



**United Nations General Assembly | Sixth Committee**

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

**(Agenda item 86)**

**CLUSTER III**

*8 October 2024*

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Mr./Madam Chair,

Turning to cluster III, Brazil recognizes the central importance of international cooperation in disaster relief activities.

Brazil considers that the general duty of interstate cooperation is a well-established principle of international law, enshrined in several international instruments, such as the UN Charter, the Declaration on Principles of International Law as reflected in resolution 2625 of 1970, the United Nations Convention on the Law of the Sea and the BBNJ Agreement, among others.

In the context of climate change, for instance, the principle of common but differentiated responsibilities reinforces the obligation

to cooperate. International law unequivocally recognizes the CBDR principle, as reflected in the Rio Declaration, according to which “States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities”.

A future convention on the protection of persons in the event of disaster could set a robust legal framework for fair and productive cooperation between developed and developing countries in the prevention and response to disasters.

The subjects of this duty are primarily States, which shall cooperate with one another.

Intergovernmental and non-governmental organizations working impartially and with strict humanitarian motives can make a significant contribution in supplementing national efforts. They can also play an important role in the assistance provided by the United Nations, as acknowledged by General Assembly resolution 46/182.

However, there is no equivalent duty vis-à-vis other assisting actors in international law.

As draft article 7 does not entirely reflect international customary law, Brazil believes that a different language could be considered for a future convention. While acknowledging the intention of the International Law Commission to establish this difference in the expression "as appropriate", we consider that more precise language is needed.

In this context, Brazil reiterates that draft article 7 could be split in two different paragraphs, with non-binding language related to "other assisting actors".

Mr./Madam Chair,

Regarding the forms of cooperation in the event of disaster, we believe we should highlight the specific needs of developing countries in draft Article 8.

In line with our comments in cluster I regarding the need for more clarity on the scope "ratione temporis" of the Articles, Brazil believes that article 8 could also apply to the pre-disaster phase.

In this context, Article 8 could be strengthened by including forms of cooperation in the prevention of disasters, including transfer of

technology and capacity building, as well as financing adaptation to climate change, taking into particular consideration the needs of developing States.

Mr./Madam Chair,

Taking into consideration the rights and needs of persons affected by disasters, we consider paragraph 2 of article 12 especially relevant. Requests of assistance by an affected State should always be given prompt and due consideration in light of the obligation to cooperate.

At the same time, article 12, paragraph 1 should be read together with article 13, and should not be understood as implying an obligation of the affected State to accept the offer of assistance.

Moreover, bearing in mind the sovereign right of States to decide whether they need external assistance or not, it would be incongruous to impose on them an obligation to request it, as we will have the occasion to discuss further in the next cluster.

I thank you.