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PERFORMANCE
Representative of the Russian Federation in the Sixth Committee of
the
79th session of the UN General Assembly under the agenda item
"Protection of persons in the event of disasters" - (recommendations)

October 9, 2024

Mr. President,

The International Law Commission's (ILC) draft articles on the protection of persons in the event of disasters (LDO) cannot be seen as a balanced instrument guaranteeing respect for the rights and prompt response of external actors to the needs of the affected State. The debates held at the Sixth Committee of the 78th and 79th sessions of the UN General Assembly indicated a wide range of positions on the content of the draft. Many States confirmed that it constituted neither a codification nor a progressive development of international law. In accordance with it, the

affected state, despite its catastrophic situation, becomes a hostage to the fulfillment of obligations to its own population and the actors providing assistance, which is hardly consistent with the real priorities in responding to emergency situations, and significantly deviates from the existing international treaty practice in this area. The provisions of the Commission's draft articles create grounds for infringement of the fundamental principles of international law on the sovereignty of States and non-interference in their internal affairs and distort the understanding of the general legal principles of cooperation, solidarity, humanity, good faith and justice. With possession of this "product" of the CMP in some places resembles the infamous concept of the responsibility to protect (R2P).

The current wording of the ILC draft articles on LBOs was not suitable as a basis for the development of an international legally binding instrument. This "product" of the ILC must be returned to the Commission for thorough processing.

It would be advisable to launch a collection of written proposals from States to redraft the provisions of the Commission's draft articles on human rights during the intersessional period. A substantive discussion within the framework of the meetings of the Sixth Committee of the General

Assembly of representatives of the States and members of the Commission would be needed to discuss the written proposals received from States. The Commission's draft articles on EBLs would then need to be forwarded to the Commission for revision on the basis of written language submitted by States, taking into account the rounds of thorough discussions with the Commission.

Thank you for your attention.