

EUROPE AND GLOBAL INITIATIVES

# PHAP CREDENTIALS MAPPING

## INTERNATIONAL LEGAL FRAMEWORKS FOR HUMANITARIAN ACTION (ILFHA)

Mapping completed 9 January 2017

- 48% covered by Essentials of Humanitarian Practice (EHP). Large gaps, as EHP does not go into the specifics of international law.
- Some content covered by STJF Europe Refugees course and workbook.
- Gaps (12): hard law and soft law; ways international law binds different groups; differences between laws, policy, principles; laws regulating use of force and those regulating armed conflict; applicability of IHL and information necessary; IHL and conduct of hostilities; ways in which int. law is employed outside of legal institutions, and all of Part V 'Implementation and Enforcement of International Law' (5 objectives).
- The EHP and STJF Europe Refugees Workbooks provide some information that would need to be developed to cover 9 objectives in particular refugee status determination; non-refoulement principle; key obligations of states related to refugees; and laws relevant to IDPs and stateless persons.

PHAP course objectives	RedR course materials	Comments / gaps
<b>PART 2.1 What is International Law and Why is it Relevant to Humanitarian Action?</b>		
Knowing the key elements of how international law is created, whom it binds, and its relevance to humanitarian action. Knowing that both international law and domestic law are relevant for humanitarian action, and that humanitarian actors may be further self-regulated by mandate or sectoral/organizational policies.		
1. Identify the key sources of international law and how it is formed.	EHP 1.4 International Law: list the 3 pillars of the international legal framework EHP Pre-course Handout: Int Law Source Documents	

2. Recognize that there are four main bodies of public international law that are relevant for international humanitarian action, as well as efforts to develop an additional body of international law specifically addressing responses to natural disasters.	EHP 1.4 International Law: describe how international law relates to humanitarian action. Activity: three branches of international law.	More on IDP law
3. Recognize the distinction between hard law and soft law.		
4. Identify the ways in which international law binds states, intergovernmental organizations, non-state armed groups, and individuals.		
5. Identify the ways in which international law binds or does not bind UN agencies, NGOs, and their staff.	EHP 1.4 International Law: state who has rights and who has responsibilities	More on privileges and immunity
6. Recognize the existence of key areas of domestic law that may be relevant to humanitarian actors in their work and that they normally continue to apply even in armed conflicts and natural disasters.	EHP 1.4 International Law: state who has rights and who has responsibilities (workers subject to national law)	More on privileges and immunity
7. Distinguish between laws and policy or principles.		
<b>PART 2.II: International Human Rights Law</b> Knowing the fundamental principles of international human rights law (IHRL), how it binds states, how it creates rights claims for individuals, and how it is relevant to humanitarian action in situations of armed conflict or disaster.		
1. Identify the main international and regional treaties and other sources of IHRL.	EHP Pre-course Handout: Int Law Source Documents	
2. Identify the key aspects of IHRL applicability in crisis situations.	EHP 1.4 International Law: group presentations, international law in context.	

	EHP 5.3 Impact & Dilemmas: case studies Group 2: HR abuses	
3. Identify key provisions of IHRL relating to the right to life, freedom from torture and other inhumane and degrading treatment or punishment, arbitrary detention, and freedom of movement, as well as state obligations to investigate and hold violators accountable.	EHP Pre-course Handout: Int Law Source Documents	
4. Identify key provisions of IHRL related to economic, social, and cultural rights that obligate states to provide or secure access to goods and services.	EHP Pre-course Handout: Int Law Source Documents	
<b>PART 2.III: International Humanitarian Law (Law of Armed Conflict)</b> Knowing the fundamental principles of international humanitarian law (IHL) (also called the Law of Armed Conflict (LOAC)), when it applies, how it binds states and non-state actors, how it protects those not or no longer taking part in hostilities, how it regulates the means and methods of warfare, and key elements of the law specifically relevant to humanitarian action in situations of armed conflict.		
1. Identify the main treaties and other sources of international humanitarian law (IHL).	EHP Pre-course Handout: Int Law Source Documents	
2. Recognize the fundamental purpose of IHL, to limit the effects of armed conflict, for humanitarian reasons, by protecting persons who are not or are no longer participating in the hostilities and restricting the means and methods of warfare.	EHP 1.4 International Law: group presentations on international law in context. Activity: branches of international law.	
3. Distinguish between the laws that regulate the resort to the use of force (jus ad bellum) and the laws that regulate situations of armed conflict (jus in bello).		

