

Working Group Protection of Persons in the Event of Disasters (Cluster 1)

Thank you Mr Chair,

I have the honour to speak on behalf of the European Union and its Member States.

I would like first to express our full support to you in your function as Chair of this Working Group.

The European Union and its Member States welcome the engagement of the Sixth Committee with the products of the ILC. We look forward to fruitful deliberations and an in-depth legal examination of the draft articles on the protection of persons in the event of disasters. This Working Group provides the opportunity to embark on this exercise and consider the recommendation of the ILC.

Our comments on all the clusters are informed by views expressed already during this and last session with the aim to engage constructively and identify potential substantive convergences. At the same time, they are based on the EU's substantive legislation and long practical experience in addressing or providing assistance to affected countries in efforts to address the effects of disasters around the globe and assist persons most in need.

Mr, Chair,

Without reiterating the general comments made at our Statement during the debate on Friday, let me turn immediately to Cluster 1. We have

- The EU and its Member States support fully that the preamble addresses the **needs of affected persons and the requirement to respect their rights**, which are also addressed in draft article 2, as well as the **principle of sovereignty** that entails the primary responsibility of affected States to provide disaster relief. We recall in this regard the Sendai Framework and the Political Declaration of the High-Level Meeting on the Midterm Review of the Sendai Framework that recognize the primary responsibility of the affected State to provide disaster relief, ‘including through international, regional, subregional, transboundary and bilateral cooperation’.
- In line with our internal legislation (EU Civil Protection Mechanism or UCPM) that is premised on the **principle of solidarity** and provides for **international cooperation** to address the effects of disasters, we consider relevant references in the preamble consequential and useful to guide further the interpretation of the draft articles.
- Lastly, we support the **broad cover of the draft articles** that includes all phases of a disaster, i.e. prevention, preparedness, including risk reduction, and response. We recall once again here the need identified in the Mid-term review of the Sendai Framework for legal and regulatory frameworks in disaster risk governance.¹ We take note in this regard of the views of UNDRR 612 792 reW* n 612 792N

favour of a recital on risk reduction and more generally a stronger emphasis both in the preamble and in the draft articles on prevention and preparedness efforts.

Turning to draft articles 1, 2, 3 and 18, we have 5 points to raise at this stage:

- First, following up on our previous comment, it is important that all phases of a disaster *ratione temporis* are covered by the draft articles, including the disaster risk reduction phase. This is confirmed in draft article 2 and draft article 9. Still, the wording in draft article 1 could be improved to reflect that the draft articles cover all phases of disasters. This comment also applies to a number of draft articles that textually seem to refer only or principally to disaster response.
- Secondly, we welcome the clarification in the Commentary to the draft articles that their scope *ratione personae*

