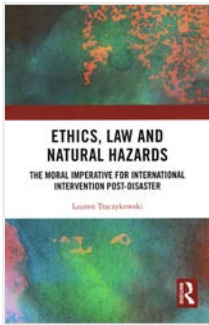


Ethics, Law and Natural Hazards



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publication.

The preface to this book tells us that ‘This book argues that the international community has a moral duty to intervene on behalf of a population affected by a natural hazard when their government is either unable or unwilling to provide basic life-saving assistance’. We are told that the book is ‘essential reading for researchers, academics and policymakers working in the areas of international law, humanitarian studies, human rights, international relations and political science’. By ‘intervene’ or ‘intervention’ the author anticipates the forcible delivery of post-disaster assistance – by armed forces and in the absence of consent from the government of the affected country.

That may tell readers all they need to know. This book presents an argument. It is the author’s assessment of what international law should be, not a detailed analysis of what it is. The issue of whether the international community can force an affected state to receive international disaster assistance has been a matter of debate for many years. In favour of such intervention is the moral demands of the affected community, the need to preserve human rights and the moral equivalence to other areas of humanitarian intervention during armed conflict or genocide. Contrary to those arguments are the international norms, reflected in the Charter of the United Nations, prohibiting the use of force and intervention in the domestic affairs of other states.

In this short book (only 130 pages), Traczykowski gives a brief overview of those arguments and concludes that there is a moral duty to intervene that should, in turn, be reflected in an international legal norm. The problem with that conclusion is that the issue has been tested and soundly rejected by the international community.¹ Other reviews of international law have all accepted that state sovereignty is the dominant paradigm, and that assistance cannot and should not be provided without the consent of the affected state.² This is a reality that Traczykowski acknowledges when she discusses how previous attempts to create international law to authorise intervention ‘have failed’ in the face of the ‘international community’s adamant position that disaster assistance should be the primary responsibility of the national government affected’ (p.110). Nonetheless, she argues that the international community should take steps to develop a norm of post-disaster intervention in cases of domestic neglect or failure.

We are told that ‘we’ should foresee the potential for disasters to threaten basic human rights and the international community should ‘at least [be] prepared to respond’ (p.112).

The example that scholars in this area use is the impact of Cyclone Nargis on Myanmar in 2008. At the time, the military junta ruling Myanmar (formerly Burma) refused offers of international assistance. There was, at the time, significant public demand that the countries of the world act to force humanitarian assistance into Burma.³ Traczykowski also relies on this example to demonstrate the need for the international intervention norm. The reality is that Myanmar did accept international assistance (albeit late) after working with its ASEAN partners.

Readers of the *Australian Journal of Emergency Management* will be familiar with the prevent, prepare, respond and recover paradigm. Traczykowski is arguing for a ‘response’ option but preventing the need for military intervention would be better. To that end, the book is remiss in that it does not discuss how international intervention does work or the various steps that are in place to facilitate intervention. At the very least, the author should have given more attention to the *Sendai Framework for Disaster Risk Reduction 2015-2030* as a prime example of international cooperation in prevention as well as the International Law Commission’s review of international law and recommendations for development in the *Draft articles on the protection of persons in the event of disasters*.⁴

There are other examples of international cooperation to facilitate disaster response including arrangements within the European Union, the Americas, ASEAN and the Asia-Pacific. Organisations like the International Search and Rescue Advisory Group have developed guidelines to facilitate international cooperation in urban search and rescue that have proved effective in the recent Türkiye earthquakes. That Syria may have been remiss in its response to the same event will be a matter for future analysis and may become the next cause celebre for the interventionists push. Until then, evidence of international cooperation and effective international disaster relief by both the government and the non-government sectors suggest that the need for intervention is better met by political engagement and the development of relationships between countries and response

agencies. Preparation in the form of anticipating the need for and working to provide international assistance will go a long way to preventing the horror scenario of delivering aid at gunpoint.

