

FOURTH PROGRESS REPORT



ON THE IMPLEMENTATION OF THE GUIDELINES
FOR DOMESTIC FACILITATION AND REGULATION
OF INTERNATIONAL DISASTER RELIEF AND INITIAL
RECOVERY ASSISTANCE



International Federation
of Red Cross and Red Crescent Societies

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EXECUTIVE SUMMARY

In 2007, the International Conference of the Red Cross and Red Crescent adopted the *Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance*¹ (also known as the IDRL Guidelines). The IDRL Guidelines were developed after six years of research and consultations by the International Federation of Red Cross and Red Crescent Societies (IFRC) to support states address a consistent set of regulatory problems in international disaster relief and early recovery, resulting from a lack of clear rules at the domestic level. Drawing on existing international norms and global experience, the IDRL Guidelines provide recommendations as to how states can strengthen their laws, rules and procedures to avoid common regulatory problems in international disaster operations.

Since their adoption twelve years ago, 37 countries have adopted new laws, rules or procedures drawing on the IDRL Guidelines. Eighteen more have bills or draft rules currently pending. In addition, several global and regional organizations, including the Association of Southeast Asian Nations (ASEAN), the Disaster Prevention and Coordination Centre in Central America (CEPRENAC) and the African Union, have, while highlighting the importance of national disaster laws, made use of the IDRL Guidelines to develop or strengthen regional mechanisms for international disaster cooperation. For their part, numerous National Red Cross and Red Crescent Societies across the globe have been active in supporting their authorities to make use of the IDRL Guidelines and the IFRC has developed several fruitful partnerships to help support their dissemination and implementation.

Despite this commendable progress, many states have yet to adopt comprehensive rules to manage international disaster assistance. Without such rules, where such rules are absent, it is likely that regulatory problems will continue to negatively impact international and cross-border relief and early recovery disaster operations and affected states will continue to struggle to exercise effective oversight.

INTRODUCTION

This report is intended to update the State parties to the Geneva Conventions, the components of the Red Cross and Red Crescent Movement and their partners on global progress in the implementation of the *Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance* also known as the “IDRL Guidelines.” It follows on similar updates prepared by the International Federation of Red Cross and Red Crescent Societies in 2009², 2011³ and 2015⁴.



BACKGROUND

In the face of a changing world affected by climate change, the severity of disasters and the number of the people impacted by disasters has increased significantly⁵. In light of this, several countries have worked to improve their disaster preparedness in recent years. Nonetheless, major disasters, whether predictable or unexpected, continue to overwhelm domestic capacities. Since the last update report in 2015, to cite a few examples, Mozambique (Cyclone Idai in 2019), Indonesia (Tsunami and earthquakes in 2018), Japan (Floods and mudslides in 2018), Guatemala (Mount Fuego eruption in 2018), Democratic Republic of Congo (Landslides in 2018), Mexico (Earthquake 2017), Sierra Leone (Mudslides in 2017), and the Caribbean region (Atlantic hurricane season 2017) experienced considerably devastating disasters, requiring significant international support.

Global experience has shown that managing international assistance operations has become increasingly complex. The absence of a specific domestic regulatory framework can make it very difficult for an affected state to oversee, regulate and facilitate the entry of relief. Relief aid is (often unintentionally) subjected to unnecessary restrictions, delays and expenses, thereby curtailing delivery of the right aid when it is needed the most. Ad-hoc approaches are often hastily adopted but sometimes they can do more harm than good as states are unable to control and vet the adequacy, appropriateness and quality of the relief coming in.

In 2007, after six years of research and consultations on these issues, the IFRC led negotiations on the development of the IDRL Guidelines. This non-binding set of recommendations aims to assist states to develop the necessary laws, rules and procedures in order to avoid the most common regulatory problems in international disaster response operations. The IDRL Guidelines were unanimously adopted by the State parties to the Geneva Conventions at the 30th International Conference of the Red Cross and Red Crescent later that year.

