

Statement by
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Before
The Sixth Committee of the
71st Session of the United Nations General Assembly

On:
"The Rule of Law at the National and International Levels"
(Agenda Item 84)

New York, 6 October 2016

At the outset, the Islamic Republic of Iran aligns itself with the statement made earlier on this item on behalf of the Non-Aligned Movement. Also my delegation would like to take note the Secretary-General for his report on this agenda item, contained in document A/71/169.

Rule of law at the national and international levels is essential to a lasting peace and security, sustainable development and respecting human rights; it thus guarantees a better future. On the other hand, any impairment thereof can undermine stability, peace and public order at the national and international levels.

The Islamic Republic of Iran believes that the key to upholding rule of law is to respect the well-established principles of international law as enshrined in the United Nations Charter. These include sovereign equality of States, prohibition of threat or use of force and prohibition of intervention in internal

affairs of other States. Not only States are bound by the said principles, but also the United Nations organs at all levels remain committed to respect rule of law and no organ remains free from respecting such principles and fundamental human rights.

In this context, it has to be emphasized that all United Nations organs especially the Security Council, in carrying out their mandate, are obliged to respect principles embodied in the UN Charter in conformity with principals of justice and international law and should at no time encroach upon fundamental human rights of individuals in adopting and implementing their mandates, even and in particular, in imposing such unjust and illegitimate measures.

In this line and pertaining to the use of force, we should avoid misinterpretation of Article 51. Furthermore, in invoking article 51, the UN and the Member States shall remain committed to respecting international human rights law and international humanitarian law, even where article 51 is abusively invoked to launch offensive attacks regardless of the contours and limits of their consent. A manipulated politically biased application of *jus ad bellum* can in no way justify misapplication of *jus in bello* or *jus humanum* in general.

As mentioned earlier, the concept of sovereign equality of States is an essential element in upholding the rule of law in the international legal system. In this context, the principle of State immunity is one of the cornerstones of the international legal order and a rule of customary international law, most recently codified in the United Nations Convention on Jurisdictional Immunities of States and their Property. Its primacy has also been recognized by the community of nations, all legal systems and the International Court of Justice. With the sole possible permissible exception of “commercial activities”, claims against a sovereign state must be pursued either in accordance with mechanisms

provided for in bilateral or multilateral agreements or through international courts or tribunals, as appropriate.

It is a matter of grave concern that few countries seem to believe that they can easily defy and breach the fundamental principle of State immunity, by unilaterally waiving the immunity of states under a groundless legal doctrine that the international community does not recognize. The Islamic Republic of Iran rejects the unilateral and unlawful decisions by few states in this respect, and holds those states responsible for their actions, and is determined to take every lawful measure to preserve its rights.

After making some general remarks on the notion of rule of law, as invited by the General Assembly through resolution A/RES/70/118, now I will focus on our national practices in the implementation of multilateral treaties and practical measures to facilitate access to justice for all, including for the poorest and most vulnerable.

Regarding our national practices on the implementation of multilateral treaties, my delegation would like to share Iran's experiences and practices. We have been endeavoring to involve properly at the time of consultations and deliberations in treaty making process, so that the Iranian Government can give suitable consideration to the actions that may need to be undertaken at the national level, such as creating some *ad hoc* committees comprising of various governmental entities in different branches as well as academicians for more consideration. The outcome would then lead to the finalization of adoption of the treaty through its signature, ratification or accession thereto.

According to Article 77 of the Iranian Constitution as the dualist system of the treaty regime in force in the country, all international treaties, protocols, contracts, and agreements must be approved by the Parliament; therefore, we

need national legislation for giving effect to the rights and obligations contained in the treaty;

Under article 9 of the Iranian civil code, treaty provisions, including those contained in multilateral treaties, which have been concluded between Iran and other States in accordance with the Constitution shall have the force of domestic law. In order to trigger their effective implementation and further integration in the Iranian national legal system, however, treaties are considered by the Parliament where they are adopted and become part legally of national law. For some international treaties like Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, national implementation act has been ratified by Iranian Parliament.

On the subtopic of “Practical measures to facilitate access to justice for all, including for the poorest and most vulnerable”, my delegation would like to draw the attention of the Committee that the Islamic Republic of Iran, through executive, legislative and judicial measures, has endeavored to promote rule of law at the national level. In particular, in recent years the Iranian Vice President's Office for legal affairs has carried out projects to consider facilitating access to legal aids and services.

In this line, the Iranian Parliament has enacted a law to increase legal services to people, both qualitatively and quantitatively, *inter alia*, through recruitment of legal advisors and attorneys in various fields and raising public awareness on legal and judicial matters aimed at providing easy access to justice for all.

The Iranian Judiciary has likewise implemented a set of schemes under the general title of "Judicial Improvement" by which different judicial services

have been designed and provided to people, especially through the use of Information and Communication Technology (ITC) with a view to facilitating judicial proceedings. Furthermore, improving especial legal aid to the poor through increasing the number of public defenders has been another development in the area.

Also, the Iranian Judiciary has become engaged in encouraging people to resort to more expeditious dispute settlement mechanisms such as arbitration, mediation and conciliation, thus facilitating access to justice. In this respect, the enactment and implementation of the Law for Conciliation and Dispute Settlement Boards has created new ample space for access to justice and has spared abundant time-consuming court proceedings.

In conclusion, the Islamic Republic of Iran believes that the rule of law as a universal value should be observed at national, regional and international levels, which can pave the way to achieve the United Nations pillars: development, peace and security, and human rights.

Thanks.