Annexes

1 Legal Instruments Underpinning the Sphere Handbook

The following instruments inform the Humanitarian Charter and the Minimum Standards in Disaster Response:

Universal Declaration of Human Rights 1948.

International Covenant on Civil and Political Rights 1966.

International Covenant on Economic, Social and Cultural Rights 1966.

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

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

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

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

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

Convention on the Rights of the Child 1989.

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

Convention relating to the Status of Stateless Persons 1960.

Guiding Principles on Internal Displacement 1998.

2 The Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief

Prepared jointly by the International Federation of Red Cross and Red Crescent Societies and the ICRC[1]

Purpose

This Code of Conduct seeks to guard our standards of behaviour. It is not about operational details, such as how one should calculate food rations or set up a refugee camp. Rather, it seeks to maintain the high standards of independence, effectiveness and impact to which disaster response NGOs and the International Red Cross and Red Crescent Movement aspires. It is a voluntary code, enforced by the will of the organisation accepting it to maintain the standards laid down in the Code.

In the event of armed conflict, the present Code of Conduct will be interpreted and applied in conformity with international humanitarian law.

Note

1. Sponsored by: Caritas Internationalis*, Catholic Relief Services*, The International Federation of Red Cross and Red Crescent Societies*, International Save the Children Alliance*, Lutheran World Federation*, Oxfam*, The World Council of Churches*, The International Committee of the Red Cross (* members of the Steering Committee for Humanitarian Response).

The Code of Conduct is presented first. Attached to it are three annexes, describing the working environment that we would like to see created by Host Governments, Donor Governments and Inter-Governmental Organisations in order to facilitate the effective delivery of humanitarian assistance.

Definitions

NGOs: NGOs (Non-Governmental Organisations) refers here to organisations, both national and international, which are constituted separately from the government of the country in which they are founded.

NGHAs: For the purposes of this text, the term Non-Governmental Humanitarian Agencies (NGHAs) has been coined to encompass the components of the International Red Cross and Red Crescent Movement – The International Committee of the Red Cross, The International Federation of Red Cross and Red Crescent Societies and its member National Societies – and the NGOs as defined above. This code refers specifically to those NGHAs who are involved in disaster response.

IGOs: IGOs (Inter-Governmental Organisations) refers to organisations constituted by two or more governments. It thus includes all United Nations Agencies and regional organisations.

Disasters: A disaster is a calamitous event resulting in loss of life, great human suffering and distress, and large-scale material damage.

The Code of Conduct

Principles of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes

1 The humanitarian imperative comes first

The right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries. As members of the international community, we recognise our obligation to provide humanitarian assistance wherever it is needed. Hence the need for unimpeded access to affected populations is of fundamental importance in exercising that responsibility. The prime motivation of our response to disaster is to alleviate human suffering amongst those least able to withstand the stress caused by disaster. When we give humanitarian aid it is not a partisan or political act and should not be viewed as such.

2 Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone

Wherever possible, we will base the provision of relief aid upon a thorough assessment of the needs of the disaster victims and the local capacities already in place to meet those needs. Within the entirety of our programmes, we will reflect considerations of proportionality. Human suffering must be alleviated whenever it is found; life is as precious in one part of a country as another. Thus, our provision of aid will reflect the degree of suffering it seeks to alleviate. In implementing this approach, we recognise the crucial role played by women in disaster-prone communities and will ensure that this role is supported, not diminished, by our aid programmes. The implementation of such a universal, impartial and independent policy, can only be effective if we and our partners have access to the necessary resources to provide for such equitable relief, and have equal access to all disaster victims.

3 Aid will not be used to further a particular political or religious standpoint

Humanitarian aid will be given according to the need of individuals, families and communities. Notwithstanding the right of NGHAs to espouse particular political or religious opinions, we affirm that assistance will not be dependent on the adherence of the recipients to those opinions. We will not tie the promise, delivery or distribution of assistance to the embracing or acceptance of a particular political or religious creed.

4 We shall endeavour not to act as instruments of government foreign policy

NGHAs are agencies which act independently from governments. We therefore formulate our own policies and implementation strategies and do not seek to implement the policy of any government, except in so far as it coincides with our own independent policy. We will never knowingly – or through negligence – allow ourselves, or our employees, to be used to gather information of a political, military or economically sensitive nature for governments or other bodies that may serve purposes other than those which are strictly humanitarian, nor will we act as instruments of foreign policy of donor governments. We will use the assistance we receive to respond to needs and this assistance should not be driven by the need to dispose of donor commodity surpluses, nor by the political interest of any particular donor. We value and promote the voluntary giving of labour and finances by concerned individuals to support our work and recognise the independence of action promoted by such voluntary motivation. In order to protect our independence we will seek to avoid dependence upon a single funding source.

