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Chapter 4

International disaster response law and displaced persons

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Introduction

World media headlines abound with tragic stories of floods, drought, earthquakes, bush fires and other natural disasters. We also read about technological disasters such as lethal leakages of chemicals from factories, toxic wastes in rivers and oceans, and excessive pollutants in the air.¹

The damage to survivors, physical, psychological and economic, are long term and can have a flow-on effect for several generations. Infamous disasters such as the chemical gas leak in Bhopal² and the nuclear accident in Chernobyl³ are testament, not only to death and injury, but also lingering pain and suffering still facing thousands of people today.

Frequently, such events give rise to scenarios involving large numbers of displaced people who may be forced to move from their homes to other parts of the country or across borders into neighboring countries and beyond. Their plight is aggravated by the fact that they may have to move several times, resulting in multiple displacements.

Moreover, they may be subject to increased victimization as a result of inadequate protection and assistance. Such a combination of factors inevitably takes its toll on individuals, particularly those already vulnerable in normal civil society such as women, children, the elderly and those with disabilities, as well as marginalized communities such as minorities and indigenous peoples.

This chapter examines the relationship between international disaster response law (IDRL) and the protection and assistance of displaced persons. In this sense, the term protection not only includes immediate physical safety but also the guarantee of a range of human rights.⁴ The term assistance implies the provision of and access to basic necessities such as food, water, shelter, and health services. This not only includes material goods but also psychological and spiritual support.⁵

In particular, this chapter will focus on persons displaced by natural, man-made and technological disasters, and not on situations of armed conflict. It will also consider the situation of both internally displaced persons (IDPs) as well as cross-border displacement.

Through an examination of both law and practice relating to protection and assistance, it will be demonstrated that the framework of international disaster response law offers opportunities for greater facilitation and cooperation between key actors to enable better access and assistance for displaced people in an integrated and comprehensive manner. This is supported by the need for improved disaster prevention, preparedness, management, relief, recovery and reintegration measures which ensure that the rights of displaced persons are guaranteed.

Protection for displaced persons in disaster situations

Moving and displaced people are protected by a variety of laws. This includes the national laws of the country in which people find themselves, international human rights law, international humanitarian law for those affected by armed conflict and specific law such as the 1951 Convention relating to the Status of Refugees.⁶

General protection of displaced persons

General protection for displaced persons is embodied in a number of treaties and declarations which guarantee a range of human rights for all persons, covering topics related to civil, political, economic, social and cultural fields. Of particular importance is the seminal 1948 Universal Declaration of Human Rights, a United Nations (UN) General Assembly resolution, which has been incorporated in a number of treaties⁷, including the following:

- International Convention on the Elimination of All Forms of Racial Discrimination (1965);
- International Covenant on Civil and Political Rights (1966) and two additional protocols;
- International Covenant on Economic, Social and Cultural Rights (1966);
- Convention on the Elimination of All Forms of Discrimination Against Women (1979) and additional protocol;
- Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (1984) and additional protocol;
- Convention on the Rights of the Child (1989) and two additional protocols; and
- International Convention on the Protection of the Rights of Migrant Workers and of their Families (1990).

Embodied in these instruments is a range of rights. They are, in principle, guaranteed to all people, including displaced persons. These rights include:

- the right to life;
- freedom from slavery;
- freedom from torture;
- the right to recognition as a person before the law;
- the right to access the courts;
- freedom from arbitrary arrest, detention or exile;
- the right to freedom of movement and residence within the borders of each a state;
- the right to leave any country, including their own, and to return to their country;
- the right to seek and to enjoy in other countries asylum from persecution;
- the right to a nationality;
- the right to found a family;

- the right to own property;
- the right to freedom of thought, conscience and religion;
- the right to freedom of opinion, expression and association;
- the right to work;
- the right to rest;
- the right to an adequate standard of living, including for health and well-being;
- the right to education;
- the right to social security; and
- the right to take part in the government of the country directly or through representation.

Many of these rights can be limited by the concerns of national security on the basis of necessity and proportionality, conditioned by what is permissible in a democratic society. However, several are inviolable or absolute rights, which include the right to life and freedom from torture.