The International Conference adopted follow-up resolutions related to the IDRL Guidelines in 2011 and 2015⁶. In the most recent resolution in 2015, the International Conference welcomed progress to date in the implementation of the IDRL Guidelines but noted that regulatory problems continue to impact the timeliness and effectiveness of disaster response operations and many States still lack comprehensive laws, rules or procedures for managing international disaster assistance. It further called on States that have not yet adopted appropriate laws, policies, rules and procedures to do so at national and subnational level, and encouraged states, National Societies and other partners to renew their efforts to put the IDRL Guidelines into practice.

1

PROGRESS AT THE NATIONAL LEVEL



New legislation, regulations and procedures

At the time of the 2015 progress report, 23 countries had adopted new laws, rules or procedures drawing on the IDRL Guidelines. As of writing this report, the new total is now 37 countries.⁷ Many have received support from their National Red Cross or Red Crescent Society and the IFRC in this process. A few countries have adopted a dedicated IDRL law (e.g. Kyrgyzstan). Some have also highlighted provisions for the management of international disaster assistance in their sectoral laws, such as on customs (e.g. Colombia) or civil aviation (e.g. Ecuador). Countries have also provided for the roles and responsibilities of the community in disaster risk reduction (e.g. Mongolia), as well as highlighting the role of their National Society in disaster risks management in their laws (e.g. Samoa), in line with the recommendations of the IDRL Guidelines. A fuller description of the developments since 2015 is provided in **Annex 1**.

In addition, the IFRC is aware of some 18 countries (**see Annex 2**) that have drafted legislation

or rules currently pending adoption that draw substantially on the IDRL Guidelines and on the *Model act on the facilitation and regulation of international disaster relief and initial recovery assistance*⁸.

Technical Support

Since the adoption of the IDRL Guidelines, National Societies have been active in building their knowledge and capacity to support their authorities to make use of the IDRL Guidelines and improve their preparedness for managing international disaster assistance.

Since 2007, National Societies, with support from the IFRC and other partners, have provided technical assistance in more than 95 countries to support interested governmental authorities to use the IDRL Guidelines to evaluate and, as necessary, strengthen their relevant laws, rules or procedures (**see Annex 3**). This assistance has ranged from training, legal research and stakeholder consultations, to drafting assistance with new bills, rules or procedures. In many cases, it has involved multiyear processes of consultation, technical advice and support.

They have also been active in building the capacity of disaster risk management practitioners and legislatures in order to enhance the appreciation of the need for disaster management laws within their countries. Through these engagements, National Societies have supported governments and parliamentarians in special committees relating to disaster risk management (DRM) and humanitarian affairs to enhance the appreciation of the need for DRM laws within their countries and advocate for the legislation once presented for adoption.

As an example of this, the Honduran Red Cross established in 2018 an Advocacy and Humanitarian Diplomacy Committee to support the creation of a National IDRL Commission, composed of the national civil protection system (COPECO), members of the Congress and the Honduran Red Cross, which in turn led to current efforts to develop new legislation. In Asia Pacific, the Samoa Red Cross supported authorities in the development of the Samoa National Disaster Management Plan (NDMP) in 2018 with strengthened provisions on international assistance and on gender-based violence and disasters. In Cuba, the IFRC and Cuban Red Cross provided information and training to relevant authorities on IDRL issues, leading to the creation of a governmental working group to initiate the preparation of an IDRL study. Likewise, the IFRC and regional National Societies supported the Pacific Island Forum Secretariat in organising a regional training on Legislating for Climate Smart DRM in the Pacific in 2018 to enhance regional capacity and knowledge on climate and disaster governance. The 3-day training was attended by 51 participants from across the region, representing national disaster management agencies, attorney general's offices, private law firms and National Societies from 13 countries in the Pacific, as well as representation from

regional bodies, UN agencies, academia and the private sector. In addition the IFRC has partnered with UNDP and with the Universities of Roma Tre, Uninettuno, Pisa on an annual disaster law training courses held since 2012, hosted by the International Institute of Humanitarian Law (IIHL) in San Remo, Italy. The training brings together National Societies, government officials, NGOs and representatives from the academic sector to strengthen their knowledge on disaster law and develop country action plans.

Since 2007, the IFRC and National Societies have published more than 50 research reports on national laws and rules for regulating international disaster response, supporting not only legal development projects domestically but also providing valuable comparative information for other countries⁹. Since 2012 (when figures began to be compiled), more than 100 country-level workshops on disaster law have been organized by National Societies in cooperation with their authorities¹⁰.

