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Chair: Mr. Abdelaziz (Vice-Chair) (Egypt)
later: Ms. Al-Thani (Qatar)

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In the absence of Ms. Al-Thani (Qatar), Mr. Abdelaziz (Egypt), Vice-Chair, took the Chair.

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

Agenda item 80: Report of the United Nations Commission on International Trade Law on the work of its fifty-fourth session (continued) (A/76/17)

1. **Mr. Butt** (Pakistan) said that his delegation took note of the adoption by the United Nations Commission on International Trade Law (UNCITRAL) of six texts, including the UNCITRAL Legislative Guide on Limited Liability Enterprises, the UNCITRAL Mediation Rules, the UNCITRAL Expedited Arbitration Rules and the new article 1, paragraph 5, of the UNCITRAL Arbitration Rules, and the UNCITRAL Legislative Recommendations on Insolvency of Micro- and Small Enterprises.

2. With regard to the work of Working Group I (Micro-, Small and Medium-sized Enterprises), his delegation recognized the importance of reducing the legal obstacles faced by micro-, small and medium-sized enterprises throughout their life cycle, in particular those in developing economies. Such enterprises had limited bargaining power and many of the obstacles they faced were exacerbated by the fact that they operated in the informal economy, thus missing the growth opportunities offered by the domestic and international markets. Pakistan hoped that the UNCITRAL Legislative Guide on Limited Liability Enterprises, in particular the simplified legal form for micro-, small and medium-sized enterprises, would encourage their migration to the formal sector, which would increase business registration of previously unregistered enterprises, thus promoting greater compliance with legal requirements.

3. In relation to the work of Working Group II (Dispute Settlement), Pakistan noted the entry into force of the United Nations Convention on International Settlement Agreements Resulting from Mediation (the Singapore Convention on Mediation). The Working Group should, in its deliberations on expedited arbitral proceedings, balance the efficiency of the arbitral proceedings and the rights of the disputing parties to due process and fair treatment.

4. Pakistan was pleased to have co-sponsored the initiative of Japan to enlarge the membership of the Commission, which reflected the interests of various groups and represented a compromise solution, and remained engaged in the work of Working Group III (Investor-State Dispute Settlement Reform). It was its understanding that the Working Group's revised

workplan was a notional document and only a guide for the Working Group to progress its work, and that the focus should be on a request to the Commission for additional resources and the rationale for such a request. The workplan should continue to evolve in view of the specific concerns expressed by some Member States.

5. Consideration of cross-cutting issues, currently placed under the category of reform of procedural rules for investor-State dispute settlement, would require more conference time and would need to be placed preferably as a separate work stream. It was curious that the matter of damages, in particular, did not have a central place in the workplan, given that the size of the damages awarded against States in recent years had been at the forefront of critiques of investment arbitration and involved many procedural dimensions. The matter went to the heart of the reform process, since the result of the current situation was a system that was alleged to favour investor claimants and place a considerable burden on developing States. For the sake of the legitimacy of the global investor-State dispute settlement system, a balance must be struck between the rights and obligations of States and those of investors.

6. The limited resources available to developing States and the technical difficulties that restricted their effective participation in informal sessions should be fully taken into account in the workplan. The adoption of reform elements on a "rolling basis" might not allow issues of particular interest to developing countries to be considered at an early stage, and could prevent the Working Group from taking a holistic, balanced approach to the reform.

7. Developments in the four years since the launch of the reform project had strengthened the case for broad action. At subsequent sessions of the Commission, therefore, high priority must be given to addressing the workplan's deficiencies.

8. **Ms. Kilgallen-Asencio** (Canada) said that her delegation commended the Commission on adopting six legislative texts during the session, including the UNCITRAL Mediation Rules, the UNCITRAL Notes on Mediation, and the Guide to Enactment and Use of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (2018). It also commended the working groups on their contribution to that effort. The work of Working Group II had led to the adoption of the UNCITRAL Expedited Arbitration Rules, which would provide for a streamlined, simplified and cost-effective procedure that preserved the fundamental principles of arbitration, such as party autonomy and due process. The Expedited Arbitration Rules were a

viable alternative for commercial parties seeking to settle disputes quickly. Micro-, small and medium-sized enterprises would benefit from rules specifically adapted to their needs.

9. The work of Working Group III had led to the adoption of the UNCITRAL Legislative Recommendations on Insolvency of Micro- and Small Enterprises and the UNCITRAL Legislative Recommendations on Limited Liability Enterprises. The Working Group had conducted its work through inclusive, transparent and broad discussions. While progress in relation to the Working Group's workplan had been steady, the momentum must be maintained in order to complete the project by 2025. Canada therefore welcomed the Commission's allocation to the Working Group of one additional week of conference time per year from 2022 to 2025.

10. The Commission's work on the recognition of foreign judicial sales of ships, and on the cross-border recognition of identity management and trust services, was of great value.

11. Canada also commended the Commission on its recommendation to enlarge its membership from 60 to 70 States. As one of the co-sponsors of the initiative, which had been led by Japan, Canada encouraged the General Assembly to approve the enlargement, which would allow more States to participate in the Commission's work, and would further the harmonization and development of international trade law.

12. **Mr. Guerra Sansonetti** (Bolivarian Republic of Venezuela) said that his delegation welcomed the six legislative texts adopted by the Commission. In the face of unprecedented global challenges, the Commission had demonstrated its importance to the promotion of the rule of law, since its work to harmonize international trade law served as a point of reference for economic recovery through fair and clear legal frameworks that allowed for equitable and inclusive development. The Bolivarian Republic of Venezuela deplored the increasing use of unilateral coercive measures, which were a flagrant violation of the Charter of the United Nations and an obstacle to international trade.

13. His delegation thanked the Commission and the Secretariat for adjusting the Commission's working methods while preserving transparency, inclusivity, multilingualism, efficiency and equality in its work.

14. **Mr. Johnson** (Chair of the United Nations Commission on International Trade Law) said that he counted on delegations' support for the Commission's

work, including the request for additional conference time and resources for Working Group III.

