

# KIIT

INTERNATIONAL  
**MODEL 20**  
**UNITED**  
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UNC

**STUDY GUIDE**

Delegates,

It is my distinct honour and privilege to welcome you to the simulation of the Special Committee on Charter of the United Nations and on the Strengthening of the Role of the Organization at KIITMUN 2018. I, Ariya Das, will be serving as the Chairperson of this committee for this conference.

I have been a part of around 100 Model UN conferences over the last 10 years. I have served on the executive board of over 80 MUN including conferences for Harvard University, University of Pennsylvania, New York University, National Law School of India (NLS-Bangalore) among other prominent educational institutions. I had a featured section in The Times of India's Education Times for my MUN achievements in July of 2013. I am currently pursuing a Master of Science in Global Affairs (International Relations) at New York University. I have had the privilege of hosting then UN Secretary General Ban-Ki Moon (2016) and current Secretary-General António Guterres (2017) at my university. I have attended meetings of the United Nations Security Council (UNSC) and its subsidiary Counter Terrorism Committee (UN SC-CTC) at the UN headquarters in New York City.

I will be using my experience to serve as a guide, mentor and trainer. I hope that I will be able to make this conference a success by ensuring that all of you learn sufficiently about the UN system, rules of procedure and the agenda at hand. The topic we have selected addresses the overall institution of the United Nations in its need to adapt to the evolving global geopolitical environment of the 21st century. The reformation of the UN is a topic that has confounded global policy makers for decades and serves as one of the most challenging issues today. In lieu of your research, this study guide will serve as your guiding light at the beginning of your preparation efforts. It will not, however, be deemed sufficient for all of your research requirements since this Executive Board seeks to allow delegates to explore the topic at hand to gain insightful knowledge.

I look forward to an engaging conference with all of you and hope that we all make the most of the overall brand of experience that KIITMUN 2018 will provide. I can personally vouch for the quality of the conference due to my past involvement as

Chairperson of the General Assembly (DISEC) at KIITMUN 2015. The hospitality extended to me during that conference helped my decision to come on board this year. I will be flying from the United States to India just for the purpose of chairing this Committee at KIITMUN 2018. In the case that you have any doubts with regard to the procedure and functioning of this committee then you can reach out to me at [ariyadas@gmail.com](mailto:ariyadas@gmail.com). I look forward to meeting all of you and having a wonderful experience.

Yours Sincerely,

Ariya Das

Chairperson,

Special Committee on the United Nations,

KIIT International Model United Nations 2018.

## Co-chairperson's Message:

Dear Delegates,

I welcome you to KIITMUN 2018 and the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. I am Vanessa DuBoulay and it is my distinct pleasure to serve as your co-chair for this stimulating and exciting committee.

This is my first year participating with this conference, but I have over 10 years of Model United Nations experience. KIITMUN 2018 will in fact be my 24<sup>th</sup> conference overall, I have served in many different roles prior to joining KIITMUN as an executive staff and I am looking forward to sharing my knowledge of United Nations and this committee with you. During this conference our committee will be tasked with examining the United Nations' mandate and suggesting reforms to expand on it with the purposes of increasing the body's effectiveness and efficiency. The work of the Special Committee is essential to the preservation and adaptability of the United Nations and therefore, requires meticulous and thoughtful suggestions. I am eager to join all of you in India and I am looking forward to a fruitful and exciting debate!

Yours sincerely,  
Vanessa DuBoulay,  
Co-Chairperson  
Special Committee on the United Nations,  
KIIT International Model United Nations 2018.

## Committee Overview

The United Nations General Assembly, one of the six principal organs of the United Nations (UN) and the only body in which every member of the organization is represented in and allowed to vote. The first session of the assembly convened on Jan. 10, 1946, in London, with 51 countries represented. As of 2018, there are 193 members of the General Assembly. Numerous non-members, such as states, organizations, and other entities (e.g., the Vatican, the African Union, the International Committee of the Red Cross, and Palestine), maintain observer status, enabling them to participate in the work of the General Assembly.

The General Assembly exercises deliberative, supervisory, financial, and elective functions relating to any matter within the scope of the UN Charter. Its primary role, however, is to discuss issues and make recommendations, though it has no power to enforce its resolutions or compel state action. Other functions include admitting new members; selecting members of the Economic and Social Council, the non-permanent members of the Security Council, and the Trusteeship Council; supervising the activities of the other UN organs, from which the General Assembly receives reports; and participating in the election of judges to the International Court of Justice and the selection of the Secretary-General. Decisions usually are reached by a simple majority vote. On important questions, however—such as the admission of new members, budgetary matters, and peace and security issues—a two-thirds majority is required.

