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Chair: Mr. Guerra Sansonetti (Vice-Chair) (Bolivarian Republic of Venezuela)

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In the absence of Mr. Chindawongse (Thailand), Mr. Guerra Sansonetti (Bolivarian Republic of Venezuela), Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Agenda item 86: Protection of persons in the event of disasters (continued)

1. **Mr. Escobar Ullauri** (Ecuador) said that the number of natural disasters around the world had increased by around 35 per cent since the 1990s, with severe impacts such as loss of life, mass displacements, food insecurity, outbreaks of disease and loss of livelihoods. For highly vulnerable countries such as Ecuador, the International Law Commission's draft articles on the protection of persons in the event of disasters, and the Commission's recommendation that a convention be elaborated on the basis of the draft articles, therefore took on particular importance. The development of an international legal framework to facilitate disaster response and disaster risk reduction would be an important contribution to the codification and progressive development of international law in respect of disasters.

2. The draft articles reflected a balance between, on the one hand, the protection of human rights and the facilitation of international cooperation and, on the other, the importance of upholding the fundamental principle of the sovereignty of States and the responsibility of the affected State to provide disaster relief assistance. His delegation also supported the emphasis in the draft articles on human dignity, human rights and humanitarian principles. At the same time, it was aware that there were elements of the draft articles that required further discussion, such as the distinction between natural and human-made disasters. It would therefore be following closely the debate in the working group established under the agenda item.

3. **Ms. Jiménez Alegría** (Mexico) said that her country's recent history had been marked by various natural disasters. While recognizing its own primary responsibility to respond to such disasters, Mexico had always relied on the solidarity and cooperation of the international community in both immediate and long-term recovery efforts. Mexico had also responded to emergencies beyond its borders, including by sending teams of experts in search and rescue operations. The impact of the floods, earthquakes, forest fires and other phenomena that had affected various regions in 2023 was a reminder of the need for a common legal framework to facilitate the coordination of humanitarian assistance and alleviate the suffering of millions of people around the world affected by disasters.

4. Mexico therefore welcomed the establishment of a working group to discuss the International Law Commission's draft articles on the protection of persons in the event of disasters and reiterated its support for the Commission's recommendation for the elaboration of a convention based on the draft articles. Given that the draft articles were based on various General Assembly resolutions and other instruments on international disaster law, such as the Yokohama Strategy for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness and Mitigation and the Sendai Framework for Disaster Risk Reduction 2015–2030, they provided a solid basis for negotiations on a future convention.

5. The discussions of the working group would focus on issues that a new legal instrument should address in order to ensure legal certainty with regard to cooperation on disaster risk reduction and disaster response, with particular emphasis on the protection of persons. The working group should give due consideration to the Commission's recommendation while taking into account the time frames and mandates for the discussion.

6. Mexico had laws and strategies in place to comprehensively address disasters, including a general law on civil protection, a national strategy for comprehensive disaster risk management and a national strategy for resilient communities, all of which were aligned with the Sendai Framework. Mexico also had in place bilateral agreements with Guatemala and the United States of America. International cooperation was key to strengthening disaster prevention and response and ensuring the protection of persons. Mexico would continue to participate in the discussions on the agenda item with a view to shifting from a reactive approach to an approach based on prevention, risk reduction and efforts to build the resilience of communities.

7. **Mr. Hollis** (United Kingdom) said that an average of more than 400 disasters took place each year globally. Many tools were available for effective response, in particular through advances in technology and data. However, progress was not shared equally, leading to needless loss of life and severe damage to people's health, homes and livelihoods. Poor and marginalized communities and groups, including women and girls, in lower-income and fragile countries were disproportionately affected by disasters, hampering progress towards several of the Sustainable Development Goals.

8. The United Kingdom recognized the principle of sovereignty of States and the primary role of affected States in responding to disasters, as well as the role of local actors and affected persons themselves in disaster

risk reduction, preparedness and response. It also recognized the important role that other States, regional organizations, the United Nations system, the International Red Cross and Red Crescent Movement and international non-governmental organizations (NGOs) played in helping States and populations affected by disasters. Nonetheless, the system of international response often faced significant challenges. The United Kingdom was committed to providing humanitarian assistance in accordance with the crucial humanitarian principles of humanity, neutrality, impartiality and independence. It consistently took the lead in work to improve disaster response and to promote proactive approaches to reducing disaster risk.

9. There was growing evidence of the impact of climate change on the intensity, frequency and duration of disasters. The United Kingdom was continuing to work with other donors to increase the volume of finance available to climate-vulnerable countries. It had also collaborated with humanitarian and private actors on disaster risk financing and had supported the risk transfer mechanism of the International Federation of Red Cross and Red Crescent Societies.

10. The International Law Commission's draft articles on the protection of persons in the event of disasters provided a helpful starting point for a discussion on whether and how an international convention could reduce the devastating harm caused by disasters. The United Kingdom was open to exploring the benefits of a convention and shared the ambition to improve disaster preparedness and risk reduction measures, improve cooperation and coordination, and better address the legal, regulatory and practical problems that arose in disaster response. It therefore looked forward to the forthcoming discussions in the working group.

11. **Mr. Kirk** (Ireland) said that the events of the past year alone left no doubt as to the urgent need to enhance international cooperation for disaster relief. Whether as a result of floods, droughts, earthquakes or wildfires, all States increasingly found themselves in a position of possibly needing the assistance of other States to respond to disasters. The severity and frequency of such events was, unfortunately, only increasing. There was therefore a need to make more concrete progress on building a legal framework to underpin and facilitate disaster relief.

12. His delegation welcomed the balance struck in the International Law Commission's draft articles on the protection of persons in the event of disasters between a rights-based approach and a needs-based approach with regard to the victims of disasters. For example, draft article 2 emphasized the importance of a response that

met the needs of the affected persons adequately and effectively and in a manner that fully respected their rights. The principal focus of the draft articles should be the practical and operational aspects of disaster relief. The dignity and human rights of those affected by disasters must continue to be respected in all circumstances, and the way in which that was reflected in any future instruments – whether in operative provisions or preambular provisions – was a matter for further consideration.

13. The current international legal framework on disaster response was fragmented. For example, there was no uniform definition of the term “disaster”; the definition in draft article 3 was therefore welcome. However, the requirement of serious disruption to the functioning of society as the key test for the applicability of the draft articles was somewhat unclear. His delegation wondered whether “society” meant an entire State only, or whether a region within a State, or indeed a cross-border area, could also be considered a “society” for the purposes of the application of the draft articles. While there was a need to maintain flexibility, that lack of clarity might lead to debates in instances where speedy disaster response would be more appropriate. His delegation welcomed in particular the reference to the International Red Cross and Red Crescent Movement, given the efforts made by the Movement to advance the issue of protection of persons in the event of disasters and its valuable practical experience in that area.

