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Chair: Mr. Chindawongse (Thailand)

Contents

Agenda item 109: Measures to eliminate international terrorism (*continued*)

Agenda item 86: Protection of persons in the event of disasters

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The meeting was called to order at 10.05 a.m.

Agenda item 109: Measures to eliminate international terrorism (continued) (A/78/221)

1. **Mr. Galstyan** (Armenia) said that his Government was strongly committed to international cooperation to combat terrorism and engaged actively with the international community to help prevent terrorist recruitment and training. It was concerned about the rise of hate speech, xenophobia and polarization, which had given rise to discrimination and violence and created fertile ground for the recruitment of terrorists. That was particularly relevant for societies which for decades had been subject to State propaganda of hatred on ethnic and religious grounds and in which hate crime perpetrators had been glorified as role models for young people. That dangerous indoctrination was an early warning sign of the threat of atrocities targeting religious and ethnic groups and their heritage.

2. Armenia highly valued the cooperation platforms that were in place to combat terrorism. It fully implemented the international counter-terrorism conventions and their additional protocols. Its Criminal Code contained specific provisions to counter mercenary-related activities.

3. His Government had welcomed a visit of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination of the Office of the United Nations High Commissioner for Human Rights in February 2023. In response to the recommendation in the Working Group's report on the visit (A/HRC/54/29/Add.2) that Armenia become a State party to the Rome Statute of the International Criminal Court, his country had ratified the Statute on 3 October 2023. Previously, in 2020, Armenia had acceded to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, after the Working Group had noted the reported use of Syrian fighters recruited by Türkiye in military operations against Armenian combatants, in support of the armed forces of Azerbaijan.

4. His delegation condemned attempts to use counter-terrorism as a pretext to justify military violence that resulted in civilian casualties, displacement and suffering. Such actions not only violated international law and fundamental human rights but also undermined the very principles of justice, peace and security that counter-terrorism efforts were meant to uphold. In that regard, the military force used by Azerbaijan in Nagorno-Karabakh in recent weeks, which involved the indiscriminate shelling of civilians,

had resulted in hundreds of casualties – with civilians, including children, among them – and a massive influx of refugees into Armenia. More than 100,000 ethnic Armenians had been forcibly displaced from Nagorno-Karabakh as a result of the large-scale military operation launched by Azerbaijan on 19 September, which had been preceded by a 10-month blockade of the Lachin corridor and the use of starvation as a method of warfare. Azerbaijan had thus demonstrated its clear intent to use force against the Armenian population of Nagorno-Karabakh with a view to ethnic cleansing, in flagrant violation of international law, including international humanitarian law, as well as the legally binding orders of the International Court of Justice indicating provisional measures in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*.

5. **Mr. Namangale** (Malawi) said that his delegation condemned terrorist acts, wherever and by whomsoever committed. There was no justification for terrorism. The United Nations Global Counter-Terrorism Strategy provided a good basis for the international cooperation required to address a threat that knew no borders.

6. His Government was implementing a counter-terrorism approach guided by its national security policy and national counter-terrorism strategy. It appreciated the technical assistance provided by the Office of Counter-Terrorism and looked forward to the Office's further engagement in Malawi. His country's priorities included building capacity to deter all forms of terrorism; domesticating relevant international law; sharing relevant information and best practices; cutting off illicit financial flows used to fund terrorism; implementing prevention activities, including civic education programmes; and achieving development goals in the fields of justice and the economy, with a view to preventing crimes of need.

7. As a party to various international and regional conventions, Malawi saw value in an international response to terrorism in all its forms and manifestations and, accordingly, supported the convening of a high-level conference under the auspices of the United Nations with a view to finalizing the draft comprehensive convention on international terrorism.

8. **Ms. Romualdo** (Cabo Verde) said that her delegation condemned terrorism in all its dimensions and forms, including the financing of terrorism, whether committed in Africa or anywhere else in the world. Cabo Verde was a peaceful country, but its geographical location made it vulnerable to being used for money-laundering and the financing of terrorism. Her

Government was taking strong measures to address those threats, including educating university students about the importance of working with the international community to prevent terrorism and related crimes.

9. Cabo Verde was a party to all the international counter-terrorism conventions and was actively engaged in bilateral cooperation. It had adopted a special law to prevent and punish terrorist acts and the financing of terrorism and was in the process of adapting other laws to ensure that its legal framework was comprehensive. With terrorists eager to take advantage of her country's geographic location, fragility and lack of means to carry out proper monitoring, her Government was taking careful measures to keep terrorism out of the country and prevent it from being used as a springboard for the commission of terrorist acts in Africa, Europe, the Americas and elsewhere.

10. While national counter-terrorism measures were important, strengthening international cooperation was crucial. Member States should continue to strengthen their diplomatic relations and develop joint strategies at the bilateral, regional and global levels with a view to protecting humanity from terrorism.

11. **Mr. Pereira Sosa** (Paraguay) said that his delegation rejected terrorism in all its forms and manifestations. Given the global reach of terrorism, Member States had a shared responsibility to combat terrorism and the means used by terrorist organizations to spread their message of hate and carry out terrorist acts.

12. Terrorism took many forms but was characterized by its perpetrators' indifference towards the suffering inflicted on innocent victims and whole societies. His Government was committed to preventing and combating the scourge of terrorism in accordance with international law and its own national laws. International cooperation – in the form of the sharing of good practices and experience, the exchange of information, and technical cooperation, including technology transfer – was crucial to ensuring the effectiveness of national policies. Cooperation between United Nations entities and competent national institutions was critical to strengthening national counter-terrorism capacity. Paraguay was a party to a significant number of international counter-terrorism instruments concluded under the auspices of the United Nations, which had been incorporated into its national laws.

13. His delegation welcomed the recent review of the United Nations Global Counter-Terrorism Strategy, which had allowed States to express their views on the Organization's counter-terrorism road map. Paraguay

also supported measures aimed at finalizing and adopting a comprehensive convention on international terrorism.

14. **Ms. Llano** (Nicaragua) said that her Government condemned terrorism in all its forms and manifestations, including State terrorism, of which her people and country had been victims. It also condemned the double standards of imperialist and neocolonialist States that, by interfering in the internal affairs of other States, in particular developing countries, were promoting State terrorism and destabilizing actions with a view to overthrowing legitimate Governments. In that regard, her country was still waiting for the United States of America to provide reparations for its acts of State terrorism as ordered by the International Court of Justice in its 1986 judgment in *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*.

15. Nicaragua was making a significant contribution to stability, peace and security in its region, and had helped contain the spread of terrorism, drug trafficking and organized crime through its family- and community-based approach. Her delegation strongly supported the development of an international convention on terrorism. It welcomed the support it had received from the Office of Counter-Terrorism and the adoption by consensus of the resolution on the eighth review of the United Nations Global Counter-Terrorism Strategy (General Assembly resolution [77/298](#)). Future negotiations concerning the Strategy must continue to be transparent and inclusive.

16. Nicaragua condemned and called for an immediate end to the imposition of unilateral coercive measures, which were illegal and, in a pandemic and post-pandemic context, tantamount to a crime against humanity. Such measures not only impeded the exercise of the right to development and efforts to eradicate poverty but also hindered access to the resources necessary to combat terrorism.

17. Nicaragua would continue to build a culture of peace and promote economic, political and social development, gender equality, public safety and the eradication of poverty. The only way to achieve the objectives on which the United Nations had been founded and overcome the obstacles to global development, peace and security was through a multipolar world order in which the voices, aspirations and demands of all peoples were heard.

