

Statement by
Ali Nasimfar
on behalf of the Non-Aligned Movement

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

New York, 18 February 2020

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.

The Committee in the past produced various documents in the form of declarations and resolutions. 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 Special Committee has been also instrumental in the preparation, of the Handbook on the Peaceful Settlement of Disputes, which needs to be updated in light of new developments as well as practice of Member States in this regard .

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.

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.

Mr. Chairman,

The Charter Committee provides an opportunity for Member State to hear from the UN Secretariat, about all aspects of the Introduction and implementation of sanctions imposed by the United Nations, in accordance with the guidelines contained in the Annex to General Assembly resolution 64/115 of 16 December 2009.

It is important to note that this document, is the product of the Charter Committee and provide a comprehensive and balanced approach to issue of UN sanctions. We expect that the briefing by the secretariat preserve such a balanced approach. 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. We also call on the UN secretariat to develop its capacity on proper assessment of the unintended side effects of sanctions imposed by Security Council. We note that the capacity of the Secretariat has not been sufficiently developed in the past to fully assess the short-term and long-term socio-economic and humanitarian consequences of UN sanctions. There is a need to enhance the expertise and capacity of UN Secretariat to enable it to properly assess the unintended consequences of the UN sanctions on civilian populations.

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 to these sanctions immediately.

Mr. Chairman,

The 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 this regard, the annual thematic debates on the means for the settlement of disputes, is an important initiative was broth by the NAM to the Charter Committee. we had a constructive and informative debate last year on States practices regarding the use of mediation, under the agenda item of peaceful settlement of disputes and we are looking forward to discuss Cconciliation in this session. The Movement maintains that these annual thematic debates on means of dispute settlement would contribute to the more efficient and effective use of such peaceful means and would promote the culture of peace among Member States. Moreover, when the Committee exhausts discussions on all the means of dispute settlement reflected in article 33 of the UN Charter the inputs and materials collected by this process could provide a valuable basis for further consideration by the Committee, with the aim of achieving concrete and result-oriented outcomes.

we encourage member states to take part actively in the annual thematic debate and share their best practices and successful examples in using conciliation in settlement of disputes by submitting information on their practices.

Mr. Chairman,

The Committee has before it important proposals, which need to be thoroughly debated and analysed. Unfortunately, this has not been the case in the past years. 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 and updated Working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations. We look forward to further meaningful and result based deliberation and discussion on these proposals.

Furthermore, NAM maintains that the joint proposal of the Russian Federation and Belarus deserve thorough and meaningful consideration by the Committee. We also support Proposal by the Russian Federation to update the Handbook on the Peaceful Settlement of Disputes and establish a website related thereto. The Handbook is a valuable document and could be updated particularly taken into account the best practises raised by Member States in the course of annual thematic debate in this 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 are committed to engage constructively with a view toward finalizing this proposal.

With respect to the proposals under agenda items of maintenance of peace and security and peaceful settlement of disputes, the Movement expresses its concern over the reluctance of some Member States in engaging meaningful discussion. The Movement is of 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. We encourage Member States to bring new subjects to the attention of the 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. We also express our satisfaction over the availability of studies on the internet and regular updating of the website of the Repertory and repertoire by the Codification Division.

I thank you