

# Islamic Republic of I R A N

Permanent Mission to the United Nations

Statement by  
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Before  
The Sixth Committee of the  
74<sup>st</sup> Session of the United Nations General Assembly  
on

**"Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm"**  
(Agenda Item 81)

New York, 22 October 2019

In the Name of God, the Most Compassionate, the Most Merciful

At the outset, we commend the work done by the International Law Commission on the topic "International liability for injurious consequences arising out of acts not prohibited by international law" and its two products namely the draft articles on "Prevention of transboundary damage from hazardous activities" in 2001 and draft principles on "Allocation of loss in the case of transboundary harm arising out of hazardous activities" in 2006. My delegation would like to thank the Secretary-General for his reports on Compilation of decisions of international courts, tribunals and other bodies (A/74/132). We also take note the report of Secretary-General on comments and observations made by Governments contained in document A/74/131 and its addendum.

The issue of "International liability for injurious consequences arising out of acts not prohibited by international law" primarily brought to the attention of the UN General Assembly by the International Law Commission in 1969 in its first report on State responsibility and was officially put on the ILC's agenda in 1978 to cover those areas of accountability where "acts" or "omissions" are not necessary in violation of existing normative frameworks but cause "harm" to other entities. Therefore, the two byproducts of this tremendous work, namely the 2001 draft articles and the 2006 draft principles, are the result of extensive research carried out through years on diverse issues pertaining to "International liability", "civil liability" and relevant regional, international and domestic regimes on a comparative basis and as such contain elements considered to be common to domestic civil liability regimes in place in many countries and embodied in international and regional schemes. The progressive nature of certain elements of the work, however, requires some time to effect adaptation on the part of States and further incorporation into domestic legislations.

That said, we are cognizant of the fact that some of the notions set forth in the two drafts are part of *lex lata* and are thus already part of international and national corpus of law concerning liability for hazardous activities.

While the overall perception on certain principles derived from such universal instruments as the 1972 Declaration of the United Nations Conference on the Human Environment and the 1992 Rio Declaration on Environment and Development, like prevention, cooperation, prior authorization, notification and information remain undisputed, at times their implementation and the particulars related thereto seem to become subject of disputes. Likewise, whereas all Member States concur on notions as compensation and response measures, the definition of "damage" and of what constitutes "significant" damage remains to be open to interpretation and therefore at times controversial.

In this context, I would like to emphasize the importance of Principle 6 of the 2006 draft on "International and domestic remedies" as regards adoption of relevant national and international legal frameworks to provide easy access to remedy by victims and that of Principle 7 concerning "Development of specific international regimes". While some time should elapse for all Member States to develop their relevant liability regimes whether at the national or international levels, it does not seem that the time is ripe for adoption of the drafts as conventions.

**Mr. Chairman**

I should also add that the Islamic Republic of Iran is party to some of the relevant international instruments regulating civil liability regimes in diverse fields of industry like transport of petroleum and throughout the past years specific domestic regimes have been developed to that end and efforts have been underway to complement liability regimes related to hazardous activities. As vast territories in Iran have been exposed to transboundary harm and many people have been suffering from and remain prone to serious health problems particularly resulting from dust, we believe that should all Member States consider their due diligence in case of transboundary harm, no State will remain injured and uncompensated and no victim will remain without remedy. Islamic Republic of Iran is ready to work with other relevant countries to prevent and respond to such transboundary harm.

In the end, I would like to reiterate our interest in following up the issue. We look forward to development of relevant international and regional regimes in diverse fields containing hazardous activities.

I thank you Mr. Chairman.