

# **Comments and Observations of the Government of Japan on the Draft Articles on the Protection of Persons in the Event of Disasters**

The Government of Japan would like to express its profound respect to the International Law Commission (ILC) on its efforts of the codification of the law on the protection of persons in the event of disasters, and highly appreciate its work for the draft articles and the commentaries thereto.

Learning from the lessons of the past disasters such as the Great East Japan Earthquake, Japan has been actively promoting international cooperation in the field of disaster risk reduction, including implementation of emergency humanitarian assistance in disasters abroad and building disaster-resilient societies.

From the viewpoint of a disaster-affected state and an assisting state in disasters, the Government of Japan would like to submit the following three comments and observations on the draft articles on the protection of persons in the event of disasters.

## **1. Importance of Disaster Risk Reduction and Preventive Approach**

As mentioned in Article 9 of the draft articles, it is essential for reducing risks and minimizing damages of disaster to take necessary measures before disasters occur.

In this regard, Japan has supported “Build Back Better” and “a broader and a more people-centred preventive approach” as described in the “Sendai Framework for Disaster Risk Reduction 2015-2030” adopted at the Third United Nations World Conference on Disaster Risk Reduction, and promoted international cooperation in the field of disaster reduction.

The Government of Japan considers it is important that the draft articles are based on such on-the-ground efforts of international cooperation in the area of disaster reduction in order to make the draft articles valuable for tackling the challenges in reality.

## **2. Duty to Seek External Assistance**

The Government of Japan shares the idea that the affected State has the duty to seek external assistance when a disaster manifestly exceeds its national response capacity, as mentioned in Article 11 of the draft articles.

On the other hand, as Articles 13 and 14 of the draft articles point out, with regard to the implementation of external assistance, it is reasonable to require the consent of the affected state and to allow the affected state to place certain conditions for the provision of external assistance, in accordance with international law, national law, the needs of persons affected by disasters and so on.

However, the Government of Japan considers that the requirement of the affected state's consent and creation of conditions should not be abused by political and other reasons that may result in delay of external assistance delivery to affected persons who are in danger of loss of life, injury or property damage.

## **3. Future Direction of the Discussion on the Draft Articles**

The contents of the draft articles are well-balanced, giving careful attention to relevant factors such as the roles and the duties of the affected state and the assisting state, state sovereignty, and humanitarian requirements for the protection of affected persons. Therefore, the draft articles should be acceptable to many countries.

On the other hand, it is necessary to further refine the text of the draft articles taking into consideration the interests of countries concerned, in order to conclude a treaty based on the draft articles. If a diplomatic conference is held, the Government of Japan expects that the draft articles will be made more operationally useful and effective through further in-depth discussions in order to protect the affected persons in the event of disasters.