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978-1-107-10639-0 - Governing Disasters: Engaging Local Populations in Humanitarian Relief

Shahla F. Ali

Excerpt

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## Introduction

Countries throughout the world have been devastated by major disasters, including most recently the 2014 floods in Thailand, the 2011 Tohoku Earthquake and Tsunami in Japan, the 2010 Haiti earthquake, the 2005 Hurricane Katrina in the United States and the 2004 Indian Ocean Tsunami. Scholarship<sup>1</sup> in disaster relief governance is growing as more natural and man-made disasters occur with increasing frequency and intensity throughout the world.<sup>2</sup> Therefore, research in this area is timely

<sup>1</sup> See, for example, David D. Caron, Michael J. Jelly and Anastasia Telesetsky. (2014, August). *The International Law of Disaster Relief*. Cambridge: Cambridge University Press; Andrea Guttry, Marco Gestri and Gabriella Venturini. (2012). *International Disaster Response Law*. Hague, Netherlands: T.M.C. Asser Press; Herman B. Leonard. (2009). *Managing Crises: Responses to Large-Scale Emergencies* (coeditor and coauthor with Arnold M. Howitt) Washington, DC: CQ Press; C. Raj Kumar and D. K. Srivastava. (2006). *Tsunami and Disaster Management: Law and Governance*. Hong Kong: Sweet and Maxwell Asia; Charles Gould. (2009). The Right to Housing Recovery after Natural Disasters. *Harvard Human Rights Journal*. 22(1), 169. (Focus on the less vigorous upholding of human rights after disasters, particularly on the right to housing.) Daniel Farber. (2007). Disaster Law and Inequality. *Law and Inequality*. 25, 297; Daniel Farber, Jim Chen, Robert Verchick and Lisa Sun. (2009). *Disaster Law and Policy* (2nd edn.). Philadelphia, PA: Wolters Kluwer Law & Business and Aspen Publication; Daniel Farber and Michael Faure. (2010). *Disaster Law*. Cheltenham: Edward Elgar Publishing; Jonathan Hooks and Trisha Miller. (2006–2007). The Continuing Storm: How Disaster Recovery Excludes Those Most in Need. *California Western Law Review*. 43, 21; Robert Verchick. (2012–2013). Disaster Justice: The Geography of Human Capability. *Duke Environmental Law and Policy Forum*. 23, 23; Sharona Hoffmann. (2008–2009). Preparing for Disaster: Protecting the Most Vulnerable in Emergencies. *U.C. Davis Law Review*. 42, 1491; Shibo Jiang. (2013). International Disaster Response Law and Policy in China: Evolution, Problem and Resolution. *Chinese Journal of International Law*. 12(3), 455 (considers the development of disaster response law in the context of China); Ruth Miller. (2009). *Law in Crisis – The Ecstatic Subject of Natural Disaster*. Stanford, CA: Stanford University Press; Simon Butt, Hitoshi Nasu and Luke Nottage. (2014). *Asia-Pacific Disaster Management – Comparative and Socio-legal Perspectives*. Heidelberg: Springer.

<sup>2</sup> See, for example, Debby Guha-Sapir, Femke Vos, Regina Below and Sylvain Ponsérre. (2011). *Annual Disaster Statistical Review 2010 – The Number and Trends*. Brussels: Centre for Research on the Epidemiology of Disasters (CRED) and Université Catholique de Louvain. Retrieved from <http://crmi-undp.org/documents/documentos/98.pdf>. See p. 3 (table 1);

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not only in relation to its contribution to further discourses in disaster law, humanitarian assistance, multi-stakeholder collaboration and new governance scholarship, but also from a humanitarian perspective given the scale of suffering involved.

This book presents empirical research about the perceptions, observations and experiences of sixty-nine humanitarian aid practitioners working in post-disaster response from more than eighteen countries and regions including those most recently affected by major disasters in Thailand, Myanmar, Japan, Haiti, the United States and Indonesia. Through the use of surveys and case studies, an effort is made to glean insights into the governance dynamics, challenges and lessons learned in local engagement from the perspective of those directly engaged in the work of post-disaster relief.

