



Statement on behalf of the European Union and its Member States

By

**Mr. Thomas Ramopoulos, First Secretary, Delegation of the European
Union to the United Nations**

at the Sixth Committee

**on the Agenda item 86:
"Protection of Persons in the event of disasters"**

United Nations

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– CHECK AGAINST DELIVERY –

Mr./Madam Chair,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries Montenegro^{1*}, Serbia*, Albania*, the Republic of Moldova and Bosnia and Herzegovina*, as well as Monaco align themselves with this statement.

We welcome the discussion of the current item in the Committee and look forward to further substantive exchanges in the Working Group. The EU and its Member States commend the International Law Commission for its work on the draft articles on the protection of persons in the event of disasters, as well as on the commentaries thereto.

In recent years, we have witnessed across the globe an increase in the number and scale of natural disasters such as wildfires, hurricanes, earthquakes, floods, droughts and cyclones that cause immense loss of life, suffering and damage. These disasters bring home the realisation that no country can respond adequately on its own. It is therefore important to work to strengthen **international cooperation** for disaster relief. Such cooperation needs to be **comprehensive**, encompassing disaster risk reduction, including anticipatory actions, prevention and preparedness and, finally, response. In light of the above, the draft articles and their commentaries are an important and timely contribution.

In its external action for disaster relief, the European Union is guided by its founding principles and objectives that, in addition to the protection of human rights, include ‘assist[ing] populations, countries and regions confronting natural or man-made disasters; and [...] promot[ing] an international system based on stronger multilateral cooperation and good global governance.’² The European Union disaster relief framework comprises two pillars; one covering humanitarian aid³ and one covering civil protection.⁴ European Union humanitarian

^{1*} *Montenegro, Serbia, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.*

² Article 21(2)(g) & (h) TEU; see in this regard also Article 196(1)(c) TFEU and 214 TFEU.

³ Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid, OJ L 163/1, 2.7.1996.

⁴ No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism, OJ L 347/924, 20.12.2013.

aid seeks to provide assistance, relief and protection to people affected by natural or man-made disasters, with a focus on the most vulnerable. Assistance must be (i) needs-based; (ii) directed at people in distress, regardless of nationality, religion, gender, age, ethnic origin or political affiliation; and (iii) based on international humanitarian principles and the European Consensus on Humanitarian Aid. The EU Civil Protection Mechanism is premised on the principle of solidarity. The Mechanism coordinates the response to disasters among all 27 EU Member States and 10 other Participating States,⁵ to ensure that assistance is delivered as effectively as possible.⁶ It has a wide scope covering the protection primarily of persons but also of the environment and property, including cultural heritage, against all kinds of natural and man-made disasters, including the consequences of acts of terrorism and technological, radiological or environmental disasters, occurring inside or outside the European Union. It covers the phases of disaster prevention, preparedness and response.

Examples of when this legal framework was activated this year, include

- Civil protection operations in the aftermath of the devastating earthquake in **Türkiye** and **Syria** in February. Ten countries offered thousands of tents, blankets, power generators, medicines, food items and more to the Syrian people. Experts were also sent to help with search and rescue in Türkiye.⁷
- Civil protection operations following the massive wildfires in **Canada** in June.
- Following a request for international assistance by the Permanent Mission of the State of **Libya** to the United Nations office in Geneva, the Civil Protection Mechanism was activated on 12 September allowing for the provision of in-kind assistance and teams in the aftermath of the unprecedented flooding. In addition, two EU environmental experts have

⁵ Albania, Bosnia and Herzegovina, Iceland, Montenegro, North Macedonia, Norway, Serbia, Türkiye and Ukraine. Please note that Moldova will sign the Agreement to join the UCPM on 29 September and so will be considered as the tenth Participating State. However, the Agreement will only have full effect and enter into force on 1 January 2024, once ratified by Moldova.

⁶ European Council, EU civil protection, <https://www.consilium.europa.eu/en/policies/civil-protection/>.

⁷ DG ECHO, Earthquake: EU mobilises more emergency assistance for Syria and Türkiye, 13 February 2023, https://civil-protection-humanitarian-aid.ec.europa.eu/news-stories/news/earthquake-eu-mobilises-more-emergency-assistance-syria-and-turkiye-2023-02-13_en.

been selected to be associated with the United Nations Disaster Assessment and Coordination (UNDAC) team.

- What is more, humanitarian aid funding that was made available on 25 September to respond to the floods that have affected **Pakistan** in the past weeks, which have directly or indirectly affected some 900,000 people. This comes in addition to the funding already allocated for humanitarian assistance to Pakistan earlier in 2023, in order to assist the most vulnerable population affected by conflict and climate-induced disasters.
- Lastly, the European Union's continuous support to **Ukraine**, in its largest and most complex activation so far with a cumulative amount of over 96 000 tonnes of assistance delivered to date.

The EU's internal disaster relief framework as well as existing international frameworks in this area, in particular the Sendai Framework for Disaster Risk Reduction, have guided the Union's engagement with the draft articles on the protection of persons in the event of disasters. We recall in this regard that the recent Mid Term Review of the Sendai Framework has called upon States to "[e]nsur[e] that disaster risk governance is supported by legal and regulatory frameworks, policies and plans at all levels".⁸ The European Union and its Member States also underline the value and direct relevance of General Assembly resolutions 77/28,⁹ 77/29¹⁰ and 77/164,¹¹ which were adopted last year by consensus.

Turning to the draft Articles, the EU and its Member States would like to make some initial comments.

First, as recognised in the Sendai Framework, as well as the Political Declaration of the High-Level Meeting on the Midterm Review of the Sendai Framework (Resolution 77/289, para.

⁸ Resolution 77/289, Political declaration of the high-level meeting on the midterm review of the Sendai Framework for Disaster Risk Reduction 2015–2030, para. 26.

⁹ Resolution 77/28 on Strengthening of the coordination of emergency humanitarian assistance of the United Nations.

¹⁰ Resolution 77/29 on International cooperation on humanitarian assistance in the field of natural disasters, from relief to development.

¹¹ Resolution 77/164 on Disaster risk reduction.

21), the affected State has the **primary responsibility** to provide disaster relief, ‘including through international, regional, subregional, transboundary and bilateral cooperation’. Overall, the draft articles strike an **appropriate balance** between the need to safeguard the national sovereignty of affected States, on the one hand, and the need for international cooperation and respect for human rights of persons in the event of disasters, on the other.

Secondly, we recall that in humanitarian emergencies the **humanitarian principles** and **human rights of affected persons** must be respected fully. We stress that in situations of armed conflict governed by **international humanitarian law**, the latter takes precedence as *lex specialis*, as reflected in the relevant provision of the draft articles.

Thirdly, the European Union and its Member States welcome the focus of the draft articles on persons in need. As stressed previously, it is important that the draft articles expressly aim to effectively meet the **essential needs of persons affected** by disasters while complying fully with their rights.

Lastly, we would like to reiterate that given the important role of **regional organisations** in disaster relief, it would ensure legal clarity to add an express reference to such organisations in the definition of ‘other assisting actor’ especially in light of the fact that no clarification to that effect was made in the commentaries to the draft articles.

Thank you.