

Permanent Mission of Colombia to the United Nations

Comments of the Republic of Colombia to the recommendation of the International Law Commission to elaborate a convention based on the Draft Articles on Protection of Persons in the Event of Disasters.

In response to paragraph 3 of Resolution 73/209 of December 20, 2018, whereby the General Assembly invited governments to comment on the recommendation of the International Law Commission (ILC) to elaborate a convention based on the Draft Articles on Protection of Persons in the Event of Disasters, the Republic of Colombia would like to present the following observations.

1. The need to create a common and organized international legal framework

There is a pressing need to create a framework for the response and cooperation in the event of disasters. Confronted with a potential or actual disaster, the States have resorted to a greater or lesser degree to international cooperation in order to implement, as the case may be, measures to reduce the risk of a possible disaster, or to respond to its consequences once it occurs. However, due to the increasing number of bilateral, regional and multilateral instruments on these matters, a disorganized and fragmented body of legal instruments has been created, with obligations that contain different and sometimes contradictory terminologies, definitions, principles and objectives. Therefore, the value of the project prepared by the ILC is to create a common legal framework that facilitates the coordination of humanitarian action of the institutions dedicated to this work. Decisions in the context of disasters must be taken quickly enough to allow adequate management of the situation while protecting the affected people and guiding the actions of the affected States, the States that aid and the other actors involved. Such decisions need a set of unified rules, such as those presented in the ILC Draft. Furthermore, this Draft respects state sovereignty and the rights of people affected by disasters without differentiating whether the disaster is caused by human action or by a natural cause. This gives a more comprehensive and universal character to the project.

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2. Benefits of using the ILC text as a basis for a future negotiation

Founded on recognizing the value of solidarity in international relations and on the promotion of international cooperation, the ILC project keeps a delicate balance between the principles of state sovereignty and non-intervention. It also keeps it between the essential needs of people affected by disasters and the respect for their rights, drawing inspiration from instruments of Human Rights and International Humanitarian Law. Its provisions reflect fundamental principles and concepts that have influenced international instruments and documents related to disaster risk reduction, such as the Sendai Framework for Disaster Risk Reduction and Security Council decisions on situations of armed conflict, a matter that other delegations had requested in order to seek progressive consolidation on the Draft Articles through State practice to justify the need for a convention. The ILC project also represents the materialization of what has become an autonomous branch of International Law: disasters and international law, including provisions on effective management for their prevention, reduction and risk management.

Likewise, the project takes into account the interests of different actors involved, including affected States, external actors such as other States, international organizations, NGOs, or even companies, among others, that can provide important support in the event of disasters. Likewise, it especially takes into account the interests of those directly affected by the situations: the victims. The text also strikes a delicate balance between a focus on victims' rights and the more traditional focus on their needs, enshrining provisions on relations between the aforementioned actors and on the relationship between States in matters related to cooperation.

3. Drawing from the experience of the COVID-19 global outbreak

As a final note, the resolution unanimously adopted on 2 April 2020 by the General Assembly, sponsored by 188 Member States, entitled "Global Solidarity to Fight the

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Coronavirus disease (COVID-19)", which finds inspiration in the basic tenets of the ILC's Draft - Solidarity, Co-operation and Human Rights -, is the most telling manifestation of a collective political will which ought to be harnessed in support of the ILC's recommendation regarding the final form to be given to the Draft on Protection of Persons in the Event of Disasters. Many States only seem to act when confronted with a disaster of immeasurable proportions, as the Hyogo and Sendai Programs of Action remind us. The COVID-19 pandemic, being the first truly global disaster, should move States to understand the need for an effective and binding instrument like the one proposed by the ILC Draft.