

**Meeting of the Special Committee on the  
Charter of the United Nations and on the Strengthening of the Role of the  
Organization**

**20 February 2018**

**INDIA STATEMENT**

**Thank you Mr. Chairman,**

I congratulate you and other members of the bureau on your election. I assure you of the full cooperation and support of the Indian delegation during the proceedings of the meeting of the Special Committee.

We align with the statement made on behalf of Non-Aligned Movement, and in our national capacity we have the following general remarks to make:

We consider the work of the “Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization” important. The Special Committee’s mandate is well placed to play an important role in the interpretation of the provisions of the Charter of the United Nations.

**Mr. Chairman,**

We would like to address three specific issues, which are under consideration of the Special Committee. These are: peaceful settlement of disputes which is the theme for this year's meeting of Special Committee; maintenance of international peace and security; and assistance to third States affected by the application of sanctions.

**Mr. Chairman,**

The United Nations represents our collective recognition that only cooperative and effective multilateralism can ensure peace and prosperity in the context of the range of inter-connected challenges that we face in our inter-dependent world. India strongly believes in multilateralism and peaceful settlement of disputes in accordance with international law.

The States are obliged to settle their disputes by peaceful means, which is one of the fundamental principles under paragraph 3 of Article 2 of the UN Charter. Article 33 of the Charter further strengthens this duty and provides the means which the parties to a dispute can choose freely. The International Court of Justice, the principal judicial organ of the United Nations, plays an important role in the peaceful settlement of disputes.

In this regard, 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 when not in the exercise of the inherent right of self-defence. This may help to clarify the legal principles governing the right to and situations for the use of force under the UN Charter.

Further, India supports the retention of the 'Peaceful Settlement of Disputes between States' on the agenda of the Special Committee. We believe that the revised proposal by the Non Aligned Movement on 'The peaceful settlement of disputes and its impact on the maintenance of peace', is an important one. We hope that member states will engage constructively on this proposal.

**Mr. Chairman,**

According to the UN Charter, maintenance of international peace and security is the primary responsibility of the Security Council, which has to act on behalf of all the UN member States in the discharge of its duties.

In certain situations, the Security Council authorises sanctions under Chapter VII of the UN Charter. In such cases, 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 UN Charter and do not violate the principles of international law.

Article 50 of the UN Charter confers the right on third States confronted with special economic problems, which may arise because of the Security Council sanctions, to consult the Security Council for solution. This obliges the Security Council to find definitive solution to the problems of the affected third States.

**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/72/136, 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 considered as a ground to remove this topic from the agenda of this Committee or to defer its discussion. It is of continuing interest for many delegations to discuss the implementation of Article 50 of the Charter, with a view to ensuring that third States are not adversely affected by the sanctions.

**Mr. Chairman,**

We appreciate the concept paper of Ghana, which in general is 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. 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.

**Mr. Chairman,**

Finally, we commend the continuing efforts of the Secretariat and the Secretary-General to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and to eliminate the backlog in their preparation.

These two publications have considerable significance as sources of reference and as effective means of maintaining the institutional memory of the Organization, as well as their importance in the dissemination of the work of the Organization.

**Thank you Mr. Chairman,**

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