National Societies have also been supporting governments in providing trainings and disseminating the content of disaster laws at the community level. As examples of this, Cambodia Red Cross supported the National Committee for Disaster Management (NCDM) in disseminating the 2015 National Disaster Management Law at the provincial and community level. This dissemination process aimed at



Boys in Cox's Bazar, Bangladesh carrying supplies through the rain and mud. As monsoon season sets in, the camps are filled with misery and resilience.

creating awareness on the mode of implementation of the Act as well as the rights, roles and responsibilities of all key stakeholders in disaster management in the country. Similarly, in 2017–2018, South Sudan Red Cross supported the Ministry of Humanitarian Affairs and Disaster Management in state level consultative workshops aimed at creating awareness and getting feedback on the then-proposed National Disaster Management Policy.

New Tools

December 2017 marked the 10-year anniversary of the IDRL Guidelines, and new tools were launched at high-level events held in Geneva and New York to support states in the implementation of the IDRL Guidelines at domestic level, and complement the existing *Model Act for the Facilitation and Regulation of International Disaster*

Relief and Initial Recovery Assistance. This includes a new *Checklist on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance*¹¹, and the *Model Emergency Decree for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (with Commentary)*¹².

The IDRL Checklist has been developed as a supplemental tool to assist states in making use of the IDRL Guidelines. It is a way to help structure a self-assessment process—examining existing provisions against the recommendations of the IDRL Guidelines. As for the Model Decree, it is intended as a reference tool for voluntary use by states faced with a major disaster and the possibility of a large influx of aid providers. It can help states address some of the legal and regulatory issues that commonly arise concerning international assistance following disasters.



Assembling a warehouse tent in Nhamatanda, Mozambique.



2 PROGRESS AT THE REGIONAL LEVEL

In addition to progress at the national level, many regional organisations have utilised the IDRL Guidelines in developing or strengthening their regional frameworks and mechanisms for disaster management. The implementation of

these regional frameworks is expected to result in continued progress at the national level, as states amend their rules and procedures to align with them.

Africa

The **African Union** (AU) has been engaged in the development of a model IDRL Law that can be adopted by member states depending on their prevailing national circumstances, in line with the AU's objectives under the African Union Humanitarian Policy Framework and the Common Africa Position for Humanitarian Effectiveness (CAP). The issue of Disaster Law, including IDRL, has also been included in the AU Humanitarian Law and Policy Training curriculum since 2018.

Furthermore, the Afro-Arab DRR Platform in October 2018 discussed climate smart DRM laws and policies and their impact on improving the preparedness and climate change

adaptation capacity communities can have in a side event "Law and DRR". The "Tunis Declaration on accelerating the implementation of the Sendai Framework for Disaster Risk Reduction" as well as the "Joint Communiqué" recognized the importance of legal frameworks for DRR. In this respect, clause 4 of the Tunis Declaration "urge the African States and local authorities to include disaster risk reduction and resilience approaches into relevant national legal frameworks not only in disaster management acts, but also in sectoral legislation and regulations".

The Common African Position for the 2019 Global Platform on DRR recognises the importance of strong legal and institutional frameworks to

strengthen DRR governance. The AU has incorporated disaster law advancements in the region within the AU Sendai Monitoring tool, to guide the assessment of the implementation of Priority 2 and Target E of the Sendai Framework for DRR. This tool is used by States to assess their progress against the Sendai commitments and the AU develops a continental level report based on the reporting done by States.

At the sub regional level, the **Economic Community of West African States** (ECOWAS) undertook the development of a Disaster Risk Management Handbook and as well as training / capacity building exercises for member states. The Plan of Action of the ECOWAS

Humanitarian Policy (2018–2022) which focuses on “Strengthening the Legal Framework for Disaster Management” and Strategic Objective # 1 of the ECOWAS Humanitarian Policy also highlighted the importance of disaster law. Additionally, detailed IDRL questions formed part of the ECOWAS “Self-Assessment Tool” adopted in September 2018.

In 2016, the **East African Community** (EAC) **Legislative Assembly** adopted its DRR and Management Act, which includes IDRL recommendations. The Act is awaiting assent by the EAC Head of States Summit, after which implementation at the country level will follow.

