



**NIGERIA'S PROPOSALS/AMENDMENTS/COMMENTS ON THE  
INTERNATIONAL LAW COMMISSION'S DRAFT ARTICLES ON THE  
PROTECTION OF PERSONS IN THE EVENT OF DISASTERS**

**Nigeria wishes to include the following in the preamble:**

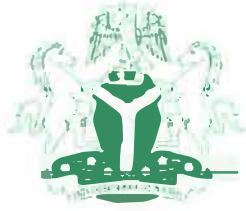
*While taking note of the international principle of sovereignty of States, reiterating the role of assisting States and other relevant international organisations in providing assistance during disasters emergencies.*

***On Article 1: Scope, Nigeria wishes to state that:***

- i. The disasters that should prompt outside assistance must be such that manifestly exceed the national response capacity of the affected State.
- ii. Disaster Protection should consider Nigeria's hydrological situation in the Lake Chad Basin, including:
  - ❖ Floods, droughts, and water scarcity affecting Nigerian waterways
  - ❖ Displacement and conflicts related to water resources
  - ❖ Protection of persons affected by hydrological changes

The scope should explicitly include:

- ❖ Internal displacement and conflict-related disasters
- ❖ Transboundary water issues in the Lake Chad Basin



iii The protection of persons in the event of disaster should be observed as a legal obligation rather than a discretionary action. Nigeria notes the importance of ensuring safety, welfare, and dignity of disaster-affected persons, including internally displaced persons (IDPs) and vulnerable populations.

iv The Draft Articles' focus on protecting human life, dignity, and well-being is crucial for Nigeria, given the country's vulnerability to disasters. However, the scope should explicitly include internal displacement and conflict-related disasters.

### ***On Article 2: Purpose, Nigeria***

#### ***opines that:***

- i. 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.
- ii. To ensure effective disaster risk reduction and response, and therefore, Nigeria recommends targeted emphasis on the following:
  - Strengthening the integration of climate adaptation measures and early warning systems.
  - Recognition and addressing of the specific vulnerabilities of Sahelian and coastal communities.
  - Ensuring explicit inclusion of anticipatory action, risk financing, and climate-induced displacement within disaster response framework.

### ***On Article 3: Use of terms***



Nigeria also requests the inclusion of the following definitions:

- (a) Broaden the definition of "disaster" to include slow-onset disasters such as droughts, desertification and erosion, prevalent in the Lake Chad Basin and Sahel regions.
- (b) Pre-disaster phase means – "activities to reduce risk before disasters occur, i.e Preparedness and mitigation".
- (c) Hazard identification should be included in the definition as it assists in the early warning system which helps to coordinate preparedness and mitigation activities.
- (d) "other assisting actor" means a competent intergovernmental organization, providing assistance to an affected State with its consent, eg. United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Red Crescent Movement, Red Cross, and all relevant international organizations/Agencies recognized on disasters management to be listed and their roles specifically mentioned in the convention.

"Other relevant non-governmental organization" to be removed from the definitions of "other assisting actors" and to be define separately as:

- (e) "Other relevant non-governmental organizations" means all such NGO's providing assistance that should come under OCHA which should manage and coordinate all their activities. All intended NGO's to be enlisted under OCHA with their



specific assistance and activities on disaster for the purpose of effectively coordinating interventions or relief assistance.

***On Article 4: Human dignity, Nigeria argues that:***

- I. Most of our national legal systems ascribe to the fundamental human principles including the right to life and human dignity. The Draft Articles should therefore emphasize the importance of upholding these rights to human dignity in disaster response and management. The inherent dignity of the human person shall clearly be defined in this article.
- II. Right to dignity is a fundamental right and is protected under national legal system, however protecting this right in the event of disaster should focus on food and nutritional care, pain management (trauma), personal hygiene, practical assistance, privacy and social inclusion.

***On Article 5: Human rights, Nigeria wishes to note the following:***

- I. Rights are fundamental and some of these rights have been domesticated in most of the countries in the world. In this convention, it is important to include disaster-related rights, which should be listed and recognized for domestication by states; for example, right to Humanitarian Assistance, claim for compensation where necessary and right to insurance policy on affected persons.
- II. In addition to the specific mention of the rights, protection and



clearly define assistance to the vulnerable groups in affected communities during disasters, emphasis on women, children, elderly, persons with disabilities in disaster response, aligning with national policies and international commitments should be stressed.

- III. Highlights should also be placed on the protection of the environment including livelihood like farmland and properties in disaster response, especially ecological concerns (e.g. oil spills, deforestation).

