

**STATEMENT BY MR. BHARTRUHARI MAHTAB, MEMBER OF PARLIAMENT ON
AGENDA ITEM 159: REPORT OF THE SPECIAL COMMITTEE ON THE
CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE
ROLE OF THE ORGANIZATION IN THE SIXTH COMMITTEE ON OCTOBER 10,
2002**

Mr. Chairman,

At the outset, let me congratulate Mr. Markiyani Kulyk for his excellent 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 Organization at its last session held in March 2002.

India attaches the highest importance to the effective implementation of Article 50 relating to assistance to third States affected by the application of sanctions under Chapter VII of the Charter. It is a matter of serious concern for us that there are instances where the sanctions adversely affect civilian population and push them into a condition of extreme poverty. Sanctions are primarily intended to effect change of behavior on the part of the recalcitrant State but at times, they tend to punish innocent people and lead to the economic de-stabilization of the targeted or a third State. My delegation reiterates our position once again that it is the obligation of the Security Council to directly focus on the effects of any sanction under Chapter VII on third States.

To obviate the adverse affects of sanctions, sanction regimes should be subjected to a review. Adequate and timely assistance is imperative on the basis of assessment of humanitarian conditions in the targeted and affected third States. To this end, the Council should consider establishing a fund financed from assessed contributions based on a scale applicable to the peacekeeping operations as

well as by voluntary contributions. My delegation supports the idea of establishing a Working Group within the Sixth Committee to examine the matter of sanctions and the third States.

With regard to the Russian and Libyan proposals on sanctions, the need for developing a universal consensus on the core issues involved cannot be overemphasized. We have followed with great care and interest discussions on the Libyan proposal IV which states that "the imposition of sanctions must not place upon the targeted State financial, economic or humanitarian burdens that are additional to and other than those resulting from the direct application of the sanctions to the extent necessary to achieve their objectives". We believe that the Charter defines the precise manner and the circumstances in which sanctions or other coercive measures could be imposed. However, testing the legality of the sanctions on the basis of a proportionality criterion merits careful consideration. Organizational controls built into the system could be more suitable for easing the financial, economic or humanitarian burdens. Turning to the proposal to give a right to the target State to seek and obtain just compensation for unlawful damage sustained by it owing to illegal or excessive sanctions, it is my delegation's view that conferring any such right would raise issues concerning legality of the sanctions imposed.

On the proposal concerning Peace Keeping Operations under Chapter VI of the Charter, we would like to reiterate that the

Committee could contribute only from the legal angle, as a last resort after reaching consensus among the member States on Peace Keeping Operations from political and operational angles.

Mr. Chairman,

My delegation welcomes the revised proposal of Sierra Leone and the UK on the establishment of a dispute prevention and settlement service, which has recognized the significance of the existing means of peaceful settlement of disputes.

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 global commons or 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

international environmental treaties. While we do not see any value at this stage by setting up a global mechanism under the UN, we believe that consensus needs to be built up as to the manner by which the Trusteeship Council can be utilized.

Mr. Chairman,

We find many of the ideas in the Japanese proposal on the improvement of the working methods of the Committee to be useful. It is our hope that adopting these ideas could ensure the smooth conduct of the Committee's business by improving upon the practical aspects. With regard to the identification of new subjects, my delegation is of the view that the Committee should first deal with already pending proposals before searching for new areas of work.

Thank you, Mr. Chairman.

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