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STATEMENT

BY

THE INDIAN DELEGATION

ON

AGENDA ITEM 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 67TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

NEW YORK

11 OCTOBER 2012

Mr. Chairman,

I congratulate you on your election as the Chairman of the Sixth Committee and also congratulate the other members of the Bureau on their election. We are confident of a good progress in the work of the Sixth Committee under your leadership.

Mr. Chairman,

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 proposals on agenda of the Special Committee merit in-depth consideration.

We would like to make general remarks with specific reference to maintenance of international peace and security: impact and the application of sanctions; peaceful settlement of disputes and the overall thrust of relevant issues.

Mr. Chairman,

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 impact of the application of sanctions is a significant issue for all. The Security Council, which mandates sanctions, has the nodal responsibility for finding solution to the problems of third States affected by the application of sanctions.

Article 50 of the UN Charter is not merely procedural. It confers the right on third States confronted with special economic problems because of sanctions, to consult the Security Council for solution, and thus obliges the Security Council to find definitive solution to the problems of the affected third States.

We stress for ensuring that sanctions should be the last resort and whenever necessary, be issued in accordance with the provisions of the Charter.

We reiterate our position along with other NAM countries on issues related to the issuance of sanctions under Chapter VII of the Charter and their implementation.

Mr. Chairman,

We are convinced that sanctions, when necessary and applied in accordance with the provisions of the Charter, could serve as an important tool for the maintenance of international peace and security.

We thank the Secretary-General for his report A/67/190 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 66/101 of the General Assembly.

The report provides information that in Security Council's decisions to freeze assets, exceptions were provided in order to authorize access to frozen funds for the basic and extraordinary expenses to help mitigate economic burdens arising from the implementation of assets freezes. These developments are important.

We note with satisfaction that the shift from comprehensive to targeted sanctions has reduced the incidence of unintended harm to third States.

Mr. Chairman,

We consider useful the proposal suggesting for a study on the functional relationship between different organs of the United Nations and reform of the Organization.

We attach great significance to the reform process, including the revitalization of the General Assembly and democratization and expansion of the Security Council in both permanent and non-permanent category of membership.

In this regard, we draw attention to the call in paragraph 153 of the 2005 World Summit outcome document for the early reform of the Security Council and paragraph 35 of the outcome document of the High-Level Meeting on the Rule of Law at the National and International Levels hosted by the UN last month.

Mr. Chairman,

The 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. The International Court of Justice, which is the principal judicial organ of the United Nations, plays an important role in the peaceful settlement of disputes.

India supports the continuous existence of the topic "Peaceful Settlement of Disputes between States" on the agenda of the Special Committee.

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.

I thank you Mr. Chairman.