

IFRC PROPOSALS ON STRENGTHENING THE DRAFT ARTICLES ON THE PROTECTION OF PERSONS IN THE EVENT OF DISASTERS

FOR CONSIDERATION BY STATES

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1. Introduction

In 2024, the United Nations General Assembly agreed ([A/RES/79/128](#)) to ‘elaborate and conclude a legally binding instrument on the protection of persons in the event of disasters’ (PPED) based on the International Law Commission’s (ILC) [Draft Articles on the protection of persons in the event of disasters](#) (Draft Articles), by the end of 2027.¹ This decision reflects the concrete recognition by States of the central importance of the protection of persons affected by disasters in the global humanitarian landscape. The General Assembly resolution calls on Governments to submit to the Secretary-General, no later than 31 December 2025, proposals for amendments to the Draft Articles, with a view to preparing the consolidated text that will form the basis of the instrument.²

The International Federation of Red Cross and Red Crescent Societies (IFRC) has a mandate on disaster law established by resolutions of the [International Conference of the Red Cross and Red Crescent](#) (International Conference) adopted by the State members of the International Conference and the components of the International Red Cross and Red Crescent Movement.³ The IFRC fulfils this mandate by supporting its 191 member National Red Cross and Red Crescent Societies (National Societies) and States in the field of disaster law, through technical assistance, capacity building and advocacy.⁴

¹ [United Nations General Assembly Resolution 79/128 of 4 December 2024](#), para 4.

² [United Nations General Assembly Resolution 79/128 of 4 December 2024](#), para 6.

³ See the following resolutions of the International Conference of the Red Cross and Red Crescent: [Final goal 3.2 of the 28th International Conference](#) (2003); [Resolution 4 of the 30th International Conference](#) (2007); [Resolution 7 of the 31st International Conference](#) (2011); [Resolution 6 of the 32nd International Conference](#) (2015) and [Resolution 3 of the 34th International Conference](#) (2024).

⁴ IFRC Disaster Law has assisted more than forty countries to strengthen their disaster laws and has conducted disaster law activities in more than ninety countries. See IFRC, [An Introduction to IFRC Disaster Law](#) (2022), page 5.

The IFRC was engaged and provided comments in the drafting process of the Draft Articles; and has further participated and provided comments throughout the subsequent activities related thereto.

This document sets out the IFRC's proposals for amendments on the Draft Articles for the consideration of States, aimed at strengthening the Draft Articles ahead of the upcoming negotiations on a binding instrument on the PPED. Backed by over two decades of extensive global research and practical experience, the IFRC has unparalleled expertise in supporting governments and regional disaster risk management organisations to strengthen disaster risk governance through the development and implementation of disaster-related laws and regulatory frameworks.

These proposals are an accumulation of this experience and research, including a comprehensive review of international and regional agreements, resolutions of the United Nations General Assembly and the International Conference, comments made by States in the 6th Committee of the United Nations General Assembly and academic discourse related to the topics covered by the Draft Articles. These proposals were further guided by the IFRC's [Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance](#) (IDRL Guidelines),⁵ which informed the development of the Draft Articles; as well as the IFRC's [Disaster Risk Governance Guidelines](#) (DRM Guidelines). Published in 2024, the DRM Guidelines consolidate two decades of the IFRC's research and recommendations related to Disaster Law into a single, comprehensive document. The Guidelines adopt a holistic approach, identifying how different types of instruments — laws, regulations, policies, plans and standard operating procedures — can collectively provide a strong framework for effective disaster risk management. They address all key topics of relevance to domestic disaster instruments, including prevention and mitigation, preparedness, response and recovery (including international disaster assistance); as well as several cross-cutting topics such as the protection of persons in vulnerable situations and disaster displacement. These were further developed in consultation with a key group of expert academics in disaster law.

The IFRC strongly supports the development of a binding instrument based on the Draft Articles as it provides an opportunity to facilitate and promote global solidarity across the whole disaster risk management continuum. Furthermore, it provides an opportunity to clarify and consolidate States' and other assisting actors' obligations with respect to the management of disasters and disaster risk, the legal landscape of which is currently an incomplete patchwork. More specifically, the instrument has the potential to:

- **Ensure disaster risk reduction is prioritised across all sectors before, during and after disasters.** The creation of binding obligations on disaster risk reduction would fill a critical gap in international law; and generate vital momentum in this

⁵ The [IDRL Guidelines](#) were adopted by [Resolution 4](#) of the 30th International Conference of the Red Cross and Red Crescent (2007). Since then, they have been cited by 22 resolutions of the United Nations General Assembly, and are referenced in the [Sendai Framework for Disaster Risk Reduction 2015-2030](#).

field. While the [Sendai Framework for Disaster Risk Reduction 2015-2030](#) has undoubtedly catalysed stronger action in disaster risk reduction at domestic level, there is still a need for many states to strengthen their efforts in this area;

- **Ensure all people are protected in disasters, especially those in vulnerable situations.** The instrument provides an opportunity to put the protection of persons affected by disasters at the centre of international law regulating the management of disaster risks; and
- **Address the facilitation of fast, effective, and coordinated international humanitarian assistance to save lives after a disaster.** By regulating external disaster assistance in more detail and striking a balance between the oversight and facilitation of external assistance, the instrument would allow the perennial challenges encountered in this area to be addressed.

2. Proposals on strengthening the Draft Articles for consideration by States

A. Ensure the scope of the instrument clearly covers all aspects of the Disaster Risk Management continuum (Draft Articles 1, 2 and 3)

Over the past decades, there has been a significant shift towards comprehensive disaster risk management, moving beyond solely reactive response efforts.⁶ This includes a broader focus on disaster prevention and mitigation, preparedness, and resilience building. The IFRC recommends explicitly recognising that all elements of the Disaster Risk Management continuum be covered by the instrument, including disaster prevention and mitigation, preparedness, response, and recovery. Note that the IFRC's interpretation of disaster recovery is broad and encompasses rehabilitation.⁷

This approach aligns with the commentary to the Draft Articles, which states that they are intended to “cover the various stages of the disaster management cycle”.⁸ It is therefore recommended to include definitions of these terms. The definitions proposed below are to a large extent aligned to the notions and terminology agreed by States in the [Report of the open-ended intergovernmental expert working group on indicators and](#)

⁶ When using the term “Disaster Risk Management”, the IFRC is referring to several activities and measures including those related to disaster prevention and mitigation, preparedness, response and recovery. See IFRC, [Disaster Risk Governance Guidelines](#) (2024), page 7.

⁷ The IFRC's interpretation of disaster recovery has two key components. First, there is an initial period focused on meeting affected people's basic needs after a disaster and restoring a minimum level of functioning across key sectors and essential services (e.g., housing, education, healthcare, transport). This component of recovery encompasses ‘rehabilitation’. Second, there is a medium- to long-term process of fully rebuilding and restoring functionality across all sectors and aspects of society. This period encompasses ‘reconstruction’. See the IFRC, [Disaster Risk Governance Guidelines](#) (2024), page 49.

⁸ This is aligned with the commentary to the Draft Articles, which state that “Furthermore, the draft articles are intended to cover the various stages of the disaster cycle, focusing on response and disaster risk reduction. The reference to “short-term and long-term impact” is intended to show that the focus of the draft articles is not just on the immediate effects of a disaster. It also implies a far-reaching approach, addressing activities devoted to the recovery phase.” See [Draft articles on the protection of persons in the event of disasters, with commentaries](#) (2016), page 2, paragraph 4.

[terminology relating to disaster risk reduction](#) adopted by the United Nations General Assembly on 2 February 2017, in order to promote cohesion between the instrument under development and existing instruments such as the Sendai Framework, as well as the terminology as used by DRM practitioners around the world on a daily basis. The IFRC also recommends defining the term “disaster risk management” to encompass disaster prevention and mitigation, preparedness, response and recovery. The definition of disaster risk management proposed below is drawn from the IFRC’s [Disaster Risk Governance Guidelines](#), which offers a more comprehensive and inclusive articulation of the concept. By referring to the application of “policies, strategies and other measures,” it recognises that effective disaster risk management includes a wide range of actions. It also more clearly captures the practical dimensions of managing residual risk through preparedness, response and recovery which are critical components of comprehensive risk management.

In order to reflect the recommendations above, the IFRC proposes the following amendments to Draft Articles 1 and 2, respectively, for consideration by States:

Article 1-Scope

This treaty applies to the protection of persons before, during, and after disasters.

Article 2- Purpose

The purpose of the present treaty is to facilitate adequate and effective disaster risk management so as to meet the essential needs of the persons concerned, with full respect for their rights.

In addition, the IFRC proposes inserting the following new definitions into Draft Article 3:

“Disaster risk management” is the application of policies, strategies and other measures to prevent new disaster risk, reduce existing disaster risk and manage residual risk (through disaster preparedness, response and recovery), contributing to the strengthening of resilience and reduction of disaster losses.

“Disaster risk reduction” is the policy objective of disaster risk management, aimed at preventing new and reducing existing disaster risk and managing residual risk, all of which contribute to strengthening resilience and therefore to the achievement of sustainable development.

“Mitigation” means the lessening or minimizing of the adverse impacts of a hazardous event.

“Preparedness” means the knowledge and capacities developed by governments, response, and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from the impacts of likely, imminent or current disasters.

“Prevention” means activities and measures to avoid existing and new disaster risks.

“Recovery” means the restoring or improving of livelihoods and health, as well as economic, physical, social, cultural and environmental assets, systems and activities, of a disaster affected community or society, aligning with the principles of sustainable development, to avoid or reduce future disaster risk.

“Response” means the actions taken directly before, during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected.

B. Refine the definition of “disaster” (Draft Article 3)

A clear definition of the term “disaster” is of central importance to ensuring that the instrument under development creates obligations that are clear, realistic and aligned with existing legal frameworks. In line with the recommendations in the section above, the IFRC recommends to largely align the definition of disaster with the definition included in the [Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction](#) (Working Group Report), as well as to explicitly exclude armed conflict. As mentioned above, this will promote cohesion between the instrument under development and existing instruments such as the Sendai Framework, as well as the terminology as used by DRM practitioners around the world on a daily basis.

As such, Draft Article 3(a) could be reformulated as:

“Disaster” means a serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts, but excluding armed conflict.

Definitions of additional terms to qualify the definition of disaster could also be included, such as capacity, exposure, hazardous event and vulnerability.⁹

As an alternative, should States prefer to instead refine the definition of disaster included within the Draft Articles, the IFRC notes that this definition includes several qualifiers, such as “widespread loss of life”, “great human suffering and distress”, “mass displacement” and “large-scale material or environmental damage”. These qualifiers create a very high threshold for the application of the instrument. Therefore, States could consider whether these qualifiers could be reduced, or whether more appropriate qualifiers could be introduced, to allow for the greatest level of protection of persons in disasters as possible. In addition, the current formulation of the definition of disaster

⁹ See UN General Assembly A/71/644, [Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction](#) (2016).

does not adequately capture disasters that are localised to specific communities. The IFRC therefore recommends including the term “community” within the definition. Finally, the IFRC also recommends to explicitly exclude armed conflict from the definition of disaster for clarity.

Note that the sections below propose the amendment of a number of other existing definitions and include several new definitions in Draft Article 3, in line with the recommendations contained therein.

