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**The Humanitarian Charter and Minimum Standards in Disaster Response (Sphere)**

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**1. Introduction**

Although the present conference deals with space law and space applications for disaster management, it is also useful to look at other areas of international law that play a role in the field of disaster management. One of the areas that is of importance with respect to the victims of disasters arising from situations of armed conflict for instance is International Humanitarian Law (IHL). This field of law can be defined as 'a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict'.<sup>1</sup> International humanitarian law is also known as the law of war or the law of armed conflict. As such, it applies to disasters in the context of armed conflict.<sup>2</sup>

International humanitarian law is part of international law, as contained in agreements between States, in customary rules, which consist of State practice considered by them as legally binding, and in general principles.

In this context, the present paper will address the 'Sphere Project', a unique voluntary initiative, reflecting the collective will and shared experience of a broad array of humanitarian actors. Sphere

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<sup>1</sup> See

<http://www.icrc.org/web/eng/siteeng0.nsf/html/humanitarian-law-factsheet>

<sup>2</sup> Note that some space-related instruments do not apply to disasters in the context of armed conflict, e.g. the International Charter on Space and Major Disasters of 2000. See <http://www.disasterscharter.org>

was launched in 1997 by a group of humanitarian NGOs and the Red Cross / Red Crescent movement.<sup>3</sup> In the 1990s, the number of interventions by international humanitarian agencies increased largely. Criticism of their actions also increased and resulted in growing discussion among humanitarian agencies about the lack of standards for providing humanitarian assistance.

**2. Sphere**

The aim of the Sphere project is to improve the quality of assistance provided to people affected by disasters, and to enhance the accountability of the humanitarian system in disaster response. Sphere addresses disaster response, but may also be useful in disaster preparedness and humanitarian advocacy. It is applicable in a range of situations where relief is required, including natural disasters as well as armed conflict. It is not designed for use in response to technological disasters (e.g. chemical, biological or nuclear accidents). However, it is relevant to situations where population movements or other consequences triggered by such an event create a need for humanitarian assistance.

The project consists of two components, (a) a Humanitarian Charter and (b) Minimum Standards to be attained in disaster assistance. Taken together, the

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<sup>3</sup> See <http://www.sphereproject.org>. 'Sphere' is not an acronym, it was chosen to convey a sense of 'universality'.

Humanitarian Charter and the Minimum Standards contribute to an operational framework for accountability in disaster assistance efforts. They are elaborated in the Sphere Handbook, 'Humanitarian Charter and Minimum Standards in Disaster Response'.<sup>4</sup>

The actors involved include international and national non-governmental organizations (NGOs), the International Red Cross and Red Crescent Movement (IFRC)<sup>5</sup>, UN agencies, donor agencies, host governments and representatives from affected populations.

The strong belief of the supporters of Sphere is that all possible steps should be taken to alleviate human suffering arising out of calamity and conflict, and that those affected by disaster have a right to life with dignity and therefore a right to assistance.

Four key sectors have been identified for this purpose:

- Water supply, Sanitation and Hygiene Promotion;
- Food Security, Nutrition and Food Aid;
- Shelter, Settlement and Non-food Items; and
- Health services.

Sphere is based on legal principles from various branches of international law, such as International Humanitarian Law, Human Rights law and Refugee law.

The following legal instruments are of particular importance in this context:

- The Universal Declaration of Human Rights of 1948;
- The International Covenant on Civil & Political Rights of 1966;
- The International Covenant on Economic, Social and Cultural Rights of 1966;
- The International Convention on the Elimination of All Forms of Racial Discrimination of 1969;
- The Geneva Conventions of 1949 & Additional Protocols of 1977;
- The Convention relating to the Status of Refugees of 1951 and its Protocol of 1967;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984;
- The Convention on the Prevention and Punishment of the Crime of Genocide of 1948;
- The Convention on the Rights of the Child of 1989;
- The Convention on the Elimination of All Forms of Discrimination Against Women of 1979;
- The Convention relating to Status of Stateless Persons of 1960, and
- The Guiding Principles on Internal Displacement of 1998.<sup>6</sup>

### 3. The Structure of Sphere

Sphere is an unincorporated project and is hosted by the IFRC in Geneva. There is a Board, comprised of NGO representatives, which is responsible for project oversight. The Board works by consensus only. Under its direction, a small project team helps to ensure that Sphere services,

<sup>4</sup> See *infra*, heading nr. 6.

