

United Kingdom's Proposed Textual Amendments to the Draft Articles on the Protection of Persons in the Event of Disasters

The UK noted General Assembly resolution A/RES/79/128 calling on Governments to submit to the Secretary General, proposals for amendments to the Draft Articles on the Protection of Persons in the Event of Disasters (PPED) Convention. The UK welcomes the opportunity to contribute to this important process and presents here initial comments and suggestions for amendments to the draft articles.

Throughout 2025 we have continued to see the impact of disasters. The UK remains steadfast in our long-standing commitment to provide assistance directly, or through partners, in humanitarian emergencies. This is an opportunity to seek to strengthen how states prepare and cooperate in the event of disasters, reflecting our shared commitments to humanitarian principles and the need to respect and protect human rights.

We look forward to the consolidated proposals from member states and further discussions on the draft articles.

<p align="center">Proposed amendments to the text:</p> <ul style="list-style-type: none"> • Additions in <i>red italics</i> • Deletions in strikethrough 	<p align="center">Rationale</p>
<p>Preamble</p> <p><i>The Parties to this agreement,</i></p> <p>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,</p> <p>Considering the frequency and severity of natural and human-made disasters and their short-term and long-term damaging impact,</p> <p>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, <i>in accordance with international law,</i></p> <p><i>Recognising the importance of human dignity and the need for this to be respected in the event of disasters.</i></p> <p>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,</p> <p>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,</p> <p><i>Emphasizing the fundamentally civilian character of disaster relief assistance,</i></p> <p><i>Recognising the important role played by local organisations, women-led organisations, local authorities and persons affected by disasters themselves, including women, in all phases of a disaster, further recognising that affected populations themselves are often the first responders in disasters,</i></p>	<p>Paragraph 1: Removal suggested as this is not relevant in the context of a Convention.</p> <p>Paragraph 3: Added “<i>in accordance with international law</i>” to acknowledge, in line with Article 5, that rights should be protected in accordance with international law, which may permit derogations in times of emergency.</p> <p>Paragraph 4: The UK recognises the importance of respecting human dignity in the context of disaster protection. As there is not a standalone right to human dignity, the reference to it is more appropriately placed in the preamble. For the same reason, we have deleted Article 4.</p> <p>Paragraph 7: This has been adapted from General Assembly Resolution 79/140 on strengthening of the coordination of emergency humanitarian assistance of the United Nations and it aligns with the <i>2007 Oslo Guidelines</i>. It is important to acknowledge the fundamental civilian character of disaster relief assistance.</p> <p>Paragraph 8: The UK recognises the crucial role played by local state and non-state actors, including women's organisations, in preparing and responding to all sorts of crises. While a convention by design will focus on the role and obligations of states, IGOs and international NGOs, it is important to broadly recognise that in practice people affected by disasters and local state and non-state actors play a significant role and are not passive recipients of national or international level</p>

