



United Nations General Assembly | Sixth Committee

Protection of persons in the event of disasters

(Agenda item 86)

Plenary Debate

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(check against delivery)

Mr. Chair,

Brazil deeply regrets the tragic landslides and floods in Nepal caused by last week's torrential rains, resulting in over 200 deaths and leaving dozens injured and missing.

The Brazilian government offers its condolences to the families of the victims and expresses its solidarity with the people and the government of Nepal.

The challenges posed by natural disasters affect all countries. Hurricanes in the Caribbean, typhoons in Asia, droughts and floods in Africa, and torrential rains in Europe are leaving a trail of death and destruction.

In southern Brazil, we have had the worst flooding since 1941. 2024 is on track to be the hottest year in modern history, and the Amazon is facing its worst drought in 45 years.

In this context, it is crucial to develop a clear legal framework to ensure the protection of persons in the event of disasters. To date, guidance on this matter is primarily found in soft law, occasionally complemented by bilateral and regional instruments.

Brazil believes that the articles on the protection of persons in the event of disasters can help fill a gap in the legal framework, including by providing greater coherence among existing instruments.

My delegation considers that the draft articles prepared by the International Law Commission may be a starting point for the development of a positive legal instrument on the matter. Once again, we thank the Commission and its Special Rapporteur Eduardo Ospina for preparing the draft articles.

Last year, during the meetings of the Working Group, Brazil constructively engaged in in-depth discussions on the articles. We thank Ambassador Antonio Lagdameo and his team for their capable

stewardship of the Working Group. Brazil also participated actively in substantive discussions during the intersessional period.

As noted during our deliberations, Brazil believes the articles require some adjustments.

In discussing the protection of persons in the event of disasters, it is crucial to strike the right balance between the need to protect affected persons and the fundamental principles of sovereign equality and non-intervention.

Under no circumstances should the provision of external assistance be used as a pretext for intervention in the domestic affairs of any state. We reaffirm that no state has the right to invoke humanitarian assistance as justification for actions that contravene the Charter of the United Nations.

Therefore, we strongly support the inclusion of a reference to the principle of non-intervention in the articles, to ensure that all forms of assistance respect the sovereignty of the affected State.

We believe that, ideally, external assistance should be based not only on consent but also on a formal request from the affected State,

ensuring that the assistance aligns with the specific needs identified by that State.

We also believe that it is crucial to incorporate the principle of independence in the draft, as the independence of humanitarian actors ensures that assistance is provided solely based on need, free from political, economic, or other external influences. This independence is essential to maintaining the credibility and effectiveness of humanitarian aid efforts.

We also believe in the interstate nature of the duty to cooperate, an obligation of conduct which does not create equivalent duties or rights for other assisting actors, such as international organizations and non-governmental entities.

We also reiterate that Article 11, which implies an obligation for States to seek external assistance, does not reflect customary international law. States should retain the right to request external assistance. Imposing such an obligation could inadvertently create a corresponding right for others to impose assistance, potentially conflicting with the principles of sovereignty and non-intervention.

Mr. Chair,

One of the significant consequences of major disasters is mass displacement. Every year, thousands of individuals are forced to move within their own countries or across borders in search of safety and livelihoods. Brazil is proud to be part of international initiatives such as the Platform on Disaster Displacement, which aims to assist states in preventing and preparing for displacement, as well as in responding effectively when people are forced to flee disaster-affected areas.

The Platform builds on the Nansen Initiative Protection Agenda and calls for enhanced preparedness and cooperation among States, regional organizations, and the international community to prevent, avoid, and respond to disaster-induced displacement. In this regard, Brazil also recalls the significant contribution of the Sendai Framework for Disaster Risk Reduction 2015-2030, which provides a comprehensive approach to minimizing the risks and impacts of disasters.

Mr. Chair,

As I said before, the draft articles have the potential to fill a critical gap in the international legal framework, providing greater coherence

among existing instruments and strengthening the protection of individuals during disasters.

Brazil stands ready to contribute to this important endeavor and remains committed to the principles of solidarity, cooperation, and respect for human dignity in all actions taken by this Committee.

I thank you.