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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**

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*Note*

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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## Chapter I

### Introduction

1. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization was convened in accordance with General Assembly resolution [74/190](#) and met at United Nations Headquarters from 18 to 26 February 2020.
2. In accordance with paragraph 5 of General Assembly resolution [50/52](#), the Special Committee was open to all States Members of the United Nations.
3. The Special Committee held four meetings: the 293rd and 294th, on 18 February, and the 295th and 296th, on 26 February. The Working Group of the Whole, established at the 293rd meeting, held three meetings, from 19 to 21 February.
4. The session was opened by Maria Theofili (Greece) in her capacity as Chair of the previous session of the Special Committee.
5. At its 293rd meeting, on 18 February, the Special Committee, bearing in mind the terms of the agreement regarding the election of officers reached at its session in 1981,<sup>1</sup> elected the following members of its Bureau:

*Chair:*

Kira Christianne Danganan Azucena (Philippines)

*Vice-Chair:*

Dee-Maxwell Saah Kemayah Sr. (Liberia)

Mine Özgül Bilman (Turkey)

*Rapporteur:*

Alis Lungu (Romania)

6. At its 294th meeting, on 18 February, the Special Committee elected the following member of its Bureau:

*Vice-Chair:*

Rodrigo A. Carazo (Costa Rica)

7. The Bureau of the Special Committee also served as the Bureau of the Working Group of the Whole.
8. The Director of the Codification Division of the Office of Legal Affairs acted as Secretary of the Special Committee. The Principal Legal Officer of the Division acted as Assistant Secretary of the Special Committee. The Division provided substantive services for the Special Committee and the Working Group.
9. At its 293rd meeting, the Special Committee adopted the following agenda:
  1. Opening of the session.
  2. Election of officers.
  3. Adoption of the agenda.
  4. Organization of work.

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<sup>1</sup> See [A/36/33](#), para. 7.

5. Consideration of the questions referred to in General Assembly resolution [74/190](#), in accordance with the mandate of the Special Committee as set out in that resolution.
6. Adoption of the report.
10. General statements touching on all or several items were made at the 293rd and 294th meetings. Their substance is reflected in the relevant sections of the present report.
11. With regard to the question of the maintenance of international peace and security, the Special Committee had before it all the related reports of the Secretary-General,<sup>2</sup> including the most recent report, entitled “Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions”,<sup>3</sup> and the 1998 report on that topic, containing a summary of the deliberations and main findings of the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution [52/162](#).<sup>4</sup> The Special Committee also had before it Assembly resolution [64/115](#) and the annex thereto, entitled “Introduction and implementation of sanctions imposed by the United Nations”.
12. The Special Committee also had before it the following documents: a revised proposal submitted at the 1998 session by Libya with a view to strengthening the role of the United Nations in the maintenance of international peace and security;<sup>5</sup> a further revised version, submitted at the 2014 session, of the working paper submitted by Belarus and the Russian Federation at the 2005 session on an advisory opinion to 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;<sup>6</sup> a revised working paper submitted by Cuba at the 2019 session on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations;<sup>7</sup> and a further revised working paper submitted by Ghana at the 2019 session on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes.<sup>8</sup>
13. With regard to the question of the peaceful settlement of disputes, the Special Committee undertook its annual thematic debate on 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. During that debate, the discussions were focused on the subtopic “Exchange of information on State practices regarding the use of conciliation”. The Special Committee also had before it a proposal, revised in 2014 by the Russian Federation, recommending that the Secretariat be requested to establish a website dedicated to the peaceful settlement of disputes between States and to update the *Handbook on the Peaceful Settlement of Disputes between States*.<sup>9</sup>
14. At its 296th meeting, on 26 February, the Special Committee adopted its report on its 2020 session.

<sup>2</sup> [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](#) and [A/72/136](#).

<sup>3</sup> [A/74/152](#).

<sup>4</sup> [A/53/312](#).

<sup>5</sup> See [A/53/33](#), para. 98.

<sup>6</sup> See [A/69/33](#), para. 37.

<sup>7</sup> See [A/74/33](#), annex I.

<sup>8</sup> See [A/74/33](#), annex II.

<sup>9</sup> See [A/69/33](#), para. 52.

## Chapter II

### Maintenance of international peace and security

15. The Special Committee considered the question of the maintenance of international peace and security during the general exchange of views held at its 293rd and 294th meetings, on 18 February, and at the 1st meeting of the Working Group of the Whole, on 19 February.

16. In their general comments, a number of delegations reaffirmed their commitment to the Charter and multilateralism, and reiterated that the reform of the Organization should be carried out in accordance with the principles and procedures established in the Charter and preserve the legal framework of the Charter as a 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 the attempts to enter areas of setting norms and establishing definitions which fell within the purview of the Assembly. The view was expressed by some delegations 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. It was further 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**

17. 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 293rd and 294th meetings, on 18 February, and at the 1st meeting of the Working Group of the Whole, on 19 February.

18. During the general exchange of views on the issue, 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. 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. It was also suggested that the shift from comprehensive to targeted sanctions had reduced the need to explore practical and effective measures of assistance to third States affected by sanctions.

#### **Briefing**

19. At its 1st meeting, the Working Group of the Whole was briefed by representatives of the Department of Political and Peacebuilding Affairs and the Department of Economic and Social Affairs on developments relating to paragraph 13 of the report of the Secretary-General ([A/74/152](#)), as requested by the General Assembly in paragraph 5 of its resolution [74/190](#). The representatives informed the Working Group that the shift from comprehensive to targeted sanctions had minimized unintended consequences for third States and that the Secretariat had received no requests from Member States invoking Article 50 of the Charter 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.

## **B. Introduction and implementation of sanctions imposed by the United Nations**

20. Reference was made to the question of the introduction and implementation of sanctions imposed by the United Nations (see General Assembly resolution [64/115](#), annex) during the general exchange of views held at the 293rd and 294th meetings of the Special Committee, on 18 February, and during the 1st meeting of the Working Group of the Whole, on 19 February.

21. During the general exchange of views and the 1st meeting of the Working Group of the Whole, a number of delegations reiterated their concerns regarding sanctions imposed by the Security Council. It was emphasized that sanctions should not be adopted indiscriminately or be used as blunt instruments designed to inflict suffering on vulnerable groups in the target country and that their objective should not be to punish or otherwise exact retribution on the population.

22. Many delegations emphasized that sanctions, as well as all measures to counter-terrorism, should be introduced and applied in conformity with the provisions of the Charter and international law, including international humanitarian law, international human rights law and international refugee law. It was asserted that sanctions should be implemented in full compliance with international human rights law by ensuring that sanctions procedures were fair and clear and respected the rights of sanctioned persons. The important role of the Office of the Ombudsperson established pursuant to Security Council resolution [1904 \(2009\)](#) and the need for the Council to enhance its due process standards were mentioned in that regard. It was reiterated that sanctions should be imposed only as a measure of last resort when there existed a threat to international peace and security, a breach of the peace or an act of aggression, in accordance with the Charter and based on evidence. It was also noted that sanctions were not applicable as a preventive measure and should be predicated upon the exhaustion or inadequacy of all other peaceful means, while the option of conditional sanctions could also be considered. It was emphasized that the objectives of sanctions regimes should be clearly defined, based on tenable legal grounds and imposed with a clear time frame, and that sanctions should be subject to monitoring and periodic review and be lifted as soon as their objectives were achieved. It was further noted that sanctions should not hinder humanitarian assistance from reaching the civilian population. Delegations reaffirmed their concerns about the imposition of unilateral sanctions in violation of international law and the international rule of law. The view was expressed by some delegations that, in practice, such sanctions were often imposed as a result of the extraterritorial application of national laws, with extraterritorial effects also on third States, that disregarded the sovereignty of States and the principles contained in the Charter. In that connection, the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights ([A/74/165](#)) was recalled.

23. A number of delegations reaffirmed that sanctions were an important tool under the Charter for ensuring the maintenance and restoration of international peace and security. In addition, it was highlighted that, when applied in a targeted fashion, sanctions could increase efficiency in attaining their agreed objectives, while minimizing their adverse impact on and unintended consequences for the well-being of the civilian population and third parties.