Agenda item 87: Protection of persons in the event of disasters

15. **Ms. Challenger** (Antigua and Barbuda), speaking on behalf of the Alliance of Small Island States, said that, as the hurricane season in the Atlantic was ending, her delegation wished to remind colleagues of the increasingly destructive disasters befalling small island developing States, and the expected rise in the number of such disasters. The Intergovernmental Panel on Climate Change had found that climate change-related disasters had been worsened by human activity. Small island developing States were often unable to respond effectively to such disasters, either before they happened, through disaster-risk reduction programmes, or after they happened, through humanitarian activities.

16. With regard to the International Law Commission's draft articles on the protection of persons in the event of disasters, the Alliance of Small Island States noted the existence of a developing body of law concerning the adverse effects of climate change, including extreme weather events and slow-onset events. The Alliance was concerned about the Commission's reliance, in the draft articles, on voluntary offers of external assistance to respond to disasters, whereas the responsibility for developed countries to assist developing countries, particularly small island developing States, in responding to climate change-related disasters was not voluntary. If Member States decided to further develop the draft articles, they should ensure that the body of law concerning the adverse effects of climate change was incorporated into the draft articles.

17. **Ms. Fielding** (Sweden), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that the Nordic countries recognized the importance of further strengthening international cooperation, disaster relief and the humanitarian assistance system. Since the protection of persons in the event of disasters was a highly topical area of international law, the Nordic countries welcomed the International Law Commission's draft articles on the protection of persons in the event of disasters. They reiterated their openness to discussing the Commission's recommendation that the General Assembly elaborate a convention based on the draft articles, which 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.

18. The Nordic countries promoted efforts to reduce the risk of disasters and respond to them in a way that met the needs of those disproportionately affected. They wished to recall the importance of gender equality and the integration of a gender perspective in humanitarian assistance, in order for such assistance to reach all parts of the population. Such integration ensured that humanitarian assistance was effective and impartial, and strengthened the protection of individuals during natural disasters.

19. Given the importance of prevention, the Nordic countries welcomed 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. Related issues might need to be considered in the context of the Commission's work on sea-level rise in relation to international law.

20. **Mr. Wong** (Singapore) said that the effects of typhoons, floods and earthquakes in South-East Asia had been compounded by the coronavirus disease (COVID-19) pandemic, which had slowed disaster response and the provision of aid. Singapore stood in solidarity with its neighbours and all other countries affected by disasters.

21. Singapore appreciated the efforts made to reflect the diversity of State practice in the International Law Commission's draft articles on the protection of persons in the event of disasters. For example, draft article 9 reflected the importance of adopting disaster-risk reduction measures, including through appropriate national legislation and policies at all levels. In doing so, it drew on such bilateral, regional and multilateral instruments as the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Association of Southeast Asian Nations Agreement on Disaster Management and Emergency Response. Draft article 10, paragraph 2, emphasized the primary role of the affected State in the direction, control, coordination and supervision of assistance within its territory. Draft article 12, paragraph 2, provided that requested entities should expeditiously give due consideration to requests and inform the affected State of the reply. Those principles had informed the support provided by Singapore to disaster-affected countries in the region, both bilaterally and through the Association of Southeast Asian Nations Coordinating Centre for Humanitarian Assistance on Disaster Management.

22. The draft articles were an important contribution to international law in the field of disaster response, and

could serve as a useful reference for States and others engaged in disaster relief. It might be helpful, therefore, to consider the ways in which the draft articles already informed the discourse on States' responses to disasters and interacted with other legal frameworks.

23. **Ms. Kebe** (Sierra Leone) said that, as the world continued to face a growing number of disasters, the intensity and impact of which were matters of concern, the COVID-19 pandemic had exposed the vulnerabilities of States. At such times of crisis, the United Nations was expected to show leadership in fulfilling the purposes set out in its Charter, in particular, that of achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character. The question before the Committee was essentially to take a decision on the Commission's recommendation that a convention be elaborated on the basis of the draft articles. While the Committee's inertia to date perhaps reflected the hesitancy of the General Assembly about taking action on recommendations relating to hard law, it should now demonstrate the necessary will to take action.

24. Her delegation welcomed the International Law Commission's draft articles on the protection of persons in the event of disasters and noted with appreciation the emphasis that the Commission placed on human rights and human dignity. Her delegation saw merit in pursuing the Commission's recommendation regarding the elaboration of a convention, 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. The Commission had not restricted itself to traditional topics but had also considered those that reflected new developments in international law and pressing concerns of the international community as a whole, and it was now up to the General Assembly to act in order to address the lacuna in facilitating international cooperation to protect persons in the event of disasters.

25. **Mr. Monwar Hossain** (Bangladesh) said that, in the previous 20 years, major disasters had claimed 1.2 million lives and affected 4.2 billion people around the world. The Intergovernmental Panel on Climate Change predicted that the intensity and frequency of natural disasters would continue to grow; a globally accepted legal protection regime was therefore needed.

26. 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 an instrument should 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. It could also contribute to the achievement of Sustainable Development Goal 13, which contained a call for the strengthening of resilience and adaptive capacity to climate-related hazards and natural disasters.

27. In Bangladesh, floods, tidal surges, cyclones and river erosion were more frequent than ever. During the pandemic, the country had faced several climate-related disasters, including Cyclone Amphan and monsoon floods that had affected 6 million people. Although natural disasters were among the biggest challenges to the country's development gains, Bangladesh had made remarkable progress in disaster preparedness, including the rescue, recovery and protection of people. 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 other climate-vulnerable countries, especially in its region.

28. The draft articles on the protection of persons in the event of disasters adopted by the International Law Commission 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, there was still scope for improvement. The proposed convention should provide a clearer definition of the term "disaster", since natural and human-made disasters were subject to completely different legal regimes. Protection should be provided not only during and immediately after a disaster but also in the long term, as people continued to face challenges such as the loss of their homes. Since disasters exacerbated the situation of the most vulnerable groups, such as the poorest, particular attention should be given to that section of society, including financial support for reconstruction and rehabilitation. Disasters disproportionately affected women and girls, who were also often the earliest responders. In Bangladesh, a third of the volunteers trained in disaster management were women. The protection of women and girls, as well as the role and full, equal participation of women in disaster management, must be duly reflected in the convention.