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<p><i>Mindful that inclusion and participation of affected populations is crucial for delivering effective responses to disasters and the reduction of disaster risk, and that affected States and assisting actors should be accountable to persons affected by disasters,</i></p> <p><i>Recognising 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,</i></p> <p><i>Have agreed as follows:</i></p>	<p>assistance. Language proposed reflects the range of principles in OP8, OP21, OP36, OP42, OP43, OP52, OP54 of UNGA 79/140.</p> <p>Paragraph 9: It is important to acknowledge that those providing assistance should be accountable to the communities that they serve, and that communities themselves should have a stake in the response they receive.</p> <p>Decades of data shows that where DRR and disaster response is not founded on meaningful engagement with and leadership of crisis-affected communities, and where their needs and preferences are not taken into account we see less effective support: mismatches between people’s priority needs and the aid they receive, people re-selling the aid they receive to access what they really want, and cycles of emergency response when people want long term support.</p> <p>Paragraph 10: This new paragraph affirms 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.</p>
<p>Article 1 Scope The present draft articles apply to the protection of persons in the event of disasters.</p>	<p>We do not consider Article 1 to be necessary, as the same points are covered in Article 2. Its inclusion could result in lack of clarity, in particular when read with Article 9.</p>
<p>Article 2 Purpose</p> <p>The purpose of the present <i>Convention</i> 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 <i>while respecting their rights, in accordance with international law.</i></p>	<p>Added “<i>in accordance with international law</i>” to acknowledge that, under international law, derogations from human rights may be permissible in times of emergency.</p>
<p>Article 3 Use of terms</p> <p>For the purposes of the present draft articles <i>Convention</i>:</p> <p>[(a) “disaster” means a calamitous event or series of events resulting in widespread loss of life, great human suffering and distress, mass displacement, or large-scale material or environmental damage, thereby seriously disrupting the functioning of society, <i>save that neither an armed conflict nor a political or economic crisis shall, in itself, constitute a disaster for the purposes of this Convention;</i>]</p>	<p>Definition of Disaster</p> <p>Added in “<i>save that neither an armed conflict nor a political or economic crisis shall, in itself, constitute a disaster for the purposes of the Convention</i>”. This reflects the approach suggested in the commentary to the draft Articles, which states that:</p> <p><i>“the requirement of serious disruption of the functioning of society serves to establish a high threshold that would exclude from the scope of the draft articles’ other types of crises such as serious or political or economic crises... A situation of armed conflict cannot be qualified per se as a disaster for the purposes of the present draft articles”.</i></p>

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<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 <i>in accordance with this Convention</i>;</p> <p>[(d) “other assisting actor” means:</p> <p>(a) a competent intergovernmental organization, <i>[(b) international components of the Red Cross and Red Crescent Movement,]</i> or (c) a relevant non-governmental organization or entity, <i>which is external to the affected State,</i>]</p> <p>providing assistance to an affected State with its consent <i>in accordance with the laws to which they are subject;</i>]</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>We have excluded “<i>political or economic crises</i>”. This avoids the Convention straying into an entirely political or economic space, e.g. in the event of a breakdown of Government or an economic crisis.</p> <p>We have included “<i>in itself</i>” to make clear that complex emergencies, where a disaster takes place in the context of an armed conflict, or political or economic crisis, are not excluded.</p> <p>Notwithstanding these changes, we have square bracketed the definition of disaster as the UK continues to assess the rest of the definition with a view to potentially making further proposals at a later date.</p> <p>Definition of Assisting State Replaced “<i>with its consent</i>” with “<i>in accordance with this Convention</i>”. See comments on Article 13.</p> <p>Definition of Other Assisting Actor We have put this definition in square brackets as we believe there is an outstanding question about if/how obligations in Articles 12 and 17 should impact intergovernmental organisations and non-governmental organisations, namely:</p> <ol style="list-style-type: none"> 1. It is currently unclear whether the Convention will be open for signature by intergovernmental organisations. If it is not, it is unclear on what legal basis the Convention purports to impose binding obligations on them. 2. Similarly, it is unclear on what basis the Convention can purport to impose binding obligations on non-governmental organisations which in any event will not be able to be party to the Convention. <p>We have replaced “<i>with its consent</i>” with “<i>in accordance with the laws to which they are subject</i>” (see comments on Article 13).</p> <p>We have also made clear that the definition is only intended to cover NGOs that are external to the affected state, as suggested in the commentary. On this basis we have included the international components of the Red Cross and Red Crescent Movement but not the National Red Cross or Red Crescent Societies. However, we have put this addition in square brackets pending clarity of the above points on intended scope of the Convention’s obligations.</p> <p>Definition of External Assistance Removed “<i>to an affected state</i>” on the basis that external assistance will not always be provided to the State itself.</p>

