

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

**Statement by the representative of the Islamic Republic of Iran
Before the Sixth Committee of seventy-ninth Session of General Assembly
Working Group on Protection of Persons in the Event of Disasters
Cluster III: draft articles 7, 8 and 12
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Mr. Chair.

We would like to touch upon of a few points on this cluster:

- Discussions on international cooperation is intertwined with the consideration of the role of affected States and their consent with respect to assistance including in the event of disasters. International cooperation which constitutes an important component in effective responses to disasters, should be addressed in a balanced manner whereby sovereignty and territorial integrity of States is fully respected. The International Law Commission has considered the necessity of the consent of affected States in implementation of international relief assistance as a core principle and fundamental to international law. We concur with this specific view of the commission which is also a corollary of the principles of sovereignty and sovereign equality.
- Draft article 7 requires that States in application of the draft articles shall cooperate also with other assisting actors. The Commission has pointed to the purposes of the Charter of the United Nations as well as the Declaration on the Principles of International Law concerning Friendly Relations and Cooperation among States to articulate the rationale for cooperation among States in this area. Cooperation among States is an important component in preparing for and responding to disasters, in similar vein, cooperation of assisting states in support of provision of assistance to affected states by international organizations such as the United Nations is important. Nevertheless, the Commission in elaboration of this draft articles pointed to “other

assisting actors” which ostensibly has a merely broad range of non-state entities in view of the Commission. The rationale that has made the commission arrive at this conclusion is not clear. Asserting on the duty of affected States to cooperate with “other assisting actors” needs to be reexamined. The relations between States and non-governmental organizations which is governed by domestic laws is that of an exhortatory nature not obligatory, it could not follow the cooperation envisaged among states.

- Given the diverse range of disasters and varieties in the form of relief cooperation for that matter, it is important to make sure the draft article 8 could withstand and correspond to differing situations and calamities. For example, it might be the case where an assisting state is not necessarily in a position to provide the actual and in-kind humanitarian assistance, relief personnel, equipment and goods, and scientific, medical, and technical resources, etc. however, it might be able to facilitate access to such assistance via various means or to provide or facilitate provision of financial support. These instances could not clearly fall within the meaning of draft article 8. The language of the draft article should be flexible to ensure that various forms of cooperation which should be mutually accepted, are not unduly overlooked.
- In addressing international cooperation, the draft articles have failed to in a clearer manner address persistent and acute challenges that impede international cooperation in responding to disasters and needs of persons in the event of disasters. The negative impact of unilateral coercive measures on humanitarian assistance continue to be a serious concern especially in humanitarian contexts. Unilateral coercive measures, *inter alia*, aim to deprive States of their access to financial resources and as the General Assembly has repeatedly acknowledged through the relevant resolutions, such illegal measures have a negative impact “...on international relations, trade, investment and cooperation”. These measures, among others, run counter to the very purpose of the Charter of the United Nations in achieving “international co-operation in solving international problems of ... [a] humanitarian character.”
- The adverse effects of such unlawful measures on humanitarian assistance have been addressed in various fora within the United Nations. Similar concerns have been also reflected in various reports including the report of the Secretary-General on unilateral economic measures as a means of political and economic coercion against developing countries. The promulgation and application of unilateral coercive measures for example impede or disrupt, *inter alia*, access to health-care services, access to and procurement of medicine, medical supplies, equipment and services, and the development, purchase, and delivery of vaccines, as well as access to life-saving medicines, thus creating serious impediments to the management and

mitigation of humanitarian situations. In view of the illegality of unilateral coercive measures and their detrimental humanitarian impacts States and the United Nations should include the issue of the humanitarian impact of such measures in the agendas of relevant United Nations organs, agencies and entities and also include the issue of the negative impact of unilateral coercive measures in regular procedure of assessment of the humanitarian situation.

- In the light of the foregoing, whereas the imposition of unilateral coercive measures as an internationally wrongful act is highly interlinked with responses of States in humanitarian context, it is surprising that the commission has not addressed this acute challenge which also undermines the ability of States to prevent and respond to disasters. The draft articles should take into account the negative impact of unilateral coercive measures on international cooperation in this area. It is essential that the draft article include a specific provision on the negative impact of unilateral coercive measures and require States to refrain from promulgation and application of unilateral coercive measures, in particular, with respect to the protection of persons in the event of or in the relations with disasters.
- Draft article 12 states that in “the event of disasters, States, the United Nations, and other potential assisting actors may offer assistance to the affected State”. The Commission has been of the view that “the United Nations and intergovernmental organizations not only are entitled, as mandated by their constituent instruments, but are also encouraged to make offers of assistance to the affected State”. While we generally see merits in underscoring the importance of active support of affected States by the United Nations, we highlight that offers of assistance from international organizations should be apolitical, non-intrusive and be made in good faith with the purpose to support affected States in protecting their people in the event of disaster as conformed with the latter’s requests and needs. Similar to this point, it is imperative that states desist and refrain from promulgating, applying or in any manner give effect to unilateral coercive measures, which among other impede assistance of international organizations such as the United Nations to affected states.
- Finally, as a general point, we are also not content with the status granted to other assisting States in this draft articles which indicates an equal footing with States. In elaboration of draft articles, it is important to take into account the status of States as subjects of international law and thus not to equate them with, for example, non-governmental organizations.

I thank you.