



MALAYSIA

Permanent Mission to the United Nations, New York

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**STATEMENT BY
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COUNSELLOR
PERMANENT MISSION OF MALAYSIA TO THE UNITED NATIONS**

**ON AGENDA ITEM 87:
PROTECTION OF PERSONS IN THE EVENT OF DISASTERS**

**AT THE SIXTH COMMITTEE OF
THE 76TH SESSION OF THE GENERAL ASSEMBLY**

NEW YORK, 18 OCTOBER 2021

Madam Chair,

Malaysia welcomes the continued discussion of the draft articles on the Protection of Persons in the Event of Disasters (“draft articles”) adopted by the International Law Commission at its sixty-eighth session. We also note the Secretary-General’s compilation of the views of Member States on the draft articles and wish to reference our past comments on this topic.

2. Considering the increasing number of natural disasters, from earthquakes and tsunamis to biological threats such as the COVID-19 pandemic, the draft articles deal with an increasingly relevant area of public international law. The draft articles serve as a useful guidance for States engaged in disaster relief and humanitarian assistance by setting out, among others, a framework for the reduction of risks of disasters, the duty of the affected state, and the role of external assistance in this respect.

Madam Chair,

3. Malaysia observes that there is already an existing body of international law or treaties such as the ASEAN Agreement on Disaster Management and Emergency Response that is sufficient to provide the legal underpinnings of disaster risk reduction and response efforts. This in turn is complemented by a broad range of domestic legislation, and policy decisions and directives that more properly fall within the sovereign competence of States.

4. Malaysia is, therefore, of the view that the draft articles should not take the form of a legally binding framework such as an international convention. Instead, States ought to be given the prerogative to decide on whether or not to adopt the draft articles. Even in situations where States do not adopt the draft articles, this should not stop the said States from making reference to the draft articles whenever it appears necessary for the said States to do so. As such, the draft articles could be seen as the focal reference point internationally with regard to disaster relief and management.

5. Accordingly, Malaysia considers that the Commission's work will be most valuable where it assists States to understand and implement their prevailing obligations. As such, Malaysia is of the view that those elements of the draft articles which seek to develop or create new duties or obligations would, for the time being, seem to be more appropriately pursued as best practice principles or guidelines.

Thank you.