14. The elaboration of a convention on the basis of the draft articles would bring clarity to the field of international disaster law. Nonetheless, his delegation recommended a cautious approach, in particular where the draft articles created new law rather than simply facilitating the efficient delivery of assistance on the basis of existing principles. In that regard, his delegation questioned whether the most appropriate way forward was indeed a convention, or whether further consideration should be given to alternatives, such as guidelines. Either way, it would continue to engage in the discussion with a view to filling the gaps in the existing legal framework.

15. **Ms. Falconi** (Peru) said that Peru attached great importance to the International Law Commission's draft articles on the protection of persons in the event of disasters. A legal framework for disaster management and preparedness would be of great use to the international community. Peru was located in a region that was vulnerable to a wide variety of natural disasters, such as earthquakes, volcanic eruptions, floods and landslides. Experience had shown that an effective and coordinated response, based on the principles of

humanity, neutrality and impartiality, was essential in order to mitigate human suffering and ensure the protection of affected persons.

16. An appropriate balance was struck in the draft articles between the rights of persons affected by disasters and the principle of State sovereignty. For example, as stipulated in draft article 11, the affected State had a duty to seek external assistance only to the extent that a disaster manifestly exceeded its national response capacity. The interaction between the draft articles and international humanitarian law was reflected in draft article 18, which meant that the integrity of international humanitarian law as *lex specialis* was safeguarded. It was important to include a gender perspective and take account of vulnerable groups, such as women, children, the elderly and persons with disabilities, in all protection measures. Peru was pleased that the draft articles, in particular draft article 9, covered disaster risk reduction; they thus reflected a number of principles of international environmental law, such as due diligence, and were in line with recent developments, including the establishment of the Sendai Framework. The draft articles should be codified so as to consolidate an international regulatory framework for more effective disaster response.

17. **Ms. Chanda** (Switzerland) said that her delegation welcomed the establishment of the working group to discuss the content of the International Law Commission's draft articles on the protection of persons in the event of disasters. The aim of the draft articles was to strengthen the protection of persons by facilitating international cooperation and setting out the obligations of key actors, in particular States, in relation to disaster risk reduction. Switzerland was also pleased to note the importance placed on upholding humanitarian principles and taking into account the needs of particularly vulnerable persons when responding to disasters.

18. It was important to ensure that the draft articles were consistent with other instruments relating to the protection of persons in the event of disasters, including the World Health Organization International Health Regulations and the Sendai Framework, and with the mandates of such human rights entities as the Office of the United Nations Commissioner for Human Rights. In addition, the scope of application of the draft articles must be clearly defined in relation to international humanitarian law. It was essential to preserve the integrity of international humanitarian law and ensure that impartial humanitarian organizations were able to carry out their activities when disasters occurred in the context of armed conflicts. In particular, draft article 3 should specify that a situation of armed conflict did not

in itself qualify as a disaster for the purposes of the draft articles. Furthermore, the commentary to draft article 18 (Relationship to other rules of international law) was not sufficiently clear. It was important to ensure that there was no ambiguity as to the law applicable in a given situation. Moreover, the rights and obligations arising from international humanitarian law must not be weakened by the application of more restrictive rules to peacetime relief operations, as that could have repercussions for operations carried out during armed conflicts. The primary purpose of the draft articles must be to save lives by facilitating disaster relief operations.

19. **Mr. Nouh** (Egypt) said that Egypt wished to express its sympathy to Morocco following the devastating earthquake that it had recently experienced, and to Libya in connection with the recent storms and flooding there. The Egyptian armed forces had participated in the emergency response in Libya in coordination with that country's authorities.

20. The international community was witnessing ever more frequent and severe disasters caused by multiple factors, including climate change. No effort should be spared to develop the international legal framework needed to ensure the provision of humanitarian assistance in the event of disasters without encroaching on the sovereignty of States. It was therefore important to seriously engage in deliberations on the International Law Commission's draft articles on the protection of persons in the event of disasters in the context of the working group established for that purpose.

21. With regard to draft article 3, the definition of the term "disaster" should be the subject of agreement among all States. In the light of the coronavirus disease (COVID-19) pandemic, consideration should be given to the possibility of including pandemics in the definition. In addition, the provision of assistance to States affected by disasters should be consistent with the United Nations guiding principles of humanitarian assistance, in particular the principles of humanity, impartiality and neutrality. The responsibility of States to reduce the risk of disasters, as set out in draft article 9, was also an important pillar of the draft articles. With regard to draft articles 11, 13 and 14, the provision of assistance required the consent of the affected State; the principle of the sovereignty of States and non-interference in their internal affairs was paramount.

22. **Mr. Uddin** (Bangladesh) said that, in the past two decades, the number of disasters around the world had nearly doubled in comparison with the preceding 20 years, claiming 1.2 million lives, affecting more than 4 billion people and causing almost \$3 trillion in global economic losses. That alarming trajectory was projected

to continue, given that carbon dioxide concentrations had reached their highest level in at least 2 million years. In that context, it was imperative to establish a universally accepted legal instrument to protect individuals in the event of disasters.

23. Bangladesh welcomed 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. Such a convention would facilitate an effective and timely response to disasters, strengthen disaster risk reduction efforts, promote the rights and dignity of affected persons and address their need for assistance. However, it would need to be aligned with existing legal frameworks.

24. In Bangladesh, floods, tidal surges, cyclones and river erosion had become increasingly frequent. Although natural disasters posed substantial challenges to the country's development gains, Bangladesh had made remarkable progress in disaster preparedness, including the rescue, recovery and protection of people. It had adopted the Disaster Management Act and a comprehensive national plan for disaster management for the period 2021 to 2025 that was aligned with the Sendai Framework. Bangladesh had benefited from the support of the international community in disaster management and was now pleased to share its good practices and locally led technologies with the international community.

25. The draft articles addressed the affected State's duty to ensure protection and the international community's role in providing immediate assistance at that State's request. While they covered the essential elements of cooperation in the protection of persons in the event of disasters, certain provisions could benefit from further deliberation, and there was scope to introduce new elements. Capacity-building and technical assistance to help Member States to prevent disasters, as well as the protection of vulnerable groups, including women and children, were critical issues that should be covered in the text. His delegation would actively engage in the upcoming discussions in the Working Group.

26. **Ms. Zhao** Yanrui (China) said that, since the beginning of 2023, natural disasters had occurred frequently across the globe and had caused severe harm to the lives and property of persons in the affected regions. In that context, China supported the Committee's continued consideration of the current agenda item.

27. The draft articles on the protection of persons in the event of disasters adopted by the International Law Commission incorporated the inputs of countries and

international organizations to some extent. Parts of the text reflected international practice and consensus, as well as her country's proposals and philosophies. The fifth preambular paragraph stressed the principle of the sovereignty of States and reaffirmed the primary role of the affected State in providing humanitarian relief. China endorsed that provision and maintained that it should be a guiding principle throughout the text. Countries differed in their circumstances and their capabilities with regard to disaster response. On the question of whether and how to accept external assistance, the ownership of the affected State must be fully respected.

