



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 DANIELLE LARRABEE OF
THE INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES
DELEGATION TO THE UNITED NATIONS**

Agenda item 78: Report of the International Law Commission on the work of its sixty-eighth session
Sixth Committee of the United Nations General Assembly
New York, 26 October 2016

Mr. Chair,

Thank you for the opportunity to address this Committee in relation to the Report of the International Law Commission (ILC), specifically on the ILC's adoption, this past August, of its draft articles on the protection of persons in the event of disasters, as well as its recommendation to the General Assembly to elaborate a convention based on this work.

The International Federation of Red Cross and Red Crescent Societies (IFRC) extends its compliments to Special Rapporteur Eduardo Valencia Ospina and his colleagues at the ILC for their leadership and considerable efforts in the work related to the draft articles.

Mr. Chair,

These efforts are both important and timely in light of the increasing frequency and severity of disasters around the globe, particularly in situations where national capacities are overwhelmed, and external support is required. In addition, managing international assistance operations has become increasingly complex considering the number of actors involved and other factors. In the absence of specific domestic legal frameworks and policies to manage such operations, ad-hoc approaches often entail a certain loss of state oversight and the arrival of inappropriate or poor quality relief, on the one hand, and unnecessary delays, fees and paperwork hindering the speed and effectiveness of assistance, on the other.

The IFRC and its member National Red Cross and Red Crescent Societies first started studying this problem over a decade ago. In 2007, they spearheaded negotiations of the *Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance* (the IDRL Guidelines), which were unanimously adopted by the state parties to the Geneva Conventions at the 30th International Conference of the Red Cross and Red Crescent in 2007. Since then, National Societies in over 50 countries have supported their authorities in comprehensive reviews of their laws and procedures for managing international assistance and some 24 countries have adopted new laws or regulations drawing on this support.

However, many states remain insufficiently prepared for the most common regulatory challenges in managing outside assistance. A 2015 survey of governmental and non-governmental disaster responders from over 90 countries found that regulatory issues continue to be a major challenge in operations. At the 32nd International Conference, the state parties to the Geneva Conventions acknowledged the need for ongoing work to bridge this gap, calling on states that have not yet taken steps to equip themselves with clear laws and procedures to do so without delay.

In that regard, the ILC's proposal that states consider developing a new global legal framework is very welcome. As we have mentioned in our previous statements, the IFRC feels that the draft articles have many strong elements, including their emphasis on human dignity, human rights, cooperation and respect for sovereignty as well as on disaster risk reduction. If they were adopted in the form of a framework treaty, they could have a positive impact on accelerating the development of more detailed national laws and procedures about international disaster cooperation. However, the text could also still be strengthened in further negotiation. A more operational text could have a more direct impact on the most common regulatory problem areas in international response. And though we recognize that important improvements that were made in this regard in the final draft, we still feel that they are overly cautious with regard to the issue of protection, but not quite cautious enough when it comes to application in mixed situations of conflict and disaster.

Mr. Chair,

We hope that member states will take up the ILC's recommendation to consider the draft articles as the starting point for a new treaty. If this is not the preferred option, however, it is critical that alternative options be found to accelerate progress so that future disasters do not find states under-prepared. In this respect, consistent with the request of Resolution 7 of the 32nd International Conference, the IFRC will continue to offer its support in fostering dialogue among states and other stakeholders about the various options at the national, regional and global levels.

Thank you.