

CLIMATE CHANGE, RESULTING NATURAL DISASTERS
AND THE LEGAL RESPONSIBILITY OF STATES

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CLIMATE CHANGE, RESULTING
NATURAL DISASTERS AND THE
LEGAL RESPONSIBILITY
OF STATES

An International Law Perspective

Alexandra BIRCHLER

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Climate Change, Resulting Natural Disasters and the Legal Responsibility of States. An International Law Perspective

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LIST OF ABBREVIATIONS

1984 Draft Convention	Draft Convention on expediting the delivery of emergency assistance, UN Doc A/39/267/Add.2 and E/1984/96Add.2 (18 June 1984)
AADMER	ASEAN Agreement on Disaster Management and Emergency Response, opened for signature 26 July 2005 (entered into force 24 December 2009)
ACHPR	African Charter on Human and Peoples' Rights, opened for signature 26 June 1981, 1520 UNTS 217 (entered into force 21 October 1986)
ACHR	American Convention on Human Rights "Pact of San José, Costa Rica", opened for signature 22 November 1969, 1144 UNTS 143 (entered into force 18 July 1978)
Additional Protocol 1 / AP 1	Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of international armed conflicts, opened for signature 8 June 1977, 1125 UNTS 3 (entered into force 7 December 1978)
Additional Protocol 2 / AP 2	Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of non-international armed conflicts, opened for signature 8 June 1977, 1125 UNTS 609 (entered into force 7 December 1978)
ARC	African Risk Capacity
ARC Ltd	African Risk Capacity Insurance Company Limited
ARSIWA	Responsibility of States for internationally wrongful acts, 56/83, 56th sess, Agenda Item 162, UN Doc A/Res/56/83 (28 January 2002) Annex 1
Art.	Article
ASEAN	Association of Southeast Asian Nations
CAT	Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, opened for signature 10 December 1984, 1465 UNTS 85 (entered into force 26 June 1987)

cat bond	catastrophe bond
CBDRRRC	common but differentiated responsibilities and respective capabilities
CCRIF	Caribbean Catastrophe Risk Insurance Facility
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981)
CERD	International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature 7 March 1966, 660 UNTS 211 (entered into force 4 January 1969)
CESCR	UN Committee on Economic, Social and Cultural Rights
CO ₂	Carbon dioxide
COP	Conference of the Parties to the UNFCCC
CRC	Convention on the Rights of the Child, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990)
CRPD	Convention on the Rights of Persons with Disabilities, opened for signatures 13 December 2006, 2515 UNTS 44910 (entered into force 3 May 2008)
Doc	Document
Draft Articles	Report of the International Law Commission – Sixty-eight session (2 May – 10 June and 4 July – 12 August 2016), GAOR, 71st sess, Supp No 10, UN Doc A/71/10, 13 -7 [48].
DRR	Disaster Risk Reduction
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms, opened for signature 4 November 1950, 213 UNTS 221 (entered into force 3 September 1953)
ECJ	European Court of Justice
ECOSOC	Economic and Social Council
ECtHR / Eur Court HR	European Court of Human rights
eds	Editors
e.g.	exempli gratia (for example)
EU	European Union

European Social Charter	European Social Charter, opened for signature 3 May 1996, 2151 UNTS 277 (entered into force 1 July 1999)
FONDEN	Fondo Nacional de Desastres Naturales
GAOR	General Assembly Official Records
GDP	Gross Domestic Product
Geneva Convention I	Geneva Convention for the amelioration of the condition of the wounded and sick in armed forces in the field, opened for signature 12 August 1949, 75 UNTS 31 (entered into force 21 October 1950)
Geneva Convention II	Geneva Convention for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea, opened for signature 12 August 1949, 75 UNTS 85 (entered into force 21 October 1950)
Geneva Convention III	Geneva Convention relative to the treatment of prisoners of war, opened for signature 12 August 1949, 75 UNTS 135 (entered into force 21 October 1950)
Geneva Convention IV	Geneva Convention relative to the protection of civilians persons in time of war, opened for signature 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950)
Genocide Convention	Convention on the Prevention and Punishment of the Crime of Genocide, opened for signature 9 December 1948, 78 UNTS 277 (entered into force 12 January 1951) Article 1 ('Genocide Convention')
GHGs	Greenhouse Gases
Great Lakes Pact	The Pact on Security, Stability and Development For the Great Lakes Region, opened for signature 15 December 2006, 46 ILM 175 (entered into force 1 June 2008)
HRC	Human Rights Committee
Hyogo Framework	Hyogo Framework for Action 2005–2015: Building Resilience of Nations and Communities to Disasters
IACtHR	Inter-American Court of Human Rights
IASC	Inter-Agency Standing Committee