18. **Ms. Sao** (Mauritania) said that terrorism should not be equated with the legitimate struggle of peoples under colonial or alien domination and foreign occupation to achieve self-determination and national

liberation, nor should it be associated with any religion, nationality or civilization. In that regard, her delegation totally rejected all forms of incitement to religious hatred and intolerance, which led to exclusion and racism, undermining international efforts to spread the values of tolerance, moderation and the rejection of extremism. As a country that promoted coexistence, dialogue and a culture of peace, Mauritania welcomed the adoption of General Assembly resolution [77/318](#), on promoting interreligious and intercultural dialogue and tolerance in countering hate speech.

19. On the basis of its experience of combating terrorist violence for two decades, her Government believed that it was crucial to respect the rule of law, including international humanitarian law, and human rights in counter-terrorism efforts, including in the implementation of United Nations conventions, protocols and resolutions on the subject. In keeping with its condemnation of terrorism in all its forms and manifestations, her Government supported the efforts of the Office of Counter-Terrorism to ensure the coherent and balanced implementation of the United Nations Global Counter-Terrorism Strategy, the Secretary-General's Plan of Action to Prevent Violent Extremism, and capacity-building initiatives. The Organization's role in assisting Member States in the implementation of the Strategy should be strengthened.

20. Her Government had adopted a multidimensional approach to counter-terrorism, incorporating preventive measures that took into account both the direct and indirect causes of terrorism. In 2010, work to draw up a national counter-terrorism strategy had begun, a more rigorous counter-terrorism Act had been adopted and the armed forces had launched a more offensive approach in response to the new asymmetric security landscape. That approach combined military and security measures with political measures to promote development, all grounded in a tradition of tolerance. New towns had been established in isolated areas, in order to facilitate the provision of basic services to local populations while also making it more difficult for terrorists to hide in those areas. Her Government had also taken measures to counter money-laundering and the financing of terrorism, including by improving inter-agency coordination and enhancing the regulation of informal money transfers.

21. Thanks to its participation in the Group of Five for the Sahel, Mauritania had been able to secure its territory by means of a well-developed and well-implemented security strategy. It had also welcomed more than 100,000 refugees from Mali, in an expression of solidarity, even though the very high cost was largely paid from the national budget, to the detriment of her

country's security. The Group of Five continued to be an appropriate mechanism for combating terrorism in the Sahel.

22. Her delegation welcomed the efforts to elaborate a draft comprehensive convention on international terrorism and supported the proposal to convene a high-level conference under the auspices of the United Nations in that regard. Cooperation in criminal matters was a key tool in the fight against international terrorism and other forms of transnational crime, particularly in the Sahel, which faced threats from various transborder criminal groups.

23. **Mr. Bamy** (Observer for the State of Palestine) said that those calling for the rules of international law to be sacrificed in the name of counter-terrorism efforts were undermining both the multilateral order and the fight against terrorism. The gravest threat to global efforts to combat terrorism was the weaponization of counter-terrorism to suppress the rights to self-determination, security, safety and freedom. The Palestinian people were subject to terror from Israeli occupying forces and settlers. Moreover, that terrorism was sanctioned, enabled and embraced by the State. By failing to hold the perpetrators of terrorist acts to account, Israel was in violation of international law and various United Nations resolutions, including Security Council resolution [904 \(1994\)](#), in which the Council had called upon the occupying Power to implement measures to prevent settler violence, including by disarming settlers. Given that situation, the State of Palestine, pursuant to its obligations and responsibilities towards its people and under international law, had recently adopted laws targeting settler organizations and individuals that committed or were complicit in acts of terrorism or coercion against the Palestinian people. All States should support those efforts and adopt their own laws and policies against settler terrorism.

24. The State of Palestine continued to warn against the long-standing Israeli policy of weaponizing its so-called counter-terrorism strategy to criminalize, attack, arbitrarily arrest and kill Palestinian representatives, civil society actors and human rights defenders. His delegation called upon the international community to support Palestinian prisoners currently on hunger strike in protest at their so-called administrative detention, which was the worst form of arbitrary detention. It commended the international community for its firm stance against Israeli attacks against global and Palestinian human rights movements but called for more action to ensure the protection of Palestinian civil society and human rights defenders. His delegation called for greater inclusion of civil society in the consolidation of the counter-terrorism framework and,

in that regard, welcomed the convening of the High-level International Conference on Human Rights, Civil Society and Counter-Terrorism in May 2022.

25. It was essential in counter-terrorism efforts to comply with the Charter of the United Nations and with human rights law, international humanitarian law and refugee law. It would not be acceptable or wise to alienate the world's 2 billion Muslims in the fight against terrorism, which required unity. The United Nations must do more to reject the destructive, bigoted narrative that Muslims were to blame for terrorism. Blatant bigotry and hatred against Muslims – who stood against terrorism and were often its victims – must not be accepted.

26. The State of Palestine unequivocally condemned and rejected terrorism in all its forms and manifestations, by whomever and against whomever committed. His delegation stood in solidarity with the victims of terrorism and commended Iraq and Spain for their leadership of the Group of Friends of Victims of Terrorism, in which the State of Palestine remained actively engaged. It would continue to advance multilateral efforts and robust international cooperation on countering terrorism, including through its cooperation agreements with more than 80 States. It would also continue to champion integrated, balanced and accountable implementation of all elements of the United Nations Global Counter-Terrorism Strategy. The State of Palestine reaffirmed the need for the finalization of the draft comprehensive convention on international terrorism.

27. The right of peoples, in particular those under colonial or alien domination and foreign occupation, to self-determination was a peremptory norm of international law and must be upheld. The situation of the Palestinian people and their just struggle for freedom was a measure of the efficacy of the multilateral system. The United Nations counter-terrorism framework was based on equality and non-discrimination, justice and fairness, self-determination and freedom, the rule of law and respect for the global order. Only those who adhered to their obligations under international law were true partners in global efforts to counter terrorism.

28. **Monsignor Murphy** (Observer for the Holy See) said that terrorism was one of the most brutal forms of violence currently traumatizing the international community. It was an affront to the dignity of every human being and, as such, merited unequivocal condemnation in all its forms and manifestations. Victims must be supported and given hope; terrorism and death would never have the last word.

29. It was imperative for the international community to take concrete measures to prevent and combat terrorism. Cooperation must be strengthened at the international, regional and subregional levels to enhance national capacities to prevent and effectively suppress terrorism. International judicial cooperation should be used, where appropriate, to ensure that there was no safe haven for terrorists and that perpetrators of terrorist acts faced justice without delay. In their response to terrorism, States must scrupulously respect their obligations under international law, including human rights treaties, international humanitarian law and international refugee law, in order to uphold the fundamental freedoms and dignity of all persons and ensure that preventive measures did not foment the underlying tensions that bred terrorism.

30. Although some extremists exploited religious identity to divide societies and promote radicalization, terrorism could not and should not be associated with any particular religion, nationality or ethnicity. To that end, it was necessary to build a culture of dialogue and redouble efforts to rediscover the common humanity of all. Furthermore, any effective response to terrorism must address material injustice, including inequality and deprivation. Promoting integral human development and building inclusive societies was critical to addressing the conditions that facilitated the spread of terrorism. In particular, education provided a foundation for peaceful, cohesive and tolerant societies.

31. His delegation welcomed multilateral efforts aimed at promoting international cooperation in countering terrorism, including the adoption of the resolution on the eighth review of the United Nations Global Counter-Terrorism Strategy. Only through consensus and the participation of all States could measures to eliminate international terrorism fully bear fruit.

32. **Mr. Apraxine** (Observer for the International Committee of the Red Cross) said that the International Committee of the Red Cross (ICRC) unequivocally condemned terrorism of all forms, whether or not it was committed during armed conflict and irrespective of the perpetrators. Terrorism violated international humanitarian law and negated the basic principle of humanity. While it was legitimate for States to take action to ensure their security, counter-terrorism measures could have a negative impact on humanitarian action if, as a result of such measures, activities that were authorized and protected under international humanitarian law came to be considered a form of support for terrorism or criminalized. Such activities included not only the delivery of food, medical assistance and basic services to civilians but also visits

to detained persons, repatriation of such persons and the delivery of training in international humanitarian law.