28. Draft articles 4 and 5 stressed that the human rights and human dignity of persons affected by disasters should be protected. In 2023, multiple regions in China had been severely affected by persistent heavy rainfall on a scale rarely seen in history. Her Government had rescued those trapped in a timely manner, made proper arrangements for those affected, promptly carried out post-disaster reconstruction and made every effort to ensure the safety of people's lives and property.

29. Draft articles 7 and 8 stressed the importance of international cooperation in response to disasters and listed several forms of cooperation. When China had been struck by natural disasters, many countries and international organizations had provided assistance, for which China was deeply grateful. China had also, to the best of its ability, offered help to other countries hit by similar disasters.

30. Draft article 9 stated that countries should take measures to reduce the risk of disasters and offered guidance as to the types of measures that they might take, depending on their own circumstances. China addressed the relationship between disaster prevention, mitigation and relief in a science-based manner and was working to improve its risk alert, monitoring and evaluation systems through measures such as the adoption of new laws.

31. There was still no consensus on whether an international convention should be elaborated on the basis of the draft articles. For example, the text overemphasized the duty of the affected State and failed to balance the rights and obligations of the affected State with those of the assisting actors. Draft article 11, under which the affected State had a duty to seek assistance from the international community, was not supported by international practice or *opinio juris*. In addition, draft article 13 stipulated that the affected State must not withhold consent to external assistance arbitrarily, yet the commentary to the draft article provided no clear

definition of the term “arbitrarily”, which could create a basis for interference in the internal affairs of the affected State under the pretext of providing assistance. China hoped that all parties would communicate to alleviate such concerns and stood ready to fully engage in discussions in the working group.

32. **Ms. Motsepe** (South Africa) said that her country had enacted legislation in 2002 providing for integrated and coordinated disaster management. Nonetheless, the recent severe flooding in South Africa had resulted in extensive damage and loss of life. The country’s experience was not unique; extreme weather was causing an increase in heatwaves, droughts, tropical cyclones and precipitation around the world. Africa was among the geographical areas most affected by climate change and the consequent disasters. Given the increasing frequency and complexity of disasters, there was a growing need for cooperation among States.

33. Her delegation welcomed the fact that the International Law Commission’s draft articles on the protection of persons in the event of disasters covered not only natural disasters but also human-made disasters. As indicated in the commentary to the preamble, the inclusion of human-made disasters was a distinctive characteristic of the draft articles. The interaction between natural and human factors in disasters should not be overlooked.

34. South Africa unequivocally supported the elaboration of a convention on the basis of the draft articles. The establishment of the working group was an important step in that regard. South Africa called upon States to work speedily to ensure that the proposed convention became a reality.

35. **Ms. Carral Castelo** (Cuba) said that her delegation reaffirmed its support for the International Law Commission’s efforts to improve the protection of persons affected by disasters. It had already pointed out various issues that should be taken into consideration in the elaboration of a convention based on the Commission’s draft articles on the protection of persons in the event of disasters, though the final wording of the draft articles should continue to be discussed by Governments to ensure that a text enjoying broad consensus was adopted.

36. The affected State bore the primary responsibility for ensuring the protection of persons and providing disaster relief and assistance in its territory. If a disaster exceeded its national response capacity, a State had the right to request or accept bilateral or international assistance. In that regard, the draft articles should be re-evaluated, as the current wording of draft article 11, which indicated that the affected State had a duty to

request bilateral or international assistance, did not reflect customary international law on the subject. It set out a rule constituting progressive development that did not enjoy international consensus. The establishment in a draft article of a rule that was contrary to the practice accepted as law by States constituted an attempt to modify current international law. Cuba therefore could not accept the draft article in question. At the same time, offers of international assistance should not be subject to any conditions or pressure, nor should such assistance be provided by elements that undermined the sovereignty of the affected State.

37. Disaster risk reduction measures should include, among other actions, the conduct of risk assessments, the collection and dissemination of information on risks and past losses, compliance with technical standards in investment to foster increased resilience by reducing vulnerabilities, and the introduction of climate change adaptation and mitigation measures with an emphasis on areas such as safe water, food security and health. The preparation of populations at risk and the installation and operation of early warning systems should also be taken into account.

38. The International Law Commission could not be considered, in and of itself, a type of legislative body responsible for establishing rules of international law. It should therefore proceed with caution in its work. Its value was to document topics in respect of which States had developed transcendental rules for international law and to propose topics in respect of which States might be interested in developing such rules. The draft articles in question were not an exercise in the codification of customary international law, but rather reflected progressive development. In that regard, her delegation stood ready to work together with all other Member States to achieve a consensus-based convention.

39. **Ms. Dakwak** (Nigeria) said that the recommendation of the International Law Commission to elaborate a convention on the basis of its draft articles on the protection of persons in the event of disasters was timely. The recent disasters in Morocco, Libya and Hawaii, United States, were reminders of the importance of such a convention. Nigeria commiserated with families that had suffered losses in such disasters across the globe, which had led to an increase in poverty, insecurity and health challenges, especially in less developed regions. In that context, Nigeria welcomed the establishment of the working group under the current agenda item. The establishment of appropriate structures and measures, guided by a legally binding international instrument, was key to assisting persons and communities affected by disasters.

40. The impact of disasters in Africa, exacerbated by climate change, was severe. Prevention and early warning strategies were of key importance. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa reflected Africa's commitment to the protection of persons, in particular internally displaced persons, during disasters. Nigeria itself had faced both large- and small-scale disasters, most often as a result of floods, storms, desertification and drought, which had caused deaths, injuries and loss of livelihoods. The National Emergency Management Agency had been established to coordinate resources for effective disaster prevention, preparedness, mitigation and response.

41. In order to reduce the risk of disasters, it was essential to build resilience in communities, invest in infrastructure and provide education on disaster preparedness. When disasters occurred, a well-coordinated response was important, especially in cases where recovery necessitated international cooperation. Comprehensive disaster management laws must be in place to that end. Her delegation condemned the use of unilateral coercive measures, which hampered the protection of persons affected by natural disasters and emergencies and infringed on fundamental rights. Paying special attention to the vulnerable and integrating a gender perspective into disaster management would promote inclusivity and thus contribute to the achievement of some of the Sustainable Development Goals.

42. The COVID-19 pandemic had underscored the need for multilateral approaches to addressing global disasters and the need for a common set of criteria for disaster management involving different entities. Nigeria thanked those who donated to emergency relief efforts and urged that such aid not be politicized.

43. Despite the divergence of views on the issue of protection of persons in the event of disasters, there was a growing awareness of the need for international law to strengthen prevention, response and recovery efforts. Protection was not limited to securing the survival and physical security of those affected but also encompassed the safeguarding of their rights under international law. Her delegation continued to support the elaboration of a convention based on the draft articles.

