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UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,
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PROTECTION OF PERSONS IN THE EVENT OF DISASTERS – CLUSTER 1

Delivered by Jonathan Hollis

1. The UK is deeply committed to providing principled humanitarian assistance in crisis and driving more effective responses to crises. We welcome the opportunity to have a substantive discussion on this topic.
2. In the last two decades an average of 370 natural hazards and disasters have been recorded every year. Weather and climate-related disasters are the most frequent, though geological disasters, especially earthquakes, are common. Disasters can be almost unimaginable in scale.
3. Despite improvements in disaster preparedness and response across many States, and improvements in the international humanitarian system, populations continue to face severe consequences to their health, livelihoods, safety, well-being and education because of limited efforts to reduce disaster risk, poor disaster planning and lack of government capacity to respond. Poor and marginalised communities in lower-income countries are disproportionately affected by disasters.
4. As such, the UK is open to exploring the benefits in developing a convention in respect of the protection of persons in the event of disasters and the draft articles provide a helpful starting point for a discussion.

Mr/Madam Chair

5. Turning now to the preamble:

Preamble

6. The Preamble rightly highlights the frequency and severity of natural and human-made disasters and their long-term, as well as short-term, consequences. Further, we agree that solidarity and international cooperation are vital to disaster risk reduction, preparedness, response and recovery.
7. However, the draft Articles reflect the international humanitarian system as it was in 2016 and we note that there have been changes and reforms to that

system since. In particular, there is increased emphasis on the role of local organisations in determining and responding to humanitarian needs, in conjunction with the affected populations, and the importance of women's leadership in crises. We would be inclined to expand the preambular paragraphs to reflect this.

Draft Article 1 – Scope

8. With respect to draft Article 1, the UK is content with the text of this draft Article, which tracks the title of the draft Articles. However, we would like to make a point that it is unclear whether the draft Articles seek to deal with just the immediate post-disaster response or the longer recovery phase. We note the importance of external actors supporting long term recovery efforts where appropriate.

Draft Article 2 – Purpose

9. Turning to draft Article 2, the UK supports the existing text of this Article, which sets out that the purpose of the draft articles is to facilitate responses to disasters as well as reduction of the risk of disasters.

Draft Article 3 – Use of terms

10. Moving on to some of the specific definitions:

Draft Article 3(a) “disaster” –

11. We note the commentaries state that the intention of the definition of “disaster” is to exclude economic and political crises. It appears to us that although the definition of disaster does set a high bar, it does not necessarily exclude a political or economic crises. The UK would be inclined to amend the articles to explicitly exclude such crises, particularly noting the implications a wide definition has elsewhere in the draft Articles, in particular, draft Article 9, which places an obligation on States to reduce the risk of disasters.

Draft Article 3(b) “affected State” –

12. We note the definition of an “affected State” as “a State in whose territory, or in territory under whose jurisdiction or control, a disaster takes place” may create uncertainty as to where the obligations set out within the draft Articles apply, for example, in situations where territorial sovereignty is disputed. There also could be more than one State caught by the definition in respect of a disaster, which could create confusion, particularly in relation to the consent requirement in draft Article 13 and obligations contained in draft Article 10. As such we think the application of this definition in practice may require further discussion.

Draft Article 18 – Relationship to other rules of international law

13. Regarding draft Article 18, paragraph 2, the UK considers that the text takes a reasonable approach. However, and in particular if the draft Articles were to proceed to become a binding convention, they could raise difficult issues of interplay between this convention and IHL, which will need to be carefully considered further and which would benefit from guidance on the factors that determine whether a response is or is not governed by IHL.