

## Statement by Mauritius

Delivered in the Sixth Committee at the seventy-third session of the General Assembly  
31<sup>st</sup> meeting, 1 November 2018

Thank you, Mr. Chair, and a very good morning/afternoon, dear colleagues,

On the topic “protection of persons in the event of disasters”, my delegation would like at the outset to thank the International Law Commission (ILC) for the draft articles proposed. It is gratifying to see momentum building up among the international community to examine the feasibility of a convention on the protection of persons in the event of disasters. My delegation wishes to make brief comment on one of the draft articles of the ILC on the topic before making more general remarks.

First of all, we are comfortable with the preambular part although we feel that preambular paragraph 2 “considering the frequency and severity of natural and human-made disasters and their short-term and long-term damaging impact” could be reinforced with more elaborate language. Like most member states, Mauritius is deeply concerned at the increasing impact and frequency of natural disasters that result in massive loss of life and property, as well as displacement of local populations, specifically in vulnerable societies lacking adequate capacity to effectively mitigate the consequences of such disasters.

On article 3 (a), we would suggest the replacement of the adjective “great” in the second line by either “immense”, “severe” or “acute”. We would also like to ask whether adding “natural” and/or “man-made” before “event” would open disaster’s meaning too broad with the possibility of political motives qualifying a disaster. We would further suggest defining “assisting State” in article 3 (c), as a state providing relief and/or humanitarian assistance.

We also believe that consideration should be given to swapping “human rights” with “human dignity” as respective articles 4 and 5 since human rights include the preservation of rights essential to protect human dignity. In other words, the achievement of human rights may lead to the respect and protection of dignity. However, we also understand that international human rights law is normally grounded on the assumption that people have equal rights which derive from their dignity. Therefore, we remain open to the fact that both articles 4 and 5 may remain as they are currently.

As for article 6, we believe that the language could be strengthened by considering General Assembly resolution 46/182 of 1991, in particular its annex which contains the “Guiding Principles for The Strengthening of the Coordination of Emergency Humanitarian Assistance United Nations System”.

In this regard, we would like to underline the fact that humanitarian assistance is fundamentally civilian. In case military capacity and assets are used as a last resort to implement humanitarian relief and assistance, this should always be with the consent of the affected State and in conformity with international law.

Moreover, on the issue of cooperation, which is touched upon by articles 7 and 8, respectively, it must be stressed that it is increasingly challenging for Member States to provide an adequate and timely humanitarian response capacity to deal with the consequences of disasters, given factors such as the impact of climate change, volatile food and commodity prices and conflicts. Nevertheless, International cooperation remains crucial. In this regard, it

would be worth assessing the progress made by the United Nations Platform for Space-based Information for Disaster Management and Emergency Response (UNSPIDER) and the Global Framework for Climate Services in providing relevant information, data and forecast for climate risk management.

We would also like to highlight the role of the Central Emergency Response Fund in facilitating life-saving assistance to crisis-affected people by providing timely funding and allowing assisting States and organizations to act quickly.

As for articles 9 and 10, it would be important to underline the primary responsibility of each Member State to undertake disaster risk reduction and management, including through the voluntary implementation of the Sendai Framework which remains extremely relevant, together with the Global Platform for Disaster Risk Reduction.

Finally, article 13 regarding “consent of the affected State to the external assistance”, we find it difficult to understand the meaning in part (2), in particular the adverb “arbitrarily”. If affected State is expected to give its consent to external assistance it cannot withhold acceptance against itself in an arbitrary manner. Thus, the question of arbitrariness does not arise for us.

Mr. Chair,

Hurricanes, typhoons, cyclones, and tornadoes are becoming stronger and more frequent. Flash floods too. The constant and longer chess-game between the “El Niño” phenomenon and “La Niña” is wreaking havoc in many parts of the world. Man- induced calamities and hazards also appear to have increased frequency and severity. Against such a doom-like background, will and can a Convention on the protection of persons in the event of disasters, save the day and enable enhanced coordination response and cooperation within the international community? Probably, but such a convention would need to incorporate and encompass all relevant frameworks such as the Sendai Framework, including the Bangkok Principles (2016) for the implementation of the health aspects of the Sendai Framework.

We are of the view that such a convention is feasible. But prior to that, it is essential that the International Law Commission tries to build upon the current Articles, as the set of 18 articles is quite flimsy and there is ample room for improvement with the appropriate elaboration and more substance.

Today, the United Nations Charter and its noble principles cannot be read, interpreted, and applied in isolation. The 2030 agenda and its related SDGs rather complement it in a way where tangible progress and results can be simultaneously visualized and envisaged by the international community. We should therefore all be able to walk the talk.

I thank you Mr. Chair.