44. **Mr. Nyanid** (Cameroon) said that the planet was being attacked, and its reaction was having devastating consequences that would only worsen unless urgent, targeted action was taken to end the assault. His delegation welcomed the substantive work carried out by the International Law Commission in pursuit of a universal and more structured approach to dealing with

disasters. His delegation had faith in humanity, whose courage, commitment and determination had made it possible to respond to the distress of those affected by disasters even under the existing fragmented legal framework. His delegation looked forward to contributing to the efforts of the working group that had been established to consider the Commission's draft articles on the protection of persons in the event of disasters.

45. **Mr. Lompo** (Burkina Faso) said that over the past 10 years, his country had experienced drought, flooding, epidemics, and mass displacement resulting from terrorism. In response, his Government had adopted a law on the prevention and management of risks, humanitarian crises and disasters of all types and scales. It had also adopted a national disaster preparedness and response plan.

46. The proliferation of national, bilateral, regional and multilateral instruments on disaster risk reduction, management and response had led to a fragmented system of rules. Moreover, the lack of coordination between the entities responsible for implementing those instruments reduced their effectiveness on the ground. The elaboration of a convention on the basis of the draft articles on the protection of persons in the event of disasters adopted by the International Law Commission would be a means of overcoming those challenges. The Commission had found an appropriate balance between, on the one hand, the principles of State sovereignty and non-interference in the internal affairs of States and, on the other hand, the principles, rights and obligations applicable to actors responding to disasters. The draft articles also highlighted the need to respect the human rights of victims and international humanitarian law.

47. Burkina Faso was concerned about and affected by both natural and human-made disasters. In the Sahel region, the activities of armed terrorist and extremist groups hindered the ability of humanitarian actors and State agencies to respond to disasters, compounding their negative effects. Targeted and sustainable measures were needed to address that situation.

48. His delegation welcomed the reference to the fundamental value of solidarity in international relations in the preamble to the draft articles. Solidarity should be demonstrated in all phases of a disaster, without preconditions; populations that were victims of disasters must not be abandoned on the grounds of political or ideological decisions previously made by their leaders. His delegation also welcomed the reference in the preamble to the principle of the sovereignty of States and the reference in draft article 13 to the consent of the affected State to the provision of external assistance. The provision of assistance must not be used to manipulate

other States, interfere in their internal affairs or violate their sovereignty. His delegation also welcomed the inclusion of draft articles 4 (Human dignity), 5 (Human rights) and 9 (Reduction of the risk of disasters). Overall, the draft articles represented a significant contribution to international law and could serve as a valuable source of reference for States and other actors involved in disaster rescue and relief efforts.

49. **Ms. Ijaz** (Pakistan) said that, following the devastating floods of 2022 that had affected 30 million people in Pakistan, her Government was continuing to implement a comprehensive recovery and reconstruction plan and was also working to build resilience and further enhance its disaster risk reduction and disaster management strategies.

50. Without global cooperation, it would be challenging to protect any nation or people from disasters resulting from climate change. Given the increasing frequency of natural disasters around the world, the International Law Commission's draft articles on the protection of persons in the event of disasters provided valuable guidance for Member States. However, the text should draw inspiration from existing international humanitarian law instruments, including the United Nations guiding principles of humanitarian emergency assistance, in order to provide a comprehensive and robust framework for addressing risks and ensuring the effective delivery of assistance. Moreover, any forthcoming convention based on the draft articles should maintain a clear separation between natural and human-made disasters, since the applicable legal rules differed.

51. Given that disasters tended to magnify the vulnerability of already disadvantaged groups and countries, particular attention should be given to the disaster-prone countries in the global South. In particular, they should be provided with the financial assistance necessary for reconstruction and rehabilitation. In that regard, her delegation called for the urgent operationalization of the loss and damage fund agreed upon at the twenty-eighth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and for sufficient funding to be provided for the Central Emergency Response Fund.

52. The wording of draft article 11 (Duty of the affected State to seek external assistance) should be meticulously crafted to ensure respect for the sovereignty of States. It should not impose an obligation to seek external assistance indiscriminately, regardless of the actual need. Any provisions concerning a duty to seek external assistance must be aligned with the United

Nations guiding principles of humanitarian emergency assistance.

53. The State affected by a disaster had the exclusive right to request and terminate the provision of external assistance. Draft article 13, paragraph 2, which provided that consent to external assistance should not be withheld arbitrarily, was ambiguous and should be redrafted to ensure that there was no room for politically influenced interpretation, bearing in mind the need to respect the principles of sovereign equality, territorial integrity and non-interference in the internal affairs of States.

54. Given the differing perspectives on several of the draft articles, further discussions should be held, within the framework of the working group established under the agenda item, to determine how the draft articles would interact with existing legal frameworks. The text needed to be further refined before the possibility of using it as the basis for a convention could be contemplated.

55. **Ms. Kebe** (Sierra Leone) said that the increasing number and intensity of disasters was deeply worrying. In 2023 alone, Türkiye, Morocco and Libya had experienced devastating disasters with huge loss of life, destruction of property and displacement of persons. Strong international cooperation was required at all levels to address the huge humanitarian, economic and social impacts caused by such disasters, especially in already vulnerable communities. The adverse effects of climate change and the related security risks had heightened fragilities and should be at the heart of a constructive global dialogue on the protection of persons in the event of disasters. The protection of human dignity and human rights, with due regard being given to women, children and the most vulnerable groups in affected communities, should be a cross-cutting consideration in discussion of the topic and in all disaster management and response mechanisms. In that connection, her delegation appreciated the emphasis on human rights and dignity in the International Law Commission's draft articles on the protection of persons in the event of disasters.

56. Her delegation looked forward to engaging actively in the consideration of the draft articles within the working group established pursuant to General Assembly resolution [76/119](#). It was important to address the lacuna in facilitating international cooperation to protect persons in the event of disasters. Her delegation saw merit in pursuing the International Law Commission's recommendation regarding the elaboration of a convention on the basis of the draft articles, on the understanding that responses to disasters

must be embedded in the principles of sovereign independence, neutrality, impartiality and humanity, and that States could further strengthen the text to build broad consensus and universality.

57. **Mr. Khaddour** (Syrian Arab Republic) said that the number of natural and human-made disasters that had been occurring around the world made the need for urgent cooperation on the protection of persons in the event of such disasters more urgent than ever. Such cooperation must be governed by the relevant international rules in force, including the United Nations guiding principles of humanitarian emergency assistance, which provided that the sovereignty and territorial integrity of States must be fully respected and that the affected State had the primary role in the initiation, organization, coordination and implementation of humanitarian assistance within its territory.

