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# Routledge Handbook of Human Rights and Disasters

Edited by Flavia Zorzi Giustiniani, Emanuele Sommario,  
Federico Casolari and Giulio Bartolini

# ROUTLEDGE HANDBOOK OF HUMAN RIGHTS AND DISASTERS

The *Routledge Handbook of Human Rights and Disasters* provides the first comprehensive review of the role played by international human rights law in the prevention and management of natural and technological disasters.

Each chapter is written by a leading expert and offers a state-of-the-art overview of a significant topic within the field. In addition to focussing on the role of human rights obligations in disaster preparedness and response, the volume offers a broader perspective by examining how human rights law interacts with other legal regimes and by addressing the challenges facing humanitarian organizations.

Preceded by a foreword by the International Law Commission's Special Rapporteur on the Protection of Persons in the Event of Disasters, the volume is divided into four parts:

- Part I: Human rights law and disasters in the framework of public international law
- Part II: Role and application of human rights law in disaster settings
- Part III: (Categories of) rights of particular significance in a disaster context
- Part IV: Protection of vulnerable groups in disaster settings

Providing up-to-date and authoritative contributions covering the key aspects of human rights protection in disaster settings, this volume will be of great interest to scholars and students of humanitarianism, international law, EU law, disaster management and international relations, as well as to practitioners in the field of disaster management.

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Edited by Flavia Zorzi Giustiniani, Emanuele Sommario,  
Federico Casolari and Giulio Bartolini

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*Edited by Flavia Zorzi Giustiniani, Emanuele Sommario,  
Federico Casolari and Giulio Bartolini*

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# FOREWORD

It constitutes for me a signal honor to have been invited to write the Foreword to this Handbook by its Editors, Giulio Bartolini, Federico Casolari, Emanuele Sommario and Flavia Zorzi Gius-tiniani. The Handbook is the felicitous result of the pioneering work carried out by them in the context of the joint ‘International Disaster Law Project’ of their respective Italian Universities, to wit, Roma Tre, Bologna, Scuola Superiore Sant’Anna of Pisa and Uninettuno of Rome. Their invitation carries for me a very special meaning as all four Editors, acting within the confines of the same Project, rendered me valuable assistance in the discharge of my functions as the Special Rapporteur of the United Nations (UN) International Law Commission (ILC) on the topic ‘Protection of Persons in the Event of Disasters’.

As it is well known, the ILC was established by the UN General Assembly as a means of implementing the task imposed on it by Article 13(1)(a) of the UN Charter ‘to initiate studies and make recommendations for the purpose of . . . encouraging the progressive development of international law and its codification’. In fulfilment of its mandate and on the proposal of the UN Secretary-General, the ILC in 2007 included in its program of work the topic ‘Protection of Persons in the Event of Disasters’ as one that ‘reflected new developments in international law and pressing concerns of the international community as a whole’ and appointed me to be its Special Rapporteur thereon.

The ILC having considered since 2008 eight consecutive reports by the Special Rapporteur, brought in 2016 to a successful conclusion its uninterrupted work on the topic with the adoption by consensus of a final set of 18 Draft Articles and a Preamble, accompanied by their corresponding Commentaries. The whole was then submitted to the UN General Assembly together with the recommendation, also approved by consensus, that an international convention be elaborated on the basis of the Draft Articles. By Resolution 71/141 of 13 December 2016 the UN General Assembly decided to include in the provisional agenda of its 2018 regular session an autonomous item to consider the comments of Governments on the ILC’s recommendation.

The publication of this Handbook could, therefore, not have been more timely. Its comprehensive and systematic coverage of disasters from the perspective of Human Rights Law, fully described in the Introduction, will certainly furnish a most relevant conceptual framework to aid the UN General Assembly in assessing the political viability of the ILC’s recommendation to elaborate, for the first time at the universal level, a ‘hard law’ framework international instrument on the basis of its final product.



After all, as the Special Rapporteur explicitly stated already in his First, Preliminary report: ‘[t]he title of the topic also imports a distinctive perspective, that is, of the individual who is a victim of a disaster, and, therefore, suggests a definite rights-based approach to the treatment of the topic’. The essence of such an approach, concretized in many of the provisions of the ILC’s final Draft, is the identification of a specific standard of treatment to which the individual, the victim of a disaster, *in casu*, is entitled. To paraphrase the UN Secretary-General, a rights-based approach deals with situations not simply in terms of human needs, but in terms of society’s obligation to respond to the inalienable rights of individuals, empowers them to demand justice as a right, not as charity, and gives communities a moral basis from which to claim international assistance when needed.

