

**EGYPT**



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**United Nations General Assembly  
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(79th Session)**

**Working Group on the Protection of Persons in Disasters  
Statement on Cluster Two  
Articles 4, 5, 6, and 9**

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**Check against delivery**

**Madame Chairperson,**

**Article 4:**

Egypt supports a reference to the concept of human dignity in this treaty, but not as an operative paragraph, and not as it is phrased in draft article 4.

This draft article is vague, and the term “human dignity” does not have a specific juridical definition, and I doubt that one can be developed. It is difficult to identify with any certitude the content of the international legal obligations that this draft article generates.

In other words, it is hard to conceptualize what an internationally wrongful act against human dignity would look like. It is conceivable that any violation of international human rights law or international humanitarian law could amount to an affront to human dignity.

I suspect that is why, in his Third Report submitted to the ILC during its Sixty-Second session, the Special Rapporteur on this topic identified as series of preambulatory provisions in various binding and non-binding instruments that refer to human dignity, but not operative paragraphs that establish a definite legal obligation to respect and protect “human dignity” *per se*.

Egypt would prefer either the deletion of this article or redrafting it and moving it to the preamble.

**Article 5:**

This provision appears tautological. I am uncertain what it adds in terms of specific rights to individuals and obligations for states. It goes without saying that states are under an obligation to respect and protect the human rights of persons affected by disasters. The source of that obligation is customary rules of human rights law and conventional human rights law to which a state has consented to be bound.

Moreover, under the relevant human rights law treaties, states are permitted to derogate from certain rights to the extent strictly required by the exigencies of an emergency, and only through measures that are proportionate and necessary to address the emergency. Again, this principle is already established under existing human rights treaties.

I am therefore struggling to identify the added value of this draft article. And the commentaries of the ILC on this article provided little, if any, guidance on this matter. As it is currently drafted, this provision might have a place in a preamble of a future treaty. But as an operative paragraph it would need to be developed further. And perhaps one way to do this is to consider adding some of the human rights mentioned by the Representative of El Salvador to this provision.

### **Article 6**

Egypt supports the references to the principles of humanity, neutrality, and non-discrimination in this provision.

The reference to “the particularly vulnerable” at end of this draft article, however, is another example of the use of uncertain and undefined terms in these draft articles. I note that the ILC chose not to include an illustrative list of vulnerable persons and groups in this provision, but the result is that we are left with a vague phrase.

It is not clear who counts as “particularly vulnerable” and their “needs” are unclear, and there is uncertainty as to what states are specifically required to do in order to “take account” of the needs of those persons.

Egypt is fully supportive of protecting the rights and needs of vulnerable persons and groups – including women, children, disabled persons, refugees, displaced persons, and others – but in our view, this provision is just phrased imprecisely.

## **Article 9:**

We have two general comments on this provision.

First, Egypt agrees with the principles expressed in article 9(1), and I agree with the Representative of the Philippines that this provision carries a duty of due diligence, and that it is an obligation of conduct that ought to be executed in light of state capacities and capabilities.

As relates to article 9(2), compared to non-binding instruments, such as the Sendai Framework, this draft article is of limited added value. It only provides a limited list of examples of measures that states could take to reduce the risk of disasters. The input of relevant UN bodies, such as OCHA, and relief agencies, such as the IFRC and the ICRC, on how to expand this draft article would be useful.

Second, this provision overlooks the question of the obligation of states to reduce the risk of disasters by ensuring that conduct undertaken within their own territory or in territories under their control does not cause of transboundary damage that amounts to a disaster.

Guidance on this matter can be sought from several elements in non-binding instruments, including the Sendai Framework, that relate to the requirement that states take engage in “transboundary cooperation to enable policy and planning for the implementation of ecosystem-based approaches with regard to shared resources to build resilience and reduce disaster risk.”<sup>1</sup>

**Thank you.**

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<sup>1</sup> Sendai Framework, para 28(d).