

THE ILC DRAFT ARTICLES ON THE PROTECTION OF PERSONS IN THE EVENT OF DISASTERS

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BACKGROUND

- **International Law Commission**
- **Draft articles on the Protection of Persons in the Event of Disasters**
- **Likely impact**

ILC Draft Articles on the Protection of Persons in the Event of Disasters

- 1. Scope**
- 2. Purpose**
- 3. Definition of disaster**
- 4. Use of terms**
- 5. Human dignity**
- 6. Human rights**
- 7. Humanitarian principles**
- 8. Duty to cooperate**
- 9. Forms of cooperation**
- 10. Cooperation for disaster risk reduction**
- 11. Duty to reduce the risk of disasters**
- 12. Role of the affected State**
- 13. Duty of the affected State to seek external assistance**
- 14. Consent of the affected State to external assistance**
- 15. Conditions on the provision of external assistance**
- 16. Offers of external assistance**
- 17. Facilitation of external assistance**
- 18. Protection of relief personnel, equipment and goods**
- 19. Termination of external assistance**
- 20. Relationship to special or other rules of international law**
- 21. Relationship to international humanitarian law**



KEY ISSUES ARISING

- 1. Sovereignty**
- 2. Human rights and human dignity**
- 3. Interface between international, regional and national legal frameworks**

Sovereignty

- **Duty to cooperate**
- **Duty to reduce the risk of disasters**
- **Duty of the affected State to seek external assistance**
- **Facilitation of external assistance**
- **Protection of relief personnel, equipment and goods**

Sovereignty

- **Primary role of the affected State**
- **Consent of the affected State to external assistance**
- **Forms of cooperation**
- **Conditions on the provision of external assistance**
- **Termination of external assistance**

Human Rights & Human Dignity

ARTICLE 5: HUMAN DIGNITY

In responding to disasters, States, competent intergovernmental organisations and relevant non-governmental organisations **shall respect and protect the inherent dignity of the human person.**

ARTICLE 6: HUMAN RIGHTS

Persons affected by disasters are **entitled to respect for their human rights.**

Humanitarian Principles

Article 7: Humanitarian Principles

Response to disasters shall take place in accordance with the principles of **humanity**, **neutrality** and **impartiality**, and on the basis of **non-discrimination**, while taking into account the needs of the **particularly vulnerable**.

Questions To Be Addressed

- 1. What is the relationship between a global legal framework and national or regional frameworks?**
- 2. Will the ILC draft articles become binding international law?**
- 3. What changes will States insist upon to the draft articles?**
- 4. Will the draft articles actually improve humanitarian responses?**