

Mandates of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights; the Special Rapporteur on the situation of human rights in Afghanistan; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Independent Expert on the promotion of a democratic and equitable international order; the Independent Expert on human rights and international solidarity and the Special Rapporteur on minority issues

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights; Special Rapporteur on the situation of human rights in Afghanistan; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Independent Expert on the promotion of a democratic and equitable international order; Independent Expert on human rights and international solidarity and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 49/6, 48/1, A/HRC/48/14, 42/16, 45/4, 44/11 and 43/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the imposition of U.S. sanctions against Iran and Iranian economic sectors, entities and individuals through a series of executive orders, laws and regulations in recent decades, and specifically the negative impact of these sanctions on the enjoyment of the **right to a clean, healthy and sustainable environment** in the Islamic Republic of Iran and on the **right to health and the right to life**.

According to the information received:

Since 1979, the United States of America has imposed a broad and complex network of stringent financial, economic, and trade sanctions against Iran, including a comprehensive trade ban, significant measures to isolate Iran from the international financial and commercial system, as well as secondary sanctions against non-U.S. parties that engage in dealings with Iran.

The United States terminated or eased several its sanctions against Iran in compliance with the Joint Comprehensive Plan of Action (JCPOA) of 14 July 2015, under which Iran agreed to limit its nuclear-related activities in return for the removal by the U.S. Government and other Governments of unilateral and UN Security Council sanctions imposed in connection with those activities.

On 8 May 2018, the U.S. President announced that the United States was withdrawing from the JCPOA. This was followed on 6 August 2018 by Executive Order 13846, "Reimposing Certain Sanctions with Respect to Iran." On 5 November 2018, the U.S. Government completed the reimposition of sanctions that had been lifted or eased under the JCPOA and introduced

additional measures. These sanctions targeted Iran's energy, shipbuilding, shipping and financial sectors, and included the listing of more than 700 individuals, entities, aircraft and vessels.¹

The full impact of the U.S. sanctions in Iran is magnified by considerable over-compliance on a global scale resulting from complex, time-consuming and/or costly compliance procedures; extraterritorial enforcement and fears of penalties for inadvertent breaches; and sanctions-related obstacles to financial transactions for goods and services that the sanctions do not prohibit.²

Iran has long-standing environmental problems arising from various factors, including air and water pollution, soil erosion, water shortages, desertification and biodiversity degradation.³ Air pollution is a particular problem, causing higher levels of respiratory and other diseases; it is reportedly responsible for 4,000 premature deaths per year in Tehran, one of the world's most polluted cities,⁴ and for 40,000 premature deaths annually.⁵ It is thus "a major threat to public health" and also degrades other aspects of life, such as education through the loss of school days due to pollution-related school closures.⁶

Pollution affects all people of Iran, including more than 5 million migrants and refugees, most of them of Afghans, with around one million of them entering Iran since August 2021.⁷

Sanctions against a country have the potential to exacerbate existing environmental problems.⁸ In Iran, the U.S. sanctions limit its ability of the Government to acquire foreign goods and services that could reduce environmental harm; they block international funding from lending agencies, banks and investors for environmental improvement projects⁹; and they cause authorities to focus on addressing acute social problems associated with the sanctions, such as greater poverty, at the expense of environmental sustainability programs and efforts to reduce the economy's reliance on the

¹ U.S. Department of the Treasury, "Re-imposition of the sanctions on Iran that had been lifted or waived under the JCPOA," press release, 4 November 2018.

² United Nations, "Iran: Unilateral sanctions and overcompliance constitute serious threats to human rights and dignity – UN expert," 19 May 2022, <https://www.ohchr.org/en/press-releases/2022/05/iran-unilateral-sanctions-and-overcompliance-constitute-serious-threat-human>

³ Kaveh Madani, "Have International Sanctions Impacted Iran's Environment?" *World 2021*, 2, p. 232.

⁴ Martin Heger and Maria Sarraf, "Air Pollution in Tehran: Health Costs, Sources, and Policies," World Bank, 2018, pp. 3-8, <https://openknowledge.worldbank.org/bitstream/handle/10986/29909/126402-NWP-PUBLIC-Tehran-WEB-updated.pdf?sequence=1&isAllowed=y>

⁵ Tehran Times, "Some 40,000 premature deaths occur in Iran due to air pollution," 30 April 2021, <https://www.tehrantimes.com/news/460410/Some-40-000-premature-deaths-occur-in-Iran-due-to-air-pollution>

⁶ Kaveh Madani, "Have International Sanctions Impacted Iran's Environment?" *World 2021*, 2, p. 234.