<sup>5</sup> The IFRC is the world's largest humanitarian organization, providing assistance without discrimination as to nationality, race, religious beliefs, class or political opinions. Founded in 1919, the Federation comprises 186 member Red Cross and Red Crescent societies. The Red Crescent is used in place of the Red Cross in many Islamic countries. See <http://www.ifrc.org>

<sup>6</sup> All texts can be accessed via the site of the Office of the UN High Commissioner for Human Rights (OHCHR) at <http://www2.ohchr.org/english/law/>

materials, and training opportunities are available to all interested parties.

Funding to support the work of the project team is made available by Board member organisations and donor agencies. More than twenty-five percent of the funds for the first phase of the project came from the member agencies of the management committee and the rest from a few government donors. As the budget expanded in later phases, so did the number of government donors, shifting the balance, with governments contributing about 85% of the funds.

Currently, NGOs represented on the Sphere board include for instance InterAction, CARE International, IFRC, Salvation Army, OXFAM GB, and Save the Children Fund.

#### 4. The Humanitarian Charter

The Humanitarian Charter is based on the principles and provisions of IHL, international human rights law, refugee law, and a 'Code of Conduct' for the IRC and Red Crescent Movement and NGOs in Disaster Relief, which will be addressed under the next heading.

The Humanitarian Charter highlights the importance of three principles in particular:

- The right to life with dignity,
- The distinction between combatants and non-combatants, and
- The principle of *non-refoulement*.<sup>7</sup>

It describes the core principles governing humanitarian action and reasserts the right of populations to protection and assistance and to life with dignity.

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<sup>7</sup> *Non-refoulement* is a principle in refugee law that concerns the protection of refugees from being returned to places where their lives or freedoms could be threatened. It refers to the generic repatriation of people, generally refugees into war zones and other disaster areas.

The Charter points out the legal responsibilities of states and warring parties to guarantee the right to protection and assistance. When the relevant authorities are unable and/or unwilling to fulfill their responsibilities, they are obliged to allow humanitarian organisations to provide humanitarian assistance and protection.

By signing the Charter, the agencies recognise that it is firstly through their own efforts that the basic needs of people affected by calamity or armed conflict are met, and they acknowledge the primary role and responsibility of the state to provide assistance when people's capacity to cope has been exceeded, while realising that those with primary responsibility are not always able or willing to perform this role themselves. They furthermore recognise and support the protection and assistance mandates of the ICRC and of the UN High Commissioner for Refugees under international law.

#### 5. The Code of conduct

In addition to the abovementioned Humanitarian Charter and Minimum Standards, a 'Code of Conduct' entitled 'Principles of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes' has also been elaborated for the IRC, Red Crescent Societies and NGO's in Disaster Relief. It is a non-binding, voluntary code consisting of ten principles of conduct for disaster response programmes, and several annexes.

The ten principles are the following:

- The humanitarian imperative comes first;
- Aid is given regardless of race, creed or nationality, priorities calculated on basis of need;
- Aid will not be used to further a particular political or religious standpoint;

- Endeavour not to act as instruments of government foreign policy ;
- Respect culture and custom;
- Build disaster response on local capacities;
- Involve programme beneficiaries in management;
- Strive to reduce future vulnerabilities as well as meeting basic needs;
- Accountability to those assisted and donors;
- Recognise disaster victims as dignified humans, not hopeless objects

Annex I contains recommendations to the governments of disaster-affected countries. It holds that governments should recognise and respect the independent, humanitarian and impartial actions of Non-Governmental Humanitarian Agencies (NGHAs), and that host governments should facilitate rapid access to disaster victims for NGHAs. Furthermore, it asserts that Governments should facilitate the timely flow of relief goods and information during disasters and that they should seek to provide a coordinated disaster information and planning service.

Annex II provides recommendations to donor governments and suggests that they too should recognise and respect the independent, humanitarian and impartial actions of NGHAs, and that they should provide funding with a guarantee of operational independence. Donor governments should also use their good offices to assist NGHAs in obtaining access to disaster victims.

Annex III contains recommendations to IGOs, who should recognise NGHAs, both local and foreign, as valuable partners. They should also assist host governments in providing an overall coordinating framework for international and local disaster relief, and extend security

protection provided for UN organisations also to NGHAs. Finally, IGOs should provide NGHAs with the same access to relevant information as is granted to UN organisations. These two issues pose a recurrent problem for NGHAs and often makes their work particularly risky and dangerous.

## 6. The Sphere Handbook

The Sphere Handbook is the most essential 'tool' of the project. A first trial edition was published one year after the creation of Sphere in 1998, and the official first edition came out in 2000. The current edition dates from 2004. To date, over 400 organisations in 80 countries, all around the world, have contributed to the development of the Minimum Standards and key indicators.

