sanctions.

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