



MALAYSIA

Permanent Mission to the United Nations, New York

**STATEMENT BY
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**ON AGENDA ITEM 88:
PROTECTION OF PERSONS IN THE EVENT OF DISASTERS**

**AT THE SIXTH COMMITTEE OF
THE 78TH SESSION OF THE GENERAL ASSEMBLY**

NEW YORK, 4 OCTOBER 2023

Mr. Chairman,

Once again, Malaysia would like to applaud the Sixth Committee for its invaluable contribution to the continuation of discussions on the draft Articles regarding the protection of persons in the event of disasters adopted by the International Law Commission.

2. Protection of persons and assistance rendered during the event of disasters have generally been approached pragmatically. The protection of persons in the event of disasters is predicated on such principles as humanity, impartiality, neutrality and non-discrimination as well as sovereignty and non-intervention.

3. The draft Articles deal with an increasingly relevant area of public international law and represent an important contribution to international law as they serve as a useful guide for States engaged in disaster relief and humanitarian assistance. This is needed, in light of the increasing number of natural disasters be it from earthquakes, extreme weather and tsunamis; to man-made disasters such as spills of hazardous chemicals, nuclear accidents and armed conflict; as well as the COVID-19 pandemic. Furthermore,

the draft Articles constitute a comprehensive framework for the reduction of risks of disasters, including through risk assessments and protection of persons, and set out the duty of the affected state to ensure protection, as well as the role of external assistance in this matter.

Mr. Chairman,

4. Malaysia notes that delegations extensively deliberated this Agenda Item on the protection of persons in the event of disasters. Malaysia also observed several delegations welcomed further discussion on the Agenda Item and demonstrated appreciation for the work of the International Law Commission and the Special Rapporteur on the topic.

5. Nevertheless, Malaysia believes 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 discourage the 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.

6. Malaysia also notes that there will be a Working Group to deliberate and discuss further on the substantive provisions of the draft Articles. Pursuant thereto, Malaysia wishes to emphasize that at this preliminary stage, clarification and further justification are needed in order to understand the effect of the substantive provisions of the draft Articles.

7. Furthermore, Malaysia considers that the Commission's work will be most valuable when it provides best practices and principles which States can refer to and implement according to their ability and the prevailing situation. Therefore, the draft Articles on the protection of persons in the event of disasters should be approached through the provision of practical guidance and cooperation rather than through the elaboration of an

international agreement, which provides the flexibility required for effective disaster relief after due consideration and taking into account particular circumstances and local needs.

Thank you.