INTERNATIONAL LAW COMMISSION
Sixty-first session
Geneva, 4 May-5 June and 6 July-7 August 2009

PROTECTION OF PERSONS IN THE EVENT OF DISASTERS

Texts of draft articles 1, 2, 3, 4 and 5 as provisionally adopted by the Drafting Committee

Article 1

Scope

The present draft articles apply to the protection of persons in the event of disasters.

Article 2

Purpose

The purpose of the present draft articles is to facilitate an adequate and effective response to disasters that meets the essential needs of the persons concerned, with full respect for their rights.

Article 3

Definition of Disaster

“Disaster” means a calamitous event or series of events resulting in widespread loss of life, great human suffering and distress, or large-scale material or environmental damage, thereby seriously disrupting the functioning of society.
Article 4

Relationship with International Humanitarian Law

The present draft articles do not apply to situations to which the rules of international humanitarian law are applicable.

Article 5¹

Duty to cooperate

In accordance with the present draft articles, States shall, as appropriate, cooperate among themselves, and with the United Nations and other competent intergovernmental organizations, the International Federation of the Red Cross and Red Crescent Societies and the International Committee of the Red Cross, and with relevant non-governmental organizations.

¹ Draft article 5 was adopted on the understanding that a provision on the primary responsibility of the affected State will be included in the set of draft articles in the future.