



**United Nations**

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

**General Assembly**

**Official Records**

**Sixty-eighth Session**

**Supplement No. 33**



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*Note*

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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 67/96 and met at United Nations Headquarters from 19 to 27 February 2013.

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 268th, on 19 February, the 269th, on 20 February, the 270th, on 25 February, and the 271st, on 27 February. The Working Group of the Whole, established at the 268th meeting, held three meetings, on 20, 21 and 25 February.

4. The session was opened by Garen Nazarian (Armenia), in his capacity as Chair of the previous session of the Special Committee.

5. At its 268th meeting, on 19 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:*

Jean-Francis Zinsou (Benin)

*Vice-Chair:*

Aleksas Dambruskas (Lithuania)

*Rapporteur:*

Riaz Abdul Razak (Malaysia)

6. At its 269th meeting, on 20 February, the Special Committee elected the following member of its Bureau:

*Vice-Chair:*

Leandro Vieira Silva (Brazil)

7. At its 270th meeting, on 25 February, the Special Committee elected the following member of its Bureau:

*Vice-Chair:*

Marcel Van Den Bogaard (Netherlands)

8. The Bureau of the Special Committee also served as the Bureau of the Working Group of the Whole.

9. The Deputy Director in charge of the Codification Division of the Office of Legal Affairs acted as Secretary of the Special Committee and Secretary of the Working Group of the Whole. The Division provided substantive services for the Special Committee and the Working Group.

10. At its 268th meeting, the Special Committee adopted the following agenda:

1. Opening of the session.
2. Election of officers.

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<sup>1</sup> A/36/33, para. 7.

3. Adoption of the agenda.
  4. Organization of work.
  5. Consideration of the questions referred to in General Assembly resolution 67/96 of 14 December 2012, in accordance with the mandate of the Special Committee as set out in that resolution.
  6. Adoption of the report.
11. General statements touching on all or several items were made at the 268th and 269th meetings. The substance of those general statements is reflected in the relevant sections of the present report.
12. 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 the matter 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>
13. Also with regard to the question of the maintenance of international peace and security, the Special Committee had before it 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 working paper<sup>6</sup> submitted by the Bolivarian Republic of Venezuela during the 2011 session containing a further revised version of the proposal submitted by the same delegation at the 2010 session, entitled “Open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs”;<sup>7</sup> a revised working paper submitted by Belarus and the Russian Federation at the 2005 session containing a revised version of a draft General Assembly resolution;<sup>8</sup> and a working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations.<sup>9</sup>
14. At its 271st meeting, on 27 February, the Special Committee adopted its report on its 2013 session.

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<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 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346, A/59/334, A/60/320, A/61/304, A/62/206 and Corr.1, A/63/224, A/64/225, A/65/217 and A/66/213.

<sup>3</sup> A/67/190.

<sup>4</sup> A/53/312.

<sup>5</sup> See A/53/33, para. 98.

<sup>6</sup> A/AC.182/L.130, as further revised by the sponsor delegation. See A/66/33, annex.

<sup>7</sup> See A/65/33, annex.

<sup>8</sup> See A/60/33, para. 56. At the 1999 session of the Special Committee, Belarus and the Russian Federation submitted a working paper containing a draft General Assembly resolution (A/AC.182/L.104) in which it was recommended 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. At the same session, following discussions, the sponsors submitted a revised version of the draft resolution for future consideration (A/AC.182/L.104/Rev.1; see A/54/33, paras. 89-101). A further revised version was submitted at the 2001 session (A/AC.182/L.104/Rev.2; see A/56/33, para. 178).

<sup>9</sup> See A/67/33, annex.



## Chapter II

### Maintenance of international peace and security

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

15. The Special Committee considered the question of the implementation of the provisions of the Charter of the United Nations relating to assistance to third States affected by the application of sanctions during the general exchange of views held at its 268th and 269th meetings, on 19 and 20 February 2013, and at the 1st meeting of the Working Group of the Whole.

