



Working Group –Protection of Persons in the Event of Disasters (Cluster 2)
Statement of Italy –delivered by Mr Enrico Milano

Thank you Mr Chair,

With regard to Cluster 2, my delegation

following observations in a national capacity.

Italy considers Articles 4, 5 and 6 key provisions of the draft articles, firmly grounded on existing international human rights law and the principles of humanitarian assistance. They regulate the so- F D O O H G ³ Y H U W - h a n d y O G L P H the relationship between victims of a disaster and the actors providing assistance.

The wording in both Articles 4 and 5 on the obligation to respect and protect human dignity and human rights is reflective of contemporary international human rights instruments, that impose on States both an obligation to abstain from infringing upon fundamental human rights and a positive obligation to put in place all possible efforts to protect those fundamental rights. Italy has taken note of the indication in the

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exhaustive list of all potentially applicable rights and was concerned that such a list
could lead to an *a contrario* interpretation that rights not mentioned therein were not
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food, the right to housing and the rights of persons with disabilities affected by a
disaster. It will be for future treaty negotiations to establish whether some of these
rights should be spelled out in a non-exhaustive manner, taking into account the
specific context of disasters.

Future treaty negotiations may also consider deleting an autonomous provision on
human dignity, such as the current Article 4, and having it instead clearly reflected
in the preamble. In any case a future treaty instrument should clarify how this
principle should guide relevant actors in their disaster risk reduction activities, as
also mentioned in the commentary.

Article 6 is equally important as it specifies the humanitarian principles that should

Finally, Italy is of the view that Article 9 is of critical importance, in line with global policy frameworks endorsed by the GA. Article 9 provides for a due diligence obligation to put in place measures to prevent, mitigate and prepare for disasters, with a non-exhaustive reference to specific measures, such as the collection and dissemination of risk and past loss information, and the installation and operation of early warning system. This would be a key hard law complement to the existing soft global f