

Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on minority issues; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe drinking water and sanitation

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on minority issues; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 55/19, 57/31, 55/2, 52/10, 52/5, 54/10 and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of environmental degradation of the Hur Al-Azim wetland in Khuzestan and its effects on the population living near the wetland, including Ahwazi Arab communities. We have previously been in touch with Your Excellency's government on a similar issue through Communication AL IRN 37/2021. We thank the Government of your Excellency for your response and we would like to bring to your attention the following additional information received.

According to the information received:

The Hur-Al Azim wetland, also known as the Great Marsh, is a vital ecological, economic, and cultural region at the border between Iran and Iraq, in Khuzestan Province. Over the past decades, the Wetland has faced severe environmental degradation due to human interventions, with far-reaching consequences – affecting biodiversity, public health, air quality, and the economic stability of local communities.

The construction of the Karkheh Dam has had drastic implications on the wetland, causing significant reduction in water inflow by shrinking the river's floodplain by 90%. Accordingly, despite stable rainfall in recent years, the amount of water entering the Wetland has significantly declined, causing frequent droughts. In addition, the construction of the Dam significantly altered the river's geomorphology, increasing sediment erosion. Sediments act as reservoirs for hazardous substances that pose direct health risks to local

populations.

Diversion of water from Khuzestan has also increased water and soil salinity levels. This has resulted in a substantial area of farmland becoming unusable, as well as severely reducing both the quality and quantity of drinking water and food production, leading to significant health risks for the local populations who must contend with contamination in both food and water sources.

The construction of the Karkheh Dam has caused extensive drying of land around the river. This has led to extreme erosion, exacerbated by oil exploitation in the area, and in turn has significantly contributed to the increase of dust storms. This degradation of air quality poses a significant threat to the health and quality of life of the local populations.

Oil companies have also significantly harmed the Wetland ecosystem through oil drilling and associated activities. Dumping of oil waste on farmlands has dramatically shrunk the area of the Wetland. Drilling operations at the Hoffel-Sousangerd and Nissan-Sousangerd Hydrometric stations have degraded water quality. Oil drilling activities have led to the construction of roads through the Wetland, and have deposited large amounts of waste, including heavy metals and hazardous organic compounds into the waterways and soil in the area, disrupting the ecosystem, harming wetland organisms, and contributing to groundwater depletion, ecosystem destruction and environmental imbalance. Increased industrial activity has also resulted in acid rain, further polluting water sources and endangering fish populations, adversely impacting forests and plants, and contributing to the worsening of climate change.

Alongside issues such as desertification and water pollution, the degradation of the Wetland has had a vast array of secondary environmental implications. The drying of the Wetland and pollution have led to the loss of diverse species, impacting biodiversity in the ecosystem. There is also an increased risk of large-scale fires and flooding, which pose significant risks to both the environment and human health and wellbeing.

The human impacts of the Wetland's degradation are significant. Primary among these are risks to human health. The Wetland also supports a range of livelihoods amongst local populations, including farming, fishing, and hunting. Degradation of the Wetland is putting these livelihoods at risk – for instance, by reducing tenable farmlands – exacerbating poverty and unemployment. This also increases the extent of economic and environmentally induced displacement; indeed, many families have already been forced to abandon their ancestral homes and migrate elsewhere. Moreover, the Wetland is integral to the cultural identity of the local populations, and its continued degradation poses risks to cultural heritage.

Based on the information available, it appears that several government agencies and related entities, such as the Ministry of Energy, the Department of Environment, the Islamic Revolutionary Guards Corps, and the National Iranian Oil Company may also play a role in the intensive extraction of oil in the region, which apparently results in the toxic pollution of local ecosystems, and the

depletion of water resources in the Khuzestan region as water is reportedly transferred to the central Iranian plateau for industrial purposes. These government agencies are also allegedly involved in drying up the Hoor Al-Azim marshland for the purposes of extracting oil and in the construction of multiple dams in the region.

Additionally, there appears to be limited accountability for oil companies operating in the region. Environmental agencies and the local department of natural resources seem to have been unable to fully address the environmental impact caused by these companies. There appears to be a lack of comprehensive environmental impact assessments or transparent oversight mechanisms to protect the region from potential exploitation by private companies that are reportedly generating significant profits while contributing to environmental pollution, with limited consequences. This situation has reportedly contributed to considerable pollution and environmental challenges, which pose risks to local communities.

Despite the region's considerable wealth, the local population only receives a limited share of the profits generated by the above mentioned activities and resource exploitation.