29. The draft articles formed a good basis for the elaboration of a convention, but the text should be negotiated and adopted in a fully participatory manner to ensure that it was the subject of consensus.

30. **Mr. Asiabi Pourimani** (Islamic Republic of Iran) said that his delegation commended the International Law Commission on the adoption of its draft articles on the protection of persons in the event of disasters. However, 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 a human-caused disaster that dampened cooperation among States and endangered societies by hindering disaster response. In addition, States targeted by such measures were unable to meet their obligations under the current legal frameworks related to disasters. For example, illegal sanctions prevented the Islamic Republic of Iran from meeting the priorities and targets of the Sendai Framework. Such measures also undermined the achievement of Sustainable Development Goal 13, which contained a call for the strengthening of resilience and adaptive capacity to climate-related hazards and natural disasters. To address such inhumane measures, and without prejudice to their illegal nature, a new draft article, stipulating that humanitarian aid in kind or in cash during disaster events must not be subject to direct or indirect restrictions, should be added.

31. It should also be emphasized in the proposed convention to be elaborated on the basis of the draft articles that trade in humanitarian goods and commodities, such as foodstuffs, medicines, and agricultural and animal products, should under no circumstances be subject to any form of direct or indirect coercive economic measure or sanction, in accordance with the purpose of the convention, namely, to facilitate an adequate and effective response to disasters and reduction of the risk of disasters, so as to meet the essential needs of the persons concerned.

32. Affected States had the exclusive right to request external assistance in times of disaster and to announce the termination of such assistance. Furthermore, the principles governing humanitarian assistance must be observed in parallel with the principles of sovereign equality, the territorial integrity of affected States and non-interference in the internal affairs of States. In that regard, draft article 13, paragraph 2, which stated that consent to external assistance should not be withheld arbitrarily, was vague and created a risk of political influence. No room must be left for arbitrary interpretation of the draft articles, which could pave 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. In addition, the rules and regulations of affected countries and transit countries should be strictly observed in the

granting of access and during the provision of assistance.

33. The Islamic Republic of Iran suggested that the Secretary-General invite Governments to provide information on their practice and that he submit that material in his next report, well in advance of the next session of the General Assembly.

34. **Ms. Guardia González** (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.

35. The primary responsibility for ensuring the protection of persons and providing disaster relief and assistance in its territory lay with the affected State. If a disaster exceeded its national response capacity, a State had the right to request or accept bilateral or international assistance. At the same time, offers of international assistance should not be subject to any conditions or no pressure, nor should it be provided by elements that undermined the sovereignty of the affected State.

36. 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 prospective 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.

37. The International Law Commission could not be considered, in and of itself, as a type of legislative body responsible for establishing rules of international law. 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.

38. **Ms. Arumpac-Marte** (Philippines) said that the rationale for the International Law Commission's draft articles on the protection of persons in the event of disasters, namely, the frequency and severity of natural and human-caused disasters, was particularly significant for the Philippines, which was located along the boundary of tectonic plates and at the centre of a typhoon belt, and was regularly affected by floods, landslides, earthquakes, volcanoes and droughts. Climate change and sea-level rise would only exacerbate those challenges. The draft articles, many of which reflected State practice, were based on the principle of State sovereignty and reaffirmed the affected State's primary role in providing disaster relief assistance. Her delegation would welcome further exchanges of views on draft article 7, on the duty to cooperate, and draft article 11, on the duty of the affected State to seek external assistance.

39. 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 Act provided that the policy of the State was, inter alia, to uphold the rights to life and property by addressing the root causes of vulnerabilities to disasters, strengthening the country's institutional capacity for disaster risk reduction and management, and building local communities' resilience, including to the effects of climate change; and to adhere to the universal norms, principles and standards of humanitarian assistance and the global effort to reduce risk, as an expression of the country's commitment to overcoming disaster-related suffering.

40. The Philippines supported the elaboration of a convention on the basis of the draft articles, including through a diplomatic conference. Such an instrument could strengthen international cooperation in all phases of a disaster.

41. **Ms. Solano Ramirez** (Colombia) said that recent disasters around the world, such as wildfires, hurricanes, earthquakes, floods, cyclones, volcanic eruptions and the COVID-19 pandemic, had cost many lives and caused great suffering and damage. While States already cooperated to implement disaster risk reduction measures and to respond to disasters when they occurred, the increasing number of bilateral, regional and multilateral instruments on the subject had resulted in a disorganized and fragmented body of legal instruments.

42. Consequently, the draft articles on the protection of persons in the event of disasters adopted by the International Law Commission created a common legal

framework to facilitate the humanitarian work of States and humanitarian institutions. A delicate balance had been struck in the draft articles 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. The draft articles 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.

43. The draft articles reflected fundamental principles and concepts of international law, but were not a simple exercise in progressive development removed from current State practice. They had helped to create, and had come to embody, the subject of international disaster response law, and they went beyond the management of the disaster when it occurred, by including provisions on the prevention, reduction and management of disaster risk.

44. 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. The heterogeneous and fragmented management of international cooperation related to disasters was counterproductive, as it multiplied the risks of responding individually to global problems, as had been the case during the COVID-19 pandemic.

45. Many of the greatest social challenges resulted from disasters that had occurred or would continue to occur, such as sea-level rise, desertification and new pandemics. The negotiation of a legally binding instrument based on the draft articles would result in a flexible legal framework that included the various forms of cooperation and facilitated new initiatives, allowing for more efficient and coordinated prevention, mitigation and response by States and all other relevant actors. Now was the time to negotiate a single, multilateral and comprehensive instrument that covered all the phases of the topic, from risk reduction to disaster response.

46. Although some delegations were concerned about the draft articles, and States had requested more time to analyse some of them and consider whether to embark upon negotiations on certain matters, the Committee must decide whether to leave the vacuum in disaster management unfilled, thus perpetuating the current practice whereby such situations were resolved unilaterally or on the basis of bilateral agreements, or to engage in dialogue, find consensus on areas of doubt or concern related to the draft articles, and agree upon a

mechanism that would allow States to work together to manage circumstances that were common to all nations.

