



HOUSING AND LAND RIGHTS NETWORK

H a b i t a t I n t e r n a t i o n a l C o a l i t i o n

Concept paper:

FAO Inventory of Legal Norms Applied to Protracted Crises

One of the repeated proposals from the High Level Expert Forum on Food Security in Protracted Crises (September 2012) and, particularly, from the Civil Society Mechanism (CSM) has been for an inventory of international norms that apply to protracted crises. These norms provide specificity as to what is required in the paradigm shift for those working *on* a crisis, rather merely working *in* a crisis, whether that work is in the bureaus or in the field.

The relevant sources and standards of transnational legal regimes provide the normative framework to guide decision making and actions of states and other parties concerned. They also provide the basis for needed accountability to maintain lawful conduct to avoid man-made crises, to mitigate and end crises, to ensure remedy for victims, in individual cases, as well as to mount transitional justice processes in the aftermath of crises.

This concept paper for an inventory of international norms that apply to stakeholders in protracted crises takes guidance from the working definition of countries or areas in “protracted crisis” as “environments in which a significant proportion of the population is acutely vulnerable to death, disease and disruption of livelihoods over a prolonged period of time. The governance of these environments is usually very weak, with the state having a limited capacity to respond to, and mitigate, the threats to the population, or provide adequate levels of protection.”¹ Protracted crises are further characterized by:

- External assistance required in eight of the previous ten years,
- 10% or more of external assistance received as humanitarian aid since 2000, and/or
- The country or are appearing on FAO’s list of low income, food-deficit countries.³

Although protracted crises are diverse in their causes and effects, food insecurity is a common feature.² The prevalence of undernourishment in countries in protracted crisis is three times that in developing countries as a whole (37% compared with 13%).³

Besides food insecurity, protracted crises share some or all of the following characteristics:

¹ A. Harmer and J. Macrae (eds). 2004. *Beyond the continuum: aid policy in protracted crises*. HPG Report 18, p. 1. London, Overseas Development Institute.

² P. Pingali, L. Alinovi and J. Sutton. 2005. Food security in complex emergencies: enhancing food system resilience. *Disasters*, 29(S1): S5–S24.

³ FAO. 2010. *The State of Food Insecurity in the World 2010: Addressing food insecurity in protracted crises*. Rome, Food and Agriculture Organization of the United Nations and World Food Programme.

- **Long duration.** A crisis is defined as protracted when it spans several years. Notably, certain countries have been in one sort of crisis or another for decades, and are characterized by extreme levels of food insecurity and/or dependence on food aid.
- **Multiple causes.** Conflict may be one cause of protracted crises, but others include climatic, environmental and economic shocks and stresses. Conflict itself may be a symptom as much as a cause of protracted crises, particularly where changing climatic factors pit formerly symbiotic communities against each other with increasing competition over dwindling habitat resources.
- **Weak governance or public administration.** This weakness may be due to overwhelming constraints, shocks or stresses that exceed the capacity of governance institutions, but may also reflect deficits of representation, subsidiarity, legitimacy or accountability of these institutions, breach of the social contract between state and citizens and lack of political will to remedy these problems.
- **Breakdown of local institutions.** Traditional institutional systems commonly break down under protracted crises, but state-managed alternatives are rarely available to fill the gap, while alternative institutions and households may lack the resilience to cope.
- **Unsustainable livelihood and food systems.** These can be a symptom of protracted crises. However, deterioration in the sustainability of livelihood and food systems also can contribute to conflict, which may, in turn, trigger a crisis, or increase vulnerability of food systems to other kinds of shocks (e.g., destructive climatic events, crop failures, price shocks) that then bring on a deeper crisis.⁴

The data from Global Early Warning System on Food and Agriculture (GIEWS) indicate that protracted crises increasingly have become the norm, rather than the exception, especially in particular regions. This situation calls for a serious rethinking of mutually exclusive approaches to “relief” (as short-term measures) and “development” (as longer-term processes) and human rights (permanent and binding obligations to realize human dignity while fulfilling human need).

For concerned parties, including governments and intervening agencies, the looming question remains “how” to manage the needed paradigm shift. In response, the proposed inventory of applicable norms to address protracted crises seeks to provide the most-authoritative guidance available from the minimum standards and rules of international law as developed.

The sources and standards contained in the inventory will include both binding obligations and other voluntary commitments of states, as well as the duties of other actors in the field. It seeks to help those working both *in* and *on* protracted crises to make well-informed, authoritative and effective choices toward remedial outcomes. This information will aid the user to:

- Know what is right,
- Do what is right,
- If ever unsure, to inquire; and
- Keep searching until an answer is found.

Once the applicable norm is known, those personnel and institutions working *in* protracted crises are better enabled, within their means, to avoid and prevent crises, seek accountability for violations that accompany a protracted crisis, and to pose solutions. Failure to apply due diligence in seeking and implementing the norms may constitute a breach of duty and further violation by omission or commission, only prolonging or exacerbating an already-protracted crisis.

⁴ “Food Insecurity in Protracted Crises: An Overview,” FAO (2012).

This proposed inventory of norms is envisioned to be a tool that allows all parties, both within bureaus and in the field, to benefit from a common, accessible multilingual reference tailored to meet their need to make informed and legally compliant choices and decisions when working on protracted crises (i.e., not only working *in* protracted crises).

The vision for such an inventory attempts to provide a resource that is, at once, thorough and user friendly. It draws from an inquiry into what already exists in various forms and formats, and seeks to fill the remaining gap by creating a useable tool that is both portable and in interactive on-line versions.

What Already Exists?

All of the information proposed to be contained in this inventory already exists in the public domain in various print and digital forms. However, nowhere does it exist in a single reference, nor is it tailored to address protracted crises with a view to addressing the numerous factors that bring about the common feature of food insecurity.

For the specialized field of protecting and servicing refugees and displaced persons, the UN High Commissioner for Refugees (UNHCR) has produced a comparable series of annually updated volumes in print and digital format. The [Collection of International Instruments and Legal Texts Concerning Refugees and Others of Concern to UNHCR](#) consists of an index presenting the texts of legal instruments that apply to various situations in which refugees and displaced persons find themselves. Following extensive consultations, UNHCR has compiled this work spanning four volumes and containing over 260 documents.

While this valuable reference includes the actual texts of the relevant instruments (most in their entirety), it does not include important norms on remedy and reparations, and does not provide guidance on how to apply the instruments.⁵ Its neutral listing of the norms without relation to specific states parties actually prompts an idea that the next generation of such a resource be more interactive, in its electronic form, and otherwise proffer guidance on which norms apply to particular state parties—and indeed nonself-governing and occupied countries and peoples often affected by protracted crises. It would be useful for personnel in the field to know how states bear prior and self-executive individual, collective, domestic and extraterritorial obligations to correct an illegal situation bringing about or sustaining a protracted crisis.

The Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN) has produced three analogous reference works applied to specific contexts and particular human rights. In 2006, HIC-HLRN compiled the trilingual *Housing and Land Rights Toolkit*, in CD and [on-line](#) form, which includes an initial compilation of all applicable norms related to the human right to adequate housing and equitable access to land, followed by tools for case-specific and country assessments, quantification of costs, losses and damages from gross violations subject to reparations, as well as a series of intervention and evaluation options. Following the Asian tsunami of 2004, HIC-HLRN South Asia developed a compilation of the applicable binding and declaratory instruments that, when applied, ensure the realization of the human right to adequate housing in the context of post-disaster reconstruction. That CD and [on-line](#) compilation of *International Human Rights Standards on Post-disaster Resettlement and Rehabilitation* was informed by the pattern of housing and land rights violations that already had manifested in the post-tsunami period.