Specifically, this book aims to contribute empirical research to a growing body of disaster law scholarship on the impact of local coordination and planning in disaster response and the role of institutions in post-disaster humanitarian aid. It will do this by examining lessons learned and best practices in local post-disaster collaborative governance processes through comparison of three instances of post-disaster response: first state led, the second multilateral and the third a hybrid of state–civil society collaboration. Examples of such interventions at the state level include Thailand's response to recent flooding, Japan's response to the Tohoku Earthquake and Tsunami and the United States' response to Hurricane Katrina. At the multilateral level, the intervention programs of the UN Office for the Coordination of Humanitarian Affairs (OCHA) in Haiti will be examined, as well as international response programs in Indonesia following the Indian Ocean Tsunami. At the public–private-sector level, examples

Jose Barredo. (2007). Major Food Disasters in Europe: 1950–2005. *Nat Hazards*. 42, 125, see p. 126 (1st paragraph) and p. 143 (table 2); Les Coleman. (2006). Frequency of Man-made Disasters in the 20th Century. *Journal of Contingencies and Crisis Management*. 14(1), 3. See p. 6, noting an “exponential increase” in the number of recorded man-made disasters during the twentieth century; Nick Brooks and W. Neil Adger. (2003). Country-level risk measures of climate-related natural disasters and implications for adaptation to climate change. Tyndall Centre Working Paper No. 26. Tyndall Centre for Climate Change Research and Centre for Social and Economic Research on the Global Environment. Retrieved from [www.researchgate.net/publication/228647518\\_Country\\_level\\_risk\\_measures\\_of\\_climate-related\\_natural\\_disasters\\_and\\_implications\\_for\\_adaptation\\_to\\_climate\\_change/file/9fcfd50ac160b4645e.pdf](http://www.researchgate.net/publication/228647518_Country_level_risk_measures_of_climate-related_natural_disasters_and_implications_for_adaptation_to_climate_change/file/9fcfd50ac160b4645e.pdf). See p. 7 (paragraph 3.2) and p. 8 (figure 1); Stephan Baas, Selvaraju Ramasamy, Jennie Dey de Pryck and Federica Battista. (2008). *Disaster Risk Management Systems Analysis – A Guide Book*. Rome: Food and Agriculture Organization of the United Nations. Retrieved from <ftp://ftp.fao.org/docrep/fao/011/i0304e/i0304e.pdf>. See p. 1 for a brief account.

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of community-driven response in Myanmar following Cyclone Nargis and SecondMuse's coordination of public-private collaboration between members of civil society, local actors and multilateral organizations to design humanitarian post-disaster open source mobile applications will be studied. This book examines these responses alongside surveys and empirical data with a view to offering insights into how governments, civil society and international organizations may navigate complex emergencies to achieve a decentralized yet coordinated process of humanitarian assistance.

This research builds on insights from Caron and Leben's work on *The International Aspects of Natural and Industrial Catastrophes* (2001), which highlights aspects of the as yet undeveloped international legal order giving rise to an "incoherence of legal and institutional ... responses"<sup>3</sup> that "leaves many holes in the collective effort"<sup>4</sup> to respond to catastrophes, beset by tensions "between governance and sovereignty, between solidarity and self-interest, between the asserted obligation to assist in the provision of basic human rights and the reluctance of States to recognize a 'hard' duty to do so."<sup>5</sup> What emerges is the outline of a set of principles of "humanitarian assistance, solidarity and good governance."<sup>6</sup> From this perspective, states are seen "as the agents of humanity" with an "emerging obligation ... to provide humanitarian assistance"<sup>7</sup> while recognizing that at present, "there are few means whereby a norm of assistance or solidarity may be enforced."<sup>8</sup>

Building local institutional capacity for coordination with international bodies remains an important area for continued scholarship. In the constellation of international, state and local institutions, Caron highlights the need for the "development of the capacity of a community in cooperation with others to respond in a timely and effective manner to a catastrophic event thereby mitigating the resultant harm."<sup>9</sup> "Even though individuals in solidarity often become more cooperative and humane amidst a catastrophe, the ability of institutions to cooperate and be more humane requires

<sup>3</sup> David D. Caron and Charles Leben. (2001). *The International Aspects of Natural and Industrial Catastrophes*. Hague: The Hague Academy of International Law: Martinus Nijhoff Publishers, pp. 3–4.