But the Handbook’s unquestionable value goes well beyond its impact on the action that the UN General Assembly may take. This remarkable work represents the first instance in the existing legal literature of a thorough treatment being given to all aspects of the crucial role played by International Human Rights Law in defining the rights and duties of States and other actors in the ‘disaster cycle’, encompassing the pre-disaster, the disaster proper and the post-disaster stages. The Handbook extends in a similar vein its in-depth treatment to the important question of the relationship of disasters with, *inter-alia*, International Humanitarian Law and International Law on Displaced Persons.

The Handbook, therefore, not only fills a void but it does so in a manner that makes it, at the same time, the indispensable point of reference on the subject, thanks to the high scholarly merit of the many and diverse contributions highlighted in the almost exhaustive Table of Contents. It, thus, represents a well-deserved tribute to the foresight and enterprise of its distinguished Editors.

Eduardo Valencia-Ospina  
ILC Special Rapporteur on the ‘Protection of  
Persons in the Event of Disasters’  
Geneva

# LIST OF ABBREVIATIONS

ACHR	American Convention on Human Rights
ACHPR	African Charter on Human and Peoples' Rights
ACommHPR	African Commission on Human and Peoples' Rights
ACtHPR	African Court on Human and Peoples' Rights
ASEAN	Association of East Asian Nations
AU	African Union
CBH	Cultural Built Heritage
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CESCR	United Nations Committee on Economic, Social and Cultural Rights
CHR	Commission on Human Rights
CHS	Core Humanitarian Standard on Quality and Accountability
CoE	Council of Europe
CommEDAW	Committee on the Elimination of All Forms of Discrimination against Women
CommERD	Committee on the Elimination of Racial Discrimination
CommRC	Committee on the Rights of the Child
CommRPD	Committee on the Rights of Persons with Disabilities
CSOs	Civil Society Organizations
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSR51	Convention relating to the Status of Refugees
DG ECHO	Directorate General European Civil Protection and Humanitarian Aid Operations
DRR	Disaster Risk Reduction
ECHR	European Convention on Human Rights
ECJ	Court of Justice of the European Union
ECOWAS	Economic Community of Western African States
ECtHR	European Court of Human Rights
EMC	European Medical Corps
ESCRs	Economic, Social and Cultural Rights
ETS	European Treaty Series

*List of abbreviations*

EU	European Union
FPIC	Free, Prior and Informed Consent
GHG	Greenhouse Gas
HFA	Hyogo Framework for Action
HRBA	Human Rights-Based Approach
HRC	United Nations Human Rights Council
HRCComm	United Nations Human Rights Committee
IACtHR	Inter-American Court of Human Rights
IAEA	International Atomic Energy Agency
IASC	Inter-Agency Standing Committee
ICBL	International Campaign to Ban Landmine
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICRMW	International Convention on the Rights of All Migrant Workers and Members of Their Families
IDL	International Disaster Law
IDPs	Internally Displaced Persons
IDRL	International Disaster Response Law
IFRC	International Federation of the Red Cross and Red Crescent Societies
IGOs	Intergovernmental Organisations
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ILC	International Law Commission
ILO	International Labour Organization
IOM	International Organization for Migration
IPCC	Intergovernmental Panel on Climate Change
IRU	International Relief Union
LNTS	League of Nations Treaty Series
NGOs	Non-Governmental Organisations
NOAA	National Oceanic and Atmospheric Administration
NSAs	Non-State Actors
NSHAs	Non-State Humanitarian Actors
OAS	Organization of American States
OAU	Organization of African Unity
OHCHR	United Nations Office of the High Commissioner for Human Rights
PAHO	Pan American Health Organization
PDD	Platform on Disaster Displacement
SAARC	South Asian Association for Regional Cooperation
SCHR	Steering Committee for Humanitarian Response
TEK	Traditional Ecological Knowledge
TFEU	Treaty on the Functioning of the European Union
TPS	Temporary Protected Status
TRIPs	Trade-Related Aspects of Intellectual Property Rights
UN	United Nations
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