4. Determine the applicability of IHL and the information necessary to determine whether IHL applies and what rules bind parties to armed conflict.		
5. Recognize the principles of IHL related to the conduct of hostilities and how these rules both regulate the use of lethal force and also serve to protect civilians and those no longer participating in hostilities (hors de combat).		
6. Identify key types of weapons restricted and prohibited by international law.	EHP Pre-course Handout: Int Law Source Documents	
7. Identify key rules of IHL relevant to humanitarian assistance and access in international and non-international armed conflicts.	EHP 5.3 Impact & Dilemmas: case studies Group 1: impartiality in conflict and Group 4: neutrality	
<b>PART 2.IV International Refugee Law and Laws Protecting Internally Displaced Persons</b> Knowing the fundamental rules of international refugee law, how international refugee law relates to national refugee and asylum laws, and when refugee law and status may be relevant to humanitarian operations (including protection activities). Knowing that internally displaced persons (IDPs), while not covered by international refugee law, are protected by IHRL and, when applicable, IHL.		
1. Identify the rules determining who is a refugee under international refugee law.	EHP 1.4 International Law: 'quiz: refugee or not' exercise. Identify legal definition of refugee. EHP Pre-course Handout: Int Law Source Documents STJF Europe Refugees Workbook: The legal framework for protecting refugees (p.20) <a href="#">STJF Europe Refugees: Making sense of the situation: identify key concepts</a>	
2. Recognize the process by which refugee status is determined, including the roles of states, key	<a href="#">STJF Europe Refugees: Making sense of the situation: identify key stakeholders</a>	More on RSD needed

state institutions, and the United Nations High Commissioner for Refugees (UNHCR).	STJF Europe Refugees Workbook: The legal framework for protecting refugees (p.20)	
3. Recognize the principle of non-refoulement and its applicability to refugees and others.	EHP Pre-course Handout: Int Law Source Documents	
4. Identify other key obligations of states related to refugees under international law.	EHP Pre-course Handout: Int Law Source Documents	
5. Recognize the relevance of IHRL, IHL, the Guiding Principles on Internally Displaced Persons, and the Kampala Convention, in preventing arbitrary displacement and protecting individuals who are displaced within the territory of their own state.	EHP Workbook: Who is an IDP? (p.56-61)	More on this
<b>PART 2.V Implementation and Enforcement of International Law</b> Knowing the variety of mechanisms for preventing violations and enhancing respect for international law. Knowing how rules of international humanitarian law and international human rights law (where relevant) are enforced in situations of alleged violations relevant to humanitarian action and protection of civilians. Recognizing that multiple layers of enforcement may be involved (domestic, regional, international).		
1. Recognize that respect for international law applicable to humanitarian action relies primarily on voluntary respect, persuasion, preventative measures, and incorporation into domestic law.		
2. Identify key UN and regional bodies and mechanisms, including inquiries and factfinding mechanisms, to monitor for and respond to serious violations of IHRL and IHL.		
3. Recognize that international law relevant to humanitarian action may give rise to state responsibility for violations of international law as		

well as individual criminal responsibility for international crimes.		
4. Define war crimes, crimes against humanity, and genocide, and identify the roles of the International Criminal Court (ICC) and ad-hoc tribunals.		
5. Identify key concepts regarding the roles of domestic and international mechanisms to pursue violations of international law by individuals.		
<b>PART 2.VI Utilizing Legal Frameworks in Humanitarian Action</b> Knowing the ways that humanitarian actors can and do utilize legal frameworks to further humanitarian aims.		
1. Identify examples of humanitarian actors contributing to procedures related to monitoring compliance or investigating alleged breaches of international law, as well as the potential risks involved.	EHP 2.4 Quality & Accountability	Lacking examples
2. Identify ways in which international law is employed by humanitarian actors outside of courts and other formal legal institutions.		