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TO THE UNITED NATIONS**

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Statement

by

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Attaché,

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before the Sixth Committee

of the 76th Session of the United Nations General Assembly

Agenda item 87

Protection of persons in the event of disasters

New York, 18 October 2021

Please check against delivery

word count: 715 words
time delivered: 6 minutes

Madam Chair,

1. At the outset, the Kingdom of Thailand wishes to express our appreciation to the Special Rapporteur and the former ILC Chair, Mr. Eduardo Valencia-Ospina, for his substantive contributions, insightful analysis and tireless dedication, including the eight comprehensive reports on the topic of the protection of persons in the event of disasters.

Madam Chair,

2. Thailand participates in the debate on this agenda item with much attention. We have witnessed and actively participated in the development of international cooperation, mechanisms, and non-legally-binding instruments in this field, from Yokohama Strategy to the Sendai Framework, and other initiatives. We believe that **establishing a global legally-binding instrument** would be a next step in creating a legal framework that lays down principles and effectively protects those in need.

3. In line with this, Thailand notes with satisfaction the ILC's recommendation to elaborate a convention on the basis of the Draft Articles adopted in 2016, which cover "the various stages of the disaster cycle" and represent the balance between the principles of state sovereignty and protection of human rights, while taking into account the roles and contributions of all actors and partners in disaster response.

Madam Chair,

4. On the consideration of this agenda, Thailand wishes to share the following points:

5. First, with regard to the definition of "disaster", Thailand **can go along with** the current formulation in the Draft Article 3(a), which defines the term in accordance with the Tampere Convention as well as the ASEAN Agreement on Disaster Management and

Emergency Response. Due to various forms of disasters, such a definition would also allow discretion in practice to consider what incidents constitute the notion of “seriously disrupting the functioning of society.”

6. In addition, we cannot deny that the COVID-19 crisis has caused us global disruption and unprecedented damages; therefore, we would welcome continued discussion on the Draft Articles on **linkages of disasters to the issue of pandemics** to explore and identify areas they could align or even diverge.

7. Second, as the primary responsibility in responding to disasters rests upon States, their consent as provided in the Draft Article 13 is essential. In addition, the Draft Articles could further enhance **community-based response** and **rights-based approach** towards the development of international disaster law that places people at the centre.

8. Third, Thailand would like to echo the essence of the Draft Article 18 and fully support the **complementary nature** of the Draft Articles to avoid an overlap with existing or future international norms and standards.

9. Fourth, Thailand restates its recommendation that a **duty to notify** other States in the event of disasters should be incorporated in the Draft Article 9(2). We are of the view that timely and effective information sharing system is crucial to disaster risk reduction, mitigation and early response.

Madam Chair,

10. Moreover, the past few decades have seen frequent recurrence of transboundary disasters such as flash flooding, drought and forest fires. These natural or man-made cross-border incidents come at the expense of vulnerable local communities exposed to the disasters. Thailand believes that the Draft Article 9 can be further clarified to address the effects of transboundary disasters especially focusing on the **duty of States to take precautionary measures** to prevent serious transboundary disasters.

11. Lastly, in term of seeking external assistance from an array of potential assisting actors as mentioned in the Draft Articles 11 to 15, Thailand would like to recommend further discussions on **possible mechanisms to help facilitate cooperation and coordination among these various entities**. The ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) represents a good example on this issue.

Madame Chair,

12. As disasters know no border and affect us all to a varying degree, the world must strengthen **sustainable partnership for disaster relief**, especially through the development of international law to enhance **adequate, effective and predictable** collective responses and ensure humanitarian aid to those in need in time of crises. To this end, we must also look beyond a particular crisis and adopt a forward-looking approach in formulating a legally binding instrument in this area. Thailand therefore reaffirms our support to the recommendation for the General Assembly to elaborate a convention on the basis of the Draft Articles and look forward to actively participating in further discussions on this issue.

I thank you.

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