



**United Nations General Assembly | Sixth Committee**

**Protection of persons in the event of disasters**

**(Agenda item 86)**

**CLUSTER I**

*7 October 2024*

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Mr. Chair,

I am pleased to see you presiding over the Working Group. Once again, you may count on Brazil's constructive engagement throughout our discussions.

Cluster I addresses cross-cutting issues and should be considered in the context of all the draft articles on the protection of persons in the event of disasters.

The preamble of a treaty plays a crucial role in defining its purposes and objective, as well as its interpretation.

Brazil appreciates the references to the needs and rights of persons affected by disasters in the preamble, as well as to the value of solidarity and the importance of international cooperation.

We also welcome the reference to the principle of State sovereignty and the recognition of the primary role of the affected State in providing disaster relief assistance.

In order to strike the right balance between the need to protect individuals and sovereign equality among States, we reiterate the importance of including a reference to the principles of non-intervention and the prohibition of the use of force in the preamble of a future convention.

A future convention may not be used as a pretext for interference in the domestic affairs of other States, nor may external assistance serve as a disguise for so-called humanitarian interventions.

This is even more important when considering the scope of a future convention, as per draft article 1, which includes the pre-disaster phase.

Brazil reiterates the need for greater clarity on which articles apply to the pre-disaster stage. For instance, we do not consider there to be an obligation to seek external assistance—as suggested in Article 11—for preparing for potential future disasters, nor any equivalent right to pre-emptive humanitarian assistance.

In the same vein, the definition of affected State in article 3 should be limited to a State in which a disaster has already occurred. A State should not be considered affected by a disaster that has yet to happen. Consequently, rights and obligations such as those established in Articles 11, 15, and 16 should not apply in the pre-disaster phase.

Regarding the scope "ratione personae" of the articles, States, international organizations, and other entities should not be treated on the same level, as their rights and obligations differ, and most of the "other assisting actors" are not subjects of international law and will not be able to become parties to a future convention on the topic.

We welcome the reference to the consent of the affected State in article 3. An affected State has the right to seek assistance, but not an obligation to request or to accept external assistance.

Regarding draft article 18, Brazil agrees that a future convention governing the protection of persons in the event of disasters should be without prejudice to other applicable rules of international law, including international humanitarian law, including the right to provide relief conferred on humanitarian organizations during armed conflict.

I thank you.