



United Nations

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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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 [79/125](#) and met at United Nations Headquarters from 18 to 26 February 2025.
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 three meetings: the 312th and 313th meetings, on 18 February, and the 314th meeting, on 26 February. The Working Group of the Whole, established at the 312th meeting, held three meetings, from 19 to 21 February.
4. The session was opened by Michael Hasenau (Germany), in his capacity as Chair of the previous session of the Special Committee.
5. At its 312th 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 1981,¹ elected the following members of its Bureau:

Chair:

Nathaniel Khng (Singapore)

Vice-Chairs:

Amanuel Giorgio (Eritrea)

Eduardo Manuel López Echevarria (Peru)

Elisa De Raes (Belgium)

Rapporteur:

Eliza Grisle (Latvia)

6. The Bureau of the Special Committee also served as the Bureau of the Working Group of the Whole.
7. The Director of the Codification Division of the Office of Legal Affairs, Arnold Pronto, acted as Secretary of the Special Committee. The Division provided substantive services for the Special Committee and the Working Group.
8. At its 312th 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.
 5. Consideration of the questions referred to in General Assembly resolution [79/125](#), in accordance with the mandate of the Special Committee as set out in that resolution.
 6. Adoption of the report.

¹ See [A/36/33](#), para. 7.

9. General statements touching on all or several items were made at the 312th and 313th meetings.²

10. With regard to the question of the maintenance of international peace and security, the Special Committee had before it General Assembly resolution 64/115 and the annex thereto, entitled “Introduction and implementation of sanctions imposed by the United Nations”.

11. 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;³ 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;⁴ and 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.⁵

12. 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 means referred to in Article 33 thereof, and consistent with the Manila Declaration on the Peaceful Settlement of International Disputes. During the debate, the discussions were focused on the subtopic “Exchange of information on State practices regarding the use of procedures envisaged in the Charter and other international instruments”. The Special Committee had before it an explanatory note by the Non-Aligned Movement on the identification of “other peaceful means” of pacific settlement of disputes in Article 33 (1) of the Charter of the United Nations adopted in paragraph 5 (b) of General Assembly resolution 77/109.⁶ 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*.⁷

13. The Special Committee also had before it the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*.⁸

14. With regard to the question of working methods and identification of new subjects, the Special Committee also had before it a revised working paper on working methods;⁹ a working paper by Mexico, entitled “Discussion on the application of Article 51, in the light of its interrelation with Article 2 (4), of the Charter of the United Nations”, a further revised version of which was submitted at the 2025 session;¹⁰ a proposal by the Islamic Republic of Iran, 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”,

² For the statements made by delegations, see the website of the Special Committee, available at: <https://legal.un.org/committees/charter/>.

³ See A/53/33, para. 98.

⁴ See A/69/33, para. 37.

⁵ See A/74/33, annex I.

⁶ See A/AC.182/L.162 (reproduced in annex IV).

⁷ See A/69/33, para. 52.

⁸ See A/79/188.

⁹ See A/61/33, para. 72.

¹⁰ See A/AC.182/L.168 (reproduced in annex I), subsequently also sponsored by Brazil.

a further revised version of which was submitted at the 2025 session;¹¹ a working paper submitted by the Syrian Arab Republic, 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”;¹² and a working paper submitted by the Russian Federation and other States, entitled “Challenges to the purposes and principles of the Charter of the United Nations arising from initiatives promoting enhanced non-governmental organization participation in the work of the United Nations”.¹³

15. At its 314th meeting, on 26 February, the Special Committee adopted its report on its 2025 session.

¹¹ See [A/AC.182/L.167](#) (reproduced in annex II).

¹² See [A/75/33](#), annex III.

¹³ See [A/AC.182/L.164](#) (reproduced in annex III), subsequently also sponsored by Nigeria.

Chapter II

Maintenance of international peace and security

16. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered the question of the maintenance of international peace and security during the general exchange of views held at its 312th and 313th meetings, on 18 February 2025, and at the 1st meeting of the Working Group of the Whole, on 19 February.

17. In their general comments, several delegations noted the eightieth anniversary of the establishment of the United Nations and emphasized the paramount importance of the Charter of the United Nations for the maintenance of international peace and security. Several delegations called upon all Member States to strengthen their commitment to the Charter, including through upholding its purposes and principles, such as refraining from the threat or use of force, respecting territorial integrity and the peaceful settlement of disputes, faithfully practising multilateralism and upholding the international system with the United Nations at its core and on the basis of international law. Concern was expressed over the selective or accommodative interpretation of the provisions of the Charter and attempts to replace the purposes and principles enshrined in the Charter with a new set of rules that had never been discussed in an inclusive and transparent manner.

18. Many delegations expressed serious concern about violations of the Charter and breaches of international law in ongoing conflicts in various regions of the world and reaffirmed the necessity of protecting the purposes and principles of the Charter and upholding international law. They reiterated their call for the redoubling of efforts towards the achievement of a just and lasting peace in accordance with the Charter.

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

20. A number of delegations reiterated that the reform of the Organization should be carried out in accordance with the principles and procedures established in the Charter while focusing on preserving the legal framework of this constitutional instrument. It was underlined that the General Assembly remained the chief deliberative, policymaking and representative organ of the United Nations. A number of delegations reiterated their concern at the continuing encroachment by the Security Council on the functions and powers of the Assembly and the Economic and Social Council by addressing issues that fell within the competences of those organs, and at the attempts to enter areas of setting norms and establishing definitions that fell within the purview of the Assembly. The view was expressed that there was a need to achieve the right balance envisaged in the Charter between the functions and powers of the principal organs of the Organization, which were encouraged to intensify cooperation and dialogue with one another. It was also emphasized that the Special Committee was the appropriate forum for examining the legal aspects of those issues.

A. Introduction and implementation of sanctions imposed by the United Nations

21. During the general exchange of views held at the 312th and 313th meetings of the Special Committee, on 18 February, and the 1st meeting of the Working Group of

the Whole, on 19 February, reference was made to the issue of the introduction and implementation of sanctions imposed by the United Nations (see General Assembly resolution [64/115](#), annex).

22. During the general exchange of views and the 1st meeting of the Working Group of the Whole, a number of delegations noted that the Special Committee provided a channel of communication between Member States and the Secretariat regarding all aspects of the introduction and implementation of sanctions imposed by the United Nations. It was emphasized that sanctions should avoid double standards and selectivity. Others expressed the view that sanctions were blunt instruments, the use of which raised fundamental ethical questions as to their legitimacy, given that they could inflict suffering on vulnerable groups in the target country.

23. Delegations emphasized that sanctions should be implemented in full compliance with the provisions of the Charter and international law, including international humanitarian law and international human rights law, by ensuring that sanctions were fit for purpose, with clear and objective listing criteria. Some delegations welcomed the adoption of Security Council resolution [2664 \(2022\)](#) on a humanitarian exception to asset freeze measures across United Nations sanctions regimes.

24. The adoption of Council resolution [2744 \(2024\)](#), which introduced new procedures for delisting petitions submitted to the Focal Point Mechanism, and Council resolution [2734 \(2024\)](#), which extended the mandate of the Office of the Ombudsperson to the Security Council Committee pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#) was also welcomed. The Secretary-General was congratulated for his continued efforts to assist States affected by sanctions imposed by the Council.

25. 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 peace or an act of aggression, and that they should be imposed in accordance with the Charter and on the basis of evidence. Some delegations considered that sanctions were not applicable as a preventive measure and should be predicated upon the exhaustion of all other peaceful means. It was emphasized that the objectives of sanctions regimes should be clearly defined, so as to minimize the impact on the civilian population, and based on tenable legal grounds and imposed with a clear time frame, subject to monitoring and a periodic review, and lifted as soon as their objectives were achieved. It was noted that listed individuals and entities must have the right to challenge their inclusion through an effective review mechanism. It was also noted that the objectives of sanctions were not and should not be to punish or exact retribution on an entire population. Several delegations noted that sanctions should not produce unintended consequences in the target State or in third States that might lead to violations of human rights and fundamental freedoms, nor should they hinder humanitarian assistance from reaching the civilian population. It was further noted that there was a need to keep due process under constant monitoring.

