

## Concluding Observations Committee on Economic Social and Cultural Rights E/C.12/IRN/CO/2 para 26

### Full recommendation

*The Committee recommends that the State party take urgent steps to counter the impact of river diversions and industrial activity in Khuzestan, including environmental pollution and water shortages, on agriculture and human health.*

### Assessment using Impact Iran human rights indicators<sup>1</sup>

Article 44 of the Constitution of the Islamic Republic of Iran stipulates that the ‘state sector’s ownership’ includes dams and large water irrigation networks and that “such ownership must induce development and growth in the country’s economy and not cause any social harm.”<sup>2</sup> Article 50 of the Constitution provides that the preservation of the environment “is regarded as a public duty” in the Islamic Republic of Iran and that “economic and other activities that inevitably involve pollution of the environment or cause irreparable damage to it” are forbidden.<sup>3</sup> The Islamic Republic of Iran notably adopted the Law to Protect, Restore and Manage the Country’s Wetlands in 2017, which prohibits exploitation and activity which would lead to the irreparable damage to and pollution of wetlands.<sup>4</sup> On September 7, 2020, Ebrahim Raisi, the Head of Judiciary of the Islamic Republic of Iran, adopted the “Executive Order regarding the Council for the Protection of the Public Treasury Rights in Lands and Natural Resources”. According to this order, a council shall be formed to “make policies, coordinate matters, and take necessary precautions in order to protect public rights and prosecute individuals who take action to seize, destroy, and encroach on governmental and public lands and properties, [...], natural resources, riparian and littoral lands, springs, canals, dams, ...”.<sup>5</sup>

Water management in the Islamic Republic of Iran is under the responsibility of the Ministry of Energy which established state bodies to coordinate and manage its activities, including the Khuzestan’s Water and Electricity Company. The Department of Environment is a governmental organization responsible for the protection of the environment in the country, which notably handles the issuance of licenses for industrial, manufacturing and service units<sup>6</sup> as well as the processing of complaints against, among other grounds, environmental

<sup>1</sup> ESCR.12.2.1.S.1 ; ESCR.12.2.2.P.1; ESCR.12.2.2.P.2; ESCR.11.1.O.1

<sup>2</sup> Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

<sup>3</sup> Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

<sup>4</sup> Library of Congress, [https://www.loc.gov/law/foreign-news/article/iran-law-to-protect-wetlands/#:~:text=The%20purpose%20of%20the%20Wetlands,20%2C%202017\)%2C%20art.](https://www.loc.gov/law/foreign-news/article/iran-law-to-protect-wetlands/#:~:text=The%20purpose%20of%20the%20Wetlands,20%2C%202017)%2C%20art.)

<sup>5</sup> Parliament of the Islamic Republic of Iran, <https://bit.ly/3jI2ode>

<sup>6</sup> Department of Environment, Islamic Republic of Iran, <https://en.doe.ir/portal/home/?964439/services>

degradation.<sup>7 8</sup> There is no readily available information indicating the number of complaints received by the mechanism and whether they have been addressed.

The Khuzestan province is located in southwestern Iran and is predominantly inhabited by ethnic Arabs.<sup>9</sup> In recent years the World Health Organization has listed the city of Ahvaz, located in Khuzestan Province as one of the most polluted in the world.<sup>10</sup> According to a number of specialists and environmentalists, the high levels of pollution in Khuzestan are linked to the government's policies of river diversion, dam constructions and drying marshes for oil exploitation.<sup>11 12</sup> Added to the pollution, the U.N. Secretary General (UNSG) has raised concerns about the increasing impact of the water crisis on the right to health in the Islamic Republic of Iran.<sup>13</sup> In his report, the UNSG noted that the Islamic Republic of Iran is among the top five countries using untreated sewage for the irrigation of agricultural land, which not only destroys plantations<sup>14</sup> but also generates the spread of contagious diseases.<sup>15</sup> Untreated wastewater has been increasingly contaminating drinking water, while less than 40% of Iranians reportedly have access to proper wastewater treatment facilities.<sup>16</sup> The situation is even more acute in the province of Khuzestan, where there is reportedly only one wastewater treatment facility for the whole city of Ahvaz (estimated population of 1.3 million) and most of the city's wastewater is discharged in the Karoon river, a main source for farming.<sup>17</sup> The UNSG noted in 2019 that the inefficiencies in water management in the Islamic Republic of Iran have exacerbated health issues caused by air pollution and dust storms and causing many Ahvaz residents to suffer from various medical conditions.<sup>18 19</sup>

