

Victims of natural disaster and the right to humanitarian assistance: A practitioner's view

by Peter Walker

A number of authors, notably Hardcastle and Chua writing in this issue of the *Review*,¹ have recently argued the case for either the existence of an international legal right to humanitarian assistance or the need to speedily establish such a right.

The International Federation of Red Cross and Red Crescent Societies is one of the world's largest providers of humanitarian aid to the victims of natural disasters, both through the local work of the member Societies themselves and through the Federation's international support for that work. For the Federation, discussions about the need for and/or legality of an international right to assistance prompt reflection on a number of fundamental issues that lie at the heart of the way in which humanitarian assistance, apart from that provided in the maelstrom of the battlefield, is currently delivered.

What is a natural disaster?

The question of what constitutes a natural disaster — not to mention how to gauge its magnitude — invariably arises in any discussion on rights to assistance.

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¹Rohan J. Hardcastle and Adrian T. L. Chua, "Humanitarian Assistance: towards a right of access to victims of natural disasters", *supra*, p. 589

Changing disaster patterns

In the course of what has been a decade of turbulent political and economic change around the globe, the attention of humanitarian agencies — particularly at the level of policy and politics — has been focused on conflict, chaos and collapsing States. The so-called complex emergencies of Somalia, the former Yugoslavia, Liberia and the Great Lakes region of Africa seem to have absorbed most of our intellectual and operational energy.

It is in this atmosphere that the United Nations Department of Humanitarian Affairs and its successor, the Office for the Coordination of Humanitarian Affairs, were formed. However, in focusing on these high-profile, acute and all-embracing disasters, the humanitarian-response community seems to have forgotten that its work is not confined to war victims, refugees and internally displaced persons. Humanitarianism is an ethos that should benefit all people. And they include the 65.8 million flood victims and 59.3 million people who suffer drought-induced famine in an average year. The recent floods in China have been the worst in a generation, affecting the lives of over 240 million people. According to press reports, so far they have caused at least one billion dollars worth of damage.

In the past two years the Federation has seen a major change in the global pattern of needs. In the early 1990s, victims of floods and cyclones made up some 6% of those assisted by the Federation around the world, while refugees, internally displaced persons and people caught up in economic crisis accounted for 70-80% of that total. The Federation continues to work with refugees, victims of technological disaster and people affected by rapid economic and social change. The overall picture, however, is rapidly changing: nearly half of the 22 million people helped by the Federation in 1997 were victims of floods or drought.

While this development is partly due to there being fewer refugees and internally displaced persons, much of it is also the result of an increase in the number and severity of natural disasters.

Although floods in China and drought in Africa can legitimately be called catastrophic natural phenomena, it is a moot point whether or not the disasters they cause are “natural”. The disasters brought about by flooding often have as much to do with present and past land use as with the amount of rain. In the past decade most African “drought-induced” famines coincided with conflicts of varying intensity, and even as natural a disaster as the Tsunami that hit Papua New Guinea in the summer of

1998 was made much worse by the deforestation that had resulted from logging in the area.

In many instances, therefore, it is human activity, whether at the level of the individual, the private sector or the State, that turns a spectacular natural phenomenon into a tragic disaster.

Scale

The second issue is that of scale. There is no internationally recognized definition of how great a tragedy has to be before it acquires the label "disaster". Similarly, there is no agreement as to which parameters should be used to measure the size of a disaster. Some disasters, like earthquakes and the final stages of drought-induced famine, are associated with high death rates. Others, like the recent floods in China, affect the livelihoods of millions of people, rendering them vulnerable to further harm but killing relatively few. Is disaster to be defined by the number of deaths, potential deaths or people affected, or by the magnitude of the resulting economic loss?

Any attempt to determine whether victims of natural disasters have a "right to assistance" must take account of the many different views as to what constitutes a natural disaster.

Who provides assistance?

There is a tacit assumption amongst many international observers that humanitarian assistance is that which is provided by international bodies. In reality, the first help to arrive, and often the most effective, frequently comes from local sources. Hardcastle and Chua refer to the Iran earthquake of 1990, in the aftermath of which many outside observers railed against the apparent delays in providing international assistance. In fact, local citizens and national organizations like the Iranian Red Crescent Society were by no means slow in responding. And given the critically short time-span in which earthquake victims can be saved, only local organizations were in a real position to respond.

The same holds true for most disasters in industrialized countries — whether avalanches in the Alps or floods along the Mississippi, local organizations are the ones to respond first.

This is not to deny the role of international assistance but rather to emphasize that it is most effective when it takes the form of support for local structures.

This line of argument allows us to separate two issues: the right to receive assistance *per se* and the right of international agencies to cross borders to provide that assistance. Perhaps these two “rights” should be examined separately.

The legitimacy of the provider

Any discussion on strengthening the right of organizations to provide assistance must at some point address the issue of those organizations’ legitimacy and competence. Before pursuing this question, however, there is a more fundamental issue which both individuals and agencies involved in humanitarian assistance need to recognize.

As one writer has put it, the business of humanitarian assistance is driven by two ethics, that of the priest and that of the prophet. In many ways humanitarianism is a moral code: the priests among the humanitarian community tend to want to codify it, to define the business, set standards, and specify who can and who cannot provide assistance. The prophets, in contrast, believe that providing humanitarian assistance is the responsibility of all people. They seek to spread this message and stimulate more humanitarian action at the grass roots level.

