

**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 II issues (freedom from fear)**

New York ,April 22, 2005

In the Name of God, the Compassionate, the Merciful

Mr. Facilitator,

I would like to begin by extending our sincere thanks to you and other Facilitators for having convened this meeting.

Stressing on the validity of my delegation's positions expressed on the Report of the Secretary General in previous meetings of the General Assembly, and also endorsing the statement delivered on behalf of NAM by Malaysia, I wish to take this opportunity to further elaborate on certain issues enlisted under cluster II.

1. To advance a collective security approach and to reach a consensus in this regard require, first and foremost, a thorough and proper diagnosis of the threats facing the international community. To this end, attaining collective security consensus would require evolving common perceptions and agreed approaches to address both the existing and new threats to international peace and security. Equally important is the active participation of all member states in the process of both diagnosing threats and developing consensus on collective security.

To be more clear, if our strategies for confronting the whole range of threats are to become effective and acceptable to all, member states should agree on a shared assessment of these threats and a common understanding of their obligations in addressing them. At the same time, common perceptions and approaches to collective security would only be legitimate if they are developed in accordance with principles and purposes of the Charter.

The Report of the Secretary General has diagnosed some of the diverse and interconnected threats afflicting the world community. However, the Report's threat perception and threat diagnosis is neither complete nor balanced. By taking at face value the predominantly publicized interpretations of the threats emanating from one dominant global perspective, the Report has lost sight of some other more fundamental threats which lie at the root of the current international maladies. The propensity to resort to coercion and violence by state and non-state actors, unilateral actions, unbridled militarism, the threat of clash and the menace of drug-trafficking are but the threats that despite their urgency and importance are regrettably missing from the Report .

The increasing prospects of clash of civilizations and cultures as well as spreading hatred and animosity which, in turn, serve as breeding grounds for extremism and terrorism, were widely acknowledged as a daunting threat by a remarkable number of states in the course of previous meetings of this Assembly. Yet, the Report totally neglects these major and emerging security threats and completely overlooks the paradigm of "dialog among civilizations", already approved by the UN General Assembly as the most efficient means to tackle the growing threat of clash. It is therefore far from certain that the prescriptions presented by the Report would -- or even could -- provide the Member States with larger freedom and security.

2. The Report's approach towards the issue of use of force is not only problematic but also amounts to departure from the Charter. While there is unanimity that Article 51 of the Charter should not be rewritten or reinterpreted, the Report, against the entire legislative history of the Article and post Charter practice and *opinio juris* has in fact reinterpreted and broadened the scope of self-defense to permit pre-emption. Such a broad reinterpretation of the Article not only fails the test of legality but even the criteria of prudence, since providing a pseudo-legal excuse for unilateral pre-emptive action can only exacerbate the atmosphere of tension and crisis that has beleaguered the international community.

The Report, surprisingly and incorrectly, argues that "lawyers have long recognized that [Article 51] covers an imminent attack as well as one that has already happened". It is evident that from a purely legal perspective, nothing can be further from the letter or the spirit of the Charter or the opinion of independent jurists. The judgments of the ICJ in various cases emphasize that measures in self-defense are legitimate only after an armed attack occurs. Article 51, in no way, covers imminent threats and international law does not confer any legitimacy to the dangerous doctrine of pre-emption.

Even from the stand point of politics and prudence, which presumably the Report attempts to address, if this dangerous license is infused into the UN principles, it will lead to greater resort to violence in international arena by opening the way for major powers as well as regional bullies to wage wars against others under the pretext of self defense against a variety of assumptions and perceived threats which can be easily and flexibly described as "imminent".

An attempt to broaden the license to legalized coercion is in itself indicative of the failure to recognize the root cause of the current international crisis: that is militarism and the propensity to resort to exclusion, coercion and violence on the part of state as well as non-state actors. A more objective assessment of the present day threats would have lead the Report to recognize that the lofty objectives of "larger freedom, development, security and human rights for all" would be much better served through promotion of dialogue rather than providing a more comfortable license for pre-emption.

3. Terrorism is a serious menace and a global challenge. It can be countered, first and foremost, by reversing the logic of violence and coercion and changing the mentalities and perceptions that might makes right. We need to recognize that application of double- standards in dealing with terrorism through superimposition of coalition interests seriously undermines such global

campaign. Combating terrorism as a multifaceted global menace requires a global, inclusive and comprehensive approach.

The international community, indeed, needs a comprehensive strategy to fight terrorism. However an effective strategy should be all-inclusive and address all aspects of the menace of terrorism, including its root causes. Such a strategy can not and should not be developed in isolation. In fact it is indispensable for the General Assembly to play a meaningful role in crafting a strategy that would help the international community to counter terrorism effectively.

