

# Islamic Republic of

# I R A N

Permanent Mission to the United Nations

**Statement by H.E. Dr. M. Javad Zarif,  
Permanent Representative of the Islamic Republic of Iran  
before the General Assembly  
on the Report of the Secretary-General: "In Larger Freedom-  
Towards Development, Security and Human Rights for All"  
7 April 2005**

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

Mr. President,

We share the overwhelming sense of loss, felt across the globe, on the passing away of His Holiness Pope John Paul II. As President Khatami stated in his message, "Pope John Paul II, with his mastery of religious mysticism, philosophic contemplation and poetic and artistic creativity, exerted every effort for the triumph of truth, justice and peace." I would also like to register our condolences to the people and Government of Monaco on the demise of His Serene Highness Prince Rainier III.

Mr. President,

We applaud the Secretary-General for his leadership of this Organization, his dedication to its principles and objectives and his courageous efforts to defend its integrity and enhance its efficiency and capacity to meet the needs and challenges of the new century. We owe him our deepest gratitude and unreserved support in these trying times.

The Report of the Secretary General entitled "In larger freedom- towards development, security and human rights for all" is an important initiative that deserves our thorough consideration and comprehensive deliberation. As one important input together with other inputs, particularly the views of Member States, it can help us proceed with the

huge task ahead, hopefully resulting in a genuinely meaningful and adequately balanced reform of the UN.

We are grateful to you, Mr. President, for leading and conducting extensive consultations with Member States in the preparatory process for the September High-Level Plenary Meeting, in keeping with the roadmap that you have outlined for us.

My delegation, along with many others, participated in these deliberations in a genuine attempt to actively contribute to enhancing the efficiency of our unique and irreplaceable Organization. We were indeed astonished that the Secretary General's Report, to a very large extent, neglected not only the views of a majority of Member States and important groups such as NAM, OIC and G77 but also the demand of the overwhelming majority of the world public opinion for less coercion and more compassion. It is therefore our earnest hope that these aspirations and the views of the Member States would be adequately considered in the remainder of this process. It is self evident that the legitimacy and relevance of the eventual outcome will be a function of how thoroughly the reform will be deliberated upon and to what extent the process will be all-inclusive and transparent.

Mr. President,

The Report has diagnosed some of the diverse and interconnected threats afflicting the world community. However, by taking at face value the predominantly publicized interpretations of the threats emanating from one dominant global perspective, the Report has lost sight of probably the more fundamental threat which lie at the root of the current international maladies, namely the propensity to resort to coercion and violence by State and non-state actors. Furthermore, and perhaps because of this failure, it is far from certain that the prescriptions presented by the Report would or even could enhance the capacity of the international community to address the very threats that have been identified or whether they would rectify the present shortcomings of the UN machinery or further entrench them. Success will largely depend on our collective courage to question the feasibility and practicality (let alone legality or rationality) of the dominant interventionist paradigm and tendencies. Doing so would make this Organization truly responsive to the repeatedly articulated demand of the overwhelming majority of our people across the globe who have time and again rejected war, intervention and imposition.

Mr. President,

My delegation has already presented its positions on major issues before us in our statements of January 27 and February 23 before the Informal Meetings of the General Assembly. I would also like to associate ourselves with the statements made by Malaysia and Jamaica on behalf of NAM and G77. But, may I take this opportunity to briefly address certain aspects and some recommendations of the Report of the Secretary-General.

1. As you correctly summarized in your concluding remarks on February 24, there is “broad consensus” that Article 51 of the Charter should not be reinterpreted or rewritten. Nonetheless, it is indeed inexplicable to see that contrary to the will of the majority and against the entire legislative history of the Article and post Charter practice and *opinio juris*, Article 51 has in fact been reinterpreted in the Report. 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 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”. The international community has seen far too many cases of resort to the justification of imminent threat as an excuse for aggression to allow it to be recognized as a license for war under the Charter; from the justifications waged by Saddam Hussein for his aggressions against Iran and Kuwait to the now-discredited justifications presented for the more recent military adventurisms.

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.

2. Turning to disarmament and non-proliferation, the Report contains a number of important suggestions which need adequate scrutiny. We concur that the current threats to international peace and security caused by the continued existence of thousands of nuclear warheads in the stockpiles of the nuclear-weapons States “entails a unique responsibility” for nuclear-weapon States. Indeed, the crisis of confidence and compliance with regard to the NPT has originated in the non-compliance and discriminatory practices of nuclear-weapon States in the course of the past 35 years. However, the Report fails to place the blame where it is due. It is even more regrettable that the Report has failed to address the recent plans for development of new nuclear weapons and new doctrine for their use against non-nuclear weapon states.

The Report prescribes 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 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 that has been accepted by the membership of this august assembly is "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 that the recommendations contained in the Report on these issues should be in conformity with the requirements of the General Assembly resolutions and decisions, resolutions and final documents and outcomes of the 1995 and 2000 NPT Conferences.

