



United Nations General Assembly | Sixth Committee

Protection of persons in the event of disasters (Agenda item 87)

18 October 2021

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Madam Chair,

Brazil commends the International Law Commission for the articles on the protection of persons in the event of disasters. We consider it to be an important issue to be regulated under international law. We would like 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.

Our view has not changed since this issue was last considered by this Committee. The fact that this topic could be addressed through guidelines and practical cooperation does not exclude the need to strengthen its normative framework. Such approaches should be seen as mutually supportive rather than excludent. They share the common goal of facilitating the adequate and effective response to disasters and enhancing the protection of persons in such events.

The articles drafted by the ILC are generally well balanced, particularly in relation to 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. We also appreciate that Article 13 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. In addition, we also acknowledge positively the reference to the principles of humanity, neutrality, and impartiality in the provision of humanitarian assistance.

Brazil also welcomes the reference to the duty to cooperate, reflected in draft Article 7, which is consistent with Articles 55 and 56 of the Charter of the UN, as well as with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, reflected in the UN General Assembly resolution 2625.

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 in preventing and preparing for displacement before a disaster strikes, as well as to better responding 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 among States, regional and sub-regional organizations and the international community to prevent, avoid, and respond to disaster displacement. In stressing the importance of reducing the risk of disasters and minimizing their damage, Brazil would also like to recall the important contribution of the Sendai Framework for Disaster Risk Reduction 2015-2030.

Madam Chair,

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. Currently, 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 do 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.