33. Under Security Council resolutions [2462 \(2019\)](#) and [2482 \(2019\)](#), Member States must ensure that all measures taken to counter terrorism were in compliance with their obligations under international law, including international humanitarian law, and must take into account the potential effect of those measures on exclusively humanitarian activities, including medical activities, carried out by impartial humanitarian actors in a manner consistent with international humanitarian law. In recent years, important steps had been taken at various levels to limit the negative impact of counter-terrorism measures on impartial humanitarian activities. The African Model Anti-Terrorism Law elaborated by the African Union provided for the protection of impartial humanitarian assistance, and the European Union had exempted impartial humanitarian organizations from its directive on combating terrorism. A small number of States had also included exemptions for humanitarian activities in their domestic counter-terrorism laws, which appeared to be an effective way to handle the matter. He encouraged other Member States to follow suit and also to ensure that their national laws were aligned with Security Council resolution [2664 \(2022\)](#), in which the Council had recognized that humanitarian activities were exempt from United Nations sanctions regimes.

Statements made in exercise of the right of reply

34. **Mr. Cappon** (Israel), responding to the statement delivered by the observer for Palestine, said that it was ironic for Palestinians, of all people, to refer to their own victims of terrorism while completely ignoring the existence of Palestinian terrorist organizations. There could be no justification for terrorism and no excuse for the commission of terrorist attacks; any claims to the contrary were intended to perpetuate violence and chaos. Moreover, the Committee had a mandate to discuss legal matters and should not allow the debate to be derailed by attempts to advance narrow political agendas, especially when they bore no relevance to the agenda item under consideration.

35. **Mr. Musayev** (Azerbaijan) said that the statement delivered by the representative of Armenia had been false and irresponsible and reflected the stubborn unwillingness of that country to abandon its campaign of discrimination, comply with its international obligations and engage in good faith in advancing peace in the region. The representative of Armenia had attributed fictitious conduct to Azerbaijan and put forth transparent fabrications in an attempt to mislead the international community. He had attempted to blame

Azerbaijan for offences of the kind that Armenia had committed repeatedly since the late 1980s, during its various aggressions against Azerbaijan. All of the actions that Azerbaijan had been compelled to take in response to the unlawful use of force and terrorist activities of Armenia had been in compliance with the Charter of the United Nations and international law and in fulfilment of its responsibility to ensure the safety and security of all persons under its jurisdiction and its right to defend its sovereignty and territorial integrity from threats and aggression.

36. The events of 19 and 20 September 2023, which had continued for less than 24 hours, had been local counter-terrorism measures undertaken by his Government, in its sovereign territory, in response to systematic armed provocations and acts of terrorism committed by Armenian armed forces illegally deployed in Azerbaijani territory. His Government's actions had therefore constituted legitimate acts of self-defence as provided for in the Charter and under customary international law. They had been aimed at exclusively military targets and conducted with full adherence to the principle of distinction, with all feasible precautions being taken to avoid civilian casualties. The representative of Armenia appeared to be unaware that his own Prime Minister had admitted publicly that rumours of mass civilian casualties in the Karabakh region of Azerbaijan were untrue and that there was no direct threat to the civilian population. Moreover, the members of the recent United Nations mission to Karabakh had reported on 2 October that they had seen no damage to civilian public infrastructure, including hospitals, schools and housing, or to cultural and religious structures; had not observed any destruction of agricultural infrastructure; and had not come across any reports of violence against civilians following the latest ceasefire. Those who had left the region, despite the appeals of the Government of Azerbaijan for them to stay, had done so freely and had not faced any violence or intimidation.

37. There was no credible evidence that his country had been involved in terrorist activities. In contrast, since the late 1980s, Armenia and a number of terrorist organizations under its direction and control had committed numerous acts of terrorism against Azerbaijan, including attacks in the public transport system in Baku that had resulted in the deaths of thousands of civilians. Moreover, Armenia had not learned any lessons from its deliberate contempt for international law and continued to honour convicted international terrorists as national heroes and allow organizations and individuals inciting hatred against Azerbaijan to operate in its territory with total impunity,

in violation of the binding measures indicated by the International Court of Justice in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*. Armenia was therefore in no position to share knowledge and experience in the field of international counter-terrorism cooperation.

38. **Mr. Bamyä** (Observer for the State of Palestine), responding to the comments made by the representative of Israel, said that all the arrogance and racism of the occupier and oppressor had been encompassed in the phrase “Palestinians, of all people”. It was ironic that representatives of Israel used the word “people” in reference to Palestinians only when attacking them, and never in relation to the recognition of the rights inherent to such a qualification. The Prime Minister of Israel had recently displayed to the General Assembly a map denying the very existence of Palestine and the Palestinian people, and Israel was using terrorism as a tool to attempt to make that map a reality. For more than seven decades, the Palestinian people had been subjected to the worst form of terrorism, in the form of dispossession, displacement and the denial of their national and human rights.

39. The refusal by Israel to allow European ministers as well as commissions of enquiry and other bodies to visit Palestinian villages whose populations had been forcibly displaced by settler terrorism suggested that Israel was trying to hide something. Moreover, Israel had at various times accused the International Criminal Court, the International Court of Justice, the Security Council, the General Assembly and the Human Rights Council of bias, when in fact that country was responsible, on a longstanding and consistent basis, for the acts to which those bodies had drawn attention. In 2021, the credibility of the counter-terrorism efforts of Israel had been further undermined by that country’s baseless designation of six prominent Palestinian non-governmental organizations as terrorist organizations, in a move that had been widely rejected by the international community.

40. His delegation had proof that Israel was guilty of terrorism and had used so-called counter-terrorism measures to pursue the dispossession and displacement of the Palestinian people and deny them their rights. It called upon Israel to stand by its affirmation that there could be no justification for terrorism by ceasing to engage in terrorism and ending its occupation, thereby making it possible for all peoples in the region to live in peace, freedom and dignity and enjoy justice and security.

41. The State of Palestine did not deny the rights of others, nor would it accept the denial of its own rights. It adhered to United Nations resolutions, the Charter of the United Nations and international law, including human rights law and international humanitarian law, and called for others to do likewise. It supported peace and coexistence in the region and rejected oppression and occupation. Unlike Israel, its values were fully aligned with the principles and purposes of the Charter.

42. **Mr. Galstyan** (Armenia) said that the manipulative arguments made by the representative of Azerbaijan would be extensively discussed in other United Nations forums. It was worth noting, however, that the representative of Azerbaijan had used the Committee as a platform to attempt to justify his country’s deliberate act of aggression that had resulted in the mass exodus of the indigenous Armenian population of Nagorno-Karabakh. No argument could ever justify the use of force that had resulted in the displacement of more than 100,000 people. The international legal system existed in order to prevent any State from considering itself entitled to intentionally inflict harm on civil populations, block humanitarian corridors, deprive people of their means of existence and create conditions incompatible with life. Using the starvation of civilians as an instrument of war, wilfully impeding the provision of humanitarian relief to the affected population, and ethnic cleansing were not sovereign rights of the State. No matter the pretext by which Azerbaijan justified its actions, the response of Armenia would be the same: there was not and could not be any justification for ethnic cleansing. To believe otherwise would be to challenge the foundations of international law.

43. **Mr. Cappon** (Israel), referring to the remarks made by the observer for Palestine, said that his delegation wished to put an end to the disrespectful discussion and would choose where and when to reply to the delegation of the State of Palestine. It did not consider the Committee a suitable forum for political statements.