*List of abbreviations*

UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
UNISDR	United Nations Office for Disaster Risk Reduction
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
UNTS	United Nations Treaty Series
VCLT	Vienna Convention on the Law of Treaties
WHO	World Health Organization



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## PART I

# Human rights law and disasters in the framework of public international law





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# 1

## INTRODUCTION AND ACKNOWLEDGMENTS

*Flavia Zorzi Giustiniani, Emanuele Sommario,  
Federico Casolari, and Giulio Bartolini*

Empirical evidence points to the increased frequency and destructive potential of natural and technological disasters. From data collected at Leuven University by the Centre for Research on the Epidemiology of Disasters (CRED),<sup>1</sup> we know that 11,713 disasters have taken place between 2000 and 2016, killing more than 1.4 million people, injuring almost 5 million, and leaving almost 38 million homeless. More than 3.6 billion people have been affected, and the material damage has exceeded USD 2 trillion.<sup>2</sup> Notwithstanding a slight decrease in the number of catastrophic events over the last few years, the overall trend shows a clear surge in their incidence and in the economic damage caused.

Against this background, it may seem surprising that the existence of disaster-risk drivers – and more broadly the role of humans in transforming a natural hazard into a disaster – had already been anticipated by Jean-Jacques Rousseau in the wake of the Lisbon earthquake of 1755, with the ensuing tsunami and massive fire. This event set off the first major debate on natural catastrophes and their effects on human beings. The human toll and material damage caused by the event were terrific. Nonetheless, the fact that it struck on All Saints’ Day, in a city that was deeply Catholic but also wealthy and awash with corruption and vice, prompted many at that time – including the great Enlightenment philosopher Voltaire – to attribute the event to the will of God. This stood in stark contrast to the position of Rousseau, who, categorically rejecting the notion that human behaviour had nothing to do with the event, keenly observed that

it was hardly nature who assembled there twenty-thousand houses of six or seven stories. If the residents of this large city had been more evenly dispersed and less densely housed, the losses would have been fewer or perhaps none at all.<sup>3</sup>

He then noted how, after the quake, many lives were lost to a disorganised evacuation: ‘[h]ow many unfortunates perished in this disaster for wanting to take – one his clothing, another his papers, a third his money?’.<sup>4</sup>

History has proven Rousseau right. For it is now apparent that human activity weighs significantly in shaping the types of disasters that take place and their number. Leaving aside technological disasters – whose impact, though substantial, is negligible compared to that of natural disasters – statistics show that floods, storms, and droughts are the phenomena that most severely affect individuals and property.<sup>5</sup> As is known, all three types of hazards are considered to be linked

to climate change, which in turn finds its primary cause in (human-made) greenhouse gas emissions. In its 5th Assessment Report, the Intergovernmental Panel on Climate Change (IPCC)<sup>6</sup> unequivocally confirmed this connection, stating that: '[h]uman influence on the climate system is clear, and recent anthropogenic emissions of greenhouse gases are the highest in history. Recent climate changes have had widespread impacts on human and natural systems'.<sup>7</sup>

The Assessment Report went on to identify the rising frequency of natural disasters as contributing to the adverse impact of climate change and pointed out that the vulnerability of human and natural systems will multiply the impact of extreme events. According to the report, vulnerability 'is the product of intersecting social processes that result in inequalities in socio-economic status and income, as well as in exposure. Such social processes include, for example, discrimination on the basis of gender, class, ethnicity, age and (dis)ability'.<sup>8</sup> It is now evident that disasters disproportionately affect poorer communities because of their greater vulnerability and 'significantly impede progress towards sustainable development'.<sup>9</sup> This situation is exacerbated by other disaster-risk drivers, such as unplanned and rapid urbanisation and poor land management, along with various compounding factors (demographic change, weak institutions, policies that do not take risk into account, etc.).<sup>10</sup>

It is now established beyond doubt that disasters are never completely 'natural' and that human behaviour plays a role in both their occurrence and their consequences. For a long time, however, the kind of response these events have been regarded as calling for was humanitarian. Many of the treaties concluded over the last few decades to facilitate cooperation between States in times of disaster – and forming what is now commonly referred to as International Disaster Law (IDL) – were exclusively predicated on this assumption, and little or no consideration was given to the human rights ramifications of disaster events. However, in recent years it has come to be recognised that human rights need protection even in these contexts and that relief aid is but one of the means that States have at their disposal to meet their international obligation to respect and protect human rights. In addition, it is now widely accepted that the role of human rights is not limited to disaster response. In fact, States have positive obligations to ensure effective disaster prevention and preparedness activities, so as to minimise the harm that disasters can do to a population.