24. Delegations welcomed the institution of regular briefings by the Secretariat on the document entitled “Introduction and implementation of sanctions imposed by the United Nations”, annexed to General Assembly resolution 64/115, which had been adopted on the basis of the work of the Special Committee and which marked its tenth anniversary in 2020. The growing awareness within the United Nations system of implementation issues and the increased transparency and responsiveness of the sanctions committees in providing guidance on the implementation of sanctions were welcomed. It was suggested that the Secretariat should develop its capacity to properly assess the unintended side effects of sanctions imposed by the Security Council, as such capacity had not been sufficiently developed in the past, in order to fully assess the short-term and long-term socioeconomic and humanitarian consequences of the Organization’s sanctions regimes. The increasing dialogue between the Organization and the private sector on sanctions and the best-practices guidelines project were noted and further encouraged by some delegations.

### **Briefing**

25. At its 1st meeting, the Working Group of the Whole was briefed by a representative of the Department of Political and Peacebuilding Affairs on the document annexed to General Assembly resolution 64/115, as requested by the Assembly in paragraph 4 of its resolution 74/190. He provided information on the elements of the document and general information about United Nations sanctions regimes, the role of the sanctions committees and expert panels in the implementation of sanctions, issues of international humanitarian law and international human rights law relating to sanctions, the monitoring and review mechanisms and recent developments in the implementation of sanctions regimes following the requests made by the Special Committee at its previous session. He also responded to questions from delegations on several aspects of sanctions regimes. He indicated that relevant information was also available on the website of the Security Council, in particular in the fact sheets on the subsidiary organs of the Council.<sup>10</sup>

26. Delegations generally expressed their appreciation for the briefing and the efforts made to enhance the transparency of the procedures relating to sanctions and due process.

27. While the training strategy and activities on sanctions were welcomed, the Secretariat was encouraged to provide additional training opportunities, in more languages, as well as to establish further partnerships with the private sector and at the regional level. In that regard, the representative of the Department of Political and Peacebuilding Affairs highlighted as an example recent training provided in collaboration with the Graduate Institute of International and Development Studies in Geneva. He also indicated plans to expand the availability of the training in other languages and to make such training increasingly available at the regional level with the support of Member States. He drew attention to further plans to deepen engagement with the private sector.

28. The Secretariat was asked how due process and transparency in sanctions regimes could be further improved. In relation to the Ombudsperson to the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da’esh), Al-Qaida and associated individuals, groups, undertakings and entities, the representative of the Department of Political and Peacebuilding Affairs explained that efforts had been made to strengthen the Office of the Ombudsperson and to develop due process procedures. He noted that there had been different proposals in that regard, including to ensure continued processing of requests in cases when, for example, the Ombudsperson was

<sup>10</sup> Available at [www.un.org/securitycouncil/sanctions/information](http://www.un.org/securitycouncil/sanctions/information).

temporarily unable to perform the relevant functions, or if the position became vacant. The working methods of the Focal Point for Delisting could also be modified, for example by allowing for wider consultations with stakeholders relevant to the delisting procedures.

29. The Secretariat was requested to clarify the differences in working methods between the Ombudsperson and the Focal Point, as well as to provide information on the contractual status of the Ombudsperson and members of panels of experts. The representative of the Department of Political and Peacebuilding Affairs noted that there were significant differences, including in the ability of the Ombudsperson to personally engage in dialogue with petitioners, review the conduct of listed individuals and make a recommendation to a sanctions committee. The Secretariat had been reviewing the contractual status of the Ombudsperson and individuals serving on panels of experts with a view to making improvements.

30. The Secretariat was requested to explain what practical measures the United Nations could take to allow humanitarian organizations to undertake their activities without facing obstacles arising from sanctions regimes. The representative of the Department of Political and Peacebuilding Affairs noted that sanctions regimes generally included exemptions and, in some cases, also “carve-outs” for humanitarian activities. He suggested that more work could be done to clarify the nature of exemptions to avoid overcompliance.

### **C. Consideration of the revised proposal submitted by Libya with a view to strengthening the role of the United Nations in the maintenance of international peace and security**

31. The revised proposal submitted by Libya with a view to strengthening the role of the United Nations in the maintenance of international peace and security ([A/53/33](#), para. 98) was referred to in general terms during the general exchange of views held at the 293rd and 294th meetings of the Special Committee, on 18 February, and was considered at the 1st meeting of the Working Group of the Whole, on 19 February.

32. Several delegations reiterated their support for the continued consideration of the proposal. They called on the sponsor delegation, *inter alia*, to consider extracting those key elements of the proposal that remained valid with a view to incorporating them into a recommendation of the Special Committee for the annual General Assembly resolution on the report of the Special Committee.

33. Other delegations were of the view that the proposal was among those that duplicated revitalization efforts undertaken elsewhere within the Organization and that it did not address a clear need since the relationship between the different organs within the Organization was adequately defined in the Charter and did not require further clarification by the Special Committee.

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

34. During the general exchange of views held at the 293rd and 294th meetings of the Special Committee, on 18 February, and at the 1st meeting of the Working Group of the Whole, on 19 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.

35. The sponsors of the proposal recalled the background thereto and highlighted the continued relevance of the subject matter of the further revised working paper and 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 expressed its regret that consensus had not yet been achieved on the proposal, which had initially been introduced at the 1999 session of the Special Committee (see [A/54/33](#), para. 89). The sponsors favoured retaining the proposal on the agenda of the Special Committee and called for input from delegations to improve the proposal so that it could be presented to the General Assembly.

36. 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 proposal and for its thorough and meaningful consideration. The view was again expressed that an advisory opinion by the International Court of Justice would contribute to the clarification and reaffirmation of the provisions of the Charter regarding the use of force and could contribute to the strengthening of the Organization.

37. Opposition to the request for an advisory opinion, which had been expressed at previous sessions of the Special Committee, continued to be reiterated. The view was also expressed that, in the absence of additional detail regarding the circumstances of the use of force, the proposal was presented in terms that were too general for the International Court of Justice to provide a meaningful response.

#### **E. Consideration of the working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations**

38. The revised working paper submitted by Cuba at the 2019 session of the Special Committee ([A/74/33](#), annex I) was referred to during the general exchange of views held at the 293rd and 294th meetings of the Special Committee, on 18 February, and was considered at the 1st meeting of the Working Group of the Whole, on 19 February.

39. During the general exchange of views, the sponsor delegation expressed its readiness to continue to work with interested delegations to further improve the revised working paper. At the 1st meeting of the Working Group of the Whole, the sponsor delegation explained that the paper envisaged a legal study of the powers of the General Assembly under the Charter, with a view to facilitating the active and effective exercise of those powers. The sponsor delegation reiterated its invitation to delegations to share their views so as to reach consensus on the paper.

40. Several delegations expressed their support for the proposal contained in the revised working paper. It was noted that the aim of the paper was to achieve the delicate balance, envisaged in the Charter, between the mandates of all the principal organs of the United Nations. It was considered that the paper would contribute to strengthening the role of the Organization and should therefore remain on the agenda of the Special Committee.

41. Other delegations were of the opinion that the functions of the principal organs of the United Nations were well defined in the Charter and that there would be no added value in considering the proposal because it was duplicative of revitalization efforts within other forums of the Organization.

**F. Consideration of the revised working paper submitted by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes**

42. The further revised working paper submitted by Ghana at the 2019 session of the Special Committee (A/74/33, annex II) was referred to during the general exchange of views held at the 293rd and 294th meetings of the Special Committee, on 18 February, and was considered at the 1st meeting of the Working Group of the Whole, on 19 February.

43. The sponsor delegation reiterated that the eight proposed guidelines contained in the further revised working paper were aimed at providing a basis for discussions on the subject. It was neither possible nor appropriate to devise global guidelines for all regional and subregional arrangements or agencies because the different levels and modalities of cooperation and characteristics of such arrangements or agencies differed considerably. The goal of the proposed guidelines was rather to identify general principles that could be applied to the relationship and cooperation between the United Nations and regional or subregional organizations or arrangements. Towards that end, the sponsor delegation had established a working group at the level of its Ministry of Foreign Affairs to review the paper, taking into account comments made by other delegations. The sponsor delegation invited delegations to provide further suggestions and comments, with a view to continuing the consideration of the proposed guidelines intersessionally and at the 2021 session of the Special Committee.

