



MALAYSIA

PERMANENT MISSION TO THE UNITED NATIONS

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**STATEMENT BY
MS. SITI NUR BAYA JABAR
DELEGATE OF MALAYSIA TO THE UNGA 73RD SESSION**

**AGENDA ITEM 90:
PROTECTION OF PERSONS IN THE EVENT OF DISASTERS**

1 NOVEMBER 2018

Mr. Chairman,

Malaysia notes that the General Assembly during its seventy-first session adopted resolution 71/141, in which it took note of the draft articles prepared by the International Law Commission on the Protection of Persons in the Event of Disasters and invited Governments to submit comments concerning the recommendation by the Commission to elaborate a convention on the basis of these articles. Malaysia also appreciates the effort of the Secretary General in collecting the comments from States and producing a report of the comments received as at July 2018.

2. Malaysia observes that during the seventy-first session of the General Assembly, there are a number of delegations, including Malaysia, that expressed doubts about the need to develop a convention based on the draft Articles.

3. In addition, with regard to the Secretary General's Report on July 2018, Malaysia also observes that while there are several States who expressed support for the elaboration of convention based on the draft articles, there are also States who insisted that it is not necessary to do so. Malaysia particularly notes that one of the reasons given for the non-



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support is that *“the development of guidelines to inform good practice would be most helpful for States and others engaged in disaster relief, rather than a legally binding instrument, on the basis that such guidelines appear more likely to enjoy widespread support and acceptance.”*

4. On the same note, Malaysia would like to reiterate its position that the draft articles for the Protection of Persons in the Event of Disasters ought not to be in the form of a legally binding framework. Malaysia views that it would be difficult for all member states to strictly adhere to legally binding provisions of a convention in a situation of disaster where aid and relief requirements vary according to the circumstances. A one-size fit all approach could prove unduly restrictive.

Mr. Chairman,

5. Malaysia views that the implementation of a convention in this context would entail implementation of administrative protocols and procedures. Hence, complicating the whole process of dispatching aid and relief in situations of emergency or disaster.

6. Thus, to regurgitate, Malaysia is of the view that these draft articles should not take the form of a legally binding framework. Instead, States ought to be given the prerogative to decide on whether or not to adopt the draft articles. Even in situations where States do not adopt the draft articles, this should not stop the said States from making reference to the draft articles whenever it appears necessary to do so. As such, the draft articles could be seen as the focal reference point internationally with regard to disaster relief and management.

Thank you.