



STATEMENT BY MR. TARIQ ANWAR, MEMBER OF PARLIAMENT AND MEMBER OF THE INDIAN DELEGATION, ON AGENDA ITEM 79: 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 UN GENERAL ASSEMBLY ON OCTOBER 16, 2006

Mr. Chairman,

At the outset, I wish to thank Ambassador Somoza of Nicaragua, the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, for his skilful guidance of the last session in April. I would also like to extend our appreciation to the other members of the Bureau.

We are pleased to note that the Committee this year has approved the proposal on improvement in its working methods. This proposal aims to enhance the efficiency of the Committee and seeks to:

- avoid duplication of work of other UN bodies;
- have the Committee focus on fewer topics;
- have proposals submitted early enough for a thorough study by the Committee;
- establish a cut-off mechanism to prevent prolonged and ineffective discussion of some proposals;
- consider certain issues once every two or three years instead of annually; and
- allow for the reconsideration of the duration of sessions.

We sincerely hope that implementation of this proposal would lend a new momentum to the work of this important Committee and assist it in meeting its objectives.

Mr. Chairman

Under the agenda item "Peaceful settlement of disputes", a new proposal submitted by Egypt containing a draft resolution entitled "Commemoration of the sixtieth anniversary of the International Court of

Justice”, was approved by the Committee for presenting to the General Assembly.

The International Court of Justice, the principal judicial organ of the United Nations is an important forum for the peaceful settlement of international disputes. It has made a distinctive contribution to the maintenance of international peace and security and has contributed significantly to the development of international law through its decisions on a wide range of issues. In April, the Court held a ‘solemn sitting’ in the Great Hall of Justice of the Peace Palace in The Hague to celebrate the sixtieth anniversary of its inaugural sitting. Through this resolution, the General Assembly would convey its appreciation to the Court for its contribution.

Mr. Chairman,

The Russian Proposal on effective implementation of Article 50 relating to Assistance to Third States affected by the application of sanctions under Chapter VII of the UN Charter remains on the agenda. In this regard, immediate steps need to be taken to implement the relevant portion of the 2005 World Summit Outcome Document on sanctions, especially Paragraph 108, which calls upon the Security Council to improve the monitoring of the implementation of and effects of sanctions, ensure that sanctions are implemented in an accountable manner, review regularly such monitoring and develop a mechanism to address special economic problems arising from the application of sanctions in accordance with the UN Charter.

As regards the Russian proposal on Peacekeeping Operations under Chapter VI of the UN Charter, we believe that while the political and operational aspects of peacekeeping are being dealt with by other specialised committees, this Committee could contribute to the subject from the legal angle. The allocation of the agenda item on ‘Comprehensive Review of the Peacekeeping Operations in all their respects’ to the sixth committee this year is likely and reflects the need for focused legal scrutiny of the subject.

Turning to the joint proposal of the Russian Federation and Belarus seeking an advisory opinion of the ICJ on the legal consequences of use of force without a decision of the Security Council taken pursuant to chapter VII, we are of the view that consideration of such a reference would provide an opportunity to clarify the position on certain important legal aspects.

Mr. Chairman,

A Cuban proposal aimed at redefining the powers and functions of the General Assembly and its relationship with the Security Council has been

under the consideration of the Special Committee on UN Charter for some time now. India attaches great importance to the reform of the United Nations, including the revitalization of the General Assembly and democratization of the Security Council and significantly enhanced transparency in its working methods. The continuing encroachment of the mandates of the General Assembly by the Security Council is of great concern to the general membership of the United Nations and we welcome proposals that seek to reform the Security Council so as to make it more representative, legitimate and effective. It is hoped that the reform and expansion of the Security Council receives careful and focused attention it deserves. We reiterate India's commitment to the strengthening of the United Nations and enhancing of its efficiency.

We earlier spoke of the International Court of Justice. The ICJ, except for a very few contentious proceedings and rare rare advisory opinions has no automatic power of judicial review of Security Council decisions. It is therefore important to introduce checks and balances into the Security Council through expansion of its permanent and non permanent members. This would also make sanctions policy, of which we spoke earlier, more rational and optimal.

Mr. Chairman

In conclusion, we regard the Repertory of Practice of the UN organs to be a valuable source of information on the application of the Charter and an indispensable tool for the preservation of the institutional memory of the United Nations. We support the continuation of work on it. We also support updating of the Repertoire of the practice of the Security Council.

Thank you, Mr. Chairman.

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