58. The International Law Commission's draft articles on the protection of persons in the event of disasters should be further refined to ensure that they were consistent with international law and the United Nations guiding principles. The primary role of the affected State in the approval, management, coordination and organization of external assistance must be reflected in the text. The affected State had the exclusive right to request external assistance and to announce its termination. In addition, the principles of humanity, State sovereignty, territorial integrity and non-interference must be upheld at every stage. In that regard, draft article 13, paragraph 2, which stated that consent to external assistance should not be withheld arbitrarily, was vague and subject to broad interpretation. It might therefore be abused to bypass the primary role and sovereign decision-making power of the affected State, thereby paving the way for interference in the internal affairs of affected States under the pretext of humanitarian intervention, in violation of the principle of State sovereignty.

59. While the draft articles identified a duty to cooperate on the basis of the principles of humanity, neutrality, impartiality and non-discrimination, they failed to identify unilateral coercive measures as an impediment to the ability of States to respond to disasters and meet their obligations under the current legal frameworks related to disasters, including the Sendai Framework. Such measures were as harmful as natural disasters. For example, measures imposed against his country had affected its capacity to address the devastating impact of the earthquake that had occurred on 6 February 2023 and were a persistent obstacle to the provision of essential services, including electricity, health care and education. The draft articles should therefore include a reference to the need to lift

restrictions that undermined the capacity of States to respond adequately to disasters. The primary responsibility for the protection of persons and provision of disaster relief lay with the affected State, which had full authority over any offers of assistance. Offers must not be conditional or used to apply pressure on the affected State, nor should they undermine the sovereignty or territorial integrity of that State in any way.

60. **Mr. Hitti** (Lebanon), expressing solidarity with those affected by recent disasters in Libya, Morocco, the Syrian Arab Republic and Türkiye, said that an adequate and effective response to disasters was vital, as his country had seen following the explosion at the port of Beirut in August 2020. Solidarity and strengthened international cooperation in the facilitation of disaster relief were therefore of the essence, in particular for developing countries, which faced greater disaster management challenges.

61. The commendable work of the International Law Commission on the topic of protection of persons in the event of disasters was a further example of the Commission's valuable contribution to the progressive development and codification of international law. His delegation welcomed the fact that the Commission's draft articles on the protection of persons in the event of disasters were focused primarily on disaster response while also including important provisions on disaster risk reduction. It also welcomed the references to State sovereignty, human dignity and the humanitarian principles of humanity, neutrality and impartiality. Overall, the text was well balanced.

62. His delegation saw value in the elaboration of a convention on the protection of persons in the event of disasters but remained open-minded as to the course of action to be taken in respect of the draft articles and recognized that it was important for the Committee to further examine the text and identify possible improvements. His delegation looked forward to the discussions within the working group that had been established to consider the matter and was pleased that the working group would meet for full consecutive days, as that format allowed for more focused and dynamic deliberations that would likely result in meaningful progress.

63. **Ms. Hanlomyuang** (Thailand) said that as a member of the core group of States promoting a future United Nations convention on the protection of persons in the event of disasters, Thailand was convinced that such a convention was more necessary than ever. Human-made and natural disasters were occurring with increasing frequency and intensity, and slow-onset disasters such as sea-level rise would also have

devastating effects in the future. While no nation would be spared, the poorest and most vulnerable communities were likely to be the worst affected, as disasters affected their livelihoods and could slow, or even reverse, development gains. As the effects of climate change intensified, international cooperation to facilitate adequate and effective disaster risk reduction and response was vital.

64. While many valuable non-binding instruments had been adopted, efforts to prevent and respond to disasters were still fragmented. The logical next step would be to elaborate a universal legally binding instrument to fill the lacuna in international disaster law. A convention on the topic would also serve as a reminder that human rights, humanitarian principles and the inherent dignity of persons must continue to be respected in the context of disasters.

65. The International Law Commission's draft articles on the protection of persons in the event of disasters could form the basis for such a convention. They provided a broad framework that covered the various stages of the disaster cycle and struck a balance between upholding the principle of State sovereignty and protecting human rights. Her delegation welcomed the establishment of a working group to further consider the draft articles.

66. Over the past two decades, in response to the increasing frequency and scale of disasters, her region had made significant efforts to improve its framework for addressing disasters at all stages, from prevention to mitigation, response and recovery. In particular, the Association of Southeast Asian Nations (ASEAN) had concluded the Agreement on Disaster Management and Emergency Response, established the Coordinating Centre for Humanitarian Assistance on Disaster Management and adopted a standard operating procedure for regional standby arrangements and coordination of joint disaster relief and emergency response operations.

67. **Ms. Yankssar** (Saudi Arabia) said that the work of the International Law Commission on the protection of persons in the event of disasters had laid the groundwork for a solid legal framework on the matter. At the national level, her Government had developed a disaster risk reduction strategy and adopted goals linked to the Sendai Declaration. It also participated in various forums seeking to strengthen the legal framework for disaster risk reduction and response and afford the highest level of protection to all those affected by disasters.

68. Access to disaster relief must be equitable and non-discriminatory. Moreover, the principle of State sovereignty and the national laws of the affected State

must be respected at all times. Saudi Arabia stood in solidarity with all those affected by disasters, wherever they lived. For many decades, her Government had worked to meet the needs of affected persons, including in isolated and remote areas, regardless of their race, gender or religion and in accordance with the strictest international standards. It would continue to participate actively in collective disaster response efforts through the United Nations system and other international partnerships.

69. Saudi Arabia reiterated its support for the efforts of the International Law Commission to establish an adequate legal framework for the protection of persons in the event of disasters. It remained ready to share its experience in disaster risk reduction, response and rehabilitation and would continue to provide capacity-building support to help Member States conduct risk analyses and develop response plans.

70. **Mr. Tan** (Singapore) said that more than 70 disaster events had occurred in the ASEAN region in August 2023 alone. The COVID-19 pandemic had demonstrated how factors beyond the direct cause of a disaster could slow disaster response and the provision of aid. Singapore stood in solidarity with countries affected by disasters and endeavoured to respond to every call for assistance.

71. Whatever course of action was ultimately taken in respect of the draft articles on the protection of persons in the event of disasters developed by the International Law Commission, the text should continue to reflect the diversity of State practice, in order to ensure coherence with the principles that currently guided States' provision of support to other countries affected by disasters. For instance, draft article 12, paragraph 2, which provided that requested entities should expeditiously give due consideration to requests and inform the affected State of the reply, reflected the corresponding article in the ASEAN Agreement on Disaster Management and Emergency Response, which had informed the contributions of Singapore to disaster relief efforts in the region.

72. In accordance with the principles of respect for sovereignty and territorial integrity, States should have the right to determine whether to provide, seek or receive assistance and to determine what measures should be taken to reduce the risk of disasters. The stipulation in draft article 13, paragraph 1, that the provision of external assistance required the consent of the affected State was consistent with the ASEAN Agreement, in which it was explicitly stated that the sovereignty and territorial integrity of the parties must be respected. Overall, the draft articles were an

important contribution to international law in the field of disaster response, and could serve as a useful guide for States and others engaged in disaster relief.