26. Several delegations reaffirmed that sanctions were an important tool for ensuring the maintenance of international peace and security without recourse to the use of force. The view was expressed that, in order to be effective, sanctions must be properly implemented by all States Members of the United Nations. Further discussions on strengthening the implementation of sanctions were encouraged, including the termination of sanctions where an individual or entity would no longer need to be subjected to such sanctions, and the readjustment of sanctions where fundamental rights of an entire population were disproportionately affected. The view was also expressed that sanctions outside United Nations auspices did not fall within the scope of the Special Committee. It was noted that there was no conflict between

sanctions imposed under the United Nations framework and autonomous sanctions and that the latter were considered legal and legitimate tools to achieve foreign policy, security and other objectives.

27. A number of delegations reiterated their concerns about the imposition of unilateral sanctions by States in violation of international law, including the Charter, principles such as sovereign equality and non-intervention in the internal affairs of States, the rules of the World Trade Organization and the international rule of law. It was noted that unilateral coercive measures, in particular economic sanctions and financial restrictions, could disproportionately harm civilian populations, exacerbate humanitarian crises and undermine fundamental rights, including the rights to development, health and life. The view was also expressed that unilateral coercive measures were punitive in nature and that sanctions should instead be imposed only in a multilateral context. Some delegations called for the practice of unilateral sanctions to cease immediately and emphasized that there was an urgent need to make progress on the subject.

28. Delegations expressed appreciation for the regular briefings by the Secretariat on the document entitled “Introduction and implementation of sanctions imposed by the United Nations”, contained in the annex to General Assembly resolution 64/115. It was once again 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.

Briefing

29. 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 contained in the annex to General Assembly resolution 64/115, as requested by the Assembly in paragraph 4 of its resolution 79/125. The representative provided information on the elements of the document and general information about United Nations sanctions regimes, adjustments made to United Nations sanctions since the previous briefing, developments in the implementation of sanctions following the adoption of Security Council resolution 2664 (2022), the adoption of resolution 2744 (2024), the role of the sanctions committees and expert panels in the implementation of sanctions, issues of due process, and the monitoring and review mechanisms. The briefing also referred to the Secretariat efforts to continue increasing the geographical diversity and gender balance among sanctions expert panels. She also responded to questions from delegations on several aspects of sanctions regimes.

30. Appreciation was expressed for the briefing and the efforts made to enhance the transparency of the procedures relating to sanctions and due process.

31. It was noted that strengthening due process was essential for the United Nations sanctions regimes, and reference was made to the adoption of Security Council resolutions 2744 (2024) and 2734 (2024). The Secretariat was asked what the key points were with regard to implementing resolution 2744 (2024) and ensuring the effectiveness of the Focal Point Mechanism. The Secretariat was also asked how the independence of the Ombudsperson could be further enhanced in the context of strengthening due process rights. The representative of the Department of Political and Peacebuilding Affairs stressed the importance of due process in the implementation of the measures and noted that the procedures pursuant to resolution 2744 (2024) would become effective once the focal point was appointed. It was noted that the structure of the Office of the Focal Point for Delisting would be similar to that of the Office of the Ombudsperson. She emphasized the importance of raising

awareness of the existence and functioning of delisting procedures. In relation to the possible improvement of the work of the Ombudsperson, she recalled that the Office of the Ombudsperson was dependent on the Department of Political and Peacebuilding Affairs for administrative support but had a separate budget and enjoyed substantive independence.

32. The view was expressed that United Nations sanctions were to be implemented in full compliance with international humanitarian law, and the adoption of Security Council resolution [2761 \(2024\)](#) was noted with appreciation. The Secretariat was asked about the impact of the humanitarian carveout to United Nations sanctions regimes, implementation challenges, and potential solutions. The representative of the Department of Political and Peacebuilding Affairs explained that sanctions committees were required to adopt Implementation Assistance Notices and underscored the need to increase awareness of the standing humanitarian exemption. In relation to challenges to implementation, a possible risk of overcompliance by financial institutions and other actors was noted, but the representative explained that the Emergency Relief Coordinator had observed that there had been a reduction in some delays that humanitarian actors faced to deliver or carry out their activities.

33. In the context of the termination of the mandate of the Panel of Experts for the Security Council Committee established pursuant to resolution [1718 \(2006\)](#), the Secretariat was asked about the implementation challenges in connection with regimes with and without panels of experts and whether any specific challenges had emerged regarding the Democratic People's Republic of Korea sanctions regime since the Panel's termination. The representative of the Department of Political and Peacebuilding Affairs explained that sanctions committees were mandated by the Council to monitor the implementation of sanctions, and she noted that, where there was no panel of experts, the regimes lacked an independent monitoring mechanism. It was also noted that panels were often contacted for clarification regarding the implementation of sanction regimes.

B. 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

34. 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 during the general exchange of views held at the 312th and 313th meetings of the Special Committee, on 18 February, and at the 1st meeting of the Working Group of the Whole, on 19 February.

35. The sponsor delegation recalled the background to the proposal and highlighted that it had been considered by the Special Committee since 1998. It also recalled that the proposal was aimed at, inter alia, reforming the work of the United Nations and reorganizing its organs based on the principles of justice, democracy and the sovereign equality of States. The sponsor delegation stated that the proposal was based on the following key ideas: considering ways and means by which the role of the General Assembly in the maintenance of international peace and security could be strengthened, in line with Articles 10, 11 and 14 of the Charter of the United Nations, given the common responsibility of all Member States in the maintenance of international peace and security; considering ways to enhance the relationship between the General Assembly and the Security Council, in line with Articles 15 and 24 of the Charter, ensuring that membership of the latter reflects equitable geographical distribution; and considering ways in which Chapter VII of the Charter had been evoked. The sponsor delegation further recalled comments from other

delegations suggesting that the proposal duplicated ongoing revitalization efforts in other forums. In that regard, the sponsor delegation stated that there were elements of the proposal that remained valid and were not subject to contradictions or duplication, which needed to be highlighted.

36. Several delegations reiterated their support for the continued consideration of the proposal and emphasized that the proposal merited further meaningful, results-based deliberations and discussions. It was stated that the proposal, if implemented, would have a positive impact on strengthening the work of the Organization.

37. Other delegations reiterated their view that the proposal was unnecessary, as it was among those that were duplicative or inconsistent with ongoing revitalization efforts undertaken elsewhere within the Organization. Some delegations stated that the relationship between the different organs within the Organization was adequately and well defined in the Charter, and that clarification by the Special Committee was thus not needed. It was also stated that the proposal had not developed into an actionable proposal, nor had it been aimed at filling gaps in existing revitalization processes. The sponsor delegation was encouraged to withdraw the proposal, as it had been on the agenda of the Special Committee for years without generating consensus.

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

38. During the general exchange of views held at the 312th and 313th 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.

39. The sponsor delegations recalled the continued relevance of the topic addressed in the further revised working paper, highlighting that the topic was key in the international agenda. A sponsor delegation emphasized that an advisory opinion by the International Court of Justice would make a significant contribution to safeguarding and to the progressive development of the principles and rules of international law, as well as to strengthening international peace and security. A sponsor delegation reiterated that the legal question proposed in the further revised working paper was of a generic character and was not intended to seek the Court's position on any specific situation. The sponsor delegations expressed their readiness to consider constructive proposals with respect to the further revised working paper.

40. A number of delegations reiterated their support for the proposal and the thorough and meaningful consideration of it by the Special Committee. Other delegations expressed their opposition to the request for an advisory opinion by the International Court of Justice as outlined in the proposal. It was indicated that the proposal did not pose a well-defined and specific question for the International Court of Justice to provide a meaningful response. The view was also expressed that the proposal was not necessary, and it was suggested that the Special Committee could move on from the proposal.

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

41. 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 312th and 313th 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.

42. At the 1st meeting of the Working Group of the Whole, the sponsor delegation explained that the revised 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 a consensus on the paper.

