



United Nations General Assembly | Sixth Committee

**Protection of persons in the event of disasters
CLUSTER IV
(Agenda item 86)**

October 9th, 2023

(check against delivery)

Mr. 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.

Draft article 11 needs further consideration, 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 creates a corresponding right to demand its performance. In a possible future convention, if States create a

new duty of the affected State to seek external assistance, we should reflect on which would be the corresponding right.

Furthermore, according to the scope *ratione personae* of the draft articles, the obligees would include not only potential assisting States, but also intergovernmental organizations, non-governmental organizations and other private actors, as beneficiaries of this duty placed on the affected State.

We should further reflect on whether this would be the best approach, in light of the international obligation to cooperate, and the principle of non-intervention.

Mr. Chair,

Brazil welcomes article 13, paragraph 1, as we believe that external assistance can only be provided with the consent of the affected State. We should add a reference to the request. 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”.

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.

Brazil recalls 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. Although in a different legal regime, applicable in situations of armed conflicts, we also recall that the denial of humanitarian access, for example, is one of the six grave violations against children, condemned by the Security Council.

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

In a possible future convention, 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.