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

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BACKGROUND

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

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

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

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

- Primary role of the affected State
- Consent of the affected State to external assistance
- Forms of cooperation
- Conditions on the provision of external assistance
- Termination of external assistance
ARTICLE 5: HUMAN DIGNITY

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

ARTICLE 6: HUMAN RIGHTS

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

Article 7: Humanitarian Principles

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

1. What is the relationship between a global legal framework and national or regional frameworks?

2. Will the ILC draft articles become binding international law?

3. What changes will States insist upon to the draft articles?

4. Will the draft articles actually improve humanitarian responses?