16. At its 1st meeting, the Working Group was briefed by representatives of the Department of Political Affairs and the Department of Economic and Social Affairs on developments relating to paragraph 12 of the report of the Secretary-General on the question (A/67/190), as requested by the General Assembly in paragraph 15 of resolution 67/96. The statements were circulated.

17. During the general exchange of views on the issue, many delegations stated that the issue of sanctions imposed by the Security Council continued to be of serious concern. They stressed that sanctions were blunt instruments whose use raised fundamental ethical questions as to whether suffering inflicted on vulnerable groups in the target country was a legitimate means of exerting political pressure. They also maintained that sanctions were not applicable as a preventive measure in any and all instances of the violation of international law, norms or standards. A reference was also made to the document entitled "Introduction and implementation of sanctions imposed by the United Nations".<sup>10</sup>

18. Concern was also expressed over the imposition of unilateral sanctions in violation of international law. It was stated that, in practice, unilateral sanctions were often imposed as a result of the extraterritorial application of domestic regulations and that sanctions imposed in such a way infringed upon the rights of affected States, in addition to the individual rights of affected persons. The view was expressed that proposals to eliminate the imposition of unilateral sanctions should be studied.

19. Several delegations emphasized that sanctions should be introduced and applied in conformity with the provisions of the Charter and international law. It was reiterated that sanctions should be imposed only as a last resort when there existed a threat to international peace and security, a breach of the peace or an act of aggression. It was asserted that the power of the Security Council to determine whether a threat to international peace and security, a breach of the peace or an act of aggression existed was not unfettered and that the Council must not overstep its competence under the Charter or violate *jus cogens* norms of international law.

20. Some delegations expressed the view that the objectives of sanctions regimes should be clearly defined and that they should be imposed for a specific period of time. It was also noted that sanctions regimes should be held under continuous review and that they should be lifted immediately when they were no longer necessary.

<sup>10</sup> General Assembly resolution 64/115, annex.

21. Support was expressed for the provision of possible payment of compensation to targeted and/or third States for damage caused by sanctions found to have been unlawfully imposed. It was suggested that the International Law Commission should give consideration, in the context of its prior work on the responsibility of international organizations, to the legal consequences of sanctions arbitrarily imposed against Member States by the Security Council.

22. Several delegations reaffirmed that sanctions, applied in accordance with the Charter, remained an important instrument for the maintenance and restoration of international peace and security.

23. It was also stated that the sanctions regimes adopted by the Security Council in recent years had clearly demonstrated that sanctions could be instituted in a targeted way to minimize the possibility of adverse consequences for civilian populations and third parties. In that regard, the use of targeted rather than comprehensive sanctions had been effective and was welcomed as an important development.

24. Other delegations noted that even targeted sanctions might have unintended side effects. They welcomed the continued efforts to limit such consequences, in addition to the development of clear legal standards for the imposition of targeted sanctions regimes. The view was expressed that, to the extent possible, the effects of sanctions on third States should be mitigated and the establishment of a mechanism for evaluating such effects and for assisting affected States merited consideration.

25. Several delegations noted that none of the sanctions committees had been approached by Member States since 2003 with regard to special economic problems arising from the implementation of sanctions, as confirmed in the above-mentioned report of the Secretary-General. They also noted that neither the General Assembly nor the Economic and Social Council had found it necessary in 2012 to take any action relating to that matter. On those grounds, they expressed the view that the question of assistance to third States affected by the application of sanctions should not be a matter of priority for the Special Committee and did not merit further discussion.

26. According to other delegations, the issue of assistance to third States affected by the application of sanctions, and proposals submitted on that matter, should continue to be considered by the Special Committee. The view was expressed that the fact that no State had required assistance in the matter should not necessarily imply that the subject no longer merited discussion, either at the current time or in the future.

