

Agenda Item 165: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organisation

Statement by Mr. Narinder Singh, First Secretary on October 10, 2001

Mr. Chairman,

I thank Ms. Mirza Cristina Gnecco, the Chairperson of the Special Committee on the Charter for her presentation of the Report on the work of the last session held in April this year.

My delegation attaches the highest importance to the proper implementation of Article 50 relating to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, a matter which has been under consideration in the Charter Committee for the last several years, without a definitive answer. Economic embargoes and trade sanctions have caused great hardship to third States and their people, especially the developing countries. The Security Council, which has the competence to impose and enforce sanctions under Chapter VII of the Charter on a target State, acts on behalf of all the Member States and thus it also has the responsibility of alleviating the damages suffered by third parties by simultaneously creating mechanisms to provide such relief. Such mechanisms, to be effective, must include a fund with adequate financial resources, provided on a predictable basis through assessed contributions so that they could be activated automatically in each case of adverse impact of sanctions on third States.

Mr. Chairman,

We fully endorse the main findings and recommendations of the Ad hoc expert group meeting, convened pursuant to resolution 52/162, contained in the Report of the Secretary General (document A/53/312), which, *inter alia*, recommended that the Security Council should give careful consideration to the potential effects of sanctions both on the 'target State' and on third countries before imposing such measures, that it should take into consideration the need for appropriate and timely exemptions for humanitarian purposes, that the concept of burden-sharing and equitable distribution of costs, as reflected in Articles 49 and 50 of the Charter of the United Nations, were relevant both in minimizing collateral damage and encouraging full cooperation in the implementation of sanctions, and that the cost of carrying out preventive or enforcement measures, such as economic sanctions, particularly the consequences for affected developing countries, should be borne by the international community on a more equitable basis, either by voluntary or assessed contributions, just as in the case of the costs of peace keeping operations, which are internationally shared.

Considerable time has elapsed since the expert group made its recommendations and its report should be urgently considered within a working group of the Sixth Committee, especially in the light of resolution 51/208 which mandated 'appropriate mechanisms or procedures' with a view to achieving the objective of Article 50.

On proposals made for the maintenance of international peace and security, the revised proposal by the Russian Federation on basic conditions and criteria for imposing sanctions and implementing measures, constitutes a useful basis for further consideration of this topic. The need for developing a universal consensus on the broad parameters governing the issue of sanctions cannot be over-emphasised. Several provisions contained in the proposal are also to be found in the main findings and recommendations of the expert group and have met with general approval in the Committee. In the context of smart sanctions which have found general support in the Committee, the proposal of Libya regarding the responsibility of the UN to avoid or minimise financial or economic burdens over and above those resulting from direct application of sanctions, merits further consideration.

Mr. Chairman,

We have noted with interest the Cuban proposal on strengthening the role of the United Nations and enhancing its effectiveness. India attaches great importance to this, including the reform of the Security Council. We reiterate India's commitment to the strengthening of the United Nations and the enhancing of its efficiency.

Mr. Chairman,

The second broad area of work of the Charter Committee relates to the peaceful settlement of disputes. In this regard, my delegation welcomes the thrust of the revised proposal made by Sierra Leone and the United Kingdom which emphasises resort to available means of peaceful settlement of disputes, and encourages states to focus on the need to settle their disputes at an early stage.

Regarding the proposal for reform of the Trusteeship Council to deal with the global commons or the common heritage, we have doubts regarding the utility of setting up a global mechanism on matters for which institutional arrangements are already in place. Issues concerning the law of the sea and the international seabed area are already regulated under the UN Convention on the Law of the Sea which has established the International Seabed Authority. Similarly, environmental issues are regulated by specific treaty regimes already established or in the process of negotiation. UNEP is in charge of environmental matters in general.

My delegation notes the progress made on the updating and publication of the Repertory of Practice of the United Nations and Repertoire of the Security Council. In view of their importance as reference materials, higher priority needs to be accorded to their early updating and regular timely publication.

We welcome the proposals made by Japan on review of the working methods and enhancing the efficiency of the Charter Committee and are willing to contribute to their further consideration.