⁷ A/HRC/51/33/Add.1, Prg. 68

⁸ Amanda Carucci, "Environmental effects of economic sanctions: The Cuban experience," thesis, Colby College, 2000, pp. 96-97, 100-01, <https://digitalcommons.colby.edu/honorstheses/49/>; Qiang Fu, Yin E. Chen, Chyi-Lu Jang and Chun-Ping Chang, "The impact of international sanctions on environmental performance," *Science of the Total Environment* 745 (2020); Shirin Hakim and Karen E. Makuch, "Conflicts of Interest: The Environmental Costs of Modern War and Sanctions," Royal United Services Institute, 11 May 2022, <https://www.rusi.org/explore-our-research/publications/commentary/conflicts-interest-environmental-costs-modern-war-and-sanctions>

⁹ <https://digitalcommons.colby.edu/cgi/viewcontent.cgi?article=1048&context=honorstheses>

⁹ Ali Saberpour, Masoud Akhavan Fard and Gholamhossein Masoud, "Impact of Sanctions on Transfer of Environmental Technologies in International Law with Emphasis on Iran," *Medical Law Journal* 15 (56), 2021, <https://ijmedicallaw.ir/article-1-1310-en.html>

traditional energy industry.¹⁰ The percentage of Iran's state budget devoted to ameliorating the environment has diminished as a result of the sanctions.¹¹

Motor vehicles are the largest source of Iran's air pollution.¹² The U.S. sanctions have prolonged the use of aging vehicles that burn gasoline and diesel fuel less efficiently, made it impossible for Iran to obtain equipment and technology for reducing vehicle emissions¹³ and led foreign vehicle manufacturers to withdraw from the country, creating a reliance on lower-quality domestic motors.¹⁴

The sanctions have also prompted foreign companies to abandon projects to build large solar power plants in Iran to generate electricity on a scale that Iranian entities cannot replicate because the sanctions prevent the necessary foreign investments.¹⁵ Additionally, the sanctions have impeded joint environmental research between foreign and Iranian scientists, and foreign on-line education platforms have rejected Iranian participation in courses on environmental subjects such as sustainability.¹⁶

On the basis of a reasonable assessment of the information at hand, we are expressing our serious concerns about the U.S. sanctions as a significant contributing factor in Iran's environmental degradation, which negatively affects Iranian people's rights to a healthy and sustainable environment, to health, to life, and to an adequate standard of living.

The right to a clean, healthy and sustainable environment is broadly affirmed by the world's nations, including the United States. The UN General Assembly resolution formally recognized this right in 2022, based on a resolution approved in the UN Human Rights Council in 2021, was adopted with no member state voting against it.¹⁷ While the resolution is not binding law, it notes that the right to a clean, healthy and sustainable environment is linked to other human rights that States have binding obligations to ensure through international conventions. The environment is generally assessed as a common heritage of mankind and an integral part of sustainable development; indeed, both resolutions affirm it as one of the three pillars of development, along with its social and economic aspects.

The duty to protect the environment is recognized by the General Assembly resolution to "contribute to and promote human well-being and the full enjoyment of

¹⁰ Kaveh Madani, "Have International Sanctions Impacted Iran's Environment?" *World 2021*, 2, pp. 231-52.

¹¹ Shirin Hakim, quoted in Syed Zafar Mehdi, "US sanctions cause environmental crisis in Iran," Anadolu Agency, 20 December 2019, <https://www.aa.com.tr/en/middle-east/us-sanctions-cause-environmental-crisis-in-iran/1679080#>

¹² Martin Heger and Maria Sarraf, "Air Pollution in Tehran: Health Costs, Sources, and Policies," World Bank, 2018, p. 9, <https://openknowledge.worldbank.org/bitstream/handle/10986/29909/126402-NWP-PUBLIC-Tehran-WEB-updated.pdf?sequence=1&isAllowed=y>

¹³ Kaveh Madani, "Have International Sanctions Impacted Iran's Environment?" *World 2021*, 2, pp. 237-39.