44. **Mr. Musayev** (Azerbaijan) said that the remarks made by the representative of Armenia were illustrative of that State’s consistent denials of the facts that pointed to its policy of aggression, hatred and terrorism. The attempts of Armenia to portray itself as a perpetual victim could not whitewash the well-known image of that country as a persistent violator of international law that supported and promoted terrorism at the State level. As Armenia continued to disseminate falsehoods, it was important that the international community remember and insist on holding Armenia accountable for the war it had unleashed, the tens of thousands of civilians it had

killed and the thousands of communities it had razed to the ground with the sole purpose of pursuing its unlawful territorial claims based on fabricated historical narratives and racial prejudices.

45. With respect to the agenda item under discussion, he recommended that interested delegations familiarize themselves with the information circulated by Azerbaijan in documents [A/66/796-S/2012/308](#), [A/75/625-S/2020/1161](#) and [A/76/680-S/2022/92](#). Those documents provided compelling evidence of the responsibility of Armenia for terrorist activities and the use by Armenia of foreign terrorist fighters and mercenaries against Azerbaijan.

46. **Mr. Bamya** (Observer for the State of Palestine) said that international law was an applied science guided by reality, not a theoretical exercise. International law had been developed in response to terrible tragedies, when the rule of law had not been upheld, including the tragedies of the Second World War, the Holocaust and indiscriminate attacks against civilian populations. Efforts to avert such tragedies guided the work of the Committee to improve the rule of international law. If Israel wished to choose where and when it would reply to the State of Palestine, it should do so not in the halls of the United Nations but by ending its terrorism, oppression and occupation and enabling peace and the existence of two sovereign States side by side, with full respect for international law and the Charter of the United Nations; otherwise its responses constituted mere propaganda, incitement and the usual arrogance demonstrated by colonizers and those who had committed apartheid throughout history. Such responses would not intimidate his delegation or keep it from speaking up.

47. **Mr. Galstyan** (Armenia) said that the remarks made by the representative of Azerbaijan demonstrated the deliberate and planned nature of its military actions against Nagorno-Karabakh. Ethnic cleansing was defined by the United Nations system as a purposeful policy designed to remove by violent and terror-inspiring means the civilian population of an ethnic or religious group from certain geographic areas. To a large extent, it was carried out in the name of misguided nationalism, historic grievances and a powerful sense of revenge.

48. Armenia had a strong record of pursuing justice and accountability, as demonstrated by the case it had brought before the International Court of Justice, and a strong commitment to the mechanisms of international criminal justice, as demonstrated by its recent ratification of the Rome Statute of the International Criminal Court. His delegation wished to remind the

delegation of Azerbaijan that the prosecution of certain crimes did not have a statute of limitations and that the perpetrators would face justice.

Agenda item 86: Protection of persons in the event of disasters

49. **Mr. Ikondere** (Uganda), speaking on behalf of the Group of African States, said that the draft articles on the protection of persons in the event of disasters developed by the International Law Commission made a valuable contribution to filling a gap in international law. The Group was concerned by the frequency and scale of natural disasters, which were often exacerbated by climate change. Such disasters had a devastating impact, including loss of life, food insecurity, water-related challenges, displacement, humanitarian needs and long-term negative economic, social and environmental consequences, including the potential to impede the full realization of the Sustainable Development Goals. A massive earthquake and floods had recently affected Morocco and Libya, respectively. The impact of disasters was more severe in the African region, where countries lacked capacity in terms of early warning systems. The Committee's discussions should focus on ways to avert or to reduce to a minimum the impact of disasters. In addition, the provision of humanitarian assistance should be streamlined, in line with General Assembly resolution [46/182](#), and should not be politicized.

50. The protection of persons in the event of disasters was an important issue in many parts of the world, particularly in Africa. Given the outsize impact of natural disasters on developing countries, solidarity and international cooperation, in particular in the form of humanitarian assistance, were paramount. The international community must therefore address all obstacles to effective disaster preparedness and response. Regrettably, the lack of capacity and resources to tackle disasters among vulnerable communities continued to pose a serious challenge for members of the Group. The use of unilateral coercive measures exacerbated the challenges faced by the targeted States in protecting their citizens in the event of an emergency. The Group drew attention to African Union resolution [AU/Res.1 \(XXXVI\)](#), Human Rights Council resolution [52/13](#) and General Assembly resolution [77/214](#), wherein the bodies in question condemned unilateral coercive measures with extraterritorial effects and called upon all States not to recognize such measures. The Group welcomed the discussion of the current item in the Committee and took note of the Commission's recommendation that the General Assembly elaborate a convention on the basis of the draft articles.

51. **Ms. Mark** (Saint Vincent and the Grenadines), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that CELAC appreciated the work of the International Law Commission to develop the draft articles on the protection of persons in the event of disasters, which were particularly relevant at a time when disasters had become more frequent and intense. Comprehensive disaster risk management and the provision of an adequate humanitarian response that prioritized the protection of human dignity and well-being were vital. Although there were some multilateral agreements and a larger number of bilateral treaties on mutual assistance in respect of disasters, they were limited and not uniform; protection from disasters was covered only in soft-law, non-binding instruments elaborated at the intergovernmental level or by private institutions and entities. It was therefore important to develop an international legal framework on the subject.

52. CELAC welcomed the adoption by the General Assembly of its resolution [76/119](#), in which it had decided to continue its consideration of the draft articles. CELAC also welcomed the possible convening of an international conference of plenipotentiaries to elaborate a convention on the basis of the draft articles, or any other possible course of action with respect to the draft articles, taking into account the views and observations expressed in the debates of the Committee and the comments and observations received from Governments within the framework of a working group of the Committee. The adoption of an international legal instrument would undoubtedly make a significant contribution to the harmonization of measures and protocols for effectively addressing the underlying causes of disasters and the current high levels of vulnerability. It would also strengthen disaster risk reduction and management efforts at every stage, without prejudice to existing bilateral and multilateral instruments.

53. **Mr. Ramopoulos** (Representative of the European Union, in its capacity as observer), speaking also on behalf of the candidate countries Albania, Bosnia and Herzegovina, the Republic of Moldova and Serbia, and in addition, Monaco, said that the European Union and its member States commended the International Law Commission for its work on the draft articles on the protection of persons in the event of disasters and the commentaries thereto. In recent years, there had been an increase globally in the number and scale of natural disasters, such as wildfires, hurricanes, earthquakes, floods, droughts and cyclones, which caused immense loss of life, suffering and damage. It was therefore important to strengthen international cooperation for

disaster relief, including disaster risk reduction, prevention, preparedness and response.

54. Under the European Union disaster relief framework, humanitarian aid was provided to those affected by disasters on the basis of international humanitarian principles. It covered the protection primarily of persons but also of the environment and property, including cultural heritage, from natural and human-made disasters occurring inside or outside the European Union, during the phases of disaster prevention, preparedness and response. In 2023, assistance had been provided in the aftermath of the devastating earthquake in Türkiye and the Syrian Arab Republic, the massive wildfires in Canada and the unprecedented flooding in Libya. Funding had also been made available to respond to the floods and other disasters that had occurred in Pakistan, and large-scale support had been provided to Ukraine.

55. With regard to the draft articles, it was worth noting that, in the political declaration of the high-level meeting on the midterm review of the Sendai Framework for Disaster Risk Reduction 2015–2030, States were called upon to ensure that disaster risk governance was supported by legal and regulatory frameworks, policies and plans at all levels. General Assembly resolutions [77/28](#), [77/29](#) and [77/164](#), which the Assembly had adopted by consensus in 2022, were also important in that regard.