<sup>4</sup> Ibid., p. 4.

<sup>5</sup> Ibid., p. 5.

<sup>6</sup> Ibid., p. 13.

<sup>7</sup> Ibid., p. 13.

<sup>8</sup> Ibid., p. 15.

<sup>9</sup> Ibid., p. 21.

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preplanning and the institutionalization of such values.”<sup>10</sup> This impetus to move beyond “crisis-driven law-making”<sup>11</sup> to a more conscious understanding of the dynamics of effective community engagement and collaboration is a key objective of this project.

In relation to the term “disaster” as understood in this book, useful insights were drawn from the work of Smith,<sup>12</sup> Farber and Faure, and Caron and Leben, notably the importance of understanding the role of human agency, sociolegal dynamics and governance in how we understand and define “disasters.” In particular, ongoing catastrophes “such as poverty, malnutrition, post-conflict turmoil, and environmental degradation ... can exert a strong destabilizing influence on the social and physical infrastructure of a given community” and when “a sudden natural ... catastrophic event occurs, this infrastructural instability worsens ... and the community doubly experiences the impact of the immediate catastrophe.”<sup>13</sup> As Caron and Leben note, “omissions are as much a part of human agency as actions.”<sup>14</sup> “Increased vulnerability stems largely from ... demographic pressures and political and institutional gaps.”<sup>15</sup>

At the community level, the capacity to participate in “the creation of knowledge” and the ability “to act upon such knowledge” are central.<sup>16</sup> For example, in land planning decisions, soil overutilization and clear cutting often resulting from disparate access to resources increase “the likelihood that a natural fluctuation in weather will cascade into a catastrophic event.”<sup>17</sup> Such conditions not only highlight the notion that “access to knowledge ... and participation in its generation, application and diffusion [is] a responsibility that all must shoulder,”<sup>18</sup> but it also extends responsibility at the state and regional levels to examining gaps in existing regulations that give rise to excessive wealth in some areas and extreme blight in others.

<sup>10</sup> Ibid., p. 21, citing Martin Wachs and Nabil Kamel. (Spring 1996). Decision-Making after Disasters: Responding to the Northridge Earthquake. *Access*. 8, 24–29.

<sup>11</sup> Ibid., p. 27.

<sup>12</sup> Neil Smith. (June 11, 2006). There’s No Such Thing as a Natural Disaster, *Understanding Katrina: Perspectives from the Social Sciences*. available at <http://understandingkatrina.ssrc.org/Smith>.

<sup>13</sup> Farber and Faure (2010), *supra* note 1.

<sup>14</sup> Caron and Leben (2001), *supra* note 3, p. 7.

<sup>15</sup> Ibid., citing Philippe Masure. (1994). A Disaster in Waiting. *New Scientist*. 11.

<sup>16</sup> Ibid., pp. 8–9.

<sup>17</sup> Ibid., p. 9.

<sup>18</sup> Universal House of Justice, Ridvan Message 2010.

### Summary of Findings

The principal finding of the sixty-nine-person survey and seven case studies is that there is a statistically significant correlation among the level of engagement with a local community, existing capacity for consultation and coordination and perceived effectiveness of response.<sup>19</sup> Case studies supplement this finding showing that in post-disaster contexts such as in Indonesia where individuals were involved in a long-term process of decision making regarding redevelopment goals, resource use, materials and design through a “community-driven development strategy,” projects achieved higher satisfaction and usage rates because they were developed on the basis of local knowledge of needs, resources and preferences. Local participation enabled quick response to the most urgent needs<sup>20</sup> and reduced the problem of marginalization.<sup>21</sup> In addition, projects adopting a community-driven development (CDD) model were completed eighteen months ahead of schedule, they produced more output than any other program, and they cost 56 percent less than those adopting a conventional approach.<sup>22</sup> In addition, the occupancy rate for housing built by such programs was 97 percent, whereas that of similar houses built by other programs was more than 10 percent lower. Where local institutions were engaged directly in the rebuilding process, capacity was built, which was key to the true and sustainable recovery of the affected communities.<sup>23</sup>

At the same time, the findings show that international aid without community input can lead to significant complications. In areas that did not directly and systematically draw on community input, many rebuilt homes had to be demolished and replaced by a new road.<sup>24</sup> Such

<sup>19</sup> See Chapter 11.