***On Article 6: Humanitarian principles,***

***Nigeria emphasizes:***

- I. Response to disasters shall take place in accordance with the principles of humanity, neutrality, impartiality and independence on the basis of non-discrimination, while taking into account the needs of the particularly vulnerable as well as putting into consideration the humanitarian challenges of assistance during disaster.
- II. This article is saddled with the principles of humanity, neutrality and impartiality:

In this regard, Nigeria proposes provisions that:

- Guarantee meaningful engagement of affected communities
- Strengthen feedback, grievance redress, and monitoring mechanisms
- Ensure transparency in aid distribution
- Emphasizing accountability to affected populations (AAP)
- Protection from sexual exploitation, abuse, and harassment (PSEAH)



- Data protection and ethical use of digital tools in emergency response

***On Article 7: Duty to cooperate, Nigeria opines that:***

- i. The Draft Articles should emphasize the importance of cooperation and provide guidelines on coordination mechanisms and frameworks on disaster amongst states, the relevant international organizations and other assisting actors.

***On Article 8: Forms of cooperation in the response to disasters, Nigeria holds the view that:***

- i. Cooperation in the response to disasters may take various forms including:
  - Technical Assistance
  - Material relief
  - Information Sharing
  - Capacity building
  - Financial support and
  - Deployment of personnel and equipment
- ii. States should adopt clear procedures for requesting, offering and receiving such forms of assistance. Mechanisms should be established for joint planning, standard operating procedures and rapid communication during disasters.
- iii. Sufficient funding for disaster response and management should be allocated, including contingency planning, preparedness, and risk reduction measures.
- iv. Nigeria supports the establishment of a separate funding



mechanism or approach for disaster emergencies and interventions which should be coordinated by a disaster management unit under OCHA. Any humanitarian support for disasters should also be monitored by the unit.

***On Article 9: Reduction of the risk of disasters, Nigeria wishes to state that:***

- i. The vulnerability to disasters highlights the need for effective early warning systems and risk reduction measures. The Draft Articles should provide guidance on implementing these measures.
- ii. Disaster preparedness efforts are crucial to minimizing the impact of disasters. The Draft Articles should emphasize the importance of preparedness and provide guidance on contingency planning.
- iii. The convention should make provision for a mechanism that will detect early signs of disaster and prevent them even before they happen.
- iv. priority should be given to capacity building for disaster responses and management, including training for government officials, emergency responders, and civil society organizations.

***On Article 10: Role of the affected State, Nigeria submits that:***

- i. The Draft Articles should state clearly and encourage States to establish framework and structures for international



cooperation and assistance and ensure accountability in disaster response efforts which should prioritize the protection of human life and dignity.

- ii. The framework should include indicators, benchmarks, and reporting mechanisms.
- iii. The article should emphasize that the affected state should:
  - Lead coordination while enabling humanitarian partners with clarity of roles.
  - Strengthen interoperability between humanitarian, development, and security actors.
  - Guarantee humanitarian access while ensuring safety of relief workers.
  - Promote inclusion of social protection systems (e.g., shock-responsive safety nets) in national disaster response.
  - To make special provision on the need for adequate security of lives and properties against crime and criminality on victims of disasters.

***On Article 11: Duty of the affected State to seek external assistance, Nigeria makes the following submission:***

- i. Nigeria requests the deletion of “potential” from the para. and to only read “other assisting actor” (s) which has already been define in use of terms.

***On Article 12: Offers of external assistance, Nigeria opines as follow:***



- i. Nigeria requests the deletion of "potential" from both para.1 &2 of articles 12 to read only as "other assisting actor (s)

***On Article 13: Consent of the affected State to external assistance, Nigeria submits:***

- i. The articles should recognize the sovereignty of states, this recognition of sovereignty is recommended and accepted, however disaster related rights should also be given recognition for example right to early warning in case of foreseen disaster.
- ii. There should be clarity on the needs for external assistance within a timely manner and it should not be politicised for any interest to the detriment of the affected States. External assistance should be strictly agreed on terms of both parties.

***On Articles: 11 -14: - Nigeria wishes to include the following:***

- i Conditions for Requesting or Accepting External Assistance shall be clearly stated by the state. States may request or accept external assistance when:
  - The scale or complexity of the disaster overwhelms national capacity.
  - Specialized technical expertise or equipment is needed (e.g., search and rescue, epidemiological response, risk mapping, air assets).



- The speed of deterioration presents imminent risks to life, health, and infrastructure.

**On Article 16: protection of relief personnel, equipment and goods, Nigeria notes that**

**i Supply of equipment/usage:** The convention should provide a detailed article which will define the equipment's to be used, outline the terms of use and specify responsibilities for maintenance and repairs and establish liability and ownership.

**Ratification/Entry into force:**

The Article should specify how the treaty or convention becomes legally binding for its parties as well as the process of ratification when a state formally consents to be bound.