56. As recognized in the Sendai Framework and the political declaration of the high-level meeting on the midterm review of the Framework, the affected State had the primary responsibility to provide disaster relief, including through international, regional, subregional, transboundary and bilateral cooperation. In that regard, the draft articles struck an appropriate balance between the need to safeguard the national sovereignty of affected States and the need for international cooperation and respect for the human rights of persons in the event of disasters. In humanitarian emergencies, humanitarian principles and the human rights of affected persons must be respected fully. The draft articles rightly reflected the fact that, in situations of armed conflict governed by international humanitarian law, the latter took precedence as *lex specialis*. The European Union and its member States also welcomed the fact that the draft articles expressly aimed to ensure that the needs of persons affected by disasters were effectively met while fully respecting their rights. Given the important role played by regional organizations in disaster relief, the addition of an express reference to such organizations in the definition of “other assisting actor” in the draft articles would ensure legal clarity,

especially as no such reference was included in the commentaries to the draft articles.

57. **Mr. Wallace** (Jamaica), speaking on behalf of the Caribbean Community (CARICOM), said that the global push for the elaboration of a convention on the basis of the International Law Commission's draft articles on the protection of persons in the event of disasters was justified by the prevalence of naturally occurring disasters, which had devastating effects on the socioeconomic framework of affected countries. Given that the issue of protection in the event of disasters was covered only in a fragmented way by a large number of international instruments focused on specific issues, there was value in the elaboration of a clearly articulated convention on the topic. The draft articles provided a solid basis upon which to negotiate such a convention.

58. The pursuit of sustained development by small island developing States had been hindered by the recurrence of naturally occurring phenomena. CARICOM member States were particularly vulnerable to earthquakes, floods and hurricanes; that vulnerability was amplified by their small populations, geographic location, limited resources and undiversified economies. CARICOM would therefore welcome a legally binding instrument on the protection of persons in the event of disasters, as it would create a framework to provide support to the global community in response to the impacts of calamitous events. A convention based on the draft articles would also confirm the centrality of respect for the human dignity and human rights of persons affected by disasters, in particular those in vulnerable situations.

59. Provisions on risk management should be included in the future convention, consistent with the provisions of the Sendai Framework. CARICOM also noted with appreciation the inclusion of critical safeguards in the draft articles that were aimed at striking a balance between the provision of humanitarian assistance and respect for State sovereignty. CARICOM was committed to working with its regional partners and the wider international community to further develop and implement measures aimed at mitigating the risk and impact of disasters and facilitating effective responses to such events.

60. **Ms. González López** (El Salvador), speaking on behalf of the Central American Integration System (SICA), said that SICA member States were exposed to many of the adverse impacts of climate change, which jeopardized the lives and livelihoods of their people. They therefore welcomed the General Assembly's decision, in its resolution [76/119](#), to establish a working group to consider further the recommendation of the

International Law Commission for the elaboration of a convention by the Assembly or by an international conference of plenipotentiaries on the basis of the draft articles on the protection of persons in the event of disasters, or any other potential course of action with respect to the draft articles.

61. The so-called Central American Dry Corridor was vulnerable to extreme weather events, such as forest fires, floods, droughts, tropical storms and hurricanes, as well as volcanic eruptions and earthquakes, which were increasing in frequency and intensity every year. In 2022, for example, Hurricanes Eta and Iota had caused \$2.6 billion in damage and losses and more than 200 deaths. It was more important than ever to foster action based on the principles of solidarity and cooperation in order to prevent and mitigate disasters and reduce disaster risks. Humanitarian response measures should prioritize the protection of human dignity and well-being. At the regional level, SICA relied on the assistance of the Coordination Centre for Disaster Prevention in Central America and the Dominican Republic.

62. Aside from some multilateral treaties and a larger number of bilateral treaties on mutual assistance and protection against disasters, the legal framework for the protection of persons in the event of disasters was mostly made up of non-binding instruments developed at the intergovernmental level or by private institutions and entities. There was therefore a pressing need for an international legal framework that could provide greater legal certainty in respect of the protection of persons affected by disasters. Such an instrument should focus on both disaster response and risk reduction, with a view to meeting the essential needs of affected persons while fully respecting their rights and human dignity and applying the fundamental principles of humanity, neutrality and impartiality. It was also important to respect the capacity of affected States to determine the manner in which such assistance was provided. The discussion of the draft articles should take into account the commitments made in other intergovernmental contexts, such as the Sendai Framework.

63. Given the growing interdependence of States, there was a need for timely and sufficient humanitarian assistance, as well as data generation and collection, capacity-building, the exchange of good practices, the strengthening of early warning systems and the transfer of technology in order to reduce disaster risks at all levels, with a particular emphasis on building resilience in developing countries. The States members of SICA would follow with interest the working group's discussions and encouraged States to engage in those discussions in a spirit of solidarity.

64. **Ms. Solano Ramirez** (Colombia), speaking also on behalf of Croatia, Italy, Jamaica, Nigeria and Thailand, said that the increase in the number of disasters around the world, whose destructive consequences were felt especially, though not exclusively, by developing countries, was the result of humanity pushing nature to its limits. For example, the impact of the recent flooding in Derna, Libya, following unprecedented levels of rainfall had been exacerbated by years of neglect, conflict and instability in the region, resulting in a humanitarian disaster of apocalyptic proportions.

65. The Committee now had the opportunity to examine the draft articles on the protection of persons in the event of disasters developed by the International Law Commission and to discuss the Commission's recommendation to elaborate a draft convention on the basis of the draft articles. Given that there would be differing views on the future of the draft articles, it was worth recalling that such differences had not prevented the Committee from establishing by consensus a way forward, as set out in General Assembly resolution [76/119](#). The key question the Committee would need to answer was whether enough was being done to ensure that Member States, the United Nations and relevant actors were prepared from a legal perspective to address the dire humanitarian consequences of a disaster-prone world characterized by increased inequality and more frequent extreme weather events.

66. It was the view of Colombia, Croatia, Italy, Jamaica, Nigeria and Thailand – States representing many regions of the world – that a convention on the protection of persons in the event of disasters would be complementary to and in line with the political commitments made during the recent midterm review of the Sendai Framework, including the commitment to establish sound regulatory and legal frameworks at all levels. Such a convention would also affirm Member States' commitment to international law as the backbone of international cooperation to address the most serious challenges of the times. They trusted that Member States' sense of responsibility to a fragile world and its future generations would prevail over other agendas.

67. **Mr. Laursen** (Denmark), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) said that, given the increasing frequency of natural and human-made disasters resulting from extreme weather, viruses and other hazards, it was a matter of utmost importance to further strengthen international cooperation on disaster relief, humanitarian assistance and protection. The International Law Commission's draft articles on the protection of persons in the event of disasters

constituted a framework for such cooperation. They struck an adequate balance between the rights and obligations of the affected State and those of assisting actors. Through the provision that external assistance generally required the consent of the affected State but that such consent should not be withheld arbitrarily, the draft articles reflected the dual nature of sovereignty, which entailed both rights and obligations.

68. The draft articles reflected the centrality of the principle of human dignity and the duty of States to respect, protect and fulfil human rights. They also provided that disaster response should be undertaken in accordance with humanitarian principles in order to meet the needs of the most vulnerable. In that context, it was important to integrate a gender and vulnerability perspective in humanitarian assistance to ensure that such assistance was provided to affected people without discrimination. Given the importance of prevention, the Nordic countries wished to highlight draft article 9, which reflected the obligation of States to reduce the risk of disasters by taking appropriate measures, including through legislation and regulations, to prevent, mitigate and prepare for disasters. The Nordic countries reiterated their openness to discussing the Commission's recommendation to elaborate a convention based on the draft articles.

69. **Ms. Hutchison** (Australia), speaking also on behalf of Canada and New Zealand, said that the growing frequency and devastating impacts of disasters were affecting the lives and livelihoods of countless people around the world. The Committee's discussion of the protection of persons in the event of disasters was therefore timely and critical.

