

United Nations General Assembly
Sixth Committee
Transboundary Harm
22 October 2019
Statement by CANZ

I have the honour today to speak to you today on behalf of CANZ: Australia, New Zealand, and my own country, Canada.

We would like to thank the Secretary-General for his report and the Secretariat for their valuable work in compiling the decisions of international courts, tribunals, and other bodies referring to the International Law Commission's draft Articles on Prevention of Transboundary Harm from Hazardous Activities and Principles on the Allocation of Loss in the case of Transboundary Harm arising out of Hazardous Activities.

It is clear that transboundary harm continues to be an area of concern for states, as can be seen by the General Assembly's passing of Resolution 71/143 of 13 December 2016 "Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm" and in which it again commended these articles and principles to the attention of Governments.

We are pleased to see that the Articles and Principles are referred to by international, regional and domestic courts. References to these draft articles and principles show how relevant they are. The risk associated with hazardous activities, whether within or beyond national jurisdictions, remains a concern for all states.

The world is becoming more inter-reliant and issues around transboundary harm are becoming more frequent. As such, it is necessary that there be a consistent, coherent and widely followed international framework setting out the standard of conduct and practice the international community expects from states in preventing transboundary harm, and the allocation of loss in the event of an occurrence.

There is little to be gained from attempting transformation of the articles and principles into the form of a Convention. CANZ continues to be of the view that persistent use of these articles and principles, as well ongoing discussions related to them in multilateral and bilateral fora, contribute significantly to the progressive development of international law in this area.

CANZ continues to encourage Member States to be guided by these draft Articles on the prevention of Transboundary Harm from Hazardous Activities, and the Principles on the Allocation of Loss Arising out of Hazardous Activities.