5 We shall respect culture and custom

We will endeavour to respect the culture, structures and customs of the communities and countries we are working in.

6 We shall attempt to build disaster response on local capacities

All people and communities – even in disaster – possess capacities as well as vulnerabilities. Where possible, we will strengthen these capacities by employing local staff, purchasing local materials and trading with local companies. Where possible, we will work through local NGHAs as partners in planning and implementation, and co-operate with local government structures where appropriate. We will place a high priority on the proper co-ordination of our emergency responses. This is best done within the countries concerned by those most directly involved in the relief operations, and should include representatives of the relevant UN bodies.

7 Ways shall be found to involve programme beneficiaries in the management of relief aid

Disaster response assistance should never be imposed upon the beneficiaries. Effective relief and lasting rehabilitation can best be achieved where the intended beneficiaries are involved in the design, management and implementation of the assistance programme. We will strive to achieve full community participation in our relief and rehabilitation programmes.

8 Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs

All relief actions affect the prospects for long-term development, either in a positive or a negative fashion. Recognising this, we will strive to implement relief programmes which actively reduce the beneficiaries' vulnerability to future disasters and help create sustainable lifestyles. We will pay particular attention to environmental concerns in the design and management of relief programmes. We will also endeavour to minimise the negative impact of humanitarian assistance, seeking to avoid long-term beneficiary dependence upon external aid.

9 We hold ourselves accountable to both those we seek to assist and those from whom we accept resources

We often act as an institutional link in the partnership between those who wish to assist and those who need assistance during disasters. We therefore hold ourselves accountable to both constituencies. All our dealings with donors and beneficiaries shall reflect an attitude of openness and transparency. We recognise the need to report on our activities, both from a financial perspective and the perspective of effectiveness. We recognise the obligation to ensure appropriate monitoring of aid distributions and to carry out regular assessments of the impact of disaster assistance. We will also seek to report, in an open fashion, upon the impact of our work, and the factors limiting or enhancing that impact. Our programmes will be based upon high standards of professionalism and expertise in order to minimise the wasting of valuable resources.

10 In our information, publicity and advertising activities, we shall recognise disaster victims as dignified humans, not hopeless objects

Respect for the disaster victim as an equal partner in action should never be lost. In our public information we shall portray an objective image of the disaster situation where the capacities and aspirations of disaster victims are highlighted, and not just their vulnerabilities and fears. While we will cooperate with the media in order to enhance public response, we will not allow external or internal demands for publicity to take precedence over the principle of maximising overall relief assistance. We will avoid competing with other disaster response agencies for media coverage in situations where such coverage may be to the detriment of the service provided to the beneficiaries or to the security of our staff or the beneficiaries.

The Working Environment

Having agreed unilaterally to strive to abide by the Code laid out above, we present below some indicative guidelines which describe the working

environment we would like to see created by donor governments, host governments and the inter-governmental organisations – principally the agencies of the United Nations – in order to facilitate the effective participation of NGHAs in disaster response.

These guidelines are presented for guidance. They are not legally binding, nor do we expect governments and IGOs to indicate their acceptance of the guidelines through the signature of any document, although this may be a goal to work to in the future. They are presented in a spirit of openness and cooperation so that our partners will become aware of the ideal relationship we would seek with them.

Annex I : Recommendations to the governments of disaster-affected countries

1 Governments should recognise and respect the independent, humanitarian and impartial actions of NGHAs

NGHAs are independent bodies. This independence and impartiality should be respected by host governments.

2 Host governments should facilitate rapid access to disaster victims for NGHAs

If NGHAs are to act in full compliance with their humanitarian principles, they should be granted rapid and impartial access to disaster victims, for the purpose of delivering humanitarian assistance. It is the duty of the host government, as part of the exercising of sovereign responsibility, not to block such assistance, and to accept the impartial and apolitical action of NGHAs. Host governments should facilitate the rapid entry of relief staff, particularly by waiving requirements for transit, entry and exit visas, or arranging that these are rapidly granted. Governments should grant over-flight permission and landing rights for aircraft transporting international relief supplies and personnel, for the duration of the emergency relief phase.

3 Governments should facilitate the timely flow of relief goods and information during disasters

Relief supplies and equipment are brought into a country solely for the purpose of alleviating human suffering, not for commercial benefit or gain. Such supplies should normally be allowed free and unrestricted passage and should not be subject to requirements for consular certificates of origin or invoices, import and/or export licences or other restrictions, or to importation taxation, landing fees or port charges.

The temporary importation of necessary relief equipment, including vehicles, light aircraft and telecommunications equipment, should be facilitated by the receiving host government through the temporary waiving of licence or registration restrictions. Equally, governments should not restrict the re-exportation of relief equipment at the end of a relief operation.

