

STATEMENT BY

**MR. YEDLA UMASANKAR
FIRST SECRETARY/LEGAL ADVISER
PERMANENT MISSION OF INDIA TO THE UN**

ON

**MEETING OF THE SPECIAL COMMITTEE ON THE
CHARTER OF THE UNITED NATIONS AND
ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION**

AT THE

UNITED NATIONS GENERAL ASSEMBLY

NEW YORK

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Mr. Chairman,

My delegation congratulates you and other members of the Bureau on your election to guide the meetings of the Special Committee. Let me assure you our full cooperation and support in the deliberations of this Committee.

2. We **align with the statement delivered by the Islamic Republic of Iran** on behalf of Non-Aligned Movement, and would like to supplement with the following in our national capacity.

3. 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. Chariman,

4. The world community came together in the aftermath of World War II and established the United Nations. The stated goal of the UN Charter is to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind. Seven decades after the establishment of the United Nations, we need to reflect on the serious inadequacies of the mechanisms that have been developed so far to address this common concern.

5. Collective security is a product of law, based on the delegation of power by sovereign states to a collective entity, providing the normative foundation for and means of regulating the behaviour of sovereign states and resolving conflicts among them. A coherent application of the rule of law at all levels of governance is a pre-condition to avoid conflicts and ensure peace and justice. This applies to both international and national affairs.

Mr. Chairman,

6. All of us are painfully aware of the several ongoing armed conflicts, both involving States and individuals within national borders; as also the ever increasing cross-border terror attacks that continue to threaten international peace and security and destabilize entire regions.

7. United Nations is based on the principles of sovereign equality that is all States have equal status regardless of their size. India’s vision has been of a world as one large family and its dreams have been woven around the theme of peaceful co-existence. India believes that the advancement of the rule of law at national level is essential for the protection of democracy, human rights and fundamental freedoms, as well as for socio-economic growth. This should be the primary objective of all States.

Mr. Chairman,

8. We would like to reflect on **three specific issues**, which are under consideration of the Special Committee. These are: **peaceful settlement of disputes; maintenance of international peace and security; and assistance to third States affected by the application of sanctions.**

9. Peaceful settlement of disputes is an important tool in the maintenance of international peace and security and to promote the rule of law. The International Court of Justice, being the principal judicial organ of the United Nations, has played an important and critical role in the maintenance of international peace and security by peaceful adjudication of disputes between States.

10. The Security Council needs to promote pacific settlement of disputes through greater recourse to the International Court of Justice. The UN system and international judicial institutions have to promote the rule of law in their work and avoid political biases. The international community has to provide greater resources for empowering States to build institutions that promote the rule of law and help citizens realize their legitimate aspirations.

11. **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. India strongly believes in multilateralism and **peaceful settlement of disputes in accordance with international law.**

Mr. Chairman,

12. 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.

13. In certain situations, the Security Council authorizes sanctions under Chapter VII of the UN Charter. In such cases, sanctions could serve as an important tool in the maintenance of international 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.

14. **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 the solution. This **obliges the Security Council to find a definitive solution to the problems of the affected third States.**

Mr. Chairman,

15. 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. We take note of the measures highlighted by the Secretary-General in his

report A/74/152, for further improving the procedure and working methods of the Security Council in his regard.

16. We further take note of the role played by the General Assembly and the Economic and Social Council for assisting third States affected by the applications of sanctions under Article 50 of the Charter. However, we call upon the said bodies to play greater pro-active role in assisting such affected third States.

17. India takes note of the arrangements made in the Secretariat for assisting the third States affected by the applications of sanctions and encourage the Secretariat to play a constructive role in exploring practical and effective measures in assisting the affected third States.

Mr. Chairman,

18. The Committee has before it some proposals, which need to be discussed. We appreciate the proposal 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 proposal is 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.

19. India appreciates the Russian Federation's proposal with a view to establishing a **website on the peaceful settlement of disputes and updates to the Handbook on the Peaceful Settlement of Disputes between States**, which would be useful to all member States.

20. The *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* have considerable significance as sources of reference and as effective means of maintaining the institutional memory of the Organization, as well as in dissemination of the work of the Organization. In conclusion, we commend the continuing efforts of the Secretariat and the Secretary-General to update these two publications and to eliminate the backlog in their preparation.

Thank you, Mr. Chairman.
