

**Azərbaycan Respublikasının
BMT yanında Daimi
Nümayəndəliyi**



**Permanent Mission of the
Republic of Azerbaijan
to the United Nations**

633 Third Avenue, Suite 3210, New York, NY, 10017
Tel: (212) 371-2559, 371-2832 (ext. 101); Fax: (212) 371-2784, (646) 738-6143

Check against delivery

**Statement by Mr. Tofiq Musayev
Counsellor of the Permanent Mission of the Republic of
Azerbaijan to the United Nations**

**at the 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

Mr. Chairman,

At the outset, I would like to congratulate you and other members of the Bureau on your election and assure you in our delegation's full support.

We join the statement delivered earlier today by the distinguished representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement, and would like to make some additional remarks in our national capacity.

We recognize the valuable contribution of the Special Committee to examining the issues relating to the Charter of the United Nations and the strengthening of the role of the Organization with regard to the maintenance and consolidation of international peace and security, the development of cooperation among States and the promotion of international law. Since its establishment, the Special Committee has developed several important instruments and resolutions. The role of the Committee acquires additional relevance in the context of the ongoing efforts towards improving the efficiency of the United Nations and making it more responsive to the needs of Member States.

In its resolution 72/118, the General Assembly requested the Special Committee to continue its consideration of a number of issues.

With regard to agenda item "Maintenance of international peace and security", we look forward to a briefing by the Secretariat on all aspects of the document entitled "Introduction and implementation of sanctions imposed by the United Nations", annexed to General Assembly resolution 64/115.

We also commend the continued practice of open briefings by Security Council sanctions committees, which had increased transparency.

As decided by the General Assembly, the Special Committee will hold an annual thematic debate, under agenda item on the peaceful settlement of disputes, to discuss the means for the settlement of disputes, in accordance with Chapter VI of the Charter, including in particular those contained in Article 33 thereof, and consistent with the Manila Declaration on the Peaceful Settlement of International Disputes.

We believe that the debate, this year focused on negotiation and inquiry, will contribute to better knowledge of State practices and further discussions on the topic.

The peaceful settlement of disputes remains one of the key and core principles of the United Nations and thus of the world community. Several elements flow from Article 2(3) of the Charter of the United Nations. I would like to focus on some of them.

First, the primary objective of the principle of the peaceful settlement of international disputes is to commit States to respect each other's sovereignty, territorial integrity and political independence, and refrain in their international relations from the threat or use of force save for self-defence and Security Council authorized activities.

Second, the settlement of the dispute must be achieved by peaceful means. In other words, the international community cannot accept the use of force and its consequences as a way of resolving disputes.

Third, whatever the choice of States as to the mechanisms adopted for resolving their disputes, no settlement can be reached which is inconsistent with international law, particularly where peremptory norms are concerned, such as the obligation to respect the territorial integrity and sovereignty of States.

The principle of the peaceful settlement of disputes, or, to certain extent, the concept of prevention as its frequently referred non-legal equivalent, cannot be interpreted as prejudicing in any manner the relevant provisions of the Charter of the United Nations or the rights and duties of States and implying continuation and sustenance of situations created through violations of the Charter and international law.

In cases where one State has neglected its obligation to settle a dispute by peaceful means and unlawfully used force against another State, meaning that international dispute developed into armed conflict with aggravated consequences, claims that the injured State is under an obligation to respect the principles of the peaceful settlement of disputes and non-use of force vis-à-vis the aggressor State are redundant and inconsistent with the relevant Charter provisions.

It is abundantly clear that, as long as internationally wrongful acts continue, an injured State is entitled to react by exercising its inherent right of self-defence, in conformity with the Charter of the United Nations and international law, as well as by taking non-forcible countermeasures in order to procure the cessation of such acts and to achieve reparation for the injury.

Moreover, serious breaches of obligations under peremptory norms of general international law give rise to additional consequences, which include, *inter alia*, duties of States to cooperate in order to bring to an end a serious breach by lawful means, not to recognize as lawful a situation created by such breach, nor render aid or assistance in maintaining that situation. The basis for the obligation of non-recognition is that a legal right cannot stem from an unlawful act.

For the purpose of preventing the escalation of conflicts, more energy and political will should be invested to the implementation of resolutions adopted by the principal organs of the United Nations, in particular those relating to the peaceful settlement of disputes and the prevention and resolution of conflicts.

It is also important to underline the role of the rule of law in establishing a stable and durable peace. The imperative of shedding light on real facts and combating impunity is undeniable.

In resolving disputes, references to judicial bodies should be seen, where appropriate, as part of a larger process of addressing legal issues and peaceful settlement. As the principal judicial organ of the United Nations, the International Court of Justice plays an important role within the international legal system in promoting the rule of law and encouraging the settlement of international disputes by peaceful means. The value of judicial settlement is high.

Besides, the Court's advisory opinions on legal questions may also be useful, especially in situations where actions in contravention of the Charter of the United Nations and international law are accompanied with apparent misinterpretation of legal norms and principles. The authoritative legal opinion can also contribute to ensuring that peace settlement efforts are in line with international law.

Thank you.