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Statement By
The Representative of the Islamic Republic of Iran
Before the Sixth Committee
67th Session of the United Nations General Assembly

On

Agenda item 82:

**“Report of the Special Committee on the Charter of the United Nations and on the
Strengthening of the Role of the Organization”**

New York, 12 October 2012

In the name of God, the Compassionate, the Merciful

Mr. Chairman,

The Islamic Republic of Iran aligns itself with the statement delivered on behalf of the Non-Aligned Movement. My delegation would like to make the following remarks in its national capacity.

My delegation takes note of the report of the 2012 session of the Special Committee, contained in document A/67/33, and expresses its appreciation to those delegations that introduced and/or elaborated their new ideas and proposals concerning various questions in the agenda of the Special Committee.

We reaffirm the relevance of the Manila Declaration on the Peaceful Settlement of International Disputes annexed to the General Assembly resolution 37/10 of 15

November 1982. While we appreciate the fact that the Declaration was the first landmark outcome of the Special Committee, we do believe that the Declaration remains quite relevant in today's international relations and its contents need to be implemented more than ever.

Mr. Chairman,

The Islamic Republic of Iran attaches high importance to the "Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization". The Special Committee has made very significant contributions to the cause of international peace and security, justice and rule of law at the international level by providing a forum to promote the purposes and principles of the United Nations, particularly in the area of maintenance of international peace and security and peaceful settlement of disputes as well as developing friendly relations among nations and upholding the rule of law in international relations of States. It has also provided a platform for Member States to review and renew their commitment to the principles of the Charter which constitute the essential bases of rule of law at the international level. It requires political will of the UN Membership to utilize this important forum for promoting the purposes and principles of the Charter.

Mr. Chairman,

The Prohibition of the threat or use of force in international relations of States, as embodied in paragraph 4 of Article 2 of the Charter, is the single most key achievement of the United Nations. States have an obligation to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Despite that, certain States continue to defy this basic principle including by frequently threatening other Member States.

States have also an obligation to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered. These peremptory principles of international law should truly constitute the cornerstone of the rule of law at the international level.

The Special Committee has an important role to play in addressing this concern. It is in this context that my delegation supports serious consideration of all proposals concerning the maintenance of international peace and security on the agenda of the Special Committee, including the proposal submitted by Belarus and the Russian Federation concerning the request for the ICJ's advisory opinion on the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence.

Mr. Chairman,

Sanctions, as coercive measure, may be introduced as a last resort, only after the Security Council has determined an actual threat to peace or a breach of peace -based on valid evidence and not mere speculations and misinformation- or an act of aggression, and only when peaceful measures have been exhausted or proven to be inadequate. In so doing, the Security Council shall act in strict conformity with the purposes and principles of the Charter and avoid exceeding its authority or acting in breach of the principles of international law. As articulated in operative paragraph 1 of the document on “Introduction and implementation of sanctions imposed by the United Nations” annexed to General Assembly resolution 64/115 (16 December 2009), sanctions should be in support of **legitimate objectives**. As such, the Security Council shall not seek to deprive any Member State of its recognized legitimate rights under international law. Nor can it determine a lawful and legitimate conduct by a State as a threat to international peace and security.

While the Security Council is entrusted with the primary responsibility for maintenance of international peace and security, it can not exceed its authority or act in breach of the principles and rules of international law. ‘A discretion can only exist within the law’, as put by renowned publicist late Ian Brownlie; the Council’s discretion in interpreting the notion of ‘threat to the peace’ and then determining a dispute as a threat to international peace and security is not thus unfettered; nor can it exploit such discretion for improper purposes. In other words, the Council shall not overstep its competence as outlined under the Charter, particularly in Article 25. The Council shall not transgress its obligations, both under the Charter and general international law, either.

The Security Council, as a constituting organ of the United Nations established by an intergovernmental agreement, i.e., the Charter, is not *legibus solutus*, since ‘neither the text nor the spirit of the Charter conceives’ it as such, to borrow the phraseology used by the ICTY in *Tadic* Case; it is, rather, subjected to, and obliged to comply with the legal obligations defined under its constituting treaty, including the purposes and principles enshrined therein, and other peremptory principles of international law, *jus cogens*. As it is clearly stated by the ICJ, ‘The political character of an organ cannot release it from the observance of the treaty provisions established by the Charter, when they constitute limitations on its powers or criteria for its judgments. To ascertain whether an organ has freedom of choice for its decision, reference must be made to the terms of its constitution.’ The ICJ’s statement does, in fact, reinforce the preponderant view on Article 25 of the Charter. By the same token, Member States are bound to carry out those decisions taken in accordance with the Charter.

Given that, those sanctions imposed pursuant to arbitrary and politically motivated determinations of the notion of threat to the peace and security and based on political manipulation of the Council by some permanent members could not be seen as legitimate and lawful.

In this regard, my delegation reiterates that, as a key organ of an international organization, the Security Council should be accountable for the consequences of those sanctions imposed for "unlawful" objectives and/or introduced under political pressure of some permanent members out of their political agenda against the targeted States. Such sanctions are acts which are wrongful under international law and which engage international responsibility of the Organization. Those member States which take undue advantage of their membership in the Council to impose such unlawful sanctions against other States shall bear responsibility for such internationally wrongful act of the Organization.

In such cases the targeted States shall be entitled to be compensated for damages inflicted upon them. From this standpoint, my delegation reiterates that the International Law Commission should give due consideration to the legal consequences of arbitrarily imposed sanctions against member States by the Security Council, under the topic "Responsibility of International Organizations". We note, in particular, draft article 3 proposed by the International Law Commission in this regard.

Mr. Chairman,

The continuing arbitrary unilateral economic sanctions against developing countries as an instrument of foreign policy remains a matter of serious concern; such 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 leads to violation of basic human rights. Such unilateral coercive measures which has almost always been initiated by one State against many developing countries clearly contravene international law and the Charter of the United Nations, especially where they are aimed at depriving nations of their lawful and legitimate rights under treaties, as well as fundamental human rights of individual citizens in the targeted States. In many cases the unilateral sanctions are imposed as a result of extra territorial application of domestic legislations against legal and natural persons in other countries which is all the more in contravention of international law.

Mr. Chairman,

A number of speakers tried to downplay the issue by bragging about the 'smartness' of the sanctions. The fact of the matter is, however, that in practice the sanctions have been pointedly smart only in targeting the daily life of the ordinary citizens in order to force them to pressurize their political systems into submitting to illegitimate demands of the targeting State. And the masterminds planning the sanctions are well aware that the terms 'smart' and 'targeted' are not but highly hypocritical

euphemism to cover the most inhuman and brutal instrument of foreign policy to punish nations for their perseverance and determination to insist on the right to self-determination and political independence. No decent person can delight the sufferings and grievances of the fellow human beings caused by sanctions, call it 'smart', though it acts 'dumb'. The once New York Times journalist's heartbreaking story of the devastating effects of US-led sanctions against Iraq, which appeared in November/December 2001 Issue of Mother Jones (under the heading 'The Betrayal of Basra') is very telling, particularly where he assesses that the US-led sanctions regime killed more civilians than all the chemical, biological, or nuclear weapons used in human history.

Iranian nation has been subjected to various forms of sanctions right from the very first days of its revolution and years before the United States found our peaceful nuclear programme as a pretext to abuse the Security Council to impose its unilateral anti-Iran punitive measures on the whole United Nations. It is now more clear than ever that the whole pretext has been a sham as there has been no single credible evidence to support the claim that Iran's nuclear program is or even may be diverted for military purposes.

I thank you.