

## The Law of Disasters

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As Hilary Charlesworth has recognised, international law – or, at least, international lawyers – are far too interested in disasters. Writing in the *Modern Law Review* in 2002, Charlesworth observed that, while crises are ‘not of course the only catalyst for the development of international law’, they ‘structure our thinking about international law’ and ‘dominate the imagination of international lawyers’, because it gives them ‘the sense that their work is of immediate, intense relevance’.<sup>1</sup> Charlesworth went on to suggest that this approach not only was limited because it rested on a ‘truncated and selective understanding of events’ but also promoted ‘a narrow agenda for international law’. She proposed that, rather than being preoccupied with intervention in crises, international lawyers should pay much more attention to basic questions of poverty, health, education and nutrition. She called for a reorientation of international law which would see it focused on ‘issues of structural justice that underpin every day life’. Instead of ‘A Discipline of Crisis’, she advocated a new ‘international law of everyday life’.<sup>2</sup>

Domestic law – and domestic lawyers – are very different. In many countries they do not pay enough attention to disasters. The United States was one example until the arrival of Hurricane Katrina in 2005, as Dan Farber and Jim Chen observed in 2006 in their preface to *Disasters and the Law*. ‘Why a book on disaster law?’ they asked. ‘The reason is simple’, they responded: ‘It is hard to think of anything equally important that has received such little sustained attention from lawyers and law professors’.<sup>3</sup> While that has now changed, at least temporarily, in the United States, as exemplified not just by the publication of *Disasters and the Law* but also by a plethora of post-Katrina symposia, conferences and workshops,<sup>4</sup> it is still true of many other countries including Australia, where just one academic has specialised in

1 H Charlesworth, ‘International Law: A Discipline of Crisis’, *Modern Law Review*, vol 65, 2002, pp 377, 382.

2 Ibid, pp 382, 386.

3 D Farber and J Chen, *Disasters and the Law: Katrina and Beyond*, Aspen, New York, 2006, p xix.

4 ‘Disaster Law and the Legal Academy: Curriculum Research and Law Reform: Report on a Workshop held at UC Berkeley Law School June 25, 2007’.

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