⁵ The Compilation provides a short list of electronic resources at the end of each volume for those who wish to access other international and regional instruments and legal texts, as well as national legislation.

With a specific focus on the Near East and North Africa, HIC-HLRN also has created the *Landpedia* with wiki technology. This on-line reference on the region's land struggles contains papers and presentations from the successive [Land Forums](#), a [Library](#) of [Legal Materials](#), [Popular Sources](#), [Reports](#), [Analytical Materials](#) and [Other Documentation](#) (including videos and other media). The Legal Materials section of the Library hosts important, useful and sometimes historic references related to [Customary Law](#), [Treaty Law](#), [Soft Law](#) (declaratory law), [Legislation](#), [Jurisprudence](#) and [Legal commentary](#). The *Landpedia's* design helps to envision what the FAO inventory of norms should contain; however, this example addresses land-based conflicts, whether acute emergencies or protracted crises, but focuses on one particular region.

The International Land Coalition (ILC) developed a public inventory of cases related to land grabbing, a factor in food insecurity and protracted crises for many. The ILC's [Land Matrix](#), *The Online Public Database on Land Deals*, aims to take stock of large-scale land acquisitions worldwide. The available information is classified by countries and, in many cases, also referenced by region. However, this research tool presents practices and trends that may involve violations, but does not address the applicable norms, required steps or legal remedies. The user has to search elsewhere for the normative framework to understand the legal and human rights issues involved and values at stake in such land deals.

The FAO's own [Gender Land Rights Database](#) offers "easy access to up-to-date information on gender and land rights." This multilingual on-line resource introduces users to a selective list of sources and standards that conceivably apply to realize women's equal rights to accessing land. However, it does not provide access to the cited instruments, nor guidance as to their relevance, content or corresponding duty bearers. The database refers to, and in some country cases uniquely hosts, categories of norms from the domestic level (*National Legal Framework*). In the homepage outline, the database also refers to customary law, but without explanation or example.

The UN Office of the High Commissioner for Human Rights (OHCHR), the International Labour Office (ILO) and the University of Minnesota Human Rights Center have publicly accessible websites with a wealth of raw material for the experienced researcher, but not easily applicable to personnel working *on* a protracted crisis without further guidance.

What is envisioned for FAO and its constituents and colleagues working on protracted crises is a customized resource that aids inquiry from an authoritative (norm-based) and integrated approach to immediate-term relief, longer-term development, permanent obligations to fulfill human dignity while fulfilling human need and, ultimately, remedy for victims of violations, including transitional justice processes in the aftermath of crises.

Essential Tools of Monitoring and Evaluation

Governments, international organizations, and local and global civil society organizations (CSOs) increasingly monitor access to natural resources in the frame of the *Voluntary Guidelines on the Right to Food* (VG-Food) and the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VG-Tenure). Crucial to such monitoring is assessing the access to natural resources of vulnerable and marginalized groups in the context of the right to food.⁶ Ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) imposes obligations

⁶ General Comment on the right to adequate food, GC 12, 1999, CESCR, Geneva (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G99/420/12/PDF/G9942012.pdf?OpenElement>, accessed on March 15, 2012)

upon states parties to respect, protect and fulfil secure tenure to adequate housing, land and public resources, especially of men and women peasants, indigenous people, fishers and pastoralists, people under occupation, and other vulnerable groups. Their avoidance of irrevocable harm from a protracted crisis—and, thus, resilience—may depend for their survival and subsistence upon their equitable access to land and habitat resources. Both Human Rights Covenants guarantee that “In no case may a people be deprived of its own means of subsistence” (common article 1.2).

The right to food and related obligations also have been given further specificity in the VG-Food,⁷ which guide states in defining strategies and policies to realize the human right to food. Guideline 8 refers to the obligation for equitable access to land and productive resources. In the negotiation phase toward the VG-Food in September 2010, CSOs already submitted a voluminous annex to their commentary to the Committee on Food Security that identified the binding and interpretive legal bases for the Guidelines. Currently, CSOs are developing a methodology for independently monitoring state application of the VG-Food to implement the right to food.⁸ Such an inventory of norms would help guide that process, as well as lay out the common set of references for all parties involved in monitoring their implementation: media, CSOs, states and multilateral agencies.

The proposed FAO inventory of norms also supports the objectives(s), principles and policy recommendations of the FAO *Agenda for Action for Addressing Food Insecurity in Protracted Crises (AforA)*,⁹ which is intended to provide policy and guidance frameworks specific to addressing food insecurity in protracted crises. In general terms, the *AforA* seeks to explain priority tasks and assign roles and responsibilities for different stakeholders. The proposed FAO inventory of norms aids that normative process by providing the legal basis for the needed policy and guidance frameworks. In general, the inventory forms one of the technical and operational tools called for in the *AforA* (Part II, Appendix A) and will deliver analytical tools for Case studies/roadmaps/plans of action (Part II, Appendix B).

Consolidating the Demand for an Integrated Resource

The High Level Expert Forum (HLEF) on Food Security in Protracted Crises (September 2012) reiterated the demand for a specialized inventory of norms that would guide and propel the FAO *AforA*. The outcomes of the 2012 CSO Forum included the recommendation (v) to develop an inventory of legal norms as immediate action. This called for an effort [by FAO, in consultation with Civil Society] to:

Develop an implementation support package to assist the implementation of the voluntary guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, with specific relevance to promoting food security in protracted crises situations.¹⁰

Recommendation xi proposes to:

⁷ FAO, Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the 187 FAO member states at the 127th session of the Council of FAO, Rome, November 2004, at: http://www.fao.org/righttofood/publi_01_en.htm.

See also <http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.htm>.

⁸ “Screen state action against hunger! How to use the Voluntary Guidelines on the Right to Food to monitor public policies?” (Heidelberg: FIAN, 2007).

⁹ Proposed Outline of an Agenda for Action for Addressing Food Insecurity in Protracted Crises, Technical Support Team, Rome, 17 June 2013, Part I.

¹⁰ Recommendation (v).

Develop an inventory of all the different global legal frameworks that relate to protracted crises situations. These should then be reinforced in a code of conduct to guide all aspects of food security in crises, including access to resources.¹¹

Already in 2010, the CSM specifically offered to contribute to such an inventory with its solicitation for sharing good national laws related to the governance of land and natural resources. This inventory is already proposed to be compiled at the IPC website.¹²

Who Will Use the Inventory?

By definition, the legal norms contained in the inventory apply primarily to state actors to implement; however, they are also intended to ensure that they constitute “a common standard of achievement for all peoples and all nations,” and apply to “every individual and every organ of society.”¹³ Whether the users represent states and governments, international organizations, relief works, development agencies, civil society or local communities, the inventory is to specify the common standards that apply to protracted crises, including “common but differentiated responsibilities.”¹⁴

States:

While states are the principal duty holders and sources of these legal norms and instruments, they are mandatory and binding upon authorities, agents and institutions of central government, regional and local governments and administrations. Certain of these instruments enshrine obligations, commitments and/or guidance for specific categories of authorities and agents of executive, judicial and legislative branches of government, as well as law enforcement officials and military organizations. Representatives of states in international relations and diplomacy will find the inventory useful in accessing the standards that are the tools of their profession, applied to the critical context of protracted crises.