3. Combating terrorism as a multifaceted global menace requires a global, inclusive and comprehensive approach. Terrorism is a heinous and perverted product of a global order and mentality which glorifies military might as the source of legitimacy and denigrates the principles of international law, ethics and morality as cumbersome constrictions on the exercise of power. Terrorism can and must be destroyed first and foremost by reversing the logic of violence and coercion and changing the mentalities and perceptions that might makes right. It certainly cannot be eradicated, indeed can only flourish, by further entrenching such a mentality through removing the limited existing restraints on the exercise of military might and portraying a picture that law, one way or the other, must submit and conform to the reality of might. Thus, approaches to terrorism focusing wholly on military, police and intelligence measures risk undermining efforts to promote the rule of law and human rights, alienate large parts of the world's population and thereby weaken the potential for collective action against terrorism. Any anti-terrorism endeavor or initiative to be effective, rather than addressing only selected aspects of this threat, should be a broad-based approach to adequately address issues such as the root causes of terrorism and the double standards by which some terrorist groups are being treated. It should also consider proper mechanisms to rescue the much abused term from those who use it as a pejorative term for any dissent from their policies.

In fighting terrorism, the rule of international law as well as the basic principles of human rights and humanitarian law must be strictly observed. In this context, we consider the Secretary General's proposal to create a special rapporteur who would report to the Commission on Human Rights on the compatibility of counter-terrorism measures with international human rights laws, as a positive and helpful initiative.

4. The threat of organized crime is no less pressing than the menace of terrorism. Drug-trafficking, as a clear manifestation of organized crime, is closely linked to terrorism, affects the security of all States and contributes to civil wars. It often serves as the main source of financing for many terrorist groups. It is regrettable that this obvious threat has been neglected in the Report.

5. Many delegations in the course of our deliberations underlined the imperative of recognizing the increasing threat posed by mutually reinforcing phobias leading to a catastrophic eventuality of a clash between civilizations and cultures. It was emphasized by many that this phenomenon is today serving as a breeding ground for extremism and terrorism, and needs to be duly recognized and properly addressed in any effort to reform the United Nations. It is astonishing that in the Report this major and emerging security threat has been totally neglected and the paradigm of "dialog among civilizations", already approved by this Assembly as the most efficient means to tackle the growing threat of clash has been overlooked. This lofty idea which promotes understanding, affection, good will and cooperation must be the prevailing discourse of the new century, if we want to leave our future generations with a more secure and prosperous world than the one we have inherited.

If undue pressures had not made it impossible to assess the threats that face the international community more objectively, it would not have been difficult to agree 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.

6. The Report has also accepted the vague and highly controversial concept of "responsibility to protect", which has been subject to a wide range of interpretations. Clearly, the international community cannot and should not sit idly when faced with the heinous crimes of genocide, war crimes and crimes against humanity. However, as indicated in the Report of the High Level Panel, one of the main reasons for the failures of the United Nations in tackling such crimes in certain cases has clearly been the lack of will on the part of certain major powers, who prevented the UN from taking appropriate measures in those well known cases. Therefore, it is not clear that introduction of a new concept rather than a more faithful implementation of the UN Charter in this regard, has the first-order priority in the quest to meet such threats. There is the grave concern that the concept of "responsibility to protect" could be invoked by certain countries to pursue their own political agenda, and that through this idea some parts of the world may be transformed into a potential theatre for their intervention.

Reference should be made here to the general demand of respect for sovereignty. 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 21<sup>st</sup> century, to allow intervention, while at the same time the same sovereignty is expanded to its 19<sup>th</sup> century parameters to relax the restrictions on the use of force and allow pre-emption.

7. We share the Secretary General's feeling on the diminishing credibility of the Human Rights Commission. We also concur with the Secretary General that human rights is a crucial aspect of the work of the United Nations, while further believing that politicization of the commission's work has risked engaging nations in a global "clash of cultures" between North and South and between East and West. Moreover, the Commission of Human Rights has been a text book case of political manipulation through gross selectivity and application of double standards over the past several decades.

To restore the credibility of the human rights machinery and to best combine its efficiency with legitimacy, concrete steps must be taken to reduce 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. In our view, such a council may further polarize and politicize the human rights system and may, in turn, further marginalize the developing countries in yet another important forum within the UN. Furthermore, while human rights are indivisible, the Report's approach towards human rights is exclusively based on civil and political rights and it virtually disregards the longstanding consensus which considers civil and political rights as well as the right to development as the two sides of the same coin.

8. The establishment of an intergovernmental Peacebuilding Commission within the framework of the United Nations is an important idea which merits careful consideration. Such a new body, if established, needs to perform its important duties under the purview of the relevant organs of the United Nations, especially the ECOSOC and the General Assembly. As enumerated by the Secretary General in his Report, such a body's function should be strictly confined to post-conflict activities.

