

**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 Compassionate, the Merciful**

Madam Chair,

The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization is the only enduring mechanism within the UN framework to discuss issues related to the UN Charter and strengthening of the role of the Organization. The Committee is entrusted to address the important issues related to international peace and security as well as pacific settlement of disputes.

Prohibition of the threat or use of force as enshrined in the Article 2(4) of the UN Charter has been an essential achievement of the United Nations which constitute a fundamental principle of international law.

However, the practice 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 questioned the credibility of the organization in violating the UN Charter. Clarification and re-affirmation of Charter Provisions in respect of the use of force could contribute to strengthening of the organization. We are of the view that in any consideration of this

subject in the Charter Committee, the priority must be given to the principle itself and its exceptions could be considered at the latter stages. It should also be reminded that the self-defense is the inherent right of a state which enshrined in Article 51 of the UN Charter to take all appropriate necessary measures against any hostile act violating its territorial integrity or political independence. Having said that , we reiterate our support to the Joint proposal of the Russian Federation and Belarus to seek, through the General Assembly, the advisory opinion of the International Court of Justice on legal consequences of the resort to the use of force without authorization by the Security Council, except in the exercise of right to self-defense.

Madam Chair,

Another discouraging account regarding the UN Charter and international legal order is imposition of unilateral coercive measures against certain countries.

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 and lead to the violation of basic human rights and are considered international wrongful acts.

Therefore, all member states are under an obligation to stand against these unlawful measures that violate their freedom of trade as well as their sovereignty. The laws imposing these measures may have extraterritorial effect not only on targeted countries but also on third-party countries in a manner that will compel the latter to also apply the unilateral coercive measures on the targeted country, non-compliance leading to heavy unilateral penalties. In some circumstances, such measures have also encountered Security Council Resolutions adopted under Chapter 7 of the United Nations Charter, or even leading to the penalization of nations across the entire world for abiding by such Security Council resolutions. these measures have violated, in some cases, the provisional

measures of the international court of Justice and are endangering international peace and security.

Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, categorized, these sanctions as unjust and harmful which are destroying the economy and currency of affected countries driving millions of people into poverty and making imported goods unaffordable. In his latest report A/74/165 the rapporteur concluded that unilateral measures “kill” and that they “may amount to war by another name.” However, the defining point is that unlike conventional wars, these measures solely target civilians and indiscriminately kill them in large numbers.

Given the unlawful character of such vicious and dangerous measures which could have resulted in serious implications to international legal order and affect the third-party countries, all UN member states are under an obligation not to recognize such illegal actions as lawful ones. They are also under an obligation not to render aid or assistance in maintaining the illegitimate situation created by the wrong. It is also a duty for all member states to cooperate to bring, through lawful means, such a situation to an end.

Therefore considering the grave and adverse consequences of unilateral coercive measures to multilateralism, international law, the UN Charter, human rights as well as the right to development, and with the view of developing a legal framework to stand against these unlawful measures, it is high time that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization take the issue seriously and explore the ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures. That is why my delegation has put forward a proposal in this regard.

We invite all Member States to review carefully this proposal and engage into a discussion with a view of improving the legal framework to stand against unilateral coercive measures.

Madam Chair,

We welcome the new working paper submitted by the Syrian Arab Republic entitled “Privileges and immunities enjoyed by representatives of the Members of the United Nations and officials of the Organization that are necessary for the independent exercise of their functions in connection with the Organization”.

Hosting the United Nations is a great privilege with certain responsibilities. Prompt issuance of visas or providing facilities and other privileges by the Host Country to Missions is neither a result of favor nor optional.

Nowadays we are witnessing a surprising affront to the UN system by the Host Country of the United Nations in violation of the UN Charter in particular, Article 100 and 105. such a trend ultimately leads to weakening of the UN system.

By imposing unprecedented restrictions on the representatives of certain Member States or by denial of visa, the Host Country has weaponized the seat of the UN and has mixed up its responsibilities as the Host Country with its considerations related to bilateral relations, in total disregard to its international obligations. Due to this wrongful act smooth functioning of the United Nations secretariat as well as two main GA Committees has been disturbed during 74<sup>th</sup> session of the General Assembly. This is an indicative of a serious crisis within organization.

This trend is weakening the organization and runs counter to the very objective of the Charter Committee, which is strengthening of the organization.

Fortunately, the founders of the UN have predicted this situation and did not give the Host Country cart blanche to do whatever it wants. Article 105 of the UN Charter specifies independent exercise of UN related

functions by Member States as an indispensable condition for the establishment of the organization.

It is also ironic that the Host Country even subjected the members of the UN Secretariat to such illegal restrictions based on their nationality and has ignored respect to their special international character as recognized under Article 100 of the UN Charter. Further, it is not clear why the UN has opted to not only remain silent vis a vis any such lawlessness and violation of its rights but also accept such an intrusion to the rights of its staff as well as the rights of representatives of its Member States during previous years.

Article 100(2) of the UN Charter obliges member states to respect the international character of the organization. According to Article 100(1), UN officials are responsible exclusively to the organization and not subject to any instructions from their native countries. Consequently, host countries are obliged to abstain from divergent treatment or discrimination of UN officials on duty on the grounds of nationality. In particular they are obliged to abstain from selective travel restrictions on UN officials as a means of retaliation against native country.

Madam Chair, distinguished colleagues,

As representatives of UN Member States, many of us are hosting UN offices in our Countries. Has any country ever subjected a staff of the UN Secretariat to such disturbing restrictions? Some of these people have lived along with their families for more than 20 years within the 25-mile restriction in New York and suffered extensively from the implications of this and other limitations.

In view of these flagrant violations, it is urgently needed that the Charter Committee, review the Article 105 and 100 of the UN Charter and

come up with concrete recommendations with the aim of strengthening of the organization.

Madam Chair,

In conclusion, my delegation expresses its appreciation to those delegations that put forward valuable and productive proposals during the previous Sessions of the Special Committee. we invite all member states to engage constructively on proposals as well as improving the work of the Committee. We reiterate the need for genuine political will in order to advance the long-standing issues included in the agenda.

I thank you Mr. Chairman.