Personnel of UN and multilateral organizations:

¹¹ These include, for example, the applicable binding regional and international treaty obligations, such as the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (GC4) and the provisions of the Convention relating to the Status of Refugees and its Protocol, the International Covenant on Economic, Social and Political Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and relevant binding resolutions of the Security Council, such as SC/1325 on women and peace and security. Also relevant are the relevant instruments declaratory of international law, including the United Nations *Principles on Housing and Property Restitution for Refugees and Displaced Persons* (“Pinheiro Principles”), the UN *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (A/RES/60/147) and the UN *Basic principles and guidelines on development-based evictions and displacement* (A/HRC/4/18), and voluntary commitments such as *the Declaration on Social Progress and Development*, A/2542 (XXIV) the *FAO Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests* (VG-Tenure) and the *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* (VG-Food).

¹² Minutes of the Meeting of the Facilitating Team CSO Voluntary Guidelines on Governance of Land and Natural Resource Tenure Rome, 17–18 March 2010, Venue Casa per ferie Villa Benedetta, p. 7.

¹³ Preamble of the *Universal Declaration of Human Rights* (1948).

¹⁴ The principle of common but differentiated responsibility includes two fundamental elements. The first concerns the common responsibility of States for the protection of the environment, or parts of it, at the national, regional and global levels. The second concerns the need to take into account the different circumstances, particularly each State’s contribution to the evolution of a particular problem and its ability to prevent, reduce and control the threat. The concept is enshrined in the Rio Declaration on Environment and Development (1992), the Framework Convention on Climate Change and the Stockholm Declaration of the United Nations Conference on the Human Environment (1972), among others.

The inventory also should enable technical personnel within bureaus and on the ground to make more-informed choices and decisions consistent with the international standards common to UN Charter-based organizations.

Within their specialization, all UN Charter-based specialized organizations share the inextricable tripartite mandate of the United Nations: to pursue peace and security, forward development and human rights. Not least in the light of UN Secretary-General Kofi Annan's *In Larger Freedom* document,¹⁵ contemporary discourse refers to achieving "human security" as a fulfillment of all three aspects of the UN's chartered mandate.

Other multilateral organizations are made up of duty-bound states through their governing bodies. By extension, those constituent states bear the same obligations to apply customary law and other binding norms and treaty obligations in their functions and oversight of the multilateral organization's operations. In the case of states and governments constituting multilateral organizations, they are obliged to apply their human rights treaty obligations extraterritorially as an inherent aspect of the duties corresponding to each human right, as well as in compliance of the over-riding principle of international cooperation in treaty implementation.¹⁶

Nonstate actors:

States have obligations to ensure that non-state actors chartered or based within their jurisdiction or territory of effective control conduct their operations in accordance with international development, human rights, humanitarian, refugee, environmental and criminal law. These non-state actors include transnational corporations, domestic corporations operating transnationally, nongovernmental organizations, natural persons or parastatal institutions. Non-state transboundary actors are to be held accountable for their conduct within these norms. However, if their home state does not hold these non-state actors accountable in its own jurisdiction under its domestic and extraterritorial obligations, the non-state actor and/or state duty holder may be held accountable in foreign or international jurisdictions. Non-state actors would gain from using the inventory, not least by avoid a protracted crisis of their own.

Civil society:

As a tool to facilitate their monitoring functions, CSOs will find the inventory eminently useful for determining which standards apply in particular situations and in specific states and territories. The inventory also will help CSOs understand and apply the extraterritorial obligations of all states, particularly in the field of economic, social and cultural rights.

Researchers:

Academics and students in various fields would profit from using the inventory. Without trying to duplicate other on-line resources, the inventory's ability to erect the normative structure for framing a political economy of a protracted crisis. This, HLEF participants agreed, is a foundational requirement for any intervention. The accessibility of the law could bridge chasms between disciplines.

The Project

¹⁵ [In Larger Freedom: Towards Development, Security and Human Rights for All](#) [Report of the Secretary-General of the United Nations for decision by Heads of State and Government in September (2005)].

¹⁶ UN Charter articles 1.3 and 55; Vienna Convention; GA 2625, ICESCR, articles 2.1, 11 and 22.

The proposed activity is to provide wide access to the inventory of international law norms applicable in cases of protracted crises in multiple languages. The FAO inventory of norms should not be static or merely a theoretical reference work. Rather, it should inform competent monitoring of the compliance of a state's policies and field practice with respect to its human rights and other international law obligations, as both preventive and remedial tools of statecraft. It should be dynamic, interactive and periodically updated to reflect actual developments.

The scope of the inventory should cover all the relevant international instruments that address access to land and resources in the pursuit of the right to food. However, the driving subject is the causal factors as well. Their root may be in another violation distinct in its own right, such as forced displacement and population transfer. Food insecurity in such a case arises as a symptom of a prosecutable crime, or it may be policy driven and linked to a failure to respect, protect and fulfil the process human right to information.¹⁷

Typology of Legal Instruments:

Properly designed in consultation with prospective users, the FAO inventory of norms could become a standard reference for guiding good practice, including at the level of design, implementation, monitoring and evaluation of projects and interventions on protracted crises. Every attempt should be made to ensure that the structure and format of the inventory allow the user to access the international instruments and legal texts easily. The inventory should be simple, welcoming and not imperious.

Nonetheless, it may be indispensable to distinguish between the categories of law (e.g., binding treaty law vs. mere nonenforceable commitments). Some form of typology would be needed to order the materials in the inventory. This typology is fundamental, as the site's design will flow from that foundation.

In print or digital presentation, an example of such a typology follows here.

An **index** of the various types of norms surveyed could be organized as follows:

Customary Law and other binding norms

International instruments:

- Treaty law (binding instruments)
- Declaratory law (interpretive instruments)

Regional instruments:

- Treaty law (binding instruments)
- Declaratory law (interpretive instruments)

Introducing each category of international and regional instruments is a compilation of standards that provide customary law and other binding norms of international and regional law, including and Articles of State Responsibility, governing the conduct and establishing self-executing obligations of states engaged in protracted crises. These may be reflected in instruments of treaty law or declaratory law that establish obligations on all states and duties on specialized organizations to maintain the tripartite mandate of the UN in the conduct of their international relations, including individual, collective, domestic and extraterritorial obligations of states.

Inventorizing these general principles, customary law and other binding norms would consider their relevance to protracted crises. That is logical but highly ambitious effort. That would call for mounting and sorting standards pertaining to diverse issues such as nationality and citizenship,

¹⁷ Amartya Sen, *Development as Freedom* (1999); *HLRN Toolkit* [CD and online] (Cairo: HIC-HLRN, 2006).

acquisition of territory, universal jurisdiction, among others. These could apply whether or not a concerned state is party to a specific treaty on the subject and, therefore, include *erga omnes* and *jus cogens* principles of international law and world order.

Another approach could be to build the references from a pilot inventory for a diverse few protracted-crisis cases. Prominent ones already have generated—and invoke—an inventory of legal sources, standards and judicial opinions.

The treaty law instruments in both international and regional categories are those agreements and conventions between and among states that have specific ratifying state parties and are, thus, binding and enforceable.

The declaratory law instruments in both international and regional categories include a range of legal sources and standards that interpret the obligations of states provided in treaties. These include the relevant specificity to protracted crises as enshrined in declarations, basic principles, minimum rules and other commitments of states. However, these instruments are not legally binding in the sense that they constitute ratified instruments with monitoring bodies to ensure compliance. Rather, these are standing commitments of and by states, as well as the interpretations issued by UN bodies, including treaty-monitoring bodies, as General Comments and rules of treaty compliance relevant to protracted crises.

