



INDIA
भारत

STATEMENT BY

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ON

AGENDA ITEM 84

***“REPORT OF THE CHARTER COMMITTEE ON THE CHARTER OF THE
UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE
ORGANIZATION”***

AT THE

**SIXTH COMMITTEE OF THE 76th SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY**

NEW YORK

4 November, 2021

Mr. Chairman,

1. India aligns 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 attach great significance to the work of the “Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization”. The Special Committee plays an important role in interpreting the provisions of the Charter of the United Nations.
3. We thank the Chairman of the Special Committee and the Bureau for their leadership in guiding the Special Committee Meetings. We have duly taken note of the Report of the Special Committee as contained in document no. A/76/33.
4. We also thank the UN Secretary-General for his Repertory of Practice of the United Nations Organs as well as Repertoire of the Practice of the Security Council.

Mr. Chairman,

5. India strongly believes in multilateralism and peaceful settlement of disputes in accordance with international law. General Assembly remains the chief deliberative and representative organ of UN and there is a need to achieve balance between the functions and powers of the principal organs of the organization and enhance cooperation and dialogue with one another. We believe that special committee is the appropriate forum for examining the legal aspects of these issues.
6. Articles 2(3) and 33 of the UN Charter obligate all States to settle their disputes by peaceful means instead of resorting to threat or use of force. We appreciate the role of the International Court of Justice, as the principal judicial organ of the United Nations, in promoting the peaceful settlement of disputes. We feel that 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. Maintenance of international peace and security is the primary responsibility of the Security Council, which has to act on behalf of all member States in discharge of its duties. In certain situations, the Security Council authorizes sanctions under Chapter VII of the UN Charter. In such cases, sanctions could serve as an important tool in maintaining peace and security. However, these punitive measures, in most of the cases, are affecting the population. Therefore, it is important that these measures are applied judiciously so long as, are necessary. There is also a need to address the problems of the affected third States confronted with special economic problems owing to such sanctions.
8. India takes note of the arrangements made in the Secretariat for assisting the third States affected by the applications of sanctions and encourages the Secretariat to play a

constructive role in exploring practical and effective measures in assisting the affected third States.

9. We welcome the Secretariat's efforts to increase transparency and equity in the implementation of sanctions. We further appreciate the regular briefings by the Secretariat on the document entitled "Introduction and implementation of sanctions imposed by the United Nations", contained in the annex to General Assembly resolution 64/115. The Secretariat should develop its capacity to properly assess the unintended side effects of sanctions imposed by the Security Council so as to fully assess the short-term and long-term socio-economic and humanitarian consequences of the Organization's sanctions regimes.

Mr. Chairman

10. We take note of the importance of the prohibition on the threat or use of force contained in the Charter and the we are of the view that further clarification on the provisions of the Charter regarding use of force could contribute to the rule based international system. We therefore, support the proposals to analyze the provisions of the charter regarding the use of force which could contribute to the strengthening of the Organization. We also look forward to the discussion on the working paper with regard to the application of Article 51 in the light of its inter-relation with Article 2(4).

11. We appreciate the efforts put in by the Secretariat in updating the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council and to eliminate backlog in their preparation. These publications are significant sources of reference and effective means of maintaining institutional memory of the Organization besides being relevant in disseminating the work of the Organization. We encourage the Secretariat to continue its efforts to make the publications available electronically. India has also contributed to the SCAD Trust Fund.

I thank you, Mr. Chairman.
