



United Kingdom Mission  
to the United Nations

One Dag Hammarskjold Plaza  
(885 Second Avenue)  
New York, NY 10017

[x.com/UKUN NewYork](https://x.com/UKUN_NewYork)

# UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,  
UNGA79, AGENDA ITEM 86

PROTECTION OF PERSONS IN THE EVENT OF DISASTERS – CLUSTER 1

7 October 2024

Delivered by Greg Reisman

*Check against delivery*

Thank you Chair.

1. The UK provided detailed comments on the draft Articles at the 2023 Working Group and we are not therefore proposing to repeat all of the points that we made previously. However, we have reflected carefully on the helpful comments made by other States last year and will highlight some of the key points which we consider may merit further consideration.

2. Turning now to the preamble:

### **Preamble**

3. The Preamble rightly highlights the frequency and severity of natural and human-made disasters and their long-term, as well as short-term, consequences. It also emphasises the primary role of the State in disaster response and the importance of international cooperation with respect to disasters.

4. However, the draft Articles were finalised in 2016 and the way in which humanitarian assistance is being delivered has been subject to reform since this time. In particular, there is increased emphasis on the role of local actors in determining and responding to humanitarian needs, in conjunction with the affected populations, and the importance of inclusion and women's leadership in crises. As suggested at the Working Group last year, we would therefore be inclined to expand the preambular paragraphs to reflect this.

### **Draft Article 3 – Use of terms**

5. Moving on to some of the specific definitions:

*Draft Article 3(a) “disaster” –*

6. The UK notes that, as observed by a number of States last year, the definition of “disaster” is very wide and may encompass events falling within the scope of existing instruments, including climate related instruments such as the Paris Agreement and UNFCCC, as well as the Pandemic Accord which is currently being negotiated. A wide definition of “disaster” has implications elsewhere in the articles, in particular, draft Article 9, which places an obligation on States to reduce the risk of disasters. The UK considers that, in circumstances where states are already addressing issues through separate subject-specific frameworks, it would be unhelpful to develop parallel obligations.
  
7. The UK also notes that the commentaries state that economic and political crises are outside the scope of the draft Articles and that a situation of armed conflict is not a “disaster” per se for the purposes of the Articles. The UK is supportive of the position set out in the commentaries; however, this does not appear to be reflected in the wording of draft Article 3(a). The UK would therefore be inclined to amend the Articles to explicitly exclude political and economic crises and to make clear that an armed conflict cannot be qualified per se as a disaster for the purposes of the draft Articles.

*Draft Article 3(b) “affected State” –*

8. As noted last year, the definition of an “affected State” as “a State in whose territory, or in territory under whose jurisdiction or control, a disaster takes place” may create uncertainty as to where the obligations set out within the draft Articles apply, for example, in

situations where territorial sovereignty is disputed. There also could be more than one State caught by the definition in respect of a disaster, which could create confusion, particularly in relation to the consent requirement in draft Article 13 and obligations contained in draft Article 10. As such we think the application of this definition in practice may require further discussion.

### **Draft Article 18 – Relationship to other rules of international law**

9. The UK notes that draft Article 18, paragraph 1, seeks to address the relationship between the draft Articles and other applicable rules of international law. The UK is supportive of such a provision; however, as already noted, the UK considers that the wide definition of “disaster” creates the potential for duplication with existing legal instruments, as well as a lack of clarity and risk of conflict. The UK is of the view that, in circumstances where states are already addressing issues through separate subject specific frameworks, it would be unhelpful to develop parallel obligations. This is an issue which may merit further consideration.
  
10. As such, the UK is supportive of the suggestion made last year that, in advance of any future convention negotiations, a mapping exercise could be undertaken of the existing international legal framework relating to the protection of persons in the event of disasters in order to avoid fragmentation, duplication and contradiction.
  
11. Regarding draft Article 18, paragraph 2, the UK considers that the text takes a reasonable approach and that IHL should be

considered the *lex specialis* in situations of armed conflict. However, in complex cases, where a disaster occurs in an area where there is a co-existent armed conflict, the articles could apply, to the extent that the issues raised are not covered by the rules of IHL. As mentioned earlier, the UK considers that draft Article 3(a) should be clear that an armed conflict cannot be qualified per se as a disaster.

12. If the draft articles were to proceed to become a binding convention, draft Article 18 may require some further refinement and careful consideration would need to be given to the interplay between any convention and IHL. The UK is of the view that any future convention should not undermine existing rules and principles of IHL.

13. Thank you Chair.