Whether the user consults the general inventory, or inflicts search criteria by country or thematic heading, instruments that are binding on states (e.g., conventions) are listed (with their hypertext link) above ahead of declaratory (interpretive) legal texts (e.g., as declarations) that are often less binding in nature. Protocols always follow immediate below the parent instrument. (For instance, the Additional Protocol to the Criminal Law Convention on Corruption, 15 May 2003 follows just after the parent Criminal Law Convention on Corruption of 27 January 1999.)

In the case of human rights treaties with monitoring bodies authorized to interpret implementation obligations, the corresponding interpretive instruments (General Comments and General Recommendations) follow their parent treaty and specify the particular application to particular rights, situations or social groups.

A chronological sequence will be maintained within this structure only (i.e.: all declarations under a sub-heading are chronological). Instruments not entered into force will be included at the end of each relevant thematic section, since already-ratifying states may consider these applicable in their domestic law. However, since those provisions are not enforceable internationally, the accountability of international actors under these instruments has yet to be established. Upon the entry into force of a treaty open for signature and ratification, the inventory will be updated to include it chronologically among the binding instruments. Both the dates of adoption and entry into force will appear beside the title of binding international and regional instruments. The date of entry into force is absent in cases where the instrument had not come into force at the time of publication in the inventory.

Within these general headings, the relevant sources and standards would be classified under subheadings to distinguish the instruments according to their legal regime in public international law. Thus, potentially each of the above headings would top a list of instruments organized as follows:

- General Principles
- Criminal Law

- Development Law
- Environmental Law
- Human Rights Law
- Humanitarian Law
- Refugee Law

While trade and investment law form a regime of its own, such private international law norms are subordinate to public international law.

Where an instrument or declaration under one legal regime or thematic area may be relevant to another legal regime or thematic area, a *cross reference* will be programmed to list them under all relevant headings. For instance, the *Convention on the Prevention and Punishment of the Crime of Genocide* would be situated in the International Criminal Law section and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (the “Torture Convention”) would be listed as a Human Rights treaty instrument, both are also relevant to the section on General principles, since all states are under the *erga omnes* obligation to combat war crimes, crimes against humanity, apartheid, torture, slavery, slavery-like practices and forced labour, including by way of domestic prosecution and under universal jurisdiction).

Within each thematic heading, instruments that are binding on states (such as Conventions) are placed ahead of legal texts (such as declarations) that are often less binding in nature. **Protocols always follow the parent instrument** in order (for instance, the *Palermo Protocols* on Smuggling and Trafficking follow the parent Convention on Transnational Crime in the International Criminal Law section).

In the case of human rights treaties with monitoring bodies authorized to interpret implementation obligations, the corresponding **interpretive instruments** (General Comments and General Recommendations) follow their parent treaty and specify the particular application to particular rights, situations or social groups.

A chronological sequence will be maintained within this structure only (i.e.: all declarations under a sub-heading are chronological), except that subsequent protocols will be situated directly under their parent treaty. The date of adoption and date of entry into force feature under the title of international and regional instruments. The date of entry into force is absent in cases where the instrument had not come into force at the time of this publication.

Instruments not entered into force have still been included at the end of each relevant section, since ratifying states may consider these applicable in their domestic law. However, since those provisions are not enforceable internationally, the accountability of international actors under these instruments has yet to be established. Upon the entry into force of a treaty open for signature and ratification, the inventory will be updated to include it chronologically among the binding instruments.

Where an instrument or declaration under one thematic area may be relevant to another thematic area, a **cross reference** will be provided in the Table of Contents (for instance, the *Palermo Protocols* on Smuggling and Trafficking are situated in the International Criminal Law section but are also relevant to the sections relating to torture, slavery, slavery-like practices and forced labour, women and children).

Thematic grouping of instruments:

The corresponding three categories of instruments and legal texts (Customary Law and other binding norms, international instruments and regional instruments) would be indexed under specific **thematic headings**. These broad headings will be determined, subject to further consultation, to identify prominent situations that characterize protracted crises. These would include, for example:

- **Agricultural crisis**, such as those caused by pest and parasite infestations, crop failure, land grabbing (may cross reference with drought and famine, or health crisis affecting animals used for food);
- **Conflict, occupation and war** (COW), including prolonged occupation, civil war, armed insurrection, cross-border war, national liberation struggle, etc.;
- **Displacement**, covering refugee situations, internal displacement and migration;
- **Dispossession** through various means, potential violators and crisis situations; e.g., as a function of domestic policy, carried out by non-state conflict parties, or systematically targeting people under occupation, or farmers affected by large-scale land deals, etc.;
- **Economic crisis** involving food insecurity: depression, financial collapse, austerity, etc.;
- **Environmental disaster**, including endemic or recurring flooding, drought, large-scale contamination, etc. [may cross-reference with **Health Crisis** in case of environmental pollution];
- **Famine**, prolonged shortages of food and/or water [may cross reference with COW in case of being food used as weapon];
- **Governance** involves a crisis arising from the long-term failure of government functions, including corrupt and criminal practices of elected or appointed officials;
- **Health crisis**, encompassing pandemic, recurrent epidemic, HIC/AIDS, etc. [may cross-reference with **Environmental disaster** as consequence of environmental contamination];

Short names of conventions will be used where appropriate for ease of reference. For instance, the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* will appear as the “Torture Convention”. International Labour Organisation conventions will be marked as per custom, by number and title.

The original language used in the original version or official translation of an instrument will be replicated without any alteration. Readers will find that both standard and imperial English are used in the inventory.

State-specific Obligations:

Focus on the states in protracted crises, including those appearing on FAO’s list of low income, food-deficit countries. The inventory would prioritize the states and territories in programming the inventory to sort the applicable treaties and other instruments by selecting the state or territory from a drop-down menu. However, the objective would be to program the applicable international law to all states in the UN system, as many instruments impose obligations on all states to take “effective measures,” some of which are specifically spelled out in the instruments. The variously include application of universal jurisdiction, self-executing obligations not to recognize an illegal situation contributing to a protracted crisis, as well as extraterritorial obligations under international human rights law.

For reasons of space, a current index of state **ratifications** could appear in annex to a hard-copy version of the inventory of norms. However, an on-line version would be programmed and updated to sort the international and regional instruments applicable to the selected country.

The particular state may have entered a **reservation** or **declaration** upon its ratification of a treaty. The inventory may refer to these reservations, if any. However, this may be an unnecessary complication of the inventory.

Certain reservations entered by states may be legally controversial, as such claims to opt out of certain obligations are considered null and void if they affect the spirit or core obligations of a treaty. Fellow states parties may object to such a reservation, but this challenge is rarely used, and rarer still is the option to reject a state as a treaty party for having entered a reservation fundamental to the treaty's spirit or core obligations. The reader may need to update this information in a particular case.

For reasons of space, only relevant **excerpts** of certain instruments will be published. This will be the case of the *Fourth Geneva Convention*, for example.

A short list of **electronic resources** can be added at the end of thematic or country-specific search listing for those who wish to access other international and regional instruments and legal texts as well as national legislation.

Toggling and sorting

The user would have the option of viewing the inventory of norms in its outline format, organized by legal regime (Criminal Law, Development Law, etc.), or searching the inventory by entering the search criterion of a particular state or territory to view and access those instruments that apply to that state or territory, as appropriate to the ratification status.