Underlying all these instruments is the principle of non-discrimination. This is particularly relevant to the plight of displaced persons, because their fate is precarious and access to assistance and protection is rendered more difficult by the fact of their displacement. As will be discussed throughout this chapter, how to access help on the basis of non-discrimination is a continual challenge.

Protection of specific groups of displaced persons

During the past three decades the nature of movement and displacement has changed. Conflict is a more localized event involving a wide range of actors including informal groups and paramilitaries. There has also been an increase in the targeting of civilians as a military strategy. At the same time there has been an increase in economic mismanagement by states and the introduction of the concept of failed states.

There are approximately 175 million⁸ people living outside of the country of their birth; approximately 3 per cent of the world's population. Of these, 10.4 million are classed as refugees within the meaning of the Refugee Convention. A further 1 million fall under the Refugee Convention definition of asylum seekers.⁹ This is less than 6 per cent of the total.

Among the balance are migrants, some more vulnerable than others, who benefit from the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC). This convention entered into force in July 2003 but still has only 22 ratifications and none from major receiving countries. Indeed it has been observed that:

This new legal instrument is no magic formula for the difficulty of getting receiving countries and even sending nations to adhere to their commitments to protect the rights of migrant workers. This has been demonstrated in the way a much older labour convention to protect migrant workers – one adopted in 1947 – continues to be largely ignored.¹⁰

It is also worth mentioning other individuals or groups of people who are reliant, to a greater or lesser extent, on international protection.

Asylum seekers

Asylum seekers are those who have made an application for determination of their status as a refugee but who have yet to receive an adjudication. They are given protection under the Refugee Convention but in practice they enjoy fewer rights than people determined to be refugees. Most notably they are frequently deprived of the right to work and are increasingly being detained by authorities in receiving states, as discussed further below.

Victims of smuggling

Smuggling is arranging the illegal entry of persons into the territory of another state.¹¹ This phenomenon has increased in recent years due mainly to the increasingly strict policies of receiving states. It is of concern to the humanitarian community primarily because of the lack of alternative means of access to asylum procedures. Furthermore, such people are frequently penalized and discriminated against for unlawfully entering a country, despite Article 31 of the Refugee Convention, which requires states not to discriminate against people claiming to be refugees.

Victims of trafficking

The definition of people trafficking is taking persons against their free will from one country to another for the purpose of exploitation.¹² The trafficking of people is a crime both against the person and the state into which they are trafficked.

It is a particularly vicious trade, largely carried out systematically as part of organized crime. Of concern to the humanitarian community is the element of exploitation as well as the extreme vulnerability of its victims. Of further concern is the reluctance of many states to differentiate between the criminal perpetrators and their unwilling victims.

Detained migrants and asylum seekers

Detention is now a practice that is undertaken by all major receiving states, often as a method of deterring asylum seekers. Many people are detained without the same safeguards as criminal prisoners who, in all developed countries, have access to independent judicial review of their conditions. The detention of migrants and asylum seekers is usually based on specific immigration or asylum legislation, outside of the ambit of the judicial system. The widespread detaining of asylum seekers under these conditions continues, despite UN High Commissioner for Refugees (UNHCR) guidelines that state that their detention should be exceptional and not standard practice.¹³

Rural and urban migration

According to UN HABITAT, by the year 2008 there will be more people living in urban areas than in rural areas, for the first time in human history. This is a worrying phenomenon because urban infrastructure is currently unable to cope with this influx. This is a form of internal displacement (described in more detail below) which is primarily driven by development security and crime concerns, as well as the inability of many small farmers to survive given the decline in basic commodity prices.

Protection of internally displaced persons

In addition to people crossing borders, many remain within national borders but are nevertheless still displaced. They are known as internally displaced persons (IDPs). It is estimated that there are some 21.8 million people displaced by armed conflict and a further unknown number, but believed to be at least the same again, displaced by events other than armed conflict, including natural disaster, development, crime and other economic and social pressures.¹⁴

In theory, IDPs enjoy the same protection as other citizens of their countries under national law but the reality is more often that of discrimination on the basis of their displacement and the state being either unwilling or unable to fulfil its protection obligations. These challenges are further compounded when states invoke their sovereignty to deny international access to displaced populations within their borders.