70. The International Law Commission's draft articles on the protection of persons in the event of disasters were a useful first step in considering how States might prepare for and respond to disaster situations. Australia, Canada and New Zealand welcomed the opportunity to further discuss the rationale behind the proposal for a new convention on the topic. The three countries would be particularly interested in the views of those most vulnerable to natural hazards, including Pacific island countries.

71. The Committee should first examine how existing international law already supported the protection of persons in the event of disasters. Many of the objectives of the draft articles were already reflected in international law. For instance, the draft articles reaffirmed that international human rights law continued to apply in disaster situations. In addition, the draft articles relating to the affected State were linked to the principles of State sovereignty and non-intervention,

consistent with the Charter of the United Nations. It was important to share best practices and existing initiatives at the local, national and regional levels. In that regard, the Sendai Framework contained important principles for reducing the impact of disasters and addressing the underlying drivers of disaster risk.

72. Since the draft articles had been finalized in 2016, there had been numerous developments that intersected with the work of the Commission on the protection of persons in the event of disasters, including the Commission's ongoing work on the protection of persons in the context of sea-level rise and the requests for advisory opinions in relation to climate change before the International Tribunal for the Law of the Sea, the International Court of Justice and regional courts and tribunals. Efforts should be made to ensure cohesion across those workstreams.

73. There were divergent views on some key draft provisions, including the definition of the term "disaster"; there was no agreed definition under international law, and the definition in the draft articles was quite broad. Australia, Canada and New Zealand considered that the affected State maintained the primary role in preventing and responding to disasters and that the draft articles should strike a balance between protecting the sovereignty of affected States and ensuring appropriate mechanisms for international cooperation to protect persons in the event of disasters. The working group established under the agenda item would play a valuable role in articulating the existing international legal principles and instruments relevant to disasters.

74. The draft articles would help States to better understand and implement existing obligations and commitments. Given that some of the core objectives provided for in the draft articles were not covered by regional initiatives or existing international law, Australia, Canada and New Zealand looked forward to hearing from other delegations about whether a convention – rather than, for example, soft law instruments or bilateral or regional instruments – was the most appropriate solution for filling any such gaps.

75. **Mr. Aron** (Indonesia) said that natural and human-induced disasters, including earthquakes, armed conflicts, floods and pandemics, continuously disrupted millions of lives worldwide. Positioned in the volatile region known as the Pacific Ring of Fire, Indonesia had been disproportionately affected by disasters, from the 2004 Indian Ocean tsunami to the earthquake in Palu in 2018.

76. Every single life mattered in the event of a disaster. The International Law Commission's draft

articles on the protection of persons in the event of disasters provided a clear normative framework to ensure that affected individuals were provided with assistance that met their basic needs while respecting their dignity. The ramifications of disasters often transcended national borders. Continued discussion of the draft articles would help to ensure that States and humanitarian actors had clear guidance on fulfilling their responsibilities and would contribute to strengthening international cooperation in disaster prevention, mitigation, preparedness and response.

77. The international community must shift from a reactive to a preventive approach to disaster management, focusing more on preparedness than on response. Indonesia had begun such a shift in 2017, resulting in the adoption of its national plan on disaster management. Member States must champion and empower their local communities, whose deep-rooted understanding of local terrains, cultures and needs made them the true frontline warriors during crises. His delegation urged the Committee to treat the protection of persons in the event of disasters not as an isolated issue but rather as an integral aspect of sustainable development and of enduring peace and stability. Member States should strive for consensus in their discussion of the draft articles.

78. **Mr. Muniz Pinto Sloboda** (Brazil) said that the International Law Commission's draft articles on the protection of persons in the event of disasters provided a good basis for negotiations on a future convention. Brazil was deeply engaged in humanitarian assistance and cooperation. In 2023, for example, it had sent a humanitarian mission to Canada, at the request of that country's Government, to support the response to forest fires. It was also co-penholder, together with Switzerland, for humanitarian issues concerning the Syrian Arab Republic in the Security Council.

79. In the event of disasters, it was essential to find the right balance between the need to protect persons and the fundamental principles of the sovereign equality of States and non-intervention in the internal affairs of States. Under no circumstances should the provision of external assistance serve as a pretext for a State's intervention in the domestic affairs of another State in violation of the Charter of the United Nations. In that context, Brazil welcomed the reaffirmation of the basic principle of State sovereignty in the preamble to the draft articles. A reference to the principle of non-intervention should be added. Brazil also appreciated the fact that draft article 13, paragraph 1, reflected the well-established norm that the provision of external assistance required the consent of the affected State. Preferably, the provision of such assistance

should also be requested, and publicly and expressly accepted, by the affected State.

80. Brazil welcomed the inclusion of a separate draft article on the inherent dignity of the human person, followed by a provision on the need to respect and protect the human rights of persons affected by disasters. It also noted with satisfaction the reference to the principles of humanity, neutrality and impartiality in the provision of humanitarian assistance. A reference to the principle of independence, as set out in the preamble to General Assembly resolution 58/114, should also be included.

81. Further discussion might be needed on provisions that did not constitute codification of existing international law, such as draft article 7, which set out the duty to cooperate as an obligation of conduct. While the duty of States to cooperate with each other was well established, for example in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, there was no equivalent duty to cooperate with “other assisting actors”, as defined in draft article 3 (d). Likewise, draft article 11 (Duty of the affected State to seek external assistance) did not reflect customary international law, insofar as States had the right and not the obligation to seek external assistance. Further discussion might also be needed on draft article 13, paragraph 2, as there was no clarity or legal certainty regarding the meaning of the word “arbitrarily” in respect of the withholding of consent, and on whether non-binding wording would be more appropriate for draft articles 14 (Conditions on the provision of external assistance) and 15 (Facilitation of external assistance).

82. Currently, guidance on the protection of persons in the event of disasters was found mostly in soft law, which was occasionally complemented by bilateral and regional instruments and sometimes by Security Council resolutions related to situations of armed conflict. Therefore, the draft articles might help to fill a gap in the legal framework.

83. **Ms. Rodríguez Mancia** (Guatemala) said that her delegation welcomed the establishment of a working group to examine the International Law Commission’s draft articles on the protection of persons in the event of disasters with a view to elaborating a convention. In recent years, Guatemala had faced increasingly frequent natural disasters, such as the devastating impact of Hurricanes Eta and Iota in 2020 and the eruption of the Fuego volcano in 2018, which had overwhelmed the country’s ability to provide humanitarian assistance to those affected, forcing the authorities to declare states

of emergency and seek assistance from the international community.

84. Effective risk management and early warning systems were essential for responding to natural disasters. Guatemala had developed domestic emergency response expertise and had established a government entity to evaluate potential risks, prevent disasters, reduce their impact on society, and coordinate rescue and reconstruction efforts. Guatemala was also the host country of the Coordination Centre for Disaster Prevention in Central America and the Dominican Republic.

85. The protection of persons and their human rights constituted the legal basis for all humanitarian activities relating to natural disasters. Operational guidelines facilitated humanitarian assistance in emergency situations. The obligations of affected States with regard to the protection of their citizens fell within the scope not only of international law but also of the affected State’s own laws. Guatemala appreciated the support and solidarity of friendly countries at times when it had been affected by large-scale natural disasters. International assistance must at all times be an expression of solidarity based on the principles of humanity, neutrality and impartiality.

86. **Ms. Grosso** (United States of America) said that the United States was committed to providing assistance to persons affected by disasters and was the largest single provider of humanitarian assistance worldwide. The United States appreciated the International Law Commission’s draft articles on the protection of persons in the event of disasters, in particular the provisions on the protection of personnel providing assistance following disasters. However, while the United States believed that the draft articles could contribute to the provision of practical guidance and cooperation for disaster assistance, it continued to have reservations about several aspects of the text. In particular, the definition of “disaster” might be problematic insofar as it did not clearly exclude circumstances such as situations of armed conflict or other political or economic crises. There was therefore a risk that the draft articles could conflict with international humanitarian law.

