

**SPEECH BY THE PRESIDENT OF INDIA, SHRI PRANAB MUKHERJEE
TO THE DELEGATES OF INTERNATIONAL CONFERENCE OF CHIEF
JUSTICES OF THE WORLD ON ARTICLE 51 OF THE CONSTITUTION
OF INDIA**

Rashtrapati Bhavan, New Delhi: 06-12-2012

I am happy to welcome to the Rashtrapati Bhavan, the distinguished judges and jurists who are taking part in the 13th International Conference of Chief Justices of the World organized in Lucknow by the City Montessori School. I am delighted to meet and interact with this gathering of jurists from different legal traditions across the world.

It is a matter of great happiness that the City Montessori School established 53 years back, has taken the leadership in organizing such Conferences for the last 13 years.

The theme of this Conference is “Article 51” of the Constitution of India. Article 51 provides that the State will endeavour to promote international peace and security, maintain just and honourable relations between nations and foster respect for international law and encourage settlement of international disputes by arbitration. Just a few years before the formulation of Article 51, India had participated in the negotiations and adoption of the Charter of the United Nations. Imprints of the language of the UN Charter can therefore be seen in the formulation of Article 51.

Maintaining just and honourable relations between nations and fostering respect for international law is a critical pre-requisite for the promotion of international peace and security. Article 51 is a unique provision in the Indian Constitution which mandates the Government to strive for good and friendly relations with foreign countries. This Constitutional directive has always been a central element of India's foreign policy.

Article 51 provides international law and treaties and agreements entered into by India with a special status within our country. This is reflective of the high respect the Constitution and Indian legal system accords to International Law and the global vision of our Constitution makers. This article has been relied upon to introduce and implement various international instruments, particularly the Universal Declaration of Human Rights and the two Covenants on the Political and Civil Rights and the Economic, Social and Cultural Rights in the interpretation of fundamental rights. Courts in India have held that by virtue of this Article, international instruments, particularly those to which India is a party, become part of Indian law so long as they are not inconsistent with domestic law.

The importance of international law in the contemporary world cannot be overemphasized. Some of the basic principles enshrined in the UN Charter - such as sovereign equality of states, prohibition of the use of

force and protection of the basic human rights, adhered to by all nations, are often under threat or violated. There are other challenges for example international terrorism, proliferation of weapons of mass destruction, transnational crimes, illicit drug trafficking, human trafficking and money laundering. Global warming and climate change, corruption, poverty and health care are also some other key issues that need to be addressed.

It is important that States reaffirm their adherence to the rule of law, with a commitment to abide in good faith to an international order based on respect for international law, including obligations under the Charter of United Nations, principles of justice and peaceful co-existence. Jurists such as you have an important role to play in persuading States to abide by the rule of law and building support amongst the public for the same.

Ladies and Gentlemen,

No country in the world can afford to ignore the basic tenets of international law, as a just world order is only possible by adherence to international rule of law. Today, international law touches every aspect of human life. Due to rapid technological advancements, the world has become smaller. This necessitates the need for finding common approaches to counter problems of environmental degradation, cross-boarder terrorism, international trade, human rights and utilization of

resources beyond national jurisdictions culminating into international rules. With increasing globalization and inter dependence, States have to cooperate and act together to ensure improved access not only to food, health care, education and housing for their citizens but also act to protect them against crime, violence and aggression. States have to provide the framework of freedom under law in which individuals can prosper and society develop.

Being the largest functional democracy in the world, India believes in promotion of democratic values and processes. We have consistently played an important role in seeking international consensus to tackle major global issues and foster international cooperation and collaboration. India remains committed to work with partners to make the world safe for our children and banish poverty so that each one has the option and facilities to realize his or her potential. India also believes that advancement of the rule of law at the national level is an essential tool for the protection of democracy, economic growth, sustainable development, ensuring gender justice, eradication of poverty and hunger and protection of human rights and fundamental freedoms.

I am aware that one of the subjects you have been discussing is the establishment of a World Government. I do not know how such a Government can be put in place. It might be a desired dream. But it will take time to

transform this dream into reality. However, what we have at present is the United Nations Organization. All countries and citizens of the world must do their utmost to support and strengthen the UN.

As a founder member of the United Nations, India supports the purposes and principles of the UN, as embodied in its Charter. India has made significant contributions to implementing the goals of the Charter, and the evolution of the UN's specialized programmes and agencies.

India has worked for enhancing international cooperation in the areas of counter-terrorism, prevention of the proliferation of weapons of mass destruction to non-state actors, and the strengthening of UN peacekeeping and peace building efforts. In view of the serious threat posed to international maritime trade and security by piracy off the coast of some countries, India has promoted concerted international cooperation against the pirates.

India is the third largest troop contributor with over 8000 troops deployed all over the world in 10 peacekeeping missions in Democratic Republic of Congo, Lebanon, Golan Heights, Liberia, Cote d'Ivoire, Cyprus, East Timor, Haiti and South Sudan.

Ladies and Gentlemen,

Over the decades, India has urged the UN to play a more active role and be more effective in pursuing a more equitable international order and an economic environment that is conducive to rapid economic growth and development in developing countries. In the context of the new globalized system, India has also actively urged the UN to work to ensure that developing countries can harness the benefits of these processes in an equitable manner.

Specifically, India has emphasized the need for enhanced flows of official development assistance (ODA) to developing countries--in particular, raising ODA from developed countries to 0.7% of their Gross National Income—transfer of technology to developing countries, more equitable terms of trade, accelerating industrialization, agricultural development and food security in developing countries.

India strongly advocates the process of reform and restructuring of the UN to equip it to more effectively respond to the evolving needs of its membership. Objective realities underscore the need for thorough-going and genuine UN reform: it is an organization that is over six decades old; its membership has expanded by nearly four times since the Charter was signed; and the world of today is very different from the world of 1945. The challenges of the 21st century - political, economic, social, environmental or demographic - are global in nature, and

the world is far more interconnected and interdependent than at any time in human history.

This demands a greater dependence on the UN as the only democratic, universal forum for the community of nations. It necessitates comprehensive reform of the UN, aimed at its revitalization. India believes that the UN should be able to respond to the needs and priorities of member States, particularly developing countries, which constitute the vast majority of its membership.

India believes that no reform of the UN will be complete without the reform and expansion of the UN Security Council. It is essential that the Security Council is expanded in both the permanent and non-permanent categories. The inclusion of developing countries from Asia, Africa and Latin America, who are capable of global responsibility, will contribute to optimal decision making necessary to address the insecurity of developing countries.

By any objective criteria, such as population, territorial size, GDP, economic potential, civilizational legacy, cultural diversity, political system and past and ongoing contributions to the activities of the UN—especially to UN peacekeeping operations—India is eminently suited for permanent membership of the UN Security Council. India has affirmed its willingness and

capacity to shoulder the responsibilities of permanent membership of the UN Security Council.

I thank all the distinguished delegates for having taken the time and effort to visit India. I compliment the City Montessori School, for the good work done in spreading the message of world peace and encourage the school to continue its efforts in this regard, especially with a focus on children and the youth.

Thank you, Jai Hind.