C. Strengthen the elements on the protection of persons affected by disasters (Draft Articles 5 and 6)

As their title suggests, the Draft Articles place central importance on the protection of persons affected by disasters. The Draft Articles establish that their human dignity must be respected (Draft Article 4) and further provide that disaster response shall take place in accordance with the principles of humanity, neutrality and impartiality, and based on non-discrimination, while taking into account the needs of the particularly vulnerable (Draft Article 6). The IFRC considers that these provisions are strong elements of the Draft Articles which should be retained in any future instrument. The IFRC highlights the practical relevance of these principles to disaster risk management, noting in particular that eliminating direct and indirect discrimination in related activities is key to protecting the most vulnerable and reducing the disaster impacts they bear. It further notes that establishing a positive law basis for humanitarian principles in disasters would be valuable at a time when there is significant pressure on them.

Nevertheless, the IFRC has five main comments on how the protection elements of the Draft Articles could be further strengthened. First, the IFRC notes that the International Red Cross and Red Crescent Movement has recognised a right to receive humanitarian assistance through Resolution 11 of the Council of Delegates held in 1993 and [Resolution 4 of the 26th International Conference held in 1995](#).¹⁰ This entails the right of persons affected by disaster to receive humanitarian assistance, the States’ duty to assist people who are placed under their authority or their obligation to authorise humanitarian agencies to do so, and the right of humanitarian agencies — abiding by the principles of humanity, neutrality, impartiality and independence — to have access to persons affected by disasters.¹¹ The IFRC notes that, consistent with the existing Draft Articles, this right does not require the affected State to request assistance if it is capable of meeting humanitarian needs within its borders, nor does it require the affected State to accept assistance from all actors which offer it.¹²

¹⁰ [Resolution 4 of the 26th International Conference \(1995\)](#), page 127.

¹¹ See [Resolution 4 of the 26th International Conference \(1995\)](#), page 127. See Resolution 11 of the Council of Delegates held in 1993. See also Article 6 of the [Sphere Humanitarian Charter](#) which recognises the right to humanitarian assistance. Although the Sphere Humanitarian Charter is a non-binding instrument, it has been included in the domestic legislation of some States and has been endorsed by a wide range of humanitarian organisations, including the IFRC.

¹² See the [Draft articles on the protection of persons in the event of disasters, with commentaries](#) (2016), page 35, para 4, which states that “The Commission considers that the duty of an affected State to ensure protection and assistance to those within its territory, or in territory under its jurisdiction or control, in the

Second, the IFRC welcomes the clear focus on the human rights of persons affected by disasters in the current formulation of Draft Article 5, as these are fundamental to the purpose and objectives of the proposed instrument. The IFRC appreciates the importance of keeping persons affected by disasters and disaster risk at the centre of the article, as indeed the protection of persons is at the very heart of the Draft Articles and should remain at the centre of any instrument drafted on the basis thereof. For clarity, two changes are recommended for consideration by States. The first is to highlight the right to humanitarian assistance since this right is central to all aspects of humanitarian action. While recognising the argument in the ILC Commentaries that this article should be broadly written to avoid an "*a contrario* interpretation that rights not mentioned therein were not applicable",¹³ we believe that the centrality of the right to humanitarian assistance to the topic should be explicitly acknowledged in the text and that this would not diminish the universality of all human rights in disaster contexts. The second is to expressly reflect the point made in the Commentaries to Draft Article 5 that States have a duty to ensure compliance with *all* relevant human rights both during the disaster and at the pre-disaster phase and recovery phase.¹⁴

As such, the IFRC proposes the following formulation of Draft Article 5 for consideration by States:

*Persons are entitled to the respect for and protection of **all** their human rights, **before, during and after disasters, including the right to humanitarian assistance**, in accordance with international law.*

Third, in relation to Draft Article 6, it is recommended to clarify that all disaster risk management efforts should be undertaken in accordance with the applicable humanitarian principles, and not only in relation to the 'response to disasters' as in the current wording of Draft Article 6.

Fourth, with respect to the humanitarian principles themselves, the IFRC recommends including the principle of independence, as has been recognised in resolutions of the United Nations General Assembly¹⁵ and the International Conference of the Red Cross

event of a disaster, is aimed at preserving the life and dignity of the persons affected by the disaster and guaranteeing the access of persons in need to humanitarian assistance. This duty is central to securing the right to life of those within an affected State's territory, or in territory under its jurisdiction or control...An offer of assistance that is met with refusal might thus under certain conditions constitute a violation of the right to life." See also [General Assembly resolution 43/131 of 8 December 1988](#), preambular paragraph 8; and [General Assembly resolution 45/100 of 14 December 1990](#), preambular paragraph 6 that state "the abandonment of the victims of natural disasters and similar emergency situations without humanitarian assistance constitutes a threat to human life and an offence to human dignity".

¹³ [Draft articles on the protection of persons in the event of disasters, with commentaries](#) (2016), page 13, paragraph 5.

¹⁴ [Draft articles on the protection of persons in the event of disasters, with commentaries](#) (2016), page 13, paragraph 1.

¹⁵ See for example, [Resolution 58/114 of 17 December 2003](#), [Resolution 72/132 of 11 December 2017](#); [Resolution 78/120 of 8 December 2023](#) and [Resolution 79/139 of 9 December 2024](#).

and Red Crescent Movement.¹⁶ In addition, Draft Article 6 refers to the principles of “impartiality” and “non-discrimination” as separate concepts. This may lead to confusion as to the meaning of “impartiality”, which is fundamentally based on non-discrimination. As the humanitarian principles form part of the Movement’s own Fundamental Principles, the IFRC has a strong interest in guarding against this confusion. Consequently, it is recommended that if the aim is to place additional emphasis on particular elements of the existing principles, that could be done without creating confusion or undermining the principle by adding the phrase “and in particular” after the word “impartiality”.

Fifth, the IFRC welcomes the recognition in the Draft Articles of the need to take into account the needs of the particularly vulnerable in disasters. Indeed, it is well documented that disasters have varying impacts on different groups within society. People that may be disproportionately impacted by disasters (depending on the circumstances) include women and girls, children, older people, people with a disability or chronic illness, displaced people, migrants, racial and ethnic minorities, indigenous groups, and sexual and gender minorities.¹⁷ In order to further strengthen the protection of persons in vulnerable situations in disaster risk management, the IFRC recommends including a provision outlining a non-exhaustive list of measures to support persons in vulnerable situations. Such a provision could take a similar form to Draft Article 9(2), which contains a non-exhaustive list of disaster risk reduction measures. The measures included in the proposed text below are drawn from the Sendai Framework for Disaster Risk Reduction,¹⁸ resolutions of the United Nations General Assembly and the International Conference of the Red Cross and Red Crescent,¹⁹ and guidelines such as the IFRC’s Disaster Risk Governance Guidelines.²⁰

As such, the IFRC proposes for consideration by States that Draft Article 6 be reformulated as two paragraphs as follows:

*6(1) **Disaster risk management** shall take place in accordance with the principles of humanity, neutrality, **independence** and impartiality, **and in particular** on the basis of non-discrimination, while taking into account the needs of **persons in vulnerable situations**.*

*6(2) **Measures to support the needs of persons in vulnerable situations may include, as appropriate, collecting disaggregated data on individual or collective vulnerabilities, as well as on exposure levels and coping capacities; removing***

¹⁶ See for example [Resolution 3 of the 34th International Conference of the Red Cross and Red Crescent \(2024\)](#), pp 5.

¹⁷ See IFRC, [Disaster Risk Governance Guidelines](#) (2024), Section 8.

¹⁸ See the Sendai Framework for Disaster Risk Reduction (2015-2030), Article 7, 19(d) and (g), 24(a)-(c), 32, and 36.

¹⁹ See for example, [UNGA Res 79/139 of 9 December 2024](#) which stresses the importance of responding to the humanitarian needs of persons in vulnerable situations in paras 2, 21, 28, 72, and [Resolution 3 of the 34th International Conference of the Red Cross and Red Crescent on Strengthening disaster risk governance through comprehensive legal and regulatory frameworks \(2024\)](#), para 1, 5(d), and 6.

²⁰ See IFRC, [Disaster Risk Governance Guidelines](#) (2024), Section 8.

specific barriers to accessing assistance; preventing, monitoring and responding to protection risks; and promoting the participation, representation and leadership of persons in vulnerable situations in disaster risk management efforts.

D. Increase recognition of National Red Cross and Red Crescent Societies as auxiliaries to their public authorities in the humanitarian field, as well as recognition of the role of other assisting actors in supporting States in implementing treaty provisions at the domestic level (Draft Article 3(d) and 7)

(i) Increase recognition of National Societies as auxiliaries to their public authorities in the humanitarian field

Draft Article 7 asserts an obligation of states to cooperate “among themselves, with the United Nations, with the components of the Red Cross and Red Crescent Movement, and with other assisting actors.” While the IFRC is very appreciative that the Movement has been mentioned, it feels that there is a strong normative and practical basis to explicitly include and recognise the auxiliary role of National Societies in the future instrument.

National Societies, operating in accordance with the seven Fundamental Principles of the Red Cross and Red Crescent Movement of Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity and Universality, play a unique role in supporting their public authorities in their humanitarian tasks, in particular in regard to the subject matters covered by the proposed instrument. National Society volunteers are often amongst the first on the scene when a disaster strikes, and they remain active within affected communities long after many others have left.

National Societies are neither governmental institutions nor wholly separate non-governmental organisations. Their relationship to the authorities in their country is defined by their role as “auxiliaries to public authorities in the humanitarian field” and by the Fundamental Principles of the International Red Cross and Red Crescent Movement. While auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, they must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.²¹

The auxiliary role of National Societies is grounded in the Geneva Conventions and their Additional Protocols,²² established by States through the [Statutes of the International Red](#)

²¹ See the [Statutes of the International Red Cross and Red Crescent Movement](#), preamble.

²² See, for example, Articles 26 and 44 of [Geneva Convention \(I\) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949](#) (GC I); Articles 24 and 25 of [Geneva Convention \(II\) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949](#) (GC II); Article 25, 30 and 63 of [Geneva Convention \(IV\) relative to the Protection of Civilian Persons in Time of War of 12 August 1949](#) (GC IV); Article 8, 17, 33, 81 of the [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts \(Protocol I\) of 8 June 1977](#) (AP I); Article 18 of the [Protocol additional to the](#)

[Cross and Red Crescent Movement](#) (adopted by States at the International Conference in 1986), and recognised in several international instruments, including resolutions of the International Conference of the Red Cross and Red Crescent,²³ United Nations General Assembly [Resolution A/RES/49/2 of 1994](#), and domestic laws. Resolution [A/RES/55 \(I\)](#) of the United Nations General Assembly and resolutions of the International Conference of the Red Cross and Red Crescent have also called on States to support and cooperate with National Societies.²⁴

The IFRC recommends strengthening the role of the National Societies in the PPED instrument in two main ways. First, the term “other assisting actor” is defined in Draft Article 3(d) to mean “a competent intergovernmental organisation, or a relevant non-governmental organisation or entity, providing assistance to an affected State with its consent.” The commentary confirms that this term includes, but is not limited to, the United Nations and the components of the International Red Cross and Red Crescent Movement.²⁵ The IFRC considers that the inclusion of “other assisting actors” in the Draft Articles is a strong element that should be retained in any future instrument. Consistent with the distinctive character of National Societies as auxiliaries to their public authorities in the humanitarian field,²⁶ the IFRC proposes amending Draft Article 7 to explicitly recognise the role of National Societies.

(ii) Include recognition of the role of local actors in supporting States in implementing treaty provisions at the domestic level

While each State has the primary responsibility for managing disaster risk, local actors play a critical role across all elements of disaster risk management—prevention and mitigation, preparedness, response, and recovery —by bringing essential contextual knowledge, trusted community relationships, and sustained presence before, during, and after crises.²⁷ Their invaluable support ensure that interventions and activities are timely, culturally appropriate, and responsive to the real needs and capacities of communities.