<sup>20</sup> B. Dercon and M. Kusumawijaya (2007). Two Years of Settlement Recovery in Aceh and Nias: What Should the Planners Have Learned? Paper submitted to the 43rd ISOCARP Congress, Antwerp, Belgium, p. 3.

<sup>21</sup> T. Ophiyandri, D. Amaratunga and C. Pathirage. (2010). *Community Based Post Disaster Housing Reconstruction: Indonesian Perspective*. CIB 2010 World Congress, Conference Proceedings May 10–13, 2010. University of Salford, Salford Quays, United Kingdom, p.13.

<sup>22</sup> World Bank Group. (2009). *Five Years after the Tsunami: Continuing the Commitment to Reconstruction*, December, p. 23.

<sup>23</sup> Aceh Community Assistance Research Project. (2007). *The Acehese Gampong Three Years On: Assessing Local Capacity and Reconstruction Assistance in Post-tsunami Aceh*. Report of the Aceh Community Assistance Research Project (ACARP), December.

<sup>24</sup> I. MacKinnon. (2008, August 15). Indonesia: Aceh Villagers Face Homelessness Again – In Name of Tsunami Aid from US Government. *The Guardian*. Retrieved from [www.guardian.co.uk/world/2008/aug/15/tsunami2004.naturaldisasters](http://www.guardian.co.uk/world/2008/aug/15/tsunami2004.naturaldisasters).

incidents reflected poor levels of understanding regarding the needs of the community and also led to a waste of funds.<sup>25</sup> Conversely, community cohesion and consultation are essential to successful recovery program implementation,<sup>26</sup> as demonstrated by a small community in Myanmar where preexisting capacity for consultation enabled careful planning and systematic and coordinated follow-up with only modest targeted loans.<sup>27</sup>

These findings therefore engage with insights from collaborative governance and multi-stakeholder dispute resolution literature.<sup>28</sup> Recent findings have documented the relevance<sup>29</sup> of collaborative governance processes in facilitating intersociety engagement<sup>30</sup> in postcrisis situations, the utility of such processes in sustaining collaboration<sup>31</sup> and the importance of harnessing private expertise to bolster productivity, capture information and augment resources through mechanisms that simultaneously motivate and empower partners to create public value.<sup>32</sup> Key variables that will influence successful outcomes include the prior history of conflict or cooperation, the incentives for stakeholders to participate and the degree of resource access, leadership and institutional design.<sup>33</sup> A virtuous cycle of collaboration tends to develop when collaborative forums focus on “small wins” that deepen trust, commitment and shared understanding.<sup>34</sup>

<sup>25</sup> J. Levs. (2012, April 11). Tsunami Scare Tests New Life-Saving Procedures. CNN. Retrieved from <http://edition.cnn.com/2012/04/11/world/asia/indonesia-earthquake-differences/index.html>.

<sup>26</sup> Aceh Community Assistance Research Project, (2007), *supra* note 23.

<sup>27</sup> See Chapter 9.

<sup>28</sup> See, for example, L. Susskind et al. (1999). *The Consensus Building Handbook*. Thousand Oaks, CA: Sage Publications.

<sup>29</sup> John Donahue. (2004, March). On Collaborative Governance. *Corporate Social Responsibility Initiative – Working Paper No.2*. Retrieved from [www.hks.harvard.edu/m-rcbg/CSRI/publications/workingpaper\\_2\\_donahue.pdf](http://www.hks.harvard.edu/m-rcbg/CSRI/publications/workingpaper_2_donahue.pdf)

<sup>30</sup> Andrew Wear. (2012). Collaborative Approaches to Regional Governance – Lessons from Victoria. *Australian Journal of Public Administration*. 71(4), 469.

<sup>31</sup> Johari Efendi. (2013, June). Civic engagement and collaborative governance in post-conflict societies. Case study, Ambon, Indonesia. Digital dissertation consortium. Thesis (M.A.), the University of Oregon. Retrieved from [https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/13274/Efendi\\_oregon\\_0171N\\_10705.pdf?sequence=1](https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/13274/Efendi_oregon_0171N_10705.pdf?sequence=1)

<sup>32</sup> John D. Donahue. (2011). *Collaborative Governance: Private Roles for Public Goals in Turbulent Times*. Princeton, NJ: Princeton University Press.