Alternatively, the user could search the same complete inventory by type of standards (Customary Law and other binding norms, Treaty Law [international or regional], Declaratory Law [international or regional]), or by type of crisis, as the instruments would be programmed to sort by the corresponding type of crisis they address.

The user could choose any combination of search criteria, and more likely would choose a type of crisis and a particular territory to view which norms apply. The applicable norms then would appear on the screen in their standard order of legal regime, under which the legal instruments would appear in order of Customary Law and other binding norms, followed by Treaty Law and then Declaratory Law.

For example, the user could choose a type of protracted crisis (e.g., failed governance) in a particularly afflicted country to view the applicable norms and standards that apply. (In the case of a "prolonged occupation," the norms applied to the duty holder—i.e., the occupying power—would be programmed to appear, until the occupation ends and the system is updated.)

To view the extraterritorial obligations of other states in any given situation, an instruction would prompt the user to understand the applicable obligations imposed on the state and its agents in their relations with the external state or territory in crisis. Any binding treaty imposes obligations upon the state party to apply them also in its extraterritorial conduct, and to ensure compliance of legal and natural persons based within that state.

Inventory of Norms Structure

Searchable states and territories:

A country-specific search would begin with a drop-down menu of the 194 states members of the United Nations, with the additional dependent, not universally recognized and non-self-governing territories added to complete the list; i.e.:

Abkhazia, Republic of (Georgia); Cook Islands; Kosovo (Republic of); Nagorno-Karabakh Republic; Niue; Palestine, State of; South Ossetia, Republic of (Georgia); Somaliland, Republic of; Taiwan (Republic of China); and Western Sahara (Sahrawi Arab Democratic Republic).

Searchable themes (types of crisis):

- Agricultural crisis
- Conflict, occupation and war
- Displacement
- Dispossession
- Economic crisis
- Environmental disaster
- Famine
- Governance
- Health crisis

Searchable legal categories:

- General Principles
- Criminal Law
 - Customary Law and other binding norms
 - International instruments:
 - Treaty law (binding instruments)
 - Declaratory law (interpretive instruments)
 - Regional instruments
- Development Law
 - Customary Law and other binding norms
 - International instruments:
 - Treaty law (binding instruments)
 - Declaratory law (interpretive instruments)
 - Regional instruments
- Environmental Law
 - Customary Law and other binding norms
 - International instruments:
 - Treaty law (binding instruments)
 - Declaratory law (interpretive instruments)
 - Regional instruments
- Human Rights Law
 - Customary Law and other binding norms
 - International instruments:
 - Treaty law (binding instruments)
 - Declaratory law (interpretive instruments)
 - Regional instruments

- Humanitarian Law
 - Customary Law and other binding norms
 - International instruments:
 - Treaty law (binding instruments)
 - Declaratory law (interpretive instruments)
 - Regional instruments
- Refugee Law
 - Customary Law and other binding norms
 - International instruments:
 - Treaty law (binding instruments)
 - Declaratory law (interpretive instruments)
 - Regional instruments

ANNEX: Illustrative Example of Norms to Be Consulted

General Principles

Customary Law and other binding norms

Treaty Law

1. Charter of the United Nations of 26 June 1945
2. Statute of the International Court of Justice of 26 June 1945
3. Final Act of the International Conference on Human Rights of 1 May 1968 (Proclamation of Teheran) – Resolution on Co-operation with UNHCR
4. Vienna Convention on the Law of Treaties (1969)

Declaratory Law

5. [Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations](#) of 24 October 1970
6. [Vienna Declaration and Programme of Action](#) of 25 June 1993

International Criminal Law

Customary Law and other binding norms

1. [United Nations Security Council Resolution 1674](#) of 28 April 2006

Treaty Law

1. Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948
2. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968
3. International Convention on the Suppression and Punishment of the Crime of Apartheid of 30 November 1973
4. Principles of International Co-operation in the Detection, Arrest, Extradition and Punishment of Persons Guilty of War Crimes and Crimes against Humanity of 3 December 1973
5. Rome Statute of the International Criminal Court of 17 July 1998
6. United Nations Convention against Transnational Organized Crime of 15 November 2000 (Palermo Convention)
7. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against
8. Transnational Organized Crime of 15 November 2000 (Palermo Protocol on Trafficking)
9. Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Transnational Organized Crime of 15 November 2000 (Palermo Protocol on Smuggling)

Corruption

Treaty Law

1. [United Nations Convention against Corruption](#) (UNCaC), 4 December 2000
2. [Criminal Law Convention on Corruption](#), CETS 173, 27 January 1999, entered into force 1 July 2002
3. [Additional Protocol to the Criminal Law Convention on Corruption](#), 15 May 2003

Development Law

Declaratory Law

1. Declaration on the Right to Development of 4 December 1986
2. Agenda 21 of the UN Conference on Environment and Development (Rio de Janeiro, 1992)
3. United Nations Programme of Action on the Sustainable Development of Small Island Developing States (Barbados Programme of Action—BPOA), 1994
4. Habitat II: Istanbul Declaration and Programme of Action of 14 June 1996
5. Cairo Declaration of the International Conference on Population and Development, 13 September 1994
6. The Beijing Declaration and Platform for Action
7. Declaration of Human Duties and Responsibilities (DHDR), 1998
8. United Nations Millennium Declaration of 8 September 2000
9. [Almaty Programme of Action for Landlocked Developing Countries](#), 8 September 2000
10. Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development, 2002
11. Mauritius Strategy of Implementation (MSI) for the further Implementation of the BPOA, 14 January 2005
12. UN Principles and Guidelines on Development-based Eviction and Displacement (2008)
13. [Doha Declaration on Financing for Development](#), 2 December 2008
14. [Istanbul Programme of Action for Least Developed Countries](#) (IPOA), 13 May 2011
15. [The Future We Want](#) Declaration of the United Nations Conference on , Rio de Janeiro, 22 June 2012

Regional Instruments

16. New Partnership for Africa's Development

Environmental Law

Customary Law and other binding norms

1. [Draft Articles on Responsibility of States for Internationally Wrongful Acts](#) (2001)
2. [Draft articles on Prevention of Transboundary Harm from Hazardous Activities](#) (2001)
3. [IDraft Articles on International Liability in Case of Loss from Transboundary Harm arising out of Hazardous Activities](#) (2006)

Treaty Law

1. [Aarhus Convention](#) Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters, Aarhus, 1998
2. [Espoo Convention](#) Convention on Environmental Impact Assessment in a Transboundary Context, Espoo, 1991

Atmosphere

Treaty Law

1. [Convention on Long-Range Transboundary Air Pollution](#) (LRTAP), Geneva, 1979.
2. [Environmental Protection: Aircraft Engine Emissions](#) Annex 16, vol. 2 to the 1944 Chicago Convention on Civil Aviation, Montreal, 1981.
3. [Vienna Convention for the Protection of the Ozone Layer](#), Vienna, 1985, including the [Montreal Protocol on Substances that Deplete the Ozone Layer](#), Montreal 1987.
4. [Framework Convention on Climate Change](#) (UNFCCC), New York, 1992, including the [Kyoto Protocol](#), 1997.

Declaratory Law

1. [FAO International Code of Conduct on the distribution and use of Pesticides](#), Rome, 1985.

Freshwater resources

1. [Convention on the Protection and Use of Transboundary Watercourses and International Lakes \(ECE Water Convention\)](#), Helsinki, 1992.

