EGYPT

مصـــر

Permanent Mission of Egypt
to the United Nations
New York

بعثــة مصــر الدائـــمة
لدى الأمــم المتحدة
نيويــورك

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Statement on Agenda Item 86
"Protection of Persons in the Event of Disasters"

Delivered by Dr. Mohamed Helal
Counsellor & Legal Advisor

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Mr. President

Egypt aligns itself with the statements delivered by the Republic of Uganda on behalf of the African Group and by the Islamic Republic of Mauritania on behalf of the Arab Group.

My delegation would also like to make the following comments in its national capacity.

- **Egypt reaffirms its commitment to the protection of persons against disasters. This commitment does not only extend to Egyptian citizens. It also extends to the provision of humanitarian aid and the entire range of government services to millions of individuals who have fled to Egypt from armed conflicts in the Middle East and Africa.**

- **Egypt is also cooperating with the international community to coordinate the provision of humanitarian aid to the Palestinian people in Gaza, despite the fact that Israel, the occupying power that bears sole responsibility for the unfolding humanitarian catastrophe in Gaza, has impeded these humanitarian aid efforts, in contravention of its obligations under conventional and customary rules of international humanitarian law and in a manner that amounts to the commission of grave breaches of the Geneva Conventions.**

- **Egypt's commitment to the protection of persons in disasters is also reflected in the fact that Egypt has adopted several pieces of legislation that ensure that Egypt has the requisite administrative and regulatory infrastructure that enables to protect persons against disasters.**

- **This includes the following:**

    - **In 2016, Egypt established the National Committee on Crisis and Disaster Management and Mitigation to oversee the formulation and application of government policies related to disaster readiness, response, and rehabilitation.[1]**

    - **In 2019, the National Council on Climate Change was given greater administrative powers to develop government-wide plans to mitigate the**

[1] Law no. 3185 (2016).

effects of climate change, which is having a systemic effect on virtually every aspect of life in Egypt.[2]

- In 2021, the Supreme Council on Pandemics and Health-Related Crises was also established to oversee the implementation of government readiness and response plans in this field.[3]

- Egypt has also launched the National Emergency Management System (NEMS), which is a secure communication platform that enables government agencies at the national and local level to coordinate effectively to ensure the provision of care and support for communities in cases of disasters.

- I have highlighted these measures that Egypt has executed domestically to demonstrate Egypt's unwavering commitment to protect persons against the effects of disasters by increasing resilience and preparedness, by delivering swift and coordinated responses to disasters, and by providing the resources necessary for rebuilding, reconstruction, and rehabilitation.

- Therefore, Egypt is favorably disposed to the project of developing an internationally legally binding instrument on the protection of persons in disasters.

- Our support for this project reflects the fact that Egypt is a country that is affected by multiple complex disasters that emanate from slow-onset phenomena such as droughts, climate-change, and conduct that causes transboundary environmental harm, and sudden-onset events, such as the effects of armed conflict.

- Our hope is that a legally binding instrument could be elaborated that would be effective, practical, and would provide added value to existing policy instruments. As you are aware, the international community has developed a robust corpus of policy instruments – including the Sendai Framework – that provide detailed guidance on the necessary procedures for ensuring disaster preparedness, disaster response, and post-disaster recovery.

- The question, therefore, is whether the draft articles adopted by the International Law Commission provide an adequate foundation on which we can develop an effective legally binding instrument.

[2] Law no. 1129 (2019), amending Law no. 1912 (2015).
[3] Law no. 152 (2021).

- **In Egypt's view, these draft articles require significant revision and redrafting in order to make a positive and practical contribution to existing policy instruments and to existing domestic, regional, and international efforts to protect persons against disasters.**

- **Egypt will engage constructively in debates on this topic and will express detailed views on the content of these draft articles during discussions within the working group on this topic. However, for now, I wish to make the following broad points:**

- **The first point relates to the scope of the draft articles. During the debate on this topic during the Sixtieth Session of the International Law Commission, the Special Rapporteur stated the following:**

> **"In providing a legal framework for dealing with disasters, it was necessary to bear in mind that a disaster was not an isolated event, but a process or continuum in which it was possible to distinguish three successive phases: pre-disaster, the disaster proper and post-disaster. In its widest sense, the provision of assistance in the event of a disaster raised a broad spectrum of specific issues in relation to each phase: response, in other words relief, during the disaster proper; prevention and mitigation beforehand; and rehabilitation in the aftermath."[4]**

- **Unfortunately, the draft articles do not address this continuum adequately, especially in the pre-disaster and post-disaster phases. Not only is the definition of disasters unduly narrow, but also compared to existing policy instruments, these draft articles provide limited practical guidance on how states should build resilience to prepare for disasters, and they provide even lesser clarity on how states are supposed to engage in reconstruction and rehabilitation.**

- **Moreover, these draft articles do not provide practical mechanisms to galvanize international support for developing states in the processes of disaster response and reconstruction. Indeed, especially for us in Africa, it is often the lack of capacity – as my brother, the representative of Uganda noted – that hinders our efforts to adequately care for persons suffering from the effects of disasters.**

[4] UN Doc. A/CN.4/2978, at page 133.

- **There are also several provisions that are ambiguous and that fail to provide clarity on the exact international legal obligations that are generated by these provisions.**

- **We are also concerned that several provisions of the draft articles and several portions of the commentaries could be misconstrued and misapplied in a manner that infringes on the territorial sovereignty and territorial integrity of states. The protection of persons against disasters is the responsibility of the territorial state, and international cooperation and assistance before, during, and after disasters should be undertaken in a manner that respects fundamental rules of international law, including the duty to respect the territorial sovereignty of states, non-intervention, and the principles of humanity, neutrality, and impartiality.**

Again, in conclusion, Mr. Chairperson, Egypt supports this project, but our aspiration is to develop an instrument that is robust, effective, and that makes a positive contribution to existing policy instruments and that is consistent with fundamental rules of international law.

Thank you, Mr. Chairperson.