



**STATEMENT BY MR. INDER JIT, MEMBER OF 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 IN THE SIXTH COMMITTEE OF THE
60TH SESSION OF THE UN GENERAL ASSEMBLY ON OCTOBER 14, 2005**

Mr. Chairman,

At the outset, let me congratulate Mr. Andreas D. Mavroyiannis 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 2005.

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 sanctions adversely affect civilian population and push them into a condition of extreme poverty. Sanctions are primarily intended to effect a change in behavior on the part of the recalcitrant State. However, at times, they tend to punish innocent people and lead to the economic de-stabilization of the targeted State or even a third State. My delegation reiterates its position once again that the U.N. Security Council which mandates sanctions has a primary responsibility for finding solutions to the problems of third States affected by UN sanctions.

To obviate the adverse effects of sanctions, it is necessary that sanction regimes be subjected to a review. Adequate and timely assistance is imperative and must be undertaken on the basis of an assessment of the humanitarian conditions in the targeted and affected third States. In this regard, immediate steps need to be taken to implement the relevant portion of the 2005 World Summit Outcome Document on sanctions, more particularly, Paragraph 108 which calls upon the Security Council, with the support of the Secretary-General, to improve the monitoring of the implementation of and effects of sanctions, to ensure that sanctions are implemented in an accountable

manner, to review regularly such monitoring and to develop a mechanism to address special economic problems arising from the application of sanctions in accordance with Charter. 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 its impact on 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 believe that the Charter defines the precise manner and the circumstances in which sanctions or other coercive measure 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 due to illegal or excessive sanctions, it is my delegation's view that conferring of 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 limits itself to contributing only from the legal angle that too as a last resort after consensus has been reached among the member States on Peace Keeping Operations from the political and operational angles.

Mr. Chairman,

The contribution of the Special Committee on the Charter in setting standards for Peaceful Settlement of Disputes has been significant. India attaches the highest importance to the principle of free choice of means in matters of dispute settlement. In our view, any recourse to a dispute settlement mechanism requires, first and foremost, the consent of the parties to the dispute.

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.

Mr. Chairman,

India supports in principle, the proposal of Japan on the improvement of the working methods of the Committee. It is our hope that this could ensure the smooth conduct of the Committee's business by improving upon 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.

Mr. Chairman,

India supports all efforts 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.

We believe that the Special Committee on the Charter must have an active role in the implementation of the Charter related decisions outlined in the 2005 World Summit Outcome (A/60/L.1), in particular those mentioned under paragraphs 176-178. The Special Committee has already adopted a decision to play a role in the implementation of decisions of the High-Level Plenary Meeting concerning the UN Charter and any amendment thereto at its last session pursuant to a proposal from Trinidad and Tobago. Time has come now to devise modalities to implement this decision.

Thank you Mr. Chairman.

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