In 1998, The UN Special Representative of the Secretary General on Internal Displacement produced a document called *Guiding Principles on Internal Displacement* (see Box 4.1). There is no international treaty or declaration specifically for IDPs and the Guiding Principles do not aim to fill this gap. Broadly interpreted, they embody elements of existing treaty and customary law from a variety of sources.

Definition of internally displaced persons

An important contribution of the Guiding Principles is the definition used for IDPs:

persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.¹⁵

This definition is much broader than that contained in the Refugee Convention and other specific instruments relating to displaced persons. The various rights and actions applicable to internally displaced persons not only cover armed conflict and violence-based situations but also those displaced internally by natural disasters or technological disasters. However, in practice, international monitoring of IDPs has tended to focus on people displaced by armed conflict rather than natural disaster or technological disaster.

Key phases for protecting and assisting internally displaced persons

There are three key phases for protecting and assisting internally displaced persons described in the Guiding Principles: pre-displacement (protection from forced displacement); the displacement phase (protection and assistance during displacement); and return or resettlement and reintegration.

With regard to the first phase, a key right is the right to be protected against arbitrary displacement from home or place of habitual residence. This also applies to disaster situations “unless the safety and health of those affected requires their evacuation¹⁶”. Given the

suddenness of many natural and technological disaster situations, many people are forced to move, for which the state authorities are not necessarily accountable.

However, state authorities and non-state actors should not compound those circumstances and they should ensure that they do not cause secondary or subsequent displacements of an arbitrary nature. Principle 7 of the Guiding Principles describes the steps to ensure reasonableness when there is a need to displace them.

With regard to the displacement phase, the Guiding Principles highlight various rights to be protected. These include the right to:

- life;
- dignity and physical and mental integrity;
- liberty and security of the person;
- liberty of movement;
- seek safety in another part of the country;
- leave their country;
- seek asylum in another country;
- be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk;
- family unity and to trace relatives;
- an adequate standard of living and medical care;
- recognition everywhere as a person before the law;
- property;
- freedom of thought, conscience, religion, expression, association and participation; and
- education.

Of all these rights, perhaps the most challenging and innovative is the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk. This reads very much like the principle of non-refoulement contained in the Refugee Convention, although the latter applies to cross-border cases falling under the rubric of refugees.

With regard to the third phase, concerning return, resettlement and reintegration, the Guiding Principles emphasize conditions for voluntary and safe return with dignity of the internally displaced persons to their homes or places of habitual residence, or the voluntary resettlement in another part of the country. Measures must be taken against discrimination and in favour of the participation of displaced persons in their own return or resettlement process. Authorities should assist, to the extent possible, in the recovery of property, and where this is not possible, in the provision of appropriate compensation or reparation.

The Guiding Principles have increasingly been referred to at the national and international levels to guide actions towards internally displaced persons, thus enjoying increasing acceptance internationally.

Assistance for displaced persons in disaster situations

The International Red Cross and Red Crescent Movement

The International Red Cross and Red Crescent Movement has a long history of providing assistance to displaced persons based on the Fundamental Principles of the International Red Cross and Red Crescent Movement and the Statutes of the Movement.¹⁷ There is a division of tasks between the various components of the Movement determined by the Seville Agreement¹⁸, which varies depending on the nature of the crisis – whether it is a conflict or non-conflict related disaster.

In relation to non-conflict related disasters, assistance is undertaken predominantly by the International Federation of Red Cross and Red Crescent Societies, through the National Red Cross and Red Crescent Societies and the secretariat. The principles on which assistance is provided is determined both by general principles relating to humanitarian assistance and disaster response, and also those specific to displaced persons. These will be examined below.

