

## The Turkish Red Crescent Proposals on the draft articles on the protection of persons in the event of disasters

### Article 5 Human rights

Persons affected by disasters are entitled to the respect for and protection of their human rights in accordance with international law.

Persons affected by disasters are entitled to the respect for and protection of their human rights in accordance with international law, which include the right to seek and receive humanitarian assistance.

Rationale: The right to seek and receive life-saving assistance is corollary to human rights in any given context where lack of assistance lead to human suffering, driving people into miserable inhumane conditions.

### Article 11 - Duty of the affected State to seek external assistance

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.

#### The proposed modification

To the extent that a disaster manifestly exceeds its national response capacity due to high severity, urgency and scale of the needs, the affected State has the duty to seek assistance from, as appropriate, other States, the United Nations, and other potential assisting actors.

Rationale: The affected state and the international community need determinants by which it will decide on the insufficiency and ineffectiveness of assistance in proportion to the needs in any given context.

### Article 12 Offers of external assistance

In the event of disasters, States, the United Nations, and other potential assisting actors may offer assistance to the affected State.

When external assistance is sought by an affected State by means of a request addressed to another State, the United Nations, or other potential assisting actor, the addressee shall expeditiously give due consideration to the request and inform the affected State of its reply.

#### The proposed modification

In the event of disasters, States, the United Nations, and other potential assisting actors may offer assistance in a manner not compromising humanitarian principles to the affected State.

When external assistance is sought by an affected State by means of a request addressed to another State, the United Nations, or other potential assisting actor, the addressee shall expeditiously give due consideration to the request and inform the affected State of its reply.

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Rationale: We are witnessing hHumanitarian assistance is being frequently abused to political objectives in differen context; therefore, the offer of assistance shall be made in accordance with humanitarian principles in order to prevent the politization of humanitarian affairs.

### Article 13 Consent of the affected State to external assistance

1. The provision of external assistance requires the consent of the affected State.
2. Consent to external assistance shall not be withheld arbitrarily.
3. When an offer of external assistance is made in accordance with the present draft articles, the affected State shall, whenever possible, make known its decision regarding the offer in a timely manner.

### Article 13 Consent of the affected State to external assistance

1. The provision of external assistance requires the consent of the affected State.
2. Consent to external assistance shall be given on the basis of the objectively assessed needs, their coverage and circumstances of the affected population and shall not be withheld arbitrarily.
3. When an offer of external assistance is made in accordance with the present draft articles, the affected State shall, whenever possible, make known its decision regarding the offer in a timely manner.

Rationale: the affected states shall ground its consent or refusal based on reasonable justification; otherwise, decision- making will be left at the unlimited discretion of the affected state giving a space for arbitrariness.