Americas

In the **Caribbean**, a regional consultative meeting on “Options to Accelerate Progress in Resolving Regulatory Problems in International Disaster Response Operations” was held in 2016 under the auspices of the CARICOM Caribbean Disaster Emergency Management Agency (CDEMA) and within the framework of its Technical Advisory Committee Assembly. Bringing together representatives from 18 governments, disaster management agencies, National Red Cross Societies and UN, it recognized the need to enhance the Regional Response Mechanism (RRM) by ensuring a heavier IDRL perspective, including by defining the role of all participating actors (e.g., National Red Cross Societies, UN Agencies, INGOs, etc.), in the RRM but also in the CDEMA Model Legislation. Also, the forum recognized the need to conduct mappings on legal and institutional preparedness relating to incoming international disaster relief to better understand and address gaps at both national and regional levels. Following the meeting and 2017’s devastating hurricanes season, four IDRL studies were conducted on Grenada, Saint Vincent, the Grenadines (2017) and Belize and Dominica (forthcoming publications). CDEMA played an important role during the consultations process and recent developments at national and regional level (for example, current drafting of a DRM Bill in Dominica taking into consideration

some IDRL recommendations from the study; current drafting of an “IDRL” regulation in Jamaica; advocacy support from CDEMA during the 2019 MIAH “Mecanismos Internacionales para la Asistencia Humanitaria” workshop in Argentina for including reference to the IDRL Guidelines in the Buenos Aires Declaration) and has shown a regained interest to include IDRL among its agenda priorities.

In **Central America**, following the devastating 1999 Hurricane Mitch, the Coordination Centre for the Prevention of Natural Disasters in Central America¹³ (CEPRENAC) had been instructed by Presidents from Central America to adopt a Regional Response Mechanism known as the “MecReg” (1999) and encouraged Central America countries to create a special unit (known as “CAHAH/CAHAI/CATAI”) within their Emergency Operations Centre (EOC) responsible for coordinating national and international efforts to respond to disasters. Since its adoption, this MecReg has been continuously and periodically revised and improved (including in 2012 and 2016) considering past disaster response experiences and the IDRL Guidelines have served as a reference tool in this process, as expressly stated in the instrument. The 2016 version of the MecReg more specifically provides that CAHAH/CATAI have the responsibility to implement the

IDRL Guidelines (Annex 4 on the Responsibilities of the CCAH). Following the 2016 update of the MecReg, some Central American countries including Costa Rica and Honduras, engaged in a review process of their respective national guidelines for receiving incoming international humanitarian aid and assistance, taking into consideration some IDRL recommendations.

In 2017, a Protocol and a landmark Procedure were adopted to facilitate the shipment by land, transit and receipt of disaster relief across the region representing a step further towards a more comprehensive legal and institutional framework for international disaster relief in Central America. These two additional instruments, in line with the IDRL Guidelines, allow for the expedited facilitation of relief items across all seven Central American States and enhance the regional customs legislation, known as the Central American Uniform Customs Code (CAUCA) which sets forth the general framework for the dispatch of humanitarian relief items and provides for a simplified custom clearance procedure. Adopting a large definition of humanitarian relief items, which encompasses a wide range of goods, the new SICA Procedure provides for systematized registration with the customs office of departure and prior notification to the customs of arrival through the Single Transit Declaration (DUT). It also adopts special codes to be visibly affixed on vehicles for each country. For example, vehicles transporting “International Humanitarian Assistance” would be identified accordingly. In practice, this codification facilitates the identification of vehicles transporting humanitarian relief items, and thus their priority access for clearance at custom checkpoints across Central America.

In **North America**, Mexico, the United States of America and Canada, and their respective National Red Cross Societies, have participated in the North American Humanitarian Response Initiative (NAHRI) to improve the effectiveness of cross-border response to a potential catastrophic disaster in North America. The NAHRI completed a *Multinational Legal and Policy Preparedness Scan*, which analyses—with reference to the IDRL Guidelines—the current relevant legal and

Capafou, Carcasse, Haiti, a community devastated by Hurricane Mathew. A child in the community.



policy frameworks for domestic facilitation of cross-border disaster assistance and intergovernmental agreements and arrangements, and opportunities for further growth in legal and policy preparedness area amongst the three countries and their respective National Society. From 2017 to 2019, the stakeholders engaged in a series of consultations to increase efficiencies, better align operational procedures in cross-border disaster response and improve relevant policy and diplomatic relations.