To facilitate disaster communications, host governments are encouraged to designate certain radio frequencies, which relief organisations may use in-country and for international communications for the purpose of disaster communications, and to make such frequencies known to the disaster response community prior to the disaster. They should authorise relief personnel to utilise all means of communication required for their relief operations.

4 Governments should seek to provide a coordinated disaster information and planning service

The overall planning and coordination of relief efforts is ultimately the responsibility of the host government. Planning and coordination can be greatly enhanced if NGHAs are provided with information on relief needs and government systems for planning and implementing relief efforts as well as information on potential security risks they may encounter. Governments are urged to provide such information to NGHAs.

To facilitate effective coordination and the efficient utilisation of relief efforts, host governments are urged to designate, prior to disaster, a single point-of-contact for incoming NGHAs to liaise with the national authorities.

5 Disaster relief in the event of armed conflict

In the event of armed conflict, relief actions are governed by the relevant provisions of international humanitarian law.

Annex II : Recommendations to donor governments

1 Donor governments should recognise and respect the independent, humanitarian and impartial actions of NGHAs

NGHAs are independent bodies whose independence and impartiality should be respected by donor governments. Donor governments should not use NGHAs to further any political or ideological aim.

2 Donor governments should provide funding with a guarantee of operational independence

NGHAs accept funding and material assistance from donor governments in the same spirit as they render it to disaster victims; one of humanity and independence of action. The implementation of relief actions is ultimately the responsibility of the NGHA and will be carried out according to the policies of that NGHA.

3 Donor governments should use their good offices to assist NGHAs in obtaining access to disaster victims

Donor governments should recognise the importance of accepting a level of responsibility for the security and freedom of access of NGHA staff to disaster sites. They should be prepared to exercise diplomacy with host governments on such issues if necessary.

Annex III : Recommendations to inter-governmental organisations

1 IGOs should recognise NGHAs, local and foreign, as valuable partners

NGHAs are willing to work with UN and other inter-governmental agencies to effect better disaster response. They do so in a spirit of partnership which respects the integrity and independence of all partners. Inter-governmental agencies must respect the independence and impartiality of the NGHAs. NGHAs should be consulted by UN agencies in the preparation of relief plans.

2 IGOs should assist host governments in providing an overall coordinating framework for international and local disaster relief

NGHAs do not usually have the mandate to provide the overall coordinating framework for disasters which require an international response. This responsibility falls to the host government and the relevant United Nations authorities. They are urged to provide this service in a timely and effective manner to serve the affected state and the national and international disaster response community. In any case, NGHAs should make all efforts to ensure the effective co-ordination of their own services.

In the event of armed conflict, relief actions are governed by the relevant provisions of international humanitarian law.

3 IGOs should extend security protection provided for UN organisations to NGHAs

Where security services are provided for inter-governmental organisations, this service should be extended to their operational NGHA partners where it is so requested.

4 IGOs should provide NGHAs with the same access to relevant information as is granted to UN organisations

IGOs are urged to share all information, pertinent to the implementation of effective disaster response, with their operational NGHA partners.

3 Acknowledgements

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The emphasis throughout the development of the handbook was on consultation, with networks of peer review groups involved at all stages of the process. In particular, aid workers based in countries where disasters are a regular occurrence, and who are using the handbook in the field, provided detailed feedback. The result does not represent the view of any one agency. Rather, it represents the active and deliberate will of the humanitarian community to join together to share an extensive body of experience and learning, in an effort to improve the quality and accountability of humanitarian action. Thanks to all who helped to make this a reality.

While Sphere gratefully acknowledges the contribution of everyone who has participated, both in the original handbook and in this revision, it would take more than 40 pages to list individual names and space does not allow this. However, a full listing of all agencies and individuals who have contributed can be found on the Sphere website at: http://www.sphereproject.org

4 Acronyms

ACC/SCN:
United Nations Administrative Committee on Coordination/Subcommittee on Nutrition

ACT:
Action by Churches Together

ALNAP:
Active Learning Network for Accountability in Practice

CDC:
Centers for Disease Control and Prevention

DAC:
Development Assistance Committee (OECD)

FAO:
Food and Agriculture Organisation

IAPSO:
Inter-Agency Procurement Services Office (UNDP)

ICRC:
International Committee of the Red Cross

INFCD:
International Nutrition Foundation for Developing Countries

LWF:
The Lutheran World Federation

MISP:
Minimum Initial Service Package

MSF:
Médecins Sans Frontières

NCHS:
National Centre for Health Statistics

NGO:
Non-governmental organisation

OCHA:
UN Office for Coordination of Humanitarian Affairs

OECD:
Organisation for Economic Cooperation and Development

OFDA:
Office of Foreign Disaster Assistance (USAID)

