



United Nations General Assembly | Sixth Committee

Protection of persons in the event of disasters  
(Agenda item 86)

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(check against delivery)

Mr President,

Brazil commends the International Law Commission for the articles on the protection of persons in the event of disasters.

We thank the former Special Rapporteur Eduardo Valencia Ospina for his careful analysis of the topic and for drafting the articles, which provide a good basis for negotiations on a future convention.

Brazil is deeply engaged in humanitarian assistance and cooperation.

This year, for example, at the request of the government of Canada, a Brazilian humanitarian mission was sent to that country to support the fight against forest fires. The Brazilian Cooperation Agency of the Ministry of Foreign Affairs,

responsible for Brazilian humanitarian cooperation, coordinated

In this context, Brazil appreciates that the basic principle of State sovereignty was reaffirmed in the Preamble of the draft articles. We must add a reference to the principle of non-intervention.

We also appreciate that Article 13 paragraph 1 reflects the well-established norm that requires the consent of the affected State for the provision of external assistance. Preferably, this assistance should be based not only on the consent, but also on the request, as a public and express acceptance from the affected State.

We also welcome the fact that the Commission reserved a self-standing draft article on the inherent dignity of the human person, followed by a provision on the need to respect and protect the human rights of persons affected by disasters. It is imperative never to lose sight of the human rights perspective when addressing situations of disaster.

We also acknowledge with satisfaction the reference to the principles of humanity, neutrality and impartiality in the provision of humanitarian assistance. It would be desirable to add a reference to the principle of independence, as set out in the preamble of resolution 58/114.

At the same time, Brazil considers that further discussion might be needed on provisions that do not constitute codification of existing international law.

For instance, the duty to cooperate as an obligation of conduct. While it is well-established among States, according to the Declaration on Principles of International Law, there are not equivalent duties or rights vis-à-vis the definition contained in draft article 3 subparagraph (d).

Likewise, Article 11 does not reflect customary international law, inasmuch as States have the right not the obligation to seek external assistance.

Further discussions might also be necessary on article 13 paragraph 2, as there is no clarity or legal certainty on the binding or a best-efforts language would better suit articles 14 and 15.

Mr. Chair,

One of the consequences of major disasters is mass

disasters move within their own countries or across borders in search for safety and livelihood.

Brazil takes part in international initiatives such as the Platform on Disaster Displacement. It aims to assist States in preventing and preparing for displacement before a disaster strikes, as well

complemented by bilateral and regional instruments. Sometimes, it is found also in Security Council resolutions related to situations of armed conflict.

Therefore, the articles on the protection of persons in the event of disasters may contribute to fill a gap in the legal framework, including by providing more coherence among existing instruments.

This is yet another potential benefit of this important work stream in this Committee, to which Brazil remains prepared and willing to contribute.

I thank you.