According to the information received, the ongoing environmental crisis in the region has a disproportionate impact on minority communities living in the area, such as the Ahwazi Arab people. The Hur-Al Azim wetland has been the home of Ahwazi Arabs for centuries, who are relying on the wetland for their livelihoods in farming, fishing, and traditional crafts, and it is described as the backbone of their cultural identity. The degradation of the Wetland has therefore led to negative economic repercussions for this minority group and threatens traditional occupations that are integral to their culture and identity. For example, the reduction in water levels has directly impacted mat weaving, a craft that relies on the abundant reeds from the Wetland. Furthermore, differentiated impacts of the environmental crisis in Khuzestan on the Ahwazi Arabs allegedly include a lack of information to affected communities; forced displacement as a result of environmental disasters, the expansion of the oil industry, and other major state-funded development projects; and pollution-related health issues, with a significant portion of Ahwazi Arabs suffering from chronic conditions, such as asthma, bronchitis, and other lung-related diseases; and lack of political and judicial redress. The marginalization and discrimination faced by Ahwazi Arab communities, associated with higher level of poverty and underdevelopment, create additional obstacles in managing the environmental crisis compared to the rest of the population.

We are concerned at the serious water and environmental crisis in Khuzestan province with grave consequences on several elements of the right to a healthy environment, including access to safe and sufficient water, as recognized by the Human Rights Council by adoption of resolution 48/13 on 8 October 2021, by the UN General Assembly by adoption of resolution 76/300 and the human rights to safe drinking water and sanitation which was explicitly recognized by the UN General Assembly (resolutions 64/192 and 70/169) and the Human Rights council (resolutions 15/9 and 33/10). More specifically, we are preoccupied by the serious impacts of the current

water crisis on the ecosystems and biodiversity in the region as a result of several alteration of river flows, including through the construction and operation of dams, which impact access to safe drinking water and sanitation of the population living near those construction and operation sites, in particular, the availability and accessibility of water and sanitation in downstream communities, as well as the climate impacts, as this environmental degradation will increase and worsen the climate impacts that the region is already suffering. We are also deeply preoccupied by the alleged release of toxic substances in water resulting from the operations of several petrochemical industries in the region, affecting air quality and preventing the population from living in a toxic free environment. We are concerned that the combination of impacts on the substantive and procedural elements of the right to a healthy environment constitutes a serious violation of said right with potential related consequences on the rights to life, health, water, food, and housing of the local communities, particularly considering that all of these rights are also negatively impacted by climate change. Furthermore, we are concerned by the disproportionate impact of this crisis on minority groups living in the area, including Ahwazi Arab communities.

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. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on specific measures taken or plans to take to protect and conserve the Hur Al-Azim wetland ecosystem, particularly regarding the regulation of oil drilling activities and the management of the Karkheh Dam's water flow, in accordance existing international norms.
3. Please explain what steps have been taken to assess and mitigate the impacts of industrial activities, on the water quality and public health of Ahwazi Arab communities living in the affected areas?
4. Please include information about any environmental impact assessments conducted in Khuzestan, including efforts from the government to provide access to information and grant public participation, and their results.
5. Please explain what measures, if any, have been implemented to ensure effective and meaningful participation of minority groups living in the area, including the Ahwazi Arab communities, in decision-making processes regarding the management of the Hur Al-Azim wetland, particularly in relation to water governance and the protection of their rights from the negative impacts of climate change?
6. Please provide information on any assistance programs established to support the Ahwazi Arab communities whose traditional livelihoods have been affected by the environmental degradation of the wetland.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

Mai Sato

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Elisa Morgera

Special Rapporteur on the promotion and protection of human rights in the context of climate change

Astrid Puentes Riaño

Special Rapporteur on the human right to a clean, healthy and sustainable environment

