



**Statement by Mr. Mohammad Ghorbanpour  
First Secretary to the Permanent Mission of the Islamic Republic of Iran to the UN  
Before The Special Committee on the Charter of the United Nations and on the  
Strengthening of the Role of the Organization”**

**On “Exchange of information on State practices regarding the use of Judicial Settlement”**

**New York, 22 February - 2 March 2022**

**Thank you, Mr. Chairman,**

My delegation welcomes the consideration of the annual thematic debate of this year’s Charter Committee on the “Exchange of information on State practices regarding the use of Judicial Settlement” under the agenda item of peaceful settlement of disputes on the means for the settlement of disputes.

My delegation aligns itself with the statement delivered on behalf of the NAM and would like to deliver the following in its national capacity.

We reiterate the commitment of all States to put forward judicial diplomacy by utilizing appropriate peaceful settlement mechanisms, including judicial settlements. We recognize the direct interlinkage between the peaceful settlement of disputes and preventive diplomacy in order to maintain international peace and security. It is worth mentioning the achievement of the ICJ in its judgment in the *Military and Paramilitary Activities Case* wherein “the Court recalls the principle that the parties to any dispute, particularly any dispute the continuance of which is likely to endanger the maintenance of international peace and security, should seek a solution by peaceful means. Enshrined in Article 33 of the United Nations Charter,



which also indicates a number of peaceful means which are available, this principle has also the status of customary law”.<sup>1</sup>

In this regard, we acknowledge the vital role of the ICJ itself in the prevention of hostilities and mitigation of crises through the peaceful settlement of disputes as well as in strengthening the rule of law, preserving international order and tackling unilateral measures.

Both Courts’ jurisdiction and principle of consent are the cornerstones of any judicial settlement of disputes. However, as the International Court of Justice states in para 53 of its judgment in the case of the *Aerial Incident of 10 August 1999*, “The Court’s lack of jurisdiction does not relieve States of their obligation to settle their disputes by peaceful means. The choice of those means admittedly rests with the parties under Article 33 of the United Nations Charter. They are nonetheless under an obligation to seek such a settlement, and to do so in good faith in accordance with Article 2, paragraph 2, of the Charter.”<sup>2</sup>

Bearing in mind the principle of parties’ consent and the bilateral nature of disputes, my delegation also encourages relevant UN bodies to consider requesting the advisory opinion from the International Court of Justice based on Article 96 of the Charter of the United Nations. Based on its belief of the constructive role of the advisory opinion of the Court, the Islamic Republic of Iran also contributed in several Court’s proceedings for an advisory opinion, including the *Legality of the Use by a State of Nuclear Weapons in Armed Conflict* and in *accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*. In the latter case, Iran emphasized on the inviolability of the principle of

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<sup>1</sup> *Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v. United States of America) Merits. J. 27.6.1986, ICJ Reports 1986, p. 14.

<sup>2</sup> *Aerial Incident of 10 August 1999*, (Pakistan v. India), Jurisdiction of the Court, Judgment of 21 June 2000, p.53.



territorial integrity. In the former case, while Iran expressed “unequivocal rejection of use or threat of use of force”, it filed its statements in written and oral proceedings that “the use of nuclear weapons is a violation of the United Nations Charter and a crime against humanity.” In this regard, allow me to take this opportunity and reiterate my delegation’s support to “the joint proposal of the Russian Federation and the Republic of Belarus to seek, through the General Assembly, the advisory opinion of the International Court of Justice on the legal consequences of the resort to the use of force without authorization by the Security Council, except in the exercise of the right to self-defense” that is pending consideration in the Charter Committee.

In this regards, we also strongly recommend that the Secretary-General invoke the dispute settlement mechanism articulated in Section 21 of the Headquarters Agreement between the United Nations and the United States, as the Host Country, for the resolution of the current pending disputes between the two regarding the interpretation and application of the Agreement, including proposals requesting the ICJ for an advisory opinion through a General Assembly resolution as has been the practice of the UN in the Case of “*Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*”.

Having in mind the mandate granted in resolution 76/140 to “Exchange of information on State practices regarding the use of Judicial Settlement”, I would like to take this opportunity and provide a brief report of Iran’s involvement in contentious cases before the International Court of Justice.

As one of the founding members of the UN and a signatory of its Charter, including the Statute of the ICJ as an integral part of the Charter, my Government has been in both applicant and defendant positions within six contentious cases before the Court. Among them, two contentious cases before the ICJ, namely “*Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*” and “*Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*” which the Islamic



Republic of Iran has filed before the Court over the course of the past five years that are currently pending.

The first case was filed due to the filing of cases in the US courts against the Islamic Republic of Iran, certain Iranian entities and State officials as well as blocking and seizure of Iranian assets including those of the Central Bank of Iran (CBI). The Islamic Republic of Iran believes that such asset blocking and enforcement proceedings against the CBI and certain other Iranian companies and banks in the US is in violation of provisions of “Treaty of Amity, Economic Relations, and Consular Rights of 1955”.

On its second case, following the unilateral withdrawal of the US from the JCPOA and the unlawful decision to re-impose in full effect and enforce a series of sanctions and restrictive measures targeting, directly or indirectly, Iran and Iranian companies and nationals, contrary to its obligations under the “Treaty of Amity, Economic Relations, and Consular Rights of 1955”, the Islamic Republic of Iran filed an Application instituting proceedings against the United States with regard to a dispute concerning violations of multiple provisions of the Treaty of Amity.

In conclusion, **Mr. Chair**, let me assure you of my delegation’s strong belief and commitment to pacific settlement of disputes in all its forms and means as stipulated in Article 33 of the UN Charter as an indispensable means for coexistence and stable international relations based on international law.

**I thank you for your attention.**