87. The United States also had concerns about the statement in draft article 13 that the provision of external assistance required the consent of the affected State. While the United States agreed in principle that external assistance should normally be delivered with the consent of the affected State, it would be necessary to consider, taking into account all the facts and circumstances, whether the provision of assistance

without consent would violate the territorial integrity of the affected State or the principle of non-intervention. There might be situations, such as where the Government of an affected State had collapsed, in which consent was either unavailable or unnecessary. Further changes were required in order for the provision to appropriately describe the role of State consent in the provision of disaster assistance.

88. Lastly, the draft articles included numerous assertions of obligations that were not currently part of international law and should not, as a whole, be relied upon as a codification of existing law. For example, her delegation did not agree that States currently had a specific legal obligation to cooperate with the range of organizations listed in draft article 7 in responding to disasters. Similarly, draft article 12 purported to establish a duty of potential assisting actors, such as other States and the United Nations, to “expeditiously” consider and reply to requests. Though her delegation agreed that that might be an appropriate best practice, it was not an existing obligation under international law. Careful analysis and consultation with relevant actors would be necessary in order to ensure that the draft articles did not undermine existing bodies of international law, such as international human rights law. In some instances, provisions currently described as binding obligations might be more appropriately framed as non-binding guidelines. Her delegation looked forward to further discussion of the draft articles in the working group.

89. **Mr. Hasenau** (Germany) said that Germany was open to the idea of elaborating an international treaty on the basis of the International Law Commission’s draft articles on the protection of persons in the event of disasters. Over the past few months alone, the world had witnessed several examples of environmental disasters. Scientific studies had shown that the number of such disasters was expected to increase in the future, yet there was no comprehensive and binding convention on international disaster response. The time therefore seemed ripe for the development of appropriate structures and instruments. The draft articles provided a good basis for the elaboration of a new convention.

90. The draft articles appropriately put a strong emphasis on the needs of those struck by a disaster. Draft article 4 stated that the human dignity of all affected persons must be upheld. Draft article 5 explained further that the human rights of such persons must be respected, as required by international law. In that regard, Germany also welcomed the statement in draft article 6 that the needs of the most vulnerable must be taken into account. Too often, it was forgotten that

not all persons were affected in the same way when disasters occurred.

91. Germany also approved of the general understanding of the sovereignty of States in the draft articles, namely that a State enjoyed rights and privileges as a consequence of its sovereign status while at the same time bearing responsibility for the protection of persons in the event of disasters, as reflected in particular in draft articles 10, 11 and 13. In that regard, Germany, as a regular provider of relief assistance, also welcomed draft article 16, which codified the duty of the affected State to protect all external relief personnel.

92. **Mr. Massari** (Italy) said that Italy wished to express solidarity with the people and authorities of Morocco and Libya in the context of the recent destructive events in those countries, which had resulted in deaths, human suffering and damage to physical infrastructure on a large scale. Italy had offered assistance to both countries in line with their requests and needs. It supported the recommendation of the International Law Commission that a convention be elaborated on the basis of the draft articles on the protection of persons in the event of disasters and welcomed the General Assembly’s decision, in its resolution [76/119](#), to engage in more substantive discussions within the framework of a working group of the Sixth Committee, with the aim of taking a decision on how to move the process forward.

93. Countries with less developed early warning systems and low coastlines were disproportionately affected by disasters related to extreme weather events. Nonetheless, such disasters also affected countries and regions with more developed early warning systems. States therefore needed to urgently consider global multilateral cooperation in the area of disaster preparedness and response, including through the development of appropriate legal instruments. In the political declaration of the high-level meeting on the midterm review of the Sendai Framework, adopted in May 2023, the General Assembly called upon States to ensure that disaster risk governance was supported by legal and regulatory frameworks, policies and plans at all levels. A universal convention on the protection of persons in the event of disasters would fill an important gap in international law and would be complementary to and in line with the Sendai Framework. The elaboration of such a convention would not be a mere exercise in progressive development detached from State practice and existing international law. Indeed, international cooperation on disaster risk reduction and response was commonly regulated through international legally binding instruments. A universal convention would provide the certainty and predictability missing from

soft law arrangements. It would cover specific disasters not covered by the large number of bilateral and regional legal instruments and some issue-specific multilateral agreements in existence. It would also inspire future bilateral, regional and sectoral arrangements.

94. **Ms. Zalabata Torres** (Colombia) said that, every day, disasters occurred around the world, causing ever more destruction and suffering. In that context, her delegation wished to confirm its support for the recommendation of the International Law Commission that a convention be elaborated on the basis of its draft articles on the protection of persons in the event of disasters. The draft articles constituted a good starting point for discussions in the working group on the subject. A large number of States, in particular States of the global South, were in favour of establishing a regulatory framework for the protection of persons in the event of disasters, largely because the existing body of bilateral and regional legal instruments on disaster prevention and management was disorganized and fragmented. The value of the draft articles was that they established a common legal framework to facilitate the humanitarian work of States and humanitarian institutions.

95. The draft articles struck a delicate balance between the principles of State sovereignty and non-interference, on the one hand, and the principles, rights and duties of humanitarian actors and international cooperation in disaster management, on the other. They also focused on the essential need to protect persons affected by disasters and respect their rights, on the basis of human rights law and international humanitarian law. They went beyond the management of the disaster when it occurred, by including provisions on the prevention, reduction and management of disaster risk. It was clear from the draft articles and the commentaries thereto that they were intended not to take priority over other existing rules applicable in the event of disasters but to fill legal gaps where those rules provided persons with insufficient protection.

96. Many of the greatest social challenges resulted from disasters that had occurred or would continue to occur, such as sea-level rise, desertification, new pandemics, and more frequent and severe earthquakes, hurricanes and floods. The negotiation of a legally binding instrument based on the draft articles would result in a flexible legal framework that included the various existing forms of cooperation and facilitated new initiatives, allowing for more efficient and coordinated prevention, mitigation and response by States and all other relevant actors. Such an instrument would fill a significant legal gap and provide legal certainty. A universal legal framework would be

complementary to, rather than abolishing or replacing, other obligations. Given the increasing frequency of disasters around the world, there was no time to waste. Her delegation would participate actively in the working group's discussions and encouraged other delegations to do likewise.

97. **Ms. Theeuwes** (Kingdom of the Netherlands) said that her country welcomed the International Law Commission's draft articles on the protection of persons in the event of disasters, which had contributed to clarifying the different roles and responsibilities of the main actors involved in disaster relief and were useful as non-binding guidelines that could improve the protection of persons affected by disasters in a practical way. They struck a balance between the right of the affected State to refuse offers of aid that were not in conformity with accepted principles on humanitarian assistance and the responsibility of that State not to withhold consent to external assistance arbitrarily. The draft articles also underscored the importance of removing obstacles in national law that would hamper speedy provision of assistance in the event of disasters that exceeded a State's national response capacity.

98. Despite the lack of a coherent international legal framework on the protection of persons in the event of disasters, her delegation had previously expressed hesitation with regard to the elaboration of a legally binding instrument on the basis of the draft articles, as some of the provisions went beyond existing international law, and their scope was rather broad. Nonetheless, her delegation would approach the working group with an open mind and was willing to engage constructively in exploring next steps.

99. **Mr. Cappon** (Israel) said that his country continued to support the efforts of the General Assembly to protect persons affected by disasters. Israel remained at the forefront of numerous relief missions around the world, demonstrating its commitment to mutual assistance and cooperation in times of crisis.

