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**Statement by Mr. Tofiq Musayev
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**at the general debate of the Special Committee on the Charter of the United Nations
and on the Strengthening of the Role of the Organization**

19 February 2019

Madam Chair,

At the outset, I would like to congratulate you and other members of the Bureau on your election and assure you in our delegation's full support.

We join the statement delivered earlier today by the distinguished representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement, and would like to make some additional remarks in our national capacity.

We recognize the valuable contribution of the Special Committee to examining the issues relating to the Charter of the United Nations and the strengthening of the role of the Organization with regard to the maintenance and consolidation of international peace and security, the development of cooperation among States and the promotion of international law.

The role of the Committee acquires additional relevance in the context of the ongoing efforts towards improving the efficiency of the United Nations and making it more responsive to the needs of Member States.

In its resolution 73/206, the General Assembly requested the Special Committee to continue its consideration of a number of issues.

In that regard, we expect that the Committee will conduct meaningful and result-oriented discussions on the proposals before it, with a view of their finalization.

As one of the core principles of the United Nations, the peaceful settlement of disputes remains a key item on the agenda of the Committee. Several elements flow from Article 2(3) of the Charter of the United Nations.

First, the primary objective of the principle of the peaceful settlement of international disputes is to commit States to respect each other's sovereignty, territorial integrity and political independence, and refrain in their international relations from the threat or use of force save for self-defence and Security Council authorized activities.

Second, the settlement of a dispute must be achieved by peaceful means. In other words, the international community cannot accept the use of force and its consequences as a way of resolving disputes.

Third, whatever the choice of States as to the mechanisms adopted for resolving their disputes, no settlement can be reached which is inconsistent with international law, particularly where peremptory norms are concerned, such as the obligation to respect the sovereignty and territorial integrity of States.

The principle of the peaceful settlement of disputes, or the concept of prevention as its frequently referred non-legal equivalent, cannot be interpreted as prejudicing in any manner the relevant provisions of the Charter of the United Nations or the rights and duties of States and implying continuation and sustenance of situations created through violations of the Charter and international law.

In cases where one State has neglected its obligation to settle a dispute by peaceful means and unlawfully used force against another State, meaning the transformation of international dispute into armed conflict with aggravated consequences, claims that the injured State is under an obligation to respect the principles of the peaceful settlement of disputes and non-use of force vis-à-vis the aggressor State are redundant and inconsistent with the relevant Charter provisions.

It is clear that, as long as internationally wrongful acts continue, an injured State is entitled to react by exercising its inherent right of self-defence, in conformity with the Charter of the United Nations and international law, as well as by taking non-forcible countermeasures in order to procure the cessation of such acts and to achieve reparation for the injury.

Moreover, serious breaches of obligations under peremptory norms of general international law give rise to additional consequences, which include, *inter alia*, duties of States to cooperate in order to bring to an end a serious breach by lawful means, not to recognize as lawful a situation created by such breach, nor render aid or assistance in maintaining that situation.

The established principle of the inadmissibility of the use of force for the acquisition of territory and the ensuing obligation of non-recognition of situations resulting from serious violations of international law must be applied and enforced universally and unconditionally.

The basis for the obligation of non-recognition is that a legal right cannot stem from an unlawful act.

Regardless of whether there is a decision adopted or specific measures imposed under the Charter by the competent organs of the United Nations, the said obligation arises for each State as and when it forms the view that a serious breach of a *jus cogens* norm has been committed.

At the same time, resolutions adopted by the Security Council or the General Assembly are essential in establishing legal certainty as to the existence of a serious breach, such as the violation of a prohibition on the use force, and thus provide an authoritative framework and guidance for States in implementing a policy of non-recognition and abstention from rendering aid or assistance in maintaining the illegal situation.

The value of such resolutions, as well as of the decisions adopted by other international organizations and courts, is high, especially where actions in contravention of the Charter of the United Nations and international law are accompanied with apparent misinterpretation of legal norms and principles.

In that context, for the purpose of preventing the resumption and escalation of hostilities, special attention should be given to the implementation of resolutions adopted by the principal organs of the United Nations, in particular those relating to the peaceful settlement of disputes, conflict prevention and resolution.

We attach particular importance to the annual thematic debate, under agenda item on the peaceful settlement of disputes, to discuss the means for the settlement of disputes, in accordance with Chapter VI of the Charter, including in particular those contained in Article 33 thereof, and consistent with the Manila Declaration on the Peaceful Settlement of International Disputes. We note that this year's session of the Special Committee will focus on the exchange of information on State practices regarding the use of mediation, and look forward to useful and productive discussion on the matter.

Thank you.