



7 October 2024

Statement by Loureen Sayej, Third Secretary, before the 77th Session of the General Assembly Meeting of the Sixth Committee on the Protection of Persons in the Event of Disasters (Agenda Item 87)- Cluster 1: WG on Protection of Persons in the Event of Disasters - General provisions (preamble and draft articles 1, 2, 3 and 18)

Mr. Chair,

Regarding the preamble, the State of Palestine is pleased with the reference to the progressive development of international law by recalling the language in Article 23 of the UN Charter and reaffirming the central role of the GA in initiating legal studies and making recommendations. The State of Palestine has long been supportive of the deliberative role of the GA in the progressive development of international law. We also welcome the addition of “long-term impact” implying a far-reaching approach and addressing activities devoted to the recovery phase.

As for the rights of persons as mentioned in the preamble, we recall that the Draft Articles specify a catalogue of human rights that form its basis. These include human dignity, a general duty for the respect and protection of human rights, and the duty to respond to crisis, in “accordance with the principles of humanity, neutrality and impartiality, and on the basis of non-discrimination”, of which we see a merit in mentioning them in the preamble. Noting in particular that eliminating discrimination in disaster risk management and response is a key to protecting the most vulnerable.

The State of Palestine also believes that adding “in accordance with international law” after “those persons must be respected in such circumstances”, could be beneficial and further anchors the Draft Articles in existing international law.

The State of Palestine is a strong supporter of customary international law, its authority, its advancement, and its crystallization. Customary international law remains an important source of public international law. We also see merit in its inclusion throughout the text, where appropriately.

While the preamble affirms “the fundamental value of solidarity” and the importance of “international cooperation”. The commentary to the preamble describes these concepts as “key concepts underlying” the Draft Articles. As such, we see value in including “solidarity” again throughout the text, particularly in Article 7.

The State of Palestine also sees a value highlighting the role of the UN and its different agencies and relevant intergovernmental organizations and other entities enjoying specific international legal competence in the provision of disaster relief in the preamble.

While the State of Palestine appreciates the Preamble reaffirmation of the principle of the sovereignty of States and the primary role of the State affected by a disaster in providing disaster relief assistance, we see merit in including in territory under whose jurisdiction or control, a disaster takes place.

As for Article 1, the State of Palestine appreciates the commentaries' explanation that the scope include the rights and obligations of States affected by a disaster in respect of persons present in their territory or in territory under their jurisdiction or control. And the rights and obligations of third States and intergovernmental organizations and non-governmental organizations and other entities in a position to cooperate and that the draft articles are not limited to any particular type of disaster.

Moving to Article 2, the State of Palestine agrees that there is a link adequate and effective response and meeting the needs of the persons concerned, all of which has to take place with full respect for the existing rights of the victims. The State of Palestine would have preferred stronger language that "facilitate" in order to ensure a response by States, in line with the rights of victims, on binding basis not voluntary.

As for Article 3, the State of Palestine appreciates the inclusion of "great human suffering and distress" which includes the widespread loss of life including disease or other health problems caused by the disaster and the affirmation that it would be covered in these draft articles.

We recognize the Commissions' affirmation in the commentary the exceptional cases that a disaster may occur on a territory of a State where another State exercise control.

Moving to Article 18, the State of Palestine pays close attention to the formulation and formation of the relationship of the Draft Articles with existing international law. The current approach by the drafting committee is sensible. By stating that "present draft articles are without prejudice to other applicable rules of international law" and in paragraph 2 that they "do not apply to the extent that the response to a disaster is governed by the rules of international humanitarian law", the Draft Articles rightly safeguard the primacy of IHL in armed conflict while ensuring their applicability to the extent that IHL does not apply. We take note that the ICRC, as the custodian of IHL, is satisfied with the wording.

We believe that the article can be further strengthened. For example, it would benefit from recalling that the treaties on the law of armed conflict contain numerous provisions that balance the rights and duties of a belligerent, with respect to relief activities, including consignments of medical supplies, food and clothing, cooperation with national Red Cross and other societies, and treatment of relief personnel. The State of Palestine agrees with Egypt that IHL is not the sole applicable body of law during armed conflict, there are relevant obligations that also stem from IHRL, ICL, and IEL that need to be considered.

We see value in the commentaries confirming that the "without prejudice clause" applies to the rules of customary international law and that they do not intend to preclude the further development of rules of customary international law in this field.