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

27. 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 (see A/53/33, para. 98) was referred to by the sponsor delegation at the 1st meeting of the Working Group of the Whole.

28. The sponsor delegation recalled several aspects of its revised proposal, including: the consideration, pursuant to the provisions of Articles 10, 11 and 14 of the Charter, of ways and means of bolstering the role of the General Assembly in the

maintenance of international peace and security; the recommendation of ways to enhance the relationship between the Assembly and the Security Council on the basis of Articles 15 and 24 of the Charter and within the framework of the endeavour by both organs to strengthen international peace and security; the elaboration of criteria to ensure that the composition of the Council reflected the general membership of the United Nations and an equitable geographical distribution; and the formulation of a precise definition of what constituted a threat to international peace and security under Chapter VII of the Charter.

**C. Consideration of the further revised working paper submitted by the Bolivarian Republic of Venezuela entitled “Open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs”**

29. The further revised working paper entitled “Open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs” (see A/66/33, annex), submitted by the Bolivarian Republic of Venezuela at the 2011 session of the Special Committee, was referred to during the general exchange of views held at its 268th and 269th meetings, on 19 and 20 February 2013, and was considered at the 1st meeting of the Working Group of the Whole.

30. In their general comments, several delegations expressed concern at the fact that the Security Council had encroached on the functions and powers of the General Assembly and those of the Economic and Social Council by addressing issues that fell within the competence of the latter organs. Reference was made to paragraph 153 of the 2005 World Summit Outcome document,<sup>11</sup> in addition to paragraph 35 of the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels,<sup>12</sup> held on 24 September 2012, which stressed the importance of continuing efforts to reform the Security Council. It was emphasized that the reform of the Organization should be carried out in accordance with the principles and procedures established by the Charter.

31. The sponsor delegation recalled that the proposal was aimed at strengthening the Organization by encouraging the implementation of the provisions of the Charter pertaining to the functional relationship of its organs.

32. Some delegations expressed support for the proposal and maintained that the Special Committee was the proper forum in which to consider it.

33. The view was reiterated that the responsibilities of the principal organs of the United Nations were adequately defined in the Charter and that the proposal was duplicative of other efforts aimed at revitalizing the Organization.

34. The sponsor delegation announced that it would continue to hold bilateral discussions on the proposal and indicated that the working paper should be retained on the work programme of the Special Committee.

<sup>11</sup> See General Assembly resolution 60/1.

<sup>12</sup> See General Assembly resolution 67/1.

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

35. During the general exchange of views at the 268th and 269th meetings of the Special Committee, on 19 and 20 February 2013, and at the 1st meeting of the Working Group of the Whole, the Special Committee considered the revised working paper submitted by Belarus and the Russian Federation at the 2005 session of the Special Committee (see A/60/33, para. 56), 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.

36. The co-sponsors of the proposal highlighted the continued relevance of the subject matter of the above-mentioned 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. It was pointed out that an advisory opinion of the Court could also contribute to the progressive development and codification of international law by establishing a uniform interpretation of the provisions of the Charter regarding the use of force. The co-sponsors favoured retaining the proposal on the agenda of the Special Committee and finding consensus in that field.

37. Some representatives reiterated their support for the proposal. It was stressed that the proposal would contribute to the clarification of the legal principles of the use of force in accordance with the Charter. The view was also expressed that the proposal would contribute to the strengthening of the principle of the non-use of force or the threat of force as set out in the Charter.

38. It was reiterated that the proposal could not be supported since the issue of the use of force was adequately and clearly addressed in the relevant provisions of the Charter.

39. At its 271st meeting, on 27 February 2013, the Special Committee decided to retain the proposal under the agenda item entitled "Maintenance of international peace and security".

#### **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**

40. The working paper on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations, submitted by Cuba during the 2012 session of the Special Committee, was referred to during the general exchange of views held at its 268th and 269th meetings, on 19 and 20 February 2013, and was considered at the 1st meeting of the Working Group of the Whole.