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<p>(f) “relief personnel” means civilian or military personnel sent <i>or locally recruited</i> 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>Definition of Relief Personnel Added “<i>or locally recruited</i>” as locally recruited personnel are often used in humanitarian situations.</p>
<p>Article 4 Human dignity</p> <p>The inherent dignity of the human person shall be respected and protected in the event of disasters.</p>	<p>Reference to human dignity moved to preamble. See explanation above.</p>
<p>Article 5 Human rights</p> <p>Persons affected by disasters are entitled to the respect for and protection of their human rights in accordance with international law.</p>	<p>No comments.</p>
<p>Article 6 Humanitarian Principles</p> <p>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.</p>	<p>No comments.</p>
<p>Article 7 <i>International Cooperation</i> Duty to Cooperate</p> <p>In the application of the present draft articles <i>Convention</i>, States shall <i>should</i>, as appropriate, <i>and in a manner consistent with international law</i>, cooperate among themselves, with the United Nations, with the components of the Red Cross and Red Crescent Movement, and with other assisting actors.</p>	<p>We have changed “<i>shall</i>” to “<i>should</i>” to reflect the need for flexibility in effective cooperation. We have changed the title to “<i>International Cooperation</i>” rather than a “<i>Duty to Cooperate</i>” to reflect this.</p> <p>We have also added “<i>in a manner consistent with international law</i>” to make it clearer that “<i>cooperation</i>” should be interpreted by reference to other areas of international law i.e. it is not an open-ended obligation to cooperate.</p>
<p>Article 8 Forms of cooperation in response to disasters</p> <p>Cooperation in the response to disasters <i>may include</i> includes humanitarian assistance, coordination of international relief actions and communications, <i>capacity building</i>, and making available relief personnel, equipment and goods, and scientific, medical and technical resources.</p>	<p>Added “<i>may include</i>” to make it an open-ended list, as cooperation in response to disasters could take many different forms.</p> <p>Capacity building was proposed in the Working Group last year and the UK considers it a worthwhile addition.</p>
<p>Article 9 Reduction of the risk of disasters</p>	

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<p>1. Each State shall take reduce the risk of disasters by taking appropriate measures <i>within its territory, or in territory under its jurisdiction or control</i>, including through legislation and regulations, to prevent, mitigate, and prepare for disasters <i>with the aim of reducing the risk of harm posed by disasters</i>.</p> <p>2. Disaster risk reduction measures <i>may</i> include the conduct of risk assessments, the collection and dissemination of risk and past loss information, and the installation and operation of early warning systems.</p>	<p>Amended to make clearer that this an obligation of conduct rather than result – i.e. the obligation is for a State to “<i>take appropriate measures...</i>” rather than to “<i>reduce the risk of disasters</i>”. We have also added “with the aim of reducing the risk of harm posed by disasters” to the end of para 1. This reflects the view in the commentary that:</p> <p><i>“the contemporary view of the international community, as reflected in several major pronouncements, notably, and most recently, in the Sendai Framework is that the focus should be placed on the reduction of the risk of harm caused by a hazard, as distinguished from the prevention and management of disasters themselves”.</i></p> <p><u>Limited to a State’s own territory</u> Added “<i>within its territory, or in territory under its jurisdiction or control!</i>” to clarify the scope of the provision. This seems to be envisaged by the commentary to the draft articles, which states: “<i>draft article 9 concerns the taking of the envisaged measures within the State. Any inter-State component would be covered by the duty to cooperate in draft article 7. Accordingly, the extent of any international legal duty relating to any of the listed or not listed measures that may be taken in order to reduce the risk of disasters is determined by way of the relevant specific agreements or arrangements each State has entered into with which it has a duty to cooperate</i>”.</p> <p><u>Disaster risk reduction measures</u> Added “<i>may</i>” to paragraph 2 to make it clearer that this list is not exhaustive, but also that the measures taken should reflect the circumstances.</p>
<p>Article 10 Role of the affected State</p> <p>1. The affected State has the duty <i>shall take appropriate measures, in accordance with international law</i>, to ensure the protection of <i>protect</i> persons <i>affected by disaster</i> and ensure the 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 <i>initiation, organisation, coordination and implementation</i> of such relief assistance.</p>	<p><u>Standard required</u> Amended this to a requirement to take “appropriate measures” to protect persons in order to provide sufficient flexibility for States to respond to disasters as they unfold.</p> <p>A duty to ensure protection of persons would be impracticable in the context of a disaster.</p> <p>We have however retained the duty to ensure in relation to the “provision of disaster relief” to make clear that this is an obligation to exercise best possible efforts to obtain assistance, including by way of requests to other states and potential assisting actors.</p> <p><u>Scope of the duty to protect</u> Added “<i>in accordance with international law</i>” to make clear that the obligation to protect does not go further than is currently required under international human rights law.</p> <p>Added “<i>affected by disaster</i>” to make clear that this is not an unlimited duty to protect, instead it is linked specifically to the disaster.</p> <p><u>Reference to direction, control, coordination and supervision</u> Removed reference to “direction, control, coordination and supervision” and added “initiation, organisation, coordination and implementation”. This reflects UN General Assembly Resolution</p>

