



**STATEMENT BY MR. R. SHUNMUGASUNDARAM, MEMBER OF  
PARLIAMENT AND MEMBER OF THE INDIAN DELEGATION, ON AGENDA  
ITEM 147: 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 59<sup>TH</sup> SESSION  
OF THE UN GENERAL ASSEMBLY ON OCTOBER 7, 2004**

Mr. Chairman,

We congratulate Mr. Carl Peersman, Chairman of the Special Committee, for his presentation of the Report on the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the role of the Organisation at its last session held during March - April 2004.

My delegation attaches high importance to the 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 Special Committee on Charter for the last several years.

The Security Council while imposing sanctions mandated under Chapter VII on a target State, in our view, acts on behalf of all the member States. The Council, therefore, has a responsibility to alleviate the hardship suffered by third states as a result of sanctions. The Security Council has to assess the possible effects of sanctions prior to their imposition. It should apply a clear and coherent methodology for the imposition, application and lifting of sanctions. Sanctions should be clearly defined, targeted, imposed for a specific time-frame, subject to periodic review and lifted as soon as the reason for the imposition has ceased to exist.

Providing adequate and timely assistance on the basis of assessment of humanitarian conditions in the targeted States and affected third States, would contribute, in our view, to an effective and comprehensive response of the international community to the unintended consequences of the sanctions imposed by the Security Council. The Council should consider establishing a Fund financed from assessed contributions based on the scale applicable to peace-keeping operations as well as by voluntary contributions, in order to assist the affected countries. My delegation reiterates our support for the establishment

of a Working Group within the Sixth Committee to take up the matter of sanctions and their impact on third States.

Mr. Chairman,

On proposals made in the area of the maintenance of international peace and security, we consider the revised proposal of the Russian Federation for a Declaration on the basic conditions and standard criteria as providing a useful basis for further consideration of the topic. However, the need for developing the broadest possible agreement among Member States on the core issues addressed in the proposal cannot be over-emphasised.

We have followed with interest discussions on the Libyan proposal on the strengthening of certain principles concerning the impact and application of sanctions. We believe that the Charter defines the precise manner and the circumstances in which sanctions or other coercive measures could be imposed.

With regard to the proposal to confer a right on the target State to seek and obtain just compensation for unlawful damage sustained by it owing to illegal or excessive sanctions, we would like to reiterate this delegation's view that conferring any such right would raise issues concerning the very legality of the sanctions imposed. A cautious approach needs to be taken on this issue as it involves the law of international institutions, including the Responsibility of International Organisations, a topic of which the International Law commission is currently seized.

On the Russian proposal on Peace-Keeping Operations under Chapter VI of the Charter, my delegation believes that the political and operational aspects of peace-keeping have to be dealt with by other specialised committees and this Committee could contribute only from the legal angle.

Mr. Chairman,

The Cuban proposal aimed at redefining the powers and functions of the General Assembly and its relationship with the Security Council has been under the consideration of the Special Committee on Charter for some time now. India attaches great importance to reform of the United Nations, including the restructuring of the Security Council. We reiterate India's commitment to the strengthening of the United Nations and enhancing its effectiveness. We are willing to consider any forward-looking suggestions as long as they do not lead to duplication of work or involve a review of the basic structure of the Charter.

Mr. Chairman,

The contribution of the Special Committee on the Charter in setting standards for Peaceful Settlement of Disputes has been significant. India attaches a high degree of importance to the principle of the free choice of means in matters of dispute settlement. In our view, any recourse to a dispute settlement mechanism requires, first and foremost, consent of the parties to the dispute.

Turning to the proposal on the Trusteeship Council, India considers it improper to envisage a role for the Trusteeship Council, at this time, in dealing with the global commons or the common heritage of mankind. We believe that this area has been covered adequately in the UN Convention on the Law of the Sea, the Antarctic Treaty System as well as under several existing international treaties. While we do not see any value at this stage by setting up a separate global mechanism under the UN, we believe that consensus needs to be built up as to the manner in which the Trusteeship Council can be put to use.

Mr. Chairman,

We find ideas outlined in the Japanese revised working paper co-sponsored by the Republic of Korea, Thailand, Uganda, and Australia on the improvement of the working methods of the Committee to be useful. However, we do not see any merit in changing, at this time, certain well-established practices of this Committee, including its decision-making procedure. In our view, ways to improve the work of the Committee and enhance its efficiency should be sought to be achieved by agreement among all concerned.

Mr. Chairman,

My delegation believes that the Repertory of Practice of the UN organs is a valuable source of information on the application of Charter and the work of the Organisation. It is an indispensable tool for the preservation of institutional memory. We support the continuation of work on both Repertory of practice of the UN organs and Repertoire of Practice of the Security Council.

With regard to the identification of new subjects, my delegation is of the view that the Committee should first deal with proposals before it, instead of searching for new areas of work.

Thank you, Mr. Chairman.

**BACK TO TABLE OF CONTENTS**