The IFRC therefore recommends explicitly including a reference to local organisations in Draft Article 3(d) to recognise their complementary role in activities relevant for this instrument. This approach would support the commitments made by donors under the

[Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\) of 8 June 1977](#) and Article 3 of the [Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem \(Protocol III\) of 8 December 2005](#) (AP III).

²³ See, for example, the following resolutions of the International Conference of the Red Cross and Red Crescent: [Resolution VIII of 1965](#); [Resolution XVI of 1973](#), [Resolution V of 1995](#); [Resolution 2 of 2007](#); [Resolution 4 and 7 of 2011](#); [Resolution 6 of 2015](#); [Resolutions 3, 4 and 5 of 2024](#).

²⁴ See for example the following resolutions of the International Conference of the Red Cross and Red Crescent for example, [Resolution 3 of 2024](#); [Resolution 4 of 2011](#); [Resolution 2 of 2007](#) and [Resolution 5 of 1995](#), among others.

²⁵ [Draft articles on the protection of persons in the event of disasters, with commentaries](#), page 9, para 20.

²⁶ See [Resolution 2](#) of the 30th International Conference of the Red Cross and Red Crescent (2007).

²⁷ See e.g. [UNGA Res 79/205 of 19 December 2024](#), para. 62.

Grand Bargain, which recognises the critical role that local actors play when a disaster strikes, and aims to make principled humanitarian action “as local as possible and as international as necessary”;²⁸ as well as resolutions of the International Conference relating to localisation and strengthening resilience;²⁹ and resolutions of the United Nations General Assembly.³⁰

(iii) Increase recognition of the role of regional actors in supporting States in implementing treaty provisions at the domestic level

Also with respect to Draft Article 7, the IFRC recommends increasing recognition of the role of regional and sub-regional organisations in this field. Over the past two decades, disaster response treaties, mechanisms and agencies have proliferated under the auspices of regional and sub-regional intergovernmental organisations. Key examples include the [ASEAN Agreement on Disaster Management and Emergency Response](#), the [Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism](#) (and subsequent amending instruments), and the [Agreement establishing the Caribbean Disaster Emergency Management Agency](#). While regional and sub-regional disaster management agencies fall within the definition of “other assisting actors”, the IFRC considers that it would be beneficial for any future instrument to explicitly recognise the role of this category of actors.

(iv) Additional proposals related to Draft Article 7

As mentioned above, Draft Article 7 asserts an obligation of States to cooperate “among themselves, with the United Nations, with the components of the Red Cross and Red Crescent Movement, and with other assisting actors.” The IFRC proposes to explicitly include these actors within the definition of “other assisting actor” in Draft Article 3(d) for clarity. However, it is noted that if this proposal is adopted, minor changes in Articles 11, 12 and 17 may be required to ensure cohesion, as these Draft Articles recognise the role of the United Nations as separate to “other assisting actors”.

Finally, as explained in more detail in Section E below, the IFRC proposes that Draft Article 7 be amended so as to apply to all aspects of the disaster risk management continuum.

²⁸ See the [Grand Bargain – A shared commitment to better serve people in need](#) (2016) . The Grand Bargain is a platform bringing together donors and aid organisations who have committed to improve the effectiveness and efficiency of the humanitarian action, in order to get more means into the hands of people in need. See <https://interagencystandingcommittee.org/grand-bargain>.

²⁹ See for example, Resolution 4 of the 34th International Conference of the Red Cross and Red Crescent on [Enabling local leadership, capacity and delivery in principled humanitarian action and strengthening resilience](#).

³⁰ See for example [UNGA RES 46/182](#) of 19 December 1991 and [UNGA Res 79/139 of 9 December 2024](#), para 36.

(v) Proposed amendments

The IFRC proposes for the consideration of States the following amendments to Draft Articles 3(d) and 7 in light of the recommendations set out in paragraphs (i) - (iv) above:

Article 3 – Use of terms

*Article 3(d): “other assisting actor” means the **United Nations, other competent global, regional or sub-regional** intergovernmental organization, **the components of the Red Cross and Red Crescent Movement, including National Red Cross or Red Crescent Societies as auxiliaries to their public authorities in the humanitarian field**; or a relevant **local or external** non-governmental organization or entity, providing assistance to an affected State with its consent.*

Article 7 – Duty to cooperate

*In the application of **this treaty**, States shall, as appropriate, cooperate among themselves **and with other assisting actors, including** the United Nations, **other competent global, regional and sub-regional intergovernmental organisations**, and the components of the Red Cross and Red Crescent Movement, **in particular National Red Cross and Red Crescent Societies in accordance with their auxiliary role to their public authorities in the humanitarian field.***

The proposals have been formulated in this manner so as to highlight that the actors listed in these provisions are key actors that States should have a duty to cooperate with in the management of disasters and disaster risks.

Additionally, in line with the recommendations above, the IFRC recommends including a paragraph in the preamble of the future instrument, affirming the important role of other assisting actors in disaster risk management, including through facilitating mutual cooperation and assistance between States within regional or sub-regional groupings.

Such a preambular paragraph could read:

Recognizing the important role in disaster risk management of the United Nations, other competent global, regional and sub-regional intergovernmental organisations, the components of the Red Cross and Red Crescent Movement, in particular National Red Cross and Red Crescent Societies as auxiliaries to their public authorities in the humanitarian field, and other relevant domestic and external non-governmental organizations and entities.

E. Strengthen the forms of cooperation (Draft Articles 7 and 8)

Key international instruments such as the Sendai Framework,³¹ regional instruments,³² resolutions of the United Nations General Assembly;³³ and resolutions of the International Conference of the Red Cross and Red Crescent,³⁴ recognise the significant importance of cooperation in the context of disaster risk management. The IFRC recommends that both Draft Articles 7 and 8 should explicitly apply to all aspects of the disaster risk management continuum. Moreover, while non-exclusive, the enumeration of forms of cooperation contained in Draft Article 8 misses some important aspects, including strengthening legal and institutional frameworks, financial support, training, information-sharing, and joint simulation exercises and planning.

The IFRC therefore proposes the following amendments for consideration by States:

Article 8 - Forms of cooperation ~~in the response to disasters~~

*Cooperation in **disaster risk management** may include, as appropriate, training; strengthening legal and institutional frameworks; capacity building; information-sharing, including notification of disasters; joint simulation exercises; dedicated financial support; assistance with evacuations; humanitarian assistance; coordination of international relief actions and communications; and making available relief personnel, equipment and goods, and scientific, medical and technical resources.*

F. Strengthen provisions relating to disaster risk reduction (Draft Article 9)

(i) Introduction

While binding obligations to reduce disaster risks do exist in regional agreements and in treaties relating to specific issues,³⁵ the IFRC considers that, consistent with the Draft

³¹ See for example the [Sendai Framework for Disaster Risk Reduction \(2015-2030\)](#), Part IV. See also Annex 1 for additional references.

³² See for example, the [ASEAN Agreement on Disaster Management and Emergency Response of 26 July 2005 \(AADMER\)](#), Articles 2, 3(3), 4(a), 6(1) and (3), 7(2) and 8(1) and (3); [Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism \(as amended\)](#), Article 1, Article 5, [Agreement Establishing the Caribbean Disaster Management Agency of 2008 \(CDEMA\)](#), Article V(e)(ii); and XIX(r). See further Annex 1.

³³ See for example [UNGA Res 79/205 of 19 December 2024](#), [UNGA Res 78/152 of 19 December 2023](#), [UNGA Res 72/132 of 11 December 2017](#); [UNGA res 78/120](#) of 8 December 2023; and [UNGA Res 79/139 of 9 December 2024](#).

³⁴ See for example [Resolution 3 of the 34th International Conference of the Red Cross and Red Crescent on Strengthening disaster risk governance through comprehensive legal and regulatory frameworks \(2024\)](#), para 4 which calls for bilateral, sub-regional, regional, and international cooperation to support implementation of the resolution, including through the provision of financial assistance, technical support, capacity development, and voluntary sharing of knowledge, experiences and good practices as well as non-sensitive data and information, tools, mechanisms, technology, on mutually agreed terms.

³⁵ See for example the [Convention on Nuclear Safety of 17 June 1994](#), the [International Convention for the Prevention of Pollution from Ships of 2 November 1973 \(MARPOL\)](#), specifically Annex I and the [ASEAN Agreement on Disaster Management and Emergency Response of 26 July 2005](#), Articles 4, 5 and 6.

Articles, it would be very beneficial to include a binding duty to reduce the risk of disasters in any new instrument, as this would fill a critical gap in international law. The [Sendai Framework](#) and its predecessors have undoubtedly catalysed stronger action in this respect at domestic level, as evidenced by the significant increase in domestic legal and policy frameworks for disaster risk management. Nevertheless, the creation of a positive law duty at the international level would further accelerate domestic efforts to reduce disaster risk. This is vital to address the growing risks posed by climate-related hazards and would cohere with states' existing climate adaptation commitments under the Paris Agreement, including the global goal to enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change.³⁶

Draft article 9(1) establishes a general duty to reduce the risk of disasters by taking appropriate measures, including through legislation and regulations, to prevent, mitigate, and prepare for disasters. The IFRC considers that a particularly strong element of draft article 9(1) is the reference to "legislation and regulations" as a means of promoting disaster risk reduction. This element is also included in the Sendai Framework and its importance has been underlined by the [Midterm Review of the Sendai Framework](#), which found that a lack of legal frameworks for disaster risk reduction is hampering progress on the implementation of the Framework.³⁷

(ii) Recommendations and proposed amendments

The IFRC considers that Draft Article 9 could be more detailed. First, the IFRC recommends including the development of policies as a measure through which disaster risk reduction can be achieved. This is proposed in light of the fact that some countries regulate the management of disaster risks through policy frameworks rather than legislation. Second, similar to the Sendai Framework and consistent with the IFRC's [Disaster Risk Governance Guidelines](#), it would be beneficial for Draft Article 9 to explicitly reference mainstreaming disaster risk reduction into legislation, policies and regulations across all sectors. This would include instruments relating to construction, land use planning, urban planning, development planning, infrastructure, natural resource management, the environment, health and education. Third, the IFRC proposes to introduce additional language in Draft Article 9 aimed at ensuring that States have due regard to evolving best practice in the management of disaster risk. This is proposed in order to avoid any concrete disaster risk reduction measures from becoming outdated.

Fourth, it would be helpful to reference a wider range of measures in Draft Article 9(2), in line with the broad definition of the term disaster risk reduction included in the [report of the open-ended intergovernmental expert working group on indicators and terminology](#)

³⁶ [Paris Agreement of 12 December 2015](#), Article 7. See also [Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention](#) which established the Adaptation Committee to promote the implementation of enhanced action on adaptation in a coherent manner under the Framework Convention on Climate Change.

