



STATEMENT BY DR. RAMESHWAR ORAON, MEMBER OF PARLIAMENT AND  
MEMBER OF THE INDIAN DELEGATION, ON AGENDA ITEM 85: 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 62<sup>ND</sup> SESSION OF THE UNITED NATIONS GENERAL  
ASSEMBLY ON OCTOBER 16, 2007

Mr. Chairman,

At the outset, we wish to thank Ambassador Towpik of Poland, 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 February. We would also like to extend our appreciation to the other Members of the Bureau.

Maintenance of international peace and security is the primary responsibility of the Security Council, which acts on behalf of all members of the UN in the discharge of its duties. The Security Council, which mandates sanctions, has the nodal responsibility for finding solutions to the problems of third States affected by UN sanctions. Article 50 of the UN Charter confers the right on third States confronted with special economic problems, because of the Security Council sanctions, to consult the Security Council for solution to those problems. We do not consider Article 50 of the Charter as merely procedural. It obliges the Security Council to find definitive solutions to the problems of affected third States. India's stand has been from the beginning that the Security Council should hold the primary responsibility towards the affected third States, as a part of its sanctions-imposing decisions. India aligns itself in this regard with the Statement made by Cuba on behalf of NAM that the Security Council is obliged to directly focus upon the effects on third States of any sanctions under Chapter VII of the UN Charter.

Mr. Chairman,

We thank the Secretary General for his report on "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions". We are pleased to note the various measures taken by the Security Council to mitigate the effects of sanctions, ranging from standardizing humanitarian exemptions to developing delisting procedures and establishing a focal point. These measures are aimed at ensuring that sanctions are targeted and have consequently led to significant reductions in unintended economic consequences for third States. In this regard measures like

defreezing of funds to allow contractual dues are also steps in the right direction. We are pleased to note that due to various steps taken so far no Member State has approached any sanctions committee concerning special economic problems arising from the implementation of sanctions.

These important steps have been successful as in the recent past the Security Council, as part of the international community's effort to counter global terrorism, has moved from sanctions against States to targeting individuals and non-state entities. However, these measures may not really work if the Security Council decides to mandate a major new sanctions regime directed against a State. The issue of third country hardships considered by some to be moot now is likely to resurface again in such a situation. Therefore, we think that the Russian proposal still remains relevant and adoption of fair and clear procedures in the UN sanctions process will strengthen its effectiveness and credibility. In this regard a comprehensive framework would provide the requisite transparency and certainty in procedures. India therefore supports the idea of establishing a working group within the Sixth Committee to take up the matter of sanctions and third States.

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 also 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 a comprehensive reform of the Security Council. 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. The clear demarcation of powers in the Charter or the expansion of non permanent membership has not prevented this. Only an expansion in the permanent membership with new permanent members held accountable through reviews would introduce the necessary checks and balances that would prevent such encroachment. We reiterate India's commitment to the strengthening of the United Nations and enhancing of its efficiency.

Mr. Chairman,

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.

In conclusion, Mr. Chairman,

We are encouraged that the Special Committee after many years has been able to make modest progress and adopt some important decisions. Its decision on improvement of working methods of the Committee, we sincerely hope, would lend a new momentum to the work of this important Committee. In this respect we are willing to look at new proposals that would contribute to the revitalization of the work of the Special Committee and the United Nations and are confident that these would garner wide support.

Thank you, Mr. Chairman.

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