



# PHILIPPINES

## STATEMENT

Permanent Mission of the Republic of the Philippines to the United Nations  
**Working Group on Agenda Item - 86: Protection of persons in the event of disasters  
(Cluster III)**

78th Session of the United Nations General Assembly  
6 October 2023 PM, Trusteeship Council  
UN Headquarters New York

**Thank you, Mr. Chair,**

For Cluster 3, the following are our preliminary comments:

In previous debates the Philippines has expressed support for Article 7 on the Duty to Cooperate and on Article 8, on the forms of cooperation in the response to disasters.

Time and again – experience has shown that a disaster can exceed, manifestly or otherwise, the affected State's capacity to respond, as noted in General Assembly Resolution 46/168. An affected state, without adequate resources, can, and will, ask appropriate help from others - other states, the United Nations, international nongovernment organizations, and the private sector. Thus, creating a qualified consent regime for the affected state, to be exercised in good faith, balances the right of sovereignty with the obligation of the sovereign to protect human life and human rights during disasters in a timely manner.

The affected state, on the one hand, and other states, the United Nations, and other potential assisting actors like the Red Cross and the Red Crescent Movement, on the other, thus have the duty to cooperate, as enshrined in Article 7.

This article codifies a principle of international law found in many instruments, led by the UN Charter. The Commentary elaborates on the fundamental character of this principle under the charter, and in soft law instruments like the Declaration on Principles of International Law concerning the Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations, which speaks of a general duty to cooperate.

Article 8 then elaborates on this, with an illustrative list of examples of forms of cooperation, but without creating further legal obligations. Depending on the nature of the disaster, such forms could take humanitarian assistance, coordination of international relief actions and communications, and making available relief personnel, equipment and goods, and scientific, medical and technical resources.

The Commentary indicates that “resources” could cover scientific, technical and medical expertise, as well as equipment and tools or other objects that are useful for relief efforts. Noting

earlier comments of various states on capacity building and technology transfer, there may be value in further elaborating on this under Article 8, including as a separate paragraph.

We note the inclusion of the category assisting actors in the final clause of Article 7, which we understand to mean IGOs and NGOs as defined in Article 3(d). The General Assembly, in its Resolution 46/182, has also recognized their role, when working impartially and with strictly humanitarian motives. There are views that cooperation with other assisting actors should be separated from Article 7, because, *inter alia*, the term may be overbroad. We understand from the Commentary that the term is intentionally broad, and that the Sendai framework itself calls for cooperation with other actors as risk reduction requires an all-of-society engagement and partnership.

In previous debates, concerns have been raised that the duty to cooperate in Article 7 affects the principle of sovereignty. The Commission's decision to include the phrase "as appropriate" could also be read as leaving some discretion to States, and may provide the necessary balance to the text. The Commentary, in addition, notes that the principle of cooperation is complementary to the duty of the authorities of the affected states to take care of persons impacted by disasters, and further underscored that the principle does not diminish the primary role of the affected state, in this regard.

On Article 12 (2), we note the concerns raised that the language as drafted, which essentially states that the addressee of a request for external assistance shall expeditiously give due consideration to the request and inform the affected State of its reply, also encroaches on state sovereignty.

In our view, this is not necessarily the case. The addressee always has the discretion to refuse to grant the request, and the duty is merely to expeditiously give due consideration.

Thank you, Mr. Chair. **END**