³⁷ [Report of the Midterm Review of the Sendai Framework 2015–2030 \(UNDRR, 2023\)](#), 41-43.

relating to disaster risk reduction. The report defines disaster risk reduction as the policy objective of disaster risk management, “being aimed at preventing new and reducing existing disaster risk and managing residual risk, all of which contribute to strengthening resilience and therefore to the achievement of sustainable development.” In line with this definition, the measures in Draft Article 9 should not be limited to disaster prevention and mitigation, but instead also cover preparedness for anticipatory action, effective response and recovery. The measures proposed below have been drawn from international instruments such as the Sendai Framework,³⁸ regional instruments,³⁹ resolutions of the United Nations General Assembly⁴⁰ and International Conference of the Red Cross and Red Crescent,⁴¹ and tools such as the IFRC’s Disaster Risk Governance Guidelines.⁴²

Finally, based on the positive experiences in the establishment of national disaster risk reduction platforms⁴³ and IHL committees⁴⁴ to promote the implementation of State’s obligations in these areas, it may be useful for States to establish broad and inclusive disaster risk management platforms or similar mechanisms, which should include the participation of key stakeholders in disaster risk management, including their National Red Cross or Red Crescent Society, to support States in their efforts to implement their obligations under the PPED instrument. The IFRC therefore proposes including a provision to this effect in this Article.

Based on these recommendations, the IFRC proposes the following amendments Draft Article 9 for consideration by States:

Article 9 - Disaster risk reduction

*1. Each State shall reduce the risk of disasters by taking **all** appropriate measures, including through legislation, **policies**, and regulations, to prevent, mitigate, prepare for, **respond to, and recover from disasters**.*

2. States shall have due regard to evolving best practice in measures for disaster risk management, including the mainstreaming of disaster risk reduction across all relevant sectors.

³⁸ [Sendai Framework for Disaster Risk Reduction 2015-2030](#), Priorities 1-4; see e.g. paras 24, 25; 27(a); 30; 33.

³⁹ See for example the [ASEAN Agreement on Disaster Management and Emergency Response of 26 July 2005](#), Article 4, 5, 17.

⁴⁰ See e.g. [UNGA Res 79/205 of 19 December 2024](#), e.g. para 4, 12; 16, 19, 22, 25, 27, 33, 37, 39, 54, 57, 72; [UNGA Res 79/139 of 9 December 2024](#), e.g. para 4, 6, 7, 9, 13, 14, 15, 16, 17, 20, 22, 27, 30, 38, 43; [UNGA Res 78/120 of 8 December 2023](#), e.g. para 6-9, 23, 36, 62; [UNGA Res 75/124 of 11 December 2020](#), e.g. preamble and paras 19 and 32, 34; [UNGA Res 72/132 of 11 December 2017](#) e.g. preamble and paras 16, 26.

⁴¹ See e.g. [Resolution 3 of the 34th International Conference of the Red Cross and Red Crescent \(2024\)](#), para 1, 5-7.

⁴² See the [Disaster Risk Governance Guidelines](#), Parts 1, 2, 3, 4. See also the [IDRL Guidelines](#), 8.

⁴³ See the [Sendai Framework for Disaster Risk Reduction 2015-2030](#), 27(g).

⁴⁴ See for example [Resolution I of the 26th International Conference of the Red Cross and Red Crescent](#), Annex II, paragraph V (page 134).

3. Such measures may include, as appropriate, conducting risk and vulnerability assessments; the collection and dissemination of risk and past loss information; contingency planning; planning for evacuation and relocation; training, drills and simulation exercises; enhancing the resilience of housing and infrastructure; the installation and operation of multi-hazard early warning systems; using nature-based solutions to reduce natural hazards; and taking steps to prepare for disaster recovery, including through developing pre-event recovery plans.

4. States shall establish or strengthen national disaster risk management mechanisms, such as multi-sectoral national disaster risk management platforms, with designated responsibilities at the national through to the local levels to facilitate the coordination of disaster risk management efforts across sectors.

G. Strengthen provisions on external assistance (Draft Articles 3, 14, 15 and 17)

(i) Introduction

Articles 10 to 17 of the Draft Articles address external disaster assistance. While there have been significant developments in international law related to disaster assistance over the past two decades,⁴⁵ in the IFRC's experience regulatory barriers remain a major challenge in international disaster response operations. In some cases, the domestic legal framework is too permissive, enabling an influx of poor quality or inappropriate assistance. In most cases, however, the legal framework is too restrictive to enable the timely entry of external assistance. The application of 'situation normal' regulations slow or even prevents the entry of humanitarian personnel, goods and equipment. Common problems include: delays in obtaining visas for relief personnel and the inability of foreign professionals (e.g., doctors, nurses) to practice due to licensing restrictions and delays in the recognition of professional qualifications; delays and bottlenecks in customs clearance for relief consignments; delays in obtaining permission for the passage or

⁴⁵ See for just a few examples, developments at regional level such as the [ASEAN Agreement on Disaster Management and Emergency Response of 26 July 2005](#), the [Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism](#) (and subsequent amending instruments), the [Agreement establishing the Caribbean Disaster Emergency Management Agency of 2008](#), and the Regional Humanitarian Assistance Mechanism for Disasters of the Central American Integration System. As a very recent example, the [SADC Humanitarian and Emergency Operations Centre \(SHOC\)](#) has recently been established in Mozambique. The SADC SHOC is responsible for the coordination of regional disaster risk preparedness, response and early recovery to support Member States affected by disasters. See also for example the IFRC's [Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance](#) (2007); and resolutions of the International Conference of the Red Cross and Red Crescent: [Final goal 3.2 of the 28th International Conference](#) (2003); [Resolution 4 of the 30th International Conference](#) (2007); [Resolution 7 of the 31st International Conference](#) (2011); [Resolution 7 of the 31st International Conference](#) (2011); [Resolution 6 of the 32nd International Conference](#) (2015) and [Resolution 3](#) of the 34th International Conference (2024).

arrival of land, marine and air vehicles; and challenges relating to opening local bank accounts and transferring relief funds, as well as in relation to the role of transit States.

The IFRC considers that the Draft Articles provide a good starting point for the new instrument. It notes that strong elements of these Draft Articles include: the explicit recognition of the primary role of the affected State in the direction, control, coordination and supervision of external assistance; and the right of the affected State to place conditions on the provision of external assistance. The IFRC further notes that the Draft Articles allow the affected State the discretion to determine what types of external assistance to accept and from whom, and provide that affected States shall, when possible, make known its decision regarding the offer in a timely manner, appropriately allowing it to select the external assistance it requires based on needs and damage assessments. The IFRC further notes that external assistance requires the consent of the affected State, but that such consent cannot be withheld arbitrarily.

Based on the IFRC's experience, these provisions are important and judicious. Indeed, in order to ensure that external assistance is of high quality and appropriate to the specific needs and vulnerabilities of the affected population, States should place conditions on external assistance, only accept the specific external assistance they require based on needs assessments, and take a proactive approach to directing, coordinating and supervising external assistance. The IFRC therefore recommends retaining these elements in any future instrument and proposes a number of amendments below to further strengthen the Draft Articles with respect to the regulation of external assistance.

(ii) Strengthen the provisions on conditions of external assistance

With respect to Draft Article 14, the IFRC recommends including additional details regarding the right of an affected State to place conditions on external disaster assistance relating to the quality of assistance. In particular, drawing from the commentary to the Draft Articles, such conditions could include those based on safety, security, nutrition and cultural appropriateness.⁴⁶ They could also include those based on internationally recognised quality standards, such as the Sphere Standards and the minimum standards for emergency medical teams.⁴⁷ Additional key standards for consideration are those related to safeguarding, such as those provided in the Core Humanitarian Standard on Quality and Accountability.⁴⁸

(iii) Strengthen provisions on the facilitation of external assistance

The IFRC recommends elaborating the facilitation of external assistance in more detail, including the transit of assistance and the use of cash and voucher assistance. As a

⁴⁶ [Draft articles on the protection of persons in the event of disasters, with commentaries](#), page 39.

⁴⁷ The Sphere Standards are available at <https://www.spherestandards.org/> and the Classification and minimum standards for emergency medical teams are available at <https://www.who.int/publications/i/item/9789240029330>.

⁴⁸ See the [Core Humanitarian Standard on Quality and Accountability](#).

starting point, the IFRC proposes that it be explicitly stipulated that only assisting States and other assisting actors from whom an affected State has requested external assistance, or whose offer of external assistance has been accepted; and who has duly accepted any conditions placed on such assistance in terms of Draft Article 14, be eligible for specific legal facilities, being special legal rights, exemptions, and permissions, to support and enable their humanitarian activities in an affected State. This is suggested as a mechanism to balance the facilitation of external assistance with the recognition of the key importance of State sovereignty in international disaster response operations. The importance of Draft Article 18(1), however, must be highlighted here, as any future instrument should be without prejudice to existing international law in this regard, which would include privileges and immunities, RCRC Law accorded through resolutions of the International Conference of the RCRC,⁴⁹ and facilities granted under international, regional, or bilateral agreements. In addition, in order to allow a degree of flexibility, the IFRC further proposes that the instrument include a provision allowing States to consider providing facilities to other assisting actors not fully compliant with Draft Article 14.⁵⁰

While Draft Article 15 refers to the general areas where facilitation is needed, it does not create clarity or set standards for what types of facilitation measures are to be provided. It would be beneficial to specify in more detail the types of facilitation measures that will be provided for external assistance. This would promote greater certainty about what states can expect when offering or accepting disaster assistance. For example, rather than simply referring to “customs requirements” (draft Article 15(b)), a future instrument could refer to simplifying and expediting customs clearance through measures such as priority processing, waiver or reduction of inspection requirements, and exemptions from duty. The facilitation of external assistance should not be limited to the affected State. In order to ensure that life-saving aid reaches affected populations as swiftly and efficiently as possible, the legal facilities provided in the instrument should also encompass the critical facilitative role of transit States, without which international disaster relief may be hindered by the obstacles listed in part (i) above.

The IFRC notes that states have already developed more detailed provisions on facilitating external assistance in regional agreements and in international agreements relating to specific types of disasters or specific forms of assistance.⁵¹ Similarly, although

⁴⁹ See for example the [Principles and Rules for Red Cross and Red Crescent Humanitarian Assistance](#) (Adopted by the XXI International Conference of the Red Cross (Istanbul, 1969), Revised by the XXII, XXIII, XXIV, XXV and XXVI International Conferences, Tehran (1973), Bucharest (1977), Manila (1981), Geneva (1986, 1995 noted)).

⁵⁰ See the [IDRL Guidelines](#), 15.

⁵¹ See for a few examples the [Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency of 26 September 1986](#), Articles 8-9; [Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations of 18 June 1998](#), Article 5; [ASEAN Agreement on Disaster Management and Emergency Response of 26 July 2005](#); [Agreement Establishing the Caribbean Disaster Emergency Management Agency of 2008](#), Articles XXVII-XXVIII; and the [Inter-American Convention to Facilitate Disaster Assistance of 1991](#), Articles V, VI, VII, IX, XI.

non-binding, the IFRC developed the IDRL Guidelines in 2007 which are a set of recommendations to governments about how to prepare their disaster laws and plans to mitigate the common regulatory problems that arise in international disaster response operations. The IDRL Guidelines were adopted by consensus through [Resolution 4](#) of the 30th International Conference of the Red Cross and Red Crescent.⁵² Although the IDRL Guidelines informed the development of the Draft Articles, they include a greater level of detail on the facilitation of international assistance than what was ultimately included in the Draft Articles. These agreements and instruments may serve as a point of reference for developing provisions on the facilitation of external assistance in a new instrument. The proposals in paragraph (vii) below set out the facilities provided in the IDRL Guidelines to a large extent. The IDRL Guidelines have been used as a reference point given their specificity.⁵³

(iv) Ensure that the facilitation of external assistance also includes anticipatory action and early recovery interventions

In addition to the above points, the IFRC has a further recommendation regarding the temporal scope of Draft Articles 11 to 17. These Draft Articles presume that external assistance will only be required for the response phase. However, external assistance may also be required directly before a disaster, particularly to strengthen anticipatory action efforts; as well as in the early recovery phase which moves beyond life-saving activities and focuses on restoring a minimum level of functioning across key sectors (e.g., housing, education, health).