The General Assembly convenes annually and in special sessions, electing a new president each year from among five regional groups of states. At the beginning of each regular session, the General Assembly also holds a general debate, in which all members participate and may raise any issue of international concern. Most work, however, is delegated to six main committees, known as (1) Disarmament and

International Security, (2) Economic and Financial, (3) Social, Humanitarian, and Cultural, (4) Special Political and Decolonization, (5) Administrative and Budgetary, and (6) Legal. (Committees are generally referred to by their number; thus, the Disarmament and International Security Committee are known as the First Committee.)

The Special Committee on the Charter and on the Strengthening of the Role of the Organization of the United Nations was created by the Sixth Committee of the General Assembly during its twenty-ninth session in 1974. 1 United Nations General Assembly Resolution 3349 (XXIX) stated that there is a “need to consider suggestions regarding the review of the Charter of the United Nations” established this body as an Ad Hoc Committee and delegated to it the task of considering proposals aimed at enhancing the capability of response and the mandate of the United Nations 2 . The Ad Hoc Committee was also tasked with the drafting of suggestions that would not require an amendment to the Charter with the ultimate goal of improving the overall functionality of the United Nations.

During the General Assembly's thirtieth session held in 1975, the body reviewed the report of the Ad Hoc Committee in conjunction with the issue of strengthening of the role of the United Nations. Throughout this session, the Assembly changed the designation of the Ad Hoc Committee and renamed it as the 'Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization' 3 . This Special Committee had among its tasks to consider proposals and suggestions with regards to the maintenance and consolidation of international peace and security, the development of cooperation among all nations and the promotion of the rules of international law 4 . Since its establishment, the Special Committee has reconvened every year to review its reports and update its mandate.

Originally, the Committee was formed by forty-two-member states selected with geographical consideration. However, resolution 50/52, from 1995, opened the membership to all Member States while reaffirming the body's commitment to continue operating through a consensus of those present 5 . The Special Committee officers are a Chairman, three Vice-Chairmen, and a rapporteur, as established by the consensus of the body during its forty-eighth meeting 6 .

### Nature and Scope of this Committee

Delegates of the Special Committee on the Charter of the United Nations must understand that this body was established under the recommendation of the General Assembly's Sixth Committee (Legal). The body is tasked with making suitable recommendations to expand the mandate of the United Nations using the tools and resources this body has at its disposition, without necessarily amending the Charter. In terms of expanding the mandate, it is the Special Committee's duty to evaluate, on a priority basis, any proposals concerning the issue of the maintenance of peace and security with the aim of strengthening the role of the United Nations 7 . Additionally, the body must also focus on considering any actions that would strengthen the relationship between the United Nations and regional organizations for the peaceful settlement of disputes.

1 "Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", Office of Legal Affairs, United Nations. Retrieved from:

<http://legal.un.org/committees/charter/>

2 "Resolution 3349", General Assembly, United Nations. Retrieved from:

[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/3349\(XXIX\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/3349(XXIX))

3 "Resolution 3349 (XXX)", General Assembly, United Nations. Retrieved from:

[http://legal.un.org/docs/?symbol=A/RES/3499\(XXX\)](http://legal.un.org/docs/?symbol=A/RES/3499(XXX))

7 "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions", Report of the Secretary-General, United Nations, 2017. Retrieved from: <https://undocs.org/A/72/136>

In 2015, General Assembly resolution 70/117 revised the mandate of the Special Committee to highlight, among others, the body's duty to review the question of sanctions and assistance to 'Third States in accordance with the provisions of the United Nations Charter' 8 . This document recommended the continuous consideration of means to enhance the working methods of the United Nations with the goal of increasing the body's efficiency in the future. Although the Special Committee on the Charter of the United Nations hears discussion on a wide variety of topics, its main purpose is to make recommendations that strengthen the reach and further the mission of the United Nations while ensuring the Charter is suitable to meet needs of the 21 st century. To this end, all the recommendations the body makes are with the goal of increasing the efficiency and effectiveness of the UN offices and organs.

