

**Statement by  
Ambassador Mehdi Danesh –Yazdi, Deputy Permanent Representative of the  
Islamic Republic of Iran  
at the informal thematic consultations of the General Assembly  
on the Report of the Secretary-General, "In Larger Freedom- Towards Development,  
Security and Human Rights for All"  
CLUSTER III issues (freedom to live in dignity)**

**New York ,April 20, 2005**

-----  
*In the Name of God, the Compassionate, the Merciful*

Allow me, Mr. Facilitator to begin by joining the previous speakers to commend you and the other distinguished facilitator for convening this informal thematic consultation.

Stressing on the continued validity of our previous positions and arguments expressed in different meetings of the Assembly and also endorsing the NAM statement made by the distinguished Permanent Representative of Malaysia, I wish to take this opportunity to further elaborate on a number of issues contained in the Report of the Secretary General under cluster III.

1. At an era of globalization and at a time when various aspects of international peace, security and development are profoundly interlinked and interdependent, the supremacy of the law above any political exigency becomes all the more essential. It is evident that, like its constituent Member States, the international community simply cannot provide a peaceful and prosperous life for people through autocratic decisions and coercion. Rather, it should base its approaches on the promotion of the rule of law in various aspects of international relations.

Clearly, adherence to the rule of law at global level requires that in any plan to strengthen the United Nations system, the principles of international law should be strictly observed, and restoration to the UN of its Charter position must be given the highest priority. It is equally important to strengthen the rule of law in all fields of work of the United Nations as the centerpiece of international system. This, indeed, requires responsibility of all to respect and to ensure respect for the provisions of the Charter and to preserve its integrity.

Moreover, the prevalence of the rule of law within the United Nations machinery makes it imperative that in any drive to reform the Organization, the working relations of its various bodies should be clearly defined and faithfully observed, in accordance with the relevant provisions of the Charter. The disturbing fact in this regard is the challenge of encroachment of the Security Council on the powers and mandate of other Organs of the United Nations, particularly the General Assembly and its attempt to enter the areas of norm-setting and law-making which fall within the purview of the Assembly.

Indeed, the International Court of Justice, during its 60 years of existence and through reaffirming the fundamental principle of international law, has acquired considerable credibility among nations. The judicial powers of the Court are suitable means to defuse tension and ward off conflicts by determination of law. The international community has a privilege to take stock of a number of considerable judgments and advisory opinions rendered by the ICJ on international peace and security and the use of force, which deserve due consideration throughout the UN reform process. It is regrettable, however, that in some cases the valuable opinions of the Court have not been accorded proper and due attention. We concur with the Secretary General that a greater use should be made of the Court's advisory powers. In this regard, it is particularly important to note that the Security Council has sought, only once, the advisory opinion of the Court during the past six decades. We also agree with the Secretary General that measures should be taken to improve the Court's working methods and reduce the length of its proceedings.

2. Undoubtedly, the international community cannot and should not sit idly and neglect its high responsibility when faced with heinous crimes of genocide, war crimes and crimes against humanity. Indeed, it cannot be right for the United Nations to stand by, when the international community is faced with these crimes, and let them unfold to the end, with disastrous consequences for many thousands of innocent people. It is not, however, clear that introduction of a new concept rather than a more faithful implementation of the UN Charter, has the first-order priority in the quest to meet such threats. The Report of the Secretary General has suggested the vague and highly controversial concept of "responsibility to protect" which is subject to a wide range of interpretations. The sensitivity of this issue has also been acknowledged by the Secretary General himself. The introduction of this concept, which has no basis in the Charter or in international law, may pave the ground for certain powers to pursue their political agenda under the pretext of humanitarian intervention and protection.

We believe that a delicate border should be drawn between the situations of acute crisis which needs immediate attention and response of the international community and the situations of less sensitive nature. Therefore, a case by case approach, on the basis of existing potentials of the Charter and without introduction of new concepts, may be the most productive and suitable solution. The general demand of respect for sovereignty should also be respected in this regard. We must demystify this concept and apply the same standards of modernization in its interpretation. In other words, sovereignty cannot be restricted, under the guise of conforming to the needs of 21st century, to allow intervention, while at the same time the same sovereignty is expanded to its 19th century parameters to relax the restrictions on the use of force.

3. We share the Secretary General's view that human rights are as fundamental to the poor as to the rich, and their protection is as important to the security and prosperity of the developed world as it is to that of the developing world. We also concur with the Secretary General's feeling on the diminishing credibility of the UN human rights system, while further believing that politicization of the human rights machinery's work has risked engaging nations in a global "clash of cultures". Sadly, the Commission on Human Rights has been a text book case of political manipulation through gross selectivity and application of double standards over the past several decades.

In our view, to restore the credibility of the human rights machinery and to best combine its efficiency with legitimacy, concrete steps must be taken to counter selective approaches. A pertinent question arises whether the proposed Human Rights Council would be able to rectify the present shortcomings of the UN human rights machinery, or it would simply add to the atmosphere of mistrust and the crisis of confidence which has been buffering the whole human rights system in the past several decades. It is evident that such a council may further polarize and politicize the human rights system and would, in turn, further marginalize the developing countries. It is feared that it would also contribute to the possibility of removing developing countries, that do not share a narrow definition of human rights promoted by certain states, from the proposed body. The problems of the present human rights machinery of the UN have their roots in deficiencies such as politicization, double standards and the lack of objectivity, rather than a structural problem.

Equally disturbing is the fact that the Report has virtually neglected the indivisibility and inter-relatedness of human rights and also has disregarded the developing countries' longstanding position on the socio-economic aspect of the human rights, in particular right to development. We consider civil and political rights as well as right to development as the two sides of the same coin. The reform of the UN in the field of human rights may not bring fruit unless the concerns and sensitivities of the majority of its member states are addressed. We also believe that respect for religious and cultural values of all and respect for cultural diversity is essential for the promotion and protection of human rights in this pivotal area of international relations.

4. Ever since its inception, the UN has contributed greatly to the eventual global acceptance of democracy as a universal value. The privileges of democracy are augmented with spirituality in human society- the lack of which has already caused too much carnage in our world, and its neglect bodes even further destruction.

We concur with the Secretary General that the universal achievement of democracy must be a central objective of an organization devoted to the cause of larger freedom. The United Nations' efforts to promote the values of democracy in the past decades are praiseworthy. However, the equally important need to address the promotion of democracy at the international arena is unfortunately missing from the Report. In our view, democracy must also be recognized as an international principle, applicable to international organizations and to states in their international relations. Indeed, collective participation extends beyond local and domestic decision-making, and is becoming increasingly a global demand for effective presence in international decision-making processes. Full participation of all states in these processes is undoubtedly a necessary response to this growing demand. Global democracy, equal rights of sovereign states and rejection of double-standards in international affairs are among the most important principles to ensure the success of the United Nations' mission towards promoting democratic values.

The Secretary General has also supported the creation of a democracy fund at the United Nations. It is essential that the Member States give a detailed and thorough consideration to this proposal in the light of serious questions and ambiguities besetting it and take a proper decision in full awareness of what is involved in the proposal.

**Mr. Facilitator,**

I should not conclude without reaffirming our resolve to continue to constructively engage in the collective endeavors aimed at the reform of the United Nations. Through this important deliberative process, we must evaluate the Report's strengths and weaknesses and try to mitigate or modify the questionable recommendations, with the hope that the comments and results emerging from these deliberations would be given due consideration through this ongoing process.

**Thank you**

\*\*\*\*