PTSS:
Programme and Technical Support Section (UNHCR)

SCHR:
Steering Committee for Humanitarian Response

UNDP:
United Nations Development Programme

UNDRO:
United Nations Disaster Relief Organisation

UNEP:
United Nations Environment Programme

UNHCR:
United Nations High Commissioner for Refugees

UNICEF:
United Nations Children's Fund

USAID:
United States Agency for International Development

WCRWC:
Women's Commission for Refugee Women and Children

WFP:
World Food Programme

WHO:
World Health Organisation

WMO:
World Meteorological Organisation

Index

Index

administrative offices 217
aid workers
  job descriptions 41
  management of 41
  qualifications 40, 41
anthropometric surveys, malnutrition 115, 116-17, 183
assistance programmes
  community involvement 28
  long-term benefits 29

bathing *see* washing
bedding
  initial provision 208-9, 241
  minimum ownership 228, 231
  thermal performance 231
  washing 77, 78
beri-beri 140
bibliograpies
  anthropometric assessments 195-6
  food aid 199
  food security 194-5, 196
  health services 304-8
  human rights 20, 44-8
  micronutrients 198
  shelter and settlements 244-6
  vector controls 98-9
  vulnerable groups 197-8
  waste disposal 98-9
  water supplies 96-8
biological weapons 273
body lice 77, 78
boys
  conscription 40
  sexual coercion 37, 220
breastfeeding
  HIV/AIDS 142
  malnutrition 152
  promoting 141, 234
buildings, damaged 214, 221, 222
burials
  cloths 230
  local cultures 217, 236, 269, 291, 293
  location 84, 215, 269

camps *see* shelter, camps
carers
  of malnourished 152, 163
  nutritional needs 144
  older people 11
case fatality rates (CFR) 283, 302
cash crops 126
cash-for-work (CFW) 129-30, 178
chemicals
  standards 81
  vector-borne disease control 81-2
children
  see also vulnerable groups
  exploitation 40-1
  faeces, disposal 71, 73, 84
  food, milk 160
  health services 255
  illnesses 277
  malnourished, targeting 36
  malnutrition
    moderate 183-5
    severe 183-5
  morbidity data, under 5 33
  mortality data, under 5 33, 259, 260
  nutritional requirements 141, 143-4
  play areas 217
  protection 10-11
  schools 216, 217
chronic diseases 294
clan systems 37
climate, building constraints 223
clinicians 266, 268, 271, 303
clinics, mobile 265
clothing
  initial provision 208, 241-2
  launderies 70-1, 232
  minimum ownership 230, 231
  thermal performance 231
cluster planning, shelters 215, 216
CMR *see* crude mortality rates
Code of Conduct 315-24
communicable diseases
  case fatality rates 283, 302
  diagnosis 277, 278
    laboratory services 277, 278, 279, 280
    sample transport 279, 280
  health education 274-5
  HIV/AIDS 283-4
  malaria 78, 79, 80, 95, 138, 277-8, 282
  measles 138, 180, 255, 274-6
  outbreaks
    control measures 281, 282-3
    early warnings 281-2
    preparedness 279-80
  single case indications 282

tuberculosis 277, 278
community health workers 267, 281
complex emergencies, health impact 257
conflict situations
aid distribution 35
food security 107, 119, 156, 167-8
injuries 287
non-combatants 17
construction
materials
accountability 225, 226
local 224, 225, 226, 239-40
thermal properties 221, 223
workmanship 224, 226
cooking
fuel supplies 158, 159, 234, 235-6
environmental impact 123, 159
stoves 234, 235
utensils
access 163, 164
initial needs 233, 242
water supplies 64
coordination
food aid 109, 113-14
health services 255, 261-3, 263-4
information exchanges 30, 33-4, 35
shelter programmes 209-10
crude mortality rates (CMR)
baseline 260-1
calculations 301
documentation 32-3, 259, 271
maintenance 259, 260
cultural practices
data gathering 38
housing 207, 219, 220, 221, 222, 240
normality 291, 293

data
see also monitoring
confidentiality 270, 271
disaggregation 30, 32-3, 271
personal 36
relevance 37
dead, disposal 217, 267, 269
decision-making 28
diarrhoea epidemics 67, 79
disabled people
see also vulnerable groups
food, access 144
malnutrition 186
protection 11
disaster-affected people
conflict within 40
health impacts 254-5
participation 26, 28-9
disasters, initial assessments 25, 29-33
diseases
see also communicable diseases
chronic 294
droplet transmission 224
incidence rates 302
micronutrient deficiencies 139
toilets, maintenance 75
vector-borne 76-9
water-borne 65, 79
distribution systems
effectiveness 37
monitoring 36, 38
drainage
initial assessments 92
on-site soak pits 87-8
planning 86, 87
slopes 88, 218
surface topography 216, 218
surface water 86
drugs
donated 266
essential lists 266, 268
management 269
reserve stocks 280

