

Statement by H.E. Ms. Zahra Ershadi, Ambassador and Deputy Permanent Representative of the Islamic Republic of Iran to the UN

on behalf of the Non-Aligned Movement

Before

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

20-28 February 2024, New York

Mr. Chair;

1. At the outset, I would like to begin this statement delivered on behalf of the Non-Aligned Movement by extending my congratulations to you for your well-deserved election as the Chair of this august Committee and also express my gratitude to the Secretariat for their tireless efforts in preparation of this meeting.

Mr. Chair;

2. 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, all based on dialogue, cooperation and consensus-building among States. In this context, the Movement attaches great importance to the strengthening of the role of the United Nations and recognizes the efforts taken to enable the development of its full potential. The Non-Aligned Movement also calls all Member States to strengthen their commitment to the UN Charter, including through upholding its principles such as refraining from the threat or use of force, respecting territorial integrity, international law, and the peaceful settlement of dispute.
3. 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. Furthermore, the Movement also 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. In the past, the Committee produced a multitude of 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 many major achievements of the Committee which demonstrates the Committee's presence as a forum to clarify and promote general international law and charter provisions. The Special Committee has also been instrumental in the preparation of the Handbook on the Peaceful Settlement of Disputes, which requires update in light of new developments as well as the latest practices of Member States in this regard.

4. The Non-Aligned Movement emphasizes the paramount importance of the Charter of the United Nations for the maintenance of international peace and security and for the development of friendly relations and co-operation among States and consider that the faithful observance of the principles of international law concerning friendly relations and co-operation among States and the fulfilment in good faith of the obligations assumed by States, in accordance with the Charter, is of the greatest importance for the maintenance of international peace and security and for the implementation of the other purposes of the United Nations.

Mr. Chair;

5. The Non-Aligned Movement reaffirms the necessity of upholding international law, and the purposes and principles of the UN Charter with regard to the question of Palestine under all circumstances and called for the implementation of all relevant UN resolutions. The Non-Aligned Movement condemns the continuing brutal Israeli military campaign against the defenseless Palestinian people, particularly in the Gaza Strip and reiterates the demand for an immediate humanitarian ceasefire and protection of the Palestinian people. The Non-Aligned Movement expresses grave concern regarding the warnings by United Nations Special Rapporteurs of an “unfolding genocide” in the Gaza Strip and echoes the call by the UN Special Procedures mandate holders of 16 November 2023 of the obligation by the international community to prevent the risk of genocide in the Gaza Strip and take all measures to put an end to that.
6. In this regard, The Non-Aligned Movement welcomes the 29 December 2023 application filed by a Member State of the Movement, South Africa, instituting

proceedings against Israel before the ICJ concerning alleged violations by Israel of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide in relation to Palestinians in the Gaza Strip and call on Israel to implement the provisional measures ordered by the ICJ. The Non-Aligned Movement stresses also the importance of the request by the General Assembly on 30 December 2022 for an advisory opinion by the ICJ regarding the legal consequences and obligations resulting from the continuation of such illegal policies and practices, the prolongation of Israel's occupation, the denial of the Palestinian people's right to self-determination and discriminatory measures against them.

Mr. Chair;

7. 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 while focusing on preserving 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.
8. The Non-Aligned Movement reiterates its concern over the continuing encroachment by the Security Council on the functions and powers of the General Assembly along with 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 as well as establishing definitions which fall within the purview of the General Assembly. We therefore encourage those pertinent main organs of the United Nations to intensify cooperation and dialogue among them in order to prevent such infringement and discord in the future.
9. The Charter Committee provides a channel of communication between Member States and the UN Secretariat regarding 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 provides a comprehensive as well as balanced approach to

the issue of UN sanctions. We expect that the briefing by the Secretariat will preserve such a balanced approach. In particular, we are interested in ascertaining more regarding the perceived objective assessments of the short-term and long-term socioeconomic and humanitarian consequences of sanctions by the Security Council's Sanction Committees and the methodology used for the assessment of the humanitarian implications of sanctions.

10. We also expect to hear information elaborating 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, as well as on its socio-economic development, and on third States which have suffered or may suffer as a result of their implementation. In this regard, we call on the UN Secretariat to develop its capacity on the proper assessment of the unintended side effects of sanctions imposed by the 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 the UN Secretariat in order to enable its ability to properly assess the unintended consequences of UN sanctions on civilian populations.

