



# PHILIPPINES

CHECK AGAINST DELIVERY

## 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 V)**

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

**Thank you, Mr. Chair,**

For Cluster V, the following are our **preliminary comments**:

With respect to Article 15, the Philippines notes that the Article aims to address the provision of prompt and effective assistance. The Article imposes a duty on the affected states to take the necessary measures, within its national law, to facilitate such external assistance, and then proceeds with a non-exhaustive list of such measures.

Article 15(1), subparagraph a, the focus is on the provision of facilities for relief personnel, including for privileges and immunities, visa and entry requirements, work permits, and freedom of movement. We know from experience that these are the facilities that enable the rapid provision of relief assistance during disasters. In particular, the focus is on the freedom of movement of relief personnel, including the waiver or expedition of visa and entry requirements as well as work permits.

On Article 15(1), subparagraph b, the focus is on the equipment and goods, and as noted in the Commentary, this contemplates an assortment of goods that could provide immediate relief including: supplies, tools, machines, specially trained animals, foodstuffs, drinking water, medical supplies, means of shelter, clothing, bedding, vehicles, telecommunications, and other objects for disaster relief assistance.

Time is of the essence and an appropriate national legal or regulatory framework is important for the rapid deployment of people, equipment, and goods. The main question is on the sufficiency of Article 15, whether, as currently worded, it provides sufficient clarity on the necessary measures that need to be undertaken by an affected state so that reforms in its regulatory framework could be undertaken. In this regard, the presentation of the Secretariat at the opening of the session, specifically OCHA, is useful.

In terms of our own state practice, our national law, the “Philippine Disaster Risk Reduction and Management Act of 2010” provides that:

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*SEC. 18. Mechanism for International Humanitarian Assistance. - (a) The importation and donation of food, clothing, medicine and equipment for relief and recovery and other disaster management and recovery-related supplies is hereby authorized in accordance with Section 105 of the Tariff and Customs Code of the Philippines, as amended, and the prevailing provisions of the General Appropriations Act covering national internal revenue taxes and import duties of national and local government agencies; and*

*(b) Importations and donations under this section shall be considered as importation by and/or donation to the NDRRMC, subject to the approval of the Office of the President.*

The NDRRMC, or the National Disaster Risk Reduction and Management Council, is also tasked with coordinating or overseeing the implementation of the country's obligations with disaster management treaties to which it is a party and see to it that the country's disaster management treaty obligations be incorporated in its disaster risk reduction and management frameworks, policies, plans programs and projects.

Nevertheless, there may be value in including in the non-exhaustive list some important measures that are also indicated in the Commentary. This includes, inter alia, the need for national regulation to address overflight and landing rights, minimization of documentation required for import and transit of equipment and goods, and temporary recognition of foreign registration of vehicles.

We also support the inclusion of Article 15(2) on making readily accessible the relevant legislation and regulations, and would also link this with the possible identification of a competent authority, such as, in our case, the NDRRMC.

On the protection of relief personnel, equipment, and goods, in previous debates the Philippines has expressed general support for Article 16. We welcome the flexibility embedded in the article, particularly the use of the term "appropriate" in qualifying the measures.

To reiterate, we support Article 16 which recognizes the basic duty of the affected state to endeavor to guarantee the protection of relief personnel, equipment and goods and not to cause harm to them.

We note the clarification that this duty should not entail the creation of unreasonable and disproportionate stress on the already compromised ability of the affected state to provide security and protection both to its own people as well as to relief personnel and their accompanying equipment and goods. It is a crime, under our national law, for both state and non-state actors to profit from an already fragile disaster zone.

We agree with the Commentary that the nature of the obligation under Article 16 is context-driven, measures may indeed vary in content. Under the relevant law, the Philippines has prohibited the following acts, in relation to the protection of relief equipment and goods, for instance:

- Dereliction of duties which leads to destruction, of lives, critical damage of facilities and misuse of funds which are intended for distribution to disaster affected communities;

- Buying, for consumption or resale, from the recipient disaster affected persons any relief goods, equipment or other aid commodities received by them;
- Selling of relief goods, equipment or other aid commodities which are intended for distribution to disaster victims;
- Forcibly seizing relief goods, equipment or other aid commodities intended for or consigned to a specific group of victims or relief agency;
- Diverting or misdelivery of relief goods, equipment or other aid commodities to persons other than the rightful recipient or consignee;
- Accepting, possessing, using or disposing relief goods, equipment or other aid commodities not intended for nor consigned to him/her;
- Misrepresenting the source of relief goods, equipment or other aid commodities by either covering, replacing or defacing the labels of the containers to make it appear that the goods, equipment or other aid commodities came from another agency or persons

Ultimately, the affected state, as sovereign, would enact laws and prohibit the activities are inconsistent with the protection of relief personnel, goods, and equipment within its jurisdiction.

On Article 17 on the termination of external assistance, we note that the Article recognizes the right to terminate external assistance by the affected State, by the UN, or other assisting actor. Said termination may be necessary for a variety of reasons. Nevertheless, the said right is balanced by a soft obligation to consult other relevant actors, again, the element of flexibility is present with the use of the phrase “as appropriate” in the last sentence of the Article.

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