earthquakes, injuries 257, 286
eating utensils 233-4
employment
food production 128-30
remuneration 128, 129-30, 131
environment
erosion 228
impact
fuel supplies 123, 234, 235, 242
settlements 227-9, 241
protection 13, 227-8
food security 120, 123
EPI (Expanded Programme on Immunisation) 274, 275
epidemiological reports 270
equality, human rights 11-12
erosion 228
evaluation
minimum standards criteria 39
use of 39
excreta
animal 67, 80, 95
children's 71, 73
disposal 71-5, 80
initial needs 90-1
exit strategies, food security 120, 123
Expanded Programme on Immunisation (EPI) 274, 275

faecal contamination, water supplies 66-8, 95
families, reuniting 292
FFR (food-for-recovery) 178
FFW (food-for-work) 129, 130, 178, 225
field hospitals 263
first aid 287
flies 79, 80
floods, health impact 257
food
  see also cooking; malnutrition; micronutrients
  essential 133
  grain, milling 158, 160-1, 164
  hygiene promotion 163-4
  imports, effect of 132, 155
  information dissemination 170-1
  local production 112, 124, 125-7
    cash crops 126
    destabilisation 121, 122, 124-5, 127
    local sourcing 127, 165, 166
    markets 113, 131-4
    monitoring 127
    price fluctuations 131, 134
    rural areas 113, 124-5, 127
    seeds 126-7
  milk 160
  nutrition
    assessments 116
    daily requirements 138
  storage 161
    dedicated 167
  unfit, disposal 167
  vector contamination 77
food aid
  distribution
    dry rations 155, 156
    equitable 123-4, 162, 166, 168, 169
    free 121, 155, 156
    methods 168, 170-1
    monitoring 168, 171
    points for 170
    targeting 168, 169
    women 169
  familiarity 158, 160
  initial assessments 157-8
  management 162
  quality controls 160, 161, 167
  shelf-life 160, 161
  supply chains 162, 165-6
    documentation 165, 167
    logistics 192-3
  transfer value 158
food security
  agency co-ordination 113-14
  assessments 111-13, 114, 120, 121, 172-3
    checklists 174-6
    reports 112, 113-14, 173
    teams 114
  conflict situations 107, 119, 156, 167-8
  definition 108, 119
  distribution 170
  domestic coping strategies 122
  employment 128-30
  environmental impact 120, 123
  exit strategies 120, 123
  future 113
  monitoring 121, 124
  primary production
    responses 177-8
    viability 124-6
  standards 119-20
    general 120-4
food-for-recovery (FFR) 178
food-for-work (FFW) 129, 130, 178, 225
fuel supplies
  environmental impact 123, 234, 235, 242
  safe collection 235-6, 242

gender-based violence (GBV) 288, 289-90
genetically modified (GMO) seeds 127
Geneva Convention, non-combatants 17
girls
  see also women
  adolescent, nutrition 142
goitre 187-8
grain, milling 158, 160-1, 164
groundwater 64
  graveyards 217, 269
  toilet soakaways 74, 75, 87

handwashing 74, 75
health centres
  see also hospitals
  central, staffing 267
  malnutrition, staffing 149, 150-1
  peripheral, staffing 267
  quarantine areas 217
  water supplies 69, 93
health education 264-5
  communicable diseases 274-5
health impact, disasters 257
health information systems (HIS)
  data 270, 271
  early warnings from 281-2
health and safety
  food preparation 163
  working environments 128, 130
health services
  access 215, 216-17, 259-60

case management protocols 266, 268
children 255
community participation 255
community workers 267
coordination 255, 259, 263-4
disaster impact 254-5
drugs
donated 268
lists 266, 268
management 269
reserve stocks 280
epidemiological reports 270, 271
host communities 255
human rights 253
initial assessments 254-5, 295-7
minimum initial service packages 289, 290
and national/local provision 261-3
patients' rights 268-9
primary care 264-5
prioritisation 254, 259-60
staff
gender balance 262-3
skills 266, 267
utilisation rates 268, 302
women 255
heating, stoves 234, 235
high winds, health impact 257
HIS *see* health information systems
HIV/AIDS (PLWH/A)
see also vulnerable groups
breastfeeding 142
control 283-4, 288
coping strategies 13
malnutrition 151
nutrition 143
stigma 37
toilets 73
water needs 65
hospitals
see also health centres
clinicians 266, 268, 271, 303
field 263
staffing levels 267
water supplies 69, 93
host communities
and displaced populations 32, 211-12, 213, 241
upgrading 213
household waste, disposal 83, 84
housing *see* shelter
human rights
children 11
equality 11-12
food 107
health services 253
housing 207
life with dignity 17
patients 268-9
water 55
humanitarian assistance, quality 26
Humanitarian Charter 5-6
human rights 17
minimum standards 19
principles 16-17
roles and responsibilities 18
hygiene promotion 59
communication 61
community involvement 60, 61
equitable access 60, 61
resources 60-1
vulnerable groups 61
water supplies 64
workers 61

