

Statement by Mr. Ali Nasimfar,
The Representative of the Islamic Republic of Iran

before the Sixth Committee
on agenda item 89:

“Protection of persons in the event of disasters”

New York, 13 November 2020

In the Name of God, the Compassionate, the Merciful

Mr. Chairman,

My delegation commends the International Law Commission for finalizing its work on the protection of persons in the event of disasters.

With the global outbreak of a pandemic surging throughout the world, the international community is now facing an increasingly severe and widespread natural disaster with no border that has brought an extensive loss of life, great human suffering and distress as well as plummeting economic downturns thereby seriously disrupting the functioning of societies.

While this pandemic has highlighted the importance of the Draft Articles under elaboration in enhancing cooperation during a disaster as well as mitigating its effects and reducing the risks of a potential disaster, it has identified the gaps, challenges and the shortcomings of the text as well. The Draft Articles should be improved in order to effectively address pandemics or widespread disasters that do not recognize national borders.

The Draft Articles identify the “duty to cooperate” on the basis of the principles of humanity, neutrality, impartiality, and non-discrimination, but fail to identify Unilateral Coercive Measures as a man-made disaster which not only erode cooperation among member states but also endanger the livelihood of societies and hinder their effective response to alleviate natural disasters.

So far, the Islamic Republic of Iran has done its best and will continue to do whatever is in its power to control this highly contagious virus. However, the U.S.' coercive measures make it virtually impossible for Iranians and other Iran-based individuals and entities to import needed medicine and medical equipment thus seriously undermining our relevant national efforts. So far, we have lost a staggering number of our dedicated and hardworking healthcare workers due to the difficulties posed from this situation.

Moreover, the U.S.' coercive measures have closed all financial channels needed for humanitarian assistance during a period of natural disaster. Last year, these inhumane measures hampered humanitarian efforts amid flooding in Iran that killed at least 47 Iranians and displaced residents of dozens of towns and villages. The local Red Crescent was unable to receive international help for the victims who experienced two weeks of flooding. Due to U.S.' banking sanctions, the United States has warned SWIFT that it could face sanctions if it provides services to Iranian banks.

To address these inhumane measures, an article shall be added to the Draft Articles that humanitarian aid in kind or in cash in cases of natural and other disasters shall not be subjected to any direct or indirect restrictions.

Moreover, the future convention shall emphasize that, "Under no circumstances trade in humanitarian goods and commodities, such as foodstuff, medicine, agricultural and animal products, shall be subjected to any form of direct or indirect coercive economic measure or sanction" in line with the purpose of the future convention which is to facilitate the adequate and effective response to disasters, reduction of the risk of disasters and to meet the essential needs of the persons concerned.

With respect to Draft Articles, we previously have expressed our views in this Committee, However, here I would like just to underline the exclusive right of affected party to request external assistance in time of disaster and to announce its termination. furthermore, principles governing humanitarian assistance must be observed in parallel with the principles of respect for sovereign equality and territorial integrity of affected states as well as the principle of non-interference in the internal affairs of states. In this context, the formulation of Draft Article 13 paragraph (2) which states, "Consent to external assistance by the State victim to

the disaster shall not be withheld arbitrarily” is vague and such a determination risks influence by political factors.

Finally, we believe that the Draft Articles needs further improvement, preferably by the International Law Commission in light of the new development and emerging issues, particularly to address arbitrary imposition of Unilateral Coercive Measures which endangers the purposes and principles of the future convention.

Thank you