

statement by

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Before

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

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In the Name of God, the Most Compassionate, the Most Merciful

Mr. Chairman,

The Special Committee is the only forum within the UN framework to discuss issues related to the UN Charter and strengthening of the role of the Organization. The Committee is entrusted with the mandate to address important issues related to international peace and security and pacific settlement of disputes. Thus, deliberations in this Committee could provide a common understanding for strengthening of the role of the United Nations and promotion of rule of law at the international level. There is a need to utilize the capacity of this body to elaborate more on the important questions related to peace and security, including but not limited to the issues of unlawful use of force,

imposition of unilateral coercive measures and their impact on rule of law at the international level.

Prohibition of the threat or use of force as enshrined in the Article 2(4) of the UN Charter, has been among the essential achievement of the United Nations. The practices of few Member States to unlawfully resort to threat or use of force has been in defiance of peremptory norms of international law and has jeopardized the credibility of the Organization and violated the UN Charter. Clarification and re-affirmation of the Charter Provisions in respect of use of force could contribute to the strengthening of the organization. Therefore, my delegation supports the proposal submitted jointly by the Russian Federation and Belarus to seek, through the General Assembly, the advisory opinion of the International Court of Justice on the legal consequences of resorting to the use of force without authorization by the Security Council except in the exercise of the right to self-defense.

Mr. Chairman,

The Charter Committee also provides an opportunity for Member State to hear about all aspects of the Introduction and implementation of sanctions imposed by the United Nations. We hope these presentation and active interaction of Member State could provide a ground for understanding and avoiding the unintended consequences of the UN sanctions as well as improving compliance with the rule of law. When we are talking about compliance of Member States with the UN sanctions, we should not forget about the compliance of the Security Council with international law. the Security Council shall act in strict conformity with the purposes and principles of the Charter and avoid exceeding its authority and competence under the Charter or acting in breach of the principles of international law. Sanctions imposed pursuant to arbitrary and politically motivated determinations of the notion of threat to the peace and security, and based on political manipulation of the Council by some permanent members, cannot be seen as legitimate and lawful. The UN Security Council sanctions may be introduced as a last resort and only after determination of the existence of an actual threat to peace or breach of peace based on valid evidence,

not mere speculations and misinformation. More importantly, sanctions should be adopted only after peaceful measures have been exhausted or proven to be inadequate. Furthermore, there should be a mechanism for the Council to promptly lift all sanctions when there are no grounds for having them. Furthermore, the capacity of the UN Secretariat shall be improved in a way to enable proper assessment of the unintended consequences of the UN sanctions on civilian populations and make timely advice to the Security Council.

Mr. Chairman,

The morally wrong and ethically unjustified unilateral measures not only defy the rule of law at the international level but also infringe upon the right to development, leading to the violation of basic human rights and collective punishment of innocent civilians. In many cases, unilateral sanctions are imposed as a result of the extraterritorial application of domestic legislations against legal and natural persons in other countries. This is in spite of many General Assembly resolutions on the necessity for member states to

refrain from the application of their laws and regulations on the third states with extraterritorial effects. Such application clearly disregards the sovereignty of other States.

The Islamic Republic of Iran welcomes the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights contained in document A/73/175. We lend our support to the practical steps that he has suggested and endorse his recommendations. Particularly where he calls upon States to clearly affirm that unilateral sanctions, especially those of a comprehensive nature, in particular when aggravated by secondary sanctions seeking the “economic isolation” of the target country, amount to discrimination against the innocent population of the country concerned, in violation of the prohibition of discrimination enshrined in the main international human rights instruments including, but not limited to, the International Convention on the Elimination of All Forms of Racial Discrimination.

In the case of the Islamic Republic of Iran, a permanent member of the Security Council, in total disregard to Article 25 of the UN Charter, is not only violating council resolution 2231, which calls on, “promoting and facilitating the development of normal economic and trade contacts and cooperation with Iran, for the first time in the history of the UN is engaging in penalizing nations across the entire world for abiding by that resolution. Today, more than ever, this country is addicted to sanctions and seeing it as a tool in its toolbox in pursuance of its own national interests.

Mr. Chairman,

We welcome the decision of the General assembly to hold an annual thematic debate on means for pacific settlement of disputes in the Charter Committee. We seize this opportunity to express our viewpoints on theme selected for this session, Mediation.

The Islamic Republic of Iran has always envisaged the means set forth in Article 33 of the Charter as an important component of its interaction with other States; in this connection, we acknowledge the importance of different dispute settlement methods for the promotion and maintenance of international peace and security. There is no doubt that peaceful means which enshrined in Article 33 is essentially related to disputes with an international character in nature and definition and that domestic disputes are excluded from scope of this Article. Also, as a political means for pacific settlement of international disputes, mediation reconciles the view of the parties, narrows the gap between the parties and as such it makes easier for the parties to recourse to settle their international disputes via a peaceful approach.

In terms of definition, meditation involves the participation of a third party with the aim of helping parties to the dispute reach a mutually acceptable compromise solution. The mediator must assist the parties , provide ideas for compromise and the basis for agreement. It should be noted that the mediator,

in order to be successful, must assure its independence and impartiality. The confidence of the parties must be maintained throughout the process.

It should also be noted that the act of mediation by a third party for the purpose of settling differences is a friendly act which reduces tensions between the parties. Mediation must be based on international law principles of “free choice of means” and of “consent”. Accordingly, it is necessary for mediator to obtain the consent of the parties. Mediation cannot be imposed on the parties to an international dispute, but only takes place if they consent. Due to voluntary nature of mediation, the parties retain control over the outcome of their dispute, as well as their freedom to accept or reject mediation or mediator’s proposals.

It is well-known that there are no universally accepted procedural rules governing the use and practice of mediation. Mediation lacks formal enforcement mechanisms under international law.

Proposals of the mediator are only non-binding recommendations. Consequently, no one can impose a solution on any party. Any imposed solution on parties to the dispute would not contribute to object of maintenance of international peace and security. Furthermore, mediation is sufficiently flexible in nature. Hence, any decision about issues such as informality, confidentiality, time limits, end of mediation and etc. are up to the parties. The mediator and parties to the dispute must have the ability to work with prudence and patience and at the same time make their best effort, with due attention to good faith, to make the process effective and efficient.

Turning to our experiences regarding the use of mediation, there are considerable cases in which the Islamic Republic of Iran successfully played his role as mediator. As an entrusted third party, Iran acted as mediator in plenty of cases at the regional and international levels. Fortunately, acceptance of Iran's mediation has usually been followed by an

agreement mutually agreed by the parties. Moreover, in doing his role as mediator, with respect to international rules and principles, Iran has also pursued and observed implementation of its proposals by the parties.

Mr. Chairman,

Finally, my delegation expresses its appreciation to those delegations that put forward valuable and productive proposals during the previous sessions of the Special Committee. We consider the specific proposals on the agenda of the Special Committee deserve in-depth consideration and we invite all Member States to engage in constructive dialogue for better improvement of the work of the Committee. we reiterate the need for genuine political will in order to advance the long-standing issues included those in the agenda.

I thank you, Mr. Chairman.

