

# International law and principles

## BINDING LEGAL INSTRUMENTS

### International Human Rights Law (IHRL)

- Regulates the relationship between states and individuals in ordinary life, and the rights that States are bound to respect, protect and fulfil in emergency situations, including conflict.
- Encompasses the **Universal Declaration of Human Rights**, adopted by the UN General Assembly in December 1948.

*“All human beings are born free and equal in dignity and rights.”*

### International Humanitarian Law (IHL)

- Aims to protect the most vulnerable and limit the effects of conflict.
- Specifically protects those not directly involved in fighting e.g. civilians, medical personnel, wounded, or sick combatants, or prisoners of war.
- Comprises of The Hague and Geneva Conventions and a range of subsequent international treaties and case law.

### International Refugee Law (IRL)

- Sets out entitlements to international protection and obligations of receiving States, for persons unable to access protection of their country of origin.
- The 1951 Refugee Convention and subsequent 1967 Protocol define minimum standards for assisting those with refugee status.

### Domestic Law

Humanitarian actors are required to abide by domestic law in any emergency.

## NON-BINDING GUIDING PRINCIPLES

### Code of Conduct for the Red Cross Movement and NGOs in Disaster Response

Introduces the humanitarian imperative, i.e. people have the right to provide and receive humanitarian assistance, and assistance should be provided based on need. Highlights the need for neutrality, impartiality and independence in the provision of aid.

### Sphere Humanitarian Charter

Reinforces the humanitarian imperative and champions:

- Right to Life with Dignity (IHRL)
- Distinction between civilians and combatants (IHL)
- Non-refoulement and forcible or coerced displacement (IHLR; IRL)

### Do No Harm

The ‘Do No Harm’ principles outline the risks of humanitarian agencies doing harm, simply by being present and providing assistance, and sets out ways to prevent and mitigate these risks. <http://www.conflictsensitivity.org/do-no-harm-local-capacities-for-peace-project/>

### Guiding Principles on Internal Displacement

These Guiding Principles were developed in 1998. They are not legally binding but set out specific rights of Internally Displaced Persons (IDPs) as derived from existing international law.

### Rights Based Approach (RBA)

– seeks to address economic or social needs through achievement of political and civil rights.

### Respecting human rights and humanitarian principles in conflict

This is critical due to:

- risk of ‘doing harm’ or fuelling conflict through diversion or manipulation of aid in exchange for other concessions e.g. access
- risk of compromising human rights through withholding aid or negotiating with armed forces
- need for understanding the political, social and ethnic context
- importance of advocacy in raising awareness of rights abuses and promoting principled humanitarian action
- importance of conflict sensitive approaches in programming

See ‘Conflict sensitive approaches’ page

#### Additional resources on All In Diary website

FAQs on IHL, Human Rights and Refugee Law, © IASC 2004  
International Humanitarian Norms and Principles Guidance  
Materials © IASC 2010

#### Web links for further information

ICRC – International Humanitarian Law: <http://www.icrc.org/eng/ihl>  
Internal Displacement Monitoring Centre: <http://www.internal-displacement.org/>