



United Nations General Assembly Sixth Committee: Plenary debate on protection of persons in the event of disasters

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Statement by Ms Alexandra Hutchison, Legal Adviser and First Secretary, Permanent Mission of Australia to the United Nations, on behalf of Canada, Australia and New Zealand (CANZ)

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Thank you, Chair.

I have the honour to deliver this statement on behalf of Canada, New Zealand and my own country, Australia.

We welcome the opportunity to proactively engage in discussions on this important topic, building on the efforts of the International Law Commission (ILC) and its draft articles on the protection of persons in the event of disasters. At the outset, we commend the ILC for its extensive work.

We are pleased the Sixth Committee is progressing its consideration of the draft articles through a new Working Group this session and next.

CANZ recognises that the growing frequency and devastating impacts of disasters are affecting the lives and livelihoods of countless people around the world.



These Sixth Committee discussions are timely and critical, particularly in the face of climate change, compounding disasters and humanitarian crises, all of which underscore the importance of protecting people affected by disasters.

CANZ views the ILC draft articles as a useful first step in considering how States might prepare and respond in disaster situations. Importantly, they put the protection of people front and centre.

[Mr/Madam] Chair,

CANZ welcomes the opportunity to further discuss the rationale and intent for the proposal for a new convention, as well as to discuss the extent to which the existing international legal framework already provides a basis for effective disaster preparedness, risk reduction and response.

CANZ will be particularly interested in the views of those who are most vulnerable to natural hazards, including Pacific island countries.

CANZ considers that we should first examine how existing international law already supports the protection of persons in the event of disasters.

We note that many of the objectives within the draft articles are already reflected in current international law. For instance, the draft articles reaffirm that existing international human rights law continues to apply in disaster situations.



Further, the draft articles relating to the affected State are linked to the principles of State sovereignty and non-intervention, consistent with the UN Charter.

CANZ also highlights the importance of sharing best practice and existing initiatives at the local, national, and regional levels, which could usefully progress our thinking. We cannot underestimate the value-add of domestic law and policy measures, as well as regional initiatives, which can offer more flexible and agile solutions in the face of disasters.

In this regard, we note the significance of the Sendai Framework for Disaster Risk Reduction 2015-2030, which contains important principles to reduce the impact of disasters and address the underlying drivers of disaster risk.

[Mr/Madam] Chair,

Since the draft articles were published in 2016, there have been numerous relevant developments that intersect with the ILC's work on the protection of persons in the event of disasters.

This includes the ILC's ongoing work on the protection of persons in the context of sea-level rise, as well as the ongoing climate change advisory proceedings before the International Tribunal for the Law of the Sea (ITLOS)



and the International Court of Justice (ICJ), as well as some regional courts and tribunals.

CANZ considers there are synergies within the ILC workstreams and the advisory proceedings, which could be complementary and mutually reinforcing. We should ensure there is cohesion and alignment within and across them.

[Mr/Madam] Chair,

CANZ acknowledges that there are some divergent views on some key draft articles that we expect to be the subject of lively debate in the Working Group this session and next.

One core unresolved issue is whether the proposed definition of disasters in the draft articles remains fit-for-purpose.

There is no agreed legal definition of disaster under international law and the current definition in the draft articles is quite broad.

We also reiterate that the affected State maintains the primary lead role in preventing and responding to disasters. CANZ considers that the draft articles need to strike a delicate balance between protecting the sovereignty of affected States, while ensuring appropriate mechanisms for international cooperation to protect persons in the event of a disaster.



CANZ considers that the new Sixth Committee Working Group will play a valuable role in fleshing out existing international legal principles and instruments relevant to disasters.

It is clear the ILC's draft articles can and do play a valuable role in helping States to better understand and implement existing obligations and commitments.

To the extent that some of the core objectives in the draft articles are not covered by regional initiatives or existing international law, we look forward to hearing more about the precise gaps in the international legal framework that some consider to exist and whether a convention is the most fit-for-purpose solution for any such gaps, rather than, for example, soft law instruments and/or bilateral and regional instruments.

We also see merit in exchanging further views on how all these efforts might be supplemented, including through the sharing of best practice.

Thank you.