General principles for humanitarian assistance and disaster response

The Movement's position on disaster relief is embodied in the Principles and Rules for Red Cross and Red Crescent Disaster Relief first adopted in 1969 (see Box 4.2). These principles and rules apply to situations of disaster resulting from natural and other calamities and stipulate the right of all people to both offer and receive humanitarian assistance on the basis of non-discrimination. Further, they state that there is a duty to assist the victims. In this regard, National Societies are obliged to render help when disasters arise, with the assistance of the International Federation secretariat.

In 1993, the International Federation and seven other main international relief agencies adopted the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief (see Box 1.1), which also contains key principles to guide humanitarian action.

Specific assistance for displaced persons

In 1981 the Movement adopted a resolution on aid to refugees.¹⁹ It called upon the Movement to be ready to assist and protect all displaced persons – refugees, displaced persons and returnees – especially when they are not able to benefit from any other protection or assistance. The resolution called for assistance to the affected local population. In addition, it advocated close cooperation between the Movement and UNHCR.

The International Conference of the Red Cross and Red Crescent takes place every four years. It has frequently referred to refugees and displaced persons, especially internally displaced persons. The 1999 conference called for access to internally displaced persons and refugees, and urged National Societies to call upon the resources of the International Committee of the Red Cross (ICRC) and the International Federation where the national resources are overstretched.

The plan of action adopted at that conference referred to the rights and needs of vulnerable groups, including refugees and internally displaced persons, and many National Societies and states made pledges to help vulnerable people, including refugees and internally displaced persons.²⁰ The plan of action reinforced *Strategy 2010*, which was adopted by the General Assembly of the International Federation earlier in 1999.²¹ *Strategy 2010* highlighted the need to address not only the issue of refugees and internally displaced persons but also the need to mobilize communities against discrimination and violence.

The Movement has a comparative advantage and can fill the gap when no other agency is willing or able to act to help vulnerable people. This is greatly enhanced by the presence of National Societies and their volunteers, providing a vital link to civil society and improving access to vulnerable people.

The United Nations system

The UN plays an important role in raising the level of international interest and commitment towards displaced persons. In recent years, much of the emphasis at this level has been on refugees and internally displaced persons in armed conflict settings rather than for reasons of natural and technological disasters. However, even within this rather limited scope, there have been occasional references to the needs of people displaced by disasters.

A 2003 UN General Assembly resolution entitled Assistance to Refugees, Returnees and Displaced Persons in Africa, expressed deep concern about,

“the continuing critical humanitarian situation in African countries, in particular in the Horn of Africa and southern Africa, aggravated among other things, by persistent natural disasters, including drought, floods and desertification, which can precipitate the displacement of people.”²²

From an operational perspective, a variety of UN agencies are involved in actions responding to natural disasters and environmental emergencies, which have implications for displaced persons. In particular, the UN Office for the Coordination of Humanitarian Affairs (OCHA) has been working closely with the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP). They have been working in the context of the International Strategy for Disaster Reduction (ISDR) to strengthen coordination and cooperation nationally and internationally.

Other international agencies rendering help include the World Health Organization (WHO), the UN Population Fund (UNFP), and the World Food Programme (WFP). There is also an Inter-Agency Standing Committee which includes IDPs as a permanent agenda item. The ICRC and the International Federation are also standing invitees to these meetings.

In the period 2000-2003 there were various UN initiatives on the issue of natural disasters, which have the potential to impact on displaced persons in disaster settings. These include:

- the establishment of the Inter-Agency Task Force for Disaster Reduction;

- the development of coordination tools for natural disasters, such as the UN Disaster Assessment and Coordination (UNDAC) teams and the International Search and Rescue Advisory Group;
- various courses to expand UNDAC in Asia; and
- support for the initiative of the International Federation to collect international disaster response laws with a view to promoting its harmonization and implementation.