<sup>33</sup> Chris Ansell and Alison Gash. (2007). Collaborative Governance in Theory and Practice. *Journal of Public Administration Research and Theory*. 18(4), 543; Stephen Page. (2010). Integrative Leadership for Collaborative Governance: Civic Engagement in Seattle. *The Leadership Quarterly*. 21(2), 246.

<sup>34</sup> Ibid.

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The findings also show that international institutions face the greatest challenge in effective engagement with local communities, while state agencies are in a somewhat better position to collaborate and coordinate in response planning. For example, despite the approximately 3.5 billion dollars international aid inflow into Haiti<sup>35</sup> following the 2010 earthquake, due to a combination of limited understanding of the local context, limited situation analysis, inequitable distribution of resources, insufficient coverage of affected areas, nonalignment of resources with actual needs and harm to the local private sector including Haitian construction companies, medical staff, pharmacists, rice farmers and food vendors who were driven out due to the availability of free international aid-supported alternatives, communities in Haiti continue to suffer from the effects of the disaster more than five years after the earthquake struck in 2010.

These findings echo recent insights from sociolegal scholars of disaster studies that “factors of inequality contribute to producing higher rates of vulnerability” in disaster contexts and usually reflect “the profound asymmetry that divides those who decide from those who will be affected by such decisions.”<sup>36</sup> The origins and effects of disasters are “global and local at the same time.”<sup>37</sup> To a limited extent, the findings also engage with the debate surrounding the role of institutions in social and economic development<sup>38</sup> including the importance of building community capacity for participation and engagement in the evolution of strong institutions.

<sup>35</sup> Source: [http://fts.unocha.org/reports/daily/OCHA\\_R24\\_E15939.XLS](http://fts.unocha.org/reports/daily/OCHA_R24_E15939.XLS) and source: [http://fts.unocha.org/reports/daily/OCHA\\_R24\\_E15797.XLS](http://fts.unocha.org/reports/daily/OCHA_R24_E15797.XLS)

<sup>36</sup> Valerio Nitrato Izzo. (2013). Law, State and the Politics of Catastrophes: A Critical Perspective on Epiphanies of Injustice and the Need for Protection. In Susan Sterett (Ed.), *Disaster and Sociolegal Studies*. Onati Socio-legal Series. New Orleans, LA: Quid Pro Books, p. 71.

<sup>37</sup> *Ibid.*, p. 73.

<sup>38</sup> See: D. Acemoglu and J. Robinson. (2012). *Why Nations Fail*. New York: Crown and subsequent debate: William Easterly. (2012, March 24). The Roots of Hardship: Despite Massive Amounts of Aid, Poor Countries Tend to Stay Poor. Maybe Their Institutions Are the Problem. *Wall Street Journal*, available at: [wsj.com/articles/SB10001424052702304724404577293714016708378](http://wsj.com/articles/SB10001424052702304724404577293714016708378); Jared Diamond. (2012, July 06). What Makes Countries Rich or Poor? *New York Review of Books*; Jeffrey Sachs. (2012, September/October issue). Government, Geography, and Growth: The True Drivers of Economic Development. *Foreign Affairs*; David Henderson. (2013, April 4). Acemoglu and Robinson on the Wealth of Nations. *EconLog*, available at: [http://econlog.econlib.org/archives/2013/04/acemoglu\\_and\\_ro\\_1.html](http://econlog.econlib.org/archives/2013/04/acemoglu_and_ro_1.html); Bryan Caplan. (2013, November 13). *Why Nations Fail: A Contrarian Take*. *EconLog*, available at: [http://econlog.econlib.org/archives/2013/11/why\\_nations\\_fai.html](http://econlog.econlib.org/archives/2013/11/why_nations_fai.html)



### Data Collection Method

Survey data and case studies were collected in order to gain insight into the dynamics of local involvement, if any, in the planning, implementation and distribution of humanitarian post-natural disaster aid and resulting challenges and lessons learned. While it must be noted that “the random nature of disasters and multiplicity of players makes comprehensive analysis difficult,”<sup>39</sup> and given the small sample size (N=69), the purpose of the survey and case studies is not to provide generalizable findings, but rather to offer insights into how institutional capacities for community participation and engagement might be built.

