

STATEMENT BY DR. MEHBOOB BEG, MEMBER OF PARLIAMENT, ON AGENDA ITEM 84
– REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS
AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION AT THE SIXTH
COMMITTEE OF THE 65TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON
OCTOBER 18, 2010

Madam Chairperson,

As I am taking the floor for the first time in this Committee, let me congratulate you and other members of the Bureau on your election. We are confident that this Committee will make good progress under your leadership.



We align ourselves with the statement made by Iran on behalf of NAM. My delegation considers the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization as an important one and all items on its agenda and all the specific proposals on the table deserve due consideration. While my delegation will address them as and when each item is taken up, we would like to make some general remarks at this time with specific reference to maintenance of international peace and security: impact and application of sanctions; peaceful settlement of disputes and on the overall thrust of some of the proposals under consideration.

Madam Chairperson,

The impact and application of sanctions in the context of maintenance of international peace and security is an important issue. Maintenance of international peace and security is the primary responsibility of the Security Council, which acts on behalf of all members of the United Nations in the discharge of its duties. While the Security Council has the authority and the competence to impose and enforce sanctions in accordance with chapter VII of the UN Charter, the Charter does not intend that such a legitimate and permissible action by the Security Council should adversely affect other States, entities or peoples.

India attaches great importance to the proper implementation of article 50 of the Charter, relating to assistance to third States affected by the application of sanctions under chapter VII. Article 50 is an integral part of Chapter VII providing for the right to consult in favour of the third States. Article 50 was intended by its drafters to have tangible and concrete effect and not to remain a dead letter.

We are happy to note that in recent years the Security Council has given due consideration to this very important aspect and has made a shift from general sanctions against States to targeted sanctions against individuals and entities, especially in the global fight against terrorism.

The Security Council has adopted both substantive as well as procedural safeguards to mitigate the adverse effects of sanctions on third states. These measures range from standardizing humanitarian exemptions to developing procedures and establishing a focal point. The proper implementation of targeted financial sanctions, focused arms embargoes and travel sanctions will minimize the economic, social and humanitarian impact in targeted as well as non-targeted States. These are important

steps and have proved successful in the international community's coordinated and joint efforts to counter global terrorism.

My delegation is of the firm belief that in as much as article 50 is an important part and parcel of Chapter VII, the essence of any solution to the problem of affected third States should vest in the Security Council with such authority and responsibility.

Last year the adoption of the Russian paper on the introduction and implementation of sanctions by the United Nations as an annex to the GA Resolution 64/115 was an important step. However, we may have to move beyond that. The procedural elements of the application of sanctions would have to be matched with substance. The effectiveness of sanctions and assistance to third States to recover from the effect of sanctions are both parts of the same whole of Chapter VII, and in fact, are integral to each other.

The application of sanctions can only be further reinforced and made more acceptable by finding permanent and predictable solutions to the problem of third states affected by sanctions. The virtue of this solution is predictability of a mechanism and automaticity of its application. This also necessitates the development of capacity to assess and evaluate the impact of sanctions on third States and individuals.

We are happy to note from the report of the Secretary General that keeping with the shift of the Security Council from comprehensive economic sanctions to targeted sanctions, no sanctions committee has been approached by member states with regard to special economic problems arising from the implementation of sanctions since 2003.

We also note with satisfaction that in accordance with the relevant resolutions of the General Assembly, the competent units within the Secretariat have maintained their capacity and used methodologies to compile and evaluate information pertaining to any special economic problems in third States arising from the application of sanctions. We support the efforts of the Department of Political Affairs to stay abreast of similar and related methodologies for assessing the impact of sanctions in general in order to be responsive when an appeal is made by any State under article 50 of the Charter.

Madam Chairperson,

The duty to settle disputes by peaceful means is a fundamental principle enshrined in article 2, paragraph 3 of the UN Charter. It obligates States to settle all their international disputes by peaceful means and in such a manner that international peace and security, and justice are not endangered. Article 33 of the Charter further strengthens this duty and provides a number of means which the party to a dispute can

choose freely. These include arbitration, enquiry, mediation and judicial settlement. The International Court of Justice, being the principal judicial organ of the United Nations plays an important role in this regard.

Madam Chairperson,

There are many proposals before the Special Committee for quite some time now. We will make specific comments on those proposals as and when they are taken up for consideration by this Committee. The essence of these proposals is to strengthen the role of the organization.

In the World Summit Outcome Document in 2005 our leaders made commitment to strengthen the United Nations by highlighting the role of the General Assembly as the chief deliberative, policy making and representative organ of the United Nations. It also called for the strengthening of the relationship between General Assembly and other principal organs of the UN and stressed for the early reform of the Security Council to make it more broadly representative.

India attaches great importance to the reform of the United Nations, including the revitalization of the General Assembly and democratization and expansion of the Security Council in both permanent and non-permanent categories.

Madam Chairperson,

India regards the Repertory of Practice of the UN Organs and Repertoire of Practice of the Security Council to be a valuable source of information on the application of the Charter as well as the practice of UN Organs and the Security Council. They are important tools not only for the preservation of institutional memory of the United Nations; they are immensely useful for Member States, academics and practitioners alike.

We commend the efforts of the Secretary General for the progress made in the preparation of studies, including the increased use of internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose. We note with satisfaction the progress made by the Secretariat in their preparation, updating, and publication and putting them on the web for general information.

I thank you Madam Chairperson.

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