

Treaty on the Protection of Persons in the Event of Disasters

In 2024, States agreed through United Nations General Assembly resolution [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.

In 2025, IFRC developed detailed [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 global treaty on the PPED. The proposals were based on extensive research, experience and IFRC tools such as the [Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance](#) (IDRL Guidelines) and the [Disaster Risk Governance Guidelines](#) (DRM Guidelines). This collection of Frequently Asked Questions has been developed in support of these proposals.

1. Background

Question: What is the ILC?

Answer: Established by the United Nations General Assembly in 1947, the [ILC](#) is a body of experts responsible for initiating studies and making recommendations for the purpose of encouraging the progressive development of international law and its codification.

Question: What are the Draft Articles?

Answer: The Draft Articles are a non-binding instrument developed by the ILC between 2007 and 2016. They comprise provisions aimed to enhance international solidarity in disasters, and address issues such as human rights and the protection of people in disasters, including those in vulnerable situations; humanitarian principles; international cooperation; disaster risk reduction; and the responsibilities of States in the context of external disaster assistance.

2. Protecting State Sovereignty

Question: How could the PPED treaty respect State sovereignty while promoting international cooperation to enhance the protection of persons in disasters?

Answer: It is critical to strike an appropriate balance between respect for the sovereignty of affected States and international cooperation in the protection of persons in disasters which overwhelm the capacity of the affected State. The IFRC [proposals](#) outline how such a balance could be struck. For example, with respect to the facilitation of external assistance, it proposes 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 based on identified needs; and who has duly accepted any conditions placed on such assistance, be eligible for specific legal facilities. Conditions which may be placed on the acceptance of external assistance by an affected State may be based on several considerations, including safety, security, nutrition and cultural appropriateness and adherence with the core principles of humanitarian assistance. These are suggested as mechanisms to balance the need to facilitate external assistance to protect persons affected by disasters with the recognition of the key importance of State sovereignty in international disaster response operations.

3. Consent and the Primary Role of the Affected State

Question: How could the PPED treaty address the issue of consent and ensure the primary role of the affected State in external assistance operations?

Answer: In line with existing provisions of the Draft Articles and without prejudice to existing rules of international law,¹ the PPED treaty could enshrine the principle that no external assistance may be provided without the affected State's consent; underscore the primary role of the affected State in the 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. At the same time, in order to enhance the protection of persons in disasters and also in line with the Draft Articles, it could require that the consent of the affected State cannot be withheld arbitrarily when its capacity to manage the disaster is overwhelmed and encourage States to facilitate and expedite procedures relating to the entry and operation of assisting State actors and other assisting actors, to avoid unnecessary delays in life-saving relief.

4. The Definition of Disaster

Question: How could the PPED treaty define what constitutes a "disaster"?

Answer: A clear definition of the term "disaster" is of central importance to ensuring that the PPED treaty creates obligations that are clear, realistic and aligned with existing legal frameworks. One way this could be done is 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](#). 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 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 included in the Draft Articles does not adequately capture disasters that are localised to specific communities. The IFRC therefore recommends including the term “community” within the definition.

Question: Could the definition of “disaster” within the PPED treaty explicitly exclude armed conflicts?

Answer: Given the similarities in the consequences of disasters and armed conflicts, as well as the potential co-applicability of international humanitarian law (IHL) and the PPED treaty in mixed situations of disaster and armed conflict, it is critical that the instrument addresses its relationship with IHL.

In IFRC’s view, this relationship should be navigated within the treaty in such a manner so as to ensure that an armed conflict *per se* or in and of itself would not constitute a disaster. However, in mixed situations of disaster and armed conflict i.e. where there is both an armed conflict and a disaster in a specific area, that IHL would take precedence and apply as *lex specialis*, while the PPED treaty could fill any gaps in the protection of persons affected by disasters during an armed conflict. This approach is proposed to enhance both legal and operational clarity while also enhancing the protection of persons in crises.ⁱⁱ

5. The Humanitarian Principles

Question: How could the PPED treaty enhance adherence to the humanitarian principles?

