

Statement by Ambassador Masood Khan, Permanent Representative of Pakistan to the United Nations, in the Sixth Committee on Agenda Item 81: Report of the International Law Commission (New York, 4 November 2013)

Mr. Chairman,

Pakistan appreciates the work done by the Members of the International Law Commission (ILC) and the Secretariat during its sixty-fifth session. In this part of the debate, we would like to comment on Chapter VI of the ILC Report: Protection of Persons in the Event of Disaster.

Charter of the United Nations, numerous international instruments, the jurisprudence of ICJ, and resolutions of the General Assembly highlight the

My delegation is of the view that in case of an overwhelming natural disaster requiring a response beyond the capacity of the affected State, it would certainly seek assistance of the international community. As such the assumption of draft articles 10 and 11 that States would not seek assistance from the international community even in cases of overwhelming natural disaster is flawed. We do not find sufficient empirical evidence

for the assumption that if the disaster exceeded the affected State's capacity, the affected State would not seek or accept assistance from any external actor arbitrarily and would let its citizens suffer indefinitely.

it on the provision of external assistance are vital for all forms of cooperation in relief operations. We agree that the affected State must indicate the scope and type of assistance sought from other States.

We have also taken note of the suggestion contained in draft Article 5 ter to extend the scope of cooperation to prevention for reducing the risk of disasters. The prevention of

We agree with the idea that legal framework for preventive measures are vital for disaster preparedness. Equally important are risk assessments and installation and operation of early warning systems. We would infer from the language of Article 16 that even if prevention and disaster risk reduction might be formulated as a legal obligation for each State, the determination of the scope of this obligation should be left to the State itself because the affected State is likely to have the most authentic data about risk assessment and its capacity to prevent it. A broad approach towards the obligation of States for prevention of disaster in particular and the definition of disaster and the consequent obligations in general needs to be avoided.

Thank you, Mr. Chairman.