The Islamic Republic of Iran has been diverting water from the Arab-majority Khuzestan province, to the central plateau of the country for years, reportedly to ensure the development of the cities such as Isfahan, Qom, Yazd and Kerman.<sup>20</sup> Despite objections from environmentalists and water management experts, the President of Iran Hassan Rouhani

<sup>7</sup> Department of Environment, Islamic Republic of Iran <https://bit.ly/3afg3Fw>

<sup>8</sup> Department of Environment, Islamic Republic of Iran <https://bit.ly/3jGt9ij>

<sup>9</sup> Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

<sup>10</sup> See [www.bbc.co.uk/news/world-middle-east-15109116](http://www.bbc.co.uk/news/world-middle-east-15109116) [www.who.int/phe/health\\_topics/outdoorair/databases/cities-2011/en/](http://www.who.int/phe/health_topics/outdoorair/databases/cities-2011/en/) and <http://documents.worldbank.org/curated/en/741891483046725613/pdf/111462-WP-P162048-PUBLIC-IranEcoMonitor-12-22-2016.pdf>.

<sup>11</sup> Brett, D., 'Dams: Iran's weapons of marsh destruction,' Huffington Post, 13 June 2014 and The Guardian, 'How Iran's Khuzestan went from wetland to wasteland', 16 April 2015

<sup>12</sup> See The Guardian, [www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dustpollution](http://www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dustpollution)

<sup>13</sup> Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, February 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/028/77/PDF/G1902877.pdf?OpenElement>

<sup>14</sup> The Guardian, <https://www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dust-pollution>

<sup>15</sup> See Atlantic Council, <https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/environmental-and-wildlife-degradation-in-iran/>

<sup>16</sup> See Atlantic Council, <https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/environmental-and-wildlife-degradation-in-iran/>

<sup>17</sup> Eghtesad, <https://www.en.eghtesadonline.com/Section-energy-70/32556-poor-wastewater-infrastructure-taking-toll-on-karoun-river>

<sup>18</sup> Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, February 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/028/77/PDF/G1902877.pdf?OpenElement>

<sup>19</sup> US National Library of Medicine, [www.ncbi.nlm.nih.gov/pmc/articles/PMC6108243/#R22](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC6108243/#R22)

<sup>20</sup> UNPO, <https://unpo.org/article/20921>

launched the US\$400 million Caspian Sea project in March 2016. As a result of the project, the diversion of the Karoon River in Khuzestan, to which most of the province's lands and agricultural activities depend,<sup>21</sup> lost half of its flow rate. The Zaiandehrood River in Isfahan reportedly dried up entirely.<sup>22</sup> The Islamic Revolutionary Guards Corps (IRGC) has been reportedly particularly involved in these projects involving water diversion from regions predominantly inhabited by ethnic minority and is reportedly a main contractor in the Caspian Sea project.<sup>23 24 25</sup> In July 2019, the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran "received information that the Islamic Revolutionary Guard Corps has been involved in redirecting floodwater towards local farms in order to preserve oil reserves and exploitation equipment in Khuzestan Province."<sup>26 27</sup>

Aggressive dam construction has been the source of the environmental pollution and shortages of water in the region of Khuzestan.<sup>28</sup> In June 2018, 90 dams have been reportedly built by the IRGC to provide for the agricultural and steel industry in Isfahan.<sup>29</sup> Reports have shown that the multiplication of dams has been drying up the soil of the Khuzestan province, which has become increasingly inhospitable to crops and exacerbated the frequency and intensity of sand and dust storms.<sup>30</sup> The Gotvand dam, opened to supply the sugarcane plantations, not only reportedly dried up waterbeds but also severely raised the salinity of local water,<sup>31</sup> contributing to potable water scarcity and impact farming.

