

UNITED STATES MISSION TO THE UNITED NATIONS



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**Statement at the 80th General Assembly Sixth Committee
Agenda Item 86: Protection of Persons in the Event of Disasters
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United States Mission to the UN
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The United States remains committed to providing urgent, life-saving assistance to people impacted by disasters overseas ranging from hurricanes and floods to other natural disasters. This life-saving assistance can include food, emergency health and nutrition services, safe drinking water, hygiene kits, shelter, protection services, and non-food relief items, as well as search and rescue support. Through the new Office of International Disaster Response (IDR) in the State Department's Bureau of Population, Refugees, and Migration, the United States stands ready to rapidly deliver efficient, effective, and accountable life-saving disaster assistance when doing so aligns with our national interest.

The United States appreciates the efforts of the International Law Commission to prepare the Draft Articles on the Protection of Persons in the Event of Disasters. The ILC's work on this topic has helped further discussion on how states can best support persons affected by disasters and has encouraged cooperation on how to approach disaster assistance more generally. For instance, the United States strongly supports the inclusion in the Draft Articles of provisions addressing the protection of humanitarian personnel providing assistance following a disaster. It is critical that undue restrictions on humanitarian access not contribute to the injury or death of humanitarian workers providing life-saving aid to those suffering from disasters.

Despite the admirable aims of the Draft Articles, the United States remains concerned that certain provisions are unclear and could conflict with existing bodies of law. As we noted in the 79th session, we believe the definition of "disaster" in Draft Article 3 is overbroad and problematic because it could be interpreted as applying to situations of armed conflict or other political or economic crises. The definition of "disaster" should be reframed so that its scope does not risk inconsistency with international humanitarian law. We are further concerned with the language of Draft Article 13 regarding cross-border assistance. While we agree in principle that cross-border assistance, including disaster assistance, should ordinarily require the consent of the state, the Draft Articles should allow for exceptions where consent is either unavailable (such as when a government has collapsed and appropriate authorities cannot be found) or unnecessary, for instance, due to authorization from the Security Council.

Finally, the United States has also flagged that certain provisions of the Draft Articles suggest new legal “rights” and “duties” that do not reflect the existing obligations of states or may suggest that states have obligations recognized in treaties that they are not parties to. Other provisions of the Draft Articles would also benefit from further clarification and explanation, including the provisions on state obligations to reduce the risk of disasters and to seek external assistance when a disaster manifestly exceeds national response capacity. In their current form, it is not clear when the obligations under these provisions would arise, and they could suggest that different states have different legal obligations based on their national capacities.

We look forward to reviewing the proposed amendments to be submitted by governments this December.

Thank you.