In 1994, as part of the UN International Decade for Natural Disaster Reduction, the World Conference on Natural Disaster Reduction adopted the Yokohama Strategy and Plan of Action for a Safer World, Guidelines for Natural Disaster Prevention, Preparedness and Mitigation.²³ Regarding disaster response, it says:

Disaster prevention, mitigation and preparedness are better than disaster response in achieving the goals of the Decade. Disaster response alone is not sufficient, as it yields only temporary results at a very high cost. This has been further demonstrated by the response to complex emergencies, which, although compelling, should not divert from pursuing a comprehensive approach. Prevention contributes to lasting improvement in safety and is essential to integrated disaster management.²⁴

The Yokohama Strategy advocated several key actions, including the following:

- early warning of impending disasters and effective dissemination using telecommunications;
- sharing of technology to prevent disasters;
- adoption of a policy of self-reliance in each vulnerable country and community link with capacity building and good use of resources;
- promotion of community-based approaches to vulnerability reduction;
- improvement of risk assessment and broader monitoring and communication of forecasts and warnings;
- adoption of effective national legislation and administrative action;
- integration of the private sector in disaster reduction work;
- promotion of the participation of NGOs in natural hazard management;
- support for regional and sub-regional cooperation on the issue;
- strengthening of the capacity of the UN to assist in disaster reduction and response;
- establishment of national committees to coordinate disaster reduction actions; and
- use of local authorities to enforce safety standards and strengthening of the institutional capacities for natural disaster management at all levels.²⁵

More recently, a 2002 UN General Assembly resolution invited governments to establish national platforms or focal points for disaster reduction.²⁶

Other organizations

The International Organization for Migration (IOM) has increasingly addressed the issue of internally displaced persons, including by means of rapid data collection, early warning of migration flows, documentation and advisory services, and material assistance such as shelter and health care, transport, return, resettlement and reintegration, and income generation.

There are also non-state and non-governmental actors working to help displaced persons, including those affected by natural and technological disasters. For example, over 200 NGOs and agencies have adopted the Sphere Project Humanitarian Charter and Minimum Standards in Disaster Response.²⁷ These instruments advocate for the existence of the humanitarian imperative, which embodies the right to life with dignity. It also establishes indicators to measure standards in water supply and sanitation, nutrition, food aid, shelter and site planning and health services. These are intended to incorporate international human rights law, international humanitarian law and refugee law into concrete operational practices.

International disaster response law and the protection and assistance of displaced persons

Given all the good intentions described above, a challenging task is ensuring their effective and expeditious implementation. While many of these developments highlight the substantive rights of displaced persons in the setting of natural and technological disasters, those rights depend greatly upon the procedural angle of improving access to the victims, facilitating their protection and assistance, and promoting cooperation among key actors to help them. The emergence of IDRL therefore offers a significant opportunity to add value to the normative structure described. The following section will highlight features of IDRL that are likely to have the greatest impact on the protection and assistance of displaced people.

Promotion of disaster mitigation and preparedness

Perhaps the first consideration in relation to international disaster response is that law is only one of the many measures needed. Strategies and action to reduce the impact of disasters are the first steps toward alleviating the number of people displaced from their homes. In this regard it is clear that prevention is better than cure.

It is also instructive to note that many natural disasters are not necessarily 'natural'. In many cases it is human intervention which contributes to their root causes. Consequently wise actions from humanity can contribute significantly to prevent and reduce the risks that give rise to such disasters. Strategies, such as that of Yokohama Strategy and others mentioned above make important contributions to this and fall generally under the rubric of IDRL.

Access to victims

Many IDRL instruments concern the ability of humanitarian actors to reach those in need, requiring immediate and unimpeded access. There are a number of regional instruments relating to access for the purposes of disaster assistance.²⁸ There are also specific bilateral agreements between states. These regulate the circumstances in which access will be given, and in many cases attempt to minimize some of the administrative delays associated with the entry of humanitarian workers across borders.²⁹

Similarly, resolutions of the UN General Assembly and the International Conference of the Red Cross and Red Crescent have emphasized the importance of immediate access to victims of disaster.³⁰ So have important instruments such as the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief (see Box 1.1).³¹

While the various agreements and resolutions concerning access in times of disaster do not mention displaced people as a specific category of beneficiaries, they still enjoy the benefits of these provisions. The extent to which this occurs in practice depends on the level of political will to ensure their effective implementation. And in particular the faithful application of the principle of non-discrimination to ensure that displaced people are not excluded from receiving assistance.

