

# Towards a Legally Binding International Law Instrument on the Protection of Persons in the Event of Disasters (Disaster Law Treaty)



# IDEAL

In December 2024, the UN General Assembly adopted [Resolution 79/128](#), which aims to conclude a legally binding document (PPED) based on the [Draft Articles on the Protection of Persons in the Event of Disasters \(Draft Articles\)](#) by the end of 2027.

## What is the PURPOSE?

The Draft Articles consist of 18 articles elaborated and adopted by the International Law Commission in 2016, with the purpose of facilitating “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” (Art. 2).

## What is the CONTENT?

### Human Dignity, Human Rights and Humanitarian Principles:

Articles 4 to 6 establish the fundamental principles guiding the protection of persons in the event of disasters. Article 4 affirms that the inherent dignity of every human person must be respected and protected. Article 5 recognises that persons affected by disasters are entitled to respect for and protection of their human rights in accordance with international law. Article 6 provides that disaster response shall follow the principles of humanity, neutrality, and impartiality, and be based on non-discrimination, taking into account the specific needs of particularly vulnerable persons.

### Cooperation:

Articles 7 and 8 creates a duty to cooperate and outlines the forms of cooperation expected between both States and other actors. Under Article 7, States shall, as appropriate, cooperate with other states, the United Nations, the Red Cross and Red Crescent Movement, and with other assisting actors in applying the Draft Articles. Article 8 specifies that cooperation in the response to disasters includes humanitarian assistance, coordination of international relief actions and communications, and the provision of relief personnel, equipment and goods, as well as scientific, medical, and technical resources.

### Reduction of the Risk of Disasters:

Article 9 provides that each State shall take appropriate measures, including through legislation and regulations, to prevent, mitigate, and prepare for disasters. These measures include conducting risk assessments, collecting (and sharing) information on risks and past losses and establishing (and operating) early warning systems.

### Assistance:

Articles 10 to 17 set out the responsibilities of the affected State and the rules governing external assistance. The affected State has the duty ensure the protection of persons and provide disaster relief assistance within its territory, holding the primary role in directing, controlling, coordinating, and supervising such efforts (Art. 10). When a disaster exceeds its national capacity, it must seek assistance (Art. 11). External aid requires the affected State’s consent, which shall not be withheld arbitrarily (Arts. 12–13). The affected State may set conditions on external assistance and shall facilitate it through necessary measures within its national law, in particular regarding relief personnel and goods (Arts. 14–16). External assistance may be terminated with appropriate notification and consultation (Art. 17).

## What is the TIMELINE?

The General Assembly resolution calls on Governments to submit to the Secretary-General, no later than 31 December 2025, proposals for amendments to the Draft Articles, with a view to preparing a consolidated text that will form the basis of the instrument by April 2026.

## Why the IDEAL Network SUPPORTS a Disaster Law Treaty based on the Draft Articles?

### **Enforceability:**

A Disaster Law Treaty based on the Draft Articles would establish legally binding obligations. Although the [Sendai Framework](#) is a significant soft law instrument that advances global objectives on disaster risk reduction, it is voluntary in nature. A future legally binding instrument based on the Draft Articles would complement the Sendai Framework by creating clear legal duties for States in the field of disaster risk reduction.

### **Governance:**

A legally binding instrument would strengthen national governance and promote coherence across laws, regulations, and policies at all levels of government within signatory States.

### **The Disaster Risk Reduction Cycle:**

The Draft Articles address not only obligations during the response phase but also the responsibilities of States to prevent, mitigate, and prepare for disasters.

### **Human Rights Approach:**

The Draft Articles reaffirm that human dignity and human rights shall be respected in the event of disasters and that disaster response must follow the principles of humanity, neutrality, and impartiality, on the basis of non-discrimination.

### **Accountability:**

A legally binding instrument provides an opportunity to consolidate the obligations of States and other assisting actors concerning the management of disasters and disaster risk.

## **FURTHER RESOURCES:**

You can find further resources [HERE](#).

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