Sugarcane agrobusiness has also been playing a role in the deterioration of the Khuzestan ecosystem. Khuzestan's Water and Electricity Company has reportedly stated several times that pesticides and pollution generated by the sugar cane production have been a major source of water contamination in Khuzestan.<sup>32</sup> Furthermore, sugarcane, which induces high water consumption, contributes significantly to water scarcity in a land that already suffers from droughts and can result in soil erosion.<sup>33</sup>

The Committee on Economic Social and Cultural Rights stipulates that obligations under Article 12 of the ICESCR include "the requirement to ensure adequate supply of safe and potable water and basic sanitation; the prevention and reduction of the population's exposure

<sup>21</sup> Südwind, All Human Rights for All in Iran, [http://www.iranhr.org/uploads/docs/docs\\_en/report\\_environment.pdf](http://www.iranhr.org/uploads/docs/docs_en/report_environment.pdf)

<sup>22</sup> Equal Times, <https://www.equaltimes.org/has-iran-mismanaged-its-way-into-a?lang=fr#.XyrH2fgzbfY>

<sup>23</sup> UNPO, <https://unpo.org/article/3386>

<sup>24</sup> Brussels International Center, [https://www.bic-rhr.com/research/iran-and-climate-refugees-alarming-situation#\\_ftn7](https://www.bic-rhr.com/research/iran-and-climate-refugees-alarming-situation#_ftn7)

<sup>25</sup> The Guardian, <https://www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dust-pollution>

<sup>26</sup> Report of the Special Rapporteur on the situation of human rights in Iran, July 2019, <https://undocs.org/pdf?symbol=en/A/74/188>

<sup>27</sup> See more: Südwind, All Human Rights for All in Iran, [http://www.iranhr.org/uploads/docs/docs\\_en/report\\_environment.pdf](http://www.iranhr.org/uploads/docs/docs_en/report_environment.pdf)

<sup>28</sup> Al Arabya <https://english.alarabiya.net/en/features/2018/12/14/ANALYSIS-The-disaster-of-drought-and-water-shortage-crisis-in-Iran>

<sup>29</sup> UNPO, <https://unpo.org/article/20921>

<sup>30</sup> Brussels International Center, [https://www.bic-rhr.com/research/iran-and-climate-refugees-alarming-situation#\\_ftn7](https://www.bic-rhr.com/research/iran-and-climate-refugees-alarming-situation#_ftn7)

<sup>31</sup> The Guardian, <https://www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dust-pollution>

<sup>32</sup> The Guardian, <https://www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dust-pollution>

<sup>33</sup> The Guardian, <https://www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dust-pollution>

to harmful substances such as radiation and harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health.”<sup>34</sup> Additionally, States should refrain “from unlawfully polluting air, water and soil, e.g. through industrial waste from State-owned facilities”.<sup>35</sup> Violations of Article 12 include the failure of a State to “regulate the activities of individuals, groups or corporations so as to prevent them from violating the right to health of others” as well as the failure “to enact or enforce laws to prevent the pollution of water, air and soil by extractive and manufacturing industries”.<sup>36</sup> Furthermore, the Committee stated that the failure “to regulate activities of individuals or groups so as to prevent them from violating the right to food of others” may well amount to a violation of Article 11 of the ICESCR.<sup>37</sup>