47. In relation to natural disasters, there was no time to waste. The Committee could not defer consideration of the agenda item again without taking a decision on the Commission's recommendation that a convention be elaborated on the basis of the draft articles. Her delegation would therefore suggest for the draft resolution on the current agenda item that would allow the Committee to advance decisively towards the negotiation of such an instrument.

48. **Mr. Altarsha** (Syrian Arab Republic) said that his delegation supported the International Law Commission's efforts to strengthen the protection of persons in the event of disaster and the recommendation that a convention be elaborated based on its draft articles on the matter, after continued discussion by Governments of the final wording of the draft articles, in order to ensure that the text was based on a consensus and would ensure that humanitarian work was coordinated quickly enough for appropriate management of and response to disasters.

49. Inclusion- and resilience-focused activities to prevent, mitigate, recover from and reduce the impact of disasters contributed significantly to sustainable development and ensured continuous respect for human dignity, a core principle of international human rights law. In its draft articles, the Commission referred to the duty to cooperate, in accordance with the principles of humanity, neutrality and impartiality, and on the basis of non-discrimination among nations and peoples. It failed, however, to mention one of the most destructive threats to the lives of peoples, namely, the unilateral coercive measures unjustly imposed by certain Governments. Such measures were human-caused disasters, whose dangers not only harmed disaster-related international cooperation but also threatened lives, particularly those of such vulnerable groups as children, women and older adults, and hindered the immediate and effective mitigation by Governments of the damage resulting from disasters.

50. Countries affected by disasters had the right, if the scale of the disaster exceeded their response capacity, to seek or accept bilateral or international assistance from other countries, the United Nations and its specialized agencies, and non-governmental organizations. Such foreign assistance must be provided only at the request of the affected State, without that State's sovereignty being undermined, its unity, independence or territorial integrity being threatened, conditions being imposed on the offer of assistance, or life-saving medical supplies being disrupted.

51. **Mr. Amaral Alves De Carvalho** (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 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; however, since divergent views on the matter remained, the instrument should be discussed in a structured, inclusive and comprehensive way, for example in an ad hoc committee.

52. The global struggle to recover from the pandemic further illustrated the importance of a convention on the protection of persons in the event of disasters. The pandemic, as a calamitous event that had resulted in widespread loss of life and great human suffering and distress, and that had seriously disrupted the functioning of society, fitted the broad definition of the term “disaster” – based on an event’s consequences rather than its characterization – contained in draft article 3. It was therefore timely to reflect, inter alia on the basis of the draft articles, on elements for an effective response to the needs of those affected by the pandemic. Those elements, which could be incorporated into a convention, could include the importance of cooperation among States, and between States and other actors, such as the United Nations and the components of the Red Cross and Red Crescent Movement, as mentioned in draft article 7.

53. **Ms. Zhao Yanrui** (China) said that disaster prevention, disaster risk reduction, and disaster response and relief were essential to human survival and development. The Committee’s discussion of the draft articles on the protection of persons in the event of disasters adopted by the International Law Commission would contribute to the coordination and promotion of international disaster relief operations and the protection of the rights of affected persons within the framework of international law. The pandemic’s heavy toll on economic and social development around the world made discussion of the matter all the more relevant.

54. Some of the provisions of the draft articles were well rounded and reflected the shared concerns of the international community. In draft articles 4, 5 and 6, the Commission emphasized that the human rights and

dignity of persons affected by disasters should be protected and that disaster response should be in accordance with humanitarian principles. In draft articles 7 and 8, it emphasized States’ duty to cooperate when responding to disasters. The pandemic had once again shown that humanity was an interdependent community with a shared future. Given the fluctuations in the number of new cases and the virus’s frequent mutations, international cooperation was urgently needed. China had actively participated in the global fight against the pandemic, fulfilling its commitment to making vaccines a public good. It would continue to provide the rest of the world with vaccines and contribute to global efforts to end the crisis.

55. As to whether an international convention should be elaborated on the basis of the draft articles, her delegation believed that some of the provisions did not strike a balance between the rights and obligations of affected States and those of relief providers, and that those provisions lacked support in international practice. For example, draft article 13 provided that consent to external assistance should not be withheld arbitrarily, and the definition of the term “arbitrary” in the commentary to that draft article was ambiguous and imprecise. The provision could open the door for certain States to interfere in the affected State’s internal affairs in the name of assistance.

56. A scientific understanding of the drivers and dynamics of disasters, effective disaster reduction and harmonious coexistence, particularly in terms of humanitarian action, required the joint efforts of the international community. China stood ready to work with all parties to strengthen research and coordinate positions related to the protection of persons in the event of disasters, with a view to promoting international cooperation in disaster relief and sustainable economic and social development.

57. **Mr. Simonoff** (United States of America) said that the United States was committed to reducing the risk of disasters at home and abroad, and responding to them in a way that took into account the needs of those disproportionately affected, such as persons with disabilities, children, women and older persons.

58. His delegation continued to believe that the topic of protection of persons in the event of disasters was best approached through the provision of practical guidance and cooperation rather than through the elaboration of an international agreement. In that regard, it had been pleased to work with Member States and stakeholders, for example through the Global Platform for Disaster Risk Reduction and the Regional Platform for Disaster Risk Reduction in the Americas and the

Caribbean. In 2021, the United States Federal Emergency Management Agency had worked with the Organization of American States to enhance disaster preparedness by facilitating basic training on community emergency response teams for emergency management agencies in nine Caribbean States.

59. His Government had supported several partners in implementing the strategic frameworks and workplans of the Global Protection Cluster, including by helping the Cluster's Task Team on Protection Information Management and Analysis to develop the Protection Analytical Framework, through which information from protection workers was converted into recommendations for quick implementation by decision-makers. His Government had also coordinated the United States-Caribbean Resilience Partnership, through which it had provided technical assistance to Caribbean islands since 2019 to enhance their capacity to adapt to climate change.

