



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 II – Articles 4, 5,6 and 9)**

79th Session of the United Nations General Assembly
8 October 2024, Trusteeship Council
UN Headquarters New York

Thank you, Mr. Chair,

We submit the following comments on Cluster II, further to our comments shared during the last session:

Article 4 - Human Dignity

- We support the placement of **human dignity as a core guiding principle** for the provision of relief assistance, as it holds the same foundational position for various international human rights instruments and IHL, particularly common article 3 para 1(c) of the Geneva Conventions, Art 75 and 85 of AP I and art 4 of APII.
- We further agree that this obligation refers to both **negative and positive aspects** of the obligation, i.e. to refrain violation of human dignity and duty to take action to protect human dignity.

Article 5 - Human Rights

- We support the view that the **obligation to respect and protect human rights, in accordance with international law** is a key foundation of any future instrument on the protection of persons in the event of disasters.
- We note the reference to “**in accordance with international law**” as recognizing other rules of international law, which may not be in the core human rights instruments, but also have a bearing on the rights of persons affected by disasters.
- We recognize that, similar to draft article 4 on the obligation to respect and protect the dignity of the human person in times of disasters, the obligation to protect and respect human rights, inheres not only on the part of States - whether affected or assisting, but also other assisting actors to the extent or in such manner that they are able to take on legal obligations under international law.

Article 6 - Humanitarian Principles

- We welcome the reference to the principles of **humanity, neutrality, impartiality and non-discrimination** in Draft Article 6, with consideration to the needs of vulnerable persons.

- The principle of **neutrality** reinforces the “apolitical nature” of disaster response and reaffirms the principle that the humanitarian activities may not be used for purposes other than responding to the disaster and rendering assistance.
- We also welcome the focus on non-discrimination, in conjunction with the reference to the needs of the “**particularly vulnerable,**” **including non-nationals**, who may otherwise not have ready access to resources and mechanisms for relief assistance.
- We are of the view that the draft articles should be without prejudice to the right and duty of States to render timely and effective **consular assistance** to their nationals under the VCCR, customary international law and other relevant international law, including in times of disasters.

Article 9 - Reduction of the risk of disasters

- We understand that the **obligation to reduce the risk of disasters is a corollary to sovereignty** and, under these draft articles, the primary role of States to ensure the protection of persons in the event of disasters.
- We also recognize that the concept of due diligence and effectiveness is implied in the reference to “**appropriate measures**” in the draft articles.
- We note that the obligation to reduce risks of disasters is reaffirmed **in State practice** with States and international organizations having adopted numerous multilateral regional and bilateral instruments concerned with disaster risk reduction, many of which have been cited in this session; and the practice of States incorporating disaster risk reduction measures in their national policies and legal frameworks.
- We note further that the obligation in DA9 pertains to measures to be taken at the **domestic level** and, as an obligation of conduct, not result, it must be read in light of the **respective capacities of States and resources available** to States to adopt and implement relevant measures.

Finally, Madam Chair, we are encouraged to note the significant convergence of positions on key issues in this cluster and we look forward to working with all delegations in building on this positive momentum as we continue our discussions.

Thank you, Madam Chair. **END**