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UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,
UNGA78, AGENDA ITEM 86

PROTECTION OF PERSONS IN THE EVENT OF DISASTERS – CLUSTER 2

Delivered by Jonathan Hollis

1. The UK will now comment on draft Articles 4, 5, 6 and 9 in turn.

Draft Article 4 – Human dignity

2. Starting with Article 4, the UK agrees that reference to the “inherent dignity of the human person” is an important framing principle in the context of disaster response and disaster reduction. Respecting the inherent dignity of persons should mean that affected populations are not regarded as passive and that they have a stake in determining their disaster response.
3. We would however query whether the reference to human dignity would be better placed in the preamble to the draft Articles as opposed to the operative provisions, in particular as the draft Article does not give an indication of the actors being addressed. Further, it is currently unclear how the concept is to be enforced or understood in the disaster response context.

Draft Article 5 – Human rights

4. The UK welcomes the text of draft Article 5 which provides that persons affected by disasters are entitled to the respect for and protection of their human rights in accordance with international law.

Draft Article 6 – Humanitarian principles

5. Regarding draft Article 6, the humanitarian principles are essential to disaster response. The UK notes that ‘independence’ is generally understood to sit alongside ‘neutrality, humanity and impartiality’ as a fourth humanitarian principle, in accordance with UN General Assembly resolution 58/114.
6. We note that ‘independence’ as defined by UNGA resolution 58/114 is not included in the draft Article and the commentary appears to combine neutrality with this definition of independence. However, we have concerns about its omission given its importance to the operations of UN agencies, non-governmental organisations, and components of the Red Cross and Red Crescent Movement involved in humanitarian response. While ‘independence’ may not necessarily apply to assisting and affected States, the draft Articles do not only concern bilateral aid. It is the view of the UK that there should be caution around conflating the principles and undermining international consensus, which has developed over years. After ‘humanity, neutrality and impartiality, we suggest the addition of the words ‘and where applicable, independence’ and would welcome the views of other committee members on this point.

Draft Article 9 – Reduction of the risk of disasters

6. The UK considers that draft Article 9, which places an obligation on States to take appropriate measures to reduce the risk of disasters, is important in accelerating domestic risk reduction efforts. We are considering whether a

definition of 'disaster risk reduction' would give further clarity to States about the content of the obligation and would appreciate the views of others on this.

7. The UK also considers that greater prominence could be given the concept of disaster preparedness in this draft Article.
8. Finally, the UK notes the statement in the commentary to draft Article 9 that what might be 'appropriate' measures "*is to be evaluated within the broader context of the existing capacity and availability of resources of the State in question.*" We would suggest that what is appropriate in respect of disaster risk reduction will also depend on the type of disaster a State is most likely to experience, and their frequency.