

STATEMENT BY PROF. RAM GOPAL YADAV, MEMBER OF PARLIAMENT, ON AGENDA IEM 82 – '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 66<sup>TH</sup> SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON OCTOBER 06, 2011

**Mr. Chairman,**

I once again congratulate you on your election as the Chairman of the Sixth Committee of the United Nations General Assembly and also the other members of the Bureau on their election. Please be assured of full cooperation of my delegation in the work of the Committee. We are confident of good progress in the work of the Sixth Committee under your leadership.



My delegation attaches great significance to the work of the "Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization." All the specific proposals on the agenda of the Special Committee deserve due consideration. While my delegation will address the specific proposals as and when 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.

**Mr. Chairman,**

The impact of the application of sanctions in the context of maintenance of international peace and security is a significant issue for all. Maintenance of international peace and security is the primary responsibility of the Security Council, which acts on behalf of all UN member States in the discharge of its duties. The Security Council, which mandates sanctions, has the nodal responsibility for finding solution to the problems of third States affected by the sanctions. Article 50 of the UN Charter confers the right on third States confronted with special economic problems, because of the Security Council sanctions, to consult the Security Council for solution to those problems. Article 50 cannot therefore be considered as merely procedural. It obliges the Security Council to find definitive solution to the problems of the affected third States.

India reiterates its position along with other NAM countries that the Security Council is obliged to directly focus upon the effects on third States of any sanction under Chapter VII of the UN Charter. Further, it is necessary to ensure timely and adequate assistance to the affected third States giving consideration to 'humanitarian aspects.'

**Mr. Chairman,**

At the same time, we are happy over the shift of the Security Council 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. We consider that 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.

**Mr. Chairman,**

India believes that sanctions can only be further reinforced and made more acceptable by finding viable and predictable solutions to the problems of third States that could be affected by sanctions. It requires the establishment of a mechanism for the assessment and evaluation of the impact of sanctions on third States and individuals and proper implementation thereof.

We thank the UN Secretary-General for his report A/66/213 of 29 July 2011 entitled "Implementation of the provisions of the UN Charter related to assistance to third States affected by the application of sanctions", submitted pursuant to resolution 65/31 of the UN General Assembly. We note with appreciation the information provided in the report that the shift from comprehensive to targeted sanctions has reduced the incidence of unintended harm to third States and that no official appeals have been received to monitor or evaluate special economic problems since 2003. It is worth mentioning that the Secretary-General's report provides information that in the case of

economic sanctions against Libya, the Security Council has made exceptions for authorizing access to frozen funds for a variety of basic and extraordinary expenses to help mitigate economic burdens arising from the implementation of assets freezes.

**Mr. Chairman,**

The world community cannot over-emphasize the need for developing a universal consensus on the core issues concerning assistance to third States affected by the application of sanctions and related issues. We consider that it is important to ensure that sanctions are issued in accordance with the provisions of the UN Charter and do not violate the principles of international law. In this regard, we support the main findings of the ad-hoc expert group meeting contained in the document A/53/312.

India is supportive of proposals aimed to bring transparency in the functioning of the Security Council and support their consideration within the existing framework of the Charter.

The Outcome of the World Summit 2005 has reiterated commitment to multilateralism and the importance of acting strictly in accordance with the purposes and principles of the Charter in order to deal with threats to international peace and security. It has reiterated the obligation of all member States to refrain, in their international relations, from the threat or use of force in any manner inconsistent with the UN Charter.

In this context, India supports in principle, the proposal for an advisory opinion of the ICJ on the use of force by a state or a group of states without the express sanction of the Security Council. Such an advisory opinion will help clarify the legal principles governing the right to use of force under the Charter.

We support, in principle, the new topic being suggested for a study on the functional relationship between the different organs of the United Nations. However, the modality for the study involves the creation of an open-ended working group, through which the States could raise the issues or proposals before the Special Committee. It is unclear that whether the working group or the Special Committee would be the final examining body. The rationale of the creation of the WG is also not clear as any proposal can directly be brought before the Special Committee itself without creating an additional stage.

**Mr. Chairman,**

The Outcome of the World Summit, 2005 has reaffirmed the 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 UN. The Summit has called for the strengthening of relationship between General Assembly and other principal

organs of the UN and has stressed for the early reforms of the Security Council to make it more broadly representative.

India thus attaches significance to the reforms 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 category of membership.

**Mr. Chairman,**

We the UN member States owe the responsibility to settle disputes by peaceful means, which is a fundamental principle under article 2, paragraph 3 of the UN Charter. Article 33 of the Charter further strengthens this duty and provides the means which the parties to a dispute can choose freely, including 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 the settlement of disputes.

India supports the continuous existence of the topic "Peaceful Settlement of Disputes between States" on the agenda of the Special Committee, although currently there is no specific proposal before the Special Committee under this agenda item.

**Mr. Chairman,**

India commends all efforts of the Secretary General towards the continued publication and updating of the *Repertory of Practice of the UN Organs* and the *Repertoire of Practice of the Security Council*, as these documents are very important sources of reference.

**Thank you Mr. Chairman.**

[BACK TO TABLE OF CONTENTS](#)

