

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 the 80th session of General Assembly of the United Nations**

Agenda Item 82: Diplomatic Protection

October 2025-New York

Mr. Chair.

I would like to reiterate the position of my delegation expressed in the previous meetings of the Sixth Committee under the present agenda item and touch upon a few points in this respect.

The International Law Commission views diplomatic protection in its commentary on the respective draft articles, as a procedure employed by State of nationality of the injured person to obtain reparation. As such and given the implication of State and individuals in this discussion; it is essential that any legal regime on diplomatic protection be based on a robust and clear understanding of and a proper balance between rights of individuals and those of the States. It is also of importance to distinguish as between primary and secondary rules of international law bearing in mind that in view of the Commission it does not seek to define or describe acts that give rises to responsibility. Nevertheless, it is doubtful if the Draft Articles has been able to have due regard to such proper balances, conditions, and understandings.

Mr. Chair.

Some of the draft articles on diplomatic protection could not be deemed as reflective of customary international law. For instance, the draft Article relating to diplomatic protection of stateless persons (Article 8), or the one relating to individuals with multiple nationality (Article 7), do not feature, among others, sufficient, widespread, and consistent practice of states accepted as *opinio juris*. Eventually, the mere recourse of limited specific regional tribunals in certain case laws to such approaches could not have given rise to a general practice accepted as law.

We took note that the Commission has opined in its commentary of Article 7 on the use of term “predominant” instead of “dominant or effective nationality to convey element of relativity. Nonetheless, it would be difficult to define a decisive and harmonized criterion to establish predominance of a nationality over another nationality, this increase more uncertainty and ambiguity surrounding this topic.

Mr. Chair.

This delegation understands that the Commission has recognized the very fact that domestic laws may not allow for its nationals to become nationals of other States. This is a pertinent and important considerations taking into account the constitution of certain States do not accept dual nationality or do not recognize its legal effects arising from secondary nationality of their citizens. In these cases, the exercise of diplomatic protection by one State of nationality against another State of nationality would create uncertainty and ambiguity in obligations of states. Nevertheless, despite the reaffirmation of this matter by the Commission, this important matter has not been well transposed into a clearer provision within the draft article.

My delegation believes that time is still not ripe to elaborate the Draft Articles into a legally binding instrument. The legal difficulties, uncertainties and concerns of Member States need to be duly addressed and accommodated.

I thank you.