

Working Group – Protection of Persons in the Event of Disasters (Cluster 2)

Thank you Mr Chair,

With regard to Cluster 2, the European Union and its Member States would like to make the following initial observations.

- The respect and protection of human rights is one of the founding principles of the European Union. We therefore consider it important that it be acknowledged that the human rights of persons affected by disasters must be respected and protected fully.
- The European Union and its Member States support strongly an acknowledgement of the application of the **humanitarian principles** that should be promoted and fully respected also in the context of disaster relief. The EU is firmly committed to upholding and promoting humanitarian principles, enshrined in international law and in the European Consensus on Humanitarian Aid, as well as respecting these principles in EU action, including in responses to disasters outside the European Union.¹

As suggested before and in accordance with –among others– Resolutions 58/114 and most recently 78/119 on ‘Strengthening of the coordination of emergency humanitarian assistance of the United Nations’, we support strongly the inclusion of the **principle of ‘independence’** as one of the humanitarian principles. This principle safeguards the autonomy of humanitarian objectives from political, economic, military or other objectives. Thereby, it serves to ensure that the sole purpose of disaster relief is to protect and prevent the suffering of affected persons.

¹ Decision 1313/2013 on a Union Civil Protection Mechanism, OJ L 347/924, 20.12.2013, article 16(2).

With regard to the reference in draft article 6 to ‘**the needs of the particularly vulnerable**’ and the further explanations in the Commentary, we note their open-ended nature. Next to the Sendai Framework 2015-2030 on disaster risk reduction as well as its Mid-term Review Political Declaration, the EU policy focuses on the needs of those in the most vulnerable situations and has a gender dimension.²

- Turning, lastly, to **Article 9**, as already mentioned in the context of Cluster 1, we are supportive of explicit references to risk reduction in the draft articles. The duty to reduce the risk of disasters introduced in paragraph 1 is not new in State practice. The commentary contains a very long list of State practice as well as that of the European Union showing their commitment to reducing the risk of disasters.

Besides, the reference to ‘**legislation and regulations**’ is not novel either with the Sendai Framework encouraging the adoption or amendment of legislation on risk reduction. Also, most recently the Mid-term Review Political Declaration of the Sendai Framework called on entities of the United Nations system to enhance technical support for –among others– legislation and regulations, when requested. What is more, Resolution 78/120 on ‘International cooperation on humanitarian assistance in the field of natural disasters, from relief to development’, ‘[c]alls upon all States to adopt, where required, and to continue to implement effectively, necessary legislative and other appropriate measures to mitigate the effects of natural disasters and and integrate disaster risk reduction strategies into development planning, as well as to incorporate a gender perspective into policies, planning and funding [...]’. Lastly, it would be an omission on our side, not to mention that risk reduction actions are in line with and assist in delivering on the climate adaptation commitments taken under the Paris Agreement.

² See among others European Consensus on Humanitarian Aid, OJ C 25/1, 30.1.2008, paras 23, 24 and 76.

That concludes our observations on cluster 2.

Thank you.