



United Nations General Assembly | Sixth Committee

Protection of persons in the event of disasters

(Agenda item 86)

CLUSTER IV

8 October 2024

(check against delivery)

Madam Chair,

Turning to cluster 4, Brazil recognizes the primary role of the affected State in the protection of persons in the event of disasters and in the direction, control, coordination and supervision of relief assistance in its own territory.

In this context, draft article 10 must be considered in accordance with the principle of sovereignty.

As we observed in the Working Group last year, draft article 11 needs further consideration, especially in light of the scope "ratione materiae" and "ratione personae" of the articles.

As currently drafted, it does not reflect customary international law, inasmuch as States have the right - not the obligation - to seek external assistance. An obligation inherently creates a corresponding right to demand its fulfilment.

In a future convention, if States were to establish a new duty for the affected State to seek external assistance, careful consideration must be given to the corresponding right.

Moreover, given the scope “*ratione personae*” of the draft articles, the obligees of such rights would not be limited to potential assisting States but would extend to intergovernmental organizations, nongovernmental organizations, and other private actors, all of whom could stand to benefit from this duty imposed on the affected State.

In this regard, we should further examine whether this approach is the most appropriate, taking into account the primary role of the affected State, the international obligation to cooperate and the principle of non-intervention.

For these reasons, Brazil would prefer language that recognizes the right of an affected State to seek external assistance, as a codification of customary international law. This approach should place greater

emphasis on the obligation to cooperate, while ensuring that the affected State retains its sovereign discretion to identify whether a disaster exceeds its national response capacity.

Madam Chair,

Brazil welcomes article 13, paragraph 1, as we believe that external assistance can only be provided with the consent of the affected State.

In accordance with General Assembly resolution 46/182, humanitarian assistance should be provided with the consent "and in principle on the basis of an appeal by the affected country".

At least one delegation has argued that the consent of the affected State would not be required for providing external assistance. We cannot agree with this view, which we consider to be inconsistent with the principles of the United Nations Charter, including sovereign equality.

Brazil believes that in a future convention, we should be careful not to inadvertently rebrand the so-called humanitarian interventions.

Further consideration should also be given to article 13 paragraph 2, as there is no clarity or legal certainty on the meaning of "arbitrary withheld of consent". Once again, we should find the right balance between the need to protect persons and the fundamental principle of non-intervention.

We recall the inherent dignity of the human person and the fundamental human rights of persons affected by disasters, as reflected in draft articles 4 and 5.

At the same time, we reiterate that an alleged right of humanitarian assistance could not serve as a pretext for intervention in domestic affairs.

In a future convention, Brazil believes we should consider alternative language, aimed at preventing arbitrary and unjustifiable refusal of "bona fide" offers exclusively intended to provide humanitarian assistance.

In this context, Brazil also reiterates the duty of assisting actors to respect the national laws and regulations of the affected State, as reflected in draft article 14.

I thank you.