



United Nations General Assembly | Sixth Committee
Protection of persons in the event of disasters
(Agenda item 89)
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Mr. Chairman,

Brazil commends the International Law Commission for the articles on the protection of persons in the event of disasters. We take this opportunity to express our deep appreciation to the former ILC Special Rapporteur Eduardo Valencia Ospina, for his careful analysis of the topic and successful work on the elaboration of the articles. We also thank the Secretary-General for his report A/75/214, which contains the comments sent by States about the topic.

Mr. Chairman,

The articles are generally well balanced on the international law principles applicable to the protection of persons in the event of disasters. Brazil appreciates that the basic principle of State sovereignty was reaffirmed in the preamble to the articles and in article 13, which codifies the well-established norm that requires the consent of the affected States for the provision of external assistance.

We also welcome the fact that the Commission reserved a self-standing draft article on the inherent dignity of the human person, followed by a provision on the need to respect and protect the human rights of persons affected by disasters. It is important never to lose sight of the human rights perspective when addressing disaster displacement.

Brazil coincides with the view that one of the consequences of major disasters is mass displacement. Every year, thousands of victims of natural disasters move within their own countries or across borders in search of safety and secure livelihood. Brazil takes part in international initiatives such as the Platform on Disaster Displacement, which aims to assist States to prevent and prepare for displacement before a disaster strikes, as well as to better respond to situations when people are forced to flee from disaster affected areas within their own country or even across an international border. The Platform follows-up on the Nansen Initiative Protection Agenda, which calls for increased preparedness and cooperation by States, regional and sub-regional organizations and the international community to prevent, avoid, and respond to disaster displacement.

Mr. Chairman,

For Brazil, it is important to preserve a clear distinction between natural and human-made disasters, given that they relate to different law systems. Although the Commission attempted to address the issue in commentary (8) to article 5 and in article 18, there are still challenges to cover vastly different scenarios in one single instrument. Moreover, Brazil considers that further discussion might be needed on provisions that do not constitute codification of existing international law, such as article 11.

In conclusion, the articles on the protection of persons in the event of disasters contribute to fill a gap in the legal framework, including by providing more coherence among existing instruments. Guidance on the protection of persons in the event of disasters is found mostly in soft law, occasionally complemented by bilateral and regional instruments, or even by Security Council resolutions in situations of armed conflict. Therefore, we see the value in discussing the possibility of negotiating a convention based on the ILC articles, so as to provide more legal certainty and predictability.

Thank you.