

Statement By
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**on behalf of the Non-Aligned Movement
Before the Special Committee on the Charter of the United Nations and
on the Strengthening of the Role of the Organization''**

New York, 21 February 2017

I have the honour to deliver this statement on behalf of the Non-Aligned Movement. Let me begin with congratulating you for your deserved election as the chair of this committee, while I assure you of the support of NAM member states. I am confident that under your able leadership the committee will fulfil with success the mandate has received from the General Assembly.

The Non-Aligned Movement continues to attach great importance to the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization and considers that it should play a key role in the current reform process of the United Nations, as mandated in Resolution 3499(XXX) of 15 December 1975.

In our view, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of Organization has got important potential to enlighten international law and the relevancy of the charter provisions. The Manila Declaration, which was negotiated and adopted by the Charter Committee in 1982, is only one of the major achievements of the committee, which demonstrates that the committee could be considered as a forum to clarify and promote general international law and charter provisions.

The Non-Aligned Movement is of the view that the United Nations is the central and indispensable forum for addressing issues relating to international cooperation, economic development and social progress, peace

and security, human rights and the rule of law, based on dialogue, cooperation and consensus-building among States. In this context, the Movement attaches high importance to the strengthening of the role of the United Nations and recognizes the efforts taken to develop its full potential.

Important elements in the United Nations' reform process are the democratization of its principal organs and respect for the General Assembly's role and authority, including questions related to international peace and security. The General Assembly remains the chief deliberative, policy-making and representative organ of the United Nations, and its intergovernmental and democratic character, as well as its subsidiary bodies, have contributed extensively to promote the purposes and principles of the United Nations Charter and the Organization's objectives.

The Non-Aligned Movement reiterates its concern over the continuing encroachment by the Security Council on the functions and powers of the General Assembly and those of the Economic and Social Council through addressing issues which fall within the competence of the latter organs, and the attempts to enter areas of norm-setting and establishing definitions which fall within the purview of the General Assembly.

The Non-Aligned Movement reaffirms that the reform of the Organization should be carried out in accordance with the principles and procedures established by the Charter of the United Nations and preserve the legal framework of this constitutional instrument. For this purpose, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the organization can contribute to the examination of the legal matters in this process. In this regard, the NAM notes that it is important that the Special Committee continues to study the legal nature of the implementation of Chapter IV of the Charter, particularly its Articles 10, 11, 12, 13 and 14 dealing with the functions and powers of the General Assembly.

The Security Council-imposed sanctions still remain an issue of serious concern to the Member Countries of the Non-Aligned Movement. It is the Movement's view that the imposition of sanctions should be considered as a last resort. Targeted sanctions may be imposed only when there exists a

threat to international peace and security or an act of aggression, in accordance with the Charter. They are not applicable as a preventive measure in any and all instances of violation of international law, norms or standards.

Sanctions are blunt instruments, the use of which raises fundamental ethical questions of whether sufferings inflicted on vulnerable groups in the target country are legitimate means of exerting political pressure. The objectives of sanctions are not to punish or otherwise exact retribution on the populace.

Sanctions regimes should avoid unintended consequences in the target State or third States which may lead to violations of human rights and fundamental freedoms. they should not hinder humanitarian assistance from reaching the civilian population.

In this regard, the objectives of sanctions regimes should be clearly defined, based on tenable legal grounds, and their imposition should be for a specified timeframe. It should be lifted as soon as the objectives are achieved. The conditions demanded of the State or party on which sanctions are imposed should be clearly defined and be subject to monitoring its impacts and periodic review.

The Movement, also, expresses its deep concern at the imposition of laws and other forms of coercive economic measures, including unilateral sanctions, against developing countries, which violates the Charter of the United Nations and undermines international law and the rules of the World Trade Organization and calls on countries which imposed unilateral sanctions to put an end these sanctions immediately .

We also look forward to hearing regular briefings on all aspects of the document entitled “Introduction and implementation of sanctions imposed by the United Nations” contained in the Annex to General Assembly resolution 64/115 of 16 December 2009. In particular, we are interested to hear more about perceived objective assessments of the short-term and long-term socio-economic and humanitarian consequences of sanctions by security council’s sanction committees and the methodology used for the

assessment of the humanitarian implications of sanctions. We also expect to hear Information on the humanitarian consequences of the introduction and implementation of sanctions, including those which have a bearing on the basic living conditions of the civilian population of the target State, on its socio-economic development and on third States which have suffered or may suffer as a result of their implementation.

The Committee has before it important proposals, which need to be thoroughly debated and analysed. The movement recalls the Revised proposal by Libya on the strengthening the role of united nations in the maintenance of international peace and security, the revised working paper by Venezuela on Open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs, and the Working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations and looks forward to further meaningful and result based deliberation and discussion on these proposals.

Furthermore, NAM commends the role of ICJ in promoting the peaceful settlement of international disputes and invites the General Assembly, other organs of United Nations and specialised agencies, to request advisory opinion of the ICJ on legal questions arising within the scope of their activities. In this context NAM maintains that the joint proposal of the Russian Federation and Belarus deserve thorough and meaningful consideration by the Committee.

With respect to the Proposal of Ghana entitle “Strengthening the Relationship and Cooperation between the United Nations and Regional Organisations or Arrangements in the Peaceful Settlement of Disputes”, we support the work of committee on developing guidelines to facilitate the cooperation of the United Nations with regional organizations. we welcome the offer by the delegation of Ghana to present a non-paper with concrete options, in line with the discussion, that took place in the inter-sessional meeting. we are committed to engage constructively with a view toward finalizing this proposal.

The question of the peaceful settlement of disputes among States, as an important issue for the Movement, continues to rank highly in the Special

Committee. NAM fully supports all efforts in promoting peaceful settlement of disputes based on provisions of international law and the Charter of the United Nations, in particular its Article 33. In this context the NAM proposal entitled: peaceful settlement of disputes and its impact on the maintenance of peace, contained in document A/70/33, is presented under the agenda item of peaceful settlement of disputes. It is an attempt to promote discussion on peaceful means for settlement of disputes in the Charter Committee and six committee and to increase capacity of member states in recourse to peaceful means available. While underscoring the free choice by states, of means of peaceful dispute settlement. It encourages member states to share their best practices and successful examples in using these methods in settlement of disputes by submitting information on their practices.

The movement expresses its appreciation to the secretariat for the arrangement of the informal inter-sessional meeting convened on 2 February 2017, in accordance with the General Assembly resolution 71/146. We also thank all member states which engaged constructively in this process. We have revised our proposal to accommodate the concerns raised by some delegations. In order to reach a swift consensus, we have decided to be pragmatic and result oriented and for this reason, we extracted the main elements of the proposal in a non-paper, which will be distributed in the course of the discussion in the Working Group of the Whole. We hope that with such a flexible approach, the committee would be in a position to make these elements operational in the upcoming GA resolution on Charter Committee.

The Movement takes note of the progress made by the Secretariat since the last report in updating the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council. However, the movement notes with concern that the backlog in the preparation of volume III of the repertory is not eliminated, and calls upon the Secretary General to address this issue effectively and on a priority basis.

NAM has the view that the committee should redouble its efforts, inter alia, to examine suggestions and proposals regarding the Charter and the strengthening of the role of the UN. Also, we are ready to engage into discussion with other groups to set up a work programme for the Charter

committee, to facilitate any discussion in the future with the aim of enhancing the ability of the UN to achieve its purposes.

I thank you