¹⁴ Agence France-Presse, "Iran : le retrait de Peugeot et Renault mauvais pour l'environnement (responsable)," *Le Point*, 2 October 2018, https://www.lepoint.fr/automobile/iran-le-retrait-de-peugeot-et-renault-mauvais-pour-l-environnement-responsable-02-10-2018-2259594_646.php

¹⁵ Climate Home News, "Empty car shows and stalled solar as sanctions keep Iran dirty," 15 January 2019, <https://www.climatechangenews.com/2019/01/15/empty-car-shows-stalled-solar-sanctions-keep-iran-dirty/>

¹⁶ Kaveh Madani, "Have International Sanctions Impacted Iran's Environment?" *World 2021*, 2, pp. 239-41.

¹⁷ General Assembly resolution 76/300, "The human right to a clean, healthy and sustainable environment," 28 July 2022, A/RES/76/300; Human Rights Council resolution 48/13, "The human right to a safe, clean, healthy and sustainable environment, 8 October 2021, A/HRC/RES/48/13.

all human rights,” which the Human Rights Council resolution specified as “including the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to housing, to safe drinking water and sanitation and to participation in cultural life;” while both resolutions affirmed that environmental damage “has negative implications, both direct and indirect, for the effective enjoyment of all human rights.”¹⁸

Regarding rights that are prejudiced in the process of harming the right to favorable environmental conditions, I wish to point out that Iran’s domestic capabilities for developing, importing and applying environmental technology were evident when the U.S. reimposed sanctions in 2018,¹⁹ but further advances have been blunted by the sanctions’ restrictions on exports of equipment, technology and other goods and services to Iran. This runs counter to the U.S. obligation to respect the right of the Iranian people to benefit from scientific progress, enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), which your Excellency’s Government signed on 5 October 1997 and which creates obligations for all states, as customary international law, and in the Universal Declaration of Human Rights (UDHR).

This right is also impeded by the sanctions’ impact on foreign financial dealings with Iran, which prevents investments to improve the country’s environmental conditions; it is reported, for example, that “(e)missions have soared in recent years as overseas investments in renewable energy have collapsed.”²⁰ It is further harmed by the inability of Iranian scientists and scholars to engage in international cooperation projects or participate in on-line courses on environmental issues where relevant knowledge is shared.

The last point above also reveals how the U.S. sanctions impede the enjoyment of the right to education, which is equally affirmed in the ICESCR and the UDHR, and which is further eroded in Iran by the air pollution that forces school closures to occur “much more frequently”²¹ than in the past.

U.S. sanctions, by contributing to Iran’s environmental degradation, are contributing to harm the right to health, and by extension, in the long term, the right to life. The impact on the health of the Iranian people is clearly established.²² It bears mention that the role of U.S. sanctions in this regard contrasts with the obligations of your Excellency’s Government to respect and protect the right to health, and with its repeated affirmations of this right as it is variously expressed in international agreements and declarations. The ICESCR enshrines “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,” while the UDHR attests to the importance of every individual’s health and well-being.

¹⁸ *Ibid.* (A/RES/76/300; 1/HRC/RES/48/13).

¹⁹ Hosein Yousefi, Sirous Vatankhah, Amirhossein Mirabadi and Ramin Rahimian, *Iran’s Capability of Environmental Technologies*, Presidency of the Islamic Republic of Iran, 2018, <http://irannde.com/en/wp-content/uploads/2020/12/Iran-Capability-of-Environmental-Technologies.pdf>

²⁰ Matt McGrath, “Climate change: Iran says lift sanctions and we’ll ratify Paris agreement,” BBC News, 11 November 2021, <https://www.bbc.com/news/science-environment-59242986>

²¹ Al-Mashareq, “Severe pollution casts deadly shadow over major Iranian cities,” 12 February 2021, https://almashareq.com/en_GB/articles/cnmi_am/features/2021/12/02/feature-02

²² World Health Organization and UN Framework Convention on Climate Change, “Iran (Islamic Republic of): Health and Climate Change Country Profile 2022,” p. 9, file:///C:/Users/mstra/Downloads/WHO-HEP-ECH-CCH-22.01.01-eng.pdf

In January 2022 your Excellency's Government specifically affirmed "the importance of environmental quality to human health and the wellbeing of present and future generations of the global community" and pledged to cooperate with the World Health Organization (WHO) on "promoting environmentally sound management and development as well as undertaking specific activities which contribute to the protection of human health and the environment."²³ I wish to stress that the sanctions against Iran achieve the opposite result through their role in degrading the right to health to such a great extent that even the right to life is affected.