100. Regional and international cooperation in times of disaster deepened ties between nations and peoples. Large-scale disasters such as droughts, floods and heatwaves were increasingly frequent and intense, a trend that was not expected to diminish in the near future. Cooperation and assistance at all levels were vital in order to save lives and protect property. While Israel remained committed to improving the protection of persons affected by disasters, it reiterated its view that engagement in disaster relief should not be framed in terms of legal rights and duties. The International Law Commission's draft articles on the protection of persons in the event of disasters should therefore remain

as guidelines or guiding principles for international cooperation undertaken on a voluntary rather than binding basis. That approach would provide the flexibility required for effective disaster relief that reflected particular circumstances and local needs.

101. In 2023, Israel had sent humanitarian assistance to Türkiye to support those affected by the devastating earthquake there, and to Ecuador following a deadly landslide. In 2022, it had donated emergency supplies to Tonga after the volcanic eruption and resulting tsunami in that country. It would continue to provide assistance to persons in times of disaster not merely because of its international obligations but because doing so was part of its culture and heritage. At the same time, it encouraged Member States to continue to discuss whether a binding legal instrument was necessary in order to govern that area of law.

102. **Mr. Heidari** (Islamic Republic of Iran) said that his delegation commended the International Law Commission on the preparation of the draft articles on the protection of persons in the event of disasters. However, some of the provisions failed to strike a balance between the rights and obligations of affected States vis-à-vis those of assisting States and other relevant actors providing humanitarian assistance in the event of disasters. The draft articles also did not address the role and rights of transit States and their obligation to facilitate the transfer of humanitarian assistance or the obligation of the relevant actors to fully respect the laws and regulations of transit States.

103. The draft articles did not adequately address some practical situations that negatively affected the provision of humanitarian assistance. Moreover, while they identified a duty to cooperate on the basis of the principles of humanity, neutrality, impartiality and non-discrimination, they failed to address the adverse effects of unilateral coercive measures that dampened cooperation among States by hindering disaster response. In addition, States targeted by such measures were unable to meet their obligations under the current legal frameworks relating to disasters.

104. In the provision of assistance to those affected by disasters, all the principles enshrined in the Charter of the United Nations, in particular the sovereign equality of States and non-interference in their internal affairs, should be strictly observed. On the basis of the principle of national sovereignty, the affected State had the exclusive right to determine the severity of the disaster and to assess its response capacities. All assistance must therefore be provided in response to a request from that State. In addition, the draft articles should not leave any room for arbitrary interpretations that could justify

interference in the internal affairs of affected States under the guise of humanitarian assistance.

105. His delegation was of the view that the time was not ripe for elaborating a treaty on the basis of the draft articles, because the content of several provisions was not supported by sufficient and uniform State practice.

106. **Ms. Matos** (Portugal) said that, in its draft articles on the protection of persons in the event of disasters, the International Law Commission had made an important contribution to the progressive development of international law on the protection of persons in the event of disasters. The coronavirus disease (COVID-19) pandemic had demonstrated the urgency of establishing a sound and universal international legal framework applicable to disasters, in the broad sense in which the term “disaster” was defined in draft article 3. Indeed, it was likely that the world would continue to face calamitous events that resulted in widespread loss of life, great human suffering and distress, seriously disrupting the functioning of society.

107. The draft articles reflected the human rights-based approach taken by the Commission and represented a good balance between, on the one hand, the protection of human rights and the facilitation of international cooperation and, on the other, the principle of State sovereignty and the primary role of the affected State in providing disaster relief assistance. A legally binding international instrument should therefore be elaborated on the basis of the draft articles. Her delegation looked forward to discussing that possibility in the context of the working group.

108. **Mr. Lagdameo** (Philippines) said that the establishment of the working group to examine the International Law Commission’s draft articles on the protection of persons in the event of disasters and to consider further the Commission’s recommendation for the elaboration of a convention was a breakthrough that was long overdue. In September 2023, Morocco had been struck by the strongest earthquake in more than a century, while Libya had suffered a storm and massive flooding, with the consequent loss of lives and destruction of property. The Philippines stood in solidarity with the peoples of those countries. The Committee, with the mandate entrusted to it, could do more for the protection of persons in the event of such disasters.

109. As an archipelagic State located along the boundary of tectonic plates and at the centre of a typhoon belt, the Philippines was no stranger to disasters, such as the devastation caused by Typhoon Haiyan in 2013. Climate change and sea-level rise, which were expected to accelerate in the coming years,

would only exacerbate those challenges. Just and sustainable solutions were needed in order to protect those populations and persons who had contributed the least to global warming but who were the most vulnerable to it for reasons of geography.

110. The rationale for the draft articles – the frequency and severity of natural and human-made disasters and their impact – strongly resonated with the Philippines. By emphasizing human dignity, human rights – especially the right to life – and humanitarian principles, the draft articles were consistent with the Philippine Disaster Risk Reduction and Management Act of 2010. The Philippines therefore welcomed the opportunity to examine the draft articles further in the context of the working group. The points raised by delegations promised rich discussions on the various sections of the draft articles. Discussions were expected to focus on the definition of the term “disaster”; on whether or not applying the draft articles to both natural and human-made disasters affected the distinct legal systems that applied to each category; and on whether armed conflict should be explicitly excluded from the definition of “disaster”. Some States had also expressed the view that the COVID-19 pandemic fitted within the definition of “disaster”, and some had requested that epidemics and pandemics be included in the definition.

111. Some States had asked whether draft article 9 (Reduction of the risk of disasters) was sufficient. It had been suggested that the disaster risk reduction measures listed in the draft article include the preparation of the population at risk; that a clearer link to the Sendai Framework be established; and that it might be necessary to consider related issues in the context of the International Law Commission’s work on sea-level rise in relation to international law. States had also shared important insights on the duty to cooperate vis-à-vis the principle of sovereignty; on whether or not the duty to cooperate should be limited to cooperation between States and whether it should be separate from the duty to cooperate with international governmental organizations; and on whether or not the provision stating that States must expeditiously give due consideration to a request for assistance from an affected State encroached on the principle of the sovereignty of the State.

112. The Philippines would, in its national capacity, engage constructively within the working group on those and other issues, recognizing the urgent need for a prevention-focused, forward-looking and multilateral approach to reducing disaster risks. As the Philippines prepared to host the 2024 Asia-Pacific Ministerial Conference on Disaster Risk Reduction in Manila, the

protection of persons in the event of disasters would be a priority on its agenda.

113. **Mr. Pieris** (Sri Lanka) said that Sri Lanka, like many nations, had experienced the devastating consequences of disasters first-hand. As an island nation, it was particularly vulnerable to a range of natural hazards, from cyclones and floods to landslides and tsunamis. Given the rising frequency and severity of both natural and human-made disasters around the world, the international community had a duty to establish legal provisions to mitigate the consequences of such disasters and protect the persons affected. Sri Lanka therefore unequivocally supported the International Law Commission’s draft articles on the protection of persons in the event of disasters and the recommendation of the Commission that a convention be elaborated on the basis of the draft articles.

114. Sri Lanka had implemented legal provisions in line with the content of the draft articles, including the obligation on States to cooperate with each other and with international organizations in preventing and responding to disasters, the recognition of the right to life, the duty to provide timely information and the obligation to ensure non-discrimination in disaster response, with special protection for vulnerable groups, such as children, women, the elderly and persons with disabilities. At the same time, it should be borne in mind that States had several other obligations with regard to disaster management under international law, including treaties, customary international law and soft law instruments in the areas of international human rights law, international humanitarian law, international environmental law, international refugee law and the international law of State responsibility, under which States bore responsibility for failing to prevent or mitigate foreseeable disasters. His country’s commitment to fulfilling its obligations was exemplified by its adoption of the Disaster Management Act of 2005 and its establishment of the Ministry of Disaster Management in 2006.

115. The protection of persons in the event of disasters was a shared responsibility that transcended borders and should be guided by the principles set forth in the draft articles. Sri Lanka stood ready to engage in discussions within the working group.

The meeting rose at 1.05 p.m.