

# The Humanitarian Charter

**Humanitarian agencies committed to this Charter and to the Minimum Standards will aim to achieve defined levels of service for people affected by calamity or armed conflict, and to promote the observance of fundamental humanitarian principles.**

The Humanitarian Charter expresses agencies' commitment to these principles and to achieving the Minimum Standards. This commitment is based on agencies' appreciation of their own ethical obligations, and reflects the rights and duties enshrined in international law in respect of which states and other parties have established obligations.

The Charter is concerned with the most basic requirements for sustaining the lives and dignity of those affected by calamity or conflict. The Minimum Standards which follow aim to quantify these requirements with regard to people's need for water, sanitation, nutrition, food, shelter and health care. Taken together, the Humanitarian Charter and the Minimum Standards contribute to an operational framework for accountability in humanitarian assistance efforts.

## 1 Principles

We reaffirm our belief in the humanitarian imperative and its primacy. By this we mean the belief that all possible steps should be taken to prevent or alleviate human suffering arising out of conflict or calamity, and that civilians so affected have a right to protection and assistance.

It is on the basis of this belief, reflected in international humanitarian law and based on the principle of humanity, that we offer our services as humanitarian agencies. We will act in accordance with the principles of humanity and impartiality, and with the other principles set out in the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief (1994). **This Code of Conduct appears in full in Annex 2.**

**The Humanitarian Charter affirms the fundamental importance of the following principles:**

### 1.1 The right to life with dignity

This right is reflected in the legal measures concerning the right to life, to an adequate standard of living and to freedom from cruel, inhuman or degrading treatment or punishment. We understand an individual's right to life to entail the right to have steps taken to preserve life where it is threatened, and a corresponding duty on others to take such steps. Implicit in this is the duty not to withhold or frustrate the provision of life-saving assistance. In addition, international humanitarian law makes specific provision for assistance to civilian populations during conflict, obliging states and other parties to agree to the provision of humanitarian and impartial assistance when the civilian population lacks essential supplies.<sup>1</sup>

## **1.2 The distinction between combatants and non-combatants**

This is the distinction which underpins the 1949 Geneva Conventions and their Additional Protocols of 1977. This fundamental principle has been increasingly eroded, as reflected in the enormously increased proportion of civilian casualties during the second half of the twentieth century. That internal conflict is often referred to as 'civil war' must not blind us to the need to distinguish between those actively engaged in hostilities, and civilians and others (including the sick, wounded and prisoners) who play no direct part. Non-combatants are protected under international humanitarian law and are entitled to immunity from attack.<sup>2</sup>

## **1.3 The principle of non-refoulement**

This is the principle that no refugee shall be sent (back) to a country in which his or her life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion; or where there are substantial grounds for believing that s/he would be in danger of being subjected to torture.<sup>3</sup>

## **2 Roles and Responsibilities**

**2.1** We recognise that it is firstly through their own efforts that the basic needs of people affected by calamity or armed conflict are met, and we acknowledge the primary role and responsibility of the state to provide assistance when people's capacity to cope has been exceeded.

**2.2** International law recognises that those affected are entitled to protection and assistance. It defines legal obligations on states or warring parties to provide such assistance or to allow it to be provided, as well as to prevent and refrain from behaviour that violates fundamental human rights. These rights and obligations are contained in the body of international human rights law, international humanitarian law and refugee law (see sources listed below).

**2.3** As humanitarian agencies, we define our role in relation to these primary roles and responsibilities. Our role in providing humanitarian assistance reflects the reality that those with primary responsibility are not always able or willing to perform this role themselves. This is sometimes a matter of capacity. Sometimes it constitutes a wilful disregard of fundamental legal and ethical obligations, the result of which is much avoidable human suffering.

**2.4** The frequent failure of warring parties to respect the humanitarian purpose of interventions has shown that the attempt to provide assistance in situations of conflict may potentially render civilians more vulnerable to attack, or may on occasion bring unintended advantage to one or more of the warring parties. We are committed to minimising any such adverse effects of our interventions in so far as this is consistent with the obligations outlined above. It is the obligation of warring parties to respect the humanitarian nature of such interventions.

**2.5** In relation to the principles set out above and more generally, we recognise and support the protection and assistance mandates of the International Committee of

the Red Cross and of the United Nations High Commissioner for Refugees under international law.

### **3 Minimum Standards**

The Minimum Standards which follow are based on agencies' experience of providing humanitarian assistance. Though the achievement of the standards depends on a range of factors, many of which may be beyond our control, we commit ourselves to attempt consistently to achieve them and we expect to be held to account accordingly. We invite other humanitarian actors, including states themselves, to adopt these standards as accepted norms.

By adhering to the standards set out in chapters 1-5 we commit ourselves to make every effort to ensure that people affected by disasters have access to at least the minimum requirements (water, sanitation, food, nutrition, shelter and health care) to satisfy their basic right to life with dignity. To this end we will continue to advocate that governments and other parties meet their obligations under international human rights law, international humanitarian law and refugee law.

We expect to be held accountable to this commitment and undertake to develop systems for accountability within our respective agencies, consortia and federations. We acknowledge that our fundamental accountability must be to those we seek to assist.

### **Notes**

1. Articles 3 and 5 of the Universal Declaration of Human Rights 1948; Articles 6 and 7 of the International Covenant on Civil and Political Rights 1966; common Article 3 of the four Geneva Conventions of 1949; Articles 23, 55 and 59 of the Fourth Geneva Convention; Articles 69 to 71 of Additional Protocol I of 1977; Article 18 of Additional Protocol II of 1977 as well as other relevant rules of international humanitarian law; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984; Articles 10, 11 and 12 of the International Covenant on Economic, Social, and Cultural Rights 1966; Articles 6, 37 and 24 of the Convention on the Rights of the Child 1989; and elsewhere in international law.

2. The distinction between combatants and non-combatants is the basic principle underlying international humanitarian law. See in particular common Article 3 of the four Geneva Conventions of 1949 and Article 48 of Additional Protocol I of 1977. See also Article 38 of the Convention on the Rights of the Child 1989.

3. Article 33 of the Convention on the Status of Refugees 1951; Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984; Article 22 of the Convention on the Rights of the Child 1989.

### **Sources**

The following instruments inform this Charter:

Universal Declaration of Human Rights 1948.

International Covenant on Civil and Political Rights 1966.

International Covenant on Economic, Social and Cultural Rights 1966.

International Convention on the Elimination of All Forms of Racial Discrimination 1969.

The four Geneva Conventions of 1949 and their two Additional Protocols of 1977.

Convention relating to the Status of Refugees 1951 and the Protocol relating to the Status of Refugees 1967.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984.

Convention on the Prevention and Punishment of the Crime of Genocide 1948.

Convention on the Rights of the Child 1989.

Convention on the Elimination of All Forms of Discrimination Against Women 1979.

Convention relating to the Status of Stateless Persons 1960.

Guiding Principles on Internal Displacement 1998.