



Permanent Mission of Italy
UN - New York

Sixth Committee of the 75th UNGA

*Debate on agenda item 89 “Protection of Persons in the Event of
Disaster”*

Statement of Italy

October 23rd, 2020

Mr. Chairman,

My delegation is taking the floor today under the present agenda item to reiterate Italy’s support for the ILC recommendation to elaborate a convention on the basis of the Draft Articles on the Protection of Persons in the Event of Disaster adopted in 2016.

The ILC Draft Articles, in providing a comprehensive set of legal rules pertaining to the protection of human dignity and fundamental human rights in the event of disaster and

regulating international cooperation in disaster response operations, constitute a valuable and solid basis for the elaboration of a universal convention in that regard. Such convention would fill an important legal gap as the current state of the international law on disaster response sees an impressive number of bilateral and regional agreements and sectoral agreements dealing with certain specific issues regulating international cooperation and yet the lack of a universal treaty instrument. Italy believes that the UN General Assembly and the Sixth Committee are the appropriate fora to progress on the path towards the elaboration of a convention: Art. 13(1)(a) of the UN Charter clearly entrusts the General Assembly with the task of encouraging the progressive development and codification of international law. In our view, this is a task that the GA and the Sixth Committee should continue to perform in strict synergy with the International Law Commission.

Mr Chairman,

The COVID-19 pandemic has unveiled the systemic risks that our societies face when dealing with the occurrence of unexpected events with disastrous consequences. The phenomenon of climate change, with its dire consequences in terms of sea-level rise and extreme weather patterns and events, has also highlighted the vulnerability of populations and economies to disastrous events. The 2020 Report of the Secretary-General on the implementation of the Sendai Framework for Disaster Risk Reduction shows that economic losses owing to disaster are on the increase, as well as the numbers of critical infrastructure units and facilities per 100,000 people destroyed or damaged. Whereas important soft law and UN policy instruments for international cooperation on disaster response and prevention have been adopted – such as the Sendai Framework –, the conclusion of a legally binding instrument would provide legal certainty for recipient States and assisting actors hence improving planning and practical arrangements in the preparation for disasters and facilitating

disaster response operations. It is for Member States to shape this legally binding instrument.

Mr Chairman,

With regard to the contents of the Draft Articles, Italy is generally satisfied that they reach a good balance between codification of existing customary international law – for example on the question of the consent of the affected State under Draft Article 13 – and the progressive development of international disaster law – for instance with regard to the provision on disaster prevention under Draft Article 9. By the same token, the Draft Articles are firmly grounded on established principles of contemporary international law, such the principle of international cooperation (Draft Article 7), of humanity (Draft Articles 4 and 6) and of the protection of fundamental human rights (Draft Article 5), while codifying the sovereign right of affected States to direct and place conditions on external assistance. At the

same time, Italy is of the view that the Draft Articles would benefit from a more circumscribed definition under Draft Art. 3 excluding economic and political crises and armed conflicts from the scope of application of a future convention, as well as from a more precise formulation of Draft Art. 18 aimed at avoiding overlapping with international humanitarian law where disasters occur in the context of an armed conflict. Moreover, a future convention built on the draft articles would benefit from a set of additional operational rules on the provision of relief assistance, as well as from the creation of a standing mechanism that would enable the parties to develop operational, technical protocols and practical tools for facilitating the work of stakeholders and relief operators on the ground. These and other proposals for further refinement of the Draft Articles should be considered in a State-driven process aiming at a universal legally binding instrument.

In conclusion Mr Chairman,

Italy supports progress towards the elaboration of a universal convention on the protection of persons in the event of disaster. With regard to this year's resolution, while we are cognizant of the restrictions on the working methods of the Sixth Committee, we will support the best way forward in the interest of substantive engagement among delegations and progress on the ILC recommendation in the years to come.

Thank you.