



General Assembly

Eleventh Session

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Sixth Committee – Legal

This group focuses on legal questions. The United Nations is interested in creating international laws that all countries can agree to. They also want to make sure that the laws are written down and that everybody knows what the laws are. This makes it easier for countries to work together and stops wars from happening. They also encourage countries to make good laws that protect its citizens.

Every year the General Assembly assigns this group a list of things they should discuss. If the legal question is very difficult to answer or is complex this group will ask for help from the **International Law Commission**. This committee has a tradition of consensus. Countries reach agreement without having to take a vote. This makes sense because if you want everybody to follow a law they should all agree that it is a good idea.

This group works closely with the **International Law Commission**. They have passed resolutions on international terrorism, human cloning, and the taking of hostages.

Agenda Item 83 – Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Background

World War II was the deadliest war in history. 50 million people died. In 1944, the countries fighting knew it was important to stop future wars. Many nations felt finding solutions to problems by peaceful means was important. This is why states created the United Nations. States created the UN to be a worldwide organization that encourages cooperation between countries.

The basis of the UN is its Charter. The UN Charter is a treaty which most countries in the world have agreed to. It explains how the UN works. How a country can join and what countries need to do to support the UN. It outlines how voting works and what are the main organs of the UN. It clearly defines the rules of being a member of the UN. It also explains how the Charter can be changed.

When it started in 1945 there were 51 members. Since 1945, many more countries have joined. There are now 193 member states. For this reason, the Charter had to be amended. The Charter mostly changed in order to add more states to the different Councils. Security Council increased from 11 to 15 members. The UN Economic and Social Council is now up to 54 from the original 18. These changes needed to happen since the UN more than tripled in size.

The UN is more than 70 years old. It is important for its organization to be able to change with the times. What else needs to change to make it more relevant?

Originally, the plan was for the UN to make amendments every 10 years. This was important to keep up with modern thinking and ideas. However, the UN is always thinking about ways it can change and adapt to better serve the world. Each Secretary-General has made it a priority to think about ways the UN can improve. Ban Ki-Moon made a lot of reforms to Peacekeeping and raised the standards Peacekeepers should live up to when they are working in a country. He also organized a panel in 2014 in order to see how Peacekeeping needs to change to better serve people in the future.

One of the biggest changes in the UN was the UN Commission on Human Rights. This group was supposed to make sure human rights were being respected around the world. However, it did not work too well in practice. Many of the countries on the committee did not have good human rights records. As well, the members of the Commission were chosen in secret. There was a lot of politics and countries were not always talking in a way to promote human rights in the world.

In 2006, the UN Commission on Human Rights was changed to the Human Rights Council. In this Council, 47 states are elected and they must apply to do so. Also, countries need to protect human rights in their states or they could be suspended from the Council. They also meet more often and for a longer period. Finally, every year there is a periodic universal review where the human rights records of every country are examined. This was a major change to how the UN worked but it was one that saw a lot of improvements.

Many countries believe that the Security Council needs to be reformed. It is made up of 15 members. 5 of those members are permanent and the General Assembly chooses the other 10 for a period of 2 years. The 5 permanent members all have a veto. This means that they can stop a resolution from being passed just by saying so. Many countries believe that this is unfair. Other countries believe that there should be more members. Nonetheless, nothing has changed with the Security Council for over 50 years! However, all changes must be accepted by the 5 permanent members because they could just veto anything they did not like.

On January 1st, António Guterres became the Secretary-General of the United Nations. In May 2017, he said that the three pillars of the UN (peace and security and human rights, and development) could not be looked at separately. They had to work on together saying: "There is no peace and security without human rights. This approach must be at the center of our strategy of reform." This idea is something states have been asking for a long time. The UN is a huge organization but it does not always seem like all the parts of it are working together in order to meet goals.

Global Taxes

The United Nations has a lot of problems getting enough money to run its programs. It needs about US\$5.5 billion dollars a year for the regular budget. The US is the largest donor and pays 22% of the yearly budget. Some people think this influences the UN towards seeing things from an American perspective. However, a worldwide tax would help make money for the UN. Most people suggest a tax on plane travel or on international banking transactions. Some countries do not like this idea. They feel an international tax would limit their power. The UN has no power to make something like this happen. It is forum for states to talk – not a government itself.

Security Council Reform

This is the reform initiative that gets the most discussion. Many countries see the vetoes of the 5 permanent members as unfair. They also feel that more countries should be on the Security Council and that some of those countries should be permanent and get a veto. The other problem is that 3 of the countries who are permanent are in Europe: Russia, UK, and France. No country from Africa or South America is represented as a permanent member. The Security Council needs to be updated to better reflect the modern world and the countries in it. Most countries agree – they just do not know what to do.

