

Permanent Mission of India to the UN

New York

6th Committee of the 78th Session of the UNGA (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 ”

India Statement

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 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 A/78/33.

3.We attach great significance to the work of the Special Committee. It plays an important role in interpreting the provisions of the Charter of the United Nations. Since its establishment, the Committee has negotiated various texts leading to the adoption by the General Assembly of several instruments.

4.We also thank the Secretary-General for his reports A/78/114 and A/78/296 respectively on the implementation of the provisions of the UN Charter related to assistance to third States affected by the application of sanctions and concerning Repertory of Practice of the United Nations Organs as well as Repertoire of the Practice of the Security Council.

Mr. Chairman,

5.As a founding member of the United Nations, India has consistently displayed its commitment to uphold the purposes and principles of the UN Charter. We remain committed to upholding the rules-based international order, underpinned by international law, premised upon respect for the sovereignty and territorial integrity of all States, resolution of international disputes through peaceful means or methods of the choice of the parties and open access for all to the global commons.

6.We believe that peaceful settlement of disputes is an important tool in the maintenance of international peace and security and in the promotion of the rule of law. The States have the responsibility to settle their disputes by peaceful means, which is a fundamental principle under paragraph 3 of Article 2 of the UN Charter. Article 33 of the

UN Charter further strengthens this duty and provides the means which the parties to a dispute can choose freely.

7. 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 more frequent recourse to the Court under Chapter VI of the UN Charter needs to be taken so as to promote judicial settlement of international disputes.

8. India appreciates the Russian Federation's revised proposal with a view to establishing a website on the peaceful settlement of disputes and updates to the Handbook on the Peaceful Settlement of Disputes between States, which would be useful to all member States.

Mr. Chairman

9. The Security Council is primarily responsible for Maintenance of international peace and security. In discharge of its duties, the Security Council has to act on behalf of all member States. In certain situations, the Security Council authorized sanctions under Chapter VII of the UN Charter, could serve as an important tool in maintaining peace and security. However, it is important that these measures are applied judiciously and so long as are necessary.

10. Of late, the unintended consequences of sanction measures, including humanitarian consequences, are being increasingly emphasized by the member states and other stakeholders. It is necessary to ensure that legitimate trade and economic activities of the concerned state and its regional partners are not impacted adversely. It is, therefore, important for the Security Council to fully consult all the key regional countries before considering any such measures because, more often than not the impact of sanctions is felt not just by the country but by its entire region. It is of continuing interest for many delegations to discuss the substantive nature of Article 50 of the Charter.

11. We take note of the role played by the General Assembly and the ECOSOC in assisting third States confronted with special economic problems arising from carrying out of preventive or enforcement measures imposed by the Security Council.

12. We further take 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 assistance measures to the affected third States.

13. We encourage the Department of Economic and Social Affairs to continue collaborative work with other relevant parts of the Secretariat towards improving the sanctions monitoring framework and sanction assessment methodology.

14. We commend the continuing efforts of the Secretariat and the Secretary-General to update the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council as these are key sources of reference and effective means of maintaining the institutional memory of the Organization. We encourage the Secretariat to continue its efforts to make the publications available electronically. We

appreciate the continuing efforts of the Secretariat and the Secretary-General in updating these two publications and eliminating backlogs.

Mr. Chairman

15. There have been recent attempts to assume the work in the Security Council, which are better done in specialized agencies and organs created for the purpose. We do not favor this trend both as a matter of propriety and pragmatism. The principal organs of the United Nations have specific roles and functions and should act in accordance with the purposes and principles of the United Nations as defined in the Charter. The objective of the United Nations as reflected in Chapter I of the UN Charter will be better served, when each of its Principal Organs work in harmony focusing on their respective mandates.

16. Furthermore, it is increasingly becoming obvious that the Security Council is facing a crisis of identity, legitimacy and relevance. The answer to the crises lies in invoking and working through Charter provisions that provide for reform and change. We need a Council that is representative, credible, legitimate and fully equipped, rather than one that is a relic of the geo-political construct of 1940s.

17. At the core of India's call for reformed multilateralism, lies the reform of the UN Security Council, reflective of the contemporary realities of today. When power structures continue to reflect the status-quo of a bygone era, they also start reflecting a lack of appreciation of contemporary geopolitical realities. Our Common Agenda and the Summit of the Future will deliver results only if they respond to the growing calls for reformed multilateralism.

18. The logic of democracy, and the anguished faces of human suffering across the world, call for urgent action to reform the Council.

I thank you Mr. Chairman,