



**Sixth Committee – Agenda item 86  
Protection of persons in the event of disasters**

**Statement by the Federal Republic of Germany  
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Across the Globe, we experience a multitude of events of natural disaster every year. We see them increasing in frequency as well as scale as a result of climate change - and we will continue to see them increasing even more. These events often happen suddenly and leave tremendous damage in their wake. Due to this, they put a heavy strain on the capacities of the affected State. This is even more true for small and developing countries, who are some of the most affected by events of disaster.

Therefore, international cooperation is key in protecting people effectively from the disastrous effects that such events can have. While regional instruments as well as soft law mechanisms approaching this issue already exist - in particular, within the EU member States cooperate closely in many different ways -, Germany supports the idea of elaborating a universal treaty. Especially in events of disaster it is crucial to have an agreement on all actors' rights and obligations laid out in a concise and clear framework in order to act fast and effectively. Germany continues to view the International Law Commission's Draft Articles on "Protection of persons in the event of disasters" as a good starting point and appreciates the exchange of views that took place in particular within the Working Group at its last session.

In ensuring the most effective protection of persons affected by events of disaster, the role of the affected State is essential. In Germany's view, the Draft Articles strike the appropriate balance in regard to the affected States' sovereignty and its responsibilities in enabling international cooperation in the protection of persons in the event of disaster. Contrary to some States' concerns, the preconditions for international assistance

provided for in the Draft Articles sufficiently ensure that the affected States' sovereignty is respected. To this effect, the Draft Articles clearly state the requirement of consent of the affected State as a precondition for international assistance in Draft Article 13 (1). Furthermore, Draft Article 10 (2) rightfully emphasizes the primary role of the affected State when international assistance takes place.

Another main point of discussion within the Working Group is the relationship of this new framework with other mechanisms of public international law, especially with IHL. It is of particular importance that in situations in which regulations of IHL apply, their standard of protection is not undermined by means of this new mechanism on the Protection of Persons in the Event of Disaster. To this end, Germany supports the *lex specialis* approach taken in Draft Article 18 (2). However, in order to ensure that the system of international humanitarian law and the new mechanism complement each other in ensuring the most comprehensive protection, Germany suggests clarifying that international humanitarian law is *lex specialis* only when the obligations with regard to PPED is in conflict with those under IHL.

Finally, Germany welcomes the focus of the Draft Articles on the needs of the persons affected by disaster and the mention of the needs of the particularly vulnerable. Some groups of the population are disproportionately affected by the effects of disaster, such as women and children as well as poor and marginalized groups. Germany proposes including an exemplary, non-exhaustive list of the particularly vulnerable in order to put in concrete terms the persons whose needs in the event of disaster have to be particularly taken into consideration.

Thank you.