73. **Mr. Lippwe** (Federated States of Micronesia) said that his delegation welcomed the establishment of a working group of the Committee to examine the International Law Commission's draft articles on the protection of persons in the event of disasters. The Committee's work on that text and on the draft articles on prevention and punishment of crimes against humanity represented a long-overdue increase in the Committee's engagement with the Commission's outputs.

74. His delegation was open to the elaboration of a convention on the basis of the draft articles in which the definition of "disaster" encompassed the adverse effects of anthropogenic greenhouse gas emissions, including sea-level rise, destructive storms and ocean acidification. Those effects typically resulted, or could result, in widespread loss of life, great human suffering and distress, mass displacement, or large-scale material or environmental damage causing serious disruption to the functioning of society, as referred to in the definition of "disaster" in the draft articles. Indeed, such effects were already being seen in many parts of the world, including in the Pacific region.

75. Any future convention must not weaken existing commitments to tackle the climate crisis. Draft article 9 provided that States must take measures to prevent, mitigate and prepare for disasters, but it characterized that obligation as an effort to reduce the risk of disasters, thus implying that disasters were inevitable. In the context of anthropogenic greenhouse gas emissions, such wording could lead to efforts being focused on adaptation, rather than mitigation. In order to tackle the climate crisis, the risk of disasters must be eliminated, not merely reduced, and mitigation of emissions was central to that effort.

76. With regard to a future convention, his delegation cautioned against an approach that prioritized the offering of external assistance on a voluntary basis, in particular with respect to climate change-related disasters that might be covered by such a convention. Care must be taken to ensure that a future convention did not weaken existing international obligations requiring developed countries to provide funding and other forms of assistance to developing countries that were particularly vulnerable to the adverse impacts of anthropogenic greenhouse gas emissions, including obligations under the United Nations Framework Convention on Climate Change, the Paris Agreement and the United Nations Convention on the Law of the Sea.

77. **Ms. Nze Mansogo** (Equatorial Guinea) said that it was crucial to protect persons in the event of disasters, particularly in the light of the climate change-driven increase in the frequency and severity of natural disasters and the impact of such disasters on the socioeconomic development of affected countries and their neighbours. Disasters such as volcanic eruptions, tsunamis, floods, droughts, landslides, earthquakes and tornadoes, particularly when they occurred in developing countries, often left people homeless or in other precarious situations. In the chaos following a disaster, it was important to provide effective and coordinated responses to assist those affected, and to keep in mind the increased risk of human rights violations at such a time.

78. Her delegation considered appropriate the International Law Commission's recommendation that the General Assembly elaborate a convention based on the draft articles on the protection of persons in the event of disasters, although it was also open to the possibility of transforming the draft articles into a binding instrument of some other kind. Any future instrument should complement, and not contradict, the existing international and regional instruments on the subject.

79. Equatorial Guinea had reservations about the broad definition of "disaster" in draft article 3, given that the actions, obligations and responsibilities of the affected State, third States and other actors could vary, depending on the nature of the disaster. For the purposes of the draft articles, her delegation considered "disaster" to mean a natural disaster.

80. Given the history, in particular in Africa, of situations in which assisting States had abused the provision of humanitarian assistance for political purposes, which could negatively affect the situation and stability of the affected State and its people, her delegation stressed that any assistance must be provided with full respect for international law, in particular the principles of State sovereignty, non-interference and sovereign equality. Her delegation welcomed the reference in the preamble to the draft articles to the principle of the sovereignty of States. The primary responsibility for ensuring the protection of persons and providing assistance in the event of a disaster lay with the affected State, which had a right – not an obligation – to request assistance from and cooperate with other actors. Her delegation welcomed the articles concerning the establishment of proactive measures to reduce the risk of disasters and minimize the damage they caused.

81. Despite the diversity of views concerning the future of the draft articles, it should be possible to

negotiate an instrument that would fill the current gaps in international law regarding international cooperation on the protection of persons in the event of disasters. Equatorial Guinea was committed to supporting the development and implementation of measures to reduce the risk of disasters and facilitate an effective and adequate response when they did occur. It stood in solidarity with the countries that had recently been affected by natural disasters, including Morocco, the Syrian Arab Republic and Türkiye.

82. **Mr. Thapa** (Nepal) said that climate catastrophe was exacerbating the scale and frequency of natural and human-induced disasters that were devastating to lives, livelihoods and property. Disaster-prone developing States, in particular the least developed countries and small island developing States, were more vulnerable to such disasters. International cooperation and various forms of external assistance were crucial to protecting people and their property before, during and after disasters. Multi-stakeholder platforms on disaster risk reduction based on agreed international legal instruments and frameworks could be used to bolster the collective capacity to respond to disasters. As a country with high vulnerability to disaster risks and a history of devastating earthquakes and floods, Nepal attached great importance to the agenda item under discussion. The people of Nepal remained grateful for the solidarity and support received in the immediate aftermath of the catastrophic earthquake of 2015.

83. It was the primary responsibility of the affected State to protect the environment and the lives and property of persons from disasters in its territory. If needed, the affected State could request the international community for humanitarian assistance, but it retained the right to evaluate and give consent to the types and scale of external assistance provided, on the basis of its domestic rules and regulations. External assistance should not undermine the Nansen Principles, including human dignity, human rights, humanity, impartiality, neutrality and non-discrimination, nor the principles of State sovereignty and non-intervention in the internal affairs of States.

84. The International Law Commission's draft articles on the protection of persons in the event of disasters provided a basis for the elaboration of an international legally binding instrument that would institutionalize and harmonize existing practices and measures for disaster prevention and response, risk reduction and the protection of persons. A new convention should specify the rights and obligations of all States, whether affected or assisting States, and other assisting actors.

85. Nepal was committed to fulfilling its international obligations on disaster risk reduction. It had signed a model agreement with the United Nations on facilitating the movement of relief consignments and possessions of relief personnel in the event of disasters and emergencies, and had intensified its efforts to achieve the targets of the Sendai Framework. It had introduced several domestic legal instruments, such as the Disaster Risk Reduction and Management Act. Under the Constitution, both federal and provincial governments were responsible for carrying out disaster preparedness, rescue, relief and rehabilitation. The Government had also instituted a multi-hazard early warning system. Provisions already implemented at the national level could be integrated into the international legal framework. Nepal urged Member States to engage constructively in the development of a convention based on the draft articles.

86. **Mr. Papac** (Croatia) said that his delegation commended the work of the International Law Commission to develop the draft articles on the protection of persons in the event of disasters. The increasing frequency and severity of natural and human-made disasters, and their short-term and long-term damaging impact, mentioned in the preamble to the draft articles, justified the elaboration of a universal legal framework on the protection of persons in the event of disasters. The existing body of bilateral, regional and multilateral agreements on the subject was fragmented and, in some respects, contradictory, and was insufficient to facilitate international cooperation in every case. A universal legal framework would not only fill the lacuna in international disaster law, but also contribute to the development of future legal instruments on international cooperation in every region of the world.