44. Several delegations expressed support for the efforts to finalize the further revised working paper. The proposal was considered to be useful in filling gaps in the work of the United Nations regarding coordination with regional organizations or arrangements. It was suggested that the scope of the proposal should be narrowed to address specific gaps, and that the work of Special Committee on the proposal should not duplicate efforts in other forums, in particular with regard to the financing of peacekeeping operations. It was also noted that the proposed guidelines might be more closely related to the peaceful settlement of disputes than to international peace and security.

45. The sponsor delegation was requested to clarify the phrase “a framework for cooperation between the United Nations and regional organizations or arrangements to ensure that all parties fulfil their responsibilities” referred to in the seventh proposed guideline, given that those responsibilities were to a large extent already defined in Chapter VIII of the Charter. Furthermore, the nexus between such a “framework for cooperation” and the “partnership agreements” referred to in the eighth proposed guideline was questioned. It was also proposed that, when it came to relationships between the United Nations and regional organizations or arrangements, priority should be given to regional organizations from the relevant continent. The sponsor delegation was also requested to provide further information on the role of the Security Council and of civil society in the proposed guidelines.

## Chapter III

### Peaceful settlement of disputes

46. The Special Committee considered the question of the peaceful settlement of disputes during the general exchange of views held at its 293rd and 294th meetings, on 18 February, and during the 2nd meeting of the Working Group of the Whole, on 20 February.

47. During the general exchange of views and in the Working Group of the Whole, delegations expressed their support for all efforts to promote the peaceful settlement of disputes. Delegations recalled that States should refrain from the threat or use of force and instead settle disputes by peaceful means pursuant to Articles 2 (3) and 33 of the Charter. Several delegations emphasized the right of States to freely choose peaceful means to settle international disputes. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution [2625 \(XXV\)](#), annex) was recalled in that respect. Several delegations noted the importance of all the purposes and principles set out in the Charter. Other delegations noted the importance of State sovereignty, territorial integrity and non-interference in internal affairs.

48. Several delegations asserted the importance of preventive diplomacy in conflict prevention and the peaceful settlement of disputes. The importance of the participation of women in all stages of conflict resolution was also underlined. Several delegations also pointed out the importance of multilateralism and the role of regional arrangements in the peaceful settlement of disputes.

49. Several delegations reaffirmed the role of the International Court of Justice, as the principal judicial organ of the United Nations, in promoting the peaceful settlement of disputes. The usefulness of the Court's advisory opinions on legal questions was also noted.

50. The significance of the Manila Declaration on the Peaceful Settlement of International Disputes, approved by the General Assembly in 1982 and annexed to its resolution [37/10](#), was highlighted by many delegations. It was stressed that the Declaration, as the first comprehensive consolidation of the legal framework for the peaceful settlement of international disputes, was one of the landmark outcomes of the work of the Special Committee in clarifying and promoting general international law and the provisions of the Charter. It was announced that a proposal would be submitted to the Special Committee at its 2021 session, encouraging the United Nations and its Member States to commemorate the fortieth anniversary of the Declaration, in 2022, through appropriate activities.

51. A number of delegations stated that the annual thematic debate on the means for the settlement of disputes contributed to the more efficient and effective use of peaceful means and promoted a culture of peace among Member States, voicing support for the Special Committee continuing to analyse all means envisaged in Article 33 of the Charter.

52. Delegations reiterated their preference that, in accordance with the mandate of the Special Committee, the question of the peaceful settlement of disputes remain on its agenda.



## A. Means for the settlement of disputes: exchange of information on State practices regarding the use of conciliation

53. In accordance with paragraph 6 (a) of General Assembly resolution 74/190, delegations focused their debate on the subtopic “Exchange of information on State practices regarding the use of conciliation”.

54. Delegations reiterated the importance that they attached to all peaceful means of dispute settlement under Article 33 of the Charter, including conciliation. It was noted that, while conciliation was not used as widely as other dispute settlement mechanisms, it remained an important alternative provided for in many bilateral and multilateral treaties, including the Vienna Convention on the Law of Treaties (1969), the United Nations Convention on the Law of the Sea (1982) and the American Treaty on Pacific Settlement (Pact of Bogotá, 1948). The Timor Sea conciliation (*Timor-Leste v. Australia*) was mentioned as a recent example of the use of the conciliation provisions under the United Nations Convention on the Law of the Sea.

55. Delegations generally described conciliation as a third-party dispute settlement process involving voluntariness, flexibility, confidentiality, good faith, equity and fair treatment. They noted that conciliation was more structured than mediation and that the non-binding nature of conciliation distinguished it from judicial and arbitral processes. It was asserted that conciliation played an important role in easing tensions and narrowing the gaps between the positions of the parties, as well as in creating an environment conducive to the peaceful settlement of disputes. Delegations also viewed conciliation as enabling the restoration of social relations on the basis of fundamental values, such as human dignity, respect for human rights, the right to life and the right to physical and psychological integrity.

56. Delegations underlined that conciliation should be applied in accordance with the Charter and that consent to conciliation by the parties to a dispute was essential. They also noted that, where a matter had already been resolved by treaty or judicial or arbitral means, the principles of *res judicata* and *pacta sunt servanda* prevented it from being reopened through other means such as conciliation.

57. Delegations noted that conciliation could be applicable to various domains, such as conflict prevention, crisis management and maritime and land boundaries. It was mentioned that conciliation could also be used to settle commercial and economic disputes, with the United Nations Commission on International Trade Law offering a set of rules that could be utilized by parties in that regard. Delegations also mentioned that conciliation could play a role in supporting peaceful and credible elections and settling labour and industrial disputes.

58. Delegations mentioned the importance of supporting States in setting up conciliation mechanisms and in using conciliation to peacefully settle disputes, highlighting the role of the United Nations in that regard. Mention was made in that context of the United Nations Model Rules for the Conciliation of Disputes between States (General Assembly resolution 50/50, annex), the United Nations Conciliation Commission for Palestine and the lists of conciliators and arbitrators maintained by the Secretary-General under annexes V and VII to the United Nations Convention on the Law of the Sea.

59. The Special Committee recommends that the thematic debate to be held at its 2021 session be on the subtopic “Exchange of information on State practices regarding the use of arbitration”.

**B. Proposal by the Russian Federation to recommend that the Secretariat be requested to establish a website on the peaceful settlement of disputes and update the *Handbook on the Peaceful Settlement of Disputes between States***

60. During the general exchange of views held at the 293rd and 294th meetings of the Special Committee, on 18 February, and at the 2nd meeting of the Working Group of the Whole, on 20 February, the sponsor delegation recalled its proposal, as revised in 2014 ([A/69/33](#), para. 52), that the Special Committee consider requesting the Secretariat to establish a website, within existing resources, dedicated to the peaceful settlement of disputes between States, which would include references to relevant United Nations documents, as well as to the United Nations and other organs active in the field, and to update the *Handbook on the Peaceful Settlement of Disputes between States*, prepared by the United Nations in 1992. The sponsor delegation regretted that no consensus had been reached on the proposal, which had been on the agenda of the Special Committee for several years. It was recalled that the *Handbook* had been prepared on the basis of an earlier initiative of the Special Committee (see General Assembly resolutions [39/79](#) and [39/88 A](#) of 13 December 1984). It was further emphasized that an updated *Handbook* and a website prepared by the Secretariat would provide the most reliable source of information on new developments in the peaceful settlement of disputes. The sponsor delegation proposed that work could first begin on the proposed website. It also requested that the proposal be retained on the agenda of the Special Committee.

61. Several delegations voiced support for the proposal in the general exchange of views and in the Working Group of the Whole. The view was reiterated that updating the *Handbook* and establishing a website on the means for the peaceful settlement of disputes as a reliable source of information would be useful to all Member States, especially smaller States with limited resources. It was also suggested that the *Handbook* could be updated to take into account new developments, as well as the practice of Member States, including the best practices raised by Member States in the Special Committee during the annual thematic debate on the means for the settlement of disputes.

62. Other delegations reiterated their doubts regarding the added value of the proposal, given the availability of other sources of information online, and continued to maintain their concern that it would not be a proper prioritization of the limited resources allocated to the Secretariat.



## Chapter IV

### ***Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council***

63. Reference was made to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* during the general exchange of views held at the 293rd and 294th meetings of the Special Committee, on 18 February, and during the 2nd meeting of the Working Group of the Whole, on 20 February.