43. Some delegations expressed their support for the proposal contained in the revised working paper. It was considered that the paper would contribute to strengthening the role of the Organization and was not duplicative of the efforts for the revitalization of the work of the General Assembly, so should remain on the agenda of the Special Committee.

44. Other delegations were of the opinion that the functions of the principal organs of the United Nations were adequately 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.

Chapter III

Peaceful settlement of disputes

45. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered the question of the peaceful settlement of disputes during the general exchange of views held at its 312th and 313th meetings, on 18 February 2025, and during the 2nd meeting of the Working Group of the Whole, on 20 February.

46. 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, paragraph 3, and 33 of the Charter of the United Nations.

47. Delegations highlighted the significance of the Manila Declaration on the Peaceful Settlement of International Disputes¹⁴ and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.¹⁵ Several delegations emphasized the right of States to choose freely a peaceful means to settle international disputes and maintained that those means should be used in good faith and on the basis of the mutual consent of the parties to the dispute, and should not be subject to abuse.

48. Several delegations asserted the importance of preventive diplomacy in conflict prevention and the peaceful settlement of disputes. 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. Some delegations stressed the importance of the implementation of the decisions of international adjudicative bodies.

50. 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, and they voiced their support for the Special Committee's continuing to analyse all means envisaged in Article 33 of the Charter. A number of delegations encouraged Member States to actively take part in the annual thematic debate and share their best practices and successful examples regarding the use of peaceful means of dispute settlement.

51. 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 procedures envisaged in the Charter and other international instruments

52. In accordance with paragraph 5 (a) of General Assembly resolution [79/125](#), delegations focused their debate on the subtopic "Exchange of information on State practices regarding the use of procedures envisaged in the Charter and other

¹⁴ General Assembly resolution [37/10](#), annex.

¹⁵ General Assembly resolution [2625 \(XXV\)](#), annex.

international instruments”. Reference was made to the document entitled “Explanatory note by the Non-Aligned Movement on the identification of ‘other peaceful means’ of pacific settlement of disputes in Article 33 (1) of the Charter of the United Nations adopted in paragraph 5 (b) of General Assembly resolution 77/109” ([A/AC.182/L.162](#)).

53. Delegations reiterated the importance that they attached to all peaceful means for the settlement of international disputes and supported efforts in promoting such means. Several delegations observed that the Charter of the United Nations, in particular Article 33, and the Manila Declaration on the Peaceful Settlement of International Disputes of 1982 provided a comprehensive toolkit of non-judicial means for the peaceful settlement of disputes. It was recalled that the list of means in Article 33 of the Charter was not an exhaustive one. General Assembly resolution 57/26, entitled “Prevention and peaceful settlement of disputes” was also recalled. Several delegations underscored the freedom of choice of means of peaceful settlement of disputes, as recognized in Article 33 of the Charter. The importance was highlighted of the principles of State consent, sovereign equality, territorial integrity, non-use of force, non-interference and good faith in the peaceful settlement of disputes.

54. Several delegations highlighted instances in which they had used or participated in non-judicial means of international dispute settlement, including negotiation, conciliation, mediation and good offices. The contributions of international organizations, including both the United Nations and regional organizations, in facilitating the settlement of international disputes were underscored.

55. Delegations also generally recalled the importance of judicial means of dispute settlement. The view was expressed that non-judicial means of dispute settlement complemented rather than replaced judicial dispute settlement. The possibility to pursue non-judicial means while judicial proceedings were pending in respect of the same dispute was noted. The relevance of the advisory function of international courts and tribunals was also highlighted. Furthermore, some delegations emphasized the crucial role of international courts, and in this context reiterated their support for the International Court of Justice and the International Criminal Court.

56. The importance of the prevention of international disputes was also emphasized, and the relevance of early warning systems, preventive diplomacy, development cooperation and peacebuilding initiatives was highlighted. The importance of the participation of women in conflict resolution was also underscored.

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*

57. During the general exchange of views held at the 312th and 313th meetings of the Special Committee, on 18 February, and at the 2nd meeting of the Working Group of the Whole, on 20 February, the 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*, as revised in 2014 ([A/69/33](#), para. 52), was considered. The sponsor delegation reiterated the importance of its proposal, highlighting that the *Handbook* was a valuable source. It recalled that the *Handbook* had been prepared at the initiative of the Special Committee in 1992 and had not since been updated. The sponsor delegation emphasized the need to reflect the developments in the field of the peaceful settlement of disputes, in particular in the light of the statements made in the context

of the annual thematic debate on the means for the settlement of disputes in the Special Committee, as well as to create a dedicated website. The sponsor delegation welcomed the support expressed by some delegations for the revised proposal, while questioning statements made by other delegations regarding the potential strain on the budget of the Organization should the proposal be implemented. The sponsor delegation requested information from the Secretariat on the availability of resources to implement the proposal or parts thereof. It noted the absence of objections by delegations to asking the Secretariat to provide estimates, for the next session of the Special Committee, of the costs involved in implementing the proposal.

58. During the general exchange of views and in the Working Group of the Whole, several delegations voiced support for the proposal, reiterating that the *Handbook* was a valuable document. It was stated that the Special Committee was instrumental in the preparation of the *Handbook* and that updating it would be useful, in particular taking into account the best practices shared by Member States in the Special Committee during the annual thematic debate on the means for the settlement of disputes. It was also stated that establishing a dedicated website and updating the *Handbook* would have a crucial impact on the popularization of international law and a positive impact on efforts to strengthen the work of the Organization.

59. Other delegations continued to question the added value of the proposal, given the availability of online resources on the peaceful settlement of disputes, reiterating their concern that it would not be a proper prioritization of the existing limited resources allocated to the Secretariat. Some delegations indicated their openness to considering additional information from the Secretariat on how the *Handbook* could be updated within existing resources.

60. The Secretary of the Special Committee clarified that any information on the possibility of implementing the proposal within existing resources would depend on the precise scope of the proposal.

Chapter IV

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

61. 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 312th and 313th meetings of the Special Committee, on 18 February, and at the 2nd meeting of the Working Group of the Whole, on 20 February.

62. During the general exchange of views and in the Working Group of the Whole, the significance of the two publications in providing analytical studies of the application and interpretation of the Charter and preserving the institutional memory of the Organization was recalled. Delegations commended the Secretariat on its continuing efforts to update the *Repertory* and the *Repertoire* and to eliminate the backlog in the preparation of the *Repertory* and expressed gratitude to those Member States that had made voluntary contributions to the trust funds for the preparation of the two publications. Several delegations noted with concern that the backlog in the preparation of the *Repertory*, in particular volume III, had not been eliminated and called upon the Secretary-General to address the issue effectively and as a priority. The Secretariat was commended for expanding the use of technology to make the *Repertory* and the *Repertoire* available electronically and accessible on their respective websites. The need to publish the two publications in all official languages of the United Nations was noted.

63. At the 2nd meeting of the Working Group, the representatives of the Secretariat gave a briefing on the status of the preparation of the *Repertoire* and the *Repertory*.

64. With regard to the status of the *Repertoire*, further to the most recent report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council* (A/79/188), it was reported that significant progress continued to be made in the preparation of the publication, with a focus on the completion of the twenty-sixth supplement and the commencement of the preparation of the twenty-seventh supplement, covering the years 2023 and 2024, respectively. More specifically, it was noted that the advance version of the twenty-sixth supplement had been completed and posted online in December 2024. It was also reported that the preparation of the twenty-seventh supplement was well under way and that advance versions of sections of that edition were planned to be uploaded during the second quarter of the year, with a view to having the full publication available online by October 2025. It was also noted that the preparatory work on the twenty-eighth supplement, covering the year 2025, had commenced. In addition, it was reported that the editing and translation of prior editions of the *Repertoire* had maintained their scheduled course. The final version of the twenty-fifth supplement (covering 2022) had been published in October 2024, and the twenty-sixth supplement (covering 2023) was scheduled for publication in English in October 2025. It was noted that *Repertoire* editions covering the period from 1989 to 2021 were available online in all six official languages, and translation of the twenty-fifth supplement was expected to be completed by May 2025.

