

73rd Session of the UNGA

Meeting of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

INDIA STATEMENT

By

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Thank you, Mr. Chairman,

Let me begin by extending on behalf of the delegation of India, our warmest felicitations to you on your election and other members of the Bureau for guiding the Special Committee Meetings. Let me assure you our full cooperation and support in the deliberations of this Committee.

2. We **align with the statement delivered by the Islamic Republic of Iran** on behalf of Non-Aligned Movement, and in our national capacity we have the following general remarks to make.

3. We consider the work of the "Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" important. The Special Committee's mandate is well placed to play an important role in the interpretation of the provisions of the Charter of the United Nations.

Mr. Chairman,

4. We would like to reflect on **three specific issues**, which are under consideration of the Special Committee. These are: **peaceful settlement of disputes; maintenance of international peace and security; and assistance to third States affected by the application of sanctions.**

Mr. Chairman,

5. The United Nations represents our collective recognition that only cooperative and effective multilateralism can ensure peace and prosperity in the context of the range of inter-connected challenges that we face in our inter-dependent world. Multilateralism can be successful only if the interaction between States is based on laws that aspire for greater collective welfare. The United Nations was established to prevent conflict among competing powers and bring about a greater Rule of Law to govern the behaviour of Nation States. In this context, the UN Charter which serves as a guide even also prescribes the use of force under specific conditions. India strongly believes in multilateralism and **peaceful settlement of disputes in accordance with international law.**

6. **States are obliged to settle their disputes by peaceful means**, which is one of the fundamental principles under paragraph 3 of Article 2 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. The International Court of Justice, the principal judicial organ of the United Nations, plays an important role in the peaceful settlement of disputes.

7. India **supports the retention of the “Peaceful Settlement of the Disputes between States’ on the agenda of the Special Committee.** We take note that the revised proposal and working paper submitted on the agenda to strengthen the role of the United Nations in the maintenance of the international peace and security. It is our hope that the member States will engage constructively on these proposals.

Mr. Chairman,

8. According to the UN Charter, **maintenance of international peace and security** is the primary responsibility of the Security Council, which has to act on behalf of all the UN Member States in the discharge of its duties.

9. In certain situations, the Security Council authorises sanctions under Chapter VII of the UN Charter. In such cases, sanctions could serve as an important tool in the maintenance of peace and security. They should not be used as punitive measures. They serve their purpose only if they are used, **when necessary as a measure of the last resort having tried all other options, and are applied so long as are necessary,** in accordance with the provisions of the UN Charter and do not violate the principles of international law.

10. **Article 50 of the UN Charter** confers the right on third States confronted with special economic problems, which may arise because of the Security Council sanctions, to consult the Security Council for the solution. **This obliges the Security Council to find a definitive solution to the problems of the affected third States.**

Mr. Chairman,

11. The Special Committee has, in its deliberations earlier, dealt with several proposals on issues of sanctions in the context of international peace and security. The Security Council is now increasingly issuing targeted sanctions against individuals and entities. According to the Secretary-General's report A/72/136, due to the shift from comprehensive and general sanctions to targeted sanctions, the incidence of unintended harm to the third States or their citizens, has significantly reduced. It is an important development. However, **the lack of requests from States for the UN assistance should not be considered as a ground to remove this topic from the agenda of this Committee or to defer its discussion.** It is of continuing interest for many delegations to discuss the implementation of Article 50 of the Charter, with a view to ensuring that third States are not adversely affected by the sanctions.

Mr. Chairman,

12. We welcome the **revised working paper of the Ghana**, which in general is aimed at **strengthening the cooperation between the United Nations and the regional arrangements.** Where appropriate, the regional organisations could play an important role in the peaceful settlement of disputes between/among their member States in accordance with the provisions of the Charter. Regional organisations like AU are playing very important role and contributing to the maintenance of peace and security in their respective regions. We consider that Ghana's revised proposal is worth exploring, especially those concerning the measures and institutional mechanisms for effective and timely cooperation and coordination between the UN and the regional arrangements in the peaceful settlement of disputes under Chapter VIII of the Charter.

Mr. Chairman,

13. India appreciates the Russian Federation's proposal with a view to establishing a **website on the peaceful settlement of disputes and updates**

to the Handbook on the Peaceful Settlement of Disputes between States, which would be useful to all member States.

14. The *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* have considerable significance as sources of reference and as effective means of maintaining the institutional memory of the Organization, as well as their importance in the dissemination of the work of the Organization. In conclusion, we commend the continuing efforts of the Secretariat and the Secretary-General to update these two publications and to eliminate the backlog in their preparation.

Thank you, Mr. Chairman.
