

Nepal's

Proposed Amendments to the Draft Articles on the Protection of Persons in the Event of Disasters

Proposal 1

Replace Article 3(g) with the following:

Article 3 (g)

Use of Terms

“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 including food and non-food items as listed in Annex 1 for disaster relief assistance.

Clarification: In order to further clarify the *relief, rescue and assistance materials* used in times of emergency as mentioned in the definition of "equipment and goods" under Article 3 (g), '*use of terms*', a separate schedule must be prepared to add details regarding food and non-food items. A separate annex/appendices shall be prepared to specify categories and minimum standards relating to food and non-food items used during disaster response and emergency relief operations.

Proposal 2

Replace Article 5 with the following:

Article 5

Human Rights

Persons affected by disasters are entitled to the respect for and protection of their human rights in accordance with the Universal Declaration of Human Rights and relevant conventions to which the disaster affected State is a party.

Proposal 3

Replace Article 6 with the following:

Article 6

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 and transparency, while taking into account the needs of the particularly vulnerable.

Clarification: It would be appropriate to add transparency for the clarification on the needs of the particularly vulnerable.

Proposal 4

Replace Article 8 with the following:

Article 8

Forms of cooperation in the response to disasters

Cooperation in the response to disasters includes humanitarian assistance, coordination of international relief actions and communications including transboundary information sharing and making available relief personnel, equipment and goods, and scientific, medical and technical resources.

Clarification: The forms of cooperation mentioned under Article 8, should clearly include the topic of Transboundary Disaster Information Sharing.

Proposal 5

Replace Article 11 with the following:

Article 11

Duty of the affected State to seek external assistance

To the extent that a disaster clearly exceeds national response capacity, the affected State has the duty to seek external assistance, in a manner consistent with its national legislations and policies on the matter from, as appropriate, other states, the United Nations and other potential assisting actors.

Clarification: Regarding the duty of the affected State to seek external assistance, it should be in consistency with its own national legislations, policies and strategies to respect the principle of rule of law and ensure predictability.

Proposal 6

Add a new sub-paragraph to Article 15 (1)

Article 15 (1) bis

The entry and operation of foreign relief personnel, organizations and assets for the purpose of disaster response shall be subject to prior approval by the affected State, in accordance with its national laws and regulations relating to disaster risk reduction and management.

Proposal 7

Add new sub-paragraphs to Article 16

Article 16 bis

International and regional organizations partner organizations or their representatives as well as foreign individuals entering into the affected state with prior approval to providing relief or humanitarian assistance, shall be self-sustained with respect to logistical, operational and financial arrangements necessary for their deployment, in accordance with internationally accepted humanitarian standards, unless otherwise agreed upon with the affected State.

Article 16 ter

Coordination, facilitation and operational arrangements for international assistance shall be carried out in accordance with the national disaster response framework of the affected State and shall be communicated in writing through designated national authorities.

Article 16 quater

Activities carried out by assisting organizations, relief personnel or individuals outside disaster-affected areas or during non-emergency periods shall comply with the prevailing laws and security requirements of the affected State.

Clarification: With respect to activities carried out by such assisting organizations or individuals, during their deployment, they must be self-sustained logistically as the affected state may not be able to carry out this responsibility, assistive organizations or personnel need to communicate through designated national authorities, and when such activities are carried out outside the disaster-affected areas or during non-emergency periods, provisions relating to security and other necessary arrangements must be in accordance with relevant security and other laws of that State.