65. With regard to innovation and the use of technology, it was reported that the Security Council Practices and Charter Research Branch of the Security Council Affairs Division continued to prioritize the use of innovative technology as a means of highlighting various aspects of the practice of the Council and enhancing the effectiveness of the collection and analysis of relevant data. The Branch currently maintained over 20 online dashboards and data sets on the practice of the Security Council, including a new online dashboard covering the Council's practice on climate and peace and security, launched in June 2024. In January 2025, the 2024 edition of

the annual *Highlights of Security Council Practice* was released. Furthermore, the monthly newsletter entitled “UN Security Council in Review” continued to be issued.

66. It was further reported that, in July 2024, the Security Council Affairs Division had launched a new and modernized Security Council website, which had made the *Repertoire* and the research tools on the work of the Council more visible, accessible and user-friendly.

67. Gratitude was expressed for the enhanced support of Member States through their voluntary contributions to the trust fund for updating the *Repertoire of the Practice of the Security Council*. It was noted that the resources under the trust fund had enabled the Branch to hire temporary staff to assist in the research, drafting and data analysis work. In October 2024, the Branch launched a new interactive dashboard on the status of the trust fund, providing an overview of Member States’ contributions since its establishment in 1999 and of their support for the Branch through the Junior Professional Officer (associate expert) programme. The generous contributions made by Member States were noted. At the same time, it was noted that the levels and overall predictability of funding remained a concern.

68. It was further recalled that the 2025 appeal for contributions to the trust fund had been launched, with the following three main objectives: maintaining the annual publication schedule of the *Repertoire*; meeting the increasing demand of Member States for real-time data on the Council by creating new data sets and enhancing some existing data sets; and improving data collection methodology in support of the first two objectives.

69. Concerning the status of the *Repertory*, a briefing was given on the main developments since the issuance of the most recent report on the *Repertory* and *Repertoire*.

70. With regard to new studies in preparation, it was reported that, with regard to the call made upon the Secretary-General to address, effectively and on a priority basis, the backlog in the preparation of volume III of the *Repertory* (General Assembly resolution 79/125, para. 16), four studies pertaining to that volume were in preparation by the Faculty of Law at the University of Ottawa, on Articles 31 and 37 of the Charter (for Supplement No. 11 (2010–2015)) and on Article 47 (for Supplement No. 11 and Supplement No. 12 (2016–2020)). It was noted that the Faculty was also in the process of preparing three studies for volume II, on articles 19, 20 and 22 (for Supplement No. 12), and two studies for volume IV, on Article 57 (for Supplements Nos. 11 and 12). That brought the total number of studies in preparation to nine.

71. It was also noted that Volume II of Supplement 10 (2000–2009) had been published on the Repertory website in English, French and Spanish and that one study on Article 13 (1) (a) (second part of the sentence) for Volume II of Supplement No. 11 had been completed. It was also reported that one study on Article 13 (1) (a) (second part of the sentence) for volume II of Supplement No. 12 had been reviewed by the author department (various divisions within the Office of Legal Affairs) and was in the process of being finalized. Furthermore, one study on Articles 104 and 105 for volume VI of Supplement No. 11 remained under review by its author department, the Office of Legal Affairs.

72. With regard to the participation of academic institutions in the research and drafting of studies for the *Repertory*, gratitude was expressed to the Faculty of Law at the University of Ottawa for its continued support.

73. Delegations were once again invited to increase the interest of academic institutions in their countries or regions in participating in the preparation of studies

for the *Repertory*, while taking into account the importance of geographical diversity in that respect.

74. The attention of delegations was also drawn to the call for contributions to the trust fund to eliminate the backlog in the preparation of the *Repertory*. In that regard, it was noted that, as at 31 January 2025, the available balance of the fund was \$93,030.

75. Following the reports by the representatives of the Secretariat, several delegations noted the efforts made to update the *Repertory* and the *Repertoire*, while reiterating their calls upon the Secretary-General to address the backlog in the preparation of the *Repertory* effectively and as a priority.

76. 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) Further 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 further 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*;

(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* so as to sustain the annual publication schedule; and the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

(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 websites for the *Repertory*¹⁶ and for the *Repertoire*;¹⁷

(f) Note with concern that the backlog in the preparation of all volumes of the *Repertory*, in particular volume III, although slightly reduced, has not been eliminated, and 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 1952.¹⁸

¹⁶ <http://legal.un.org/repertory>.

¹⁷ www.un.org/securitycouncil/content/repertoire/structure.

¹⁸ A/2170.

Chapter V

Working methods of the Special Committee and identification of new subjects

A. Working methods of the Special Committee

77. The issue of the working methods of the Special Committee was considered during the general exchange of views at the 312th and 313th meetings of the Special Committee, held on 18 February, and at the 3rd meeting of the Working Group of the Whole, held on 21 February.

78. During the general exchange of views, delegations stressed the importance of the Special Committee in strengthening the role of the Organization in furtherance of the principles and objectives of the Charter, strengthening international cooperation and fostering dialogue and advancing the development of international law, as well as their views of the role of the Special Committee in the clarification and interpretation of provisions of the Charter. A number of delegations emphasized that the Special Committee could contribute to the reform process of the Organization, in particular in the examination of legal aspects thereof, and to its revitalization.

79. The Special Committee was encouraged to improve its efficiency and productivity, including by considering shortening its sessions or transitioning to biennial meetings to make better use of limited Secretariat resources. It was reiterated that the Special Committee should focus its attention on proposals that were practical, non-political and not duplicative of efforts elsewhere in the United Nations and that it should not be used as a forum for raising bilateral concerns. Some delegations emphasized the need to streamline the working methods of the Special Committee, to remove outdated or duplicative proposals and to move beyond repetitive debates towards concrete and time-bound proposals.

80. It was stated that the working methods of the Special Committee should be practical and effective, ensuring that all proposals were fairly and equitably examined and focusing on results that could strengthen the role of the United Nations. It was stressed that the Special Committee must find a balance between the competencies of the main organs of the United Nations, while adhering to the provisions of the Charter and promoting enhanced cooperation and coordination among the various bodies in order to avoid any duplicative efforts. Several delegations opposed the biennialization of the Special Committee, highlighting the importance of annual thematic debates.

81. It was reiterated that the full implementation 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. Concern was expressed at the lack of willingness of some States to engage in meaningful discussions to consider proposals that had long been before the Special Committee. It was stated that the Special Committee had been paralysed since 2022, as it had been unable to adopt substantive parts of its report owing to a lack of consensus among its members.

82. Delegations were encouraged to participate actively in the annual thematic debates, engage in constructive exchanges and ensure more interaction and thematic discussion. Delegations were also encouraged to use the annual thematic debates to share their best practices and successful examples of the use of procedures for the peaceful settlement of disputes. The importance of maintaining a balanced agenda was also highlighted to ensure that the work of the Committee was thoroughly documented and that all viewpoints, including divergent ones, were accurately reflected in the annual report.

B. Identification of new subjects

83. The issue of the identification of new subjects was considered during the general exchange of views held at the 312th and 3013th meetings of the Special Committee, on 18 February, and at the 3rd meeting of the Working Group of the Whole, on 21 February.

84. 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 and the Security Council. The view was expressed that new subjects could assist in providing ways to improve the implementation of the Charter and strengthen the Organization and, in that connection, delegations were urged to exercise flexibility with regard to the inclusion of new subjects in the agenda of the Special Committee. Other delegations stressed that proposals must be practical and non-political, must not duplicate efforts elsewhere within the United Nations, must ensure the efficient and effective use of the time and resources allocated to the Special Committee and should be considered on the basis of the likelihood that they would enjoy consensus.