60. **Ms. Weiss Ma'udi** (Israel) said that her country continued to support the efforts of the General Assembly to protect persons affected by disasters. It had been at the forefront of countless relief missions around the world, as part of its commitment to mutual assistance and cooperation in times of crisis. In August 2021, it had sent a team to Greece to fight the fires that had ravaged the country and, earlier that year, it had sent to Miami, United States, an aid delegation that had helped to lead rescue efforts following the collapse of a residential building. In 2020, it had sent to Honduras a relief delegation that had provided aid to the victims of two devastating hurricanes and trained Honduran emergency relief teams.

61. Regional and international cooperation in times of disaster deepened ties between nations and peoples. Israel was grateful to the Palestinian Authority for its assistance in battling wildfires in the Judean Hills in the outskirts of Jerusalem in August 2021. Those disasters illustrated the considerable challenges posed by climate change. Large-scale disasters such as droughts, floods and heatwaves were increasingly frequent and intense, a trend that was not expected to end in the near future. Cooperation and assistance at all levels were therefore vital in order to save lives and protect property.

62. While it remained committed to improving the protection of persons affected by disasters, Israel reiterated its view that engagement in disaster relief should not be considered 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.

63. **Mr. Milano** (Italy) said that his Government continued to support 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. However, States needed to achieve greater legal clarity on several points before a convention could be adopted. The Committee should give proper consideration to the Commission's recommendation without further delay. A more focused, in-depth discussion was needed in order to identify common ground and make a collective decision on whether and how to proceed.

64. Countries with less developed early warning systems and low coastlines were disproportionately affected by natural disasters, which had increased five-fold in the previous 50 years. Nonetheless, weather-related 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. A universal convention on the protection of persons in the event of disasters would fill an important gap in international law. It 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 and informal arrangements. It would cover specific disasters not covered by the more than 100 bilateral and regional legal instruments and some issue-specific multilateral agreements in existence. It would also inspire future bilateral, regional and sectoral agreements and favour the convergence of legal arrangements.

65. **Mr. Fox Drummond Cançado Trindade** (Brazil) said that his delegation continued to believe that the protection of persons in the event of disasters needed to be regulated under international law. A stronger normative framework would facilitate an effective response to disasters and enhance the protection of persons in connection with such events. Currently, the 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 even by Security Council resolutions related to situations of armed conflict. Therefore, the

International Law Commission's draft articles on the protection of persons in the event of disasters would fill a gap in the legal framework and provide more legal certainty and predictability.

66. The draft articles were well balanced with regard to the applicable international law principles. Brazil welcomed the reaffirmation of the basic principle of State sovereignty in the preamble and the codification in draft article 13 of the well-established norm requiring the consent of the affected State to the provision of external assistance. Brazil also 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. Brazil appreciated the reference to the principles of humanity, neutrality and impartiality in the provision of humanitarian assistance, as well as the reference to the duty to cooperate, reflected in draft article 7, in line with articles 55 and 56 of the Charter of the United Nations and with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

67. It was important to clearly distinguish between natural and human-made disasters, given that they related to different law systems. Although the Commission had attempted to do so in paragraph (8) of its commentary to draft article 5 and in draft article 18, it was a challenge to cover the vastly different scenarios in a single instrument. Further discussion was also needed of provisions that did not constitute codification of existing international law, such as draft article 11.

68. **Ms. Flores Soto** (El Salvador) said that her country was no stranger to the widespread and growing threat posed by natural and human-made disasters. There existed a number of very useful international instruments aimed at coordinating disaster risk reduction measures, including the Hyogo Framework for Action 2005–2015, the Sendai Framework for Disaster Risk Reduction (2015–2030) and the Central American Policy on Comprehensive Disaster Risk Management. Nonetheless, as the COVID-19 pandemic had made clear, the causes of disasters could be completely unanticipated. Therefore, the approach adopted in any instrument aimed at preventing, reducing and mitigating disasters should be inclusive, comprehensive, resilient and forward-looking, in order to ensure that the measures put in place were effective, contributed meaningfully to sustainable development and ensured respect for human dignity.

69. **Ms. Jiménez Alegría** (Mexico) said that, throughout its history, her country had been prone to

earthquakes, hurricanes, floods and droughts, resulting in material damage and the loss of human lives. Her delegation therefore supported the recommendation of the International Law Commission that a convention be elaborated based on its draft articles on the protection of persons in the event of disasters. As the Committee did when considering other draft articles from the Commission, it should focus on negotiating a process with clear terms and mandates that would ensure that the Commission's recommendation was given due consideration. The relationship between the Commission and the Committee was at stake.

70. The draft articles were valuable not only for the development and codification of international law but also for efforts to create 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. The focus of the draft articles was on persons affected by natural or human-caused disasters, while respecting the sovereignty of the affected State, which had the primary obligation to seek external assistance in the event that the circumstances exceeded its national response capacity. The fundamental principles and concepts of the Sendai Framework for Disaster Risk Reduction (2015–2030) should be taken into account in future negotiations. Doing so would ensure continuity, help in the achievement of the seven targets and four priorities for action outlined in the Framework and advance the 2030 Agenda for Sustainable Development.

71. **Mr. Nguyen Anh Tu** (Viet Nam) said that his Government shared the concern of other Member States over the increasing frequency and impact of natural and human-made disasters. International cooperation and assistance played a crucial role in helping communities that lacked the capacity to respond effectively to disasters and address their long-term impacts. The COVID-19 pandemic had clearly shown the need for protection of persons in the event of public health emergencies as well as natural disasters. It had further challenged all countries to set aside resources and capacity for the protection of persons.

72. 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. The draft articles should serve as a guide for States and other actors engaged in disaster relief and should neither create additional procedures and protocols that might complicate the process nor be abused or politicized.

73. Although international cooperation in disaster relief needed to be strengthened, the primary

responsibility for providing disaster relief and protecting their people remained with States. The purposes and principles of the Charter of the United Nations, including national sovereignty, self-determination and non-interference in domestic affairs, must be respected. His delegation would welcome an in-depth assessment of the compatibility of the draft articles with domestic laws and supported further discussion with a view to achieving consensus on the way forward.