41. Some delegations stated that the working paper merited continued study, welcoming its potential positive impact in strengthening the work of the General Assembly. It was pointed out that the proposal would contribute to achieving the delicate balance envisaged in the Charter between the mandates of all the principal

organs and, in particular, between the mandate of the Assembly, as the main deliberative and representative body of the Organization, and that of the Security Council. In the context of the reform of the United Nations and of the strengthening of its role, some delegations stressed the need to conduct a legal examination of the implementation of Chapter IV of the Charter and, specifically, its Articles 10 to 14, which pertained to the functions and powers of the Assembly.

42. The sponsor delegation informed the Working Group that preliminary informal consultations had taken place with interested delegations on the working paper and invited additional participation and comments. The sponsor delegation also suggested that, given that at a future point it would submit a revised version of the working paper that reflected the contributions received from other delegations, the working paper should remain on the agenda of the Special Committee.

43. Some delegations indicated their intention to participate in the continuing informal consultations, stating that they looked forward to the submission of the revised version of the working paper to the Special Committee.

44. The view was expressed that the Special Committee should not pursue activities with regard to items concerning international peace and security that would be duplicative or inconsistent with the roles of the principal organs of the United Nations as set forth in the Charter.

## **Chapter III**

### **Peaceful settlement of disputes**

45. The Special Committee considered the item entitled “Peaceful settlement of disputes” during the general exchange of views at its 268th and 269th meetings, on 19 and 20 February 2013, and at the 2nd meeting of the Working Group of the Whole.

46. During the general exchange of views, delegations expressed their support for all efforts to address the peaceful settlement of disputes. Delegations reiterated that, in accordance with the mandate of the Special Committee, the question of the peaceful settlement of disputes should remain on its agenda. The importance of a free choice of means in peaceful dispute settlement was underscored. The role of the International Court of Justice as the principal judicial organ of the United Nations was highlighted, and it was noted that the Court’s observance of the rule of law boosted the confidence of Member States in its effectiveness in fulfilling that role. In addition, it was suggested that emphasis should be laid on the prevention of disputes. The significance of the Manila Declaration on the Peaceful Settlement of International Disputes, which had been approved by the General Assembly in 1982 and annexed to its resolution 37/10, was also recalled.

47. While some delegations expressed the view that the discussion of the issue by the Special Committee was useful, others stated that its continued examination would not be the best use of the Committee’s resources.

## Chapter IV

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

48. During the general exchange of views at the 268th and 269th meetings of the Special Committee, on 19 and 20 February 2013, delegations commended the continuing efforts of the Secretariat to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, and to eliminate the backlog in the preparation of those publications. The continued efforts to make both publications available on the Internet were also welcomed, especially as that would promote their wider dissemination, in particular in developing countries. The significance of the two publications as research tools for the international community and their importance in the dissemination of the work of the Organization were recalled. Several delegations commended the contribution made by the publications to the advancement of international justice. The hope was expressed that the publications would be published on the United Nations website in all official languages of the United Nations.

49. Several delegations emphasized the need to eliminate the backlog with regard to volume III of the *Repertory*.

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

51. At its 2nd meeting, the Working Group of the Whole was informed by a representative of the Secretariat about the status of the preparation of the *Repertory* and the *Repertoire*.

52. Concerning the *Repertory*, it was reported that further progress had been made in the preparation of studies pertaining to volume III, Supplements 7 to 9 (1985-1999). A number of studies for Supplement 10, covering the period from 2000 to 2009, had been completed and placed on the *Repertory* website, and work had begun on other studies pertaining to that Supplement.

53. The partnership with Columbia Law School had continued for the tenth consecutive year, with one study under way at the time. The cooperation with the University of Ottawa had also continued, resulting in the preparation of one study, and a further study for volume III soon to be finalized. The cooperation with Concord Law School had also continued, leading to some progress on an additional study. The Secretariat was also assisted by the work of interns.

