



BANGLADESH

Statement under Agenda Item 90:

Protection of persons in the event of disasters

Delivered by: Mr. Md. Humayun Kabir, Counsellor

Date and venue: Thursday, 1 November 2018, Trusteeship Council Chamber

Madam Chair,

Bangladesh delegation thanks the International Law Commission for its work on the 'Protection of persons in the event of disasters'. We also take note of the Secretary-General's compilation of the views of different member states on these draft articles.

Bangladesh attaches great importance to effective and timely response to disasters, disaster risk reduction, and promoting the rights and dignity of those affected and in need of assistance. Due to climate change impact, such response and commitment would continue to remain critical in the face of increased number and frequency of natural disasters around the world.

As far as our reading of the ILC's draft Articles are concerned, we find two aspects relating to disaster response addressed therein, i.e. Protection and Assistance. In case of disasters, it is the primary responsibility of the affected State to ensure protection and assistance for persons in its territory, or territory under its jurisdiction or control. We are not certain if the words 'duty' or 'role' in draft Article 10 sufficiently carries the notion of 'responsibility' of the affected State. The role of external actors, including assisting States, relates to the provision of assistance at the express request of the affected State. We consider it important to make that distinction among concerned States in the areas of protection and provision of assistance evidently clear.

Moreover, the duty of affected States to seek external assistance when the disaster 'manifestly' exceeds its national response capacity perhaps requires further understanding and qualification. While the manifestation may be somewhat obvious in case of natural disasters, it may be subject

to debate as to whether a human-made disaster has manifestly and ‘seriously disrupt[ed] the functioning of society’.

The affected State should ensure protection of relief personnel and equipment, facilitate their entry, permission of work, and freedom of movement, and should not arbitrarily withhold consent to external assistance unless in conflict with stipulated conditions. The draft Articles address these issues in a pertinent manner. It would have been further comprehensive if the draft Articles were to also address the obligations of assisting States as well as of others providing relief assistance in the field. The provision of external assistance must not be used for interfering with otherwise internal affairs of the affected State, especially under the avowed objective of protecting persons affected by disasters.

My delegation takes careful note of the views of other delegations and would like to hear more about their practices on the ground. The draft articles by ILC can constitute an important legal development in terms of harmonization of existing legal instruments and can also make a useful contribution to improving the legal framework for protecting and assisting persons in the event of disasters. Our delegation would, therefore, suggest further building on the ILC’s work and on sustained efforts to address the outstanding questions.

Before concluding, we would like to thank the ILC special rapporteur Mr. Eduardo Valencia Ospina for his work.

I thank you.