4. The threat of militarism and the propensity to use force is exacerbated by the continued existence of the deadliest arsenals of weapons of mass destruction in the stockpiles of the nuclear-weapons States. This threat is further aggravated by the development of new types of nuclear weapons as well as articulation of new doctrines for their use against non-nuclear threats. The Report partially recognizes this threat but fails to prescribe any meaningful remedy. Instead, it suggests the addition of new discriminatory restrictions on access to peaceful nuclear technology, which will in turn, lead to a further categorization of “haves” and “have-nots” within the NPT. It neglects the fact that any greater reward for non-membership or further disruption of the balance between rights and obligations of NPT members under the non-proliferation regime will lead to its disintegration rather than the intended strengthening.

The Report also makes a reference to a discriminatory and politically motivated initiative outside the United Nations and the non-proliferation regime, which undermines both and achieves nothing other than possibly its political objectives. In this regard, the approach accepted by the membership of this august Assembly is the “Promotion of Multilateralism” as indicated in the GA resolution (59/69). Also, in referring to the issue of missiles, the report should have taken into account the UN resolutions on “Missiles” that have called for consideration of the issue in all its aspects.

The Report has rightly pointed to the need for progress in disarmament and has proposed certain important measures which must be taken by nuclear-weapon States, namely: irreversible destruction of nuclear weapons, security assurances, conclusion of Fissile Material Cut-off Treaty (FMCT) as well as the entry into force of Comprehensive Nuclear Test Ban Treaty (CTBT). It should be underlined, however, that the recommendations contained in the Report on these issues should be in conformity with the requirements of the General Assembly resolutions as well as the decisions, resolutions and final documents and outcomes of the 1995 and 2000 NPT Conferences. In our view and in order to strengthen the disarmament regime, following steps, among others, need to be taken:

A. Instead of a non-transparent unilateral reduction in nuclear arsenals, total elimination of all nuclear weapons under strict international verification should be pursued.

B- Rather than a simply reaffirmation of the old commitments, a legally binding instrument on Negative Security Assurances should be concluded.

C- Concerning the FMCT, a non-discriminatory and effectively verifiable treaty should be pursued in accordance with the UNGA resolution (59/81), including the past stockpiles of fissile material,

D- In addition to upholding moratorium on nuclear test, all nuclear-weapon States should also ratify the CTBT as a first step toward nuclear disarmament.

The Report's recommendations on Chemical Weapons Convention (CWC) and Biological Weapons Convention (BWC), are useful and noteworthy. However, the Report could have better served its purpose in this respect if it was drafted in a more balanced manner and had touched upon the important aspects of international cooperation on these two treaties. It is also surprising that while the Report stresses on the universality of the CWC, BWC, IAEA Additional Protocol and some conventional weapons treaties, it fails to call for the universality of the NPT.

5. The primary responsibility for the maintenance of international peace and security, in accordance with the Charter, rests with the United Nations; and the UN peacekeeping operations continues to be one of the key instruments available to the United Nations in discharging this responsibility. Therefore, the United Nations should uphold its Charter- mandated responsibilities in areas such as conflict prevention, peacemaking, peacekeeping and post-conflict peacebuilding. To this end, we must strengthen and reinforce the United Nations peacekeeping operational capacity and support appropriate measures that serve this purpose.

Furthermore, we fully support the “policy of zero-tolerance” pronounced by the Secretary General aiming at prevention of any kind of misconduct, especially sexual exploitation and abuse by peacekeepers, peacebuilders and other UN personnel. Due to their negative impact on efficiency and effectiveness of the UN peacekeeping operations, these misconducts need to be responded with the utmost seriousness and dealt with by a high priority.

The proposal to establish an Intergovernmental Peace building Commission within the framework of the United Nations, aiming at post-conflict activities with a view to building a just and long-lasting peace through developmental activities in the countries afflicted by war, is an important idea which merits careful consideration by member states. We stress that the role of the General Assembly in this regard should be adequately addressed .My delegation is studying the explanatory note submitted by the Secretary General on this Commission and would provide its comments and positions in due course, including through the NAM .

Mr. Facilitator,

Allow me to conclude by reiterating that, like many other Member States, we believe that the reform of the UN should be planned and implemented in strict adherence to the principles of the Charter. It should be based on cooperation, inclusion and dialogue. A reform which will have far-reaching implications for the whole world, for our generation and for many generations to come should not be subject to imposition of artificial time tables.

Thank you