The extent to which disasters exacerbate the inequalities inherent in life and society significantly turns on the question of how governments and humanitarian actors integrate human rights into their disaster preparedness and response plans. The purpose of this volume is precisely to consider whether and to what extent the human rights discourse has been mainstreamed into disaster prevention and response activities. It is widely recognised that appropriate actions at all stages in the so-called disaster management cycle lead to greater preparedness, better warnings, and reduced vulnerability and that an approach that is sensitive human rights can mitigate the effects of disasters on people, property, and the environment. It is in framing and implementing these policies that international law – as interpreted by international bodies – should play a role in ensuring that human rights concerns are given due weight in the process.

In this volume, the editors and authors have approached disaster management through the lens of international law, looking at human rights treaties and at the practice of their monitoring bodies and of other authorities to assess the extent to which these bodies and authorities have held States and other relevant actors to account in matters involving natural and technological disasters and to determine how international law is likely to influence the conduct of such actors in these matters in the future.

In particular, the present volume seeks to provide a comprehensive assessment of the main legal issues and challenges concerning the application of International Human Rights Law (IHRL) in disaster situations and the role this body of law can play in shaping the obligations of States and

other actors involved in preventing and responding to natural and human-made disasters and in ensuring preparedness. Significantly, over the last few years many treaty-monitoring bodies and other human rights protection mechanisms (UN Special Rapporteurs, the Universal Periodic Review, international courts, etc.) have focused their attention on disaster-related issues, highlighting the central role of human rights in this domain. In addition, in 2016 the International Law Commission (ILC) adopted the final version of its Draft Articles on the Protection of Persons in the Event of Disasters (ILC Draft Articles),<sup>11</sup> where provisions dealing with human dignity and human rights have been included, and a full range of soft law instruments on the rights of disaster victims have been adopted at the global and regional levels. There is therefore abundant material deserving careful study.

Despite the many developments in the practice of human rights bodies, relief agents, and other stakeholders, we still lack a thorough academic investigation of these topics, as shown by the absence of monographs or edited volumes specifically devoted to them. This stands in stark contrast to the increasing attention the humanitarian and academic communities accord to the subject of disasters. This volume thus intends to bridge this gap and provide a careful appraisal of the important role that human rights play in disaster situations, while addressing the main legal issues involved in their implementation in such contexts.

Yet IHRL is not the only branch of international law that comes to bear in disaster settings. Issues concerning state sovereignty and the principle of non-intervention in the internal affairs of States have been central to the debate on disaster response. In addition, the International Humanitarian Law (IHL) applicable to armed conflicts may also become relevant, both because of the possibility that a disaster should strike a war-beleaguered State and because of the numerous provisions on humanitarian aid contained in IHL treaties. These and other general topics (starting from the legal definition of the term *disaster* in international law) are addressed in the present volume.

At the same time, it is necessary to consider how IHRL operates in disaster settings. More to the point, the questions that need to be considered are how and to what extent this body of law entitles disaster victims to additional protection and what the role of States and non-state actors is in implementing disaster prevention and response measures. Equally important is an appraisal of the circumstances and conditions under which States can limit or suspend the enjoyment of certain rights and take extraordinary measures to deal with an emergency.

A comprehensive survey of the way in which the human rights discourse is likely to shape IDL cannot ignore how IHRL affects the enjoyment of specific rights or categories of rights in disaster scenarios. In this respect, the volume takes on important questions such as the content of minimum guarantees that need to be ensured for affected individuals and their right not to suffer discrimination in the provision of aid, as well as certain specific rights that become particularly critical in disaster contexts, such as the right to shelter or the right to be informed. At the same time, attention needs to be devoted to the role of certain rights whose function in disaster settings has not been as extensively explored: this applies to economic and social rights, cultural rights, and rights that are functional to the enjoyment of other rights (e.g. the right to know). Humanitarian agents have highlighted that certain classes of individuals are more exposed to the ravaging effects of disasters and stand to suffer more in their aftermath. This applies to vulnerable groups in general, but particularly to groups that suffer from specific types of disadvantages that make them especially vulnerable to disasters. In this respect, it is particularly important to inquire into the legal protections available to those who have been displaced by a disaster, both internally and across international borders.