The study was conducted between April 2013 and April 2015. A total of seventy-one surveys were distributed in person and initiated via a web link portal and sixty-nine surveys were completed. The sample pool consisted of humanitarian aid practitioners working in post-disaster response from more than eighteen countries and regions. The sample group was selected from contacts made with members of international humanitarian agencies and professional associations.<sup>40</sup> Of the respondents, fifty-five worked for an international organization, nine worked for a private entity, three worked for a state agency, and seven worked for a public-private partnership organization. The majority of respondents (thirty-six) had more than ten years of experience.

### Emerging Global Policy Support for Local Participation in Humanitarian Relief

In recent years, the participation of beneficiaries in post-disaster reconstruction has become one of the core issues in the development of

<sup>39</sup> T. E. Drabek and D. A. McEntire. (2002). Emergent Phenomena and Multiorganizational Coordination in Disasters: Lessons from the Research Literature. *International Journal of Emergencies and Disasters* [online]. 20(2), 197–224. Available from: <http://ijmed.org/articles/574/download/> (accessed on October 29, 2012).

<sup>40</sup> These included the Asia Foundation in Beijing; Oxfam in Boston, MA; USAID in Washington, DC; RedR in India; the UN Office for the Coordination of Humanitarian Affairs in Geneva; UN Women in NY; UNDP in Bangkok, Thailand; the World Health Organization; Mercy Malaysia; the Cash Learning Partnership in Oxford; the Bill & Melinda Gates Foundation in Seattle, WA; the CDC in Atlanta, GA; Fundacion Macau; and individuals working at Red Cross centers in Yangon, Myanmar; Lijiang, Hainan and Shenzhen, PRC; Hong Kong; Houston, Texas; Macau SAR; Istanbul, Turkey; Haifa, Israel; Kuala Lumpur, Malaysia; the International Committee for the Red Cross; and humanitarian and disaster aid research centers at Tufts University, Harvard University and UC Berkeley.



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contemporary humanitarian relief standards.<sup>41</sup> This represents, as some have suggested, the development of an emerging norm of international law to require local participation in relief efforts.<sup>42</sup> Legal instruments adopted by states, and self-regulatory mechanisms of NGOs, such as the Sphere Charter, are evidence of the progressive codification of an obligation to ensure local participation in relief activities.<sup>43</sup> The 1991 Declaration on Strengthening of the Coordination of Humanitarian Emergency Assistance of the United Nations states that country-level coordination should include the use of locally available relief capacities.<sup>44</sup> The 2005 Hyogo Declaration, adopted by states under the auspices of the United Nations Office for Disaster Risk Reduction, affirms the necessity of community-level capacities as a mechanism of diminishing disaster risk.<sup>45</sup> The 2008 European Consensus on Humanitarian Aid provides that humanitarian activities by the European Union have the objective of supporting “local responses to humanitarian crises through a partnership approach with the affected communities.”<sup>46</sup> The Good Humanitarian Donorship consortium of states emphasizes the need to involve “beneficiaries in the design, implementation, monitoring and evaluation” of relief activities.<sup>47</sup> Article 2(c) (ii) of the 2012 Food Assistance Convention stipulates one of the governing principles in the provision of food assistance as being the involvement of the “beneficiaries in the assessment of their needs” of relief activities.<sup>48</sup> Additional support for an emerging standard

<sup>41</sup> Béatrice Pouligny. Supporting Local Ownership in Humanitarian Action. *Humanitarian Policy Paper Series* 6–7. [www.gppi.net/fileadmin/gppi/GPPiPPR\\_local\\_ownership\\_2009.pdf](http://www.gppi.net/fileadmin/gppi/GPPiPPR_local_ownership_2009.pdf) (accessed on April 20, 2014).

<sup>42</sup> For complete discussion, see T. Kabau and S. Ali. (2015). A Human Rights Based Approach to the Regulation of Humanitarian Relief: The Emerging Obligation to Incorporate Local Participation. *Brooklyn Journal of International Law*. 40(3), 791.

<sup>43</sup> Ibid.

<sup>44</sup> United Nations General Assembly. (1991, December 19). *Strengthening of the Coordination of Humanitarian Emergency Assistance of the United Nations*. UN Doc A/RES/46/182.