64. During the general exchange of views, delegations commended the Secretariat on its continuing efforts to update the *Repertory* and the *Repertoire* and to eliminate the backlog in their preparation. The significance of the two publications as sources of reference and as effective means of maintaining the institutional memory of the Organization, as well as their importance in the dissemination of the work of the Organization, were recalled. Several delegations emphasized the need to eliminate the backlog with regard to volume III of the *Repertory*. The Secretariat was also encouraged to continue its efforts to make the publications available electronically and to publish the *Repertory* and the *Repertoire* in all official languages of the United Nations at the same time. Support was expressed for the use of the internship programme and the cooperation with academic institutions for the preparation of studies.

65. Delegations expressed appreciation to those Member States that had contributed to the trust funds established for the *Repertory* and the *Repertoire*, which had facilitated the progress made in eliminating the backlog with regard to those publications, and encouraged Member States to make additional contributions or to sponsor experts.

66. At its 2nd meeting, the representatives of the Secretariat informed the Working Group of the Whole about the status of the preparation of the *Repertoire* and the *Repertory*.

67. With regard to the *Repertoire*, it was reported that, for the first time in its 68-year history, the publication was being produced on a contemporary basis. Over the preceding year, the Security Council Practices and Charter Research Branch of the Security Council Affairs Division had simultaneously prepared Supplements 21 and 22, the first single-year editions of the publication, covering the years 2018 and 2019, respectively. The advance version of Supplement 21 had been posted online in October 2019 and the advance version of Supplement 22 was scheduled to be completed by October 2020. Throughout 2020, the Branch would be releasing the parts as they became available. In line with the new methodology for covering contemporary practice, the Branch had already begun its preparatory research and drafting work on Supplement 23, covering the year 2020.

68. Work was also continuing on translating the *Repertoire* into all the official languages and publishing the completed Supplements. Published versions of the Supplements covering the period from 1989 to 2015 were available online in the official languages. It was expected that Supplement 20, covering the period 2016–2017, would be available in early 2020.

69. Attention was drawn to the website of the Security Council, which contained a broad range of information sources in addition to the *Repertoire*. The Branch had explored the use of modern technology with a view to enhancing information tools, in particular to improve visualization and user interaction. In August 2019, the Branch had launched a new interactive information platform on the Security Council website, the Field Missions Dashboard, in collaboration with the Department of Peace Operations and United Nations Volunteers. In early January 2020, the Branch had

launched the fully revamped *Highlights of Security Council Practice*. In February 2020, the Branch had released a revamped version of the *Monthly Highlights of Security Council Practice*, enabling Member States and the public at large to monitor the activity of the Council with regard to meetings, consultations, hours spent and outcomes. The new platform allowed for a comparative year to date analysis dating back to 2012.

70. It was emphasized that the preparation and publication of the *Repertoire* continued to rely on voluntary contributions to the trust fund and the sponsorship of associate experts. In the light of the increasingly dynamic and complex practice of the Security Council, future progress depended largely on the provision of additional resources.<sup>11</sup>

71. Concerning the status of the *Repertory*, it was reported that, in the past year, the Department of Economic and Social Affairs had begun to recruit consultants with a view to preparing two studies, one on Article 58 for Supplement 11 (2010–2015) and one on Article 65 for Supplement 10 (2000–2009), the latter in consultation with the Department for General Assembly and Conference Management and the Department of Political and Peacebuilding Affairs. Thanks to the continued support of the University of Ottawa Faculty of Law, six studies pertaining to Supplement 11 (2010–2015) were also at the research stage (studies on Articles 8, 36, 54, 94, 104 and 105). Two volumes had been published, volume II of Supplement 8 (1989–1994) and volume II of Supplement 9 (1995–1999). Both had been made available on the website. It was also recalled that the electronic version of the *Repertory* included a full-text search feature, providing users with the opportunity to search all the studies instantaneously for any word or combination of words in the three languages of the publication (English, French and Spanish). Overall, of the 57 volumes that the publication should consist of, 44 had been completed, with 31 having been published and 13 having been finalized and submitted for translation and publication. Thus, work remained to be completed on 13 volumes.

72. In addition to its long-standing relationship with the University of Ottawa, the Secretariat was also assisted by the work of interns in preparing studies for the *Repertory* and had requested States to consider sponsoring associate experts to work on the *Repertory*. The Secretariat reiterated its appeal that delegations convey expressions of interest by academic institutions for possible cooperation on the *Repertory*.

73. Since the establishment of the trust fund in 2005, more than \$188,000 had been received.<sup>12</sup> After the use of part of the funds for the preparation of *Repertory* studies, some \$72,000 remained available.

74. Following the reports by the representatives of the Secretariat, the suggestion was reiterated that the Security Council website should provide for easier access to documents issued or received by the Council, in particular notifications required under Article 51 of the Charter. The Secretariat was also requested to explore ways to distribute notifications required under Article 51 to Member States at large. The representative of the Security Council Practices and Charter Research Branch explained that the Department of Political and Peacebuilding Affairs was working on

<sup>11</sup> Donations had been made, or associate experts had been sponsored, by Albania, Angola, Belarus, Belgium, Benin, China, the Congo, Croatia, Finland, France, Germany, Greece, Ireland, Italy, Japan, Libya, Luxembourg, Mexico, New Zealand, Nigeria, Norway, Pakistan, Portugal, Qatar, the Republic of Korea, the Russian Federation, Singapore, Switzerland, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

<sup>12</sup> Donations had been made by Albania, Azerbaijan, Chile, Cyprus, Finland, Greece, Guinea, Ireland, Lebanon, Luxembourg, Qatar, Turkey and the United Kingdom.

ways to make the communications of the Council available to all Member States, but that additional resources were necessary in order to do so.

75. The Special Committee recommends that the General Assembly:

(a) Commend 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*;

(b) Encourage 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 welcome 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;

(c) Note 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* and the financial support provided for the launching of a revamped website for the *Repertoire*;

(d) Reiterate 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;

(e) Call 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 encourage the continued updating of the website for the *Repertory*;<sup>13</sup>

(f) Note with concern that the backlog in the preparation of volume III of the *Repertory*, although slightly reduced, has not been eliminated, and call 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;

(g) Reiterate the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire*, and with regard to the *Repertoire* call upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report dated 18 September 1952 (A/2170).

<sup>13</sup> <http://legal.un.org/repertory>.

## Chapter V

### Working methods of the Special Committee and identification of new subjects

#### A. Working methods of the Special Committee

76. The issue of the working methods of the Special Committee was addressed by several delegations during the general exchange of views held at the 293rd and 294th meetings of the Special Committee, on 18 February, and was considered at the 3rd meeting of the Working Group of the Whole, on 21 February.

77. 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 \(XXX\)](#).

78. 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.

79. 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.

80. 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. Delegations were thus encouraged to redouble their efforts to examine the proposals before the Special Committee.

81. Other delegations were of the view that several of the proposals before the Special Committee did not merit further consideration since the relationship between the principal organs of the United Nations was adequately defined in the Charter, or because they duplicated work undertaken elsewhere in the Organization.

## B. Identification of new subjects

82. The issue of the identification of new subjects was considered during the general exchange of views held at the 293rd and 294th meetings of the Special Committee, on 18 February, and at the 3rd meeting of the Working Group of the Whole, on 21 February.

83. During the general exchange of views, 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.

84. At the 3rd meeting of the Working Group of the Whole, the representative of Mexico introduced his country's proposal for a new subject, contained in the working paper submitted at the current session<sup>14</sup> entitled "Analysis of the application of Articles 2 (4) and 51 of the Charter of the United Nations" (A/AC.182/L.154, reproduced in annex I to the present report). The representative of Mexico stated that the proposal sought to create a space for discussion by all Member States of Article 51 of the Charter, in the light of its interrelation with Article 2 (4), so as to provide a clearer understanding of the positions of Member States with regard to the operation, scope and limits of the right to self-defence. It was also stated that the paper presented a set of questions on substantive, procedural, and transparency and publicity issues, which were legal, technical and non-political in nature and would fall under the mandate and competence of the Special Committee as established in relevant General Assembly resolutions. It was further highlighted that the purpose of the proposal was not to conduct an analysis of specific communications to the Security Council under Article 51, but to generally evaluate the elements and practical operation of Article 51, and that the proposal was not duplicative and not inconsistent with the work of other organs of the United Nations, including the Security Council. The sponsor delegation further expressed its readiness to consider any suggestions from Member States and to submit a revised version at the next session of the Special Committee for substantive consideration.

