

Thank you Mr. Chairman,

As it is the first time we take the floor, allow me to congratulate you on your appointment and wish you all the best in your work. While fully aligning ourselves with the statement made by the EU during the debate in the Plenary, we would like to make a comment on the exact wording, rather than the substance, of article 18 par. 2.

This Provision stems from the uncontested premise that IHL takes precedence, as *lex specialis*, in situations of armed conflict. This being said, we should also envisage the scenario where IHL prescribes the course of action to be undertaken in case of a disaster occurring in an area of armed conflict in rather general terms, while a provision of the draft articles, being fully consistent with the applicable IHL rule, provides more precise regulatory guidance. In such a case, the “response to a disaster” is indeed governed by IHL in the sense of article 18 paragraph 2, but a complementary recourse to the draft articles would be of added value. Paragraph 9 of the ILC’s commentary on draft article 18 points towards this direction, however we wonder whether this facilitative function of the draft articles could be better reflected in the wording of this provision given also that, as the distinguished colleague of Italy reminded us, in a future Convention we shall not have the benefit of a commentary any more.

Thank you for your attention.