In the event a large-scale disaster is forecasted, external assistance can enhance anticipatory action efforts by rapidly mobilising resources, expertise, and pre-positioned relief. The facilitation of external assistance for anticipatory action can ensure the timely and effective entry, operation, and coordination of such assistance, thereby maximising its effectiveness. The relevance of the facilitation measures contemplated by Draft Article 15 also often continue to be required once the response phase has concluded and early recovery has commenced. For example, the importation of temporary shelters for people affected by disasters often takes place after the response phase. The IFRC therefore proposes defining the term “disaster relief” in Draft Article 3 in such a way so as to ensure that the provisions on external assistance clearly covers both of these phases.

⁵² Since then, they have been cited by 22 resolutions of the United Nations General Assembly and are referenced in the [Sendai Framework for Disaster Risk Reduction 2015-2030](#). See <https://disasterlaw.ifrc.org/IDRL>.

⁵³ In addition, the IDRL Guidelines are still widely used by governments to prepare their disaster laws, policies and plans to mitigate the common problems in international disaster response operations today. To date, the IFRC network has supported the implementation of the IDRL Guidelines in domestic instruments in 38 countries, with several adopting more than one instrument reflecting the recommendations of the IDRL Guidelines. See IFRC, [Celebrating 20 Years of Disaster Law](#) (2024), page 7.

(v) Strengthen the provisions relating to the termination of external assistance to enhance the protection of persons in disasters

With respect to Draft Article 17, the IFRC notes that, in the interest of enhancing the protection of persons affected by disasters, external assistance should only be terminated when the basic needs of the population are met. However, the IFRC also recognises the key importance of State sovereignty in international disaster assistance and therefore proposes at a minimum to amend Article 17 to firstly, require that notifications of termination be given in writing, and to underline the value of consultations in this regard, taking into account the impact of such termination on disaster-affected communities.⁵⁴

(vi) Consider the relevance of legal facilities for assistance provided by local actors

External assistance by nature is understood as being limited to that provided by actors that are external to the affected State, and the commentary to the Draft Articles further make it clear that the activities of domestic organisations were intended to be excluded from the scope of the Draft Articles.⁵⁵

However, local actors are indispensable in disaster relief efforts, as their deep-rooted knowledge, proximity to affected communities, and ability to mobilise quickly make them the first and often most effective responders in times of crisis. The critical role that local actors play when a disaster strikes has been recognised in instruments such as the Grand Bargain,⁵⁶ and calls in support of the localisation of humanitarian relief have also been made in resolutions of the United Nations General Assembly and resolutions of the International Conference of the Red Cross and Red Crescent.⁵⁷

There are many types of legal facilities which domestic actors may require in order to operate efficiently and effectively in country such as access to affected populations as well as tax and customs exemptions relating to their humanitarian activities in disaster settings.⁵⁸ At the same time it is recognised that not all the legal facilities described below would be relevant to local actors, and that the granting legal facilities to domestic actors may be more appropriately regulated through domestic legislation. Domestic legislation can clarify which facilities may be accessible by local actors in disaster settings and the applicable procedures, thereby streamlining relief efforts and allowing local actors to maximise on available resources. It is recommended that States consider granting

⁵⁴ See Article 12 of the [IDRL Guidelines](#), which provides that “Upon such notification, the affected State and the assisting actor should consult with each other, bearing in mind the impact of such termination on disaster-affected communities.”

⁵⁵ [Draft articles on the protection of persons in the event of disasters, with commentaries](#), page 9.

⁵⁶ See the [Grand Bargain – A shared commitment to better serve people in need](#) (2016) .

⁵⁷ See [UNGA Res 79/139 of 9 December 2024](#), para 36 and Resolution 4 of the 34th International Conference of the Red Cross and Red Crescent on [Enabling local leadership, capacity and delivery in principled humanitarian action and strengthening resilience](#).

⁵⁸ See IFRC, [Disaster Risk Governance Guidelines](#), page 67-68.

relevant legal facilities to specific domestic partners who support disaster risk management efforts in-country, in line with the recommendations made in this regard in the IFRC's [Disaster Risk Governance Guidelines](#).

(vii) Proposed amendments

Taking the recommendations set out in paragraphs (ii)-(v) above into account, the following amendments are proposed for consideration by States:

Article 3: Use of terms

*3(e) "external assistance" means relief personnel, equipment and goods, services, **and/or cash and voucher assistance** provided to an affected State by an assisting State or other assisting actor for disaster relief assistance;*

"Disaster relief" means goods and services provided directly before, during or after a disaster to meet the immediate needs of persons affected and to restore or improve the pre-disaster living conditions of disaster-affected communities, including initiatives to increase resilience and reduce future disaster risk.

Article 14 Conditions on the provision of external assistance

- 1. The affected State may place conditions on the provision of external assistance. Such conditions shall be in accordance with the present **treaty**, applicable rules of international law and the national law of the affected State.*
- 2. Conditions **on the provision of external assistance** shall take into account the identified needs of the persons affected by disasters and the quality of the assistance, **such as internationally recognised quality standards, and may be based on, among others, safety, security, nutrition and cultural appropriateness.** When formulating conditions, the affected State shall indicate the scope and type of assistance sought.*

Article 15 Facilitation of external assistance

- 1. **The affected State shall afford the following facilities to assisting States and other assisting actors, whose external assistance has been requested or whose offer of external assistance has been accepted, as appropriate, and who act in accordance with the provisions of this treaty:***
 - a. **relief personnel, including:***
 - i. Granting and/or expediting provisions of visas and any necessary work permits, without cost, for the time necessary to carry out external assistance;***
 - ii. Establishing expedited procedures for temporary recognition of professional qualifications of foreign professionals, drivers licences and other types of licenses and certificates necessary for***

the performance of external assistance functions for the time necessary to carry out external assistance; and

- iii. Facilitating freedom of access to and freedom of movement in and from the disaster-affected area, bearing in mind the safety of personnel.*
- b. equipment and goods imported or exported by or on behalf of assisting States and other assisting actors, including:*
 - i. Exemptions from all customs duties, taxes, tariffs or governmental fees as well as all import and export restrictions;*
 - ii. Simplifying and minimizing documentation requirements for import and export; and*
 - iii. Permitting re-exportation of any equipment or unused goods which the assisting State or other assisting actor owns and wishes to retain;*
- c. Specialised goods and equipment, including:*
 - i. granting temporary recognition to foreign registration and plates with regard to vehicles imported by assisting States and other assisting actors or on their behalf in external assistance;*
 - ii. waiving or expediting the granting of any applicable licenses and reduce barriers to the use, import or export of telecommunications and information technology equipment by assisting States and other assisting actors or on their behalf; and*
 - iii. reducing legal and administrative barriers with respect to the import and export of medications and medical equipment by assisting States and other assisting actors or on their behalf in external assistance, to the extent consistent with public safety and international law.*
- d. Search and rescue dogs, including reducing or simplifying, the customs and administrative procedures related to their entry and exit and reducing or waiving any applicable quarantine requirements.*
- e. Transport, including:*
 - i. Granting relevant authorisations and waiving applicable fees for the priority passage of land, marine and air vehicles operated by an assisting State or other assisting actors or on its behalf, for the purpose of transporting external assistance.*
- f. Legal status, including:*
 - i. granting relevant entities of assisting States and other assisting actors temporary authorization to legally operate on their territory.*

- g. Taxation, including:*
 - i. exempting assisting States and other assisting actors from value-added and other taxes or duties directly associated with external assistance.*
- h. Cash and voucher assistance, including:*
 - i. facilitating the entry of such funds and currencies by assisting States and other assisting actors for the purposes of providing external assistance; and*
 - ii. making available to assisting States and other assisting actors the best available exchange rates for funds to be used for the provision of external assistance.*
- 2. The affected State shall ensure that its relevant legislation, **policies** and regulations are readily accessible, to facilitate compliance with national law.*
- 3. The affected State may, at its sole discretion, also extend some or all of the legal facilities in this Article to other assisting actors who may be unable to fully comply with the provisions of this treaty.*

Article 15bis Transit of external assistance

Each State Party shall, at the request of the affected State or other assisting actor, seek to facilitate the transit through its territory of external assistance to and from the affected State.

Article 17 Termination of external assistance

*The affected State, the assisting State, the United Nations, or other assisting actor may terminate external assistance **after appropriate consultations**. Any such State or actor intending to terminate **external assistance under this treaty** shall provide appropriate notification **in writing**. The affected State and, as appropriate, the assisting State, the United Nations, or other assisting actor shall **continue to consult with each other to make arrangements for the proper conclusion of the external assistance, bearing in mind the impact of such termination on disaster-affected communities**.*

H. Ensure consistency between the PPED instrument and international law, including IHL (Draft Article 18)

Although the IFRC is not proposing any substantive amendments to Draft Article 18, it notes the importance of this article and strongly supports the inclusion of a provision explicitly clarifying that existing international law would not be displaced by the instrument. This is particularly relevant when considering the interaction between this instrument and existing instruments regulating specific types of disasters,⁵⁹ the

⁵⁹ Such as, for just a few examples, the WHO [Pandemic Agreement of 20 May 2025](#); the [International Health Regulations](#) (2005); the [International Convention on Oil Pollution Preparedness, Response and Co-operation of 30 June 1990](#) and its [Protocol on Preparedness, Response and Co-operation to pollution Incidents by](#)

facilitation of international assistance⁶⁰ and privileges and immunities.⁶¹ With respect to Draft Article 18(2), the IFRC considers that the current formulation appropriately addresses the applicability of the Draft Articles to situations involving armed conflict. As discussed in the commentaries to Draft Article 18(2), the effect of the current wording is that, in situations where a disaster occurs in an area where there is an armed conflict, international humanitarian law (IHL) would apply as *lex specialis* and the rules of a future instrument would only apply to the extent that legal issues raised by the disaster are not covered by IHL. The IFRC considers this to be a sensible approach, which gives precedence to IHL while also allowing international disaster law to play a supplementary role when needed.

I. Establish monitoring and implementation mechanisms, and provide a formal role for the IFRC in supporting the implementation of the treaty

The IFRC recommends that the instrument should establish a formal mechanism for States to review and monitor implementation,⁶² adopt decisions or annexes, and adapt to evolving circumstances and emerging challenges in disaster risk management. Such mechanisms can ensure the ongoing relevance and effectiveness of the instrument by enabling regular dialogue, cooperation, and accountability among State parties.

In addition, the IFRC, as the largest humanitarian network in the world, has unparalleled expertise and experience in providing support to public authorities and regional disaster risk management organisations in strengthening disaster risk reduction, management, governance and protection. The IFRC avails itself to formally support States in the implementation of the PPED instrument. The inclusion of a formal role for the IFRC is both appropriate and consistent with the mission of the IFRC as established in the Statutes of the International Red Cross and Red Crescent Movement adopted by States Party to the Geneva Conventions,⁶³ the IFRC's mandate on disaster law established by resolutions of the International Red Cross and Red Crescent Movement,⁶⁴ and treaty

[Hazardous and Noxious Substances of 15 March 2000](#), and the [Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency of 26 September 1986](#).

⁶⁰ Such as, for just a few examples the [Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations of 18 June 1998](#); the [Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency of 26 September 1986](#); the [International Convention On The Simplification And Harmonization Of Customs Procedures \(Kyoto Convention\)](#), [Guidelines on Relief Consignments, Annex J.5](#) of November 2011 and the [Framework Convention on Civil Defence Assistance of 22 May 2000](#).