In **South America**, the Andean Community initiated in 2018 the revision of its CAPRADE Guidelines on International Cooperation for Humanitarian Assistance among Andean countries (known as the Manual CAPRADE para la Cooperación Humanitaria Internacional), using the recommendations of the IDRL Guidelines.

Finally, the regional conference of the **MIAH** (“Mecanismos Internacionales para la Asistencia

Humanitaria”) attended by governments, sub-regional intergovernmental organizations and humanitarian organizations of the America region has regularly discussed the importance of the IDRL Guidelines. The *IDRL Guidelines*

have been included as a key reference tool to improve operational coordination and cooperation among disaster response actors in the 2019 MIAH Buenos Aires Declaration.

Asia Pacific

Over the course of 2017, an initiative was undertaken in partnership with **ASEAN** to explore the national level implementation of the ASEAN Agreement on Disaster Management and Emergency Relief (AADMER) across the 10 ASEAN member states. The research looks at domestic disaster preparedness and response laws and policies and created an online portal of easy to access information. The research and online platform¹⁴ were formally launched with ASEAN member states, the ASEAN Secretariat and National Societies in May 2018.

Additionally, discussions and research are ongoing in the **Pacific** on the potential development of a regional response mechanism. The policy basis of which is grounded in the IDRL Guidelines. This initiative will be taken forward under the Pacific Resilience Partnership. In the inaugural

2019 Pacific Resilience Meeting, a disaster risk management law technical working group was established in the region which will continue to monitor, facilitate discussions and make recommendations in this area.

Furthermore, in 2018, the Red Cross Red Crescent Stakeholder group successfully negotiated and influenced the outcomes of the **Asian Ministerial Conference for DRR**. The Ulaanbaatar Declaration and the Asia Regional Action Plan 2018–2020 recognised the importance of strong legal and policy frameworks for DRR at all levels. Furthermore, and Asia Pacific states and stakeholders (including Red Cross and Red Crescent) have committed to work together to ensure inclusive DRR strategies are developed in all Asia Pacific countries by 2020.

Central Asia

In 2017, the Centre for Emergency Services and Disaster Risk Reduction (CESDRR) in Central Asia, moderated a two-day disaster law consultation meeting in Almaty, Kazakhstan. High level representatives from the National Societies and national authorities of four Central Asian Republics (Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan) came together to discuss disaster law developments and future plans.

The consultation, convened together with IFRC, also involved representatives from key partners including ECHO, UNOCHA and UNDP. The participants adopted the ‘Almaty Declaration on Disaster Law’ and signed an MOU on strengthening preparedness and response in the region. In the months following the workshop, Kyrgyzstan adopted a landmark law on IDRL, which had been developed over the past few years with support from the National Society, IFRC and UN OCHA. Turkmenistan has also undertaken the development of an IDRL law and a national level consultation involving 17 ministries, the National Society and UN agencies was held in July 2019.



Distribution in Tacloban, Philippines to families affected by Typhoon Haiyan.

Europe

In 2012, the EU Commission adopted the EU Host Nation Support Guidelines drawing from the IDRL Guidelines. In 2013, Decision 1313/2013 created the Union Civil Protection Mechanism (UCPM) and was most recently amended by Decision 2019/420. The consolidated Decision acknowledges that 'response capacities need to be appropriately involved (...) in accordance to legislative frameworks'. More specifically, the Decision requests the EU Commission to develop guidance for 'host nation support' to facilitate incoming and outgoing assistance. Member States are also requested to take appropriate action to facilitate host nation support for incoming assistance

and to facilitate/coordinate when sending assistance outside Europe, and to conduct an assessment on their prevention measures and response capabilities.

In 2019, ECHO's Evaluation of Humanitarian Logistics within EU Civil Protection and Humanitarian Action referenced the IDRL Guidelines as a good reference to tackle regulatory problems burdening international operations. The evaluation calls for a partnership with IFRC-Disaster Law Program to assist affected governments to more effectively address the importation of humanitarian goods.