54. Since the establishment of the trust fund in 2005, more than \$100,000 had been donated. After the use of part of the funds for the preparation of *Repertory* studies, approximately \$20,000 remained available in the trust fund.

55. With regard to the *Repertoire*, it was pointed out that, in the past year, the Security Council Practices and Charter Research Branch of the Security Council Affairs Division had worked on Supplements 16 and 17, covering the period from 2008 to 2011, and preparations for Supplement 18 had begun. The entire volume of Supplement 16, covering the period from 2008 to 2009, had been completed and made available electronically in its advance version on the *Repertoire* website. Work

on Supplement 17, covering the years 2010 and 2011, was expected to be completed by June 2013. Progress in the work on Supplement 18 and future supplements would depend on the availability of resources. Work was continuing on the translation and publication of completed supplements.

56. 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 increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

(b) Note with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*, as well as the trust fund for the updating of the *Repertoire*;

(c) 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;

(d) 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;

(e) Note with concern that the backlog in the preparation of volume III of the *Repertory* 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;

(f) 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 of 18 September 1952.<sup>13</sup>

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<sup>13</sup> A/2170.



## Chapter V

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

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

57. The issue of the working methods of the Special Committee was addressed by several delegations during the general exchange of views at the 268th and 269th meetings of the Special Committee, on 19 and 20 February 2013, and was considered at the 3rd meeting of the Working Group of the Whole.

58. Several delegations continued to urge the Special Committee to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation, as reflected in paragraph 3 (e) of General Assembly resolution 67/96, and to fully implementing the working methods adopted in 2006. Several delegations also urged States to explore ways and means of achieving a better use of the resources and the meetings of the Committee by reviewing all its existing agenda items, looking into the usefulness of further discussing them, and taking into account their continued relevance and the likelihood of reaching a consensus in the future, before examining proposals for new items. In addition, it was suggested that, for the sake of good order and clarity, recommendations of the Committee should be drafted in such a way as to ensure that they were self-contained and operational, rather than including references to elements set out in previous reports or using cross-references to parts of reports that did not contain clear operational elements.

59. Several delegations said that the challenge ahead was to reinvigorate the work of the Special Committee to make it more effective and valuable as an organ of the General Assembly. It was also noted that the Committee had the potential to tackle important issues and that its full scope should be utilized.

60. Some delegations suggested that the work of the Special Committee should be reviewed to ensure that the overlap between organs considering the same or similar issues was eliminated. While some suggested that a report could be prepared by the Secretariat for consideration by the General Assembly, other delegations expressed the view that that would not be appropriate. It was noted that the consideration of issues in multiple United Nations forums was not new and, given that it was something that delegations dealt with regularly, they had developed effective strategies for coordinating the various discussions. It was also said that the work of the Committee could be rationalized and any overlap reduced if the Committee enhanced its focus on its legal analysis function.

61. Several delegations suggested that the Special Committee could adjust the frequency and duration of its meetings, perhaps by meeting every two years or shortening its sessions. The view was also expressed that the work of the Committee could be streamlined by combining similar proposals, which would allow for more targeted discussions.

62. Some delegations spoke in favour of extending the current duration of the sessions of the Special Committee and convening them annually. It was also said that the real issue to be addressed was not the frequency or duration of meetings, but rather the lack of dynamic interaction between delegations on important proposals.

Some delegations welcomed creative ideas for catalysing more energetic and substantive discussions on the various proposals on the agenda of the Committee. It was suggested that smaller, informal meetings organized by delegations on particular issues or proposals could better serve that purpose.

