

## Indice:

### Contents

1 Introduction . . . . .	1
1.1 The Piecemeal Development of the Institutional and Legal Framework of Disaster Response . . . . .	1
1.2 The Codification Works of the International Federation of Red Cross and Red Crescent Societies and the International Law Commission . . . . .	7
1.3 The Disaster Notion . . . . .	12
1.4 The Scope of the Book . . . . .	14
List of Documents . . . . .	17
References . . . . .	19

### Part I International Law and Disaster Response: The Applicable Legal Framework

2 The Complex Legal Framework Governing Disaster Response: A General Overview . . . . .	25
2.1 The Growing Specialisation of International Law and the Notion of Regimes . . . . .	25
2.2 International Regimes Applicable to Disaster Response . . . . .	29
2.2.1 IHL . . . . .	29
2.2.2 IHRL . . . . .	32
2.2.3 IDL . . . . .	33
List of Documents . . . . .	34
References . . . . .	35
3 The International Legal Framework Applicable in Mixed Situations of Disaster and Armed Conflict . . . . .	39
3.1 Preliminary Remarks . . . . .	39
3.2 Identification of the Applicable Legal Framework . . . . .	40
3.2.1 Applicable Regimes and Models of Regime Selection in Complex Emergencies . . . . .	41
3.3 The ILC's Approach . . . . .	45
3.4 Summing Up: Disaster Norms as <i>normae speciales</i> ? . . . . .	48
List of Documents . . . . .	51
References . . . . .	52

### Part II The Role of the State Hit by the Disaster

4 State Sovereignty in Disasters . . . . .	57
4.1 State Sovereignty as an Ever-Changing Notion and Its Reshaping by International Human Rights Law . . . . .	57
4.2 The Importance of Sovereignty in Disaster Scenarios . . . . .	60

4.3 Against Easy Manicheism: Lessons Learned from the Nargis Case . . . . .	62
List of Documents . . . . .	66
References . . . . .	66
5 The Legal Framework . . . . .	69
5.1 Offers and Requests of Assistance . . . . .	69
5.2 Access to the Territory . . . . .	74
5.2.1 State Consent . . . . .	74
5.3 Other Corollaries of the Affected State’s Primacy in Disaster Response Situations . . . . .	82
List of Documents . . . . .	87
References . . . . .	88

Part III International Cooperation and Solidarity in Disasters

6 International Cooperation and Solidarity in Disaster Response: A General Introduction . . . . .	93
6.1 The Vattelian Imperative . . . . .	93
6.2 Cooperation and Solidarity As Two Distinct Concepts in International Law . . . . .	95
6.2.1 International Cooperation . . . . .	95
6.2.2 International Solidarity . . . . .	96
List of Documents . . . . .	103
References . . . . .	104
7 The Role of International Cooperation Within the UN Human Rights Treaty System . . . . .	107
7.1 Art. 2(1) of the ICESCR . . . . .	107
7.1.1 The “Minimum Core” Approach . . . . .	112
7.1.2 Tripartite Classification of State Obligations . . . . .	118
7.1.3 Taking Stock of International Cooperation Duties Under the ICESCR . . . . .	126
7.2 International Cooperation Duties in Other UN Treaty Frameworks . . . . .	130
7.2.1 The Convention on the Rights of the Child . . . . .	130
7.2.2 The Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities . . . . .	132
7.3 The Relief-Development Divide and Its Relevance in Disaster Contexts . . . . .	135
List of Documents . . . . .	139
References . . . . .	143
8 International Solidarity: From Theory to Practice . . . . .	147
8.1 The Responsibility to Protect Doctrine: An Institutionalised Form of Solidarity Potentially Applicable to Disasters . . . . .	147
8.2 Solidarity at Work. The Case of the European Union . . . . .	152

8.2.1 The Overall Legal Framework . . . . .	152
8.2.2 EU Solidarity in Disasters . . . . .	155
List of Documents . . . . .	164
References . . . . .	166
9 International Cooperation and Solidarity in Disasters: Whither International Law? . . . . .	169
9.1 International Cooperation and Solidarity in the ILC Works on the Protection of Persons in the Event of Disasters . . . . .	169
9.2 Taking Stock of Solidarity and Cooperation in Disasters: Concluding Remarks and Suggestions . . . . .	173
List of Documents . . . . .	180
References . . . . .	182

#### Part IV Civil-Military Relations in Disaster Contexts

10 Civil-Military Relations in Disaster Contexts . . . . .	187
10.1 Preliminary Remarks . . . . .	187
10.2 The Use of Foreign Military Assets . . . . .	188
10.3 The Use of Military or Armed Escorts for Humanitarian Convoys . . . . .	190
10.4 The 2010 Pakistan Floods Response: A Case Study . . . . .	191
10.5 Foreign Military Relief in the ILC DAS . . . . .	193
10.6 Concluding Observations . . . . .	195
List of Documents . . . . .	196
References . . . . .	197

#### Part V General Conclusions

11 General Conclusions . . . . .	201
Index . . . . .	205