Balakrishnan Rajagopal

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Nicolas Levrat

Special Rapporteur on minority issues

Marcos A. Orellana

Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Pedro Arrojo-Agudo

Special Rapporteur on the human rights to safe drinking water and sanitation

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we are concerned at the serious water and environmental crisis in Khuzestan province with grave consequences on several elements of the right to a healthy environment, including access to safe and sufficient water, as recognized by the Human Rights Council by adoption of resolution 48/13 on 8 October 2021 and the human rights to safe drinking water and sanitation which was explicitly recognized by the UN General Assembly (resolutions 64/292 and 70/169) and the Human Rights Council (resolutions 15/9 and 33/10), inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR. More specifically, we are preoccupied by the serious impacts of the current water crisis on the ecosystems and biodiversity in the region as a result of several alteration of river flows, including through the construction and operation of dams, which impact access to safe drinking water and sanitation of the population living near those construction and operation sites, in particular, the availability and accessibility of water and sanitation in downstream communities. We are also deeply preoccupied by the alleged release of toxic substances in water resulting from the operations of the highly concentration petrochemical industries in the region, affecting air quality and preventing the population from living in a toxic free environment. [...] We are concerned that the combination of impacts on the substantial and procedural elements of the right to a healthy environment, constitutes a serious violation of the said right with potential related consequences on the right to life, health, water, and food. All these rights are also negatively impacted by climate change, and states have obligations to protect human rights holders against these foreseeable negative impacts.

We would like to highlight that on 8 October 2021, the Human Rights Council adopted resolution 48/13, recognizing the right to a clean, healthy and sustainable environment. The management of water resources having a strong link with the effective enjoyment of the right to a healthy, clean and sustainable environment, we would like to emphasize that in order to respect, protect and fulfil the water related component of the right to a health environment, States should follow the seven stages of rights-based water governance as described in the report of the Special Rapporteur on human rights and the environment on the topic (A/HRC/46/28). Those stages include capacity building, public participation and empowerment, monitoring, inventory and enforcement of legal provisions and the development of rights-based plans, implementation and evaluation.

Additionally, we would like to highlight the report A/79/270, where the Special Rapporteur on the human right to a clean, healthy and sustainable environment gives an overview of the state of global implementation of the human right to a clean, healthy and sustainable environment, identifying key progress as well as the most pressing challenges and opportunities. Additionally, the report includes an overview of the right, and substantive and procedural elements, and the need to guarantee these elements in line with the interconnection, indivisibility and interdependence of rights.

Furthermore, the Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59) set out basic obligations of States under human rights law as they relate to the enjoyment of a safe,

clean, healthy and sustainable environment. In particular, principle 7 of the Framework Principles on human rights and the environment of the Special Rapporteur on human rights and the environment (A/HRC/37/59, annex) emphasizes that States should provide public access to environmental information by collecting and disseminating information and by providing affordable, effective and timely access to information to any person upon request. Principle 8 reaffirms that, to avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights. The assessment requires meaningful participation of the public, done in a manner that does not discriminate anyone. Principle 14 require States to ensure that they take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks, and capacities. Furthermore, principle 15 clarifies that States should ensure that they comply with their obligations to Indigenous Peoples and members of traditional communities, by recognizing and protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used; consulting with them and obtaining their free, prior and informed consent before relocating them or taking or approving any other measures that may affect their lands, territories or resources; respecting and protecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories and resources; and ensuring that they fairly and equitably share the benefits from activities relating to their lands, territories or resources.

The rights of access to information and public participation are guaranteed under the UDHR (articles 19 and 20) and the ICCPR (articles 19, 21, and 25). The Human Rights Committee in its general comment No. 34 affirmed that freedom of expression, including therefore the right to access information, “is a necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human right” (CCPR/C/GC/34, para. 3). According to the Committee, in order to give effect to the right of access to information, “States Parties should proactively put in the public domain Government information of public interest” (para. 19). States Parties should also “make every effort to ensure easy, prompt, effective and practical access to such information” (para. 19). General comment No. 25 on the right to take part in the conduct of public affairs clarifies that “citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves” (para. 8).

The Special Rapporteur on toxics and human rights has stressed the importance of access to information and transparency around the disposal of hazardous substances and waste. What is disposed of, where, in what quantities and with what consequences, are among the key questions that communities and regulators must have answers to in order to take measures to prevent, control and reduce their exposure to toxic substances (A/HRC/57/52).

International normative principles acknowledge that information and participation rights are a key point of intersection between environmental and human rights law. Principle 10 of the Rio Declaration, for example, states that “environmental issues are best handled with the participation of all concerned citizens”.

We recall the explicit recognition of the human rights to safe drinking water by the UN General Assembly (resolution 64/192) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR. In its general comment No. 15, the Committee on Economic, Social and Cultural Rights clarified that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.

Furthermore, the UN General Assembly (resolution 70/169) and the Human Rights Council (resolution 33/10) recognized that water and sanitation are two distinct but interrelated human rights. In particular, we recall explicit recognition that “the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living”.