87. The draft articles rightly reflected the principles of State sovereignty and non-intervention and confirmed the primary responsibility of the affected State for the protection of persons in the event of disasters. In addition, the draft articles provided for the protection of persons during all stages of a disaster, not only the stage of immediate post-disaster response, but also the stages of disaster prevention and mitigation. They asserted the rights and obligations of affected States as well as those of third States and non-governmental or intergovernmental organizations that were involved.

88. While it was understandable that many delegations wished to highlight recent disasters in their remarks, especially if such disasters had affected their country or region, they should bear in mind that the Committee's deliberations were intended to encompass the bigger picture. Every country was vulnerable and affected by

disasters in some way. Croatia supported the Commission's recommendation for the elaboration of a convention on the basis of the draft articles.

89. **Ms. Antonova** (Russian Federation) said that her country had accumulated substantial experience in the provision of assistance to foreign States in a variety of emergency situations and had concluded many treaties in that area. The absence of a specific international legal instrument on the subject had never been a hindrance; assistance had been provided on the basis of requests from affected States. As far as her delegation was aware, other States did likewise. There was, therefore, no legal vacuum in that regard.

90. The intensity of both natural and human-made disasters was increasing. Developing countries, in particular those that were already especially vulnerable, were the worst affected. The protection of persons in the event of such disasters was of paramount importance. Her delegation therefore supported the discussion of the topic in the context of a working group of the Committee and hoped that it would enable objective analysis of the International Law Commission's draft articles on the protection of persons in the event of disasters, focusing on the question of whether or not the text was really useful for States. For her delegation, the answer to that question was not obvious.

91. The draft articles suffered from a serious internal imbalance, largely because the human rights approach had prevailed over the practical approach. The central idea of the draft articles was to protect persons not from disasters but from their own State. There were parallels with the notorious concept of the responsibility to protect, which had not become an international legal rule and had been used in bad faith by a number of countries as an instrument for interfering in the internal affairs of States and bringing about the change of "undesirable" regimes.

92. In the draft articles, the rights of the affected State were not recognized, yet such a State was subject to many obligations, specifically the duty to seek assistance to the extent that a disaster manifestly exceeded its national response capacity; the duty to ensure the protection of persons and provision of disaster relief assistance; the duty to take measures to facilitate the provision of assistance; and the duty to ensure the protection of relief personnel, equipment and goods. That long list of obligations was more likely to distract the affected State from taking urgent action than help it to deal with the disaster effectively.

93. By contrast, those who provided external assistance had full discretion and were subject to no preconditions. They were not required to respect the

sovereignty of the affected State, refrain from interfering in its internal affairs or promptly respond to its needs. That approach was inconsistent with the principles of solidarity and cooperation and would exacerbate the already vulnerable situation of the affected State. The elaboration of a truly universal treaty on the protection of persons in the event of disasters would require extensive revision of the draft articles so as to shift the focus from the obligations of the affected State to its needs and rights. In particular, the provision of external assistance should be at the request and with the consent of the affected State, as provided in General Assembly resolution [46/182](#). The primary goal of assistance was to minimize the number of lives lost and reduce the suffering of the population and the scale of damage to property and the environment.

94. There should be clear provisions stating that it was unacceptable to politicize the provision of assistance, or to impose assistance or make it dependent on the resolution of extraneous issues. In addition, any assistance must be provided in compliance with the laws of the affected State and without infringing on that State's sovereignty or interfering in its internal affairs. The provision of assistance must not be used to collect classified information of a political, economic or military nature; it should be undertaken in full transparency, and the affected State should be provided with comprehensive information on the activities concerned and their sources of funding.

95. The definition of the term "disaster" in draft article 3 needed to be improved, as it was currently far from all-encompassing. For example, it did not take account of the fact that disasters were often transboundary in nature. It should also include unilateral coercive measures as a human-made disaster and as a circumstance that significantly undermined the ability to protect people. However, it was not easy to develop a universal definition of the term "disaster"; there was no unified or dominant approach in national and international practice. For example, in Russian law the term "emergency situations" was used to cover dangerous phenomena and disasters.

96. Draft article 10 referred to the "primary role" of the affected State in the direction, control, coordination and supervision of assistance, which looked like an encroachment on the absolute and exclusive right of the State to independently address all internal issues. Instead, the draft article should refer to the exclusive prerogative of the State.

97. As a result of the human rights bias in the draft articles, almost no attention was paid to practical issues such as the procedure for sending a request for

assistance; management of the activities of assistance teams, including the provision of equipment for such teams and their reporting on the work done; conditions for crossing the border of the affected State and staying in its territory; the procedure for transit through the territory of the contracting parties; the procedure for the use of transport in the provision of assistance; the distribution of costs; and insurance and compensation for damage caused during restoration work. Such provisions would be consistent with modern treaty practice in the area concerned, contribute to the streamlining of inter-State relations and, most importantly, accelerate the resolution of practical issues, thereby saving precious time in emergency situations. Lastly, it was important to reflect the idea that equipment, materials and goods necessary for the provision of assistance should not be subject to unilateral coercive measures.

98. **Ms. Taye** (Ethiopia) said that the development of rules on the protection of persons in the event of disasters would involve the consolidation of the applicable principles relating to human rights, humanitarian law and humanitarian assistance and, therefore, should not entail the introduction of new concepts or a radical shift from the existing norms of international law.

99. Human-made disasters gave rise to situations with a heightened risk to public health, order and national security that required effective management by the affected country and adherence by humanitarian actors to the rules on the ground. Although Ethiopia agreed with the inclusion of both natural and human-made disasters within the scope of the draft rules on the protection of persons in the event of disasters, the definition of “disaster” needed to be clear and specific, leaving no room for broad interpretation.

100. States had the primary responsibility for catering to the needs of their people in the event of disasters. The decision regarding how, when and from whom States must seek international support should be left to States and needed no hard and fast rules.

101. Her delegation suggested that, in developing a normative framework for the protection of persons in the event of disasters, the Committee might draw inspiration and lessons from the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, the only binding legal instrument in the field. The Convention established a legal framework for prevention and mitigation of the human toll of human-made and natural disasters. Lastly, the perspectives of Member States, especially those that were prone to disasters and that

relied on international cooperation to cope with the ramifications of those events, must be given due consideration.

102. **Ms. Abd Karim** (Malaysia) said that the topic of protection of persons in the event of disasters had generally been approached pragmatically and with due regard for such principles as humanity, impartiality, neutrality and non-discrimination, as well as the principles of State sovereignty and non-intervention. In view of the growing number of natural disasters, the International Law Commission’s draft articles on the protection of persons in the event of disasters dealt with an increasingly relevant area of public international law.

