

# **Comments of the Syrian Arab Republic on the Draft Articles on the Protection of Persons in the Event of Disasters**

## **I. General Observations**

The Syrian Arab Republic appreciates the efforts undertaken by the International Law Commission in preparing the draft articles on the protection of persons in the event of disasters, and values the humanitarian approach underlying this project, particularly its aim to enhance prevention, improve response, and ensure respect for the rights of affected persons.

The Syrian Arab Republic considers that the draft articles, in their current form, continue to raise a number of fundamental legal concerns, particularly with regard to the possibility of expanding their scope of application or interpreting certain provisions in a manner that could open the door to their use for political purposes.

In this regard, the Syrian Arab Republic emphasizes in general the following:

- The need to explicitly reaffirm the central and pivotal role of the affected State in all phases of disaster management, including needs assessment, the request for assistance, coordination, and oversight of implementation.

- The obligation to respect national jurisdiction and territorial integrity, and to avoid imposing additional obligations or burdens on affected States, particularly in situations of emergency and large-scale disasters.

- The importance of maintaining a careful balance between humanitarian considerations and the protection of persons, on the one hand, and the fundamental principles of public international law, foremost among them sovereign equality and non-intervention, on the other.

- The necessity of keeping the proposed instrument within its purely humanitarian framework and avoiding any overlap or conflation with other existing legal regimes, in particular international humanitarian law or “protection” concepts associated with armed conflict or occupation

## **II. Detailed Comments According to the Thematic Structure of the Draft Articles**

### **A. General Provisions**

*(Preamble and Draft Articles 1, 2, 3 and 18)*

The Syrian Arab Republic considers that the general provisions constitute the interpretative framework governing the remainder of the draft Convention and that their

precision and consistency with existing international law are essential in order to avoid expansive or unintended interpretations.

### **1. Preamble**

The Syrian Arab Republic notes the importance of references to the basic needs and rights of persons affected by disasters, while emphasizing that such references should be complemented by explicit and clear references to existing international frameworks governing humanitarian action and international cooperation in disaster situations, in particular General Assembly resolution 46/182, which enshrines the principles of consent of the affected State, respect for its sovereignty, and its leading role in organizing and coordinating assistance.

The Syrian Arab Republic further underscores the importance of linking the draft Convention to the Sendai Framework for Disaster Risk Reduction (2015–2030), as the globally agreed framework in this field, to enhance coherence and avoid duplication or conflicting obligations.

References to international solidarity should be understood and applied within the framework of full respect for national jurisdiction and national frameworks.

### **2. Scope and Purpose**

The Syrian Arab Republic considers that the scope and purpose of the draft Convention should clearly reflect its focus on cooperation and assistance in disaster risk management and the protection of affected persons in that context, while encompassing all phases of the disaster cycle, including prevention, preparedness, response and recovery, and avoiding the creation of parallel or overlapping legal regimes.

### **3. Definitions**

The Syrian Arab Republic expresses concerns regarding any expansion of the definition of “affected State” to include territories “under its control,” noting that obligations relating to occupied territories are comprehensively governed by international humanitarian law, including the 1949 Geneva Conventions and the 1907 Hague Regulations.

The Syrian Arab Republic further stresses the importance of harmonizing terminology related to disaster risk management with internationally agreed references, in particular the report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction, adopted by the General Assembly on 2 February 2017.

## **B. Core Obligations**

*(Draft Articles 4, 5, 6 and 9)*

The Syrian Arab Republic emphasizes that obligations relating to disaster risk reduction should be formulated as obligations of due diligence rather than obligations of result, taking into account differing national capacities, and that protection of affected persons must be exercised within the framework of national jurisdiction.

## **C. International Cooperation**

*(Draft Articles 7, 8 and 12)*

International cooperation should respect the national jurisdiction and leading role of the affected State, cover all phases of the disaster cycle, and remain aligned with General Assembly resolution 46/182. In this regard, cooperation may encompass, as appropriate and in accordance with national contexts and needs, a range of measures, including support for the development of multi-hazard early warning and rapid notification systems, capacity-building through specialized training and institutional strengthening, and the provision of targeted financial assistance and dedicated grants to support prevention, preparedness, response, and recovery efforts. The Syrian Arab Republic further considers that donor States and international actors bear responsibility to ensure that all assistance is consistent with national laws and internationally recognized humanitarian standards, and is implemented in a coordinated, transparent, and responsible manner.

## **D. The Affected State**

*(Draft Articles 10, 11, 13 and 14)*

The Syrian Arab Republic reaffirms the central role of the affected State in determining needs, requesting assistance, and setting the conditions governing the nature, scope and quality of external assistance.

## **E. Facilitation and Termination of External Assistance**

*(Draft Articles 15, 16 and 17)*

External assistance should be facilitated within the framework of national law, in a manner that balances the requirements of timeliness and effectiveness with respect for national systems and institutional arrangements.

With regard to the termination of external assistance, the Syrian Arab Republic underscores that such termination should be carried out in a gradual, coordinated and

responsible manner, with due regard to the humanitarian impact on affected populations. It should be based on an objective and shared assessment of needs and evolving conditions, and implemented by mutual understanding, so as to avoid sudden gaps in the provision of essential assistance and to ensure a smooth transition towards recovery and reconstruction, in close coordination with the competent national authorities.

### **III. Conclusion**

The Syrian Arab Republic reaffirms its readiness to continue constructive engagement in the work of the Sixth Committee and to contribute, as appropriate, on technical and policy matters within the framework outlined above, in support of the elaboration of a balanced, humanitarian-oriented international legal instrument consistent with the Charter of the United Nations.