

**Intervention by Thailand at the Working Group
on Protection of Persons in the Event of Disasters
at the Sixth Committee
of the 79th Session of the United Nations General Assembly**

**Cluster 4: The affected State
(draft articles 10, 11, 13 and 14)**

New York, 8 October 2024

Madame Chair,

1. Draft articles 10, 11, 13 and 14 are of much importance and merit our discussion. We appreciate the positions shared by delegations, who took the floor before me, and also at the previous working group meeting, and wish to add the following observations:
2. First, Thailand welcomes the emphasis on **the primary role of the affected State in providing disaster relief assistance** as evident in draft article 10 as well as the preamble. The primary role of the affected State is **derived from the principle of State sovereignty**. Additionally, in terms of practicality, the affected State is in the best position to assess the situation on the ground and, accordingly, to take measures to ensure the protection. Other States are not in the same position. The principles of sovereign equality, territorial integrity and non-interference must be respected.
3. Second, on draft article 11, Thailand takes note of paragraph 7 of the commentaries to this draft article, which states that “an affected State will be in the best position, in principle, to determine the severity of a disaster and the limits of its national response capacity”. We also take note that the commentaries also provide that **the duty to seek external assistance is derived from the affected State’s international human rights obligations and customary**

international law and arises only to the extent that the affected State's national response capacity has been manifestly exceeded.

The commentaries also go on to establish that such assessment must be carried out in good faith. We welcome the views shared by delegations with regard to this provision, including on the legality of this duty, which are useful in forming a basis for an elaboration of a future convention.

4. Third, we find that the **required consent of the affected State and its right to place conditions on external assistance** as provided for in draft articles 13 and 14 **correspond to the primary role of the affected State in providing disaster relief assistance.** We also recognize the balance that the ILC attempted to achieve with the drafting of draft article 13, paragraph 2, to prohibit arbitrary withholding of consent. We recognize that the ILC attempted to reconcile **the right of the affected State to refuse external assistance with the need to exercise such rights in good faith.** Views shared by delegations on these draft provisions will also be useful in fine-tuning the language of a future convention.

Thank you, Madame Chair.

* * * * *