

74th Session of the United Nations General Assembly

Sixth Committee

Agenda Item: 82

Report of the Charter Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

INDIA STATEMENT by Mr. Yedla Umasankar First Secretary/Legal adviser

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Mr. Chairman,

India associates with the statement delivered by Islamic Republic of Iran on behalf of the Non-Aligned Movement. The following additional remarks are made in our national capacity.

2. 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. We thank the Chairman of the Special Committee, Ambassador Maria Theofili (Greece) and the Bureau for their leadership in guiding the Special Committee Meetings. We have taken note of the Report of the Special Committee as contained in document no. A/74/33.

3. We thank the UN Secretary-General for his Reports on Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions and the Repertory of Practice of the United Nations Organs and Repertoire of the Practice of the Security Council.

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 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 and critical role in the maintenance of international peace and security by adjudicating disputes between States. The Security Council needs to take more frequent recourse to the Court under Chapter VI of the UN Charter so as to promote judicial settlement of international disputes before resorting to any other means.

Mr. Chairman,

7. 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.

8. 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.

9. **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,

10. 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. We take note of the measures highlighted by the Secretary-General in his report A/74/152, for further improving the procedure and working methods of the Security Council in this regard. We also take note of the Report that the Security Council has adopted exceptions by which the States can signal to the relevant sanctions committee their intention to authorize access to frozen funds for a variety of basic and extraordinary expense. In our view, such exemptions should be at the behest of the affected States or by any States on its behalf.

11. We further take note of the role played by the General Assembly and the Economic and Social Council for assisting third States affected by the applications of sanctions under Article 50 of the Charter. However, we call upon the said bodies to play a pro-active role in assisting such affected third States.

12. India takes note of the arrangements made in the Secretariat for assisting the third States affected by the applications of sanctions and encourage the Secretariat to play a constructive role in exploring practical and effective measures in assisting the affected third States.

13. Since the Secretariat is of the opinion that it requires detailed case studies to assess the possible adverse impact of the sanctions on the individual third States, we agree with such a demand and assure full cooperation in this regard.

14. The *Repertory* of Practice of United Nations Organs and *Repertoire* of the Practice of the Security Council, we appreciate the Secretary General's hard work in bringing out a detailed report in this regard.

15. We also commend the continued work of the Secretariat in its efforts to update the *Repertory* and the *Repertoire* and to eliminate backlog in their preparation. We value the significance of the two publications 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.

16. We encourage the Secretariat to continue its efforts to make the publications available electronically.

I thank you, Mr. Chairman!