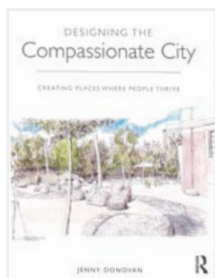
Even if Traczykowski’s proposal gains traction, it will be many years before any norm of intervention is adopted given the international community’s commitment to sovereignty. I would be bold enough to suggest that Traczykowski’s proposals are unlikely to see the light of day. What she hopes for is for ‘one country ... to initiate such norm development and petition for it an international level’. This is what happened when Canada sponsored The International Commission on Intervention and State Sovereignty that wrote the report on the Responsibility to Protect (R2P)⁵ that was adopted by the United Nations General Assembly. Although the initial R2P report recommended that intervention may be justified in the face of ‘... overwhelming natural or environmental catastrophes’, this trigger was rejected by the United Nations. In light of that, I can see no appetite for the international community to return to the issue in the near future.

This book reads like a doctoral thesis. It sets out the author’s arguments and demonstrates her engagement with the relevant literature. It is not a study of the law as it is, nor a study of how international disaster assistance is delivered. It may be of interest

to diplomats and policy officials in Department of Foreign Affairs and Trade or those fascinated by international law, but it has little to offer those charged with managing the next response to the next disaster. And for those scanning the horizon for future trends, the possibility of using armed forces willing to both kill and be killed in order to deliver relief to disaster affected communities is well off the radar.

1. 2005 World Summit Outcome, GA Res 1/60, UN GAOR, 60th sess, 8th plen mtg, UN Doc A/RES/60/1 (2005).
2. Example reviews: David Fisher, Law and Legal Issues in International Disaster Response: A Desk Study (International Federation of Red Cross and Red Crescent Societies, Geneva, 2007), International Federation of Red Cross and Red Crescent Societies, Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (International Federation of Red Cross and Red Crescent Societies, Geneva, 2007), International Law Commission, Draft articles on the protection of persons in the event of disasters (United Nations, Geneva, 2016)
3. Gareth Evans, Facing Up to Our Responsibilities 2008, *The Guardian*. At: www.guardian.co.uk/commentisfree/2008/may/12/facinguptoourresponsibilities [15 February 2009]; M Bernard Kouchner, Burma — Article by M. Bernard Kouchner, Minister of Foreign and European Affairs (2008) *Le Monde*. At: www.ambafrance-uk.org/Bernard-Kouchner-on-Burma-disaster.html [15 February 2009].
4. Draft articles on the protection of persons in the event of disasters, at https://legal.un.org/ilc/texts/instruments/english/draft_articles/6_3_2016.pdf
5. Responsibility to Protect, at www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml.

Designing the Compassionate City



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Designing the Compassionate City by Jenny Donovan, advocates a way of undertaking urban design and redevelopment that recognises the significance of a social, holistic and collaborative approach, with the user of public space placed at the centre. In the words of the author, the book ‘considers differences urban design can make to people’s lives and seeks to identify the types of interventions that best facilitate people to meet their needs’.

The book is well referenced and, in the holistic and collaborative tone taken, the subject matters referenced are broad ranging including design, health, psychology, philosophy and law.

The book is divided into three main sections:

- the relationship between people and place and what it means to live together
- international case study projects that that enhance the relationship between people and place
- case study reflections, lessons learnt, barriers and potential solutions.

The author takes a life-course approach, considering the needs of young children, families and older people. The overt and visible elements

of cities, for example the design and construction of infrastructure and accessibility are explored, but also the less tangible and visible emotional and emotive elements, such as experience, trust and historical and societal influences that shape communities.

The author writes as much from a philosophical standpoint as a practical one where hope, happiness, connections and choice are equally as important as design, planning and building regulations. However, the tone is in no way naïve. Barriers to inclusive and compassionate design are clearly outlined, such as resource constraints, competing interests, perception and an emphasis on risk and regulation.

The author provides design principles and processes that may overcome these issues and presents an optimistic view of what can be achieved, a firm grounding of why it should be aimed for and concludes with the characteristics of a compassionate city.

While written through the lens of ‘what this means for urban designers’, this book is an enjoyable, informative and valuable read for anyone interested in people and places.