74. *Ms. Al-Thani (Qatar) took the Chair.*

75. **Mr. Coore** (Jamaica) said that, in view of the recent increase in the frequency and intensity of disasters around the globe and the impact of such events on small island developing States, his delegation continued to support the elaboration of a balanced and well-articulated universal convention in the area of disaster law based on the International Law Commission's draft articles on the protection of persons in the event of disasters. The purpose of such a convention would be to facilitate adequate and effective response to disasters and to reduce disaster risk, so as to meet the essential needs of the persons concerned, with full respect for their rights. The convention would also complement existing instruments and arrangements. Although the Commission had sought to strike a balance in the draft articles between the roles and responsibilities of affected and assisting States, the varying views expressed by States indicated that further discussions were needed before an agreement could be reached on the text of the convention.

76. His delegation welcomed the inclusion of the principle of State sovereignty in the draft articles, which reaffirmed the primary responsibility of the States affected by a disaster for providing relief assistance. Indeed, the Commission had indicated that said principle was the backdrop against which the entire text was to be interpreted and applied. His delegation considered, however, that there was further scope for discussion on the draft articles, as several of their elements required refinement.

77. **Mr. Leal Matta** (Guatemala) said that recent natural disasters had overwhelmed his 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. Guatemala appreciated the support and solidarity of friendly countries during such times.

78. 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 could also count on the support of the regional coordination centre for the prevention of disasters in Central America and on the solidarity of friendly neighbouring countries.

79. International assistance must at all times be an expression of solidarity based on the principles of humanity, neutrality and impartiality. Operational guidelines facilitated humanitarian assistance in emergency situations caused by natural disasters. Guatemala therefore looked forward to the upcoming Conference of the Parties to the United Nations Framework Convention on Climate Change and called for States to take action to combat the causes and consequences of climate change and to adopt common positions that strengthened and promoted international cooperation, in particular in countries that were at high risk of suffering from climate change.

80. **Ms. Bhat** (India) said that her country was a strong promoter of disaster-resilient infrastructure and believed that the International Law Commission's draft articles on the protection of persons in the event of disasters might contribute to the harmonization of measures aimed at addressing the causes of disasters and related vulnerabilities. They might also contribute to the achievement of Sustainable Development Goal 13. They did not, however, fully reflect the fundamental principles and concepts contained in international humanitarian law instruments, such as the United Nations guiding principles of humanitarian assistance, as enshrined in General Assembly resolution [46/182](#), which had been the basis for the international framework instruments and other documents relating to disaster risk reduction.

81. Draft article 11, for example, impinged on national sovereignty by imposing an obligation on the affected State to seek external assistance irrespective of its need for such assistance. External actors could not compel a State to seek assistance even if the disaster manifestly exceeded its national response capacity. There were also other draft articles over which Member States had differing views. States needed to engage in in-depth discussions on the interaction between the draft articles and existing legal frameworks, and to refine the text of the draft articles, before they could contemplate concluding a treaty based on thereon.

82. **Ms. Birhanu** (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. Although Ethiopia supported 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” would need to be precise, leaving no room for expansive interpretation.

83. Human-made disasters gave rise to situations with a heightened risk for 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, in particular the humanitarian assistance principles outlined in General Assembly resolutions 46/182 and 58/114. Therefore, in order to serve as a workable base for future engagements, the draft rules must be based strictly on the humanitarian principles already in place.

84. 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.

85. 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 (Kampala Convention), the only binding legal instrument in the field. The Convention, which had been signed by 41 States and ratified by 32, established a legal framework for the prevention and mitigation of the human toll of human-made and natural disasters.

86. 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. More work was needed to build a common understanding on the topic and to elaborate a convention.

87. **Mr. Mulalap** (Federated States of Micronesia) said that his Government supported the start of negotiations to elaborate a convention based on the International Law Commission’s draft articles on the protection of persons in the event of disasters. A new convention would foster legal stability, security, certainty and predictability. The parties to the convention would need to recognize that disasters included climate change and related phenomena, such as sea-level rise and ocean acidification, which threatened to destroy livelihoods and could cause human

displacement. More than 91 per cent of the deaths caused by climate and weather-related disasters over the previous 50 years had occurred in developing countries. Although early warning systems and disaster management efforts over the same time period had helped to decrease the mortality rate three-fold, more international cooperation was needed to tackle the chronic problem of human displacement caused by floods, storms and drought.

88. A legal regime that clearly outlined State obligations could mitigate the lethal impacts of climate change. In its commentary to draft article 3, the Commission cited sea-level rise as a slow-onset event covered by the draft articles and also noted that events such as droughts and tsunamis were expected to occur with greater intensity and frequency owing to climate change. The Commission also defined the term “disaster” in the draft articles as an event that had to result in one or more of four possible outcomes: widespread loss of life, great human suffering and distress, mass displacement, or large-scale material or environmental damage. Climate change could be expected to cause mass displacement and large-scale material or environmental damage that seriously disrupted society, as was already the case in some parts of the world, including in the Pacific.

89. As the Commission had noted in its commentary to draft article 9, under which States were obligated to take actions to prevent, mitigate and prepare for disasters, instruments such as the Paris Agreement and the 2030 Agenda for Sustainable Development were aimed at reducing the risk of disasters and States had the positive obligation to take the necessary and appropriate measures to prevent harm from impending disasters. Any convention elaborated on the basis of the draft articles therefore needed to reflect the obligation to engage in international cooperation to tackle the adverse impacts of climate change, including through new and existing multilateral, regional and bilateral instruments.

90. In view of the linkages between the current agenda item and the current work of the Commission’s Study Group on sea-level rise in relation to international law and the subtopic of the protection of persons affected by sea-level rise, the Study Group’s work should be reflected in any convention elaborated on the basis of the draft articles.

91. **Mr. Abdelaziz** (Egypt) said that natural and human-made disasters alike were covered by the definition of “disaster” provided by the Commission in draft article 1 (a) of its draft articles on the protection of persons in the event of disasters, a view also reflected in the preamble to the draft articles. International

cooperation in preventing and managing all phases of natural and human-made disasters needed to be improved, with a view to preventing them from occurring, mitigating their short- and long-term impact and protecting those affected by them.