Although the Handbook is designed for use in disaster response, it is also useful in disaster preparedness and humanitarian advocacy. As stated above, Sphere and the Handbook apply principally to natural and man-made disasters, including armed conflict, but do not directly apply to technological disasters (e.g. Chernobyl).

It is designed to be used in both rural and urban environments, and in developing and developed countries anywhere in the world. The emphasis lies on meeting the urgent survival needs of people affected by disaster, while asserting their basic human right to life with dignity.

Interestingly, space technology is not mentioned in great detail in the Handbook, satellite images are in fact mentioned just once in the 'guidance notes' in the chapter on Food Security, Nutrition & Food Aid.

The book contains more than three hundred pages. After an initial chapter on minimum standards common to all sectors, the book contains four technical chapters dealing with the four key sectors identified above.

Each chapter contains

- Minimum standards,
- Key indicators and
- Guidance notes.

The standards are general statements that define the minimum level to be attained in a given context; the indicators act as 'signals' that determine whether or not a standard has been attained; while the guidance notes provide additional information.

Minimum standards are qualitative, universally applicable in any operating environment, and are based on the principle that populations affected by disaster have the right to life with dignity. Key indicators can be qualitative or quantitative, they are the tools to measure the impact of processes and programmes; without them the standards would be just statements of good intent.

#### *6.1 Minimum standards for disaster relief*

The Minimum standards that are common to all sectors consist of the following eight core 'process and people' standards:

1) *Participation*: the disaster-affected population actively participates in the assessment, design, implementation, monitoring and evaluation of the assistance programme.

2) *Initial assessment*: Assessments provide an understanding of the disaster situation and a clear analysis of threats to life, dignity, health and livelihoods to determine, in consultation with the relevant authorities, whether an external response is required and, if so, the nature of the response.

3) *Response*: A humanitarian response is required in situations where the relevant authorities are unable and/or unwilling to respond to the protection and assistance needs of the population on the territory over which they have control, and when assessment and analysis indicate that these needs are unmet.

4) *Targeting*: Humanitarian assistance or services are provided equitably and impartially, based on the vulnerability and needs of individuals or groups affected by disaster.

5) *Monitoring*: The effectiveness of the programme in responding to problems is identified and changes in the broader context are continually monitored, with a view to improving the programme, or to phasing it out as required.

6) *Evaluation*: There is a systematic and impartial examination of humanitarian action, intended to draw lessons to improve practice and policy and to enhance accountability.

7) *Aid worker competencies and responsibilities*: Aid workers possess appropriate qualifications, attitudes and experience to plan and effectively implement appropriate programmes.

8) *Supervision, management and support of personnel*: Aid workers receive supervision and support to ensure effective implementation of the humanitarian assistance programme.

#### *6.2 Four key sectors for disaster relief*

After the common standards set out in the first chapter, the following chapters of the Sphere Handbook address the four key sectors in turn, namely (1) Water supply, Sanitation and Hygiene Promotion; (2) Food Security, Nutrition and Food Aid; (3) Shelter, Settlement and Non-food Items, and (4) Health services.

##### *1) Water supply, Sanitation & Hygiene Promotion*

The fact that everyone has the right to water is recognised in several international legal instruments.<sup>8</sup> This right provides for

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<sup>8</sup> For instance in Art. 14(2)(h) of the Convention on the Elimination of All Forms of Discrimination against Women, Art. 24 (1)(2)(c) of the Convention on the Rights of the Child, and in various articles of the Geneva Conventions and Protocols.

sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use. This right is closely related to other human rights e.g. the right to health, housing, or adequate food.

### 2) *Food Security, Nutrition & Food Aid*

Everyone has the right to adequate food, and this too is recognised in international legal instruments.<sup>9</sup> This right includes the right to be free from hunger. Key aspects are the availability of food in sufficient quantity and quality, and accessibility of such food.

### 3) *Shelter, Settlement & Non-food Items*

The right to adequate housing for every person is also recognised in international legal instruments.<sup>10</sup> It includes the right to live in security, peace and dignity, with security of tenure. The key aspects of this right include availability, affordability, and accessibility of housing. This right also extends to goods and services, e.g. access to water, energy, sanitation etc. The right to housing is inextricably related to other human rights, including that of protection against forced eviction, harassment and other threats to physical safety and well-being, the right of everyone to be protected against arbitrary displacement from their home or place of habitual residence, and the prohibition of indiscriminate armed attacks on civilian objects.

<sup>9</sup> For instance in Art. 25(1) of the Universal Declaration of Human Rights, Art. 11(1) and 11(2) of the International Covenant on Economic, Social and Cultural Rights, Art. 24(2)(c) and 27(3) of the Convention on the Rights of the Child, and in various articles of the Geneva Conventions and Protocols.