103. Contrary to the views of some delegations, her delegation believed that the draft articles should not take a legally binding form such as an international convention. Instead, States should be given the option to decide whether or not to adopt them. States that did not adopt the draft articles could still make reference to them when necessary. Therefore, the draft articles could be seen as the international point of reference with regard to disaster relief and management.

104. Noting that the working group on the topic would be further discussing the draft articles, she said that, at the current preliminary stage, further clarification was needed in order to understand their effects. The Commission’s work would be most valuable where it provided best practices and principles that States could implement in accordance with their ability and the prevailing situation. The draft articles should therefore be approached as a means of providing practical guidance and promoting cooperation rather than as the basis for the elaboration of an international agreement.

105. **Ms. Nyakoe** (Kenya) said that the international community consistently responded to disasters, sometimes efficiently, while at other times the need for better coordination and collaboration was apparent. There was therefore a need for a practical framework to guide international responses, especially with regard to the protection of persons. The International Law Commission’s draft articles on the protection of persons in the event of disasters provided a good foundation for discussion. However, in order to avoid ambiguity and contradictions, the Committee should not lose sight of existing rules in its efforts to clarify the rights and responsibilities of both the recipients and the providers of humanitarian assistance.

106. The Committee should also consider how the draft articles intersected with other critical elements of disaster management, such as early-warning mechanisms and the building of resilience. Kenya would continue to closely follow the discussions on the topic,

fully aware of the need for improved mechanisms of disaster response as the frequency and severity of disasters around the globe increased.

107. **Mr. Lasri** (Morocco) said that, in view of the destructive effects of climate change on the planet's ecosystem, Morocco welcomed the International Law Commission's draft articles on the protection of persons in the event of disasters. Morocco had experienced natural disasters throughout its history. Most recently, in September 2023, an unprecedented earthquake in the Haouz region had caused major human, material and cultural losses, wiping out entire villages. His Government had implemented an emergency strategy to provide assistance to victims and had also set up a special fund to collect voluntary contributions to support victims and respond to recovery needs.

108. With respect to the draft articles, the word "unpredictability" should have been included in the second paragraph of the preamble, as that was a characteristic of force majeure events. In addition, neither draft article 3 (a) nor the commentary thereto included a reference to the loss of cultural heritage, which should be taken into consideration as one of the impacts of disasters.

109. With regard to draft articles 11 to 17, it would have been pertinent to review the modalities for the provision of assistance to the affected State. The time frame for a State or international organization to consider a request for external assistance, as set out in draft article 12, paragraph 2, and the commentaries thereto, was qualified by the word "expeditiously". That term should have been clarified, as it did not specify the time within which a State should respond to a request for assistance or the means, capacity for intervention and discretion of the State involved. At the same time, the principle of the sovereignty of the affected State must be respected, contrary to what was suggested in draft articles 11 and 13, paragraph 2, and the commentaries thereto. Regardless of the vulnerability of an affected State or the urgency of the situation it faced, it retained sovereignty over the decisions that it considered appropriate for the protection of its citizens. The draft articles required further discussion before any diplomatic conference on the subject could be convened.

110. **Mr. Panier** (Haiti) said that the issue of protection of persons in the event of disasters was of the utmost importance to Haiti. Owing to its geographical and geodynamic position, the country was highly vulnerable to both natural and human-made disasters, the impact of which was exacerbated by persistent socioeconomic challenges. Haiti therefore understood the value of effective international cooperation to protect people in

distress. Climate change was increasing the country's vulnerability to natural disasters. However, Haiti was also currently experiencing mass displacements caused by violence, which had led to growing insecurity.

111. Haiti firmly supported the proposal for the elaboration of an international convention on the basis of the International Law Commission's draft articles on the protection of persons in the event of disasters. Such an instrument would help to strengthen international cooperation and mobilize the assistance and resources needed to mitigate the impact of disasters.

112. Disaster prevention and risk reduction, as well as local and national capacity-building, were important considerations and required sustained investment. In that regard, his delegation called on Member States to act in solidarity and support States that were particularly vulnerable to natural disasters. The increasing frequency and intensity of disasters demanded a unified and proactive response, based on the principles of international solidarity and mutual respect, and with respect for State sovereignty, human dignity and human rights. Humanitarian interventions must be coordinated, transparent and aligned with the needs and priorities of affected States. In the light of its experience, in particular the response to the 2010 earthquake, Haiti called for international aid to be provided in a manner that respected the country's specific priorities and needs. Effective and transparent aid management mechanisms were fundamental to ensuring that aid reached those who needed it and preventing the misuse of funds.

113. **Ms. Vea** (Tonga) said that the agenda item under discussion was of paramount importance to the people of Tonga, who were living under the existential threat of climate change, which had resulted in increasingly intense hurricanes and rapid sea-level rise. In addition, Tonga faced more frequent earthquakes owing to increased volcanic activity. The eruption of an underwater volcano off the country's coast in January 2022 had triggered a tsunami of unprecedented height, which had caused widespread economic and social damage. Tonga was grateful for the support that Member States, the United Nations system and other international partners had provided in its time of need.

114. Her delegation commended the International Law Commission for its work on the draft articles on the protection of persons in the event of disasters. However, some elements of the text required further deliberation. The Committee should carefully consider the draft articles with a view to providing those affected by disasters with timely and appropriate assistance.

115. As mentioned in many forums by other countries in the Pacific region, lack of timely access to finance prevented small island developing States from making progress in tackling climate-related hazards. In that regard, Tonga called for action to review funding mechanisms, prioritize short-term post-disaster financing and address long-term risk reduction. It also called for greater investment in building resilience. In addition, early warning systems were vital for long-term risk mitigation and reduction. In that regard, Tonga affirmed its commitment to the implementation of the Secretary-General's Early Warnings for All initiative. It welcomed the sharing of best practices in the hope of building resilience to disaster risks.

116. **Ms. Nguyen Quyen Thi Hong** (Viet Nam) said that Viet Nam shared the concern of other States about the increasing frequency and impact of natural and human-made disasters. International cooperation and support were vital in helping countries that lacked the capacity to respond effectively to disasters. Recent natural disasters in India, Libya, Pakistan, the Philippines, the Syrian Arab Republic and Türkiye, among other countries, had affirmed the urgent need for global cooperation to minimize the consequences of disasters.

117. The draft articles on the protection of persons in the event of disasters were an important contribution by the International Law Commission to the field of international law governing disaster relief. They should serve as a guide for States and other actors engaged in disaster relief and should not create additional procedures that might complicate the process.

118. Although international cooperation in disaster relief needed to be strengthened, States retained the primary responsibility for providing disaster relief and protecting their people. The principles of the Charter of the United Nations, including State sovereignty, self-determination and non-interference in the internal affairs of States, must be respected. Her delegation welcomed further discussion of the draft articles, including the question of their compatibility with other international instruments and national laws, with a view to achieving consensus on the way forward.

The meeting rose at 6 p.m.