We would like to draw the attention of your Excellency’s Government to article 11(1) of the ICESCR, which recognizes the right of everyone to an adequate standard of living, including food and housing. In its general comment No. 15, the CESCR highlights that the right to water is inextricably related to the right to adequate food. States are required to “take appropriate steps to ensure the realization of the right to food”, which the CESCR defined as the corresponding obligations to respect, protect, and fulfil the right to food in its general comment No. 12. According to the Committee, the obligations to respect existing access to adequate food requires State parties to refrain from taking any pressures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including their access to land in order to ensure their food security (para 15). Whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly. Furthermore, its general comment No. 12 holds that the right to food requires States to proactively engage in activities to enhance access and populations of the resources and means necessary to ensure their livelihoods. The formulation and implementation of national strategies, mandatory for the progressive realization of the right to food, require full compliance with the principles of transparency, accountability and participation of the people.

In its general comment No. 4, the CESCR stressed that the right to housing should not be interpreted in a narrow or restrictive sense, such as merely having a roof over one’s head; rather, it should be seen as the right to live somewhere in security, peace, and dignity. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. We wish to recall that, as clarified by the CESCR in its general comment No. 7, forced evictions are a gross violation of the right to adequate housing and may also result in violations of other human rights, such as the right to life,

the right to security of the person, the right to noninterference with privacy, family and home and the right to the peaceful enjoyment of possessions. The Basic Principles and Guidelines on development-based evictions and displacement (A/HRC/4/18) further establish that comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions.

Moreover, in general comment No. 26 describing the importance of land in ensuring the enjoyment of economic, social and cultural rights, the CESCR stated that as access to land provides space for housing, the enjoyment of the right to adequate housing depends largely on having secure access to land. Without such access, people could be subject to displacement and forced eviction, which could violate their right to adequate housing. Secure access to land in rural areas serves the rights to both adequate food and housing, as housing is often built on land used for the purpose of food production.

We would also like to bring to your Excellency's Government's attention the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt the measures to that end (article 1), as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination and in full equality before the law, and to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop, inter alia, their culture, traditions and customs (article 4). Article 4.1 establishes that "States will take measures where required, to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law". The declaration further provides that national policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities (article 5).

In relation to the protection of human rights in the context of climate change, we recall that several UN human rights treaty bodies and Special Rapporteurs have pointed out the tremendous negative impacts on human rights of fossil fuels throughout their life cycle, from exploration and extraction to combustion and contamination, noting that fossil fuels exploitation affects the rights to life, health, food, water and sanitation, education, an adequate standard of living, cultural rights, and a clean, healthy and sustainable environment with marginalized and vulnerable communities bearing the brunt of the consequences (A/HRC/56/46). In addition, the Committee on the Rights of the Child, in its general comment No. 26 (2023), emphasized that to protect children's right to a healthy environment, which is implicit in the Convention on the Rights of the Child, States must take immediate action to equitably phase out the use of coal, oil and gas; and States that have substantial fossil fuel industries should assess the social and economic impact on children of their related decisions.

We would further like to bring to the attention of your Excellency's Government the information that adverse impacts on human rights of the release of hazardous substances into the environment disproportionately affect children and women, as reported by the Special Rapporteur on toxics and human rights in his report, "Gender

and hazardous substances” (16 July 2024, A/79/163).

Furthermore, we recall that the Special Rapporteur on human rights and the environment called for prioritizing the protection and restoration of ecosystems in order to reduce vulnerability, buffering the impacts of extreme weather disasters and slow-onset events, and to enhance ecosystem services, including fresh water, clean air and fertile soil (A/74/161); reiterated by the UN Special Rapporteur on Climate Change and Human Rights in A/HRC/56/46).

We finally recall that under the Convention on Biological Diversity, States have obligations to: manage biological resources important for the conservation of biodiversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use (art. 8); and introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biodiversity with a view to avoiding or minimizing such effects and allow for public participation in such procedures (art. 14). CBD Parties committed to: include approaches to conserve, enhance and sustainably use biodiversity and ecosystem functions and services in upstream decisions on investments in the energy sector, through strategic environmental assessments and integrated spatial planning, including the evaluation of alternatives to such investments; apply best practices on environmental impact assessments; review and, as appropriate, update legal frameworks, policies and practices to promote the mainstreaming of biodiversity in the energy sector, including through safeguard, monitoring and oversight measures; and promote the full and effective participation of Indigenous peoples and local communities, academia, women, and youth, through consultations with Indigenous peoples and local communities with a view to obtaining free, prior and informed consent, consistent with international agreements (decision XIV/3, 2018).