85. During the general exchange of views and in the Working Group, several delegations expressed support for the working paper presented by Mexico as well as for its inclusion in the agenda of the next session of the Special Committee, under the item entitled "Maintenance of international peace and security". It was noted by many delegations that the increasing number of communications to the Security Council under Article 51 raised legal and technical questions of concern to all Member States. Support was also expressed by some delegations for greater access to information regarding the reports submitted to the Council under Article 51, in order to increase transparency. Several delegations considered that the Special Committee would be the appropriate forum to address the issues raised by the proposal.

86. Other delegations reiterated their doubts regarding the proposal and questioned whether the Special Committee would be the appropriate forum to address the issues raised. Some delegations also reserved their position owing to the limited time that had been available to consider the working paper.

87. At the same meeting of the Working Group, the delegation of Cuba announced that it was working on a written proposal for the inclusion of a new item concerning

<sup>14</sup> The proposal was based on that made orally by the representative of Mexico during the 2018 session of the Special Committee (see A/73/33, para. 83), which was also discussed at the 2019 session (see A/74/33, paras. 85–87).

the role of the General Assembly in the Organization as a follow-up to its proposal presented orally at the 2019 session (see [A/74/33](#), paras. 88–89).

88. Some delegations voiced support for the proposal by Cuba, while others preferred to reserve their position until receiving the written proposal. The concern was expressed that the proposal seemed to overlap with the proposal presented by Cuba already under consideration by the Special Committee, and that it could also duplicate other revitalization efforts within the United Nations.

89. At the same meeting of the Working Group, the representative of the Islamic Republic of Iran introduced a proposal for the inclusion of a new subject entitled “Obligations of Member States in relation to unilateral coercive measures: guidelines on ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures” ([A/AC.182/L.153](#), reproduced in annex II to the present report). It was explained that the proposal was of a legal nature and intended to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures. It was maintained that the proposal did not duplicate other efforts undertaken in the Organization. It was further suggested that the topic of unilateral coercive measures could also be included in the programme of work of the International Law Commission. It was emphasized that unilateral coercive measures had adverse impacts on the medical and humanitarian needs of affected populations and interfered with rules on sovereign immunities. The view was expressed that such measures, in some cases, ran counter to certain resolutions of the Security Council and decisions of the International Court of Justice. It was stated that all Member States were under an obligation not to recognize such illegal measures and not to render aid or assistance in maintaining the illegal situation created by such measures. All Member States were also under an obligation to cooperate to bring to an end, through lawful means, such a situation. Delegations were invited to comment on the proposal with a view to improving the legal framework applicable to unilateral coercive measures.

90. Several delegations supported the inclusion of the proposal in the agenda of the Special Committee, noting that unilateral coercive measures undermined the principles and purposes of the Charter, in particular the sovereign equality of States. A number of delegations emphasized that unilateral coercive measures violated international human rights law, including the right to development, the right to health and the right to life, and thus hampered the realization of the 2030 Agenda for Sustainable Development. It was noted that the use of unilateral coercive measures had been condemned in the final document of the eighteenth Summit Conference of Heads of State or Government of Non-Aligned Countries, held in Baku, and the declaration adopted at the forty-third ministerial meeting of the Group of 77 and China, both of which were issued in 2019. The view was expressed that only the Security Council had the authority to impose sanctions and that unilateral coercive measures would hamper the effectiveness of the Council. It was also stated that, since the proposal directly concerned the application of the Charter, the Special Committee was the appropriate forum to discuss it. The proposed guidelines would, in the view of those delegations, supplement the existing rules of international law on unilateral coercive measures.

91. A number of delegations reserved their position on the proposal, and indicated that they had not had sufficient time to consider its substance. The view was expressed that the Special Committee was not the appropriate forum to address bilateral disputes. Some delegations also stressed that the Special Committee should neither duplicate work undertaken in other forums of the United Nations nor aim to make new international law.

92. At the same meeting of the Working Group of the Whole, the representative of the Syrian Arab Republic introduced a proposal for the inclusion of a new subject, contained in a working paper entitled “Privileges and immunities enjoyed by representatives of the Members of the United Nations and officials of the Organization that are necessary for the independent exercise of their functions in connection with the Organization” (A/AC.182/L.155, reproduced in annex III to the present report). The sponsor delegation explained that the working paper was aimed at establishing parameters and standards based on the United Nations framework to improve relations with host countries and to allow the Organization to ensure compliance with the Charter, the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations and the Vienna Convention on Diplomatic Relations. The sponsor delegation made particular reference to Articles 105 and 100 (2) of the Charter, and proposed that various studies be conducted on the application of the Charter provisions and other relevant instruments, in particular the dispute resolution mechanisms contained therein, as well as on the views and experiences of Member States in relation to host countries. The sponsor delegation also mentioned the relevance of the Convention on the Privileges and Immunities of the United Nations and stressed the importance of equality among all Member States as well as non-discrimination. The sponsor delegation was of the view that the working paper did not duplicate efforts or conflict with the mandate of the Committee on Relations with the Host Country, but could rather strengthen relations with that Committee and enable each committee to contribute to enhancing the effectiveness of the other.

93. The proposal was referred to during the general exchange of views and was discussed in the Working Group. Several delegations voiced support for the proposal, noting that the Special Committee had the capacity to examine the subject and that it was directly related to the Charter. Reference was made to recent obstacles to the ability of the Organization to carry out its work owing to restrictions imposed on certain representatives and United Nations officials. It was maintained that the Special Committee enjoyed the mandate and responsibility to consider possible violations of the Charter from a legal viewpoint. Some delegations regretted that the recommendations adopted by the General Assembly on the subject had not yet been acted upon and noted that discriminatory measures, which could affect the human rights of those in question, remained in place. The point was also made by some delegations that the matter was not bilateral but rather reflected systemic practices and related to the preservation of the rule of law and the interests of the Organization as a whole.

94. Other delegations requested more time to consider the working paper. The view was expressed that the Committee on Relations with the Host Country was the appropriate forum for the consideration of the subject matter of the working paper, and it was noted that that Committee was actively seized of the issues at hand. The appropriateness of raising bilateral issues in the Special Committee was also questioned.



## Annex I

### Analysis of the application of Articles 2 (4) and 51 of the Charter of the United Nations

#### Working paper submitted by Mexico

#### I. Objectives

- Create a space for discussion by all States Members of the United Nations of Article 51 of the Charter of the United Nations, in the light of its interrelation with Article 2 (4), and enable an exchange that will provide a clearer understanding of the positions of Member States with regard to the operation, scope and limits of the right to self-defence.
- Analyse recent practice with regard to the submission of reports under Article 51 of the Charter, in particular those concerning actions taken against non-State actors, including responses to such reports, or lack thereof, and the precedents such actions may set for future situations.
- Analyse the substantive, procedural, and transparency and publicity issues related to Article 51 with a view to providing greater clarity on the implementation of the Article.

#### II. Background

1. As noted in reports [A/73/33](#) (paras. 83–84) and [A/74/33](#) (paras. 85–87), at the seventy-third and seventy-fourth sessions of the General Assembly Mexico brought to the attention of the Committee a recent increase in the number communications submitted to the Security Council under Article 51 of the Charter, in particular in connection with counter-terrorism operations. In that context, it expressed concern regarding recent interpretations of the right to self-defence in response to armed attacks perpetrated by non-State actors and proposed, *inter alia*, that the Special Committee “consider the substantive and procedural aspects of the issue, in order to clarify the interpretation and application of Article 51 and avoid possible abuse of the right to self-defence”.

2. The above-mentioned reports indicate that various delegations expressed interest in the proposal and encouraged the representative of Mexico to present a written proposal for consideration.