Answer: The PPED treaty could enhance adherence to the humanitarian principles in Disaster Risk Management (DRM) by establishing a binding obligation to respect the principles of humanity, neutrality, independence and impartiality. The Draft Articles already include a similar provision, as Draft Article 6 is dedicated to the humanitarian principles, providing that “response to disasters shall take place in accordance with the principles of humanity, neutrality and impartiality, and on the basis of non-discrimination.” The IFRC has proposed the inclusion of the principle of independence in

addition to the principles of humanity, neutrality and impartiality in the PPED treaty given that it has been recognized as a key principle of the provision of humanitarian assistance in several resolutions of the United Nations General Assembly over the past two decades.ⁱⁱⁱ While recognising that State actors are not independent, in the context of providing humanitarian assistance, States should ensure that those activities are insulated from political, ideological or economic interference.

6. Protection of Persons

Question: How could the PPED treaty strengthen the protection of persons affected by disasters?

Answer: Disasters have far-reaching impacts on human rights, deepening existing vulnerabilities and inequalities while also creating new ones.^{iv} At the same time, violations of human rights can heighten vulnerability and exposure, thereby increasing disaster risk.^v

The Draft Articles place central importance on the protection of persons affected by disasters and their human rights, including persons in vulnerable situations.^{vi} They therefore provide a good starting point for the development of a treaty on the PPED. The PPED treaty could strengthen the protection of persons affected by disasters by establishing binding obligations to respect and protect the rights of persons before, during and after disasters, including the right to humanitarian assistance. With respect to the protection of persons in vulnerable situations, the PPED treaty could create a binding obligation to take the needs of persons in vulnerable situations into account in DRM efforts and include an open-ended list of measures to support the needs of persons in vulnerable situations which may include, for example, 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 DRM efforts.

7. Cooperation across Disaster Risk Management (DRM)

Question: How could the PPED treaty enhance cooperation across DRM systems?

Answer: In the face of an increasingly variable disaster risks, cooperation both within and across borders and between and amongst both States and other assisting actors is critical to address mounting challenges. Key international instruments such as the Sendai Framework,^{vii} regional instruments,^{viii} resolutions of the United Nations General Assembly;^{ix} and resolutions of the International Conference of the Red Cross and Red Crescent,^x recognise the significant importance of cooperation in the context of disaster risk management.

The Draft Articles already provide a foundation for enhancing cooperation amongst States and with other assisting actors through Draft Articles 7 and 8 which establish a duty to cooperate and provide forms of cooperation. A treaty on the protection of persons in disasters could include similar obligations and build on this foundation through including additional forms of cooperation such as training; strengthening legal and institutional frameworks; capacity building; information-sharing, including notification of disasters; joint simulation exercises; dedicated financial support; and assistance with evacuations.

8. Capacity Building

Question: How could the PPEd treaty support capacity building, especially for States with limited resources?

Answer: As outlined in Question 6 above, the PPEd treaty could include commitments for cooperation amongst States and between States and other assisting actors across a wider range of measures including training, strengthening legal and institutional frameworks, capacity building, information-sharing, joint simulation exercises, and dedicated financial support to support States to develop robust national systems for DRM.^{xi}

9. Other Assisting Actors

Question: How could the PPEd treaty enhance recognition of the role of local and community-based actors, including National Red Cross and Red Crescent Societies?

Answer: While it is recognised that each State has the primary responsibility for managing disaster risk, the efforts of local actors are indispensable in ensuring effective DRM efforts.^{xii} Local actors, including National Red Cross and Red Crescent Societies [which are auxiliary to their public authorities in the humanitarian field](#), play a critical role across all elements of DRM by bringing essential contextual knowledge, trusted community relationships, and sustained presence before, during, and after crises. Their invaluable support ensure that interventions and activities are timely, culturally appropriate, and responsive to the real needs and capacities of communities.^{xiii}

The role of local actors in DRM could be strengthened in the PPEd treaty through the inclusion of an explicit reference to local actors, including National Societies and NGOs, in the definition of the term “other assisting actors” and through ensuring that any duty to cooperate included within the treaty includes the duty to cooperate with other assisting actors.