Practical facilitation of disaster response

Much of IDRL consists of practical responses to some of the challenges inherent in the provision of disaster response across borders. Following are some of the common subjects regulated by IDRL:

- cooperation between states, non-state entities and intergovernmental organizations to facilitate the use of resources for disaster mitigation and relief, such as for predicting, monitoring and providing information concerning natural hazards, health hazards and disasters;
- privileges and immunities granted by the state to personnel providing assistance;
- exemption from taxation, duties and other charges for relief goods, functions or equipment brought in to render assistance; and
- removal of regulatory barriers to the use of telecommunications for disaster relief, including regulations restricting the import, export or use of telecommunication equipment.

These measures, while being general in nature, improve the ability of international assistance to reach vulnerable people much faster and more effectively than would otherwise be possible, and thus positively impact on the protection and assistance of people displaced by natural and technological disasters.

Interaction between international and national laws and responses

In addition to considering access and facilitation of international disaster response, it is also essential to have effective national and local responses. These should include the development of quality national laws, policies, plans and programmes that include participation of local communities and beneficiaries.

These instruments should also be gender-sensitive and pay special attention to vulnerable groups, particularly displaced persons. It is equally necessary to highlight the substantive rights of people affected by disasters, as identified in the previous discussion on human rights instruments.

Indeed, there is much insight to be gained from examining the interaction between international and national settings. The extent to which the various IDRL treaties and other instruments are disseminated at the national level, and conscientiously implemented by key actors in their operations, remains unclear.

Similarly, the extent to which IDRL treaties have impacted on national legislation and responses also remains to be explored. In this regard, the concept of IDRL can provide a useful vehicle for examining these features and to ensure that national and international laws, rules and policies are well integrated.

Improvement of accountability and transparency

IDRL also attempts to address issues of accountability and transparency in relation to relief operations and the actors involved. This requires consistent monitoring of activities at all levels, and responsive reforms and adjustments to improve operations, with beneficiaries, including displaced people, as key monitors and evaluators of the process.

Recommendations for improving the protection and assistance of displaced persons

To improve IDRL for the protection of displaced persons, the following should be emphasized:

- Reinforce the protection and assistance of displaced persons (internal and external) based on the variety of norms guaranteeing their rights, including human rights instruments, international humanitarian law, the Guiding Principles on Internal Displacement, the mandate of the International Red Cross and Red Crescent Movement, and the mandates of other agencies.
- Enhance support for the work of the International Federation and National Societies in responding to natural and technological disasters, especially in times when other agencies and personnel are unable or unwilling to act.
- Promote state ratification and accession to international treaties and ensure their effective implementation.
- Adopt and implement a comprehensive approach for IDRL, linking the multilateral perspective with regional, sub-regional, bilateral, national and local actions, coupled with close cooperation and coordination among and between key actors.
- Ensure gender sensibility and user-friendly responses at all levels.
- Respect and foster community participation and the role of civil society, including NGOs, as well as the participation of beneficiaries as part of the process of empowerment and ownership.
- Broaden interactions to encompass other actors such as the media, the business sector and intergovernmental organizations as part of a broader partnership with states and civil society.
- Create strategies not only to respond to disasters but also to prevent them, to prepare for effective management of risk and difficult situations, and to mitigate their impact.
- Respond not only to emergency relief but also longer-term recovery and reintegration in a sustained manner, bearing in mind the mandate and added value of the Movement, and the sharing of responsibilities and resources between key actors.
- Access all beneficiaries expeditiously and provide help effectively and transparently.
- Ensure that the concerns of displaced persons are integrated into international and national disaster response laws and related operations, inspired by the spirit of global solidarity and non-discrimination and the pursuit of human dignity.

