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**Statement by Mr. Tofiq F. Musayev
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at the general debate of the 2021 session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

16 February 2021

Mr. Chairman,

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

We align ourselves with the statement delivered 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.

Mr. Chairman,

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.

The primary objective of this principle is to commit States to refrain in their international relations from the threat or use of force save for self-defence and Security Council authorized actions.

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 the violation 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.

Resolutions of the Security Council or the General Assembly, as well as the decisions adopted by other international organizations and institutions, are essential in establishing legal certainty as to the violation of a prohibition on the use force, and thus in providing an authoritative framework and guidance for States.

The value of such documents is high, taking into account that actions in contravention of the Charter of the United Nations and international law are often accompanied with apparent misinterpretation of legal norms and principles.

Thus, for example, the view that the principle of the right of peoples to self-determination may be applied in the form of unilateral secession of minorities from sovereign and independent States is fundamentally flawed and extremely dangerous. International law is unambiguous in not providing for a right to unilateral secession and in not creating grounds and conditions for legitimizing such secession in any sense, including within the meaning of the right to self-determination. Nothing in the relevant international legal instruments is construed as authorizing or encouraging the partial or total disruption of the territorial integrity of sovereign and independent States. On the contrary, the application of the right to self-determination obliges States to act at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.

Mr. Chairman,

We attach particular importance to the annual thematic debate, under agenda item on the peaceful settlement of disputes, which contributes to the more efficient and effective use of peaceful means and promotes a culture of peace among Member States.

We look forward to useful deliberations during this session of the Special Committee, including within the thematic debate on the subtopic “Exchange of information on States practices regarding the use of arbitration”.

Thank you.