Hazardous substances

Treaty Law

1. [Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal](#), Basel, 1989.
2. [Convention on Civil Liability for Damage Caused during Carriage of Dangerous Goods by Road, Rail, and Inland Navigation Vessels \(CRTD\)](#), Geneva, 1989.
3. [Convention on the ban of the Import into Africa and the Control of Transboundary Movements and Management of Hazardous Wastes within Africa](#), Bamako, 1991.
4. [Convention on the Transboundary Effects of Industrial Accidents](#), Helsinki, 1992.
5. [Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade](#), Rotterdam, 1998.
6. [Stockholm Convention on Persistent Organic Pollutants](#) Stockholm, 2001.

Regional Instruments

Europe

1. [European Agreement concerning the International Carriage of Dangerous Goods by Road \(ADR\)](#), Geneva, 1957.
2. [European Agreement Concerning the International Carriage of Dangerous Goods by Inland Waterways \(AND\)](#), Geneva, 2000.

Oceania

1. [Waigani Convention Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region](#), Waigani, 1995.

Marine environment

1. [Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter](#) (London Convention), London, 1972.
2. [International Convention for the Prevention of Pollution from Ships](#), 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), London 1973 and 1978.
3. [International Convention for the Prevention of Pollution of the Sea by Oil](#), London 1954, 1962 and 1969.
4. [International Convention on Civil Liability for Oil Pollution Damage \(CLC\)](#), Brussels, 1969, 1976, 1984 and 1992.
5. [International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage \(FUND\)](#) 1971 and 1992, Brussels, 1971/1992.
6. [International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea \(HNS\)](#), London, 1996.
7. [International Convention on Oil Pollution Preparedness, Response and Co-operation \(OPRC\)](#), London, 1990.
8. [International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Intervention Convention](#), Brussels, 1969.

9. [United Nations Convention on the Law of the Sea LOS Convention](#), Montego Bay, 1982.
10. [Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances OPRC-HNS Protocol](#), London, 2000.

Regional Instruments

1. [Convention for the Protection of the Marine Environment of the North-east Atlantic OSPAR Convention](#), Paris, 1992.
2. [Convention on the Protection of the Marine Environment of the Baltic Sea Area 1992 Helsinki Convention](#), Helsinki, 1992.
3. [Convention on the Protection of the Black Sea against Pollution](#), Bucharest, 1992.
4. [Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region](#), Cartagena de Indias, 1983.
5. [Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region \(Nairobi Convention\)](#), Nairobi, 1985.
6. [Convention for the Protection and Development of the Marine Environment and Coastal Region of the Mediterranean Sea Barcelona Convention](#), Barcelona, 1976.
7. [Convention for the Protection of the Natural Resources and Environment of the South Pacific Region](#), Nouméa, 1986.
8. [Convention for the Protection of the Marine Environment and Coastal Area of the South-east Pacific](#), Lima, 1981.
9. [Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region](#), Abidjan, 1981.
10. [Framework Convention for the Protection of the Marine Environment of the Caspian Sea](#)
11. [Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution](#), Kuwait, 1978.
12. [Regional Convention for the Conservation of the Red Sea and the Gulf of Aden Environment](#), Jeddah, 1982.

Marine living resources

1. [International Convention for the Regulation of Whaling \(ICRW\)](#), Washington, 1946.
2. [Agreed Measures for the Conservation of Antarctic Fauna and Flora](#), 1964 (no longer current)

Regional Instruments

1. [International Convention for the Conservation of Atlantic Tunas \(ICCAT\)](#), Rio de Janeiro, 1966.
2. [Convention for the Conservation of Antarctic Seals](#), 11 February 1972
3. [Convention for the Conservation of Antarctic Marine Living Resources \(CCAMLR\)](#), Canberra, 1980.
4. [Convention for the Conservation of Antarctic Marine Living Resources](#), 1 August 1980
5. [Protocol on Environmental Protection to the Antarctic Treaty](#), 4 October 1991

Nature conservation and terrestrial living resources

1. [World Heritage Convention Convention Concerning the Protection of the World Cultural and Natural Heritage](#), Paris, 1972.
2. [Convention on Biological Diversity \(CBD\)](#), Nairobi, 1992.
3. [Convention on the Conservation of Migratory Species of Wild Animals \(CMS\)](#), Bonn, 1979.
4. [Convention on the International Trade in Endangered Species of Wild Flora and Fauna, \(CITES\)](#), Washington DC, 1973.
5. [Ramsar Convention Convention on Wetlands of International Importance, especially as Waterfowl Habitat](#), Ramsar, 1971.
6. [Convention to Combat Desertification \(CCD\)](#), Paris, 1994.
7. [FAO International Undertaking on Plant Genetic Resources](#), Rome, 1983.
8. [International Tropical Timber Agreement, \(ITTA\)](#), Geneva, 1994.

Nuclear safety

1. [Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space, and Under Water](#) (Limited Test Ban Treaty—LTBT), 1963
2. [Vienna Convention on Civil Liability for Nuclear Damage](#), Vienna, 1963.
3. [Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency](#) (Assistance Convention), Vienna, 1986.
4. [Convention on Early Notification of a Nuclear Accident](#) (Notification Convention), Vienna, 1986.
5. [Convention on Nuclear Safety](#), Vienna, 1994.
6. [Comprehensive Test Ban Treaty](#) 1996

Regional Instruments

1. [Antarctic Treaty](#), Washington DC, 1959.

Human Rights Law

Customary Law and other binding norms

1. Universal Declaration of Human Rights of 10 December 1948

Treaty Law

2. International Covenant on Economic, Social and Cultural Rights of 16 December 1966
3. Optional Protocol to the International Covenant on Economic, Social and Cultural Rights of 10 December 2008
4. International Covenant on Civil and Political Rights of 16 December 1966
5. Optional Protocol to the International Covenant on Civil and Political Rights of 16 December 1966
6. Second Optional Protocol to the International Covenant on Civil and Political Rights (Aiming at the Abolition of the Death Penalty) of 15 December 1989

Declaratory Law

17. Habitat II: Istanbul Declaration and Programme of Action of 14 June 1996

General Comments and Recommendations:

Human Rights Committee

1. General Comment No. 27, Freedom of Movement (Article 12), Human Rights Committee (1999)

Committee on Economic, Social and Cultural Rights

3. General comment No. 1: Reporting by States parties (Annex III), 01 Jan 1989 [View document](#)
4. General comment No. 2: International technical assistance measures (Art. 22), 02 Feb 1990 [View document](#)
5. General comment No. 3: The nature of States parties obligations (Art. 2, par.1) (Annex III), 01 Jan 1991 [View document](#)
6. General comment No. 4: The right to adequate housing (Art.11 (1)), 01 Jan 1992 [View document](#)
7. General Comment No. 5 (1994): Persons with disabilities (Annex IV), 01 Jan 1995 [View document](#)
8. General comment No. 6: The economic, social and cultural rights of older persons, 07 Oct 1996 [View document](#)
9. General comment No. 7: The right to adequate housing (art. 11.1 of the Covenant): forced evictions (sixteenth session, 1997), 01 Jan 1998 [View document](#)

