

Islamic Republic of I R A N

Permanent Mission to the United Nations

Statement

By

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On

Agenda Item 44 and 107:
“Integrated and coordinated implementation of and follow-up
to the outcomes of the major United Nations conferences
and summits in the economic, social and related fields;
Follow-up to the outcome of the Millennium Summit: report
of the Secretary- General”

New York, 28 July 2009

In the Name of God, the Compassionate, the Merciful

Mr. President,

My delegation would like to express its appreciation to the President of the General Assembly for having convened this thematic debate on the "responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity". We deem it necessary to continue consideration of this complicated issue and its implications, bearing in mind the principles of the Charter and international law, as is articulated in paragraph 139 of the 2005 Summit Outcome Document. Our appreciation also goes to the Secretary-General for the presentation of his report A/63/677 on 21 July 2009. Let me also recognize the well-thought concept paper on the "responsibility to protect" distributed by the President of the General Assembly.

My delegation supports the statement made by distinguished Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

At the outset, I would like to state that the Islamic Republic of Iran fully shares the sentiment that the international community must be vigilant not to let the horrors of mass killings and genocide of the past be repeated in the future. This is a message clearly expressed by the world leaders in 2005 as documented in the Summit Outcome Document.

Mr. President,

While still there is a lot to be discussed and clarified about the very notion of "responsibility to protect", its definition, its limits and scope, and its possible implications, nonetheless, examining this concept in practical terms may put it in better perspective and help to make this abstract concept more concrete. Hence, discussions on the Secretary General's report could not be divorced from discussions on the very notion and its political and legal implications. After all, looking forward should not relieve us from looking back and reminding ourselves of lessons of history.

Having said that, my delegation would like to make a few preliminary observations concerning the notion of "responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity":

- 1) It goes without saying that it is the obligation and prerogative of any State to defend its own people against aggression and protect them from genocide, war crimes, ethnic cleansing and crimes against humanity. Every State shall embrace this responsibility. Other States or the international community at large may step in to help upon request on a case by case basis and through the United Nations. This, by no means whatsoever, may imply permit to use force against another State under any pretext such as humanitarian intervention. Any attempt to pseudo-legalize such forms of intervention would seriously undermine the well established principles of international law, and pave the way for all manners of politically motivated interventions in other countries under the guise of "humanitarian intervention." In fact, the controversy looms around with the implied authorization of the use of force which this notion entails. I'm sure no one would like to turn the clock back to the time when theories of "just war" prevailed.
- 2) The Charter of the United Nations is expressly clear on the general prohibition of the threat or use of force in international relations of States as embodied in paragraph 4 of article 2 of the Charter. Self-defense against prior armed attack, as recognized under article 51 of the Charter, is the only exception to this general peremptory rule of international law. The Security Council can take action, too, in accordance with purposes and principles of the Charter, when it determines a threat to international peace and security or breach of the peace or an act of aggression. The Summit itself reaffirmed in paragraph 79 of the Outcome Document "that the relevant provisions of the Charter are sufficient to address the full range of threats to international peace and security." The Summit, then, granted no new "right of intervention" to individual states or regional alliances under any grounds. Decades before that, the International Court of Justice had warned against such interventionist policies when in a unanimous vote in 1949 articulated that "The Court can only regard the alleged right of intervention as the manifestation of a policy of force, such as

has, in the past, given rise to most serious abuses and such as cannot, whatever be the defects in international organization, find a place in international law...; from the nature of things, [intervention] would be reserved for the most powerful states, and might easily lead to perverting the administration of justice itself."

- 3) "Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" as a humanitarian notion, should not, then, be misused, or indeed abused, to erode the principle of sovereignty and undermine territorial integrity and political independence of States or intervene in their internal affairs. States need to be highly alerted against any self-styled interpretation of this rather vague notion to destabilize the Charter-sanctioned principles of international law, particularly respect for sovereignty, territorial integrity and political independence of States as well as the principle of non-use of force in international relations and non-interference. The Secretary-General, himself admits the danger of misusing this notion for inappropriate purposes. This authenticates the concern of many member States who have long warned against political manipulation of new and loose concepts plus their selective application and double-standard in invoking them.
- 4) There is no illusion that tragic cases of genocide and crimes against humanity as well as outrageous acts of aggression were left unanswered not because of lack of empowering legal norms but simply due to lack of political will dictated by power politics (i.e., political and strategic considerations) on the part of certain major powers permanently seated at the Security Council. We experienced the bitter consequences of the United Nations' inaction to stop the aggressor during the 8 years imposed war by Saddam's regime. We have also witnessed the repeated failure of the Security Council to leave up to its responsibility and to take appropriate action against Israeli regime's continuous aggression and mass atrocities in the Palestinian occupied territories and in neighboring countries.
- 5) Therefore, a key to preventing and suppressing such grave crimes in the future would be to faithfully implement the United Nations Charter and avoid selectivity and double-standards as well as accelerate the reform process with the aim of remedying the deficiencies which resulted in failure of the whole UN system to act where action was needed. It would simply be a distortion of the truth to blame the principle of sovereignty for inaction or dysfunction of the UN system.
- 6) We fully agree with many delegations who stressed that the notion of "responsibility to protect" must be limited to the four grave crimes identified in paragraph 138 and 139 of the 2005 Summit Outcome Document subject to the terms and qualifications identified and laid therein. Any attempt to apply this notion to other situations would only render it more complicated and blurred. Needless to say, paragraphs 138 and 139 should be read and understood in the context of the Document in its totality. I would like here also to highlight the imperative of identifying and addressing wide range of economic and political root causes which underlie, or contribute to, mass

atrocities. Aggression and foreign occupation, foreign interferences and meddlings, poverty and underdevelopment and exclusion are among the main such causes, to name a few.

- 7) We support the continuation of UNGA dialogue on "responsibility to protect" in a transparent and inclusive manner in order to address the concerns and questions concerning this notion and its implications.

I thank you.