Of course, both approaches are needed. The creed of the priests can survive only if a certain degree of commitment is generated by the prophets. Moreover, one could legitimately argue that while all individuals have a duty to render impromptu assistance to the best of their ability when they see suffering, once that assistance takes the shape of an organized, professional programme, codes, rules and standards are needed to safeguard the rights of the individual.

International mechanisms to ensure quality

Any system of rights intended to legitimize the role of non-State providers of assistance must devise a way of ensuring that they are legitimate and competent, and work in the interests of disaster victims. No such mechanism yet exists. The code of conduct² drawn up in 1994 and widely recognized by both NGOs and States goes a short way in this direction but not nearly far enough.

²“Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in disaster relief”, reprinted in *IRRC*, No. 310, January-February 1996, p. 119. See also <http://www.ifrc/pubs/code>.

However, a recent initiative, emerging from an extensive coalition of humanitarian agencies, promises to bring us much closer to the goal of objective quality assurance in humanitarian work.

The Sphere Project³

The *Sphere Project — Humanitarian Charter and Minimum Standards* is the result of cooperation between various independent agencies engaged in humanitarian assistance, including most major NGOs and the Red Cross and Red Crescent. Its aim is to define basic practical standards that should govern humanitarian assistance, specifically that immediately relevant to saving lives, such as water and sanitation, food, health care and shelter. Such minimum standards already exist for many areas of humanitarian work. The problem is that there are often different standards competing with each other, or that the existing standards are out-of-date or incomplete. The Sphere Project is the first initiative to provide a coherent and complete set of standards to which a wide range of agencies are prepared to agree and against which their performance can be measured.

Using basic human rights as its foundation, the Sphere Project seeks to erect an edifice consisting of clearly defined levels of assistance and the competence required to deliver it. This is intended to serve as a yardstick for humanitarian agencies in planning and assessment.

Meeting critical human needs and restoring people's dignity are core principles for all humanitarian action. The Humanitarian Charter and Minimum Standards of the Sphere Project establish an explicit link between fundamental human rights and humanitarian principles on the one hand, and clearly defined standards in terms of water supply, sanitation, nutrition, food aid, shelter and site selection, and health care on the other.

Accountability and effectiveness

The Humanitarian Charter and Minimum Standards also reflect the determination of humanitarian agencies to make their work more effective and improve the way they report to their sponsors. In agreeing to abide by these standards, humanitarian agencies commit

³“The Sphere Project — Humanitarian Charter and Minimum Standards”, <http://www.ifrc.org/pubs/sphere>.

themselves not only to providing defined levels of service but also to being held accountable for their actions. The standards are designed with this in mind and each is accompanied by a series of measurable indicators, which are important not only for planning and implementing an agency's programmes, but also for giving disaster victims, agency staff, donors, the wider public and others the possibility to assess the services provided under those programmes. Thus, the Humanitarian Charter and Minimum Standards provide a practical framework for accountability.

Applying the Minimum Standards

The Minimum Standards apply to any situation in which, owing to natural or man-made disaster, people have lost the means by which they are normally able to support themselves with a degree of dignity. The standards apply specifically to the acute phase of an emergency and describe what people have a right to expect during that period. They specify the minimum acceptable levels for water supply and sanitation, nutrition, food aid, shelter and site selection, and health services. They have been made as specific as possible while remaining widely applicable to different emergency situations.

Communities hosting those displaced by disasters or conflicts are by definition also affected by such calamities and they too may need assistance. The Minimum Standards therefore apply to both populations.

The burden of responsibility for providing humanitarian relief falls on many shoulders. The people directly affected by a disaster and their neighbours are always those who respond first in any crisis. Yet it is the duty of governments and international bodies to demonstrate political will in preventing, mitigating and alleviating disasters wherever possible. When people and their normal support systems are no longer able to meet human needs, assistance from humanitarian agencies is required.

What next?

There is no doubt that the Humanitarian Charter and Minimum Standards will generate at least as many questions as answers. Foremost among these are those relating to dissemination, implementation, training and compliance. The concern must also be taken seriously that establishing standards for humanitarian response may actually lead to a decision not to intervene if the outcome cannot reasonably be expected to meet the minimum requirements.

The next phase of the Sphere Project will include extensive promotion and dissemination of the Minimum Standards, emphasizing the importance of training and of developing the systems required to provide services that meet the agreed Minimum Standards. Possibilities will be explored for assessing compliance and responding to complaints. The Minimum Standards apply not only to individual agencies but to the humanitarian community as a whole. Given the interdependence of all involved, if any of the people affected by a disaster do not receive adequate assistance, we will all have failed the test of compliance.

The Sphere Project's standards represent a tremendous opportunity for humanitarian agencies. The challenge now is to ensure that good use is made of this opportunity, that the standards are put into practice and that agencies, donors and host governments are held accountable to them.

Conclusion

From a practitioner's perspective it is clear that moves to define and promote the right to humanitarian assistance must run parallel to attempts within the humanitarian community to ensure that we have the means to respond appropriately when disaster strikes. This entails clear standards, international procedures to verify quality, mechanisms for promoting the quality required, and systems to ensure that the agencies involved are accountable to those they are meant to assist, to the States and to their donors.

Pursuing these goals may well in itself further strengthen the legitimacy of calls for a right to humanitarian assistance.