Of course, the United Nations should play a significant role in conflict prevention, peacemaking, peacekeeping and post-conflict peacebuilding to save millions of lives. It could have prevented the deaths of millions of people in different conflicts. Therefore, we should ensure that the United Nations has an effective capacity for peacekeeping operations to meet the growing demands. To this end, we associate ourselves with the Secretary General's view on the necessity of strengthening the United Nations peacekeeping capacity and support the appropriate measures that would serve this purpose.

The rule of law, as an essential element of durable peace in the countries emerging from conflict, should be respected by all relevant actors in a peacekeeping operation, specially by the United Nations peacekeepers and peacebuilders, who have a solemn responsibility to respect the law themselves, and especially to respect the rights of the people whom it is their mission to help. In this regard we strongly support the Secretary General's efforts to strengthen the internal capacity of the United Nations to exercise oversight of peacekeeping operations in order to prevent any misconduct in the future.

9. We welcome the Secretary General's proposal on the need for the completion of Doha Round and his emphasis on the need for this Round to fulfill its development promise.

We are also glad that the Report has recognized the need for the international trade and financial systems to be more inclusive of the developing countries' interests through their enhanced participation in the decision-making processes of those institutions. However, some of the huge stumbling blocks in the process of integration of developing countries in the international trade system have not received proper attention. For example, the Report does not touch upon the need for removing political barriers in making WTO a universal body paving the way for all developing countries to benefit from international trade. The report equally lacks in proposing ways of addressing unilateral sanctions.

While the Report tries to have a comprehensive approach to the global environmental degradation, it clearly fails to provide broad recommendations to address the challenge. The relevant recommendations of the Report are only focused on three issue namely energy, international environmental governance and Kyoto Protocol and, thus, are not all-encompassing. The Report does not provide any proposals for addressing the problems arising from the export of polluting technologies from developed to developing countries, the conduct of transnational companies and the issue of corporate responsibility and accountability. In regard to the Kyoto Protocol, we expected the Report, instead of proposing further commitment for developing countries, to call on the big emitters of the Green House Gases to join the Kyoto Protocol and to urge developed country parties of the Protocol to take immediate and effective measures to meet their mitigation commitment in the first commitment period.

The proposal of the Secretary General on the governance of the global environment requires an in-depth and thorough analysis since there are differences of views with regard to the root causes of global environmental problems. The issue of international environmental governance, including a new global entity or agency on environment, has been dealt with comprehensively in the IEG process leading to the Johannesburg Summit. The IEG process, out of different available options, proposed to the Summit the consideration of the important but complex issue of the universal membership and the Summit, in turn, mandated the General Assembly to consider the issue of universal membership of UNEP/GC at its 61st session. We look forward to active participation of all countries in the discussion of the universal membership of UNEP/GC in the 61<sup>st</sup> GA.

10. Reforming the ECOSOC in order to enhance its efficiency and responsiveness and to meet the emerging challenges is an imperative. The proposals of the Report which seek to have ECOSOC more focused on the development issues are worth to consider. However, these should not alter the mandate and the scope of the work of the ECOSOC, as stipulated in the Charter. Care should be taken to strengthen the ECOSOC and to avoid its downgrading into a functional commission. We should bear in mind that ECOSOC is entrusted with the system-wide coordination responsibility as well as mandates on social, economic, human rights and environmental issues.

11. On the reform of the Security Council, we have noted that the Secretary General has wisely abstained from directly advocating any models on the increase of the membership of the Council. However, the lack of reference to the working methods of the Council despite the insistence of the majority and against the large amount of work done by the

Open-Ended Working Group on the Reform of the Security Council is unjustifiable. The Council's encroachment on the issues which fall within the purview of other Organs of the United Nations, particularly the General Assembly, has regrettably become commonplace. Nonetheless, the Report not only has ignored this burning challenge, but has also entrusted the Council with new mandates which would further exacerbate the situation.

12. On revitalization of the General Assembly which is undoubtedly at the heart of the reform of the Organization, my delegation is of the view that this should be perceived as a dynamic and ongoing process. The two features of this process, namely enhancing the authority and role of the General Assembly and improving its working method, should be pursued simultaneously. By the same token, we concur with the Secretary General that the General Assembly, as the chief deliberative, policy-making and representative organ of the United Nations, must become more effective through enhancing its contribution to the Organization's activities. However, this may not necessarily be realized by streamlining its agenda, its committee structure and reversing its decision-making process. Rather, it is imperative to restore the powers of the Assembly derived from the Charter particularly through leaving areas which are within its purview, namely law-making and norm-setting authorities, to this most democratic forum of the Organization.

Before concluding, Mr. President, I would like to emphasize that in my delegation's view it is the sole responsibility of UN Member States to decide on any new measures concerning the UN and its reform and the General Assembly, as the chief deliberative, policy-making and representative Organ of the Organization has the unique role in this regard. We reiterate, Mr. President, the pledge of our full cooperation with you as you continue to lead us in this process.

Thank you, Mr. President.