10. General comment No. 8: The relationship between economic sanctions and respect for economic, social and cultural rights, 12 Dec 1997 [View document](#)
11. General comment No 9: The domestic application of the Covenant, 03 Dec 1998 [View document](#)
12. General comment 10: The role of national human rights institutions in the protection of economic, social and cultural rights, 10 Dec 1998 [View document](#)
13. General Comment 11 (1999): Plans of action for primary education (art.14), 11 May 1999 [View document](#)
14. General comment 12 (Twentieth session, 1999): The right to adequate food (Art.11), 12 May 1999 [View document](#)
15. General Comment No. 13 (Twenty-first session, 1999): The right to education (Art.13), 08 Dec 1999 [View document](#)
16. General comment No. 14 (2000): The right to the highest attainable standard of health, 11 Aug 2000 [View document](#)
17. General Comment No. 15 (2002): The right to water, 20 Jan 2003 [View document](#)
18. General comment No. 16 (2005): The equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the International Covenant on Economic, Social and Cultural Rights), 11 Aug 2005 [View document](#)
19. General Comment No. 17 (2005): The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author, 12 Jan 2006 [View document](#)
20. General Comment No. 18: Article 6 of the International Covenant on Economic, Social and Cultural Rights, 06 Feb 2006 [View document](#)
21. General Comment No. 19, The right to social security (art. 9), 04 Feb 2008 [View document](#)
22. General Comment No. 20: Non-discrimination in economic, social and cultural rights, 02 Jul 2009 [View document](#)
23. General comment No. 21: Right of everyone to take part in cultural life, 21 Dec 2009 [View document](#)

Torture

1. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984
2. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 18 December 2002
3. Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 9 December 1975
4. Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 4 December 2000

General Comments and Recommendations:

Committee against Torture

1. General Comment No. 20, Article 7 (Replaces General Comment No. 7 concerning prohibition of torture and cruel treatment or punishment), Human Rights Committee (1992)
2. General Comment No. 1, Implementation of article 3 of the Convention in the context of article 22 (Refoulement and communications), Committee against Torture (1997)

Enforced Disappearance

1. International Convention for the Protection of All Persons from Enforced Disappearance of 20 December 2006
- 2.
3. Declaration on the Protection of All Persons from Enforced Disappearance of 18 December 1992

Detention and Imprisonment

1. Code of Conduct for Law Enforcement Officials of 17 December 1979
2. United Nations Standard Minimum Rules for the Administration of Juvenile Justice of 29 November 1985 (The Beijing Rules)
3. Basic Principles on the Independence of the Judiciary of 13 December 1985
4. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment of 9 December 1988
5. Basic Principles on the Role of Lawyers of 7 September 1990
6. Guidelines on the Role of Prosecutors of 7 September 1990
7. United Nations Guidelines for the Prevention of Juvenile Delinquency of 14 December 1990 (The Riyadh Guidelines)
8. United Nations Rules for the Protection of Juveniles Deprived of their Liberty of 14 December 1990
9. United Nations Standard Minimum Rules for Non-custodial Measures of 14 December 1990 (The Tokyo Rules)
10. Basic Principles for the Treatment of Prisoners of 14 December 1990
11. Guidelines for Action on Children in the Criminal Justice System of 21 July 1997

General Comments and General Recommendations

Human Rights Committee

1. General Comment No. 1 Reporting Obligation [General Comment No. 1 has been replaced by General Comment No. 30No. 30], 27 Jul 1981 [View document](#)
2. General Comment No. 2 Reporting guidelines [Has been superseded by CCPR/C/66/GUI, Consolidated guidelines for State reports under the International Covenant on Civil and Political Rights, dated 29 September 1999], 28 Jul 1981 [View document](#)
3. General Comment No. 3 Article 2 (Implementation at the national level) [General comment No. 3 has been replaced by general comment No. 31], 29 Jul 1981 [View document](#)
4. General Comment No. 4 Article 3 (Equal right of men and women to the enjoyment of all civil and political rights) [General comment No. 4 has been replaced by general comment No. 28], 30 Jul 1981 [View document](#)
5. General Comment No. 05: Derogation of rights (Art. 4), 31 Jul 1981 [View document](#)
6. General Comment No. 6 Article 6 (The right to life), 30 Apr 1982 [View document](#)
7. General Comment No. 7 Article 7 (Torture or cruel, inhuman or degrading treatment or punishment) [General comment No. 7 has been replaced by general comment No. 20], 30 May 1982 [View document](#)
8. General Comment No. 8 Article 9 (Right to liberty and security of persons), 30 Jun 1982 [View document](#)
13. General Comment No. 09: Humane treatment of persons deprived of liberty (Art. 10), 30 Jul 1982 [View document](#)
14. General Comment No. 10 Article 19 (Freedom of opinion and expression), 29 Jun 1983 [View document](#)
15. General Comment No. 11: Prohibition of propaganda for war and inciting national, racial or religious hatred (Art. 20), 01 Jan 1983 [View document](#)
16. General Comment No. 12 Article 1 (The right to self-determination of peoples), 13 Mar 1984 [View document](#)
17. General Comment No. 13: Equality before the courts and the right to a fair and public hearing by an independent court established by law (Art. 14) 13 Apr 1984 [View document](#)
18. General Comment No. 14: Nuclear weapons and the right to life (Art. 6), 09 Nov 1984 [View document](#)
19. General Comment No. 15 The position of aliens under the Covenant, 11 Apr 1986 [View document](#)
20. General Comment No. 16 - Article 17 (The right to respect of privacy, family, home and correspondence, and protection of honour and reputation), 28 Sep 1988 [View document](#)
21. General Comment No. 17 - Rights of the child, (Article 24), (Thirty-fifth session, 1989), 29 Sep 1989 [View document](#)

22. General Comment No. 18 - Non-discrimination (Thirty-seventh session, 1989), 04 Oct 1990 [View document](#)
23. General Comment No. 19: Article 23 (The Family) Protection of the Family, the Right to Marriage and Equality of the Spouses, 27 Jul 1990 [View document](#)
24. General Comment No. 20 Article 7 (Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment), (Replaces general comment No. 7), 29 Sep 1989 [View document](#)
25. General Comment No. 21: Replaces general comment 9 concerning humane treatment of persons deprived of liberty (Art. 10) (Annex VI, B), 13 Mar 1993 [View document](#)
26. General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18), 27 Sep 1993 [View document](#)
27. General Comment No. 23: The rights of minorities (Art. 27), 26 Apr 1994 [View document](#)
28. General Comment No. 24: Issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant, 11 Nov 1994 [View document](#)
29. General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art. 25), 27 Aug 1996 [View document](#)
30. General Comment No. 26: Continuity of obligations, 08 Dec 1997 [View document](#)
31. General Comment No. 27: Freedom of movement (Art.12), 01 Nov 1999 [View document](#)
32. General Comment No. 28 Article 3 (The equality of rights between men and women) (Replaces general comment No. 4), 29 Mar 2000 [View document](#)
33. General Comment No. 29: States of Emergency (article 4), 31 Aug 2001 [View document](#)
34. General Comment No. 30: Reporting Obligations of States parties under article 40 of the Covenant, 18 Sep 2002 [View document](#)
35. General Comment No. 31 [80] Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 26 May 2004 [View document](#)
36. General Comment No. 32: Article 14: Right to Equality before Courts and Tribunals and to Fair Trial, 23 Aug 2007 [View document](#)
37. General Comment No. 33: The obligations of States Parties under the Optional Protocol to the International Covenant on Civil and Political Rights, 25 Jun 2009 [View document](#)
38. General comment No. 34 - Article 19: Freedoms of opinion and expression, 12 Sep 2011 [View document](#)
39. General comment No. 35, Article 9: Liberty and security of person, 28 Jan 2013 [View document](#)