3. It is worth noting that the members of the Community of Latin American and Caribbean States (CELAC), in their joint statement to the Sixth Committee on 3 October 2018, during the seventy-third session of the General Assembly, stated the following:

We take note with concern of the increase in the number of letters to the Security Council under Article 51 of the Charter submitted by some States in order to have recourse to the use of force in the context of counter-terrorism, most of the time *ex post facto*. We reiterate that any use of force which is not in compliance with the Charter of the United Nations is not only illegal but is also unjustifiable and unacceptable. Furthermore, consideration should be given to the possibility of convening an open and transparent debate on the topic.

4. Similarly, at the fourth informal meeting of Latin American legal advisors (AJL) on international public law, held on 26 October 2018, it was made clear, following a presentation entitled “Reflections on recent invocations of Article 51 of the Charter of the United Nations”, that there was agreement with regard to the scope of self-defence under the Charter; the importance of transparency; and the need for the



international community to address terrorism, a serious threat to international peace and security, through strong action firmly grounded in international law and carried out with respect for international human rights law, international humanitarian law and refugee law. At that meeting, there was general consensus on the particular relevance of the topic and on the advisability of taking measures to ensure that it was adequately considered within the United Nations.

5. As a next step in the process, and with a view to establishing a space for open and transparent discussion among the States Members of the United Nations, the delegation of Mexico is submitting the present working paper, entitled “Analysis of the application of Articles 2 (4) and 51 of the Charter of the United Nations”, for the consideration of the Special Committee.

6. This discussion will, without undermining the competence of the Security Council, provide a clearer understanding of the positions of Member States with regard to the operation, scope and limits of the right to self-defence, not only with regard to recent cases but also in relation to other situations involving non-State actors that may arise in the future, while recognizing at all times the gravity of terrorist acts, their high humanitarian, political and social cost and the threat they pose to international peace and security.

### **III. Issues for consideration**

7. Article 1 (1) of the Charter states that one of the purposes of the United Nations is to maintain international peace and security. To that end, in Article 2 (4) of the Charter the principle is established that Members of the Organization “shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations”.

8. Under the legal framework of the Charter, there are two exceptions to the prohibition of the use of force between States: (a) when it is authorized by the Security Council, on the basis of Article 42; and (b) in the exercise of the inherent right of individual or collective self-defence provided for in Article 51.

9. Article 51 of the Charter reads as follows:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

10. The following have been identified as elements of self-defence: (a) there has been a prior armed attack; (b) the response to the armed attack is necessary and proportional; and (c) the Security Council is notified immediately of measures taken in self-defence and such measures are halted when the Security Council takes the necessary action, if any.

11. Recently there have been some cases where the right to self-defence enshrined in Article 51 of the Charter has been invoked to justify the use of force in the territory of another State, allegedly in response to – or in the most extreme cases, to prevent – armed attacks by non-State actors, in particular terrorist groups.

12. The aim is therefore to analyse the legal scope of the above-mentioned obligations and identify elements for discussion among Member States, taking into

consideration not only the interpretation that has been given to these provisions of the Charter in the context of counter-terrorism but also the precedents that the aforementioned actions could set for other cases in the future. In that context, it would be useful for the Special Committee to consider, inter alia, the following issues:

(a) **Substantive issues:** Given that under Article 51 the right to self-defence may only be invoked if there has been an armed attack:

- (i) What must be included in reports submitted to the Security Council under Article 51?
- (ii) What level of detail is required in reports under Article 51 as a precondition for the invocation of self-defence?
- (iii) How should Article 51 be interpreted with regard to attacks perpetrated by non-State actors, in particular, but not exclusively, terrorist attacks?
- (iv) Under Article 51 of the Charter, can self-defence be invoked in respect of another State when that State is considered to lack the capacity or the will to address an armed attack?

(b) **Procedural issues:** Given that the inherent right to self-defence may be exercised, under Article 51, “until the Security Council has taken measures necessary to maintain international peace and security”, and that “measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council”:

- (i) What is a reasonable time frame for the submission of a report under Article 51 following an armed attack?
- (ii) Must a report under Article 51 be submitted before the use of force in self-defence, or can it be submitted afterwards?
- (iii) Is it desirable and necessary for the Security Council to discuss, examine and consider reports submitted to it under Article 51?
- (iv) Is it necessary for the Security Council to take measures necessary to maintain international peace and security after a State has invoked its right to self-defence?
- (v) How can a lack of action by the Security Council following receipt of a report under Article 51 be interpreted, in particular with regard to recurring reports concerning the same situation?

(c) **Transparency and publicity issues:** Since reporting under Article 51 is an obligation under the Charter and is directly related to issues of international peace and security, it serves the interests of all Member States. In this regard:

- (i) How can the transparency and publicity of reports submitted under Article 51 be improved?
- (ii) What can be done to facilitate the access of Member States to these reports?
- (iii) What can be done to facilitate the access of Member States to any responses and reactions to these reports?
- (iv) What can be done to improve access to information, taking into account the delay in the publication of the *Repertoire of the Practice of the Security Council*?
- (v) How can the lack of responses from Member States to reports submitted under Article 51 be interpreted, taking into account the current lack of transparency and publicity?

## Annex II

### **Obligations of Member States in relation to unilateral coercive measures: guidelines on ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures**

#### **Proposal by the Islamic Republic of Iran**

Unilateral coercive measures are unlawful measures including, but not limited to, economic and political measures imposed by one State or group of States to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights with a view to securing some specific change in its policy. Such illegal measures are extraterritorial because they are initiated by one State or group of States and are imposed outside the national territory or jurisdiction of that State or group of States. The laws imposing them may have extraterritorial effect not only on targeted countries but also on third States, in a manner that will compel the latter to also apply the unilateral coercive measures to the targeted country, with non-compliance leading to heavy unilateral penalties.

In recent years, unilateral coercive measures, which have been imposed with an unprecedented increase, have alarmingly intensified, thereby causing economic hardship, human suffering and depriving many countries of their inalienable and basic rights, including the right to development. Such measures target first and foremost the daily life of civilians, causing serious humanitarian effects. In particular, access to health services and life-saving drugs is significantly affected as well, which would be comparable to collective reprisals and would therefore be banned under humanitarian law as such actions adversely affect the basic human rights of peoples.

Whether comprehensive or smart, unilateral coercive measures run counter to the Charter of the United Nations and the fundamental principles and norms of international law and international customary law and are considered international wrongful acts. Therefore, all Member States are under an obligation to stand against these unlawful measures that violate their freedom of trade as well as their sovereignty. In some circumstances, such measures have also run counter to Security Council resolutions adopted under Chapter VII of the Charter, and have even led to the penalization of nations across the entire world for abiding by such resolutions. These measures have, in some cases, violated the provisional measures of the International Court of Justice and are endangering international peace and security.

Given the unlawful character of such vicious and dangerous measures, which have resulted in serious implications for the international legal order and have affected third States, all States Members of the United Nations are under an obligation not to recognize such illegal actions as lawful. They are also under an obligation not to render aid or assistance in maintaining the illegitimate situation created by the wrongful act. It is also a duty for all Member States to cooperate to bring, through lawful means, such a situation to an end.

Therefore, considering the grave and adverse consequences of unilateral coercive measures for multilateralism, international law, the Charter, human rights and the right to development, it is time for the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to take seriously the matter of the maintenance of international peace and security, of which the Security Council is seized, and explore the ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures in the form of guidelines.

The guidelines will elaborate the obligations and commitments of Member States in confronting unilateral coercive measures and could work as a road map to help States to prevent, remove, minimize and redress the adverse impacts of such measures.

The elements below could be used as a basis for discussion and negotiation in the Committee and could eventually be adopted by the General Assembly, in due time.