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 2. Information can be found at <<http://www.bhopal.com>>.
 3. For recent assessment, see: "The Human Consequences of the Chernobyl Nuclear Accident", a Report commissioned by United Nations Development Programme and United Nations Fund for Children with the support of United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and World Health Organisation, 25 January 2002.
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 5. See further: Rohan J.Hardcastle and Adrian T.L.Chua, "Humanitarian Assistance: Towards a Right of Access to Victims of Natural Disasters", *International Review of the Red Cross*, Vol.70 (1998), No.325, pp.589-609; Peter Walker, "Victims of Natural Disaster and the Right to Humanitarian Assistance: a Practitioner's View", pp. 611-617.
 6. Convention Relating to the Status of Refugees, 28 July 1951 (entered into force 22 April 1954).
 7. For compilation of key human rights treaties and instruments, see: United Nations, "Human Rights: a Compilation of International Instruments", Vols.1 and 2 (New York/Geneva, 1994).
 8. United Nations Population Division, Press Release, 29 October 2002.
 9. United Nations High Commissioner of Refugees Statistical Reports, 2002 UNHCR Population Statistics (provisional), 4 August 2003, pp 4.
 10. Marwan Macon-Markar, "Experts dubious on new migrants worker rules", *Inter Press Service*, 13 February 2003 <<http://www.decomber18.net/paper70AsianExperts.pdf>>.
 11. The December 2000 Protocol against Smuggling of Migrants by Land, Air and Sea supplementing the UN Convention Against Transnational Organised Crime defines smuggling as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not national or permanent resident.
 12. The November 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the UN Convention Against Transnational Organized Crime defines trafficking as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
 13. United Nations High Commissioner of Refugees, Revised Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers, February 1999.
 14. US Committee for Refugees.
 15. United Nations Representative of the Secretary-General on Internally Displaced Persons, Guiding Principles on Internal Displacement (contained in the annex of document E/CN.4/1998/53/Add.2 dated 11 February 1998), Introduction, paragraph 2.
 16. United Nations Representative of the Secretary-General on Internally Displaced Persons, Guiding Principles on Internal Displacement (contained in the annex of document E/CN.4/1998/53/Add.2 dated 11 February 1998), Principle 6(2)(d).
 17. See further: International Federation of Red Cross and Red Crescent Societies, *Handbook for Delegates 2002*, Geneva (2002).
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26. United Nations General Assembly Resolution, International Strategy for Disaster Reduction, A/RES/56/195 (2002).
27. The Sphere Project, *Humanitarian Charter and Minimum Standards in Disaster Response* (2000).
28. See for example the Inter-American Convention to Facilitate Disaster Assistance, 21st Regular Session of the General Assembly of the Organization of American States, opened for signature 7 June 1991 (entered into force 16 October 1996).
29. See, for example, the 1996 Memorandum of Understanding between the Government of the Russian Federation and the Government of the United States of America on Cooperation in Natural and Man-made Technological Emergency Prevention and Response and Disasters and the 2000 Memorandum of Understanding between the Government of the United States of America and the Government of Ukraine on Cooperation in Natural and Man-made Technological Emergency Prevention and Response; Exchange of notes constituting an agreement between the United States of America and Ecuador relating to duty-free entry and exemption from internal taxation of relief supplies and equipment, 6 September 1955, 256 UNTS 185. Exchange of notes constituting an agreement between the United States of America and the Republic of Korea relating to duty-free entry and exemption from internal taxation of relief and equipment, 2 May 1955 (entered into force 19 May 1971), 258 UNTS 3.
30. See, for example, United Nations General Assembly Resolution, Strengthening of the coordination of emergency humanitarian assistance of the United Nations, A/RES/46/182 (1991) Annex I Guiding Principles and Measures to expedite international relief, Resolution 6, 23rd International Conference of Red Cross and Red Crescent (Bucharest 1977) and Principles and Rules for Red Cross and Red Crescent Disaster Relief, adopted by the 21st International Conference of the Red Cross and Red Crescent (Istanbul, 1969), revised by the International Conferences, (Teheran 1973), (Bucharest 1977), (Manila 1981), (Geneva 1986), (Geneva 1995).
31. The Code of Conduct for the International Red Cross and Red Crescent Movements and NGOs in Disaster Relief, Annex VI to the resolutions of the 25th International Conference of the Red Cross and Red Crescent, (Geneva 1995).