IDP *see* internally displaced populations
IMCI (integrated management of childhood illnesses) 277
imports, effect of 132, 155
infants
breastfeeding 141
feeding bottles 234
infectious diseases *see* communicable diseases
information exchanges
initial assessments 30, 33-4, 35
monitoring 38
responses 33-4, 35
initial assessments
authorities 30
bedding 241-2
clothing 241-2
cooking 242
drainage 92
excreta disposal 90-1
food security 111-13, 114, 120, 121, 172-3
checklists 174-6
reports 112, 113-14, 173
teams 114
health services 254-5, 295-7
information exchanges 30, 33-4, 35
information sources 30, 31
personal hygiene 242
population numbers 30
prioritisation 30-1
response 33-4
settlements 238-9
shelter 208-9, 238-9
survival needs 258
team constitution 31

toilet provision 72
vector-borne diseases 91-2
waste management 92
water needs 89-90
injuries
incidence 285, 286-7
surgical care 286, 287-8
trauma care 260, 286-8
treatment protocols 286, 287
triage 287
integrated management of childhood illnesses (IMCI) 277
integration, responses 25-6
internally displaced populations (IDP)
and host communities 32, 211-12, 213, 241
health provision 255
return of 211, 212-13

key indicators, definition 8-9

laboratory services, reference 277, 278, 279, 280
land ownership, shelter occupation 212, 214
landfill sites 84, 85
latrines *see* toilets
launderies 70-1
soap 232
livelihoods
alternative 120, 123
definitions 108
resilience 119
support 212, 215, 237, 243
local authorities 30
health provision 261-3

malaria 95, 139, 277-8, 282-3
mosquito control 77-81
mosquito nets 236, 283
malnutrition
see also micronutrients
anthropometric surveys 115, 116-17, 183
assessments 145, 147
adults 185-6
children 184-5
under 5s 183
breastfeeding 152
carers 152, 163
causes 115, 116, 180-2
children
moderate 183
severe 183
definitions 108
food insecurity 114
health centres, staffing 149, 150-1
HIV/AIDS 151
mean weight gain 151
moderate
children 183
correction 145-8
coverage 145, 147
health access 145, 147
monitoring 139
community participation 146, 148
exit indicators 146, 147, 149, 150
preventitive programmes 137-8
protocols 151-2
psychosocial support 152
and public health 180-1
severe
children 183
correction 145, 149-2
coverage 149, 150
discharge criteria 149, 150-1
supplementary feeding 146, 149
markets
continuation of 215
external influences 132
food security 113
intervention reactions 131, 133
linked 132
protection of 131, 132-3, 178-9
waste 85
mean weight gain 151
measles 139
vaccinations 180, 255, 274-6
repeats 276
vitamin A supplements 275
medical waste, disposal 84, 85
meningococcal menigitis 282, 283
menstruation 75, 232, 233
mental health 285, 291, 292-3
micronutrients
access to 139
deficiencies 114, 115, 116-17, 139
diagnosis 152-3
endemic 140
prevention 153
minerals
deficiencies 187-8
requirements 189
supplements 152-3
vitamins
deficiencies 138, 187
requirements 137-8, 189
midwife delivery kits 288, 290
milk
distribution 160
powder 160

minerals
daily requirements 189
iodine deficiency 187-8
minimum initial service packages (MISP) 289, 290
Minimum Standards
principles 6, 13-14
prioritisation 14
responses 33-5
timeframes 7
monitoring
see also data
consultation on 38
food aid 121, 124
food aid distribution 168, 171
importance of 26, 37
information exchanges 38
primary food production 127-8
targeting 38
updating 38
morbidity data
children, under 5 33
documentation 259, 271
surveillance form 300
mortality data
children, under 5 33, 271
crude 259, 260, 301
documentation 259, 271
surveillance forms 298-9
mosquitoes
control 77-81
malaria 95, 139, 277-8, 282-3
nets 236, 283

nappy laundering 73
national authorities
health provision 261-3
population protection 30
natural hazards 212, 214, 226
non-refoulement 17
nutrition
see also malnutrition
assessments 116
carers 144
children 142, 142-3
daily requirements 139, 157-8, 189-91
data 180
and demographic structure 190-1
girls 142
HIV/AIDS patients 143
infants 141
older people 143
pre-existing interventions 182
women
breastfeeding 142
pregnant 142