63. Some delegations referred to the significant potential of the Special Committee, as highlighted by the landmark instruments that it had produced, including the Manila Declaration, which had been recognized by the General Assembly in its resolution 67/95. Several delegations said that the full execution of the mandate of the Committee depended on the political will of States and on the full implementation and optimization of the methods of work of the Committee, including the configuration of a solid thematic agenda that would allow for the optimal use of resources. The view was expressed that the Committee's work by consensus should not become a form of veto. It was also said that ideological confrontations had detracted from the substantive work of the Committee and that some States were blocking the consideration of proposals before the Committee without presenting any arguments. The view was reiterated that it behoved all Committee members to engage in substantive discussions in order to achieve consensus.

64. Several delegations laid special emphasis on the continuation of the consideration of items and proposals regarding the question of the maintenance of international peace and security, in particular those addressing the functions of the General Assembly. It was also said that the Special Committee was the appropriate forum for the consideration of reform proposals that would enhance the effectiveness of the Organization.

65. The view was also expressed, however, that specific topics should not be discussed by the Special Committee, given that they were clearly addressed in the Charter of the United Nations, rendering further elaboration by the Committee redundant.

66. It was suggested that the regional groups should be urged to nominate candidates for the Bureau of the Special Committee in a timely fashion. If nominations were made sufficiently in advance of a session, the nominees could meet informally before that session to hold initial consultations and engage in substantial preparations, which would streamline the Committee's work and allow for more substantive progress to be achieved.

67. The Special Committee recommended that Member States should submit the candidatures of members of the Bureau well in advance of the sessions of the Committee so that the Bureau could meet informally to review the Committee's agenda and rationalize the work of its sessions. It also recommended inviting Member States to consider the possibility of holding informal intersessional consultations to discuss relevant matters pertaining to the agenda with a view to enhancing efficiency.

## **B. Identification of new subjects**

68. The issue of the identification of new subjects was considered during the general exchange of views held at the 268th and 269th meetings of the Special Committee, on 19 and 20 February 2013, and at the 3rd meeting of the Working Group of the Whole.

69. Several delegations recalled the new subjects proposed at previous sessions of the Special Committee and called for their meaningful consideration. Several delegations said that the Committee could contribute to the examination of legal matters relating to the reform and revitalization of the Organization and its organs, including issues relevant to the implementation of the Charter and to the roles and prerogatives of the General Assembly and the Security Council.

70. The view was presented that, without the express mandate of the General Assembly, the Special Committee should consider no new proposals that might envisage amendments to the Charter and that any such amendments should be considered in the overall context of the reform of the Organization.

71. The view was also expressed that sovereign States had the right to submit relevant new proposals for the consideration of the Special Committee in accordance with its mandate and that not allowing the Committee to consider such proposals while at the same time criticizing it for a lack of results was paradoxical. Several delegations encouraged the submission of proposals for new subjects.

72. It was also suggested, however, that no new subjects should be explored until the Special Committee had addressed its working methods. Some delegations also said that all new subjects should be practical in their focus. It was suggested that the Committee should be cautious about adding new subjects to its work programme and that any new subjects should not be political and should not duplicate efforts being made elsewhere in the Organization.

73. Some delegations expressed support for the proposal for the inclusion of a new item, presented by Ghana at the 2010 session, entitled "Principles and practical measures/mechanisms for strengthening and ensuring more effective cooperation between the United Nations and regional organizations on the matters relating to maintenance of international peace and security in areas of conflict prevention and resolution and post-conflict peacebuilding and peacekeeping, consistent with Chapter VIII of the Charter of the United Nations".

74. The Chair indicated, as an example, topics upon which the Special Committee could focus in its work in order to contribute to the goals of the Charter and to the common interests of humanity, including: the contribution to reinforcing and strengthening the Charter with regard to the functioning of the new bodies that had been created within the auspices of the United Nations in recent years; an examination of the legal aspects of the arrangements concerning interactions with new actors on the international stage, such as civil society and non-governmental organizations; and the question of the follow-up of the decisions and recommendations of the Committee. He also indicated that the Committee could be assisted by research provided by those Member States possessing research centres. He suggested that the identification of new topics could be considered in informal consultations prior to the annual sessions of the Committee.

