



**United Nations General Assembly | Sixth Committee**

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

October 5<sup>th</sup>, 2023

*(check against delivery)*

Mr. Chair,

At the outset, I would like to congratulate you for being elected as Chair of this Working Group. Count on the constructive engagement of Brazil during our discussions.

Cluster I relates to cross-cutting issues, and should be considered in light of all draft articles.

As Brazil reiterated in the plenary, it is essential to find the right balance between the need to protect persons and the fundamental principles of sovereign equality and non-intervention.

In the Preamble, Brazil appreciates the references to the value of solidarity and to the needs and rights of persons affected by

disasters. We must always be guided by the human rights perspective when addressing situations of disaster.

At the same time, we welcome the inclusion of the principle of State sovereignty in the Preamble. We must add a reference to the principle of non-intervention, as external assistance may never be a pretext for intervention in domestic affairs of other States.

We should also add a reference to the principles of the United Nations Charter, including the prohibition of the use of force.

Regarding the scope *ratione materiae*, some articles consist of progressive development of international law, as many rights and obligations of the affected States, third States, international organizations and non-governmental organizations do not reflect customary international law.

The scope *ratione personae* of the articles deserve careful analysis. States, international organization and other entities should not be considered in the same level for the purposes of the articles. Their rights and obligations are different, and most of “other assisting actors” are not subjects of international law and will not be able to become parties to a possible future convention.

The scope *ratione temporis* of the articles also deserves a systematic analysis. According to the commentaries from the ILC, the pre-disaster phase also falls within the scope of the draft articles. However, there should be further clarity on what comprises this scope of the draft articles.

For instance, it is clear that the obligation to prevent the risk of disasters, as set out in article 9, shall apply in the pre-disaster phase. However, there should be no duty to seek external assistance - as suggested in article 11 - to prepare for possible future disasters, nor any equivalent right to preemptive humanitarian assistance.

In article 3, the definition of affected State should be limited to a State that has jurisdiction over or controls a territory in which a disaster has already taken place. A State should not be considered affected by a disaster that has not yet happened. Consequently, rights and obligations such as those established in articles 11, 15 and 16 should not apply in the pre-disaster phase.

We could also consider including a definition of request in article 3, as the external assistance should be based not only on the consent of the affected State, but also on its request.

I thank you.