

**Statement by Tunisia on behalf of the Arab Group
at the Special Committee on the Charter of the United Nations and on the
Strengthening of the Role of the Organization**

New York, 20 February 2024

1. We 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.
2. The Arab group remains fully committed to the Charter and its purposes and principles. We remain Committed to a world where the Charter is upheld indeed and not just by words, a Charter which is respected by all of us and everywhere without exception nor distinction.
3. Unfortunately, we cannot ignore the fact that this session of the Special Committee on the Charter is taking place at a critical moment for the credibility of our organization, as we are witnessing the continued violation by Israel of the right of the Palestinian people to self-determination and its inadmissible acquisition of territory by force.
4. In addition to its illegal occupation of the Palestinian territories, Israel has been, for the last 4 months and a half, inflicting a genocidal war on the Palestinians in Gaza, destroying their houses, schools, medical facilities and other vital infrastructure, imposing on them displacement on a massive scale, inhuman life conditions and enormous sufferings, all under the eyes of the international community and in flagrant disrespect for international law, particularly IHL and international human rights law as well as in an unashamed disregard for the repeated calls for a cease fire by the General Assembly and by the Secretary General, ignoring and even de-crediblising all the disturbing reports coming from different UN agencies and Special Rapporteurs on the unfolding catastrophic humanitarian situation in Gaza.
5. In this context, we call on all States to ensure that all provisional measures ordered by the International Court of Justice contained in its 26 January 2024 Order on the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip, are fully implemented by Israel, the occupying power, and by all States including those which are actively or indirectly supporting the Israeli military operations.

As noted by the Court in its 16 February Press release, the perilous situation in relation with the most recent developments in the Gaza Strip, and in Rafah in particular, demands immediate and effective implementation of these provisional measures.

6. This is a binding legal obligation. States which uphold the rule of law and IHL should act in a consistent manner with their commitments and make sure they are not complicit in this genocide.

7. Under Paragraph 1 of article 24 of the Charter, the Member of the United Nations conferred on the Security Council the primary responsibility for the maintenance of international peace and security and agreed that in carrying out its duties under this responsibility the Security Council acts on their behalf.

8. Yet it is quiet morally troubling that after more than 130 days and nights of intensive bombing in Gaza which claimed the life of more than 29.000 victims, half of which are women and children, the Security Council failed to call for a humanitarian ceasefire, even though such a call was supported by an overwhelming majority of 153 member States at the General Assembly 10th resumed emergency session on 12 December 2023.

9. Such inaction not only gives a carte blanche to the occupying power to continue its brutal military aggression against the defenseless Palestinian people and commit more war crimes in total impunity, but it also damages the organization and its credibility, and fuels injustice by reinforcing the impression that the rule of law and the UN Charter applies in some cases and not in others and that international law applies to some and not to others.

10. Selectivity and exceptionalism undermine the universal nature of the Charter and its moral authority as well as the role of our organization, this very role which we are precisely trying to strengthen in this special committee on the Charter.

11. In conclusion, the Arab Group would like to emphasize the paramount importance of the respect of Charter of the United Nations and the faithful observance of the principles of international law for the maintenance of international peace and security, and to reiterate its belief that all States must observe the obligations enshrined in the Charter, that all peoples, must be afforded the protection the Charter offers and that no state is above the law or beyond the reach of justice.

12.The Israeli aggression on Gaza has lasted for far too long, an immediate humanitarian ceasefire cannot be delayed anymore, a large scale humanitarian disaster must be prevented and the Palestinian people must be protected consistent with the promises laid down in the preamble of the Charter : to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small.

I thank you for your attention.