



PERMANENT MISSION OF ITALY
TO THE UNITED NATIONS

Sixth Committee
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Amb. Stefano Stefanile

Deputy Permanent Representative

Agenda item n. 90 Protection of persons in the event of disasters

New York, 1 November 2018

Thank you Mr Chairman [Madam Chairperson]

The delegation of Italy would like to renew its **appreciation for the excellent work** performed by the International Law Commission (ILC) and by the Special Rapporteur Eduardo Valencia-Ospina, which has resulted in the adoption by the Commission in 2016 of a full set of **draft articles on the protection of persons in the event of disaster**.

Italy is a country that has had to cope, even in recent times, with the dire consequences of natural disasters. As a result of that **we have developed a very advanced system of civil protection**, which has operated with professionalism and dedication **both domestically and** in several operations **worldwide**. Just to mention a few the Italian “Protezione Civile” was active in the aftermath of the 2004 Tsunami, the earthquake in Haiti in 2010 and the earthquake in Nepal in 2015. Those experiences have reinforced Italy’s conviction that a stable regulatory framework channeling **international cooperation and cooperation with the affected State** is key to an effective and swift response by the international community every time the scale and effects of a disaster exceed the capacities of the affected States.

Unfortunately, as the ILC has well explained in its commentary to the draft articles, such stable regulatory framework is today missing. We have numerous bilateral agreements (often outdated) and soft law instruments, some multilateral agreements dealing with specific issues related to relief operations, but what we do not have is a

general **multilateral legal framework** where the fundamental rules and principles are laid down. Italy believes that the ILC Draft Articles constitute a **balanced compromise** between the enhanced **responsibilities of the international community** in relief operations and the **respect of States' sovereign rights**, which maintain full control over the admission and operation of international actors. To that extent these draft articles constitute a solid basis upon which to push forward constructive negotiations towards a future UN convention.

Mr Chairman [Madam Chairperson],

our delegation will constructively engage with any option as to the form and content of such agreement. At the same time, at this stage, we would like to suggest that a possible convention **may take the form of a framework convention**, with a clearly defined scope of application, establishing the fundamental rules and principles of international cooperation in disaster response, especially with regard to the performance of relief operations by external actors in the territory of the affected State. Such rules and principles could **provide the legal toolbox** to which States may resort to when adopting more specific and operational instruments at bilateral or regional level. Furthermore, the process towards a framework convention could explore the establishment of **some form of quasi-institutional mechanism** – for instance a secretariat, a meeting of the parties and/or a technical body – which would enable the parties to develop operational, technical protocols and instruments facilitating the work of stakeholders and relief operators on the ground.

In conclusion, Italy is of the view that in age of global warming and booming population, in which the numbers of natural disasters and affected persons are dramatically increasing, the **time has come for the UN to take the lead** in providing a **stable and comprehensive regulatory framework**. To that extent, it supports the recommendation issued by the ILC and, in line with the invitation to Member States expressed by the GA in Resolution 71/141, Italy looks forward to **engaging with other States in identifying the best ways to make further progress** on this topical issue. Thank you for your attention.

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