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	<p>46/182 which sets out the guiding principles of humanitarian assistance and affirms that the role of the State is “<i>initiation, organization, coordination and implementation</i>”. The use of ‘control’ and ‘supervision’ in this draft Article is inappropriate, as it is a departure from resolution 46/182, and subsequent relevant resolutions, and may be difficult to implement during a disaster where there are a large number of assisting actors operating or the organs of the State are not functioning due to the disaster or other reasons.</p> <p>As noted in the commentary to the draft Articles, Article 4(8) of the <i>Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations</i> states:</p> <p><i>Nothing in this Convention shall interfere with the right of a State Party, under its national law, to direct, control, coordinate and supervise telecommunication assistance provided under this Convention within its territory.</i></p> <p>While <i>direction, control, coordination and supervision</i> have been agreed in the context of incoming external telecommunication assistance, we do not agree that this is the right language for broader disaster relief assistance. States play unique role in regulating and controlling telecommunication in their country and have valid national security reasons for such control and supervision.</p> <p>In many cases it will not be practicable for States to direct and control internal and external assistance. The language in 10(2) does not reflect the reality that many disasters are effectively managed at a regional or state level. States can consent to or refuse external assistance and will still apply relevant domestic law and regulation. The direction and control language provides a disproportionate and impractical level of oversight.</p>
<p>Article 11 Duty of the affected state to seek external assistance</p> <p>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.</p>	<p>No comments.</p>
<p>Article 12 Offers of external assistance</p> <p>1. In the event of <i>a</i> disasters, States, the United Nations, and other potential assisting actors may offer assistance to the affected State.</p> <p>2. When external assistance is sought by an affected State by means of a request addressed to another State, <i>[the United Nations, or other potential assisting actors]</i>, the addressee shall, <i>to the extent possible</i>, expeditiously give due consideration to the request and inform the affected State of its reply.</p>	<p>Added “<i>to the extent possible</i>” in para 2, mirroring the flexibility provided in Article 13(3) in respect of affected State responses to offers of assistance. This provides some flexibility e.g. in the event of a global disaster where there could be a very large number of requests and, if an assisting state is also trying to manage the response in its own jurisdiction, it may not be possible to consider all requests expeditiously.</p> <p>See comments at Article 3(d) on the definition of “<i>other assisting actors</i>” and the extent to which para 2 can impose obligations on intergovernmental actors and non-governmental organisations to expeditiously give due consideration to requests etc. We have put this language in square brackets for the time being.</p>

