

Statement by

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Before the Sixth Committee of the Seventy- Second Session
of the United Nations General Assembly

On agenda item 82:

“Expulsion of aliens”

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In the name of God, the Most Compassionate, the Most Merciful

Mr. Chairman,

“Expulsion of aliens” is a significant area of international relations and law, which deals simultaneously with both the sovereign prerogative of states and the protection of individuals other than their nationals. We appreciate the hard work done by Mr.

Kamto and his preparation of 9 reports on this topic which clearly reflect the challenging nature of the issue.

On the final outcome of the work presented to the Sixth Committee, my delegation would like to express some observations which demonstrate why the idea of convening a diplomatic conference on elaboration of a convention, based on the draft articles, is still premature.

First, on the sources of law;

It is our understanding that the Special Rapporteur recognized that not all the provisions of the draft articles have a foundation in customary international law or

treaty law and that in certain respects state practice is still limited. For that reason,
the Commission went beyond systems and treaties to study the Commission's role in

Third, on the right to expel;

Legally speaking, a state has not only the right to expel aliens on its territory who pose a threat to its national security or public order but also the right to determine the components of those two concepts on the basis of its national laws and the prevailing circumstances. It is therefore unnecessary to draw up an exhaustive list of grounds that might be invoked to justify the expulsion of aliens, nor do states have an obligation in all cases to specify the grounds for expulsion. This is certainly

without prejudice to the established legal fact that expulsion must be conducted with

due respect for the fundamental human rights of the person being expelled, who must be protected against any inhuman and degrading treatment, including during pre-expulsion detention. The property rights of all person subject to expulsion must also be respected and guaranteed by the authorities of the expelling State.

Furthermore, the advisability of placing refugees presents lawfully, and those present unlawfully, in a State's territory on an equal footing, produced in draft article 6 *in loco* under question. Likewise, the I.C. work as completed does not appear to

expelling State cannot be recognized in the case of aliens who had been on its territory unlawfully prior to the expulsion. Granting such a right would imply recognition of an acquired right of residence in the territory of a foreign State.

something unknown in State practice. The Commission have also gone beyond