85. During the general exchange of views and in the Working Group, the delegate of Mexico introduced a further revised version of the proposal to include a new subject entitled "Discussion on the application of Article 51, in the light of its interrelation with Article 2 (4), of the Charter of the United Nations" ([A/AC.182/L.168](#)) and announced that Brazil had joined as a sponsor. It was explained that the aim of the revised proposal was to create a focused space for a legal and technical discussion among all Member States to exchange recent practices that had an impact on the interpretation and application of Articles 2 (4) and 51 of the Charter. It was emphasized that the purpose of the proposal was not to conduct an analysis of specific cases, situations or communications submitted to the Security Council under Article 51 but should include the consideration of procedural questions, including elements of the communications invoking those provisions, as well as ensuring the transparency and publicity of the communications, which was of relevance to the entire membership of the Organization. It was noted that, since the initial presentation of the proposal in the Special Committee, there had been an increase in the number of communications to the Council in which Article 51 had been invoked and that it had been invoked at least 78 times in the previous four years.

86. It was also emphasized that the proposal was not duplicative of or inconsistent with the work of other organs of the United Nations. It was noted that the Security Council often did not engage in a substantive debate concerning the invocation of Article 51, which was an impediment for States in asserting their views on the question and was different from the broad technical and legal discussion open to all Member States that was being proposed. The sponsor delegation thanked all those delegations that had expressed support for the revised proposal, or provided comments thereto, and expressed its readiness to revise the text, as necessary.

87. During the debate in the Working Group, a number of delegations expressed support for the revised working paper presented by Mexico and stressed the importance of the consideration of this topic. It was noted that the proposal touched upon important questions regarding international peace and security and questions on the scope of interpretation of Articles 2 (4) and 51 of the Charter of the United Nations. Several delegations considered that the Special Committee would be the appropriate forum to address the issues raised by the proposal since it concerned a matter within the scope of the mandate of the Special Committee that was of interest to all Member States. It was further pointed out that, as a suborgan of the General

Assembly, the Special Committee was more inclusive and transparent than other potential forums. Some delegations emphasized that, while the Security Council had primary responsibility for the maintenance of international peace and security, its competence was not exclusive. The two sponsoring delegations further announced plans to hold informal consultations on the proposal.

88. Some delegations reiterated their doubts regarding the proposal and questioned whether it fell within the scope of the mandate of the Special Committee and whether the Committee was the appropriate forum for addressing the issues raised. It was emphasized that Member States had a duty to report to the Security Council immediately when they acted in exercise of the right of self-defence and that the Council remained the primary organ for dealing with peace and security. It was observed that notifications under Article 51 and responses thereto were already published on the website of the United Nations and in the *Repertoire of the Practice of the Security Council*. Some delegations noted that other parts of the United Nations system were better placed to discuss the issues raised and that the proposal was duplicative of efforts being made elsewhere within the Organization, such as through the convening of Arria-formula meetings and the work of the Informal Working Group on Documentation and Other Procedural Questions. A sponsor delegation noted that the discussion of the subject in the context of Arria-formula meetings, and the Informal Working Group on Documentation and Other Procedural Questions of the Security Council, remained informal exchanges and that there were limited opportunities for a meaningful exchange on the subject matter of the proposal.

89. At the 314th meeting, the sponsor delegation reported back on the informal consultations held on its proposal on 21 February 2025.

90. At its 3rd meeting, the Working Group considered the proposal for the inclusion of a new item concerning the role of the General Assembly in the Organization, as presented orally at the 2019 session of the Special Committee by the delegation of Cuba (A/74/33, paras. 88 and 89). The sponsor delegation requested a deferral on the consideration of the proposal to the following session of the Committee. No comments were made on the proposal.

91. During the general exchange of views and at the 3rd meeting of the Working Group, the representative of the Islamic Republic of Iran introduced a further revised version of its proposal to include 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.167) and explained the technical update to the proposal made therein. The sponsor delegation emphasized that unilateral coercive measures constituted serious threats to the purposes and principles of the Charter, had no legal basis under international law and defied the rule of law at the international level, regardless of their nomenclature. It noted that unilateral coercive measures impeded the realization of and violated human rights, including the right to development, the right to life and the right to health. It was also noted that such measures threatened the international legal and economic order, inter alia, by hindering international cooperation, trade and investment and undermining the right and freedom of States to engage in international economic cooperation and to choose the forms of organization of their foreign economic relations. It was reiterated that unilateral coercive measures had adverse impacts on the humanitarian needs of affected populations, especially on the most vulnerable groups, while there existed humanitarian exceptions to various sanction regimes. The sponsor delegation reiterated its willingness to work on improving the proposal in cooperation with other delegations and emphasized that the proposal had been made with a view to having a technical discussion on the topic.

92. During the general exchange of views and in the Working Group, a number of delegations supported the inclusion of the proposal in the agenda of the Special Committee, noting that unilateral coercive measures were illegitimate, ineffective and punitive in nature, constituted a direct violation of international law and undermined the principles and purposes of the Charter. Some delegations expressed the view that the proposal had legal and practical implications and deserved serious consideration and expressed openness to discussing the substance of the application of unilateral coercive measures in the Committee. Emphasis was placed on the adverse effects of unilateral coercive measures and on the fact that they often affected vulnerable groups. Several delegations considered that unilateral coercive measures undermined both the enjoyment of human rights and sustainable development in the countries targeted, and reference was made to the ongoing work of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights. The view was expressed that it could be helpful to subdivide the discussion of the topic into various issues related to unilateral coercive measures, such as the extraterritorial application of domestic law, and questions of the appropriate terminology.

93. Several delegations expressed doubts about the proposal. It was considered that the proposal was politically charged and that it had little prospect of generating consensus in the Special Committee, given the diverging opinions of Member States on the legal issues raised therein. Several delegations considered that sanctions other than United Nations sanctions were lawful and legitimate means for achieving foreign policy objectives and restoring peace and security. The view was expressed that sanctions were effective and highly targeted and were not directed at the general population, and that there existed several humanitarian exceptions to the existing sanction regimes.

94. During the general exchange of views, several delegations referred to the proposal made by the delegation of the Syrian Arab Republic delegation in 2020 to include a new subject, as contained in the 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/75/33](#), annex III). Some delegations expressed support for the proposal, emphasizing the importance of the proper implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations. The view was also expressed that proposals that raised bilateral concerns were outside the mandate of the Special Committee.

95. During the 3rd meeting of the Working Group, the Chair of the Special Committee announced that the sponsor delegation had requested that the Committee defer its consideration of the proposal to the following session of the Committee. There were no further comments on the proposal.

96. During the general exchange of views and in the Working Group, the representative of the Russian Federation referred to the proposal for a new subject submitted by Belarus, the Plurinational State of Bolivia, China, the Democratic People’s Republic of Korea, Equatorial Guinea, the Islamic Republic of Iran, Mali, Nicaragua, the Russian Federation, Saint Vincent and the Grenadines, the Syrian Arab Republic and the Bolivarian Republic of Venezuela, as contained in the working paper entitled “Challenges to the purposes and principles of the Charter of the United Nations arising from initiatives promoting enhanced non-governmental organization participation in the work of the United Nations” ([A/AC.182/L.164](#)). The delegation of Nigeria subsequently also joined as a sponsor of the proposal. A sponsor delegation observed that, while non-governmental organizations (NGOs) were already participating in relevant United Nations meetings and processes, there existed

insufficient diversity of geographical representation of civil society, with NGOs from developed countries having more access to the activities of the United Nations. Such a situation deepened inequalities between the developed and developing States, thereby adversely affecting the purposes and principles enshrined in the Charter of the United Nations. A sponsor observed that the prevalence of NGOs from developed States allowed them to shift the focus of United Nations bodies towards issues prioritized by Western nations. It further explained that there was a need to implement procedural reforms with a view to ensuring fair and equal geographical representation of NGOs, as well as to create a mechanism to hold NGOs accountable for abuse of United Nations processes.

97. During the general exchange of views, and in the Working Group, several delegations supported the inclusion of the proposal in the agenda of the Special Committee, noting the importance of equal geographical representation of NGOs. The importance of preserving the principles enshrined in the Charter of the United Nations was emphasized. It was also observed that the aim of the proposal was not to limit or exclude the participation of NGOs in the United Nations, and several delegations emphasized the goal of protecting the intergovernmental nature of the Organization. The view was also expressed that NGOs should work at the level of States rather than the United Nations.