older people
see also vulnerable groups
as carers 11
food, access 143
malnutrition 186
nutrition 143
protection 11

parents
nappy laundering 73
separation 122
participation
community 26
information 28
representation 29
pellagra 140
personal data gathering 36
personal hygiene, initial assessment 242
personal space 216, 217, 219-20
climate 219
plastics, food-grade 234
play areas 217
PLHW/A *see* HIV/AIDS (PLWH/A)
population numbers, assessments 30
protection, principles of 12, 48
psychosocial support
malnutrition 152
provision 221, 285, 291-3

quarantine areas 217

recovery period, planning for 33, 41
remuneration 128, 129-30, 131
cash-for-work 129-30, 178
food-for-recovery 178
food-for-work 129, 130, 178, 225
representation, balanced 29
reproductive health 285, 288-9
delivery kits 288, 290
resources, distribution 41
responses
assessment reaction 34-5
food aid 121, 124
food security 177-9
information exchanges 34, 35
Minimum Standards, meeting 33-4
targeting 35-7
riboflavin deficiency 140
rodents 80
roofing materials 220
thermal properties 221, 223

salt, iodisation 140
sanitation
  access 212, 214, 215, 216-17
  committees 62
  programmes
    aims and objectives 56, 59
    women 56
schools 216, 217
SCM *see* supply chain management
scurvy 140
seeds
  distribution 126-7
  genetically modified 127
sexual abuse 12
sexual coercion
  boys 37
  women 37, 41
SFP *see* supplementary feeding programmes
shelter
  camps
    emergency evacuation 216, 218
    handover 229
    initial assessments 238-9
    temporary 212, 213, 218
    vector-borne diseases 216, 218
  cluster planning 215, 216
  construction 224-6
  coordination 209-10
  culturally acceptable 207, 219, 220, 221, 222, 240
  environmental impact 227-9
  flexibility of use 221
  handovers 227, 229
  household activities 219, 220-1, 239
  initial assessments 238-41
  land ownership 212, 214
  mass 218
  materials
    alternative 221, 222-3
    local 224, 225, 239-40
    thermal properties 221, 223
  personal space 216, 217, 219-20
  privacy 219, 220
  programmes, women 209
  repairs 221, 222
  risk assessments 212, 213-14
  roofing materials 220
  vector-borne diseases 77, 224
  ventilation 224, 235
sites
  drainage 87, 88
  `selection 87
soakaways, groundwater 74, 75
soap 70, 232
  alternatives 71
social health 291-2
special needs see vulnerable groups
stormwater 88
stoves 234, 235, 242
supplementary feeding programmes (SFP)
  dry rations 155, 156
  malnutrition 146, 149
supply chain management (SCM)
  see also transport
  contracts 165, 166
  documentation 165, 167
  food aid 162, 165-6
  local sources 165-6
  logistics checklists 192-3
  threats to 165, 167-8
survival needs, assessing 258

targeting
  criteria 35, 36-7
  distribution systems 36, 37
  food aid 168-9
  mechanisms 35-6
  monitoring 38
  non-discriminatory 35-6
technological disasters 6-7
toilets
  access 71, 72-3
  design 73, 74
  handwashing 74, 75
  maintenance 71, 72-3, 74, 87
  minimum numbers 94
  pit excavation 216, 218
  public/communal, numbers 71, 72-3
  safety, women 73, 75
  water supplies 93
tools
  access 236, 243
  burials 236
  toilet construction 74, 75
  training 236
transport
  see also supply chains
  infrastructure 212, 215
  medical samples 279, 280
  settlements 216, 218
trauma care 260, 286-8
tuberculosis 277, 278

under 5 mortality rates (U5MR) 33, 271
  baseline 260-1
  calculations 301
  maintenance 259, 260

vaccinations, measles 180, 255, 274-6
vector-borne diseases 76
  controls 78, 79, 81-2, 87
    chemical 81-2
  initial assessments 91-2
  settlements 216, 218
  shelters 77, 224
  transmission 76, 77-9
vitamins
  A
    deficiencies 187
    measles vaccination 275
  daily requirements 189
  deficiencies 137-8, 140
  supplies 137
vulnerable groups
  clothing needs 231
  construction tasks 237
  definitions 9-10, 57-8, 110, 210
  economic needs 215
  fuel supplies 235-6
  hygiene promotion 61
  nutritional support 142-6, 164
  personal hygiene 232
  protection 10-13
  social needs 215
  washing facilities 70, 71
  water supplies 57-8, 66

