

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of God, the Most Compassionate, the Most Merciful

**Statement by the representative of the Islamic Republic of Iran
Before the Sixth Committee of Seventy-ninth Session of General Assembly
Working Group on Protection of Persons in the Event of Disasters
Cluster II: draft articles 4,5,6 and 9
October 2024-New York**

Mr. Chair.

The draft articles has envisioned in its purview “the protection of persons in the event of disasters” and has derived inferences from and made references to various instruments whose main subject is related to technical areas of cooperation among states in preventing or responding to calamitous situations. Also, as the commission has expressed “the main emphasis of the draft articles is on the response to disasters”. In fact, our understanding is that the draft articles should aim to focus on practical areas of cooperation to ensure that appropriate responses on the part of the international community are in place when it comes to disaster so that the needs of persons are adequately and effectively addressed.

That is the reason that the draft articles has explicated rights and prerogatives of affected states and delineated the ways that assisting states could aid in responding to the needs of persons in the event of disaster. Draft articles, hence, is or at least should be a framework on practical cooperation at the international level. It is not however considered a human right instrument *stricto sensu*. That being said, on draft articles 4 and 5, we are not convinced if it is in line with the purpose and substance of the draft articles to address human rights.

The commission as reflected in the commentary “was aware of the debate in the humanitarian assistance community on whether a “rights-based” approach as opposed to the more traditional “needs-based” approach was to be preferred, or vice versa”. This fact eventually pinpoints differences of views which in the absence of sufficient and uniform practices puts the inclusion thereof in question. In addition, human rights have been addressed in various international legal instruments and it would be duplication of work

and could more importantly lead to fragmentation of international law if the present draft articles entangle the distinctive area of human rights with the discussion on responding to disasters. Imposing parallel obligations is not a prudent approach in this area.

Having said so, while we concur with the commission that the right to life and certain rights related to health and wellbeing of people might be directly implicated in situations of disaster depending on the nature and magnitude of the disasters, it is debatable whether all human rights are specifically related to times of disaster and thus need to be exclusively addressed. Draft article 5 seems to inadvertently establish or confer a new set of comprehensive human rights that only persons in the event of disaster would enjoy. This approach has not been backed by the commission in the commentary with sufficient relevant instruments, seems not corresponding to the existing international law and may not be the most practical.

Undoubtedly, our view is without prejudice to the importance of observance and respecting human rights either in the event of disaster or other similar situations, rather suggests the need for ensuring accuracy in terms of the scope and object of the draft articles. To that end, the relevance of particular rights such as the right to life might be examined in a practical context where such rights as a direct result of disasters are implicated and to the extent that they are impacted directly.

Mr. Chair.

We take note that the commission has expressed that the inclusion of certain principles does not exclude other principles. We remain circumspect regarding the structure and content of the draft articles, which is quite prone to be misused for politically-motivated purposes. Certain provisions of the draft articles, in particular those related to provision of assistance by foreign countries and the role of affected states are ambiguous and could potentially open up divergent interpretations and possibly to be misused for encroachment upon the very fundamental principles of international law including sovereignty and non-intervention.

The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States has spelled out the duty of states to conduct their international relations and cooperation in various areas in accordance with the principles of sovereign equality and non-intervention. In similar vein, the Declaration has also stipulated the obligation to refrain from threatening the territorial integrity of states. The international Court of Justice has pointed certain provisions of the Declaration to be of a customary nature. As reiterated by the commission “it is not uncommon for major disasters to have a transboundary effect, thereby increasing the need for international cooperation”. The topic of protection of persons in the event of disaster and international cooperation in

this area is no exception to these cardinal principles. It is vital that in addition to the preamble, the draft articles include a standalone paragraph in protection of sovereignty of states. The following paragraph could be considered for this purpose:

Preamble: “Reaffirming the obligation to respect the fundamental principles of sovereign equality, non-intervention and respect for territorial integrity of states and that nothing in the present draft articles could in any manner prejudice these fundamental principles.”

Draft article 3bis: “All measures taken under the present draft articles shall be in compliance with the fundamental principles of sovereign equality, non-intervention and respect for territorial integrity of states”

Mr. Chair.

Draft article 9 could be more understood and addressed in conjunction with cluster 3. However, we seize this opportunity to reflect on this topic presently. Draft article 9 concerns the reduction of risk of disaster. It requires states to take appropriate measures to prevent, mitigate and prepare for disasters including through legislation and could include risk assessment and installation of early warning systems. We deem it relevant to reiterate the position taken as regard having due consideration to the status of developing states in this area. The relevant documents such as General Assembly resolution 48/162 have been unequivocal in terms of special status of developing states.

For example, the guiding principles as appended to this resolution state that “Economic growth and sustainable development are essential for prevention of and preparedness against natural disasters and other emergencies. Many emergencies reflect the underlying crisis in development facing developing countries. Humanitarian assistance should therefore be accompanied by a renewal of commitment to economic growth and sustainable development of developing countries. In this context, adequate resources must be made available to address their development problems.”

Nonetheless, the draft article has not taken into account the differentiated resources, capacities and needs of developing countries, it rather has placed undue obligations upon affected states which for developing countries may not be feasible to be performed in times of disaster due to force majeure or other constraints resulting therefrom. The situations where developing countries may be more vulnerable to disasters and also persons within their territory for that matter, require due consideration. Realization of the purpose of the draft articles requires effective support for developing countries. This is an element *sine*

qua non if we are to ensure to meet the essential needs of the persons concerned, as envisaged in the scope of the draft articles.

Along similar lines, we express our serious concerns on the negative impact of unilateral coercive measures on the efforts of targeted countries in preparing for and responding to disasters. Such unlawful measures diminish the mobilization of resources and capacities of targeted states, impede access to humanitarian assistance, equipment, medicine, technological tools, and other humanitarian commodities while also hinder international cooperation including in the area of disaster risk reduction, preparation, and responses. Unilateral coercive measures could also cause serious disruption of the functioning of society, posing a more significant threat to human life, health, and the environment. By way of example, in many cases, unilateral coercive measure impair access to medicine, medical and lifesaving equipment which leads to great human suffering and distress while violating the right to life and the right to health of affected people especially when faced with disasters. Such illegal measures also undermine the abilities of states to effectively respond to environmental challenges that might lead to environmental catastrophes.

Unilateral coercive measures constitute flagrant violation of the purposes and principles of the Charter of the United Nations and has also negative impacts on international cooperation as reiterated by the General Assembly. As such and given the core elements reflected in the definition of disaster in the draft articles, the negative impact of unilateral coercive measures both as a factor weakening efforts in preparation and responses in the event of disasters and post-disaster efforts and as a disaster inducing factor must be fully taken into account to ensure that the purposes of the draft articles are realized.

I thank you.