



STATEMENT OF THE REPUBLIC OF THE PHILIPPINES

delivered by

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Item 89: **Protection of Persons in the event of Disasters**

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The Philippines is one of the most disaster-prone countries in the world. As such we reaffirm our support for the articles on the protection of persons in the event of disasters, in particular the emphasis placed in the text on human dignity, human rights, especially the right to life, and humanitarian principles. We support the elaboration of a convention on the basis of the articles, noting that many of the articles reflect State practice and that such an instrument would help clarify that State practice.

We understand that the articles apply with flexibility to both natural and human-made disasters outside the realm of international humanitarian law, and that they apply without discrimination on the basis of nationality or legal status, since they are focused on both the needs and rights of victims. We also strongly support inclusion of a gender perspective.

We endorse article 9 on the obligation of States to reduce risk of disasters by taking appropriate measures, including through legislation and regulations, to prevent, mitigate, and prepare for disasters. The Philippines has specific laws on disaster risk reduction, management and response, in accordance with its commitments under the Sendai Framework for Disaster Risk Reduction 2015–2030 and the ASEAN instruments on disaster management, emergency response and mutual assistance. We have yet to enact a comprehensive law on the protection of persons during disasters. A multilateral instrument would facilitate this.

Article 10 which articulates the fundamental principle that the affected State has the primary role in the direction, control, coordination and supervision of disaster relief assistance, should be read in conjunction with article 11 (Duty of the affected State to seek external assistance) and article 13 (Consent of the affected State to external assistance).

We wish to stress in this regard that the duty to seek external assistance should not be interpreted as compelling a State to seek such assistance if it determined that a disaster does not manifestly exceed its national response capacity. Each State should have discretion to decide in a manner consistent with its own best interests and territorial sovereignty. When assistance is requested and prior to the consent of the State to allow entry, there must be a guarantee that this will not be used as a pretext for interfering in the internal affairs of the requesting State.

We therefore see the abovementioned articles as necessary because they reflect the recognition that a disaster could exceed the affected State's capacity to respond. An affected State without adequate resources could and would seek assistance from other States, the United Nations, international NGOs and the private sector. Creating a qualified consent regime for the affected State, to be exercised in good faith, balances the right of State sovereignty with the sovereign State's obligation to protect human life and human rights during disasters.

We also support article 16, which recognizes the duty of the affected State to guarantee the protection of relief personnel, equipment and goods and not to cause harm to them. That duty must be read in conjunction with Article 14 on conditions on the provision of external assistance and the duty of the assisting state to fully respect the affected State's laws and regulations. It should also not entail the creation of unreasonable and disproportionate hurdles for the already compromised ability of the affected State to provide security and protection both to its own people and to relief personnel and their accompanying equipment and goods. It is a crime under our Disaster Risk Reduction and Management Act for both State and non-State actors to profit from an already fragile disaster zone. In any event, article 15 underlines that such limitations should not prevent relief personnel from assisting disaster victims.

In closing, the Philippines views the articles as a progressive development of international law governing disaster response. We must heed lessons from the COVID-19 pandemic on the imperative for a prevention-focused and forward-looking and multilateral approach to reducing disaster risks, and move forward on considering a binding legal instrument based on the articles.

Thank you.