



United Nations General Assembly | Sixth Committee

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

October 6th, 2023

(check against delivery)

Mr./Madam Chair,

I would like to make some preliminary comments on cluster III.

Regarding article 7, Brazil recognizes the central importance of international cooperation in disaster relief activities.

The duty to cooperate is a well-established principle of international law, enshrined in the UN Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, as reflected in resolution 2625 of 1970.

The subjects of this duty are primarily States, which shall cooperate with one another. This is essentially an obligation "of

conduct" and not "of result", thus requiring the "best efforts" of States.

Furthermore, according to article 56 of the UN Charter, States pledge themselves to take joint and separate action in cooperation with the United Nations.

At the same time, there are not equivalent duties or rights vis-à-vis other assisting actors, as the definition contained in draft article 3 subparagraph (d).

Intergovernmental and non-governmental organizations working impartially and with strict humanitarian motives can make a significant contribution in supplementing national efforts, as acknowledged by General Assembly resolution 46/182.

However, as draft article 7 does not entirely reflect international customary law, states could consider a different language in a possible future convention.

We acknowledge the intention of the International Law Commission to establish this difference in the expression "as appropriate", but we consider that more precise language is needed.

For instance, States could consider splitting draft article 7 in two different paragraphs, with non-binding language related to “other assisting actors”.

Mr. Chair,

Brazil welcomes draft article 8 on the forms of cooperation in the event of disaster. We could further reflect on whether this should also be considered in article 12.

Taking into consideration the rights and needs of persons affected by disasters, we consider paragraph 2 of article 12 especially relevant. Requests of assistance by affected State should always be given prompt and due consideration in light of the obligation to cooperate.

Moreover, the right to offer assistance must be matched by the right of the affected state to seek it. Bearing in mind the sovereign right of States to decide whether they need external assistance or not, it would be incongruous to impose on them an obligation to request it.

Therefore, we could further reflect on whether this is the best approach in light of the value of solidarity in international relations.

I thank you.