



**INDIA**  
**भारत**

**STATEMENT BY**

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**PERMANENT MISSION OF INDIA TO THE UN**

**ON**

**AGENDA ITEM 87**

**“PROTECTION OF PERSONS IN THE EVENTS OF DISASTERS”**

**AT THE**

**SIXTH COMMITTEE OF THE 76th SESSION OF THE**

**UNITED NATIONS GENERAL ASSEMBLY**

**NEW YORK**

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We thank the Secretary General for his Report A/75/214 prepared pursuant to General Assembly resolution 73/209, inviting Governments to submit comments concerning the recommendation made by the International Law Commission to the Assembly to elaborate a convention on the basis of the draft articles on the protection of persons in the event of disasters adopted by the Commission at its sixty-eighth session (2016).

2. India has been at the forefront of promoting disaster-resilient infrastructure, which is an initiative of our Prime Minister. India takes note of the Draft Articles proposed by ILC. Draft Articles have the potential to contribute towards harmonization of prevailing measures that address the causes of disasters and related vulnerabilities. The work of ILC in this specific area could also contribute to the achievement of Sustainable Development Goal 13.

3. The Draft Articles should ideally reflect fundamental principles and concepts that have influenced international framework instruments and documents relating to disaster risk reduction drawing inspiration from international humanitarian law instruments, including the UN guiding principles of humanitarian assistance.

4. However, my delegation would like to state that the language of Draft Article 11 impinges on the sovereignty of the member states by imposing obligations to seek external assistance irrespective of the need. We believe external actors cannot compel a state to seek assistance even if the disaster manifestly exceeds the response capacity of the affected state. Therefore, such provisions should always be guided by UN Guiding Principles of Humanitarian Assistance as enshrined in General Assembly resolution 46/182. There are other draft articles over which member states have differing views.

5. Therefore, my delegation is of the view that further in-depth discussions and clarifications would be necessary to understand how provisions in the draft articles would interact with other existing legal frameworks. To protect the persons affected in the event of disasters it is necessary to further refine the text of the draft articles, taking into consideration the interests of concerned countries, before contemplating concluding a treaty based on the draft articles.

I thank you.

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