wars *see* conflict situations
washing
  facilities 70, 220
  soap 70, 232
    alternatives 70-1
waste management
  burials, location 84, 215
  household 83, 84
  initial assessments 92
  markets 85
  medical 84, 85
  staff protection 85
water sources
  contamination
    chemical 65, 67
    faecal 66-8, 84, 95
    mammalian urine 79
    post-delivery 67, 68
    radiological 65, 67
  groundwater 64
    toilet soakaways 74, 75, 87
  maintenance 63
water supplies
  access 63, 66, 212, 214, 215, 216-17
  aims and objectives 56, 59
  collection and storage 68, 69, 233, 234
  committees 62
  disinfection 67, 68
  health centres 69
  as human rights 55
  initial assessments 89-90
  minimum needs 93
  palatability 68
  people per outlet 65-6
  quantities 63, 64
  queuing times 63, 66
  vulnerable groups 57-8, 66
women
  see also vulnerable groups
  birth attandants 262
  equal rights 12
  gender-based violence 288, 289-90
  health services 255
  laundry facilities, privacy 70
  menstruation 75, 232, 233
  pregnant, nutrition 142
  reproductive health 285, 288-9
  safety
    exploitation 40-1
    shelter 220
    toilets 73, 75
  sexual coercion 37, 41, 225
    food supplies 113
  shelter programmes 209, 225
  water collection 56, 66

xerophthalmia 187

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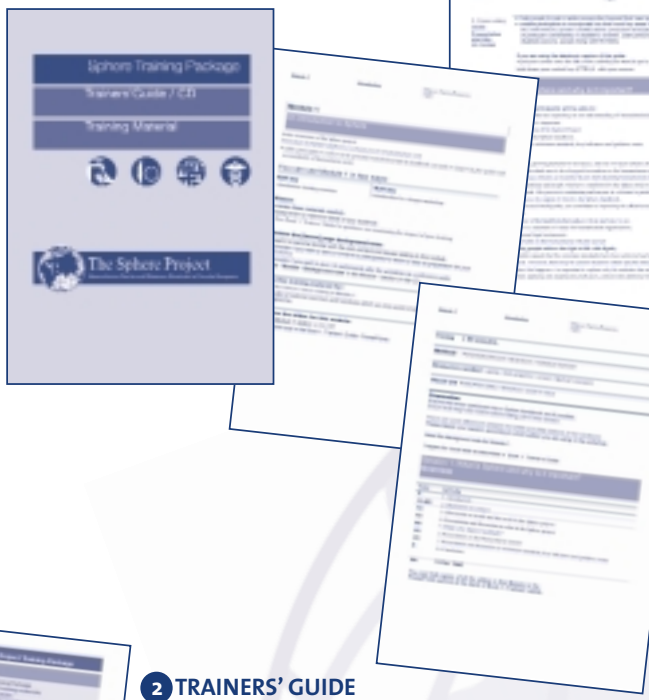

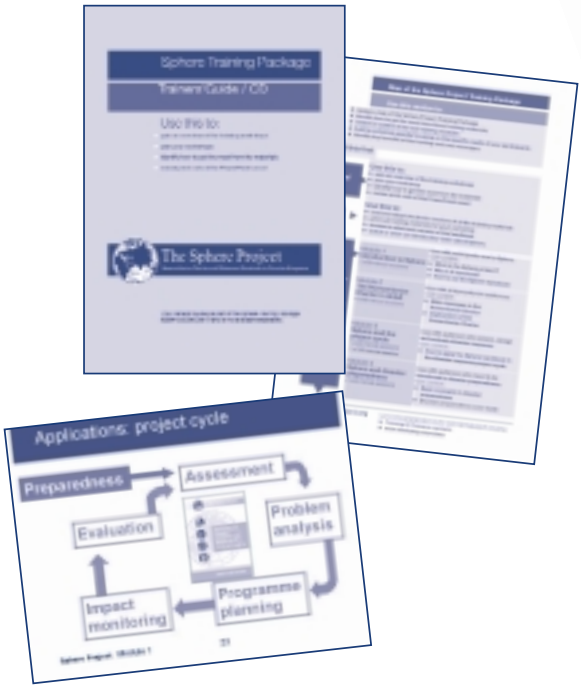

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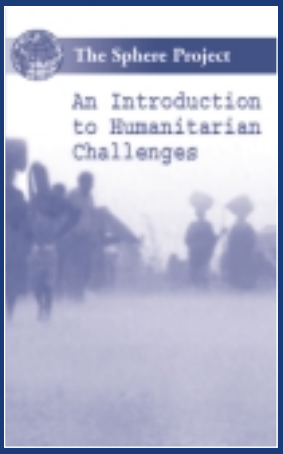

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