



# General Assembly

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## Seventy-fourth session

Item 83 of the provisional agenda\*

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

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### **Report of the Secretary-General**

#### **Addendum**

#### **Iraq<sup>1</sup>**

1. Iraq also recalled that the purpose of the consideration of the topic was to ensure prompt and adequate compensation for natural persons who had sustained significant damage caused by a hazardous or ultrahazardous activity within the territory of a State or otherwise under its jurisdiction or control, where such activity affected the territory of another State and the effects were measurable, objective and factual. Iraq noted that States must take the measures necessary to prevent damage caused by hazardous activities located within its territory, and that those measures should include the imposition of liability on the operator or, where appropriate, other person or entity. It was highlighted that such liability should not require proof of fault or omission. Iraq emphasized that every State should adopt the legislative, regulatory and administrative measures necessary to implement the draft principles, and that States should cooperate with each other to implement them in accordance with their obligations under international law.

2. Iraq also noted that, although its courts had broad jurisdiction to consider all the disputes brought before them in accordance with the laws in force, the principles arising from the topic could not be adopted at the current stage owing to a discrepancy with the laws that were applied by the Iraqi judicial system. In that regard, Iraq also noted that this aspect could be regularized through accession to international, regional or bilateral agreements.

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\* [A/74/150](#).

<sup>1</sup> For prior comments also at the current session, see [A/74/131](#), paras. 13–16.



**Turkey**

3. Turkey was of the view that both the draft articles and the draft principles should remain as documents of a guiding nature which provided standards of conduct for States, and that the draft articles should not be converted into a legally binding international convention at the present stage. Turkey also noted that it had not invoked the draft articles and principles before any international court, tribunal or other body.

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