⁶¹ Such as for example the [Vienna Convention on Diplomatic Relations of 18 April 1961](#), the [Vienna Convention on Consular Relations of 24 April 1963](#), the [Convention on the Privileges and Immunities of the United Nations of 14 December 1946](#).

⁶² Such a mechanism could, for example, include a non-binding "Disaster Policy Review Mechanism," similar to the [Trade Policy Review Mechanism](#) at the WTO.

⁶³ See the [Statutes of the International Red Cross and Red Crescent Movement](#), preamble.

⁶⁴ See [Final goal 3.2 of the 28th International Conference \(2003\)](#); [Resolution 4 of the 30th International Conference \(2007\)](#); [Resolution 7 of the 31st International Conference \(2011\)](#); [Resolution 6 of the 32nd](#)

practice. Many specialised organisations have been assigned substantive responsibilities under treaties, such as, for example, the International Committee of the Red Cross under the Geneva Conventions and their Additional Protocols.⁶⁵

While the specific role of the IFRC under the instrument is set to be determined by States, the IFRC would need to fulfil any such role in conformity with the seven Fundamental Principles of the International Red Cross and Red Crescent Movement, namely Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity and Universality. The IFRC considers that there are a number of possibilities. Most notably, the IFRC could:

1. **Serve as a technical or advisory subsidiary body established under the instrument's framework.** In this capacity, the IFRC could contribute specialised expertise on humanitarian and disaster-related matters, support monitoring and reporting efforts, conduct research, develop guidelines, and advise any the instrument's governing body on implementation issues. This is consistent with the IFRC's mandate on Disaster Law established through resolutions of the International Conference, as this mandate includes supporting States in the field of disaster law including through developing research and recommendations; technical assistance; capacity building and training; developing tools, models and guidelines; advocacy and promoting the sharing of experiences, techniques and best practices.⁶⁶
2. **Host the secretariat of the treaty,** and therefore be responsible for organising meetings and supporting the implementation of decisions taken by the instrument's governing body, facilitating communication among States Parties, and maintaining official records.

Given the IFRC's extensive experience and capacity in the humanitarian field, the organisation is well suited to both roles. In particular, given the IFRC's extensive experience and expertise in advising States in the subject matters covered by the instrument, the IFRC is best placed to serve in an advisory capacity to States in the monitoring and implementation of this instrument. The guidance and tools developed by the IFRC, including the DRM Guidelines and the IDRL Guidelines, can directly support States in the implementation of the instrument in domestic contexts.

[International Conference \(2015\)](#); [Resolution 7 of the 33rd International Conference \(2019\)](#); and [Resolution 3 of the 34th International Conference \(2024\)](#).

⁶⁵ The ICRC is granted several roles with the Geneva Conventions and their Additional Protocols relating to visiting prisoners and interned civilians; providing humanitarian relief to civilians and wounded combatants, acting as a neutral intermediary between parties; substituting for a Protecting Power, and facilitating the tracing of missing persons and exchange of family messages. See for example [GC I](#) Articles 3, 9, 10, 23 and 126; [GC II](#) Articles 3, 9, 10 and 11; [GC III](#) Articles 3, 9, 10, 73, 123-126; [GC IV](#) Articles 3, 9, 10, 30 and 143; [AP I](#) Articles 5, 81, 70 and 71; and [AP II](#) Articles 18(1) and (2). See also the [Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat of 2 February 1971](#), where the Ramsar Convention Secretariat is hosted by the International Union for Conservation of Nature (IUCN). The IUCN has also been granted an advisory status within the [UNESCO Convention concerning the protection of the World Cultural and Natural Heritage Convention of 16 November 1972](#), Article 8(3). See further the [Convention and Statute establishing an International Relief Union of 12 July 1927](#), Article 5(r).

⁶⁶ See [Resolution 3 of the 34th International Conference of the Red Cross and Red Crescent \(2024\)](#), para 11.

In addition, the International Conference of the Red Cross Red Crescent has been established as one of the key international forums for continued dialogue on strengthening legal and regulatory frameworks for disaster risk management. Since 2003, States have utilised this platform to discuss and develop disaster law and adopt resolutions in this area.⁶⁷ As such, the International Conference provides a strong platform that could be leveraged to promote the instrument and support its implementation in domestic legal contexts through its discussions and resolutions. This may avoid the duplication of efforts and save significant resources.

3. Conclusion

The IFRC reiterates its support of the development of a binding instrument based on the Draft Articles. The decision to elaborate and conclude a legally binding instrument on the PPED reflects the concrete recognition by States of the central importance of the protection of people affected by disasters in the global humanitarian landscape. It provides an opportunity to provide greater protection of the human dignity of people affected by disasters and to strengthen the protection of persons in vulnerable situations in disasters. It also provides an opportunity for governments to fill a longstanding legal vacuum concerning the rights, duties and responsibilities of all actors involved in disaster risk reduction and management activities, including the components of the International Red Cross and Red Crescent Movement.

The IFRC and National Societies remain at the disposal of the States for additional information regarding these proposals or support regarding ongoing work and advocacy efforts with respect to the development of the instrument on the PPED.

⁶⁷ See [Final goal 3.2 of the 28th International Conference \(2003\)](#); [Resolution 4 of the 30th International Conference \(2007\)](#); [Resolution 7 of the 31st International Conference \(2011\)](#); [Resolution 6 of the 32nd International Conference \(2015\)](#); and [Resolution 7 of the 33rd International Conference \(2019\)](#); and [Resolution 3 of the 34th International Conference \(2024\)](#).

Annex 1: Table of proposed amendments

| Article | Original text | Proposed amendments | Reference instruments |
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| PP1 | Bearing in mind Article 13, paragraph 1 (a), of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification, | Considering the frequency and severity of natural and human-made disasters and their short-term and long-term damaging impact, | |
| PP2 | Considering the frequency and severity of natural and human-made disasters and their short-term and long-term damaging impact, | Fully aware of the essential needs of persons affected by disasters, and conscious that the rights of those persons must be respected in such circumstances, | |
| PP3 | Fully aware of the essential needs of persons affected by disasters, and conscious that the rights of those persons must be respected in such circumstances, | Mindful of the fundamental value of solidarity in international relations and the importance of strengthening international cooperation in respect of all phases of a disaster, | |
| PP4 | Mindful of the fundamental value of solidarity in international relations and the importance of strengthening international cooperation in respect of all phases of a disaster, | Stressing the principle of the sovereignty of States and, consequently, reaffirming the primary role of the State affected by a disaster in providing disaster relief assistance, | |

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| PP5 | Stressing the principle of the sovereignty of States and, consequently, reaffirming the primary role of the State affected by a disaster in providing disaster relief assistance, | Recognizing the important role in disaster risk management of the United Nations, other competent global, regional and sub-regional intergovernmental organisations, the components of the Red Cross and Red Crescent Movement, in particular National Red Cross and Red Crescent Societies as auxiliaries to their public authorities in the humanitarian field, and other relevant domestic and external non-governmental organizations and entities. | <p>Sendai Framework for Disaster Risk Reduction 2015-2030, Part IV, particularly 47 and 48.</p> <p>UNGA Res 79/205 of 19 December 2024, e.g. 46 and 62.</p> <p>UNGA Res 79/139 of 9 December 2024, preamble and paras 19, 23, 39, 42.</p> <p>UNGA Res 78/120 of 8 December 2023, e.g. preamble and paras 22, 38, 41.</p> <p>UNGA Res 75/124 of 11 December 2020, e.g. preamble and paras 19 and 32, 34.</p> <p>UNGA Res 72/132 of 11 December 2017 e.g. preamble and paras 16, 26.</p> <p>UNGA RES 46/182 of 19 December 1991, Annex, para 5, 12.</p> |
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| | | | <p>United Nations General Assembly resolution A/RES/55 (I).</p> <p>Grand Bargain – A shared commitment to better serve people in need (2016).</p> <p>ASEAN Agreement on Disaster Management and Emergency Response of 26 July 2005, Article 3(3).</p> <p>Resolutions of the International Conference of the Red Cross and Red Crescent: Resolution VIII of 1965; Resolution XVI of 1973 ; Resolution V of 1995; Resolution 2 of 2007; Resolution 4 and 6 of 2011; Resolution 6 of 2015; Resolutions 3, 4 and 5 of 2024.</p> |
| Article 1: Title | Scope | Scope | |

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| Article 1: Text | The present draft articles apply to the protection of persons in the event of disasters. | This treaty applies to the protection of persons before, during, and after disasters. | UNGA Res 79/128 of 4 December 2024, pp 11. IFRC, Disaster Risk Governance Guidelines , 14. Draft articles on the protection of persons in the event of disasters, with commentaries (2016), page 2, paragraph 4. |
| Article 2: Title | Purpose | Purpose | |
| Article 2: Text | The purpose of the present draft articles is to facilitate the adequate and effective response to disasters, and reduction of the risk of disasters, so as to meet the essential needs of the persons concerned, with full respect for their rights. | The purpose of the present treaty is to facilitate adequate and effective disaster risk management so as to meet the essential needs of the persons concerned, with full respect for their rights. | UNGA Res 79/128 of 4 December 2024, pp 11. |
| Article 3: Title | Use of terms | Use of terms | |
| Article 3 | For the purposes of the present draft articles: | For the purposes of the present treaty : | |
| Article: Text | (a) “disaster” means a calamitous event or series of events resulting in widespread loss of life, great human suffering and distress, | (a) “Disaster” means a serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of | 3(a): Report of the open-ended intergovernmental expert working group on indicators and |

