

General Statement
Special Committee on the Charter of the United Nations and on the
Strengthening of the Role of the Organization
Elizabeth Grosso, Attorney-Adviser
United States Mission to the United Nations
February 22, 2022

Thank you, Chair.

We welcome this opportunity to provide a few observations about the work of the Special Committee on the UN Charter this year.

First, we continue to thank the Secretariat of the Special Committee, the Bureau, the interpreters and other support staff, for their work supporting this Committee and in particular, for another year of creatively adapting to the unique circumstances of the Covid-19 pandemic.

We also thank the Codification Division of the Office of Legal Affairs for their hard work on the Repertory of Practice of the United Nations Organs and the Repertoire of the Practice of the Security Council, which are valuable resources on the practice of the United Nations organs.

We are pleased that the General Assembly agreed by consensus to mark the 40th Anniversary of the Manila Declaration with a resolution this Session. The Declaration stands as a marquee achievement of the Charter Committee and the inspiration for our detailed examination of methods of peaceful dispute settlement in the Special Committee's Working Group. We look forward to the annual thematic debate later this week, this time exchanging views on the use of judicial settlement.

We also look forward to the annual briefing on sanctions. The United States emphasizes that targeted sanctions adopted by the Security Council in accordance with the UN Charter remain an important instrument for the maintenance of international peace and security. We continue to support further discussion on options to strengthen their implementation. While sanctions implemented outside of UN auspices are not the focus of this Committee's work, we wish to also make clear our view that those sanctions are also a legitimate means to achieve foreign policy, security, and other important objectives.

In the area of the maintenance of peace and security, we continue to believe that the proposal by Ghana concerning UN cooperation with regional organizations merits further consideration, and encourage Ghana to continue to refine the proposal. We reiterate, however, that the Committee should not pursue initiatives regarding the maintenance of peace and security that would be duplicative or inconsistent with the roles of the principal organs of the United Nations as set forth in the Charter. This includes consideration of a working paper that calls, among other things, for a Charter Committee legal study of General Assembly powers, as well as a longstanding proposal regarding UN reform. On the question of the General Assembly requesting an advisory opinion on the use of force from the International Court of Justice, we have consistently stated that the United States does not support the proposal.

With respect to proposals regarding new subjects that might warrant consideration by the Special Committee, our longstanding view is that all new items should be practical, non-political, and not duplicate efforts elsewhere in the United Nations. Meaningful discussion within this Special Committee's mandate should not be displaced by consideration of topics more appropriately raised in other fora or the airing of bilateral concerns. For these reasons, we continue to believe that three new proposals raised in our 2020 session should not be added to the Committee's agenda. We do not support the proposal concerning unilateral coercive measures. Concerns about the obligations of the host country should be raised in the dedicated Host Country Committee, and we also believe the proposal concerning Article 51 to be duplicative of efforts in other fora. We believe consideration of these politically charged topics has little prospect for generating consensus in this committee.

The United States has welcomed productive steps in past years to streamline the agenda of the Special Committee and to close the discussion of proposals that failed to generate consensus. We urge members wishing to reinvigorate the Special Committee to withdraw proposals that have languished on its agenda and to give serious consideration to biennial meetings or shortened sessions, especially if the impact of the pandemic continues to create intense scheduling demand at the UN headquarters. We hope the Special Committee will take further steps to improve its efficiency and productivity, and to make the best use of scarce Secretariat resources.

Thank you.