

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 21, 2023

Thank you, Chair.

I want to begin by acknowledging that as we convene this meeting of the Special Committee on the UN Charter, we continue to witness in real time the violation of the U.N. Charter, as the Russian Federation wages a war of aggression against its neighbor, Ukraine. Article 2, paragraph 4 of the Charter sets out the core tenet that all members of the United Nations “shall refrain . . . from the threat or use of force against the territorial integrity or political independence of any state.” The violation of this prohibition strikes at the heart of the Charter. Sadly, as we discuss the peaceful settlement of disputes in this Committee, we will also be marking one year since Russia’s full-scale invasion of Ukraine, a war that has brought with it tremendous suffering and consistent violations of international law. During this time, the members of the General Assembly have overwhelmingly condemned Russian aggression against Ukraine and the illegal so-called referenda used to justify the attempted annexation of Ukrainian territory. We have demanded the immediate withdrawal of Russian forces from within Ukraine’s internationally recognized borders, and called upon the Russian Federation to abide by the principles of the UN Charter. As this Committee sets out to examine and strengthen the UN Charter, the United States reaffirms these demands.

I will now turn to a few observations about the work of the Special Committee this session.

We look forward to the annual thematic debate on the peaceful settlement of disputes, this year focused on regional organizations and arrangements, as well as 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 a legitimate means to achieve foreign policy, security, and other important objectives. Indeed, the sanctions adopted by numerous states in response to Russia's war against Ukraine are a prime illustration that there is a necessary and appropriate role for sanctions implemented by states and regional organizations outside the auspices of the UN.

In the area of the maintenance of peace and security, we have taken note of Ghana's decision to withdraw its proposal concerning UN cooperation with regional organizations, but encourage Ghana to continue refining the proposal in the future. We continue to view several older proposals under this agenda item as 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. We have also consistently stated that the United States does not support the proposal made in 1999 for an advisory opinion from the International Court of Justice.

With respect to proposals of new subjects for consideration by the Special Committee, we continue to welcome new proposals that are practical, non-political, and do not duplicate efforts elsewhere in the United Nations. We urge member states to avoid using the Special Committee as a forum for the airing of bilateral concerns, or to pursue topics more appropriately raised in other fora. For these reasons, we continue to believe that three proposals initially 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 better addressed in other fora. We believe consideration of these politically charged topics has little prospect for generating consensus in this committee.

We have heard some delegations advocate for the reinvigoration of this Committee. We urge such delegations to show their commitment to doing so by

withdrawing proposals that have languished on its agenda for years without advancement and focusing new proposals on topics that have a realistic prospect of productive engagement. Given the heavy demands on meeting resources at the UN and the repetitive nature of the Special Committee's agenda, it is also high time to give serious consideration to biennializing its sessions. 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.

We take this opportunity to 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 also want to express our appreciation for the Secretariat of the Special Committee, the Bureau, support staff, and all those who contribute to the Committee's success.

Lastly, we must reiterate our disappointment that a substantive report of the deliberations of last year's Special Committee could not be adopted due to Russia's demand to omit any description of the statements made by numerous delegations condemning Russia's invasion of Ukraine as a violation of the UN Charter. While member states often disagree on the difficult subjects raised in the Special Committee, each of those divergent positions should be indicated in the report, as has been the case in prior years. One state cannot be permitted to demand that a position stated by a group of delegations clearly within the scope of the Committee be erased entirely as if it never happened. We trust that at this session, the Special Committee will return to its well-established tradition of respectfully recording delegations' diverse views for the benefit of the public and the historical record.

Thank you.