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| | <p>mass displacement, or large-scale material or environmental damage, thereby seriously disrupting the functioning of society;</p> <p>(b) “affected State” means a State in whose territory, or in territory under whose jurisdiction or control, a disaster takes place;</p> <p>(c) “assisting State” means a State providing assistance to an affected State with its consent;</p> <p>(d) “other assisting actor” means a competent intergovernmental organization, or a relevant non-governmental organization or entity, providing assistance to an affected State with its consent;</p> <p>(e) “external assistance” means relief personnel, equipment and goods, and services provided to an affected State by an assisting State or other assisting actor for disaster relief assistance;</p> <p>(f) “relief personnel” means civilian or military personnel sent by an assisting State or other assisting</p> | <p>exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts, but excluding armed conflict.</p> <p>(b) “affected State” means a State in whose territory, or in territory under whose jurisdiction or control, a disaster takes place;</p> <p>(c) “assisting State” means a State providing assistance to an affected State with its consent;</p> <p>(d) “other assisting actor” means the United Nations, other competent global, regional or sub-regional intergovernmental organization, the components of the Red Cross and Red Crescent Movement, including National Red Cross or Red Crescent Societies as auxiliaries to their public authorities in the humanitarian field; or a relevant local or external non-governmental organization or entity, providing assistance to an affected State with its consent;</p> <p>(e) “external assistance” means relief personnel, equipment and goods, services and/or cash and voucher assistance</p> | <p>terminology relating to disaster risk reduction, page 13.</p> <p>Commentary to Draft Articles, pages 7, 46.</p> |
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| | <p>actor for the purpose of providing disaster relief assistance;</p> <p>(g) “equipment and goods” means supplies, tools, machines, specially trained animals, foodstuffs, drinking water, medical supplies, means of shelter, clothing, bedding, vehicles, telecommunications equipment, and other objects for disaster relief assistance.</p> | <p>provided to an affected State by an assisting State or other assisting actor for disaster relief assistance;</p> <p>(f) “relief personnel” means civilian or military personnel sent by an assisting State or other assisting actor for the purpose of providing disaster relief assistance;</p> <p>(g) “equipment and goods” means supplies, tools, machines, specially trained animals, foodstuffs, drinking water, medical supplies, means of shelter, clothing, bedding, vehicles, telecommunications equipment, and other objects for disaster relief assistance.</p> <p>(h) “Disaster relief” means goods and services provided directly before, during or after a disaster to meet the immediate needs of persons affected and to restore or improve the pre-disaster living conditions of disaster-affected communities, including initiatives to increase resilience and reduce future disaster risk.</p> <p>(i) “Disaster risk management” is the application of policies, strategies and other measures to prevent new disaster risk, reduce existing disaster</p> | <p>(h) IDRL Guidelines, 2.2 and 2.3.</p> <p>Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction, 22.</p> <p>(i) See the IFRC, DRM Guidelines, page 8.</p> |
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| | | <p>risk and manage residual risk (through disaster preparedness, response and recovery), contributing to the strengthening of resilience and reduction of disaster losses.</p> <p>(j) “Disaster risk reduction” is the policy objective of disaster risk management, aimed at preventing new and reducing existing disaster risk and managing residual risk, all of which contribute to strengthening resilience and therefore to the achievement of sustainable development.</p> <p>(k) “Mitigation” means the lessening or minimizing of the adverse impacts of a hazardous event.</p> <p>(l) “Preparedness” means the knowledge and capacities developed by governments, response and recovery organizations, communities and individuals to effectively anticipate, respond to and recover from the impacts of likely, imminent or current disasters.</p> <p>(m) “Prevention” means activities and measures to avoid existing and new disaster risks.</p> | <p>(j)-(r) See the Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction, page 15-16, 18-22.</p> |
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| | | <p>(n) “Recovery” means the restoring or improving of livelihoods and health, as well as economic, physical, social, cultural and environmental assets, systems and activities, of a disaster affected community or society, aligning with the principles of sustainable development, to avoid or reduce future disaster risk.</p> <p>(o) “Response” means the actions taken directly before, during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected.</p> | |
| Article 4: Title | Human dignity | Human dignity | |
| Article 4: Text | The inherent dignity of the human person shall be respected and protected in the event of disasters. | The inherent dignity of the human person shall be respected and protected in the event of disasters. | |
| Article 5: Title | Human rights | Human rights | |
| Article 5: Text | Persons affected by disasters are entitled to the respect for and protection of their human rights in accordance with international law. | Persons are entitled to the respect for and protection of all their human rights, before, during and after disasters, including the right to humanitarian assistance , in accordance with international law. | General Assembly resolution 43/131 of 8 December 1988 , pp. 8 |

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| | | | <p>General Assembly resolution 45/100 of 14 December 1990, pp 6.</p> <p>Resolution 11 of the International Red Cross and Red Crescent Movement Council of Delegates (1993).</p> <p>Draft articles on the protection of persons in the event of disasters, with commentaries (2016), page 13, para 1.</p> <p>Resolution 4 of the 26th International Conference of the Red Cross and Red Crescent (1995), page 127.</p> <p>Sphere Humanitarian Charter, Article 6.</p> |
| Article 6: Title | Humanitarian principles | Humanitarian principles | |
| Article 6: Text | 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 | (1) Disaster risk management shall take place in accordance with the principles of humanity, neutrality, independence and impartiality, and in particular on the basis of non-discrimination, while taking | <p>(1) Resolution 58/114 of 17 December 2003, pp 4 and 5.</p> <p>UNGA Res 79/139 of 9 December 2024, pp 2.</p> |

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| | <p>account the needs of the particularly vulnerable.</p> | <p>into account the needs of persons in vulnerable situations.</p> <p>(2) Measures to support the needs of persons in vulnerable situations may include, as appropriate, collecting disaggregated data on individual or collective vulnerabilities, as well as on exposure levels and coping capacities; removing specific barriers to accessing assistance; preventing, monitoring and responding to protection risks; and promoting the participation, representation and leadership of persons in vulnerable situations in disaster risk management efforts.</p> | <p>UNGA Res 78/120 of 8 December 2023, pp 2.</p> <p>UNGA Res 75/124 of 11 December 2020, pp. 2.</p> <p>UNGA Res 72/132 of 11 December 2017, pp 2.</p> <p>UNGA RES 46/182 of 19 December 1991.</p> <p>Resolution 3 of the 34th International Conference of the Red Cross and Red Crescent (2024),pp 5.</p> <p>(2) IFRC, Disaster Risk Governance Guidelines, Part 8, page 70-73.</p> <p>Sendai Framework for Disaster Risk Reduction 2015-2030, 7, 19(d) and (g), 24(a)-(c), 32, and 36.</p> |
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| | | | <p>UNGA Res 79/205 of 19 December 2024, e.g. para 37, 63, 64.</p> <p>UNGA Res 79/139 of 9 December 2024, paras 2, 21, 28, 72, 74.</p> <p>UNGA Res 78/120 of 8 December 2023, para 2, 74.</p> <p>UNGA Res 75/124 of 11 December 2020, pp 22, 2, 17.</p> <p>UNGA Res 72/132 of 11 December 2017, para 2, 20.</p> <p>Resolution 3 of the 34th International Conference of the Red Cross and Red Crescent (2024), para 1, 5(d), and 6.</p> <p>Resolution 7 of the 33rd International Conference of the Red Cross and Red crescent (2019), para 6-9.</p> |
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| Article 7: Title | Duty to cooperate | Duty to cooperate | |
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| Article 7: Text | In the application of the present draft articles, States shall, as appropriate, cooperate among themselves, with the United Nations, with the components of the Red Cross and Red Crescent Movement, and with other assisting actors. | In the application of this treaty , States shall, as appropriate, cooperate among themselves and with other assisting actors, including the United Nations, other competent global, regional and sub-regional intergovernmental organisations , and the components of the Red Cross and Red Crescent Movement, in particular National Red Cross and Red Crescent Societies in accordance with their auxiliary role to their public authorities in the humanitarian field. | <p>The Charter of the United Nations, Article 1, paragraph 3.</p> <p>Sendai Framework for Disaster Risk Reduction 2015-2030, Part IV, particularly 47 and 48.</p> <p>Framework Convention on Civil Defence Assistance of 22 May 2000, Article 4.</p> <p>Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency of 18 November 1986, Article 1.</p> <p>Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations of 18 June 1998, Article 3(1).</p> <p>International Convention on Oil Pollution Preparedness, Response and Co-operation of 30 June 1990, Articles 7-10 and its</p> |

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| | | | <p>Protocol on Preparedness, Response and Co-operation to pollution Incidents by Hazardous and Noxious Substances of 15 March 2000, Articles 5-8.</p> <p>ASEAN Agreement on Disaster Management and Emergency Response of 26 July 2005, Articles 2, 3(3) and (6), 4(a), 6(1) and (3), 7(2), 8(1) and (3); 9.</p> <p>Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (as amended), Article 1, Article 5.</p> <p>Agreement Establishing the Caribbean Disaster Management Agency of 2008 (CDEMA), Article V(e)(ii); and XIX(r).</p> <p>Arab Cooperation Agreement Regulating and Facilitating Relief Operations of 3 September 1987, preamble, Article 3.</p> |
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| | | | <p>UNGA Res 79/205 of 19 December 2024, e.g. pp 15; paras 13, 24, 26, 36; 46, 49-53, 55; 62.</p> <p>UNGA Res 79/139 of 9 December 2024, pp15; para 36, 39, 42.</p> <p>UNGA Res 75/124 of 11 December 2020, 5, 32, 34.</p> <p>UNGA Res 78/120 of 8 December 2023, e.g. preamble and paras 22, 38, 41.</p> <p>UN GA Res 49/2 of 19 October 1994, pp 1.</p> <p>United Nations General Assembly resolution A/RES/55 (I).</p> <p>Grand Bargain – A shared commitment to better serve people in need (2016).</p> <p>Resolutions of the International Conference of the Red Cross and Red Crescent:</p> |
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| | | | Resolution VIII of 1965 ; Resolution XVI of 1973 , ; Resolution V of 1995 ; Resolution 2 of 2007 ; Resolution 4 and 7 of 2011 ; Resolution 6 of 2015 ; Resolutions 3, 4 and 5 of 2024 . Draft articles on the protection of persons in the event of disasters, with commentaries , page 9, paras 19 and 20, page 17. |
| Article 8: Title | Forms of cooperation in the response to disasters | Forms of cooperation in the response to disasters | |
| Article 8: Text | Cooperation in the response to disasters includes humanitarian assistance, coordination of international relief actions and communications, and making available relief personnel, equipment and goods, and scientific, medical and technical resources. | Cooperation in disaster risk management may include, as appropriate, training; strengthening legal and institutional frameworks; capacity building; information-sharing, including notification of disasters; joint simulation exercises; dedicated financial support; assistance with evacuations ; humanitarian assistance; coordination of international relief actions and communications; and making available relief personnel, equipment and goods, and scientific, medical and technical resources. | Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency of 18 November 1986 , Article 2(4). Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations of 18 June 1998 , Article 3(2). |

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| Article 9: Title | Reduction of the risk of disasters | Disaster risk reduction | |
| Article 9: Text | <p>(1) Each State shall reduce the risk of disasters by taking appropriate measures, including through legislation and regulations, to prevent, mitigate, and prepare for disasters.</p> <p>(2) Disaster risk reduction measures include the conduct of risk assessments, the collection and dissemination of risk and past loss information, and the installation</p> | <p>(1) Each State shall reduce the risk of disasters by taking all appropriate measures, including through legislation, policies, and regulations, to prevent, mitigate, prepare for, respond to, and recover from disasters.</p> <p>(2) States shall have due regard to evolving best practice in measures for disaster risk management, including the mainstreaming of disaster risk reduction across all relevant sectors.</p> | <p>Sendai Framework for Disaster Risk Reduction 2015-2030, Priorities 1-4; see e.g. paras 24, 25; 27(a) and (g); 30; 33.</p> <p>ASEAN Agreement on Disaster Management and Emergency Response of 26 July 2005, Article 4, 5, 17.</p> |