Cross-reference: Also see related General Comment No. 1 of the Committee against Torture in ... and international criminal law in

Discrimination

Treaty Law

1. International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965
2. UNESCO Convention against Discrimination in Education of 14 December 1960
3. Equal Remuneration Convention, 1951 (No. 100) (ILO)
4. Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ILO)
5. Convention concerning Equality of Treatment of Nationals and Non-Nationals in Social Security, 1962 (No. 118) (ILO)

Declaratory Law

6. United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963
7. Declaration on Race and Racial Prejudice of 27 November 1978
8. Declaration on the Elimination of All Forms of Intolerance and of Discrimination
9. Based on Religion or Belief of 25 November 1981

10. Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 8 September 2001

General Comments and Recommendations:

Human Rights Committee

1. General Comment No. 15, The position of aliens under the Covenant, Human Rights Committee (1986)

Slavery, Slavery-like Practices and Forced Labour

Customary Law and other binding norms

Treaty Law

1. Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 25 September 1926 (Slavery Convention)
2. Forced Labour Convention, 1930 (No. 29) (ILO)
3. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 2 December 1949
4. Protocol amending the Slavery Convention signed at Geneva on 25 September 1926, of 23 October 1953
5. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 7 September 1956
6. Abolition of Forced Labour Convention, 1957 (No. 105) (ILO)

Declaratory Law

7. Recommended Principles and Guidelines on Human Rights and Human Trafficking of 20 May 2002

Freedom of Association

Treaty Law

1. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ILO)
2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ILO)

Cross-reference: Also see general comments of the Committee on the Elimination of Racial Discrimination in ... and related documents on discrimination against women in ...

Cross-reference: Also see related documents on women in ... on children in ..., on discrimination in ... and on international criminal law in

Women

Customary Law and other binding norms

1. UN Security Council Resolution 1325 on women and peace-building of 31 October 2000

Treaty Law

2. Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979
3. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women of 6 October 1999
4. Convention on the Political Rights of Women of 31 March 1953

Declaratory Law

5. Declaration on the Protection of Women and Children in Emergency and Armed Conflict of 14 December 1974
6. Declaration on the Elimination of Violence against Women of 20 December 1993

Cross-reference: Also see related documents on nationality and statelessness in ..., on women in ...

Cross-reference: Also see related instruments on marriage in ...

Cross-reference: Also see related documents on torture in ..., on slavery, slavery-like practices and forced labour in ..., on women in

Children

Customary Law and other binding norms

1. UN Security Council Resolution 1612 on children and armed conflict of 26 July 2005

Treaty Law

2. Convention on the Rights of the Child of 20 November 1989
3. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict of 25 May 2000
4. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography of 25 May 2000
5. Convention on the Civil Aspects of the Child Abduction of 25 October 1980
6. Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption of 29 May 1993
7. Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children of 19 October 1996
8. Minimum Age Convention, 1973 (No. 138) (ILO)
9. Worst Forms of Child Labour Convention, 1999 (No. 182) (ILO)

Declaratory Law

11. Declaration of the Rights of the Child of 20 November 1959
12. Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally of 3 December 1986

Cross-reference: Also see related documents on torture in ..., on slavery, slavery-like practices and forced labour in ..., on children in .

Persons with Disabilities

Treaty Law

1. Convention on the Rights of Persons with Disabilities of 13 December 2006
2. Optional Protocol to the Convention on the Rights of Persons with Disabilities of 13 December 2006

Declaratory Law

3. Declaration on the Rights of Mentally Retarded Persons of 20 December 1971
4. Declaration on the Rights of Disabled Persons of 9 December 1975
5. Principles for the Protection of Persons with Mental Illnesses and the Improvement of Mental Health Care of 17 December 1991

6. Standard Rules on the Equalization of Opportunities for Persons with Disabilities of 20 December 1993

Cross-reference: Also see related documents on discrimination in ..., on slavery, slavery-like practices and forced labour in ..., on marriage in Volume 1, Section 1.5, Part 11 and on international criminal law in

Cross-reference: Also see general comments of the Committee on the Rights of the Child in ... and related documents on slavery, slavery-like practices and forced labour in Volume 1, Section 1.5, Part 6, on marriage in ... and on international criminal law in

Humanitarian Law

Customary Law and other binding norms

Treaty Law

1. Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Excerpts)
2. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of victims of International Armed Conflicts (Protocol I) of 8 June 1977 (Excerpts)
3. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) of 8 June 1977
4. Hague Convention (V) Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land of 18 October 1907

Declaratory Law

1. [General Assembly resolution A/RES/63/308 “The responsibility to protect”](#) of 7 October 2009

Refugee Law

Customary Law and other binding norms

Treaty Law

1. Convention relating to the Status of Refugees of 28 July 1951
2. Protocol relating to the Status of Refugees of 31 January 1967
- 3.
4. Refugees and Stateless Persons, UN GA Resolution 319 A (IV) of 3 December 1949
5. Statute of the Office of the United Nations High Commissioner for Refugees of 14 December 1950
6. Definitions of “refugee” according to agreements, conventions and protocols mentioned in article 1 A (1) of the Convention relating to the Status of Refugees of 28 July 1951
7. Agreement relating to Refugee Seamen of 23 November 1957
8. Protocol relating to Refugee Seamen of 12 June 1973
9. Convention concerning International Co-operation regarding Administrative Assistance to Refugees of 3 September 1985

Declaratory Law

10. United Nations Declaration on Territorial Asylum of 14 December 1967
11. Declaration of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees of 13 December 2001
12. UN Principles on Housing and Property Restitution (The Pinheiro Principles) of 28 June 2005

Statelessness

1. Convention relating to the Status of Stateless Persons of 28 September 1954
2. Convention on the Reduction of Statelessness of 30 August 1961
3. Convention to Reduce the Number of Cases of Statelessness of 13 September 1973
4. Special Protocol concerning Statelessness of 12 April 1930
5. Draft articles on the Nationality of Natural Persons in relation to the Succession of States of 3 April 1999

Internally Displaced Persons

1. Guiding Principles on Internal Displacement of 11 February 1998
2. UN Principles and Guidelines on Development-based Eviction and Displacement (2008)

Migrants

3. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 18 December 1990
4. Migration for Employment Convention (Revised), 1949 (No. 97) (ILO)
5. Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) (ILO)
6. Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live of 13 December 1985

General Comments and Recommendations:

Committee against Torture

3. General Comment No. 1, Implementation of article 3 of the Convention in the context of article 22 (Refoulement and communications), Committee against Torture (1997)

Committee on the Elimination of Racial Discrimination

4. General Recommendation No. 22, Refugees and displaced persons, Committee on the Elimination of Racial Discrimination (1996)
5. General Recommendation No. 30, Discrimination against non-citizens, Committee on the Elimination of Racial Discrimination (2004)

Committee on the Rights of the Child

5. General Comment No. 6, Treatment of unaccompanied and separated children outside their country of origin, Committee on the Rights of the Child (2005)

Cross-reference: Also see related documents on nationality and statelessness on children in

Cross-reference: Also see related documents on torture in ..., on slavery, slavery-like practices and forced labour in ..., on children in

Miscellaneous

Customary Law and other binding norms

Declaratory Law

1. Universal Declaration on the Eradication of Hunger and Malnutrition of 16 November 1974
2. United Nations Principles for Older Persons of 16 December 1991
3. Declaration of Commitment on HIV/AIDS of 27 June 2001

General Comments and Recommendations

Human Rights Committee

1. General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, Human Rights Committee (2004)