### **Obligations of Member States in relation to unilateral coercive measures**

#### **Guidelines on ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures**

*The General Assembly,*

*Renewing* its commitment to the objectives and principles of the Charter of the United Nations,

*Recalling* General Assembly resolution [2625 \(XXV\)](#) of 24 October 1970 containing the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

*Reaffirming* General Assembly resolution [3281 \(XXIX\)](#) of 12 December 1974 containing the Charter of Economic Rights and Duties of States, pursuant to which no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

*Mindful* of the increasing number of unilateral acts in international relations, including the unilateral use of force, the threat of the use of force and unilateral coercive economic measures,

*Considering* that “unilateral coercive measures” refers to coercive transnational measures – other than those enacted by the Security Council acting under Chapter VII of the Charter of the United Nations – taken by a State, including the threat or use of pressure in any form, whether military, political, judicial or economic, in order to compel a change in the policy of another State, or to coerce another State to perform any act relating to the conclusion of an agreement or a treaty in violation of the principles of sovereign equality of States and freedom of consent,

*Recognizing* that hostile unilateral acts can pose a threat to international peace and security,

*Bearing in mind* the importance of free trade for the development of States and the well-being of their peoples,

*Reiterating* its commitment to the fundamental rights of persons, including the rights to life, liberty and property and the right to be free from arbitrary measures,

*Stressing* the right of people to a decent standard of living and the right to development,

*Concerned* about the negative effects of unilateral measures, including coercive economic measures, on the enjoyment of human rights and compliance with international humanitarian law,

*Condemning* the fact that certain States continue to use unilateral coercive measures against other States, hindering the receiving State’s full realization of its rights as set forth in major international legal instruments, including in the Charter of the United Nations,

*Expressing deep concern* that, in some circumstances, unilateral coercive measures run counter to Security Council resolutions adopted under Chapter VII of the Charter, leading to the penalization of nations across the entire world for abiding by such resolutions and thus endangering international peace and security,

*Adopts* the following:

**Guidelines on ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures**

1. States shall consider the recourse of any State to unilateral coercive measures to be unlawful and to incur international responsibility.
2. National courts and tribunals of States shall not recognize, give effect to or enforce any foreign judgment arising from the application of national laws, orders and regulations imposing unilateral coercive measures, including unilateral coercive economic measures, on other States.
3. State and private properties and assets, including bank accounts, bonds, real estate and consular and diplomatic facilities, shall be immune from freezing, forfeiture or any other form of confiscation or restriction arising from the implementation of unilateral coercive measures. The jurisdictional immunities of States shall at all times be observed and protected against the implementation of unilateral coercive measures.
4. In the event of economic or financial loss incurred as a result of the implementation of unilateral coercive measures, the State that, by its action or request, has inflicted such loss on a receiving State shall be primarily held liable for compensation and damages.
5. States shall draw up a road map to reduce the dependency of international trade on national currencies that are prone to being used to implement unilateral coercive economic measures or to sustain a particular State's monetary hegemony over the global economy.
6. States shall make efforts to create regional or other forms of inter-State financial institutions to strengthen their bilateral and multilateral financial relationships and supplant the inequitable practices and processes that presently characterize certain global financial and development institutions.
7. No one shall be deprived of liberty or freedom of movement or be subject to any other form of judicial restriction grounded in the unilateral coercive acts, laws or policy of a State. Courts and tribunals shall conduct a rigorous review of all documents and evidence presented to them in order to avoid giving unwarranted judicial effect to unilateral coercive measures.
8. States shall consider the evasion or circumvention of unilateral coercive economic measures by natural persons as political in character and therefore not an extraditable offence.
9. Under no circumstances shall trade in humanitarian goods and commodities, such as food, medicine and agricultural and animal products, be subject to any form of direct or indirect coercive economic measure or sanction. Accordingly, any impediment to such trade, including impediments to transportation, financial transactions and the transfer of currencies or credit documents, shall be removed.
10. Tangible or intangible cultural properties, cultural activities, revenues arising from art and sport, the income of workers abroad, resources pertaining to the functioning of diplomatic missions, contributions to international organizations, funds pertaining to students and academic activities, and other activities of similar

character shall at no time be affected or interrupted even temporarily by any unilateral coercive economic measure or any form of restriction affecting their smooth functioning.

11. Any unilateral coercive economic measure that adversely affects the entire population of a nation by hindering the humanitarian needs of that population or impeding the full enjoyment of that population's fundamental human rights, including its essential economic, social and cultural rights as enshrined in international human rights instruments, shall be considered a grave violation of international law and an international criminal act.

12. Humanitarian aid in kind or in cash in cases of natural and other disasters shall not be subject to any direct or indirect restriction.

13. States are encouraged to adopt laws and regulations to enforce the measures stipulated in these guidelines.

## Annex III

### **Privileges and immunities enjoyed by representatives of the Members of the United Nations and officials of the Organization that are necessary for the independent exercise of their functions in connection with the Organization**

#### **Working paper submitted by the Syrian Arab Republic**

1. In accordance with the mandate provided for in General Assembly resolution [3499 \(XXX\)](#) of 15 December 1975, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should consider any additional specific proposals that Governments may make with a view to enhancing the ability of the United Nations to achieve its purposes.
2. In fulfilment of that mandate, the Special Committee must tackle the task of assisting in making recommendations with a view to clarifying specific details regarding the application of Article 105 of the Charter, which stipulates that the United Nations shall enjoy in the territory of each of its Members the privileges and immunities required to achieve its purposes, as well as that the representatives of the Members of the United Nations and the officials of the Organization shall similarly enjoy the privileges and immunities necessary for the independent exercise of their functions in connection with the Organization.
3. Moreover, the imposition of restrictive measures by the Government of the host country against United Nations personnel of some nationalities constitutes an abuse of the international character of those officials and a clear violation of paragraph 2 of Article 100 of the Charter. Needless to say, this illegal action is not taken by any of the Governments that host United Nations headquarters, except for the Government that hosts the Headquarters in New York.
4. This task is becoming increasingly important in the light of the serious setbacks and unprecedented breaches of the United Nations Headquarters Agreement by the Government of the host country for United Nations Headquarters in New York, as it has become evident that the Government of the host country has been pursuing a punitive and retaliatory policy in recent years against the representatives of certain Member States and against United Nations personnel who hold the nationalities of these States. These are setbacks that have been particularly experienced by high-level officials and representatives of the Islamic Republic of Iran, the Democratic People's Republic of Korea, Cuba, the Bolivarian Republic of Venezuela, the Russian Federation and the Syrian Arab Republic. These breaches have included, but are not limited to, unjust and illogical procedures related to imposing restrictions and impossible standards and/or even refraining from granting entry visas to the United States to representatives of some of these countries and members of their families, as well as imposing a movement and travel restriction, and restricting the opening of bank accounts. Indeed, the level of violations recently extended to the refusal of the Government of the host country to grant diplomatic facilities and protection to senior officials who represent some of these countries at United Nations high-level meetings.
5. The host country's Government has recently begun to impose measures that are unlawful and unjustified, in order to increase the level of restriction and to put more pressure on the representatives of some Member States. The United Nations community in New York knows that the real motives behind these restrictive and punitive measures are linked to political differences at the bilateral level between the Government of the host country and each of the Governments of the countries whose representatives to the United Nations are subject to these measures. However, these

measures, especially those related to restricting movement and refraining from granting entry visas or restricting the granting of such visas through the imposition of unreasonable conditions and standards, have caused humanitarian consequences at the individual and familial levels for representatives of some Member States. Unfortunately, the Secretariat has not yet been able to find a real way out to ensure compliance with the United Nations Headquarters Agreement, which requires the goodwill and good intention of the parties that signed it.

6. Consequently, the Special Committee has an important role and responsibility to contribute actively to providing an analysis, from a legal perspective, of matters related to the implementation of the provisions of the United Nations Headquarters Agreement to ensure the defence of the interests of Member States and United Nations staff of all nationalities without discrimination or politicization. In this regard, it is essential to refer to sections 27 and 28 of the United Nations Headquarters Agreement, which stress the need to adhere to the implementation of the Agreement in order to ensure that the United Nations implements its goals and actions effectively without restrictions or obstacles.

7. The United Nations Headquarters Agreement also provides in sections 11 and 12 that federal, state or local authorities in the United States shall not impose any impediment to the transit of delegates or officials to and from the Headquarters district. The provisions of section 11 shall be applied, regardless of the relationships between the Governments of the persons referred to in this section and the United States Government. Moreover, the Agreement states in section 13 that the Government of the host country should grant required entry visas for Member State officials and representatives as promptly as possible, and that any restriction on the movement of officials to and from the Headquarters district shall be done through the Secretary-General's consultation with the concerned country.

8. In conclusion, the Secretary-General shall be directly involved in any formal and informal discussions and negotiations that fall within the framework of solving outstanding problems between the Government of the host country and the affected representatives of the Member States or affected staff of the United Nations who hold certain nationalities, considering that the Secretary-General is the supreme personality that represents the interests of workers at United Nations headquarters, along with his primary role in resolving any disagreement over the interpretation or application of legal instruments, particularly the United Nations Headquarters Agreement.

9. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should play a more active role, in legal terms, in examining effective ways to implement the recommendations made in the reports of the Committee on Relations with the Host Country, established pursuant to General Assembly resolution [2819 \(XXVI\)](#). These reports periodically assess the performance of the host country's Government in implementing its responsibilities and obligations vis-à-vis the United Nations and its accredited missions and their personnel, in accordance with the United Nations Headquarters Agreement, the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, and general international law.

10. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization can conduct a study of the above-mentioned cases, either directly or by establishing subsidiary bodies of an ad hoc nature.

11. In the light of the above, the Special Committee may propose the following:



(a) That the Working Group of the Whole undertake the following steps under the topic “Privileges and immunities enjoyed by representatives of the Members of the United Nations and officials of the Organization”, to be considered under the Special Committee’s agenda in relation to the question of the peaceful settlement of disputes between States:

(i) Conduct a legal study on the application of Article 105 of the Charter, which addresses the issues of enjoyment of privileges and immunities required for the fulfilment of the purposes of the United Nations;

(ii) Conduct an urgent study to determine the ways to resort to section 21 of the United Nations Headquarters Agreement, which specifies the competence and mandate of the Secretary-General for resolving disputes arising from the application and interpretation of the sections and articles of the Agreement, whether through an arbitration option or an option to request an advisory opinion from the International Court of Justice;

(iii) Conduct a study to determine the possibility of resorting to the text of section 30 of the Convention on the Privileges and Immunities of the United Nations. This section is in article VIII, “Settlement of disputes”, and explicitly states the advisory role of the International Court of Justice in dispute resolution regarding the interpretation or application of the Convention;

(iv) Request Member States to present their views on problems and complexities that their permanent delegations and representatives might face in countries hosting United Nations headquarters. These views and assessments should be included in official reports, which should also include clear information and assessments about the best practices of the Governments of the host countries for the headquarters of the United Nations. The Secretariat may submit, at the beginning of the Special Committee session, a report containing the views of Member States, which would be a contribution to the studies being conducted by the Working Group of the Whole;

(b) On the basis of such studies and discussion, and taking into account the proposed guidelines reproduced below, the Working Group of the Whole would make recommendations to the Special Committee, with a view to having such recommendations approved and transmitted in the Special Committee’s report to the General Assembly for consideration;

(c) Subsequently, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization would consider ways to implement the recommendations on such matters, as approved by the General Assembly.

12. To clarify, the purpose of this process should be to ensure compliance with the application of relevant legal texts and tools, to put an end to all discriminatory restrictions and procedures that may be imposed by the Government of any host country, and to ensure that host country Governments adhere to uniform standards consistent with the spirit of justice and equality among representatives of all permanent missions without discrimination or exception, bearing in mind the fact that the practices of any Government hosting a United Nations headquarters must be kept free of politicization and the imposition of punitive or reciprocal procedures, and more importantly, that these practices are not subject to the nature and level of political relationships between the Government of the host country and the Government of any Member State.

**Guidelines on privileges and immunities enjoyed by representatives of the Members of the United Nations and officials of the Organization that are necessary for the independent exercise of their functions in connection with the Organization**

*The General Assembly,*

*Recalling* the provisions of the Charter of the United Nations related to the privileges and immunities of the Members of the United Nations and officials of the Organization that are necessary for the independent exercise of their functions in connection with the Organization, in particular Article 105 of the Charter,

*Recalling also* the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations (the United Nations Headquarters Agreement), adopted by the Assembly on 31 October 1947, and the Vienna Convention on Diplomatic Relations,

*Recognizing* the role of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization in enhancing the ability of the United Nations to achieve its purposes,

*Bearing in mind* the recommendations issued in the most recent report of the Committee on Relations with the Host Country, established pursuant to General Assembly resolution [2819 \(XXVI\)](#),<sup>1</sup>

*Considering seriously and with concern* the continuing and escalating level of serious setbacks and unprecedented breaches of the United Nations Headquarters Agreement by the Government of the host country for United Nations Headquarters in New York,

*Emphasizing* that the practices of any Government hosting a United Nations headquarters must be kept free from politicization and the imposition of punitive or reciprocal procedures, and more importantly that these practices should not be subject to the nature and level of political relations between the host country's Government and the Governments of any other Member States,

*Recalling* the statement made by the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel to the Committee on Relations with the Host Country at its 295th meeting, on 15 October 2019, in particular the affirmation contained therein regarding the firm position of the Secretary-General that there is no room for the application of measures based on reciprocity in the treatment accorded to permanent missions accredited to the United Nations in New York,<sup>2</sup>

*Emphasizing* the importance of the role and responsibility of the Secretary-General in finding and implementing fundamental solutions that put an end to the politicization of the issue of relations with the host country in accordance with what is stated in the United Nations Headquarters Agreement and in all other available legal texts and instruments,

*Emphasizing also* the need to formulate approaches and mechanisms, in accordance with the Charter, ensuring the host country's commitment to the United Nations Headquarters Agreement, and granting the Secretariat the ability to intervene to defend its staff and the permanent missions of certain countries,

<sup>1</sup> [A/74/26](#).

<sup>2</sup> [A/AC.154/415](#).

*Considering* the lack of clarity and vision regarding the implementation of article VIII, "Settlement of disputes", section 30, of the Convention on the Privileges and Immunities of the United Nations,

*Considering also* the position and related decisions of the Movement of Non-Aligned Countries at its recent summit, held in the Republic of Azerbaijan on 25 and 26 October 2019, at which the Heads of State and Government decided to launch consultations in New York with the wider membership of the United Nations, with a view to presenting before the General Assembly a short and action-oriented draft resolution demanding the fulfilment of host country responsibilities, by virtue of relevant headquarters agreements and the Vienna Convention on Diplomatic Relations,

*Adopts* the following:

**Guidelines on privileges and immunities enjoyed by representatives of the Members of the United Nations and officials of the Organization that are necessary for the independent exercise of their functions in connection with the Organization**

1. The role and effectiveness of the Committee on Relations with the Host Country should be enhanced through reconsideration of the process of selecting Member States for the Committee, in order to ensure equitable geographical distribution and to ensure adequate representation of Member States, especially those affected by the procedures, restrictions and discriminatory treatment imposed by the Government of the host country.
2. The effectiveness of the working methods followed in the context of the Committee on Relations with the Host Country and the legal instruments available to ensure the implementation of the recommendations issued by the Committee should be considered.
3. The importance of the role of the Secretary-General in addressing the concerns of Member States that suffer from negative, discriminatory and punitive treatment and restrictions imposed by the Government of the host country should be emphasized, and the Secretary-General should consider implementing available options in order to ensure the fair and impartial application of the Convention on the Privileges and Immunities of the United Nations, the United Nations Headquarters Agreement, relevant principles of international law and the Vienna Convention on Diplomatic Relations.
4. The host country's Government should adhere to the terms of the United Nations Headquarters Agreement in order to ensure that representatives of Member States and the staff of the Organization carry out their functions and contribute to enhancing the ability of the United Nations to achieve its purposes.
5. A periodic monitoring and evaluation mechanism that relies on collecting and considering reports from Member States on the problems and complications faced by their permanent delegations and representatives in the countries hosting United Nations headquarters should be established. These reports should include clear information and assessments about the best practices adopted by the Governments of the host countries for the headquarters of the United Nations.
6. The role of the Secretariat in ensuring the host country's commitment to the United Nations Headquarters Agreement should be strengthened, through the establishment of monitoring and evaluation mechanisms for problems raised by Member States in the context of relations with the host country.

7. The Secretary-General could be requested to prepare an annual report on the state of the relationship between the United Nations and the Governments hosting headquarters, which could include voluntary information provided by States Members of the United Nations, and the Secretariat's assessment of the extent to which host countries adhere to the provisions of the Convention on the Privileges and Immunities of the United Nations, the United Nations Headquarters Agreement and best practices in that regard.

8. Concrete steps should be taken in order to allow the General Assembly to conduct consultations to provide the necessary legal instruments that contribute to ensuring respect for such privileges and immunities of the Members of the United Nations and officials of the Organization as are necessary for the independent exercise of their functions in connection with the Organization.

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