General Assembly Reform

Many people argue that the UN does not actually get anything done. However, the General Assembly is a good example of what the actual will of the world is. Every country gets one vote so the resolutions represent what the majority of states think. However, none of the resolutions of the General Assembly can be enforced. How can this be improved?

UN Standing Force

When the Security Council orders a Peacekeeping Mission they do so without knowing if they will have any troops to do the mission. The UN does not have an army. They rely on other countries to offer soldiers in order to take part in a Peacekeeping Mission. A standing force would be a large number of soldiers set aside, ready to go into a country that the UN decides needs help. The main problem with this idea is that countries do not like to think of the UN as having access to an army. It threatens their own power.

The Pillars of the UN

Guiding Questions

1. What is your country's position on UN Reform? What has it said in the past? What do you think its opinion might be? Why?
2. How can countries work together to improve the UN?
3. Research António Guterres. What types of changes is he making? How are his actions different from Ban Ki-Moon's?
4. Research the Security Council. What reforms would make the most sense in your country's opinion? Why?
5. What do you think would be the easiest things to reform to make the work of the UN better? Why?
6. Countries see themselves as sovereign. That means they have absolute power in their territory. Why would they not want to allow the United Nations to raise its own money through taxes? Why is this especially sensitive for the US?
7. Peace and Security, Human Rights and Sustainable Development are the pillars of the UN. How are these issues connected? How has the UN approached this connection in the past?
8. Does the problem exist in your community?
9. Who is working on it? NGOs, not for profits, other groups or individuals?
10. Knowing about this problem, how does it impact your world view?
11. How could you make an impact on this issue through your life choices?

Resources

Title	Hyperlink	How is it helpful?
<i>UN and the Rule of Law</i>	https://www.un.org/ruleoflaw/	UN site about the rule of law, why it is important and progress that has been made.
<i>Charter of the United Nations</i>	http://www.un.org/en/charter-united-nations/	The full text of the UN's Charter.
<i>Global Policy Forum</i>	https://www.globalpolicy.org/un-reform.html	A page outlining many of the ideas people have had to reform the UN.
<i>San Francisco 1945</i>	http://www.unmultimedia.org/avlibrary/asset/1288/1288630/	A documentary from 1945 about the making of the UN.
<i>3 Reforms the UN Needs as it Turns 70</i>	https://www.weforum.org/agenda/2015/08/3-reforms-the-un-needs-as-it-turns-70/	A World Economic Forum article about the changes that need to be seen at the UN.
<i>My 10 Principles to Reform the UN</i>	https://www.theguardian.com/commentisfree/2016/aug/08/my-10-principles-to-reform-the-united-nations-before-its-too-late	An opinion piece from the Guardian newspaper about what needs to be done to reform the UN.
<i>Ban Ki-Moon Calls for Action</i>	https://www.un.org/apps/news/story.asp?NewsID=52244#.WaxWp4pLcU8	A UN news report about how Ban Ki-Moon believes Peacekeeping needs to be reformed.
<i>UN Must Reform to Defend Enlightenment Values</i>	https://www.theguardian.com/world/2017/may/10/un-reform-secretary-general-antonio-guterres	A Guardian article about what António Guterres thinks needs to happen to improve the UN.



General Assembly

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20 December 2016

Seventy-first session
Agenda item 83

Resolution adopted by the General Assembly on 13 December 2016

[on the report of the Sixth Committee (A/71/514)]

71/146. 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,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council,¹

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled “Supplement to an Agenda for Peace”, by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Concerned about the special economic problems confronting certain States arising from the carrying-out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter to join in affording mutual assistance in carrying out the measures decided upon by the Council,

¹ Official Records of the General Assembly, Sixty-third Session, Supplement No. 47 (A/63/47).



Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recalling also that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Mindful of the adoption of the revised working papers on the working methods of the Special Committee,²

Taking note of the report of the Secretary-General entitled “*Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council*”,³

Recalling paragraphs 106 to 110, 176 and 177 of the 2005 World Summit Outcome,⁴

Mindful of the decision of the Special Committee in which it expressed its readiness to engage, as appropriate, in the implementation of any decisions that might be taken at the high-level plenary meeting of the sixtieth session of the General Assembly in September 2005 that concerned the Charter and any amendments thereto,⁵

Recalling the provisions of its resolutions [50/51](#) of 11 December 1995, [51/208](#) of 17 December 1996, [52/162](#) of 15 December 1997, [53/107](#) of 8 December 1998, [54/107](#) of 9 December 1999, [55/157](#) of 12 December 2000, [56/87](#) of 12 December 2001, [57/25](#) of 19 November 2002, [58/80](#) of 9 December 2003 and [59/45](#) of 2 December 2004,

Recalling also its resolution [64/115](#) of 16 December 2009 and the document entitled “Introduction and implementation of sanctions imposed by the United Nations” annexed thereto,

Having considered the report of the Special Committee on the work of its session held in 2016,⁶

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;⁶

2. *Decides* that the Special Committee shall hold its next session from 21 February to 1 March 2017;

3. *Requests* the Special Committee, at its session in 2017, in accordance with paragraph 5 of General Assembly resolution [50/52](#) of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to

² Ibid., *Sixty-first Session, Supplement No. 33 (A/61/33)*, para. 72.