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<p>Article 13 Consent of the affected state to external assistance</p> <p>1. The provision of external assistance requires the consent of the affected State. <i>To the extent that a disaster manifestly exceeds an affected State's national response capacity, the affected State shall, subject to its consent and to Article 14, allow and facilitate the rapid and unimpeded passage of external assistance in its territory or in territory under its jurisdiction or control.</i></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 Convention draft articles, the affected State shall, whenever possible, make known its decision regarding the offer in a timely manner. <i>If an affected State fails to make its decision known in a timely manner this may constitute an arbitrary withholding of consent for the purposes of Article 13(2).</i></p>	<p>As redrafted, this Article now makes clear the obligations which are placed on an affected State in circumstances where it does consent. This wording is drawn from IHL, where the relevant provisions have gained wide acceptance and have the same aims, i.e. to ensure that the population is adequately provided for.</p> <p>We have added additional clarity in para 3 that failing to respond to an offer of assistance in a timely manner may, in some circumstances, constitute an arbitrary withholding of consent.</p>
<p>Article 14 Conditions on the provision of external assistance</p> <p>1. The affected State may place conditions on the provision of external assistance, <i>provided that such conditions are not arbitrary.</i></p> <p>2. Such conditions shall be in accordance with the present draft articles <i>Convention</i>, 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, <i>and shall, as appropriate, consult with potential assisting States and other potential assisting actors.</i></p>	<p>Added “<i>provided that such conditions are not arbitrary</i>” to make clear that conditions should be properly considered and justified (i.e. a state does not have to accept all assistance offered); however, arbitrary conditions cannot be imposed which are intended, for example, to prevent aid reaching specific geographical areas or prevent certain groups like migrants or other minorities from receiving assistance.</p> <p>Added “<i>as appropriate, shall consult with potential assisting States and other potential assisting actors</i>”, to reflect the ILC commentary and emphasise that consultation should take place between the affected State and other assisting actors.</p>
<p>Article 15 Facilitation of external assistance</p> <p>1. The affected State shall take the necessary <i>appropriate</i> measures, within its national law, to facilitate the prompt and effective provision of external assistance, <i>including in respect of:</i> in particular regarding:</p> <p>(a) relief personnel, in fields such as privileges and immunities, visa and entry requirements, work permits, <i>recognition of professional qualifications</i>, and freedom of movement; and</p>	<p><u>Standard required</u> Effective response to a disaster will need to reflect the specific circumstances. “<i>Necessary</i>” has therefore been changed to “<i>appropriate</i>” to reflect the need for flexibility in an affected State’s response to a disaster.</p> <p><u>Areas of facilitation</u> Amended “<i>in particular regarding</i>” to “<i>including in respect of</i>” to acknowledge that this is not necessarily a complete list and there may be additional relevant areas in the future.</p> <p>Recognition of professional qualifications / medical licensing has been added to the type of measures lists. The UK’s position is that disaster prone states should have plans in place for enabling external medics and other professions to practice.</p>

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<p>(b) equipment and goods, in fields such as customs requirements, <i>export requirements</i> and tariffs, taxation, transport, <i>medical licensing</i>, and the disposal thereof; <i>and</i> <i>(c) support services, in fields including financial service provision, mapping, data analysis and communications.</i></p> <p>2. The affected <i>Each</i> State shall ensure that its relevant legislation and regulations are readily accessible, to facilitate compliance with national law.</p>	<p>A “<i>support services</i>” list has been proposed. We think that this is an omission and that the types of work/services that enable analysing a disaster and making cash transfers, for example, should be considered as part of facilitation.</p>
<p>Article 16 Protection of relief personnel, equipment and goods</p> <p>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.</p>	<p>No comments.</p>
<p>Article 17 Termination of external assistance</p> <p>1. The affected State, the assisting State, the United Nations, or other assisting actor may terminate external assistance at any time, <i>save that a decision by an affected State to terminate external assistance during a disaster shall not be taken arbitrarily.</i></p> <p>2. Any such State 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.</p>	<p>Added wording to make clear that an affected State should not terminate external assistance arbitrarily during a disaster. This mirrors the requirement not to arbitrarily withhold consent in Article 13 and reflects the fact that, in a case where it is manifestly overwhelmed, the affected state has a duty to seek external assistance. An obligation not to terminate external assistance arbitrarily is intended to ensure that these protections are not undermined and that assistance to affected persons is only terminated during a disaster where there is good reason to do so.</p> <p>In contrast, there is no obligation on an assisting State to provide assistance, and it therefore remains possible for them to terminate this at any time. However, paragraph 2 recognises the impact that this may have on affected persons and requires them to consult, as appropriate, prior to any such termination.</p> <p>See comments at Article 3(d) on the definition of “<i>other assisting actors</i>” and the extent to which para 2 can impose obligations on intergovernmental actors and non-governmental organisations to give notice of termination etc. We have put this language in square brackets for the time being.</p>
<p>Article 18 Relationship to other rules of international law</p> <p>1. The present draft articles are <i>Convention is</i> without prejudice to other applicable rules of international law. 2. The present draft articles <i>Convention does</i> not apply to the extent that the response to a disaster is governed by the rules of international humanitarian law.</p>	<p>No comments.</p>