92. Under draft article 9, it was incumbent on all States to reduce the risk of disasters by taking the appropriate legislative and regulatory measures to prevent, mitigate and prepare for disasters, including by conducting risk assessments, collecting and disseminating information on risks and past losses, and installing and operating early warning systems. The draft article was especially relevant for human-made disasters, where a failure by a State to take the necessary risk reduction measures could have dire humanitarian consequences, in particular in the context of transboundary megaprojects, such as dams, for which States were obligated to conduct transboundary environmental and socioeconomic impact assessments.

93. Egypt continued to have concerns regarding the impact of the unilateral construction of the colossal Grand Ethiopian Renaissance Dam on the livelihoods of more than 150 million citizens in Egypt and the Sudan. It was regrettable that, despite 10 years of negotiations, Ethiopia was continuing to block the conduct of the necessary impact assessments that might guide the filling and operation of the dam. The lack of studies on the dam's structural safety and economic and environmental impact was a major concern for Egypt. Ethiopia had a special legal obligation to prevent any potential human-made disasters resulting from the project. The private companies involved in the project were similarly under an obligation not to contribute to such potential human-made disasters.

94. Egypt welcomed the Presidential statement issued by the Security Council on 15 September 2021 in relation to the dam under the agenda item "Peace and security in Africa", and called on Ethiopia to cooperate in good faith with the aim of finalizing a mutually acceptable and binding agreement on the filling and operation of the dam within a reasonable time frame.

95. **Ms. Zakari-Awami** (Nigeria) said that her delegation supported the recommendation of the International Law Commission that a convention be elaborated based on its draft articles on the protection of persons in the event of disasters, in particular in view of the recent increase in disasters such as floods, landslides, wildfires and hurricanes. An ad hoc committee, open to all States Members of the United Nations and its specialized agencies, should be established to examine the draft articles and to consider the Commission's recommendation.

96. The key to assisting persons and communities affected by disasters was the construction of protective structures and the adoption of other measures under the guidance of an international legally binding instrument. Although the Kampala Convention primarily addressed the situation of internally displaced persons, it was the first regional treaty that reflected Africa's commitment to addressing the protection of persons in the event of disasters and represented a step forward on the matter. At the domestic level, Nigeria had sought to address its recurrent problem with floods by establishing a national emergency management agency and strengthening disaster risk identification, analysis and mitigation.

97. The COVID-19 pandemic had underscored the need for multilateral approaches in addressing global disasters. In combination with natural disasters, the pandemic had caused even greater displacement and hardship for those affected. A common set of criteria was urgently needed for disaster management by different entities with clearly defined responsibilities, varied resources and capabilities for prevention, mitigation, preparedness, response and recovery.

98. Despite the diverging views on the item, there had been a growing awareness among Member States, international organizations and donors of the need for an international instrument that would strengthen prevention, response and recovery efforts. The protection of persons in disaster situations was not limited to ensuring their survival and physical security; it also encompassed all relevant guarantees, including civil, political, economic, social and cultural rights protected under international law.

99. **Ms. Mohd Izzuddin** (Malaysia) said that her delegation welcomed the continuation of the discussion in the Committee of the draft articles on the protection of persons in the event of disasters, adopted by the International Law Commission. In view of the growing number of natural disasters, the draft articles dealt with an increasingly relevant area of public international law. The existing body of international law, including treaties such as the ASEAN Agreement on Disaster Management and Emergency Response, provided sufficient legal underpinnings for disaster risk reduction and response efforts. It was complemented, in turn, by domestic legislation, policy decisions and directives that fell within the sovereign competence of States.

100. 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. As such, the draft articles could be seen as the international

point of reference with regard to disaster relief and management. The Commission's work would be most valuable where it assisted States in understanding and fulfilling their prevailing obligations. Therefore, those elements of the draft articles that were aimed at developing or creating new duties or obligations would, for the time being, be more appropriate in the form of best practice principles or guidelines.

101. **Mr. Kihwaga** (Kenya) said that the International Law Commission's draft articles on the protection of persons in the event of disasters constituted an important step towards developing a practical framework of guidelines governing the protection of persons in the event of disasters and clarifying the scope of responsibility of the various actors. The next step was to ensure that the rules already recognized and agreed under other branches of international law, such as human rights law and international humanitarian law, were in harmony, so as to ensure a normative framework free of overlaps and conflicts.

102. The final outcome of the Commission's work on the topic should strengthen and clarify, rather than contradict and weaken, existing normative frameworks. An effort should also be made to balance the rights and obligations of the competing stakeholders, such as the rights and obligations of the affected State vis-à-vis those of the States and international organizations providing humanitarian assistance. The Commission should bring on board the relevant good practices and norms already developed by States under regional arrangements, including the relevant regional instruments and practices developed in the Asian and African regions.

103. **Ms. Abu-ali** (Saudi Arabia) said that the COVID-19 pandemic had shown that disasters could easily be magnified, that a global framework for disaster response and cooperation must be established, that necessary measures must be taken before disasters occurred, and that global efforts must be based on international cooperation.

104. Saudi Arabia supported the efforts of the International Law Commission to strengthen protection for those affected by disasters and welcomed the Commission's draft articles on the protection of persons in the event of disasters. Saudi Arabia had played a leading role in responding to emergencies and providing international assistance in the form of humanitarian aid, relief, and economic assistance to developing and least developed countries in many regions of the world. For example, its King Salman Humanitarian Aid and Relief Centre cooperated with international organizations to

fight disasters and ensure food security, particularly in the face of such global threats as the pandemic.

105. Saudi Arabia was also developing partnerships with leading international organizations in the areas of humanitarian action and disaster mitigation, as well as an effective mechanism to respond quickly to humanitarian crises. It coordinated with international organizations to provide humanitarian assistance and had adopted goals related to the Sendai Declaration, focused on enhancing risk management and disaster preparedness.

106. A common legal framework should be adopted to facilitate international humanitarian action based on solidarity and improve international cooperation, and an international convention should be prepared on the basis of the draft articles, in accordance with international law and without violating State sovereignty or domestic laws.

107. **Ms. Sao** (Mauritania) said that it remained imperative for the international community to develop a regulatory framework for international cooperation that would enable it to respond quickly to disasters, while ensuring that the rights and dignity of the affected persons were protected.