98. Several delegations indicated that they were not in a position to support the proposal. It was observed that independent civil society organizations played an important role in assisting the United Nations in achieving its purposes and that NGO involvement should, if anything, be further strengthened. Several delegations noted that the participation of civil society brought new perspectives and improved the outcomes of the work of the United Nations. A number of delegations expressed the view that NGO participation did not expand inequalities but reduced them. Some delegations indicated that NGOs provided a voice for the most vulnerable, thereby contributing to the protection of human rights and accountability. Some delegations considered that concerns regarding the accreditation of NGOs were better suited to consideration by the Committee on Non-Governmental Organizations of the Economic and Social Council or in the context of the modalities for a particular conference.

Annex I

Discussion on the application of Article 51, in the light of its interrelation with Article 2 (4), of the Charter of the United Nations

Further revised version of the working paper submitted by Mexico, also on behalf of Brazil

I. Objectives

- Create a space for a legal 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, with a view to creating a space within the formal structure of the United Nations that can serve as a repository for the views of all Members in this regard.
- To have this legal discussion taking into consideration recent practice with regard to the submission of reports under Article 51 of the Charter, in particular concerning non-State actors, without examining specific cases, including responses to such reports, or lack thereof, and the precedents such actions may set for future situations.
- To discuss also substantive, procedural, and transparency and publicity issues related to reports submitted under Article 51 with a view to providing greater clarity on the implementation of the Article and to contributing to strengthening the relationship between the General Assembly and the Security Council.

II. Background

1. As noted in reports [A/73/33](#) (paras. 83 and 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 of 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 its 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 submitted a 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 at its 2020 session.

6. The Special Committee fully acknowledges that the Security Council is the competent United Nations organ to take at any time such action as it deems necessary in order to maintain or restore international peace and security in accordance with Article 51 of the Charter.

6 bis. Moreover, as a result of the Arria-formula meeting, convened by Mexico on 24 February 2021 on the theme “Upholding the collective security system of the Charter of the United Nations: the use of force in international law, non-State actors and legitimate self-defence”,¹ in general, delegations stressed the importance of holding a dialogue on the interpretation of Article 51 of the Charter, as well as its direct impact on the individual and collective security systems. The discussions and the number of participations in this informal meeting, which had time-limit constraints, reinforced the need to have an appropriate forum for a universal, dedicated and focalized discussion on these issues in an open and transparent manner.

7. Furthermore, on 13 January 2025, Mexico submitted a position paper on the interpretation and application of Article 51 of the Charter, concerning the inherent right of self-defence. This document articulates the country’s legal position on the matter, without prejudice to its consideration by the Special Committee or any other forum within the United Nations. The position paper was subsequently circulated as an official document under the symbol [A/79/719-S/2025/26](#).

8. The submission is relevant considering that, since 2014, at least 13 States have notified the Security Council of military actions taken on the grounds of individual or collective self-defence under Article 51 of the Charter. Notably, since 2021, Article 51 has been invoked on at least 78 occasions, raising concerns about its misuse and expansive interpretation, considering its consequences for the collective security system and, hence, for international peace and security.

9. Therefore, this discussion will be aimed exclusively at providing a clearer understanding of the legal positions of Member States with regard to the operation, scope and limits of the right to self-defence, focusing on recent practice and on other situations involving non-State actors that may arise in the future, without examining specific cases, 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.

¹ See Chair’s summary of the Arria-formula meeting of the Security Council ([A/75/993-S/2021/247](#), annex).

10. This approach would enhance the relationship between the General Assembly and the Security Council, strengthening the role of the Organization, in accordance with its mandate established in resolution 3499 (XXX) of 15 December 1975 and reaffirmed in resolution 76/115 of 9 December 2021.

III. Issues for consideration

11. 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”.

12. 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.

13. 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.”

14. 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.

15. 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.

16. The aim is therefore to discuss the legal scope of the above-mentioned obligations in all instances in which Article 51 of the Charter is invoked and to identify elements for discussion among Member States, taking into consideration the interpretation that has been given to these provisions of the Charter, both broadly and in the context of counter-terrorism, and 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 information should be included in reports submitted to the Security Council under Article 51?
- (ii) What level of detail would be expected to be included in such reports under Article 51?
- (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) Given the gravity of the use of force and the importance that these instances have for all Member States, would it be desirable and necessary for the Security Council to discuss, examine and consider reports submitted to it under Article 51 on a regular basis?

(iv) If the Security Council does not take action following receipt of a report under Article 51, how could this decision or silence be interpreted?

(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?

17. The Secretariat would be requested to keep a record of all the views expressed by Member States in the discussions of the Special Committee in order to consolidate a repository in this regard.

17 bis. Once included in the substantive agenda of the Special Committee, the topic would be examined by the Committee on a two-year cycle.

18. Once this proposal has been fully considered in its substantive agenda, the Special Committee could decide to conclude its consideration and to revisit it if and when it is deemed appropriate by the Special Committee.

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

Further revised proposal by the Islamic Republic of Iran

Unilateral coercive measures without or beyond the authorization of the Security Council that cannot be qualified as retorsions or countermeasures under the law of international responsibility are unlawful and illegal measures under international law.¹ Unilateral coercive measures constitute a flagrant violation of the fundamental principles of international law and the principles set forth in the Charter of the United Nations, in particular, sovereign equality and non-intervention. Such illegal measures also violate and impede the realization of all human rights while negatively affecting the enjoyment of human rights.

These measures include, but are 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. Unilateral coercive measures contravene the Charter of the United Nations, as well as the norms and principles governing peaceful relations among States, and threaten freedom of international trade, investment and cooperation among States. Such illegal measures can be extraterritorial because of the imposition of secondary sanctions which 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 addition, the actual use of secondary sanctions, as well as imposition of civil and criminal penalties, for the circumvention of the sanctions regimes in the domestic law of sanctioning countries generates fear of any interaction with the targets of those sanctions, leading to voluntary overcompliance.

In recent years, the frequency, type, target and scope of application of unilateral coercive measures have expanded enormously in the international arena.² The unprecedented, alarming intensification of the extent and magnitude of the promulgation, application and implementation of such unlawful measures has caused more severe economic hardship and human suffering, also 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 and exact heavy, disproportionate and indiscriminate human costs upon the whole affected population, including women, children and the elderly.

As a case in point, the imposition of unilateral coercive measures has impeded or disrupted, inter alia, access to healthcare services, access to and procurement of medicine, medical supplies, equipment and services, and the development, purchase and delivery of vaccines, as well as access to life-saving medicines, thus creating serious impediments to the management and mitigation of diseases, as well as treatment of diseases, including but not limited to rare diseases such as epidermolysis bullosa. These illegal measures, which have deliberately inflicted detrimental

¹ A/77/296, para. 6; and A/HRC/51/33, para. 87.

² General Assembly resolution 78/202.

conditions of life upon the affected population, inter alia, through the deprivation of access to medicines and have caused serious humanitarian effects, are tantamount to crimes against humanity and would be comparable to collective reprisals and punishment, and are therefore proscribed under humanitarian law, as such actions adversely affect and compromise the basic human rights of peoples, including the right to life and the right to health.

To underline another non-exhaustive instance of the deleterious impact of unilateral coercive measures, it could be noted that such unlawful measures also hinder international cooperation and limit the ability of affected States to access and acquire the foreign investment and technologies, as well as goods and services, necessary to address environmental issues, while such illegal measures also block international funding from lending agencies that support environmental improvement projects. In countries facing environmental degradation, impediments arising from unilateral coercive measures as a significant contributing factor exacerbate environmental degradation, thereby affecting people's rights to a healthy and sustainable environment and to an adequate standard of living, and even the right to health, to the extent that the right to life is also being endangered.

