



PHILIPPINES

STATEMENT

Permanent Mission of the Republic of the Philippines to the United Nations
**Working Group on Agenda Item - 86: Protection of persons in the event of disasters
(Cluster III – Articles 7, 8, 12)**

79th Session of the United Nations General Assembly
8 October 2024, Trusteeship Council
UN Headquarters New York

Thank you, Madam Chair,

We submit the following comments on Cluster III, further to our comments shared during the last session:

Art 7 - Duty to Cooperate

- We affirm **international cooperation** as a principle of international law.
- At the same time, we would flag here whether there may be a need to refine the language in DA7, in a future instrument, to examine the subject of the **duty to cooperate under international law** and specifically with respect to 1) disaster response and the provision of relief assistance and 2) risk reduction and disaster resilience, in consideration of views expressed that the normative content of such principle might not be the same with one as with the other and require nuance in the text.
- While we appreciate the work of non-government organizations in humanitarian assistance and relief, we would also welcome a clarification whether the **“other assisting actors”** referred to in the final clause of DA7, refer to non-State entities, other than the UN and the Red Cross and Red Crescent bodies, which possess international legal personality and the capacity to acquire obligations under international law, especially since the article contemplates a specific duty under international law.

Art 8 - forms of cooperation in the response to disasters

- We understand that DA8 elaborates on the **forms of cooperation**, through an illustrative list of examples, and without creating further legal obligations.
- We note that DA8 refers specifically to international cooperation **in the context of disaster response**, particularly the response phase following the onset of a disaster or in the post-disaster recovery phase, and that the intention is for DA8 to be read in light of the other articles particularly DA2 on purpose.
- We refer to **“scientific, medical and technical resources”**, which is not defined in DA3. We note that the language was taken from Article 17, para 4 second sentence of the law of transboundary aquifers, as a useful starting point. We would recommend further refinement in the context of diplomatic negotiations of a future instrument.

- We propose that a **definition** be included, depending on views shared by delegations, for “scientific, medical and technical resources”.
 - This may consider some activities mentioned in the Commentary which may fall within its scope, such as technology transfer, including satellite imagery, or information sharing.
 - The Commentary also indicates that “resources” could cover scientific, technical and medical expertise, as well as equipment and tools or other objects that are useful for relief efforts.
 - My delegation would welcome comments and inputs on this. Any proposed definition would benefit hugely from comments based on actual experiences in cooperation in disaster response.
 - We note that even though the listing here is intended as mere illustrative or indicative, and non-exhaustive, a definition would help address future questions of whether an activity falls within the scope of the draft articles, and would be crucial in determining the germaneness of future cooperative activities to the object and purpose of the draft articles.

Art 12 - offers of external assistance

- We note DA12 covers not only offers of assistance, which is in the first paragraph, but also requests for external assistance, covered in the second paragraph, and we propose to **adjust the title** to reflect this.
- We understand that an **offer of assistance is voluntary**, in the sense that there is no obligation to make it on the part of assisting States, nor is there an obligation to accept it on the part of the affected State, though there is an obligation in DA13 para 3 for the affected State to make known its decision regarding an offer of assistance in a timely manner.
- In any case, we are of the view that State prerogatives in relation to offers of assistance must also be considered in light of the **guiding principles and core obligations** of these draft articles, i.e. human dignity, human rights and humanitarian principles, as well as in relation to the provision in DA13, para 2 for the affected State **not to withhold consent arbitrarily**. We will offer further comments on this in Cluster IV.
- We further note that offers of assistance made in accordance with these draft articles are **not to be taken as interference in domestic affairs** of the affected State.
- Similarly, our understanding of DA12 para 2 is that this refers to the **duty to give due and expeditious consideration to a request for assistance**, though not a legal obligation to assist.
 - The duty only extends to the act of giving due consideration to a request for assistance in an expeditious manner and to respond, even when said consideration might not be favorable. The obligation is triggered when a specific request of assistance is received, and not when mere general appeals for assistance, for instance to the international community in general, have been made.
- My delegation would welcome, at some point during discussions of a future instrument, to consider whether requests for assistance should originate from a **particular level of authority**, or whether this issue should be left for domestic law to determine, noting that some disasters, though calamitous and of the nature and extent contemplated in these draft articles, may be localized in terms of geographic scope. In those cases, specific requests for assistance from local authorities or even local communities may be

received by potential assisting actors and the question might arise as to whether this is sufficient to trigger the duty in DA12 para 2.

Thank you, Madam Chair. **END**