



# New Zealand Permanent Mission to the United Nations

Te Māngai o Aotearoa

## UNGA 71: Sixth Committee ILC Cluster I

### **New Zealand Statement**

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Chairperson,

New Zealand thanks the International Law Commission and its commissioners for its report on the work of the sixty-ninth session. We also thank its Chairman, Mr Pedro Commisário Afonso, for his introductory speech. In our statement today we will comment on Chapters VI and XIII in Cluster One of this debate.

Chairperson,

New Zealand acknowledges the work of Mr Eduardo Valencia-Ospina as Special Rapporteur for the topic "Protection of persons in the event of disasters." We appreciate the quality of reports on this topic and how the Special Rapporteur has responded to the comments made by governments in this Committee over the years.

This is a challenging but important subject that is relevant to every Member State. In times of disaster, people are at their most vulnerable and, in many cases, the mechanisms of civil society struggle to function, especially in the early phases. Such situations require the delivery of practical help where it is most needed. That is why New Zealand has consistently emphasised the need for this topic to focus on practical mechanisms to ensure protection and facilitate immediate assistance in the event of a disaster.

For these reasons, we consider it necessary to lay down a clear framework of legal rules that facilitate practical international cooperation in disaster response. We also consider that a pragmatic, rather than a strict "rights-based", approach is the most appropriate here.

With all this in mind, New Zealand takes note of the draft articles on this topic, and looks forward to engaging further on the most effective means for taking this important work forward. We look forward to discussing, with other Members, whether the draft articles could provide a mechanism to develop guidance for States to assist in managing protection in the immediate aftermath of a disaster. Disasters call for fast responses in the early phases, and we consider the draft articles should provide a framework to develop best practice guidelines for States following a disaster.

Chairperson, I move now to the second topic of this statement.

New Zealand thanks Mr Georg Nolte and the Drafting Committee for their work on draft conclusions 1(a) and 13 on subsequent agreements and subsequent practice in relation to the interpretation of treaties. New Zealand supports the draft conclusions, and takes this opportunity to express its views on the progression of this topic.

New Zealand thanks the Commission for its work, which recognises the necessary flexibility for international organisations to adapt to the needs of their constituent States. Draft conclusion 13 provides a basis for recognising that the treaty text takes precedence, but that pronouncements of expert treaty bodies can contribute to identifying subsequent agreement or subsequent practice of the constituent States.

Chairperson,

New Zealand supports the view that pronouncements of expert treaty bodies are not, unless otherwise provided in the text of the constituent instrument, intended to form subsequent practice within the context of the present topic. Expert treaty bodies provide a valuable mechanism for guiding implementation by States Parties, through their observations on best practice and the development of minimum standards of compliance. Beyond this, we recognise that the views of these expert treaty bodies are highly persuasive, and have the capacity to influence the practice of constituent States, resulting in a subsequent practice exhibited by the contracting Parties.

Chairperson, I move now to the final topic for this intervention.

New Zealand emphasises the need to promote the efficient and effective work of both the Commission and this Committee. In that regard, we consider that delegates and commissioners should have the opportunity to cooperate with each other on a more frequent basis. It is important for the Commission to share its knowledge of international law, and build strong relationships, with those New York-based delegates to the Sixth Committee. In that sense, we reiterate our thanks for the increase of informal briefings to Sixth Committee delegates by the commissioners in the last few years, and welcome the Commission's decision to hold a half session in New York in 2018.

Thank you.