

STATEMENTS PRESENTED BY JAMAICA
Sixth Committee
Seventy-eighth session
Working Group on Protection of Persons in the Event of Disasters
5-10 and 20 October 2023

CLUSTER I

Preamble

1. It is recommended that the last paragraph be amended to insert ‘territorial integrity’ and ‘political independence’ after the word ‘sovereignty’ so that the text reads as follows: _____

2. It is recommended that the following formulation for capacity building and transfer of technology, inspired by the BBNJ Agreement be inserted at the end of the preamble:

¹ The reference to purpose has to do with Article 2 of the Draft Articles. The Committee/Working Group may wish to consider whether that Article should be renamed, “Objective,” which is a term that is more commonly used.

Article 1

3. Paragraph 4 of the commentaries articulate that the Draft Articles emphasise the immediate post-disaster response and early recovery phase inclusive of the post-disaster reconstruction phase. It further articulates that Draft Articles 2 and 9 point to the scope for the pre-disaster phase; however, on review, it was

¹ This formulation was inspired by the BBNJ Agreement at preambular paragraph 6.

observed that the text is limited to the state's primary role as it pertains to reducing the risk of disasters as no mention was made of cooperation or seeking external assistance at the pre-disaster stage.

4. GOJ is of the view that the Draft Articles should seek to afford a more balanced approach between the pre-disaster and post-disaster phases. This perspective

- B) What safeguards does the Commission propose to insert into the text of the Draft Articles to ensure as far as possible that States do not use the provision of disaster relief assistance as a pretext for intervention in the internal affairs of another State?²

Article 18

1. There is no objection to Article 18 in its present form. Should a state submit that language akin to the following be added, there is also no objection to the same:

CLUSTER II

Article 4 & 5

7. My delegation recommends that Draft Articles 4 and 5 be merged. It was observed further to paragraph 1 of the commentaries to Draft Article 5, that the Commission had opted to place both provisions in close proximity because it 'recognizes an intimate connection between human rights and the principle of human dignity'; however, as was indicated in paragraph (2) of the commentary to Draft Article 4 (human dignity), and with which my delegation agrees, '[t]he

This could be stated as a recommendation that safeguards be inserted to preclude intervention.

³ These 3 formulations were taken from paragraphs 1 – 2 of Article 5 of the BBNJ Agreement with the exception of paragraph 3. Paragraph 3 is redundant given the nature and application of international law; hence, the reason it was not included

principle of human dignity undergirds international human rights instruments and has been interpreted as providing the ultimate foundation of human rights law'. It is for this reason my delegation recommends that both articles be merged into one. This may also be done through two separate paragraphs. Notwithstanding, we are amenable to the utilisation of two separate articles, should

CLUSTER IV

Article 10

10. My delegation agrees with the general thrust of Article 10, which makes provision for the role of the affected state in respect of its protection and provision of disaster relief assistance to citizens as well as its primary role in the direction, control, coordination, and supervision of such relief assistance. We wish to highlight further, the significance of our prior recommendation, that the preamble should not only stress the principle of sovereignty but also territorial integrity and political independence of all States.

Article 11

11. My delegation welcomes Article 11 as it is a necessary corollary to Article 10, which provides for the primary role of the State. We believe that a part of the

CLUSTER V

Article 15

14. My delegation supports the general objective of Article 15, which is the facilitation of external assistance so as to access the disaster relief assistance that is being provided by assisting States and other assisting actors. We note phrases such as “take necessary measures, within its national law,” and the explanation in paragraph (2) of the Commentary that this “may include, inter alia, legislative, executive or administrative measures.”

15. We also take into account that “[m]easures may also include actions taken under emergency legislation, as well as permissible temporary adjustment or waiver of the applicability of particular national legislation or regulations, where appropriate.”

16. We further wish to highlight paragraph (5) of the Commentary, particularly in relation to “equipment and goods,” and desire to study the whole provision further from a national perspective.

Article 16

17. My delegation welcomes Article 16, which provides for the protection of relief personnel, equipment and goods. We appreciate the emphasis on ‘appropriate measures’ and the fact that this would be context-driven given the realities of disaster. We also support the explanation found in paragraph 4 of the Commentary that this is also a preliminary requirement for the affected State to prevent its organs from adversely affecting relief activities.

Article 17

18. My delegation is of the view that the termination of disaster relief assistance is a critical component of the Draft Articles, which need to be properly ventilated.

To this end, we wish to highlight the phrases, “at any time” and “appropriate notification,” both of which may signal different meanings for the affected States, assisting State, United Nations and other assisting actors, in the event of disaster.