The analysis carried out in this volume is structured into four complementary parts preceded by a foreword by the ILC Special Rapporteur Eduardo Valencia-Ospina: 'Human Rights Law

and Disasters in the Framework of Public International Law' (Part I), 'Role and Application of Human Rights Law in Disaster Settings' (Part II), '(Categories of) Rights of Particular Relevance in a Disaster Context' (Part III), and 'Protection of Vulnerable Groups in Disaster Settings' (Part IV).

Part I (Chapters 1–4) sets the stage for the other contributions, as it explains the topicality of the subject and describes how the international rules involved may interact with other principles and bodies of international law, such as the principle of state sovereignty and International Humanitarian Law. In the first chapter, Giulio Bartolini explores the preliminary question of the contours of the notion of *disaster* in international law so as to identify the material scope of the relevant sets of rules and thus ascertain who and what is entitled to legal protection. Subsequently, Karen da Costa provides an overview of the 'responsibility to protect' doctrine and reflects on the suitability of extending this doctrine to the area of disasters, thereby identifying the main advantages and shortcomings at both the conceptual and the practical levels. The contribution by Sarah Williams and Gabrielle Simm consequently outlines the way that IHL bears on the provision of aid to disaster victims in armed conflicts and the relation between IDL and IHL in such mixed contexts.

Part II (Chapters 5–10) then focuses on the role and application of IHRL in disaster settings. We start out with Marlies Hesselman, who looks at the purported existence of a right to receive international (humanitarian) aid in a disaster context under IHRL by analysing some recent key legal initiatives and developments concerned with this issue. An appraisal of the ILC's approach to human rights in its work on the protection of persons in the event of disasters is then carried out by Rónán McDermott, who among other questions addresses the ambiguous concept of protection deployed by the ILC and illustrates the tensions between sovereignty and human rights that can be discerned in the ILC Draft Articles. Providing assistance to disaster victims can be controversial, particularly when the disaster takes place in a situation of international or non-international armed conflict. Emanuele Sommario's chapter then focuses on the international legal framework on limitations on human rights and derogations from human rights treaties in disaster situations and then – looking at the practice of the main relevant judicial treaty bodies – proceeds to assess how these prerogatives have been employed in such contexts. The relevance of a human rights approach in the context of prevention and disaster risk reduction is then analysed by Mirko Sossai, who specifically evaluates the implications of this approach by reference to the relevant case law and to the solutions adopted by the ILC Draft Articles. In the next chapter, Annalisa Creta illustrates how human rights standards and principles can be integrated into disaster management policies in order to strengthen prevention, response, and recovery efforts, while increasing the protection of the affected individuals and communities. Lastly, Tommaso Natoli's contribution turns to the practices of humanitarian actors (intergovernmental and non-governmental humanitarian bodies) so as to assess how a consistent implementation of these practices can confer legitimacy on the work of these bodies, in such a way as to ultimately complement the States' monopoly over the production and implementation of international norms on the protection of individual rights in disaster situations.

Subsequently, Part III (Chapters 11–17) 'zooms in' and assesses how certain rights or categories of rights may become relevant in disaster scenarios. Specific attention is here devoted to those sets of guarantees which become critical in disaster settings and the specific challenges and problems posed by their implementation are thoroughly analysed. The discussion starts with Marco Inglese, who lays out the concept of the 'basic subsistence rights' that need to be ensured in the aftermath of a disaster, and through a top-down method, he sets out to identify these rights through a survey of universal instruments. Raquel Rolnik then addresses the particular challenges encountered in guaranteeing the right to housing in a disaster context and highlights the need for an extensive interpretation of this right, arguing that it should be implemented

