

Agenda Item 83
“Report of the Special Committee on the
Charter of the United Nations and on the
Strengthening of the Role of the Organization”

13 October 2016

INDIA STATEMENT

Counsellor Mr. Koteswara Rao, Legal Adviser at the
Sixth Committee of the
71st Session of the
United Nations General Assembly

Mr. Chairman,

We align ourselves with the statement made by the Islamic Republic of Iran on behalf of the Non-Aligned Movement and in our national capacity we state the following:

We note with appreciation the Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization in document A/71/33. We thank the Chairman of the Special Committee, Ms. Janine Elizabeth Coye-Felson, Ambassador and DPR of Belize and the Bureau.

We take note of the Secretary-General report A/71/166 on Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions pursuant to the General Assembly resolution 70/117 of 14th December 2015.

Mr. Chairman,

India attaches great importance to the work of the Special Committee. We consider that the specific proposals on the agenda of the Special Committee deserve in-depth consideration.

We would like to make some general remarks with reference to maintenance of international peace and security; assistance to third States affected by the application of sanctions; and peaceful settlement of disputes, which are under consideration of the Special Committee.

Mr. Chairman,

The impact of the application of sanctions in the context of maintenance of international peace and security is an important issue. Maintenance of international peace and security is the primary responsibility of the Security Council, which acts on behalf of all the 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 those 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.

With regard to the issues of application of sanctions, assistance to the affected third States 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.

India reiterates its position along with other NAM countries that the Security Council is obliged to focus upon the direct 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', with their consent.

Mr. Chairman,

The States are under an obligation to settle their disputes by peaceful means; it is a fundamental principle 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.

Mr. Chairman,

India supports the continuous existence of the topic 'Peaceful Settlement of Disputes between States' on the agenda of the Special Committee. In this regard we consider that the NAM's proposal on "the pacific settlement of disputes and its impact on the maintenance of peace". We want that the Special Committee should examine the working paper presented by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes, which is at Annex to the Report of the Special Committee (pages 23-24).

Finally, Mr. Chairman, while this Committee should examine legal aspects the topic, we want avoidance of duplication of work among different UN Committees/bodies.

Mr. Chairman,

We take note of the Secretary-General Report A/71/202 on publication of the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council* submitted pursuant to the UN General Assembly resolution 70/117 of 14th December 2015. We thank the members of the Secretariat for updating the Sixth Committee on those publications.

India commends the efforts of the Secretary-General for his efforts in preparation and updating these reports, as they are very important sources of reference and effective means to maintain the institutional memory of the Organization and also dissemination of the work of the Organization.