Data from WHO show that 24% of deaths in the geographic region where Iran is located are attributable to "modifiable environmental factors."²⁴ The list of these factors largely coincides with those that comprise Iran's environmental problems. Ensuring the right to life is an obligation under the International Covenant on Civil and Political Rights (ICCPR), which the United States ratified on 8 June 1992, and the UDHR.

Degraded environmental conditions prejudice the right to an adequate standard of living, as enshrined in the ICESCR and the UDHR, which "depend(s) on a certain degree of environmental quality,"²⁵ and is an integral part of the enjoyment of the right to development, embodied in the Declaration on the Right to Development of 1986.²⁶ This naturally has ramifications for Iran's progress toward achieving the Sustainable Development Goals and the global benefits they would bring.

The deterioration of Iran's environment is not just a domestic matter.²⁷ It also affects the rights of the populations of nearby countries. The United States has obligations and duties through multiple treaties to protect and improve the international environment. These include the Convention on Long-Range Transboundary Air Pollution, in which your Excellency's Government commits to "endeavor to limit and, as far as possible, gradually reduce and prevent air pollution including long-range transboundary air pollution."²⁸

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to the matter raised in this letter.

²³ Memorandum of Understanding for Cooperation on Environmental Health and Protection between the Environmental Protection Agency of the United States of America and the World Health Organization, 11/18 January 2022, <https://www.epa.gov/system/files/documents/2022-01/who-epa-mou-2022.pdf>

²⁴ A. Prüss-Ustün, J. Wolf, C. Corvalán, R. Bos and M. Neira, *Preventing disease through healthy environments: a global assessment of the burden of disease from environmental risks* (Geneva: World Health Organization, 2016), updated 2016 data tables, <https://www.who.int/publications/i/item/9789241565196>

²⁵ Bridget Lewis, "Environmental Rights or a Right to the Environment? Exploring the Nexus between Human Rights and Environmental Protection," *Macquarie Journal of International Comparative and Environmental Law* 8(1), 2012, p. 36, <http://classic.austlii.edu.au/au/journals/MqJICEnvLaw/2012/3.pdf>

²⁶ OHCHR, "Frequently Asked Questions on the Right to Development," Fact Sheet No. 37, p. 28, 36-37, https://www.ohchr.org/sites/default/files/Documents/Publications/FSheet37_RtD_EN.pdf

²⁷ Vahid Esfahanian, "Transboundary Air Pollution Plan of Islamic Republic of Iran," Vehicle, Fuel and Environment Research Institute, University of Tehran, undated, <https://slideplayer.com/slide/8493387/>

²⁸ Convention on Long-Range Transboundary Air Pollution, 13 November 1979, art. 2.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. As your Excellency's Government has affirmed the human right to a clean, healthy and sustainable environment by its vote in favor of the General Assembly resolution that recognized it, please explain how the United States intends to reconcile its sanctions against Iran with its duty to protect this right.
2. Please explain whether your Excellency's Government has assessed or will assess the impact of its sanctions against Iran on the country's environment, the public health of its people, and the environment and public health of the people of neighboring countries; or if it is aware of any such assessments by other parties.
3. Please detail whether and how your Excellency's Government intends to address any human rights problems that it identifies as arising directly or indirectly from its sanctions against Iran, either through its own assessments of their impact or by other means, with particular attention to the rights to favorable environmental conditions, to health and to life.
4. I would be grateful to receive information about how your Excellency's Government takes its international obligations pertaining to human rights into account when designing, implementing, and enforcing its sanctions against Iran.

I would appreciate receiving a response within 60 days. After this period, this communication and any response received from your Excellency's Government will be made public via the communications reporting website. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we respectfully urge the US Government to review its sanctions against Iran in light of its human rights and environmental obligations, as well as its other obligations under international law, and to take any action to ensure that its conduct is aligned with the international legal norms it has subscribed to.

We may publicly express our concerns in this regard in the near future as in our view the concerns expressed in this letter are a matter of public interest. Any public expression on our part will indicate that we have been in contact with Your Excellency's Government to clarify the issues in question.

Please accept, Excellency, the assurances of our highest consideration.

Alena Douhan
Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights

Richard Bennett
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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described.

I refer first to the right to a clean, healthy and sustainable environment, embodied in General Assembly resolution 76/300, which calls on states "to adopt policies, to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all" (article 4).

With respect to the right to health, I refer to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which enshrines "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health", without discrimination (articles 12 and 2(2)). We also wish to bring to your Excellency's Government's attention that, the Committee on Economic, Social and Cultural Rights considers that "[e]very human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity" and indicates that "the right to health must be understood as a right to the enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health (General Comment No. 14, paras. 1 and 9). The right to health is understood to be an inclusive right that extends to the underlying determinants of health, including "healthy (...) environmental conditions" (General Comment No. 14, para. 11).