in keeping with the principle of non-discrimination. An assessment of this principle's legal scope of application in disaster scenarios is then offered by Federico Casolari, who analyses the different approaches taken in the relevant legal instruments and then focuses on the solution adopted by the ILC and on its possible added value. Giovanna Adinolfi's chapter is instead concerned with the right to a healthy environment within the specific context of IDL. Her chapter discusses the impact of the measures that States take to protect and promote this right in the prevention phase as well as in a post-disaster situation. In the following chapter, Alice Riccardi investigates the nature of the right to know prior to a disaster, examining in particular whether this right can be deemed a freestanding right or whether it is an instrumental obligation functional to the prevention of other human rights violations. The focus then shifts to economic and social rights. Ellen Nohle and Gilles Giacca survey the practice of human rights treaty-monitoring bodies and of other national and international courts and that of UN special procedures in order to illustrate how and to what extent economic and social rights remain applicable in disaster settings to afford legal protection to affected groups and individuals. The last contribution of Part III is instead devoted to the little-examined area of culture and cultural rights in times of disaster: by insisting on those cultural rights that seem more pertinent when a disaster strikes, Eleni Polymenopoulou explores the role of culture in disaster risk prevention and management from a legal perspective.

Finally, Part IV (Chapters 18–22) looks at groups of persons who (a) may be particularly vulnerable in disaster-stricken areas or (b) have been displaced as a consequence of a disaster. Ingrid Nifosi-Sutton starts us off by laying out the way the vulnerability of disaster-affected people has been conceptualised by the UN Committee on Economic, Social and Cultural Rights (CESCR) and applying this vulnerability paradigm to the housing situation of internally displaced women in post-quake Haiti. Subsequently Kristin Hausler analyses the changing role of indigenous communities in disaster management, looking in particular at the case law of human rights bodies that have upheld the rights of indigenous groups in the context of disaster risk reduction and prevention. Alice Sironi and Lorenzo Guadagno then address the specific condition of vulnerability that migrants are exposed to in disaster situations. They begin with a critical study of the role played by States of origin and destination and then turn to recent initiatives, notably the ongoing Migrants In Countries In Crisis (MICIC) Initiative, so as to assess their role in effectively reducing such vulnerability. Flavia Zorzi Giustiniani then provides an overview of a significant number of representative temporary-protection measures which are or may be applied at the national, regional, and international levels to protect migrants struck by disaster. Her aim is to assess the current attitudes of States and to explore the advantages and shortcomings of the measures identified. Lastly, Walter Kälin discusses how the international community has tried to cope with the reality of disaster displacement under the Nansen Initiative's Protection Agenda for People Displaced by Disasters across Borders: the discussion covers the process that led to the adoption of this instrument, the key legal issues it addresses, and its achievements so far.

The volume closes with a final chapter in which Gabriella Venturini, in light of the preceding analyses, offers a broad assessment of the role of human rights in disaster scenarios.

This volume is the final research output of the IDL Project,<sup>12</sup> financed by the Italian Ministry of Education, University, and Research under the FIRB funding scheme Futuro in Ricerca 2012. The Project was brought to completion between 2013 and 2016 by four research units coordinated by Giulio Bartolini (Roma Tre University), Federico Casolari (University of Bologna), Emanuele Sommario (Scuola Superiore Sant'Anna), and Flavia Zorzi Giustiniani (Uninettuno University), who also served as the Project's national coordinator. Its focus was on international law mechanisms dealing with disaster prevention and management, and its purpose was to make these mechanisms more effective in the belief that a more thorough legal regulation may help



reduce the destructive potential these phenomena have on humans and on the material resources they rely on.

Several activities carried out under the IDL Project have been instrumental in bringing out this volume. In particular, the initial research results were presented and discussed at the international conference titled ‘The Protection of Persons in Times of Disasters: International and European Perspectives’, held on 3–4 March 2016 in Rome at the Representations of the European Commission and the European Parliament in Italy. The authors of many of the chapters included in this volume presented their interim findings at the conference, drawing great benefit from the ensuing discussions.

In addition, the authors were able to take advantage of two innovative open-access databases created and managed by the project’s team. One is the International Disaster Law Database,<sup>13</sup> which collects international instruments (treaties, secondary law produced by international organisations, and soft law documents) relating to the various phases of the disaster cycle and making it possible to perform full-text searches on all the content. The second is the Human Rights Protection and Disasters Database,<sup>14</sup> systematising the practice of international and regional human rights bodies dealing with disasters and their impact on the enjoyment of the relative human rights.