Despite legal guarantees aimed at protecting the environment of the Islamic Republic of Iran, the province of Khuzestan continues to suffer from the environmental impacts of water diversion, construction of dams and industrial activities, which exacerbate air pollution and cause water shortages. Such activities not only damage crops and farms in Khuzestan, but also negatively impact on its inhabitants’ health. The Government reportedly continues to pursue inappropriate and much criticized water management plans to control the water crisis in Iran, further worsening Khuzestan’s inhabitants’ access to water.<sup>38 39</sup> It should be noted, however, that the crisis is not wholly of the government’s making. Islamic Republic of Iran suffers from harsh meteorological conditions, such as droughts, which contribute to the decline of water resources. Nonetheless, in 2016, UNESCO mentioned the Islamic Republic of Iran as the main party responsible for the deterioration of the ecosystem of the wetlands in the country, with two of them being located in Khuzestan in critical state.<sup>40 41</sup> In 2019, the Government of the Islamic Republic of Iran reported that it made significant financial investments to reduce the effect of dust in Khuzestan Province on the environment,<sup>42</sup> yet the inhabitants of Khuzestan still see their water resources decline as they are rerouted toward other provinces and cities. Further, a significant number of protests against diminishing water resources and

<sup>34</sup> Committee on Economic Social and Cultural Rights, E/C.12/2000/4, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1AVC1NkPsgUedPIF1vfPMJ2c7ey6PAz2qaojTzDJmC0y%2B9t%2BsAtGDNzdEqA6SuP2r0w%2F6sVBGTpvTSCbiOr4XVFTqhQY65auTFbQRPWNDxL>

<sup>35</sup> Committee on Economic Social and Cultural Rights, E/C.12/2000/4, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1AVC1NkPsgUedPIF1vfPMJ2c7ey6PAz2qaojTzDJmC0y%2B9t%2BsAtGDNzdEqA6SuP2r0w%2F6sVBGTpvTSCbiOr4XVFTqhQY65auTFbQRPWNDxL>

<sup>36</sup> Committee on Economic Social and Cultural Rights, E/C.12/2000/4, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1AVC1NkPsgUedPIF1vfPMJ2c7ey6PAz2qaojTzDJmC0y%2B9t%2BsAtGDNzdEqA6SuP2r0w%2F6sVBGTpvTSCbiOr4XVFTqhQY65auTFbQRPWNDxL>

<sup>37</sup> CESCR General Comment No. 12: The Right to Adequate Food (Art. 11), <https://www.refworld.org/pdfid/4538838c11.pdf>

<sup>38</sup> Equal Times, <https://www.equaltimes.org/has-iran-mismanaged-its-way-into-a?lang=fr#.XyrH2fgzbfY>

<sup>39</sup> Equal Times, <https://www.equaltimes.org/has-iran-mismanaged-its-way-into-a?lang=fr#.XyrH2fgzbfY>

<sup>40</sup> UNESCO, <http://whc.unesco.org/en/decisions/6794>

<sup>41</sup> The Guardian, <https://www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dust-pollution>

<sup>42</sup> Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, February 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/028/77/PDF/G1902877.pdf?OpenElement>

pollution in Khuzestan<sup>43 44 45 46</sup> have been reportedly repressed by Iranian authorities and a number of environment activists have been arrested and detained.<sup>47 48</sup>

Recommendation Status:

This recommendation has **NOT** been implemented.

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<sup>43</sup> Middle East Eye, <https://www.middleeasteye.net/news/protests-over-pollution-irans-khuzestan-province-national-threat>

<sup>44</sup> Radio Liberty, <https://www.rferl.org/a/protesters-police-clash-for-second-night-in-southwestern-iran/29333107.html>

<sup>45</sup> Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, February 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/028/77/PDF/G1902877.pdf?OpenElement>

<sup>46</sup> See ISNA [www.isna.ir/news/97041105927/](http://www.isna.ir/news/97041105927/)

<sup>47</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2019, <https://undocs.org/A/74/188>

<sup>48</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, August 2017, <https://undocs.org/en/A/72/322>