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| | and operation of early warning systems. | <p>(3) Such measures may include, as appropriate, conducting risk and vulnerability assessments; the collection and dissemination of risk and past loss information; contingency planning; planning for evacuation and relocation; training, drills and simulation exercises; enhancing the resilience of housing and infrastructure; the installation and operation of multi-hazard early warning systems; using nature-based solutions to reduce natural hazards; and taking steps to prepare for disaster recovery, including through developing pre-event recovery plans.</p> <p>(4) States shall establish or strengthen national disaster risk management mechanisms, such as multi-sectoral national disaster risk management platforms, with designated responsibilities at the national through to the local levels to facilitate the coordination of disaster risk management efforts across sectors.</p> | <p>UNGA Res 79/205 of 19 December 2024, e.g. para 4, 12; 16, 19, 22, 25, 27, 33, 37, 39, 54, 57, 72.</p> <p>UNGA Res 79/139 of 9 December 2024, e.g. para 4, 6, 7, 9, 13, 14, 15, 16, 17, 20, 22, 27, 30, 38, 43.</p> <p>UNGA Res 78/120 of 8 December 2023, e.g. para 6-9, 23, 36, 62.</p> <p>UNGA Res 75/124 of 11 December 2020, e.g. preamble and paras 19 and 32, 34.</p> <p>UNGA Res 72/132 of 11 December 2017 e.g. preamble and paras 16, 26.</p> <p>Resolution 3 of the 34th International Conference of the Red Cross and Red Crescent (2024), para 1, 5-7.</p> <p>Disaster Risk Governance Guidelines, Parts 1, 2, 3, 4.</p> |
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| Article 10: Title | Role of the affected State | Role of the affected State | |
| Article 10: Text | <p>(1) The affected State has the duty to ensure the protection of persons and provision of disaster relief assistance in its territory, or in territory under its jurisdiction or control.</p> <p>(2) The affected State has the primary role in the direction, control, coordination and supervision of such relief assistance.</p> | <p>(1) The affected State has the duty to ensure the protection of persons and provision of disaster relief assistance in its territory, or in territory under its jurisdiction or control.</p> <p>(2) The affected State has the primary role in the direction, control, coordination and supervision of such relief assistance.</p> | |
| Article 11: Title | Duty of the affected state to seek external assistance | Duty of the affected state to seek external assistance | |
| Article 11: Text | To the extent that a disaster manifestly exceeds its national response capacity, the affected State has the duty to seek assistance from, as appropriate, other States, the United Nations, and other potential assisting actors. | To the extent that a disaster manifestly exceeds its national response capacity, the affected State has the duty to seek assistance from, as appropriate, other States, the United Nations, and other potential assisting actors. | |
| Article 12: Title | Offers of external assistance | Offers of external assistance | |
| Article 12: Text | (1) In the event of disasters, States, the United Nations, and other potential assisting actors may offer assistance to the affected State. | (1) In the event of disasters, States, the United Nations, and other potential assisting actors may offer assistance to the affected State. | |

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| | (2) When external assistance is sought by an affected State by means of a request addressed to another State, the United Nations, or other potential assisting actor, the addressee shall expeditiously give due consideration to the request and inform the affected State of its reply. | (2) When external assistance is sought by an affected State by means of a request addressed to another State, the United Nations, or other potential assisting actor, the addressee shall expeditiously give due consideration to the request and inform the affected State of its reply. | |
| Article 13: Title | Consent of the affected State to external assistance | Consent of the affected State to external assistance | |
| Article 13: Text | <p>(1) The provision of external assistance requires the consent of the affected State.</p> <p>(2) Consent to external assistance shall not be withheld arbitrarily.</p> <p>(3) When an offer of external assistance is made in accordance with the present draft articles, the affected State shall, whenever possible, make known its decision regarding the offer in a timely manner.</p> | <p>(1) The provision of external assistance requires the consent of the affected State.</p> <p>(2) Consent to external assistance shall not be withheld arbitrarily.</p> <p>(3) When an offer of external assistance is made in accordance with this treaty, the affected State shall, whenever possible, make known its decision regarding the offer in a timely manner.</p> | |
| Article 14: Title | Conditions on the provision of external assistance | Conditions on the provision of external assistance | |
| Article 14: Text | The affected State may place conditions on the provision of external assistance. Such conditions | (1) The affected State may place conditions on the provision of external assistance. Such conditions shall be in accordance | Draft articles on the protection of persons in the event of disasters. |

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| | shall be in accordance with the present draft articles, applicable rules of international law and the national law of the affected State. Conditions shall take into account the identified needs of the persons affected by disasters and the quality of the assistance. When formulating conditions, the affected State shall indicate the scope and type of assistance sought. | with the present treaty , applicable rules of international law and the national law of the affected State. (2) Conditions on the provision of external assistance shall take into account the identified needs of the persons affected by disasters and the quality of the assistance, such as internationally recognised quality standards, and may be based on, among others, safety, security, nutrition and cultural appropriateness. When formulating conditions, the affected State shall indicate the scope and type of assistance sought. | with commentaries (2016), page 39-40. IDRL Guidelines , paragraphs 4, 14 and 15. ASEAN Agreement on Disaster Management and Emergency Response of 26 July 2005 , 11, 12(4) and 13. African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) of 23 October 2009, Article V(7). |
| Article 15: Title | Facilitation of external assistance | Facilitation of external assistance | |
| Article 15: Text | (1) The affected State shall take the necessary measures, within its national law, to facilitate the prompt and effective provision of external assistance, in particular regarding: (a) relief personnel, in fields such as privileges and immunities, visa and entry requirements, | (1) The affected State shall afford the following facilities to assisting States and other assisting actors whose external assistance has been requested or whose offer of external assistance has been accepted, as appropriate, and who act in accordance with the provisions of this treaty: (2) relief personnel, including: | IDRL Guidelines , Part V. Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations of 18 June 1998 , Article 5 and 9. Convention on Assistance in the Case of a Nuclear Accident or |

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| | <p>work permits, and freedom of movement; and</p> <p>(b) equipment and goods, in fields such as customs requirements and tariffs, taxation, transport, and the disposal thereof.</p> <p>(2) The affected State shall ensure that its relevant legislation and regulations are readily accessible, to facilitate compliance with national law</p> | <p>a. Granting and/or expediting provisions of visas and any necessary work permits, without cost, for the time necessary to carry out external assistance;</p> <p>b. Establishing expedited procedures for temporary recognition of professional qualifications of foreign professionals, drivers licences and other types of licenses and certificates necessary for the performance of external assistance functions for the time necessary to carry out external assistance; and</p> <p>c. Facilitating freedom of access to and freedom of movement in and from the disaster-affected area, bearing in mind the safety of personnel.</p> <p>(3) equipment and goods imported or exported by or on behalf of assisting States and other assisting actors, including:</p> <p>a. Exemptions from all customs duties, taxes, tariffs or</p> | <p>Radiological Emergency of 26 September 1986, Articles 8 and 9.</p> <p>World Customs Organization, International Convention On The Simplification And Harmonization Of Customs Procedures (Kyoto Convention), Guidelines on Relief Consignments, Annex J.5 of November 2011.</p> <p>Framework Convention on Civil Defence Assistance of 22 May 2000, Article 4.</p> <p>ASEAN Agreement on Disaster Management and Emergency Response of 26 July 2005, Article 14.</p> <p>Arab Cooperation Agreement Regulating and Facilitating Relief Operations of 3 September 1987, Article 7.</p> <p>Agreement Establishing the Caribbean Disaster Emergency</p> |
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| | | <p>governmental fees as well as all import and export restrictions;</p> <p>b. Simplifying and minimizing documentation requirements for import and export; and</p> <p>c. Permitting re-exportation of any equipment or unused goods which the assisting State or other assisting actor owns and wishes to retain;</p> <p>(4) Specialised goods and equipment, including:</p> <p>a. granting temporary recognition to foreign registration and plates with regard to vehicles imported by assisting States and other assisting actors or on their behalf in external assistance;</p> <p>b. waiving or expediting the granting of any applicable licenses and reduce barriers to the use, import or export of telecommunications and information technology equipment by assisting States</p> | <p>Management Agency of 2008, Articles XXVII-XXVIII.</p> <p>Agreement among the Governments of the Participating States of the Black Sea Economic Cooperation on collaboration in Emergency Assistance and Emergency Response to natural and manmade Disasters of 15 April 1998, 10 and 11.</p> <p>Inter-American Convention to Facilitate Disaster Assistance of 1991</p> <p>African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (adopted 23 October 2009), Article V.</p> <p>UNGA Res 79/139 of 9 December 2024, para 47, 48.</p> |
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| | | <p>and other assisting actors or on their behalf; and</p> <p>c. reducing legal and administrative barriers with respect to the import and export of medications and medical equipment by assisting States and other assisting actors or on their behalf in external assistance, to the extent consistent with public safety and international law.</p> <p>(5) Search and rescue dogs, including reducing or simplifying, the customs and administrative procedures related to their entry and exit and reducing or waiving any applicable quarantine requirements.</p> <p>(6) Transport, including:</p> <p>a. Granting relevant authorisations and waiving applicable fees for the priority passage of land, marine and air vehicles operated by an assisting State or other assisting actors or on its behalf, for the</p> | |
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| | | <p>purpose of transporting external assistance.</p> <p>(7) Legal status, including:</p> <p>a. granting relevant entities of assisting States and other assisting actors temporary authorization to legally operate on their territory.</p> <p>(8) Taxation, including:</p> <p>a. exempting assisting States and other assisting actors from value-added and other taxes or duties directly associated with external assistance.</p> <p>(9) Cash and voucher assistance, including:</p> <p>a. facilitating the entry of such funds and currencies by assisting States and other assisting actors for the purposes of providing external assistance; and</p> <p>b. making available to assisting States and other assisting actors the best available exchange rates for funds to</p> | |
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| | | <p>be used for the provision of external assistance.</p> <p>(10) The affected State shall ensure that its relevant legislation, policies and regulations are readily accessible, to facilitate compliance with national law.</p> <p>(11) The affected State may, at its sole discretion, also extend some or all of the legal facilities in this Article to other assisting actors who may be unable to fully comply with the provisions of this treaty.</p> | |
| Article 15: Title | | Transit of external assistance | |
| Article 15bis: Text | | <p>Each State Party shall, at the request of the affected State or other assisting actor, seek to facilitate the transit through its territory of external assistance to and from the affected State.</p> | <p>IDRL Guidelines, Articles 16(2), 17, 18(3), and 19.</p> <p>ASEAN Agreement on Disaster Management and Emergency Response of 26 July 2005, Article 16.</p> <p>Agreement Establishing the Caribbean Disaster Management Agency of 2008, Article XXVII.</p> |

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| | | | UNGA Res 79/139 of 9 December 2024 , para 47, 48. Agreement among the Governments of the Participating States of the Black Sea Economic Cooperation on collaboration in Emergency Assistance and Emergency Response to natural and manmade Disasters of 15 April 1998 , 5. |
| Article 16: Title | Protection of relief personnel, equipment and goods | Protection of relief personnel, equipment and goods | |
| Article 16: Text | The affected State shall take the appropriate measures to ensure the protection of relief personnel and of equipment and goods present in its territory, or in territory under its jurisdiction or control, for the purpose of providing external assistance. | The affected State shall take the appropriate measures to ensure the protection of relief personnel and of equipment and goods present in its territory, or in territory under its jurisdiction or control, for the purpose of providing external assistance. | |
| Article 17: Title | Termination of external assistance | Article 17 Termination of external assistance | |
| Article 17: Text | The affected State, the assisting State, the United Nations, or other assisting actor may terminate external assistance at any time. Any such State | The affected State, the assisting State, the United Nations, or other assisting actor may terminate external assistance after appropriate consultations . Any such State | Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation |

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| | or actor intending to terminate shall provide appropriate notification. The affected State and, as appropriate, the assisting State, the United Nations, or other assisting actor shall consult with respect to the termination of external assistance and the modalities of termination. | or actor intending to terminate external assistance under this treaty shall provide appropriate notification in writing . The affected State and, as appropriate, the assisting State, the United Nations, or other assisting actor shall continue to consult with each other to make arrangements for the proper conclusion of the external assistance, bearing in mind the impact of such termination on disaster-affected communities . | and Relief Operations of 18 June 1998 , Article 6. Framework Convention on Civil Defence Assistance of 22 May 2000 , Article 4(6). IDRL Guidelines , Article 12. |
| Article 18: Title | Relationship with other rules of international law | Relationship with other rules of international law | |
| Article 18: Text | (1) The present draft articles are without prejudice to other applicable rules of international law. (2) The present draft articles do not apply to the extent that the response to a disaster is governed by the rules of international humanitarian law. | (1) The present treaty is without prejudice to other applicable rules of international law. (2) The present treaty does not apply to the extent that the response to a disaster is governed by the rules of international humanitarian law. | |