<sup>10</sup> More than ten different texts adopted and proclaimed by the UN explicitly recognize the right to adequate housing. See for instance Art. 25(1) of the Universal Declaration of Human Rights, Art. 11(1) of the International Covenant on Economic, Social and Cultural Rights, Art. 27(3) of the Convention on the Rights of the Child, and others.

### 4) *Health services*

Everyone has the right to health and this right is recognised in numerous international legal instruments.<sup>11</sup> It concerns not only the equal access to health care but also the fulfillment of other human rights such as access to water, adequate food, housing, information etc. Issues of dignity and equity are essential, as is the obligation of states and non-state actors to fulfill this right.

The right to health is probably the most relevant of the four key sectors in terms of disaster management, after all, health care is a critical determinant for survival in the initial stages of a disaster. Disasters almost always have significant impacts on the public health and well-being of affected populations, and these impacts may be either direct (e.g. injury, psychological trauma) or indirect (e.g. increased rates of infectious diseases, malnutrition, complications of chronic diseases). Indirect health impacts are usually related to factors such as inadequate quantities and quality of water, breakdowns in sanitation, interruption in food supplies, disruption of health services, overcrowding and population displacements.

## 7. Humanitarian response to disasters

The main goal in providing response in case of disasters is to prevent and reduce excess mortality and morbidity. Different types of disasters are associated with differing scales and patterns of mortality and morbidity, and the public health and medical needs of an affected community will therefore vary according to the type and extent of disaster. It is essential to

<sup>11</sup> The right to health is also contained in numerous legally binding documents, for instance Art. 25(1) of the Universal Declaration of Human Rights. See for an overview, the site of the World Health Organisation, <http://www.who.int/hhr/readings/treaties/en/index.html>

promote a return to normalcy and to obtain a clear understanding of the affected community's prior health status, needs, health risks, resources and capacities. It is important to keep in mind that in the early stages of a disaster, information may be incomplete.

The choice of where to intervene should be based on the principle of evidence-based practice. Areas with demonstrated public health benefit must be preferred, and such interventions will usually include the following (cf. also the key sectors identified for Sphere):

- Adequate quantities of safe water;
- Sanitation, nutritional services;
- Food aid/food security;
- Shelter, and
- Basic clinical care (control of epidemic diseases).

The participation of disaster-affected communities in the design, implementation, monitoring and evaluation of health services is essential; it is necessary to identify and build on existing capacities in the health sector. This is the most effective means of helping communities to recover from disasters and preparing them for future disasters. It must be noted that refugees and internally displaced persons (IDPs) can place additional strains on health services.

Gender, age, disability and HIV/AIDS may affect the vulnerability of disaster-affected populations. The most vulnerable groups are women, children, older people, disabled people, ethnic minorities and people with HIV/AIDS. They may face physical, cultural, and social barriers in accessing services and support to which they are entitled. Nevertheless, it is very important that disaster-affected populations are not seen as helpless victims; they possess skills and capacities and have structures to cope with and respond to a disaster situation. Initial assessments should take account of these

capacities and skills as much as of the needs and deficiencies of the population.

In most disaster situations, women and children are the main users of health care services. It is important to seek women's views to ensure that services are equitable, appropriate and accessible for the affected population as a whole. Women can contribute to understanding cultural factors and customs that affect health, and specific needs of vulnerable people within the population. They should actively participate in planning and implementation of health care services from the outset.

## 8. Conclusions

This brief overview of Sphere and its Handbook has shown that they are important tools in the field of disaster management, both in cases of armed conflict as well as in natural and man-made disasters. Although not directly applicable to technological disasters, the principles can also be used to provide relief for victims of such disasters.

Although the instruments as such are not legally binding and based on voluntary participation, most of the relevant human rights principles involved are enshrined in international legal instruments in the field of human rights, humanitarian law and refugee law, and thus provide a solid legal basis for disaster management.

The Sphere project respects that States are sovereign and responsible, but understands also that moral pressure can make them comply with their obligations, or at least convince them to accept help from others.

The categorisation in sectors of humanitarian assistance as proposed by the Charter and Handbook is useful as it allows relief to be channeled efficiently.

It is also wise to accept that the involvement of the local population and specific groups such as women can be extremely helpful.

In conclusion, this analysis of the Sphere project has hopefully contributed to a better insight in the many requirements and considerations that are essential for efficient and humanly dignified relief for victims of disasters. Perhaps the more intensive use of space applications in this field, in accordance with the legal principles that govern them, could help relief workers to even better achieve their worthy goals.