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Agenda item 86: Protection of persons in the event of disasters

Working Group, Cluster I

Statement by: Delegation of Micronesia

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Thank you, Chair.

We welcome your leadership of the Working Group, as well as the current modality of a Working Group that we are in. This is a welcome change of pace for the work of the Committee.

As my delegation indicated in the plenary yesterday, we are open to exploring the possibility of negotiating and adopting a new convention on the protection of persons in the event of disasters. We look forward to a discussion in this Working Group of the possible gaps in existing international instruments and processes that could be filled by such a new convention.

On the first cluster for this Working Group, we wish to focus on draft article 3 on the use of terms. We are paying particular attention to how the term “disaster” is defined and applied in the draft articles. In line with the commentary of the ILC for the draft articles, the reference to human-made disasters in the draft preamble, as well as the views expressed by delegations in the plenary yesterday, the current definition of “disaster” in draft article 3 appears to include calamitous events that are primarily the result of anthropogenic greenhouse gas emissions, including events such as accelerating sea-level rise, unprecedented marine heatwaves, devastating storms, and major flooding.

As we know, there are existing instruments that directly address such emissions and impose certain obligations on countries to mitigate those emissions as well as to provide funding and other forms of assistance to those States that are particularly vulnerable to the adverse impacts of such emissions, including the UNFCCC and the Paris Agreement. If the term “disaster” is to be defined to include such adverse impacts of anthropogenic greenhouse gas emissions, then care must be taken throughout the draft articles to ensure that there is a proper balance between the obligations of States affected by such impacts on the one hand, and the obligations of States providing assistance to such States on the other hand. This balance must recognize that so-called assisting States, in the context of responding to disasters primarily caused by anthropogenic

greenhouse gas emissions, may already have clear obligations under existing international instruments and processes to provide certain forms of financial and other forms of assistance to affected States to deal with such disasters. Such obligations must not be weakened in the implementation of a possible new convention on protection of persons in the event of disasters, including in a manner that shifts the focus of obligations to an affected State as opposed to an assisting State, especially when such an assisting State might bear primary responsibility for causing the disaster in the first place. We are concerned that the draft articles in their current form, including in the draft preamble, place primarily responsibility on States affected by all types of disasters to provide disaster relief assistance to peoples affected by such disasters, which could undermine existing obligations of developed countries in particular to provide financial and other forms of assistance to developing countries in response to disasters that are primarily caused by anthropogenic greenhouse gas emissions.

In this connection, we welcome the non-prejudice clause reflected in draft article 18, but there might be a need to either strengthen this language or supplement it with language elsewhere in the instrument to make clear that just because the term “disaster” does not make a distinction between events that are natural and events that are human-induced, that does not mean that obligations of States with respect to responding to human-induced disasters will somehow be subsumed under a weaker set of obligations for all assisting States for all types of disasters under a possible new convention.

Thank you, Chair.