



International Federation of Red Cross and Red Crescent Societies
Fédération internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge
Federación Internacional de Sociedades de la Cruz Roja y de la Media Luna Roja
الاتحاد الدولي لجمعيات الصليب الأحمر والهلال الأحمر

Delegation to the United Nations

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STATEMENT BY MARWAN JILANI ON BEHALF OF THE INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES DELEGATION TO THE UNITED NATIONS

Agenda item 81: Report of the International Law Commission on the work of its sixty-fifth session,
Protection of Persons in the Event of Disasters (Chapter VI of the Report)
Sixth Committee of the United Nations General Assembly
New York, 5 November 2013

Mr Chairman,

On behalf of the International Federation of Red Cross and Red Crescent Societies (IFRC), it is my pleasure to speak in relation to the Report of the International Law Commission (ILC), specifically on Chapter 6, which concerns the protection of persons in the event of disasters.

As in past years, we would like to extend our compliments to Special Rapporteur Eduardo Valencia-Ospina and his colleagues on the ILC for their thoughtful attention and their continued progress with this project. I will restrict my comments to the new articles considered this year, articles 5 *ter* and 16.

As many representatives on this committee are already aware, the IFRC is a global network of the world's 187 National Red Cross and Red Crescent Societies. For over 150 years, National Societies have been engaged in humanitarian assistance in both conflicts and disasters, working through millions of community-based volunteers. Over the last several decades, however, our members, along with the overwhelming majority of our partners and stakeholders, have come to the firm realization that a large majority of the humanitarian needs created by disasters could be prevented from arising in the first place and that we must therefore promote and prioritize disaster risk reduction (DRR). Together with the state parties to the Geneva Conventions, we made a formal commitment in this respect at the 28th International Conference of the Red Cross and Red Crescent in 2003 and we have actively supported the similar approach taken two years later in the Hyogo Framework for Action. This has transformed our way of working and we are glad to note that many states have also made substantial changes in their approach to managing disasters.

It will thus be no surprise that we strongly support the ILC's conclusion that states should be considered to have a duty to take appropriate measures to reduce disaster risks. This is not only because the issue is so critical to saving lives and safeguarding development gains, but also because we agree with the Special Rapporteur's finding that the affirmations of states in multiple existing international instruments can lead to no other conclusion. The duty has been clearly affirmed in

instruments specific to DRR, such as the Hyogo Declaration (which accompanied the Hyogo Framework for Action), and is an inescapable consequence of states' affirmative duties to ensure the realization of the human rights to life, health, housing and an adequate standard of living, among others. As a practical matter, based on our frequent contacts with governmental disaster management officials around the world, we are very confident that the acknowledgement of such a duty is fully consistent with their thinking and with the text and spirit of a great many national laws and policies on disaster risk management.

The IFRC is currently engaged with the United Nations Development Programme in a comparative study on legislation and disaster risk reduction in 31 countries around the world. One of the preliminary findings of this study is that, notwithstanding the very strong international consensus on DRR, accountability gaps remain a frequent barrier to greater success. We believe that a clearly affirmed international duty would be a helpful tool for redressing this situation. Of course, as auxiliaries to public authorities, our members are very ready to lend their full support to responsible officials in acting on their responsibility.

We note that Draft Article 16(b) seeks to describe some key DRR measures. We realize that the list is not intended to be exhaustive, but we find that some very critical elements have been left out. First we think it important that reference be made not only to assessing risk but also to assessing and reducing the vulnerability, and increasing the resilience, of communities faced with natural hazards. Related to this, one of the major powers that sets states apart from all other stakeholders involved in DRR is that they can require or prohibit behaviours to make people safer, for example through land use planning, watershed management, and building codes. The use of incentives and disincentives in this way has not been adequately reflected.

In addition, states can and should seek to empower communities to make themselves safer through information, education and engagement in DRR planning and activities. Existing international commitments along these lines can be found not only in the Hyogo Framework for Action, but also in treaties such as the UN Convention on Combatting Desertification and the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters as well as in Resolution 7 of the 31st International Conference of the Red Cross and Red Crescent of 2011. Finally, we note that Draft Article 16(a) refers not only to prevention but also to disaster preparedness, but specific measures related to preparedness (such as contingency planning and simulation exercises) have not been included in Article 16(b).

Thank you, Mr Chairman.