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 internationally wrongful acts entailing the international responsibility of States promulgating and applying such unlawful measures, as well as States aiding or assisting in the commission of such internationally wrongful acts. Therefore, all Member States are under an obligation to desist and refrain from promulgating and applying or otherwise providing any aid or assistance for the implementation of unilateral coercive measures; in a similar vein, all Member States have the obligation to stand against and counter these unlawful measures that violate freedom of trade, as well as sovereignty. In some circumstances, unilateral coercive 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 its 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 its 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,

Recalling its resolutions [77/214](#) of 15 December 2022, [78/202](#) of 19 December 2023 and [79/167](#) of 17 December 2024 entitled “Human rights and unilateral coercive measures”, and Human Rights Council resolutions [49/6](#) of 31 March 2022, [52/13](#) of 3 April 2023 and [55/7](#) of 3 April 2024, entitled “The negative impact of unilateral coercive measures on the enjoyment of human rights”,

Bearing in mind the purpose of the Charter of the United Nations to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Reaffirming the need for strengthening international cooperation for development,

Desirous of contributing to the creation of conditions for overcoming the main obstacles in the way of the economic development of the developing countries,

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 measures – other than those enacted by the Security Council acting under Chapter VII of the Charter of the United Nations – taken by a State, group or association of States, in violation of the principles of sovereign equality of States and non-interference in internal affairs of States, including pressure in any form, whether political, judicial, financial or economic, in order to compel a change in policy of another State by causing costs and damage to that State and those who support its political course,

Condemning and rejecting unilateral coercive measures and underlining that unilateral coercive measures are a flagrant violation of the fundamental principles of international law and the principles set forth in the Charter of the United Nations,

Bearing in mind that unilateral coercive measures hinder the realization of all human rights and negatively impact the enjoyment of human rights,

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,

Expressing grave concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

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 that unilateral coercive measures create obstacles to the full enjoyment of human rights and impede the full realization of the rights set forth in major international human rights instruments,

1. *Condemns* 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;

2. *Expresses 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;

3. *Adopts* the Guidelines on ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures, contained in the annex to the present resolution.

Annex

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

1. Recourse of any State to unilateral coercive measures is unlawful and contrary to the Charter of the United Nations and international law, and will entail international responsibility. States are strongly urged to refrain from adopting, promulgating and applying unilateral coercive measures that impede the full achievement of economic and social development, particularly in developing countries.¹

2. States shall not recognize or implement or otherwise give effect in any other manner to unilateral coercive measures.

3. Any foreign judgment arising from the application of national laws, orders and regulations imposing unilateral coercive measures, on other States should not be recognized or enforced by national courts.

4. State and private properties and assets, including bank accounts, bonds, real estate and consular and diplomatic facilities, shall be immune from and not subject to freezing, forfeiture or any other form of confiscation or restriction arising from the implementation of unilateral coercive measures by any authorities. The jurisdictional immunities of States and the immunity of their properties shall at all times be observed and protected against the implementation of unilateral coercive measures.

5. In the event of economic or financial loss incurred as a result of the adoption of unilateral coercive measures, the State that, by its action or request, has inflicted such loss on an affected State, individuals and legal entities by its actions or extraterritorial

¹ Resolution 70/1, para. 30.

application of its national laws shall be primarily held liable for compensation and damages.

6. 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.

7. States shall make efforts to create regional or other forms of inter-State financial institutions to strengthen their bilateral and multilateral financial relationships and eliminate the inequitable practices and processes that presently characterize certain global financial and development institutions.

8. 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. Executive and judicial authorities 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.

9. The evasion or circumvention of unilateral coercive measures by individuals shall not be considered as a ground for extradition.

10. Under no circumstances shall trade in humanitarian goods and commodities, such as foodstuffs and agricultural commodities, animal products, medicines and medical devices, as well as spare parts, equipment and associated services necessary for the safety of civil aviation, be subject to any form of direct or indirect coercive economic measures. Accordingly, any impediment to such trade, including impediments to transportation, financial transactions and the transfer of currencies or credit documents, shall be removed.

11. Tangible or intangible cultural properties, cultural activities, academic and sports activities, revenues arising from art and sport, the income of workers abroad, resources pertaining to the functioning of diplomatic missions and consular posts, contributions to international organizations, funds pertaining to students and academic activities, and other activities of a 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.

12. Any unilateral coercive economic measure that adversely affects the entire population of a State 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.

13. Humanitarian aid in kind or in cash in cases of natural and other disasters shall not be subject to unilateral coercive measures.

14. States are also encouraged to raise awareness globally of the negative impact of unilateral coercive measures on the enjoyment of human rights, including the right to life and the right to health.

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

Annex III

Challenges to the purposes and principles of the Charter of the United Nations arising from initiatives promoting enhanced non-governmental organization participation in the work of the United Nations

Working paper submitted by Belarus, Bolivia (Plurinational State of), China, the Democratic People's Republic of Korea, Equatorial Guinea, Iran (Islamic Republic of), Mali, Nicaragua, Nigeria, the Russian Federation, Saint Vincent and the Grenadines, the Syrian Arab Republic and Venezuela (Bolivarian Republic of)

Introduction

In accordance with the mandate outlined 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 is tasked with considering specific proposals from Governments to enhance the ability of the United Nations to achieve its purposes. In fulfilling this mandate, the Special Committee must address challenges to the purposes and principles of the Charter of the United Nations arising from initiatives promoting strengthened non-governmental organization (NGO) participation in the work of the United Nations.

The idea of having more robust participation of civil society in the Organization is not accurate, as NGOs are already participating in relevant United Nations meetings and processes. Nevertheless, a diverse participation of NGOs is not possible in practice, as factors inherent to the nature of NGOs may significantly contribute to cementing inequalities between the developed and developing world, adversely affecting the purposes and principles enshrined in the Charter of the United Nations, including but not limited to the sovereign equality of States, non-interference in domestic affairs, the promotion of social progress and better standards of life, as well as cooperation in solving international problems.

Non-governmental organizations deepen global inequalities

The phenomenon of NGOs is not as universal as portrayed. Historically, “civil society organizations” have originated in rich and powerful developed countries as a traditional tool for lobbying. For decades, large businesses used NGOs as a vehicle to make their interests known to political authorities, avoiding corruption and bribery charges, and camouflaging power struggles with rival companies as an “aspiration for the greater good”.

As sponsoring corporations grew in size and influence, surpassing national borders, so did the NGOs supported by them. Nowadays, some of the oldest Western NGOs and funds, owing to their historically close ties with big businesses, can boast budgets easily exceeding the regular budget of the United Nations. None of the non-Western homegrown civil society organizations can come close to such parameters for a simple reason: NGOs do not participate in the creation of any economic goods. Thus, only countries with excess resources, large economies and specific traditions of interaction between political and economic elites can incubate such an instrument. In simple terms, large NGOs, which do not produce any tangible economic benefit, but rather consume considerable amounts of resources to maintain their daily operations, are a tool that the developing world cannot afford.

In non-Western countries, there are no obvious sponsors for such organizations domestically. If philanthropists come from rich countries overseas, the question naturally arises: whose interests would the “civil society organization” in question be promoting in reality? The same applies to local “branch offices” of global or Western NGOs, who sometimes try to mimic “grass-roots organizations” but, in fact, serve as proxies for transnational corporations and foreign governments, interfering heavily with domestic affairs for their very particular economic and political interests having nothing in common with “the greater good”.

Initiatives promoting strengthened non-governmental organization participation pose challenges to the United Nations and its Charter

As demonstrated above, reinforcing NGO participation in United Nations work will mean giving even more power to the already powerful few that are not accountable to the intergovernmentally agreed rules and regulations governing their participation in the work of the Organization. “Civil society organizations” backed by businesses and transnational corporations from developed countries have a numerical advantage and better access to resources, technology and expertise. All that, coupled with advanced and expensive public relations and communications strategies, extensive global mass media and social network coverage, allows them to project more influence on United Nations policies compared with any civil society actors originating from developing countries.

The financial burden of participating in United Nations processes, including travel expenses associated with attending various conferences and meetings, is more challenging for organizations from developing countries, limiting their engagement and allowing Western NGOs with wealthy sponsors to shape and monopolize agendas. As a result of these disparities, the focus of United Nations agencies relying too much on NGO opinions often shifts towards issues prioritized by Western nations, leading to a disproportionate allocation of resources, leaving critical concerns of developing countries underaddressed.