The right to health is also embodied in the Universal Declaration of Human Rights (UDHR), which states that "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family (...)" (article 25(1)). Among other international conventions that refer to the right to health, the Convention on the Rights of the Child makes specific reference to consideration of "the dangers and risks of environmental pollution" as an obstacle to achieving the highest attainable standard of health (article 24(2)(c)).

Regarding the right to life, I draw your attention to the International Covenant on Civil and Political Rights (ICCPR), which recognizes that "Every human being has the inherent right to life" (article 6(1)) and reaffirms the enshrining of this right in the UDHR (article 3). The UN Human Rights Committee deems that "Environmental degradation, climate change and non-sustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life" (UN Human Rights Committee, General Comment No. 36 (2018), para. 65). Noting that the duty of states to protect life implies that they "should take appropriate measures to address the general conditions in society that may eventually give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity," it lists "pollution of the environment" as one such condition (General Comment No. 36, para. 30).

With respect to the right to benefit from technical advances, I refer to the ICESCR, in which states recognize “the right of everyone (...) (t)o enjoy the benefits of scientific progress and its applications” (article 15(1)(b)). Additionally, “The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for (...) the development (...) of science” (article 15(2)). This right is also embodied in the UDHR, which states that “Everyone has the right freely to (...) share in scientific advancement and its benefits” (article 27(1)).

We wish to point out that this right consists of “not only a right to receive the benefits of the applications of scientific progress, but also a right to participate in scientific progress” (Committee on Economic, Social and Cultural Rights, General Comment No. 25 (2020), para. 11).

We further point out that the right to enjoy the benefits of scientific progress is “intrinsically linked to (...) the right to development,”²⁹ which the Declaration on the Right to Development refers to as “an inalienable human right” (UN General Assembly resolution 41/128 (1986), article 1). While the Declaration does not create binding obligations, the core principles it embodies “are anchored in legally binding international law such as the Charter of the United Nations, International Covenants and Conventions on Human Rights.”³⁰

We refer next to the right to education, which is enshrined in the ICESCR (article 13) and the UDHR (article 26) as being a right that applies to “everyone,” and which is essential for achieving the scientific progress that I refer to above and thus to the right to enjoy its benefits. Included in the right to education is “the study of technologies and related sciences and the acquisition of practical skills” (Committee on Economic, Social and Cultural Rights, General Comment No. 13 (1999), para. 16). It is noted that “education has a vital role” in, *inter alia*, “protecting the environment” (General Comment No. 13, para. 1). Moreover, the right to education entails the obligation to respect, protect and fulfill the features essential for it, including accessibility (General Comment No. 13, para. 6(b)).

Regarding the right to development, mentioned earlier in connection with the right to health, we wish to refer to the Declaration on the Right to Development, embodied in General Assembly resolution 41/128, which calls on states to, *inter alia*, eliminate obstacles to national development (article 6).

Furthermore, we remind the State its duty “...to enhance cooperation with other States, the Office of the United Nations High Commissioner for Human Rights, the rest of the United Nations system and other relevant international and regional organizations, agencies, convention secretariats and programmes, and relevant non-State stakeholders, including civil society, national human rights institutions and business, on the implementation of the right to a safe, clean, healthy and sustainable environment...” (A/HRC/RES/48/13, para 4 (a))

²⁹ UNESCO, “The Right to Enjoy the Benefits of Scientific Progress and its Applications,” 2009, p. 5, <https://unesdoc.unesco.org/ark:/48223/pf0000185558>

³⁰ OHCHR, “United Nations Special Rapporteur on the Right to Development: An introduction to the mandate,” p. 6, https://www.ohchr.org/sites/default/files/SRRRightDevelopment_IntroductiontoMandate.pdf

Finally, with respect to injury caused to another state by means of an internationally wrongful act, the Draft Articles on Responsibility of States for Internationally Wrongful Acts notes that an injury which creates an obligation for the responsible state to make reparation “includes any damage, whether material or moral, caused by the internationally wrongful act of a State” (article 31), with a wrongful act being defined as an action or omission that “is attributable to the State under international law” and “constitutes a breach of an international obligation of the State” (article 2). The rules for countermeasures against a state causing injury through a wrongful act are elaborated in articles 49-54.