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Statement by Dr. Neeru Chadha, Consultant, Ministry of External Affairs, at the Meeting of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

22nd February 2017

Mr. Chairman

At the outset, I congratulate you on your election as the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. I also congratulate the other members of the Bureau on their election.

Mr. Chairman

My delegation aligns itself, in general, with the statement made by the Islamic Republic of Iran yesterday on behalf of the NAM, and in our national capacity, we make the following observations.

Mr. Chairman

We attach importance to the work of the Special Committee. It is mandated to examine proposals regarding the Charter of the United Nations, including those relating to the maintenance and consolidation of international peace and security, development of co-operation among all nations and promotion of the rule of international law in the relations between and among the States as well as between the States and the UN and other bodies.

Given the nature of this mandate, the Special Committee is well placed to play an important role in the clarification and interpretation of the provisions of the Charter, with a view to ensure their proper implementation.

Mr. Chairman,

Maintenance of international peace and security is of paramount importance. The Security Council has the primary responsibility to maintain the peace and security in the discharge of its duties on behalf of all UN Member States.

Sanctions could serve as an important tool in the maintenance of peace and security. They should not be used as punitive measures. They serve their purpose only if they are used, when necessary as a measure of the last resort having tried all other options, and are applied so long as are necessary, in accordance with the provisions of the Charter.

Mr. Chairman

The Special Committee has, in its deliberations earlier, dealt with several proposals on issues of sanctions in the context of international peace and security. The Security Council is now increasingly issuing targeted sanctions against individuals and entities. According to the Secretary-General's report A/71/166, due to the shift from comprehensive and general sanctions to targeted sanctions, the incidence of unintended harm to the third States or their citizens, has significantly reduced. It is an important development. However, the lack of requests from States for the UN assistance should not be the reason for deletion of this topic from the agenda of this Committee or to make it a subject for triennial discussion. It is of continuing interest for many delegations to discuss the substantive nature of Article 50 of the Charter, with a view to strengthen the environment preventive of issuing sanctions that might adversely affect the on third States.

Mr. Chairman,

We draw attention of the Committee to the call of the 2005 World Summit in its outcome document in paragraph 153 for early reform of the Security Council and also to the paragraph 35 of the Declaration adopted by the General Assembly at the High-Level Meeting on the Rule of Law at the National and International Levels held on 24 September 2012. They stressed the importance of the continuing efforts to reform the Security Council.

Mr. Chairman

Article 2 paragraph 4 of the Charter contains one of the fundamental principles of the UN. It obliges Member States to refrain, in their international relations, from the threat or use of force. This obligation was reiterated in the outcome document of the World Summit 2005. In that context, we support in principle, the joint revised proposal of the Russian Federation and Belarus for an advisory opinion of the International Court of Justice on the legal consequences of the use of force by a State or a group of States without the express authorization of the Security Council under Chapter VII of the Charter or not in the exercise of the inherent right of self-defence. This may help clarify the legal principles governing the right to use of force under the Charter.

We appreciate the concept paper of Ghana of February 2015 (Annex II to A/70/33) and look forward to their revised paper for discussion during this session. The Ghana paper in general aimed at strengthening the cooperation between the United Nations and the regional organizations. Where appropriate the regional organizations could play an important role in the peaceful settlement of disputes between/among their member States in accordance with the provisions of the Charter. Regional organisations like AU are playing very important role and contributing to the maintenance of peace and security in their respective regions. They could play not only the preventive diplomacy and peacekeeping, but also peace building in the post-conflict situations. We consider that Ghana's proposals are worth exploring, especially those concerning the measures and institutional mechanisms for effective and timely cooperation and coordination between the UN and the regional organisations in peaceful settlement of disputes under Chapter VIII of the Charter. We look forward to discussing this.

Further, we welcome the revised proposal of the NAM on the peaceful settlement of disputes (Annex I to A/70/33) and its oral presentation. We recall that the Manila Declaration on Peaceful Settlement of Disputes is one of the seminal contributions of this Special Committee. The revised proposal of the NAM seeks exchange of views on experiences of the States on the use of one of the peaceful settlement of disputes, namely conciliation, under Article 33 of the Charter and also seeks compilation of the States' views submitted voluntarily and reference of the subject for the study by the International Law Commission. We look forward to the discussion on this revised proposal of the NAM and its specific aspects or issues.

We also look forward to the discussion on the papers of the Bolivarian Republic of Venezuela, Libya and Cuba.

Finally, Mr. Chairman, India supports all efforts towards the restoration and updating of the *Repertory* of Practice of the UN Organs and *Repertoire* of Practice of the Security Council, as they are very important sources of reference.

I thank you, Mr. Chairman.