

Statement delivered by Second Secretary Rabia Ijaz, Pakistan Mission on the Sixth Committee Debate on the Agenda Item “Protection of Persons in the events of disasters” 79th Session of the General Assembly

4 October 2024

Madam Chair,

Pakistan appreciates the continued discussions on the draft articles on the Protection of Persons in the Event of Disasters, adopted by the International Law Commission during its sixty-eighth session.

2. Each year, we bear witness to the profound devastation caused by natural disasters— whether through pandemics, earthquakes, floods, hurricanes, wildfires or tsunamis —disrupting the lives of millions around the world. With the increasing frequency and intensity of these events, driven by climate change and widening socio-economic disparities, the global risk of disasters continues to rise.

3. The International Law Commission's draft articles provide useful guidance for Member States on this topic. However, my delegation believes that these Draft Articles should draw inspiration from already existing international humanitarian law instruments, including the United Nations Guiding Principles on Humanitarian Assistance. By integrating these principles, the Draft Articles can provide a comprehensive and robust framework for addressing disaster risk and ensuring effective humanitarian assistance.

Madam Chair,

4. Pakistan is one of the ten most climate vulnerable countries, while we contribute less than 1% to global carbon emissions. In the aftermath of 2022 disastrous floods in Pakistan, the support received from the UN agencies to Pakistan’s reconstruction, resilience and climate adaptation efforts remains a good example of ‘climate solidarity’. However, much needs to be done in this respect for countries like Pakistan which are bearing the brunt of the brutal and devastating impacts of global warming and climate change.

Madam Chair,

5. With regards to the draft ILC Articles, my delegation would like to share the following observations,

First, In the preliminary part, both natural and human-made disasters are explicitly mentioned. However, any forthcoming Convention based on these Articles should maintain a distinct separation between natural and man-made disasters. This distinction is crucial as different type of disasters are regulated by different legal rules.

Second, Article 9, “Reduction of the Risk of Disasters,” highlights two critical issues regarding disparities in resources between developed and developing countries. First, it is unclear whether the article suggests an obligation of conduct or an obligation of result. Second, given the already existing soft law instruments on disaster risk reduction, it raises the question of the necessity for binding language. Ultimately, the article's effectiveness will depend on the commitment of developing countries to prevent, mitigate, and prepare for disasters.

Third, Disasters magnify the vulnerabilities of economically under privileged countries, highlighting the need to prioritize disaster-prone nations in the Global South. Financial assistance for reconstruction and rehabilitation is vital to address this disparity. Any future convention on this issue should include explicit provisions for capacity building and technology transfer to assist developing countries in fulfilling their obligations. Such provisions are currently lacking in the draft ILC articles.

Fourth, it is crucial that the wording of Draft Article 11 is meticulously crafted to respect the sovereignty of the member states. It should not impose obligations to seek external assistance indiscriminately, irrespective of the actual need. Any such provisions must always align with the UN Guiding Principles of Humanitarian Assistance, as outlined in General Assembly resolution 46/182.

Fifth, the disaster affected countries must have the sole right to both request and conclude external assistance. The principles governing humanitarian aid must respect sovereign equality, territorial integrity, and non-interference in states' internal affairs. Draft Article 13, paragraph (2), which suggests that a State's consent to external assistance should not be arbitrarily withheld, is ambiguous and open to politically influenced interpretation. Therefore, the drafting of articles should eliminate any potential for arbitrary interpretation.

Madam Chair,

6. In conclusion, considering the varying perspectives of delegations on several draft articles, my delegation believes it is essential to further examine the draft articles to understand how their provisions align with existing legal frameworks. We feel it is necessary to refine the text of the draft articles while taking into account the interests of the affected countries before proceeding with the formulation of a convention based on these drafts. Therefore, we look forward to continued discussions on these articles within the framework of a working group.

I thank you.
