



Sixth Committee
United Nations General Assembly 78th Session

Statement of Ireland on Agenda Item 86:

'Protection of persons in the event of disasters'

Delivered by James Kirk

New York, 4 October 2023

– CHECK AGAINST DELIVERY –

1. Chair,
2. Ireland aligns itself with the statement delivered by the European Union.
3. Ireland has been very supportive of the consideration of the topic of the protection of persons in the event of disasters over the many years that it featured on the International Law Commission's programme of work, and again commends the Commission for its efforts.
4. We have long emphasised the value of considering this subject, and of developing a legal framework for the more effective protection of persons in the event of disasters as well as providing guidance to states. The events of the last year alone leave us in no doubt as to the urgent need to enhance international cooperation for disaster relief. Whether it is from floods or droughts, earthquakes or wildfires, all states increasingly find themselves in a position of possibly needing the assistance of other states to respond to disasters. The severity and frequency of such events is, unfortunately, only increasing.
5. It is in this context that we welcome this year's discussion. Our over-arching priority is to ensure that impediments to the provision of assistance to victims of disasters are lifted, and that those both seeking assistance and offering to provide it are facilitated in so far as possible. From the earliest discussions on this topic, we have stressed the need to make concrete progress on the technical task of building a legal framework to underpin and facilitate disaster relief.
6. We welcome the balance struck by the draft Articles between a rights-based approach and a needs-based approach for the victims of disasters, through the emphasis in draft Article 2 on the importance of a response that adequately and effectively meets the needs of the affected persons, in a manner that fully respects their rights. In our view the principal focus of the draft Articles should be the practical and operational aspects of disaster relief. It will remain the case that the dignity and human rights of those affected by disasters must continue to be respected in all circumstances and how this is

reflected in any future instrument – whether in operative provisions or preambular language – is a matter for further consideration.

7. The current international legal framework on disaster response is fragmented, and we commend the efforts made to bring clarity and consistency through these draft Articles. Even the very definition of ‘disaster’ is not uniform; the definitions introduced in draft Article 3 are therefore welcome. We repeat, however, our previous comment that the requirement of serious disruption to ‘the functioning of society’ as the key test for the applicability of the Articles is somewhat unclear. Does ‘society’ apply to an entire state only, or can a region within a state, or indeed a cross-border area, also be considered a ‘society’ for the purposes of the application of the Articles? We acknowledge the need to maintain flexibility but caution that this lack of clarity may lead to debates in instances where speedy disaster response would be more appropriate.
8. We welcome in particular the reference to the Red Cross and Red Crescent Movement. This is fitting considering the efforts made by the Movement to advance this topic, and the valuable practical experience that it has brought to these discussions over the years.
9. We acknowledge that the elaboration of a convention on the basis of the draft Articles would bring clarity to the field of international disaster law. We nonetheless recommend a cautious approach, particularly where the draft Articles create new law rather than simply facilitate the efficient delivery of assistance on the basis of existing principles. In this regard, we question whether the most appropriate way forward is indeed a convention, or whether further consideration should be given to alternatives, such as guidelines.
10. Either way, we welcome the discussion over the next number of days, and will continue to engage with a view to establishing a harmonised position and filling the gaps in this important legal area that has the potential to assist many persons in their time of greatest need.
11. Thank you.