



STATEMENT BY MR. ARJUN CHARAN SETHI, MEMBER OF PARLIAMENT AND MEMBER OF THE INDIAN DELEGATION, ON AGENDA ITEM 78 - 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 63RD SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON OCTOBER 22, 2008



Mr. Chairman,

At the outset, we wish to thank 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 and for his Report. 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. Article 50 of the Charter is not merely procedural. It obliges the Security Council to find definitive solutions to the problems of affected third States. The Security Council holds the primary responsibility towards the affected third States, as part of its sanctions-imposing decisions.

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. We note that a revised sanctions assessment methodology is being put in place that will put more emphasis on effect of targeted sanctions on individuals, financial transactions and commercial activities and any other activity that may be targeted. 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.

Nevertheless, the Russian proposal on "Basic conditions and standard criteria for the introduction and implementation of sanctions imposed by the United Nations" still remains relevant. The 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. We hope that the Special Committee is able to conclude its deliberations on the Russian proposal at its next session and recommend it to the General Assembly for adoption.

Mr. Chairman,

We also support updating of the Repertoire of the practice of the Security Council and Repertory of Practice of the UN organs as they are 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.

Mr. Chairman,

The role of the Organization, which this Committee is mandated to strengthen, raises sensitive questions; of which the question of the advancement of rule of law

remains amongst the most critical. India attaches great importance to the reform of the United Nations, including the revitalization of the General Assembly and democratization and expansion of the Security Council in both permanent and non permanent categories. Therefore we would like to extend our support for the proposal which very seeks to allocate to this Committee the work of examining legal aspects of United Nations Reform as and when tasked by the General Assembly.

Thank you, Mr. Chairman.

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