<sup>45</sup> United Nations Office for Disaster Risk Reduction. (2005, January 22). *World Conference on Disaster Reduction (Hyogo Declaration)*. UN Doc A/CONF.206/6 paragraph 4.

<sup>46</sup> Joint Statement by the Council and the Representatives of the Governments of the Member States Meeting within the Council, European Parliament and the European Commission, “The European Consensus on Humanitarian Aid.” Official Journal of the European Union. C 25/1 (2008, January 30) paragraph 4.

<sup>47</sup> Good Humanitarian Donorship, “Principles and Good Practice of Humanitarian Donorship” (endorsed in Stockholm, June 17, 2003) paragraph 7. Available at: [www.goodhumanitarianandonorship.org/gns/principles-good-practice-ghd/overview.aspx](http://www.goodhumanitarianandonorship.org/gns/principles-good-practice-ghd/overview.aspx) (accessed on May 19, 2014).

<sup>48</sup> Food Assistance Convention (adopted April 25, 2012, entered into force January 1, 2013). Available at: [www.foodassistanceconvention.org/convention/FoodAssistance.pdf](http://www.foodassistanceconvention.org/convention/FoodAssistance.pdf) (accessed on May 11, 2013).

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of local participation can be found in the 2008 Civil-Military Guidelines and Reference for Complex Emergencies by the United Nations and the Inter-Agency Standing Committee (IASC), which states that local personnel should be involved, to the extent possible, “in the design, management and implementation of assistance, including in civil-military coordination.”<sup>49</sup> The Sphere Humanitarian Charter, drafted by a consortium of NGOs, expressly states that its principles and standards are based on a “rights-based and people-centred approach” to the provision of humanitarian relief.<sup>50</sup>

Such emerging principles supporting an obligation to ensure effective local participation can best be appreciated within the context of emerging scholarship in the transnational law and world community fields outlining new regulatory “spaces” within which pluralist approaches to global regulation are developing<sup>51</sup> as well as expanding notions of community reflecting the development of collective interest over “egoistic interests of individual states.”<sup>52</sup> The concept of community is increasingly understood as a descriptive term to designate interactions in which “participants in pursuit of their own objectives must regularly take account of the activities and demands of others.”<sup>53</sup> Research underscores the link between perception and action through the observation that “it is the perception of interdependence in community process that leads participants to appreciate the relevance of pursuing common interests and motivates them to clarify it.”<sup>54</sup> It also provides a lens through which to “assess the regulatory challenges arising in an increasingly interdependent, globalizing world.”<sup>55</sup> For example, Scott posits that because effective regulation

<sup>49</sup> United Nations and the Inter-Agency Standing Committee. (2008). *Civil-Military Guidelines and Reference for Complex Emergencies*, 19. Available at: <https://docs.unocha.org/sites/dms/Documents/ENGLISH%20VERSION%20Guidelines%20for%20Complex%20Emergencies.pdf> (accessed on May 5, 2014).

<sup>50</sup> Sphere Project. (2011). *Humanitarian Charter and Minimum Standards in Humanitarian Response* (3rd edn.), Bourton on Dunsmore, Rugby, UK: Practical Action Publishing, Schumacher Centre for Technology and Development, 6.

<sup>51</sup> C. Scott. (2010). Analysing Regulatory Space: Fragmented Resources and Institutional Design. *Public Law*. (Summer), 329–353.

<sup>52</sup> Bruno Simma and Andreas L. Paulus. (1998). The “International Community”: Facing the Challenge of Globalization. *European Journal of International Law*. 9, 266.

<sup>53</sup> Myres S. McDougal, Michael W. Reisman and Andrew R. Willard. (1988). The World Community: A Planetary Social Process. *Faculty Scholarship Series*, Paper 753.

<sup>54</sup> Ibid.

<sup>55</sup> Peer C. Zumbansen. (2006). Transnational Law. In Jan Smits (Ed.), *Elgar Encyclopedia of Comparative Law* (1st edn.). Cheltenham: Edward Elgar, pp. 738–754; updated version titled “Transnational Law, Evolving,” in Jan Smits (Ed.), *Elgar Encyclopedia of Comparative*