
Foreword

I am pleased to introduce this timely publication in the Edward Elgar Series of Research Handbooks in International Law, the *Research Handbook on Disasters and International Law*.

In 2007, the International Law Commission included in its programme of work the topic 'Protection of Persons in the Event of Disasters'. In my capacity as the Commission's Special Rapporteur I have prepared since 2008 seven annual reports on this important topic, on the basis of which the Commission was able in 2014 to adopt in its first reading a complete set of 21 Draft Articles with commentaries. They have been transmitted to governments, international organisations, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies (IFRC) for comments and observations to be submitted to the Secretary-General of the United Nations by 1 January 2016. In the light of those that may be received, I shall prepare an eighth report intended to enable the Commission to adopt in its second reading its definitive Draft on the topic, for transmittal to the General Assembly together with the Commission's recommendation as to its final form.

In my reports I have taken a holistic view of the meaning of disaster, endorsed by the Commission, to include both those caused by natural events and those that may have been caused or aggravated by human activity. The definition of disaster enshrined in the draft articles is a calamitous event or series of events, leading to one or more of three possible outcomes: widespread loss of life, great human suffering and distress, or large-scale material or environmental damage, thereby seriously disrupting the functioning of society. The contributing authors in the present Handbook generally take the same or a similar comprehensive approach while engaging in the debate concerning the scope of disasters. Although the International Law Commission has excluded armed conflict from the ambit of application of the Draft, it is legitimate for some scholars in the present collection to evaluate its possible inclusion within the parameters of the work being carried out.

The annual debates in the Sixth Committee of the General Assembly throughout this process have evidenced the great interest of States and international organizations in the topic. The rapid progress achieved in the elaboration of the Draft Articles attest to the importance and timeliness of the topic in view of the growing frequency and intensity of disasters in all corners of the globe and the consequential rising number of losses they produce. The Commission's work of codification and progressive development will greatly contribute to the development of disaster response law clarifying the specific legal framework pertaining to access in disaster situations, the inclusion of the fundamental principles governing disaster relief, and the recognition of several duties on the part of affected States. Many of the contributions in this Handbook share the rights/needs-based approach of the Commission to the protection of persons affected by a disaster. The work of the Commission, as well as my own, has been greatly

influenced by the emerging debate on such issues within international law and this book will make a most useful addition to that body of literature.

Noteworthy in this Handbook are the conceptual and legal framework chapters, since any study of disaster law must canvas, as I did in my preliminary report on this topic, the various relevant areas of international law, which include international humanitarian law, international human rights law, and international environmental law. Any discussion of these discrete areas in international law reveal the increasing interconnectedness of principles drawn from different legal regimes and their applicability to disasters. Accordingly, in my capacity as Special Rapporteur I deemed it appropriate to meet with interested parties including the Special Representatives of the UN Secretary-General on, respectively, Disaster Risk Reduction and the Human Rights of Internally Displaced Persons, the Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, United Nations Office for the Coordination of Humanitarian Affairs, and senior officials of the International Disaster Response Laws, Rules and Principles Programme of the IFRC. The work of these agencies on various issues of disaster law, including the IFRC's international disaster response law, rules and principles, were valuable sources for the articles proposed in my several reports. The extensive discussion in this Handbook of the existing linkages is, therefore, welcome.

Already in my Preliminary report I emphasized the need to take a broad, more comprehensive approach when discussing the whole narrative pertaining to disasters, covering their complete cycle. In fact, in my sixth report I stressed the value of prevention and mitigation of the effects of a disaster, that is to say, of Disaster Risk Reduction. The authors of this Handbook share such an approach. Thus, the Handbook extends to preventing and/or mitigating the likelihood or effects of disasters; responding effectively to them during their immediate aftermath; and, effectively engaging in the longer-term process of post-disaster reconstruction.

The present Handbook should provoke further discussion of a vital topic that has come to the forefront of international attention, particularly in the current global context as the international community grapples with issues of climate change, disaster risk reduction, sustainable development goals and humanitarian responses. As such, the *Research Handbook on Disasters and International Law* will be an important source book for those international lawyers researching and teaching in this critical area. It will also inform international and national law and policy makers on the legal issues involved in all stages of the cycle of disaster at a formative period in the development of law governing disasters.

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'Protection of Persons in the event of Disasters'
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