

*Permanent Observer Mission  
of the State of Palestine  
to the United Nations*



البعثة المراقبة الدائمة  
لدولة فلسطين  
لدى الأمم المتحدة

8 October 2024

**Statement by Loureen Sayej, Third Secretary, before the 79<sup>th</sup> Session of the General Assembly Meeting of the Sixth Committee on the Protection of Persons in the Event of Disasters (Agenda Item 87)- Cluster 4: WG on Protection of Persons in the Event of Disasters - The affected State (10, 11, 13 and 14)**

Article 10: The State has the duty to ensure the protection of persons, in its territory, or in territory under its jurisdiction or control, in the events of disasters, which is aimed at preserving the life and dignity of the persons affected by the disaster and guaranteeing the access of persons in need to humanitarian assistance. We are a bit wary of the commentary's position that ensuring protection stems from "sovereignty" with no mention to situations where the State has no sovereignty over the territory under its control but has clear obligations to protect persons and ensure assistance, in accordance with international law, and must be further stated in the text. The formulation of the Draft Article must be compatible with IHL and humanitarian principles.

Following closely the discussions on "under its jurisdiction and control" as encompassing territories that extend beyond the sovereign territories of the state, including occupied territory. We also advocate for a language closer to IHL. Including by adding in "accordance with international law" in 10(1).

Article 11: We stress the duty to seek assistance which includes – as a special form, from the United Nations and would like to add its different agencies and other potential assisting actors and relevant non-governmental organizations. We look favorably towards this language as it acknowledges the interest of the international community in the protection of persons in the event of disasters, complementing draft article 10. It is an expression of the principles of solidarity and cooperation, highlighted in the preamble, which underlie the whole set of draft articles on the topic. We also see merit and recognize the importance of adding a clause on State's unwillingness to allow humanitarian assistance, in clear violations of its obligations under international law, as it might give rise to internationally wrongful acts, and lead to worsening the disasters.

Article 13: We take note of the Commentary's explanation of the Draft Article in relation to armed conflict and the humanitarian access. We are wary of the explanation provided by the commentary on "arbitrary" as we think it is not enough to measure it only against the principles of humanity, neutrality and impartiality, and on the basis of non-discrimination, but also on the violation by a State of its obligations under international law, including IHL. We take note of the Commentary's mention of the principle of "good faith" as stressed by the ICJ in a number of cases and AOs.

Article 14: We find it necessary to spell out the humanitarian principles and the primacy of international law.