



**Statement by Mr. Mohammad Sadegh Talebizadeh Sardari
Representative of the Islamic Republic of Iran
before
the Sixth Committee of
the 77th Session of the United Nations General Assembly
On Agenda item 80:**

**“Consideration of prevention of transboundary harm from hazardous activities and
allocation of loss in the case of such harm”**

New York, 19 October 2022

Mr. Chairperson,

Allow me to reiterate my delegation’s position under this Agenda item.

My delegation believes that the two by-products of the International Law Commission’s work on the issue of international liability for injurious consequences arising out of acts not prohibited by international law, namely, the draft articles and draft principles, contained elements common to domestic civil liability regimes in place in many countries and embodied in international and regional schemes and, as such, are part of *lex lata*.

We consider that the draft articles represent the progressive development of international law for the most part. Therefore, this characteristic prevents the international community from developing a comprehensive standard for all States to follow at this stage. However, bearing in mind that the risk of transboundary harm from such activities is likely to grow, especially due to repercussions stemming from climate change and environmental degradation, it is suggested that countries attempt to act in a consistent manner based on recognized international settings and practices as well as applicable general principles.



This, in turn, would harmonize their legal responses, especially in the prevention of hazardous activities. In this regard, we concur with the position that in the absence of specific rules of conventional or customary international law imposing liability and allocating loss for transboundary harm arising out of hazardous activities, States have the general duty to observe due diligence in order to prevent or minimize transboundary harm. In the same vein, cooperation, coordination as well as exchanging of information among countries, especially between neighboring countries, are essential. In addition, we support the proposal on enhancing international cooperation to build the scientific and technical capacities of developing countries, in particular, in order to help them prevent such harm.

Mr. Chairperson,

Regarding the draft articles and principles, while the overall perception regarding certain principles derived from existing universal instruments, namely, prevention, cooperation, prior authorization, notification and information remained undisputed, their implementation seemed likely to be a matter of controversy when it comes to materialization. Likewise, despite universal agreement on such notions as compensation and response measures, the definitions of the term “damage” and of what constitutes “significant” damage is open to interpretation and therefore controversial. In that context, draft principles 6 and 7 are significant in that they could encourage States to improve the existing legal arsenal to prevent and provide remedy for transboundary harm resulting from hazardous activities and pave the way for more harmonized compensation.



Finally, **Mr. Chairperson**, my delegation is among those which share the cautionary view that the draft articles and draft principles still require further consideration and study by taking into account the state practices.

Thank you, Mr. Chairperson.