



## UNITED STATES MISSION TO THE UNITED NATIONS

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**U.S. Remarks at Meeting of the Sixth Committee Working Group on Agenda Item 86:  
Protection of Persons in the Event of Disasters  
Cluster III - Draft Articles 7, 8, and 12 – International cooperation  
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Thank you, [Mr./Madame Chair]. The United States welcomes the opportunity to address the provisions of the Draft Articles related to international cooperation.

With respect to Draft Article 7, the United States supports the goal of encouraging state cooperation with inter-governmental and non-governmental actors in disaster assistance. However, we note that this Draft Article appears to establish a duty to cooperate that does not presently exist in international law. Although we recognize the principles of cooperation among states reflected in the Charter of the United Nations and the General Assembly's Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter, we do not agree that they impose a specific legal obligation to cooperate with the broad range of organizations listed in this Draft Article. While the ILC Commentary to Draft Article 7 properly recognizes that many states have assumed obligations under human rights treaties such as the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities, those instruments do not establish a duty to cooperate with inter-governmental and non-governmental actors in disaster assistance, and only states parties to those treaties have binding obligations under them.

Insofar as Draft Article 7 seeks to establish a new obligation of states to cooperate in responding to disasters, we are concerned that its language does not provide sufficient clarity on who states would be obligated to cooperate with and the kind of actions that would be sufficient to satisfy a duty to "cooperate." For example, Draft Article 8 provides that "cooperation" includes "making available relief personnel, equipment and goods, and scientific, medical, and technical resources." It is unclear from the text whether Draft Articles 7 and 8, collectively, would obligate states to provide such resources to other states affected by disasters, which would be a significant intrusion on state sovereignty and may not be practical for states in many circumstances. That would also be in tension with the text of Draft Article 12, which uses permissive language in regards to offers of assistance to affected states. Draft Article 7's mandate that states "cooperate" in the application of the Draft Articles may also be in tension with the proposed rule in Draft Article 13 that states must consent to external assistance and the

text in Draft Article 14 permitting affected states to place conditions on the provision of external assistance. The United States believes that Draft Article 7 could be framed as a non-binding guideline or recommendation, but that further discussion and elaboration would be required before establishing a binding international obligation to “cooperate” in regards to disaster assistance.

With respect to Draft Article 12, the United States, again, strongly supports the goal of encouraging humanitarian assistance to populations affected by disasters that is reflected in this Draft Article. We appreciate that Draft Article 12(1) is framed in permissive terms and does not suggest that states have a legal duty to offer assistance to states affected by disasters. However, we note that Paragraph 12(2) purports to establish a duty of potential assisting actors such as other states or the United Nations to “expeditiously” consider and reply to requests for assistance, and emphasize that no such duty presently exists under international law. It is also unclear what would qualify as “expeditious” consideration of and response to a request, sufficient to satisfy the purported duty under Paragraph 12(2). Thus, we would recommend that Paragraph 12(2) be framed as a goal or best practice rather than a binding obligation, consistent with Paragraph 12(1).

Thank you, [Mr./Madam Chair].