³ [A/71/202](#).

⁴ Resolution [60/1](#).

⁵ *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33 (A/60/33)*, para. 77.

⁶ Ibid., *Seventy-first Session, Supplement No. 33 (A/71/33)*.

strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2017, including strengthening the relationship and cooperation between the United Nations and regional organizations or arrangements in the peaceful settlement of disputes;

(b) To keep on its agenda the question of the peaceful settlement of disputes between States;

(c) To consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the high-level plenary meeting of the sixtieth session of the General Assembly in September 2005 that concern the Charter and any amendments thereto;

(d) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency and utilization of resources with a view to identifying widely acceptable measures for future implementation;

4. *Endorses* the decisions and recommendations adopted by the Special Committee at its 2016 session, as annexed to the present resolution, and calls upon the Special Committee to consider these in an appropriate, substantive manner and framework;

5. *Invites* the Special Committee, at its session in 2017, to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

6. *Notes* the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at its seventy-second session;

8. *Recognizes* the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes, notes that, consistent with Article 96 of the Charter, the Court's advisory jurisdiction may be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies, and requests the Secretary-General to distribute, in due course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations;

9. *Commends* the Secretary-General for the progress made in the preparation of studies for the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

10. *Notes with appreciation* the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*, as well as the trust fund for the updating of the *Repertoire*;

11. *Reiterates its call for* voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in

carrying out the effective elimination of that backlog; voluntary contributions to the trust fund for the updating of the *Repertoire*; and the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

12. *Calls 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 welcomes the establishment of a new website for the *Repertory*;⁷

13. *Notes with concern* that the backlog in the preparation of volume III of the *Repertory*, although slightly reduced, has not been eliminated, and calls 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;

14. *Reiterates* the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire*, and with regard to the *Repertoire* calls upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report dated 18 September 1952;⁸

15. *Requests* the Secretary-General to submit to the General Assembly at its seventy-second session a report on both the *Repertory* and the *Repertoire*;

16. *Also requests* the Secretary-General to submit to the General Assembly at its seventy-second session, under the item entitled “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization”, a report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;

17. *Decides* to include in the provisional agenda of its seventy-second session the item entitled “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization”.

62nd plenary meeting
13 December 2016

Annex

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

1. *Calls upon* the Member States to hold intersessional informal meetings with the aim of finalizing the proposal of the Movement of Non-Aligned Countries entitled “Proposal of the Non-Aligned Movement on the pacific settlement of disputes and its impact on the maintenance of peace”⁹ and the proposal submitted by Ghana entitled “Working paper by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes”,¹⁰ and calls upon all the Member States to constructively engage on those proposals with a view to making substantive progress at the next session of the Special Committee;

⁷ <http://legal.un.org/repertory>.

⁸ A/2170.

⁹ *Official Records of the General Assembly, Seventieth Session, Supplement No. 33 (A/70/33)*, annex I.

¹⁰ *Ibid.*, *Seventy-first Session, Supplement No. 33 (A/71/33)*, annex.

2. *Recommends* that the question of the implementation of the provisions of the Charter of the United Nations relating to assistance to third States affected by the application of sanctions (Article 50 of the Charter) be considered by the Special Committee at the seventy-second session of the General Assembly and biennially thereafter, and recommends that the Secretary-General be requested to submit to the Assembly a report on the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions at the seventy-second session and biennially thereafter;

3. *Also recommends* that the Secretary-General be requested to brief the Special Committee annually, commencing at its 2017 session, on the document entitled “Introduction and implementation of sanctions imposed by the United Nations” contained in the annex to General Assembly resolution [64/115](#) of 16 December 2009;

4. *Requests* the Chair of the Special Committee to send a letter to the President of the General Assembly recalling the seventieth anniversary of the International Court of Justice and welcoming the events planned to commemorate the occasion;

5. *Recommends* that the General Assembly mark the seventieth anniversary of the International Court of Justice by means of the commemorative draft resolution, recommended by the Special Committee,¹¹ to be adopted at its seventy-first session.

¹¹ *Ibid.*, para. 92.