### Agenda Overview

Drafted to address the concerns of 1945, the Charter of the United Nations was the foundational treaty for the UN. Through its body it outlined the set of principles and ideals for the universal observance of human rights and ultimate freedoms. The constitution of the treaty made all members bound to comply with the articles and established that obligations to the United Nations prevail over any other treaties 9 . The founding members envisioned the Charter as the ultimate tool to prevent another World War, however, in order to meet that purpose, the treaty could not remain stagnant. The articles have been revised, adjusted, and interpreted under different lenses over time due to the advances the international community has made in many areas. Global concerns have developed to be different in nature than they were in 1945, thus leading to the need to make the Charter a living document instead.

As tasked by Chapter IV of the Charter, the General Assembly shall make recommendations with the purpose of the development and codification of international law 10 . To this end, the Assembly operates in conjunction with its six Committees, being the Sixth Committee the principal medium for the discussion of legal questions pertaining to the Charter of the United Nations and International Law. Within the scope of this article, the General Assembly established in 1974 the Ad Hoc Committee on the Charter of the United Nations therefore delegating to it the task of revising and expanding the mandate of the United Nations. In 1975, the General Assembly reconvened the Ad Hoc Committee as the Special Committee on the Charter of the United Nations and on Strengthening the Role of the Organization. Since then, the body has met every year to enhance the ability of the U.N. to accomplish its mission and to consider suggestions (that do not require amendments to the Charter) for the more effective functioning of the body 11 .

9 <https://www.un.org/en/sections/un-charter/chapter-xvi/index.html>

10 <https://www.un.org/en/sections/un-charter/chapter-iv/index.html>

11 "Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", Office of Legal Affairs, United Nations. Retrieved from: <http://legal.un.org/committees/charter/>

Among the primary topics of discussion for the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization are:

- 1) Maintenance of peace and security;
- 2) Peaceful settlement of disputes, and;
- 3) The working methods of the Special Committee and identification of new subjects<sup>12</sup>. Although, the body also considers issues submitted by any of its members on a priority basis.

During its 2018 session, the Special Committee expressed its concerns with regards to reforming the United Nations and reiterated that this must be done in accordance to the principles established by the Charter<sup>13</sup>. Additionally, the delegations partaking in the working group called upon the need to achieve a greater balance among the primary organs of the U.N. through which each organ would address issues that fall strictly within their scope and competences. The deliberations pertaining to the functionality of the Charter fall within the mandate of the Special Committee and the body must revise and report its findings to the General Assembly every year.

Currently, the Special Committee on the Charter of the United Nations is considering the issue of sanctions and assistance to the Third States. Some delegations have voiced the need for the Security Council to act with more consideration when approving sanctions. While no formal request for assistance has been made since 2003, the body considers it important to clearly establish the means for securing aid to the inhabitants of States that may be subjected to sanctions as a result of a Resolution from the Security Council deeming so necessary<sup>14</sup>.

Bearing in mind the length of the discussions of the Special Committee on the Charter of the United Nations and adjusting to the anticipated time constraints of KIITMUN 2018, the agenda for the body is set as follows:

### **Agenda 1: Maintenance of International Peace and Security: Sanctions and assistance to the Third States under the provisions of the United Nations Charter**

Sanctions have been constituted under Article 41 of the UN Charter, wherein the Security Council, may call upon member states “to apply measures not involving the use of armed force to give effect to its decisions”. UN Security Council sanctions have taken various forms such as asset freezes, trade embargoes, arms embargoes, no-fly zones, travel bans and naval blockades. Despite their successful usage against South Africa and Rhodesia (Zimbabwe), sanctions have proven to be unsuccessful in achieving the stated objectives in most cases. The examples of unsuccessful sanction regimes include: Iraq, Iran, North Korea, Cuba, India, Libya, Pakistan, China, Serbia and Haiti. The extensive track record of failure has questioned the overall prudence of utilizing sanctions as a whole.

<sup>12</sup> “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, Resolution A/73/33”, General Assembly, United Nations, 2018.  
Retrieved from: <http://legal.un.org/docs/?symbol=A/73/33>

<sup>13</sup> Ibid.

<sup>14</sup> “Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, Resolution A/73/33”, General Assembly, United Nations, 2018.  
Retrieved from: <http://legal.un.org/docs/?symbol=A/73/33>

Under Article 50 of the UN Charter, “If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems”. Therefore, there is a charter-based right of third states to claim relief from the consequences of a sanctions regime that is implemented. Sanctions often affect countries that are neighbors or close trading partners with the target country. While there has been official complaints to the Secretary General over losses sustained by third States due to sanctions on a target country, there have been no pathways for recourse given to compensate these nations.