The editors wish to thank all partners of the IDL Project for their invaluable contribution in making this volume possible. These are the International Federation of Red Cross and Red Crescent Societies, the Italian Red Cross, the International Institute of Humanitarian Law (Sanremo), the Italian Department of Civil Defence, and the Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP). We also owe a debt of gratitude to all research fellows involved in the IDL Project – Mauro Gatti, Chiara Macchi, Claudia Morini, Tommaso Natoli, Alice Riccardi, and Susanna Villani – for their precious support at all stages of the research.

Many thanks go as well to the academic and research institutions that hosted us in the course of the research project, providing working environments that proved very fruitful in conceiving and finalising the present volume, namely, the Australian National University (Canberra), the British Institute of International and Comparative Law (London), the Geneva Centre for Security Policy (Geneva), the Graduate Institute of International and Development Studies (Geneva), and the Kalshoven-Gieskes Forum on IHL at Leiden University (Leiden).

A debt of gratitude is owed to all those who have contributed to this study and to all the chairs and speakers who, while not appearing in this volume, have taken part in the events that made it possible. We are deeply grateful to Eduardo Valencia-Ospina, who agreed to write the foreword to this volume.

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Last but not least, we are indebted to Professors Andreas de Guttry (Scuola Superiore Sant’Anna), Marco Gestri (University of Modena and Reggio Emilia), and Gabriella Venturini (University of Milan), whose work, especially in International Disaster Response Law,<sup>16</sup> has earned them a place among the academic pioneers of the discipline of International Disaster Law and who have encouraged us to continue our research on these stimulating and constantly evolving subjects.

## Notes

- 1 The CRED runs the Emergency Events Database (EM DAT), a global database on natural and technological disasters that contains core data on the occurrence and effects of more than 21,000 disasters starting from 1900. For a disaster to be entered into the database, at least one of the following criteria need to be satisfied: (a) 10 or more people are reported killed, (b) 100 or more are reported as having been affected, (c) a state of emergency has been declared, or (d) a call for international assistance has been made. Affected people comprise all individuals requiring immediate assistance during an emergency, including displaced or evacuated people. More information available at [www.emdat.be/](http://www.emdat.be/), accessed on 10 July 2017.
- 2 All data are extrapolated from the EM DAT research engine, available at [www.emdat.be/database](http://www.emdat.be/database), accessed on 10 July 2017.
- 3 J.-J. Rousseau, 'Rousseau to Voltaire, 18 August 1756' in R.A. Leigh (ed), *Correspondance complète de Jean-Jacques Rousseau*, vol. 4 (Institut Musée Voltaire, 1967) 37–50, translated by R. Spang.
- 4 Ibid.
- 5 In 2016, out of 344 natural disasters reported, 260 (75%) were either droughts, floods, or storms, which affected over 110 million people and caused over USD 100 billion in damages. By comparison, 50 years earlier (in 1966) the total number of individuals affected by all types of natural disasters was 12 million, and the material damage was estimated at USD 19 billion (inflation-adjusted).
- 6 The IPCC is the international body entrusted with assessing scientific advancements related to climate change. Established in 1988 under the UN umbrella, it provides policymakers with regular assessments of the scientific basis of climate change, its impacts and future risks, and options for adaptation and mitigation. For its 5th Assessment Report, see IPCC, *Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* (2014).
- 7 Ibid 2.
- 8 Ibid 54.
- 9 Sendai Framework for Action, art 4.
- 10 Ibid art 6.
- 11 ILC, Report of the International Law Commission, Sixty-Eighth Session, UN Doc. A/71/10 (2016) (2 May–10 June and 4 July–12 August 2016) 12.
- 12 The full title of the Project is 'International Disaster Law: Rules and Principles of International and EU Law Concerning the Prevention and Management of Natural and Manmade Disasters' (reference No. RBFR12Y56K). An overview of the activities carried out under the project is available at <http://disasterlaw.sssup.it/>, accessed on 22 July 2017.
- 13 Available at <http://disasterlaw.sssup.it/disasters-database/>, accessed on 22 July 2017.
- 14 Available at <http://disasterlaw.sssup.it/human-rights-protection-and-disasters-list-of-documents/>, accessed on 22 July 2017.
- 15 An overview of the Project is available at [www.ieudl.eu/](http://www.ieudl.eu/), accessed on 22 July 2017.
- 16 A. de Guttery, M. Gestri and G. Venturini (eds), *International Disaster Response Law* (Springer, 2012).