11. In this regard, the Security Council's 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 as to whether they are a legitimate means of exerting political pressure when suffering is ultimately inflicted on vulnerable groups in the target country as a result of said sanctions. The objectives of sanctions are not and should not be to punish or otherwise exact retribution on the entire populace. Sanctions regimes should avoid exacting unintended consequences in the target State or third States which may lead to violations of human rights and fundamental freedoms, nor should they 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 delineated for a specified timeframe with sanctions lifted as soon as the objectives are achieved.

12. The conditions demanded of the State or party on which sanctions are imposed should be clearly defined, subject to monitoring its impact and periodically reviewed. 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 violate the Charter of the United Nations and undermine international law and the rules of the World Trade Organization. Moreover, the Movement calls on countries that imposed unilateral sanctions to put an end to these sanctions effective immediately.

Mr. Chair, Distinguished Delegates;

13. The Non-Aligned Movement extends its appreciation to all delegations for lending their support to the NAM proposal on the identification of other means of the peaceful settlement of disputes which was adopted in resolution A/RES/77/109 and referred to in resolution A/RES/78/11. The NAM fully supports all efforts in promoting the peaceful settlement of disputes based on provisions of international law and the Charter of the United Nations. In this regard, NAM commends the role of the International Court of Justice (ICJ) in promoting the peaceful settlement of international disputes, in accordance with the relevant provisions of the UN Charter and the Statute of the ICJ, in particular articles 33 and 94 of the Charter. The NAM urges the Security Council, the General Assembly, the other organs of the United Nations and the duly authorized specialized agencies, to make greater use of the ICJ, the principal judicial organ of the UN, as a source of advisory opinions and interpretation of relevant norms of international law. In this regard, the annual thematic debates on the means for the settlement of disputes is an important initiative brought forth by the NAM to the Charter Committee. Last year, a constructive and informative debate was held on States practices regarding resorting to regional agencies and arrangement under the agenda item of peaceful settlement of disputes, and we are looking forward to discussing Exchange of information on State practices regarding the use of good offices in this session. The Movement maintains that these annual thematic debates on means of dispute settlement can contribute to the more efficient and effective use of such peaceful means while promoting 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 as well as paragraph 5(b) of the resolution A/RES/77/109 and resolution A/RES/78/111, the input and materials collected within this process could provide a valuable basis for further consideration by the Committee. We encourage member states to actively take part in the annual thematic debate and share their best practices and successful examples regarding the use of good offices by submitting information on their practices.

14. The Non-Aligned Movement highlights the importance of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and in this regard, emphasize the NAM proposal on the Pacific settlement of disputes and its impact on the maintenance of peace, presented before the Committee in February 2015 and encourage Member States to increase the constructive engagement of the Member States on this matter.
15. Taking into account the subtopic of the thematic discussions in this session of the committee which in accordance with the resolution 78/111 is “Exchange of information on State practices regarding the use of good offices”, the Non-Aligned Movement will present its views on this matter when the committee considers the annual thematic debate.

Mr. Chair;

16. The Committee has before it important proposals which need to be thoroughly debated and analysed. Unfortunately, this has not been the case over the course of previous years. The Movement recalls the revised proposal by Libya on the Strengthening of the Role of United Nations in the maintenance of international peace and security as well as 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, result-based deliberation and discussion on these proposals. Furthermore, the NAM maintains that the joint proposal of the Russian Federation and Belarus deserve thorough and meaningful consideration by the Committee. We also support the 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 has the potential for an update, particularly when taking into account the best practices raised by Member States in the course

of the annual thematic debate in this Committee. The NAM takes note of the working papers as well as the proposal submitted by the Syrian Arab Republic, Mexico and the Islamic Republic of Iran, respectively, and invites the Committee to engage in discussion on these working papers and proposal. With respect to the proposals under the agenda items of maintenance of peace and security as well as peaceful settlement of disputes, the Movement expresses its concern over the reluctance of some Member States in engaging in 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.

17. Also, we are ready to engage in discussion with other groups to set up a work programme for the Charter Committee in order 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 has not been eliminated and calls upon the Secretary-General to address this issue effectively and on a priority basis. We also express our satisfaction with the availability of studies on the internet and the regularly updated website of the Repertory and repertoire by the Codification Division. Finally, the Movement notes that the Manila Declaration on the Peaceful Settlement of Disputes marked the 40th year of its adoption by United Nations General Assembly on 15 November 2022. The Movement reiterates the timely call on to all States to observe and promote in good faith the Manila Declaration in the peaceful settlement of their international disputes, in accordance with General Assembly Resolution A/76/116.