108. As a Sahelian country bordering the Atlantic Ocean, Mauritania was particularly vulnerable to climatic threats, including droughts and floods. Climate change, which for Mauritania took the form of both desertification and sea-level rise, posed a major development challenge. In addition to pursuing its own strategic plans and seeking to improve food security with the assistance of the Africa Disaster Risk Management Funding Programme, Mauritania relied on regional initiatives aimed at preparing people living in the Sahel for the consequences of climate change and desertification and improving the security situation in the region. The COVID-19 pandemic had exacerbated the already-critical situation in Mauritania, where more than 200,000 people were at risk of experiencing a serious food crisis. The Government was mobilizing resources in order to ensure that sufficient assistance was available to vulnerable and food-insecure populations. The international community and United Nations agencies should be prepared to fulfil their responsibilities when disaster struck.

109. **Mr. Patcharadechathorn** (Thailand) said that his country actively contributed to the development of international cooperation mechanisms and non-legally-binding instruments in the field of the protection of persons in the event of disasters, such as the Yokohama Strategy and Plan of Action for a Safer World and the Sendai Framework for Disaster Risk Reduction

2015–2030. The adoption of a global legally binding instrument was the next step towards establishing a legal framework that laid down principles and effectively protected those in need.

110. Thailand supported 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 that would cover the various stages of the disaster cycle, strike a balance between upholding the principle of State sovereignty and protecting human rights, and take into account the roles and contributions of all actors and partners in disaster response. The definition of “disaster” in draft article 3 (a) was acceptable to Thailand and in line with the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations and the ASEAN Agreement on Disaster Management and Emergency Response. In view of the various forms disasters could take, the definition allowed for discretion when considering which incidents seriously disrupted the functioning of society. In view of the global disruption and unprecedented damage caused by the COVID-19 crisis, Thailand would welcome a discussion on the similarities between disasters and pandemics.

111. The primary responsibility for responding to disasters rested with the affected States. Their consent was therefore essential, as provided in draft article 13. The draft articles may contribute to a stronger community-based response and a rights-based approach to the development of international disaster law. Thailand fully supported the complementary nature of the draft articles, as reflected in draft article 18, which would help to avoid any overlap with existing or future international norms and standards.

112. Thailand reiterated its recommendation that the duty to notify other States in the event of disasters be incorporated in draft article 9, paragraph 2. A timely and effective information-sharing system was crucial to disaster risk reduction, mitigation and early response. Moreover, the growing frequency of both natural and human-made transboundary disasters, such as flash flooding, drought and forest fires, came at the expense of vulnerable local communities. Draft article 9 could therefore be clarified to address the effects of transboundary disasters, focusing in particular on the duty of States to take measures to prevent such disasters.

113. With regard to seeking external assistance, as described in draft articles 11 to 15, further discussion was needed on the possible mechanisms for facilitating cooperation with and coordination among potential

assisting actors. The Association of Southeast Asian Nations Coordinating Centre for Humanitarian Assistance on Disaster Management was a good example of such a mechanism.

114. **Mr. Skachkov** (Russian Federation) said that the work of the International Law Commission on the topic “Protection of persons in the event of disasters” had become increasingly relevant in view of the numerous natural cataclysms that had left death and destruction in their wake. The lack of a universal instrument should not keep States from providing bilateral emergency assistance when requested by the affected State. The Russian Federation had assisted a number of countries in fighting forest fires and supplying medication and basic necessities, and Russian doctors had tended to victims using mobile medical equipment, including during the COVID-19 pandemic.

115. **Ms. Cerrato** (Honduras) said that, as a coastal country, Honduras was strongly affected by climate change and was still recovering from the COVID-19 pandemic and the two devastating hurricanes that had occurred simultaneously in 2020 while trying to prepare for the future. The International Law Commission’s draft articles on the protection of persons in the event of disasters addressed a gap in international law with regard to disaster prevention, management and risk reduction. The draft articles also complemented existing international conventions on the law of the sea, climate change, environmental law, international human rights law and international humanitarian law. Her delegation supported the Commission’s recommendation that a convention be elaborated on the basis of the draft articles, and called on other States to engage in a discussion of the draft articles at the intergovernmental level with a view to concluding a convention.

Statements made in exercise of the right of reply

116. **Ms. Minale** (Ethiopia) said that the baseless accusations made by Egypt regarding the hydroelectric dam being built by Ethiopia were a regrettable abuse of the platform provided by the Committee. The dam would expand access to renewable energy for Ethiopia and neighbouring countries, protect the environment and help reduce natural disasters. It would also boost the flood control capabilities of Ethiopia and neighbouring countries, including the Sudan. As shown in the assessment report attested to and signed by Egypt, the dam was safe and environmentally friendly. The Agreement on Declaration of Principles on the Grand Ethiopian Renaissance Dam Project, signed by the President of Egypt, included an expression of appreciation for the efforts made by Ethiopia to ensure the dam’s safety.

117. Unlike the tallest dam in Egypt that had destroyed the Nubian civilization, the Ethiopian dam would bring a dose of economic independence to Africans. The accusations made by Egypt were an attempt to misuse the forum provided by the Committee to legitimize an illegal and colonial monopoly over the natural resources of Ethiopia and the Nile basin countries. A forum for resolving the differences between Ethiopia, Egypt and the Sudan already existed, and negotiations were ongoing.

118. **Mr. Abdelaziz** (Egypt) said that the Grand Ethiopian Renaissance Dam, a colossal megaproject with great potential adverse impacts on downstream countries, was directly related to the topic of the protection of persons in the event of disasters. Members were invited to review his delegation's correspondence with the Security Council for real information on the matter. Egypt had long been calling for the interested countries to reach a legally binding agreement, as required by the Security Council, on the filling and operation of the dam, which should not come at the expense of downstream countries or threaten the livelihoods and safety of the people living in the affected countries.

119. **Ms. Minale** (Ethiopia) said that the current agenda item was not the appropriate vehicle for a discussion of a hydroelectric dam project being built on the territory of a Member State. The Committee's time should be used for its intended purpose.

120. **Mr. Abdelaziz** (Egypt) said that, in fact, the potential repercussions of the dam project was an issue addressed in the draft articles.

The meeting rose at 6 p.m.