Question: How could the PPED treaty enhance recognition of and strengthen linkages with existing global, regional and sub-regional organisations and mechanisms?

Answer: The contributions of the United Nations as well as other relevant global, regional and sub-regional organizations and the components of the Red Cross and Red Crescent Movement are critical in supporting effective DRM efforts domestically, and this role could be reinforced in the PPED treaty through explicitly encouraging global, regional and sub-regional cooperation and recognizing the complementary role and contributions of global, regional and sub-regional organizations and the Red Cross and Red Crescent Movement in the humanitarian field. Through such provisions, it can be ensured that the PPED treaty will reinforce, and not replace, the role of global, regional and sub-regional organisations and the existing cooperation mechanisms established at these levels.

In addition, through the inclusion of a broad, globally binding duty to cooperate in the application of the treaty, the treaty will enhance support and cooperation across the entire world. As such, the treaty will fill a legal vacuum, build on existing regional mechanisms, and enhance global solidarity in the management of disasters and disaster risks.

10. Disaster Risk Reduction (DRR)

Question: How could the PPED treaty support DRR efforts?

Answer: The [Sendai Framework](#) and its predecessors have undoubtedly catalysed stronger action in prioritizing DRR at the domestic level. However, several gaps in the implementation of the Sendai Framework have been identified, and countries are not on track to realize the Framework's expected outcome and goal by 2030.^{xiv}

The Draft Articles recognise the importance of strengthening DRR and include an obligation States to reduce disasters risks by taking appropriate measures to prevent, mitigate, and prepare for disasters.^{xv} The creation of a similar duty, particularly if complemented with a wider range of DRR measures, in a treaty on the PPED could accelerate domestic efforts to reduce disaster risk and support States in addressing some of the challenges identified in implementing the Sendai Framework.

11. Relationship with the Sendai Framework

Question: How could the PPED treaty complement the Sendai Framework for DRR?

Answer: As outlined in Question 10 above, the PPED treaty provides an opportunity to support and reinforce the DRR objectives encapsulated within the Sendai Framework; while leaving space for future developments on DRR. In line with Draft Article 9, the treaty could establish a binding duty for DRR, effectively building on the Sendai Framework and accelerating domestic efforts to reduce disaster risk.

12. External Assistance

Question: How could the PPED treaty address the facilitation of fast, effective, and coordinated external assistance to save lives after a disaster?

Answer: While there have been significant developments in international law related to external assistance over the past two decades,^{xvi} regulatory barriers remain a major challenge in international disaster response operations. For example, the process of initiation and termination frequently remain fraught with difficulty; and perennial challenges are also faced with respect to the entry and operation of goods, equipment and personnel.^{xvii}

A significant portion of the Draft Articles already address external disaster assistance and provide a good starting point for a treaty on the PPED. Such provisions, if enshrined in a binding agreement and in particular if strengthened and further detailed as outlined in [IFRC's proposals](#), would save lives by cutting through the red tape and politics that too often delay relief through clearly defining when and how aid should be offered, accepted, facilitated, coordinated, and terminated and by ensuring that sovereignty is respected while preventing it from being misused to block life-saving assistance.

13. The Relationship between the PPED Treaty and Other Areas of International Law, including IHL

Question: How could the PPED treaty clarify the relationship between the PPED treaty and other areas of international law, including IHL?

Answer: With respect to clarifying the relationship between the PPED treaty and other areas of international law, including IHL, Draft Article 18 is important because it seeks to do just this, essentially providing that existing international law would not be displaced by the PPED instrument. The inclusion of a similar provision in the PPED treaty would be helpful to guide States in the application of the treaty, especially as there is foreseeably interaction between the future PPED instrument and existing instruments, such as those regulating specific types of disasters, the facilitation of international assistance, privileges and immunities, as well as IHL.