This Special Committee must grapple with the methods through which the United Nations must assess the effects of a sanction regime on the close economic partners and neighbors of a target country. Such an assessment could be made prior to sanction imposition or in a periodic manner after its implementation. The third States have an inalienable right to receive redressal for economic problems arising out of sanctions. A study of past sanctions regimes and incidents of complaints being reported within the UN must be undertaken by all delegates in this committee on this topic area.

## 2. Peaceful settlements of disputes: Cooperation with regional organizations for the settlement of disputes in accordance with Chapter VIII of the Charter and the Manila Declaration

Pursuant to Article 2 (3) of the Charter, all member states “shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered”. Additionally, pursuant to Article 33 (1) of the Charter, all “parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice”. The Special Committee played a key role in the drafting of the landmark ‘Manila Declaration on the Peaceful Settlement of Disputes’ (1982). These form the basic legal guidelines for the peaceful settlement of disputes among member states.

Delegates must undertake a thorough analysis of the various methods of conflict resolution to determine which ones can best resolve disputes. The role of international courts and tribunals can be explored here as well.

While these two topics could be discussed independently at great length, the Executive Board expects the Committee to fully develop reports on both matters. For this purpose, delegates must be adequately prepared and well-versed on the workings of the Special Committee on both of these topic areas. We will be open to discussing topics related to reforming the UN beyond these two agenda items, if time permits. The Board expects a high level of preparation and quality research during the conference from every single delegate that is assigned this committee.

## Notable Committee Actions

The Special Committee has had several achievements in its history. The Committee has helped in the negotiation of many declarations and texts. Some of the notable texts include:

1. 'Manila Declaration on the Peaceful Settlement of International Disputes' (1982) 15 ,
2. 'Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field' (1988) 16 ,
3. 'Decision on Resort to a commission of good offices, mediation or conciliation within the United Nations' (1989), 17
4. 'Conclusions of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization concerning the rationalization of existing United Nations procedures' (1990), 18
5. Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security' (1991) 19 ,
6. Handbook on the Peaceful Settlement of Disputes (1992), 20
7. 'Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security' (1994), 21

15 "Manila Declaration on the Peaceful Settlement of International Disputes, Resolution 37/10", General Assembly, United Nations, 1982. Retrieved from:  
<http://legal.un.org/docs/?symbol=A/RES/37/10>

16 'Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field, Resolution 43/51', General Assembly, United Nations, 1988. Retrieved from:  
<http://legal.un.org/docs/?symbol=A/RES/43/51>

17 "Decision on Resort to a commission of good offices, mediation or conciliation within the United Nations", Resolution 44/415", General Assembly, United Nations, 1989.

18 "Conclusions of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization concerning the rationalization of existing United Nations procedures", Resolution 45/45", General Assembly, United Nations, 1990. Retrieved from:  
<http://legal.un.org/docs/?symbol=A/RES/45/45>

19 "Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security, Resolution 46/59", General Assembly, United Nations, 1991. Retrieved from:  
<http://legal.un.org/docs/?symbol=A/RES/46/59>

20 "Handbook on the Peaceful Settlement of Disputes", Secretariat, United Nations, 1992. Retrieved from:  
<http://legal.un.org/cod/books/HandbookOnPSD.pdf>

1. 'United Nations Model Rules for the Conciliation of Disputes between States' (1995), 22
2. 'Resolution on Prevention and Peaceful settlement of disputes' (2002), 23 and
3. Introduction and implementation of sanctions imposed by the United Nations (2009). 24

The aforementioned list of texts indicates the important role that the Special Committee on the Charter of the United Nations has played in the organization since its inception. The Executive Board encourages all delegates to separately go through some of the important declarations listed above for their own understanding of the nature of work that our Committee specializes in.