Thus, initiatives promoting more robust “civil society” participation in the work of the United Nations have nothing to do with democratization or transparency but are designed to amplify the voices of wealthier nations in the Organization, contrary to the principle of sovereign equality of States. Such dynamics would cement historical legacies of colonialism and neocolonial economic structures, contributing to an inherent bias in favour of Western interests within the United Nations.

Western-backed NGOs have strong networks and connections with and within United Nations agencies, enabling them to influence priorities and strategies. In the Organization, they perform the same lobbying activities as domestically in the interests of their sponsors, sidelining the priorities of developing nations. Resource disparity leads to the dominance of Western and Western-backed NGOs among those who participate in technical assistance projects. This, in turn, leads to the promotion of Western-centric models and solutions that are often not suitable or effective in addressing the unique challenges faced by developing countries. Moreover, such NGOs providing respective services often grossly interfere with the domestic affairs of the assisted State, regarding themselves as not being bound by United Nations rules and regulations.

However, the principles of sovereign equality of States and non-interference in domestic affairs are not the only ones from among the purposes and principles of the Charter of the United Nations affected by disparities and inequalities inherent to the nature of NGOs. Other instances may include, for example, “cooperation in solving international problems”: Western-backed NGOs with superior access to resources, information and decision-making processes are successful in shaping agendas and

imposing within the United Nations models of cooperation benefiting their sponsors. The same factors may also thwart the “evaluation of social progress and the definition of better standards of life” (by sidelining the priorities of developing nations), as well as the promotion of economic, social, cultural and educational cooperation (by promoting Western-centred models insensitive to unique regional and national needs, priorities and specificities).

In addition, NGOs are not contributing to the United Nations budget, are not signatories to the Charter of the United Nations and do not bear the respective obligations. Representatives of the Member States serve their respective peoples. Representatives of NGOs, on the contrary, answer only to their sponsors, whose business and geopolitical interests are much more specific than the vague “serving the greater good”.

Any broadening of already significant NGO participation in the work of the United Nations would raise serious challenges, reinforcing international and regional disparities and inequalities, to the detriment of the purposes and principles enshrined in the Charter of the United Nations and of the intergovernmental processes within the United Nations.

Conclusions and recommendations for the Special Committee

It is crucial to design procedural and organizational solutions to address the various aspects related to the participation of NGOs in United Nations bodies and to prevent this participation from being used to promote politicization, selective and punitive approaches, in benefit of national agendas from a few developed countries. Such a procedure ought to guarantee that the intergovernmental nature of the United Nations is not undermined and that the participation of NGOs is in accordance with the rules of procedure of the General Assembly and is not misused to serve the narrow interests of a few countries.

Procedures need to be put in place to ensure fair and equitable geographical representation among NGOs participating in United Nations processes, particularly representing the unaddressed views and unheard voices from non-Western countries. The Member States shall have full control of the processes allowing NGO participation, in compliance with the Charter of the United Nations, Economic and Social Council resolution 1996/31, the decisions of the Committee on Non-Governmental Organizations and other relevant resolutions.

There are currently no appropriate mechanisms in place to hold NGOs accountable for their abuse of the United Nations system and related processes, or for the misuse of their consultative status with the Economic and Social Council. Such a situation needs to be addressed. Finding proper solutions to the challenges enumerated above will be a mandatory preliminary condition for considering any action on suggestions contained in the report entitled “Our Common Agenda” promoting reinforced participation of NGOs in the work of the United Nations.

The Special Committee on the Charter of the United Nations is a proper forum for examining the problem and discussing effective ways of dealing with it.

Annex IV

Explanatory note by the Non-Aligned Movement on the identification of “other peaceful means” of pacific settlement of disputes in Article 33 (1) of the Charter of the United Nations adopted in paragraph 5 (b) of General Assembly resolution [77/109](#)

1. In the consecutive resolutions entitled “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization”, the General Assembly requests the Special Committee “to keep on its agenda the question of the peaceful settlement of disputes between States”. In this regard, the Assembly decides “to undertake an annual thematic debate in the Special Committee, under the agenda item on the peaceful settlement of disputes, to discuss the means for the settlement of disputes, in accordance with Chapter VI of the Charter, including in particular those contained in Article 33 thereof, and consistent with the Manila Declaration on the Peaceful Settlement of International Disputes”. In the same vein, the Assembly invites Member States to focus their comments during the thematic debate on one of the means for the peaceful settlement of disputes enumerated in Article 33 (1) of the Charter of the United Nations, while ensuring that other means of dispute settlement will be discussed at the subsequent sessions of the Special Committee.

2. Since the Special Committee is near its closure to exhaust the consideration of all enumerated means in Article 33 (1) of the Charter by consideration of “resort to regional agencies or arrangements” at the 2023 session of the Special Committee, the Non-Aligned Movement identified five other means of peaceful settlement of disputes based on the “other peaceful means” as indicated in Article 33 (1) and proposed it to the Sixth Committee in its seventy-seventh session for consideration. This was done in order to enable the Special Committee to meet its mandate granted by the General Assembly, bearing in mind that the list of other possible identified means remains non-exhaustive and illustrative only.

3. Paragraph 5 (b) of General Assembly resolution [77/109](#), entitled “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization”, reads as follows:

Bearing in mind Article 33 (1) of the Charter of the United Nations, also invites Member States to consider for future thematic debates in the next sessions of the Special Committee the following other peaceful means in an indicative and non-exhaustive manner, and based on State practices, in the following consecutive order: good offices; procedures envisaged in the Charter and other international instruments; adaptation or combination of traditional means; exchange of information and communication; and Implementation and Compliance Committees.

4. To facilitate discussions, and without prejudice to the positions and views of any Member State, the Non-Aligned Movement wishes to provide the following brief explanations of each of the means identified in paragraph 5 (b) of resolution [77/109](#):

(a) **Good offices (including of the Secretary-General of the United Nations).** According to Alain Pellet, “good offices” is the only significant “missing means” in Article 33 of the Charter.

(b) **Procedures envisaged in the Charter and other international instruments.** This potential subtopic could cover the non-judicial procedures of dispute settlement provided for in the Charter and in the constituent instruments of international organizations and in other multilateral treaties.

(c) **Adaptation or combination of traditional means.** This potential subtopic might include consideration of various adaptations or combinations of traditional means of dispute settlement.

(d) **Exchange of information and communication.** The timely exchange of information or communication can oftentimes help to reduce a conflict of interests which has the potential to lead to a dispute or deteriorate an emerging dispute. This is true with regard to activities that may have transboundary effects in particular, for instance in matters related to the prevention of pollution and the use of international watercourses. The exchange of information can also be voluntary or an obligation. With that in mind, the 1997 Convention on the Law of the Non-Navigational Uses of International Watercourses forecasts the exchange of information on planned measures (articles 11–19). However, the exchange of information is not always left exclusively in the hands of the parties in certain cases. Thus, the Organization for Security and Cooperation in Europe has established several organs and processes for monitoring and early warning, such as the High Commissioner on National Minorities.

(e) **Implementation and Compliance Committees.** The intended role of an Implementation and Compliance Committee in the context of different treaties and conventions is to facilitate implementation of and promote compliance with the provisions of the respective instrument. Its objective is to assist parties in complying with their obligations under the convention and to facilitate, promote, monitor and aim to secure the fulfilment of and compliance with the obligations under the relevant treaty. This mechanism normally acts in a manner that is transparent, non-adversarial and non-punitive, with due attention paid to the respective national capabilities and circumstances of the parties. The functions of the Committee shall further be elaborated according to the context of each instrument. The Committee can also take different measures to facilitate implementation and promote compliance, such as helping countries to engage with relevant bodies or arrangements on finance, technology and capacity-building or assist in the development of an action plan. This mechanism has been successfully established under environmental instruments such as the Paris Agreement, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Minamata Convention on Mercury.