The relationship between the PPED treaty and IHL, which governs armed conflicts, is particularly relevant, given that armed conflicts and disasters may occur concurrently – resulting in mixed situations of disaster and conflict. Although governed by separate bodies of law, disasters and armed conflict have similar impacts: disrupting lives, destroying infrastructure, displacing populations, and exacerbating vulnerabilities; and leaving communities in urgent need of protection and assistance. In these contexts, affected populations face compounded risks and require both support in disaster response and protection under humanitarian law. It is therefore crucial to have a clear understanding of the relationship between these bodies of law.

The Draft Articles attempt to regulate this relationship through Draft Article 18(2), which clarifies that the Draft Articles do not apply to the extent that the response to a disaster is governed by the rules of international humanitarian law. The effect of this wording is that the rules of IHL shall be applied as *lex specialis*, whereas the rules contained in the present draft articles would continue to apply “to the extent” that legal issues raised by a disaster are not covered by the rules of international humanitarian law. The PPED treaty could thus contribute to filling legal gaps in the protection of persons affected by disasters during an armed conflict.^{xviii}

The PPED could address the relationship between these areas of law through the inclusion of a similar language, thereby appropriately addressing the applicability of the PPED treaty to situations involving armed conflict.

14. Format

Question: How detailed should the PPED treaty be?

Answer: While the level of detail included in the PPED treaty provisions is of course a decision to be taken by States, a more detailed treaty could offer stronger legal clarity and practical guidance for States and other assisting actors.

Detailed provisions are particularly critical with respect to the management and facilitation of external assistance. By setting out clear operational provisions, the PPED treaty could ensure more predictable, coordinated, and accountable external assistance. A detailed approach could also help reduce legal uncertainty and administrative delays, which often cost lives during emergencies.

ⁱ See Draft Articles 10, 13 and 14. See also Draft Articles 15, 16 and 18(1).

ⁱⁱ See the [Draft articles on the protection of persons in the event of disasters, with commentaries \(2016\)](#) page 46.

ⁱⁱⁱ See for a few examples: [Resolution 58/114 of 17 December 2003](#); [Resolution 67/231 of 21 December 2012](#) and [70/107 of 10 December 2015](#); [Resolution 79/139 of 9 December 2024](#).

^{iv} United Nations, [Human Rights and Disaster Risk Reduction: Strengthening the implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030. Considerations from the Asia-Pacific Region](#) (2023), page 5.

^v *Ibid.*

^{vii} Draft Article 4 establishes that human dignity must be respected, while Draft Article 5 is dedicated to the protection of human rights. Draft Article 6 provides 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.

^{viii} See for example the [Sendai Framework for Disaster Risk Reduction \(2015-2030\)](#), Part IV.

^{viii} 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).

^{ix} 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](#).

^x 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.

^{xi} See [Resolution 3 of the 34th International Conference of the Red Cross and Red Crescent on Strengthening Disaster Risk Governance through Legal and Regulatory Frameworks](#), para. 4. See the [IFRC Proposals on strengthening the draft articles on the protection of persons in the event of disasters](#), page 14.

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

^{xiii} The critical role of local actors in DRM has been recognised in the [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”; as well as resolutions of the International Conference relating to localisation and strengthening resilience; and resolutions of the United Nations General Assembly. 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 also for example [UNGA RES 46/182](#) of 19 December 1991 and [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](#).

^{xiv} [Main findings and recommendations of the midterm review of the implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030](#), para 6.

^{xv} See Draft Article 9.

^{xvi} 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).

^{xvii} See IFRC, [Celebrating 20 years of Disaster Law](#) (2024), page 4-11. See also IFRC, [Law and legal issues in international disaster response](#) (2007), 89.

^{xviii} See the [Draft articles on the protection of persons in the event of disasters, with commentaries](#) (2016) page 46.