21 "Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security", Resolution 49/57", General Assembly, United Nations, 1994. Retrieved from:  
<http://legal.un.org/docs/?symbol=A/RES/49/57>

22 "United Nations Model Rules for the Conciliation of Disputes between States, Resolution 50/50", General Assembly, United Nations, 1995. Retrieved from:  
<http://legal.un.org/docs/?symbol=A/RES/50/50>

23 "Resolution on Prevention and Peaceful settlement of disputes, Resolution 57/26", General Assembly, United Nations, 2002. Retrieved from: <http://legal.un.org/docs/?symbol=A/RES/57/26>

24 "Introduction and implementation of sanctions imposed by the United Nations, Resolutio 64/115", General Assembly, United Nations, 2009. Retrieved from:  
<http://legal.un.org/docs/?symbol=A/RES/64/115>

## Further Reading

The whispers of criticism of the United Nations have swelled into a chorus with over 128 nations calling for major reform, at the 72nd annual session of the United Nations General Assembly (UNGA) in September 2017. 25 Therefore, the task for the Special Committee on the Charter of the United Nations has taken special consideration for our 2018 session. Here are some useful links for further reading:

### 1. Charter of the United Nations :

<https://treaties.un.org/doc/publication/ctc/uncharter.pdf>

Relevant Articles : 1 -6, 9-14, 23 - 29, 33 - 44, 51- 54, 96 (2), 99, 103, 108-109.

### 2. Website of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization:

<http://legal.un.org/committees/charter/>

### 3. Reports of the Special Committee (2018):

[http://legal.un.org/committees/charter/current\\_session.shtml](http://legal.un.org/committees/charter/current_session.shtml)

### 4. Past Reports of the Special Committee:

a. 2017 Report: [http://legal.un.org/committees/charter/2017\\_session.shtml](http://legal.un.org/committees/charter/2017_session.shtml)

b. 2016 Report: [http://legal.un.org/committees/charter/2016\\_session.shtml](http://legal.un.org/committees/charter/2016_session.shtml)

25 “More than 120 countries back pledged reforms to shape ‘21st century UN’”, United Nations, 2017. Retrieved from:

<https://news.un.org/en/story/2017/09/565092-more-120-countries-back-pledged-reforms-shape-21st-century-un>

### 5. Agenda 1: Report of the United Nations Secretary-General, 2017:

<https://undocs.org/A/72/136>

### 5. Agenda 2: Manila Declaration on the Peaceful Settlement of International Disputes, 1982: <http://legal.un.org/docs/?symbol=A/RES/37/10>

### 6. Reports of the United Nations Secretary General:

[http://repository.un.org/handle/11176/9/discover?filtertype\\_0=agenda&filtertype\\_1=subject&filter\\_0=SANCTIONS+COMPLIANCE&filter\\_relational\\_operator\\_1>equals&filter\\_1=SANCTIONS&filter\\_relational\\_operator\\_0>equals&filtertype=author&filter\\_relational\\_operator>equals&filter=UN.+Secretary-General](http://repository.un.org/handle/11176/9/discover?filtertype_0=agenda&filtertype_1=subject&filter_0=SANCTIONS+COMPLIANCE&filter_relational_operator_1>equals&filter_1=SANCTIONS&filter_relational_operator_0>equals&filtertype=author&filter_relational_operator>equals&filter=UN.+Secretary-General)

Specific Reports : [A/48/573-S/26705](#), [A/49/356](#), [A/50/60-S/1995/1](#), [A/50/361](#), [A/50/423](#), [A/51/317](#), [A/52/308](#), [A/53/312](#), [A/54/383](#), [A/54/383/Add.1](#), [A/55/295](#), [A/55/295/Add.1](#), [A/56/303](#), [A/57/165](#), [A/57/165/Add.1](#), [A/58/346](#), [A/59/334](#), [A/60/320](#), [A/61/304](#), [A/62/206](#), [A/62/206/Corr.1](#), [A/63/224](#), [A/64/225](#), [A/65/217](#), [A/66/213](#), [A/67/190](#), [A/68/226](#), [A/69/119](#), [A/70/119](#) and [A/71/166](#). Also: <http://legal.un.org/committees/charter/docs.shtml>

### 7. UN General Assembly Resolutions:

<http://legal.un.org/committees/charter/resolutions.shtml>

## Questions a Resolution Must Answer (QARMA):

### Agenda 1:

1. What are the various ways in which exceptions can be made to asset freezes and other economic sanctions in terms of basic and extraordinary expenses of a third State?
2. What assessment methods can be utilized in Security Council reports for determining the impact of economic sanctions on a third State ?
3. How often must the aforementioned assessment reports on particular sanctions take place?
4. How will third states be compensated for the losses arising out of the implementation of sanctions?

### Agenda 2:

1. How can member states utilize exchanging of information on state practices regarding the use of mediation for peaceful settlement of disputes?
2. How can member states exchange information on negotiation and enquiry for peaceful settlement of disputes?
3. Should the Committee request an advisory opinion of the International Court of Justice on the use of force without Security Council approval?