IASC Operational Guidelines	Inter-Agency Standing Committee Operational Guidelines on the Protection of Persons in Situations of Natural Disasters
ibid	ibidem, the same source
ICCPR	International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976)
ICESCR	International Covenant on Economic, Social and Cultural Rights, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976)
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
ICJ Rep	International Court of Justice Reports
ICJ Statute	Statute of the International Court of Justice
ICRC	International Committee of the Red Cross
IDL	International Disaster Law
IDPs	Internally Displaced Persons
IFRC	International Federation of Red Cross and Red Crescent Societies
IFRC Code of Conduct	IFRC and ICRC, Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGO's) in Disaster Relief, (31 December 1994)
IFRC Guidelines or Guidelines	IFRC, Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ILC	International Law Commission
ILM	International Legal Materials
IMF	International Monetary Fund
IPCC	Intergovernmental Panel on Climate Change
IRU	International Relief Union
ITLOS	International Tribunal for the Law of the Sea
Kampala Convention	African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), opened for signature 23 October 2009, (entered into force 6 December 2012)

Kyoto Protocol	Kyoto Protocol to the United Nations Framework Convention on Climate Change, opened for signature 11 December 1997, 2303 UNTS 162 (entered into force 16 February 2005)
N / No	Number
NGO	Non-Governmental Organisation
OAS	Organisation of American States
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OP	Occupying Power
PAHO	Pan American Health Organization
Para	Paragraph
Paris Agreement	Paris Agreement, opened for signature 12 December 2015, (entered into force 4 November 2016) ('Paris Agreement')
PCRAFI Facility	Pacific Catastrophe Risk Assessment & Financing Imitative Facility
Protocol of San Salvador	Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", opened for signature 17 November 1988, OAS Treaty Series N 69 (entered into force 16 November 1999)
R2P	Responsibility to Protect
RIAA	Reports of International Arbitration Awards
Rome Statute	Rome Statute of the International Criminal Court, opened for signature 17 July 1998, 2187 UNTS 3 (entered into force 1 July 2002)
SBI	Subsidiary Body for Implementation
Sendai Framework	Sendai Framework for Disaster Risk Reduction 2015–2030
Tampere Convention	Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, opened for signature 8 June 1998, 2296 UNTS 40906 (entered into force 8 January 2005)
UN	United Nations
UN Charter	Charter of the United Nations
UNEP	United Nations Environmental Programme
UNESCO	United Nations Educational Scientific and Cultural Organization

UNFCCC	United Nations Framework Convention on Climate Change, opened for signature 9 May 1992, 1771 UNTS 107 (entered into force 21 March 1994)
UNGA / General Assembly	United Nations General Assembly
UNISDR	United Nations International Strategy for Disaster Reduction
UNRRA	United Nations Relief and Rehabilitation Administration
UNTS	United Nations Treaty Series
UNTS	United Nations Treaty Series
US	United States
USD	US Dollar
VCLT	Vienna Convention on the Law of Treaties, opened for signature 23 May 1969, 1155 UNTS 331 (entered into force 27 January 1980)
WHO	World Health Organization
WIM	Warsaw International Mechanism for Loss and Damage associated with climate change impacts
WMO	World Meteorological Organization
WTO	World Trade Organization
Yokohama Strategy	Yokohama Strategy and Plan of Action for a Safer World