Middle East and North Africa

The **Gulf Cooperation Council (GCC)** and the Qatar Red Crescent developed the GCC IDRL Manual, launched at a Disaster Law Expert Meeting held in Doha in 2016. This IDRL Manual, which had been in the making for several years, provides guidance on the facilitation and regulation of international humanitarian assistance to the member states of the GCC.



A woman receives humanitarian aid for herself and her family during the huge response by SARC teams from Rural Damascus branch and Kesweh sub-branch in East Kesweh.

3 PROGRESS AT THE GLOBAL LEVEL

International Law Commission

The Draft articles on the protection of persons in the event of disasters were adopted by the International Law Commission at its sixty-eighth session, in 2016, and submitted to the UN General Assembly as a part of the Commission's report covering the work of that session (A/71/10), para. 48. In Resolution A/RES/71/141 of 2016, the UN General Assembly decided to include the item entitled "Protection of persons in the event of disasters" in the provisional agenda of its seventy-third session. The item entitled "Protection of persons in the event of disasters" was discussed in the seventy-third session of the UNGA on the 1st of November 2018.

In the Resolution A/RES/73/209 of December 2018, states noted with concern the increasing number of disasters in the world as well as their intensity and impact on affected populations; brought to the attention of States the recommendation of the International Law Commission that a Convention be elaborated on the basis of the draft articles and requested the Secretary-General to invite Governments that have not yet done so to submit comments thereon; and decided to include in the provisional agenda of its seventy-fifth session an item entitled "Protection of persons in the event of disasters".

Several of the Draft Articles draw on the IDRL Guidelines and other instruments to set out duties concerning the facilitation and regulation of relief, which would ensure that the aid is delivered at the right time in a disaster response

The Commonwealth

In 2018, the Commonwealth Law Ministers at their meeting in the Bahamas encouraged the Commonwealth Secretariat to continue work on disaster risk management law and highlighted the importance of effective legal frameworks. Ministers requested the Commonwealth Secretariat to continue to cooperate with other international organisations, including the IFRC, and the British Red Cross in order to support countries in the review and strengthening of legislation, upon request.

Additionally, the Commonwealth Parliamentary Association (CPA) has created a working group on the role of Public Accounts Committees (PACs) in the oversight of natural disaster response. The consultation was held at the Legislative Assembly of British Columbia, Canada, and included discussion on the IDRL recommendations, and it resulted in the addition of a new section on legal preparedness for disasters in the CPA working group's report.

CONCLUSIONS AND RECOMMENDATIONS

Over the past twelve years, there has been great progress in the adoption of the IDRL Guidelines at national level with 37 countries drawing on them for new laws, rules and procedures. New bills and drafts are currently pending in 18 countries and work is very actively ongoing in several dozen to evaluate existing rules considering the recommendations of the IDRL Guidelines.

Further, the IDRL Guidelines have received a very positive reception by regional and sub-regional organizations, some of which have integrated them into new or existing regional instruments. They have an increased appreciation of the relevance of the IDRL Guidelines in enhancing the preparedness, relief and recovery efforts of their member states.

With over 95 technical assistance projects since 2007, National Red Cross and Red Crescent Societies, with IFRC support, have assisted their public authorities and regional organizations in this area, including in the analysis, drafting and implementation of effective laws and legal instruments. Indeed, National Societies are in a unique position as an interlocutor between government and community to strengthen the development and implementation of laws and policies.

On one hand, with governments, National Red Cross and Red Crescent Societies and IFRC have been involved in providing input to the updating of laws, regulations and other legal instruments so that they integrate international best practice recommendations. This assistance has ranged from training, legal research and stakeholder consultations, to drafting assistance with new bills, rules or procedures. In many cases, it has involved multiyear processes of consultation, technical advice and support.

On the other hand, with roots at the community level, National Societies are extremely well placed to promote awareness and understanding of the legal environment with communities encouraging both compliance as well as awareness of rights and responsibilities. As an example, the IFRC has supported the development of an inclusive,



systematic and practical disaster law dissemination module ‘Know your 3Rs—Rights, Roles and Responsibilities’, and an increasing number of National Societies have joined efforts with their governments in rolling out this new tool.

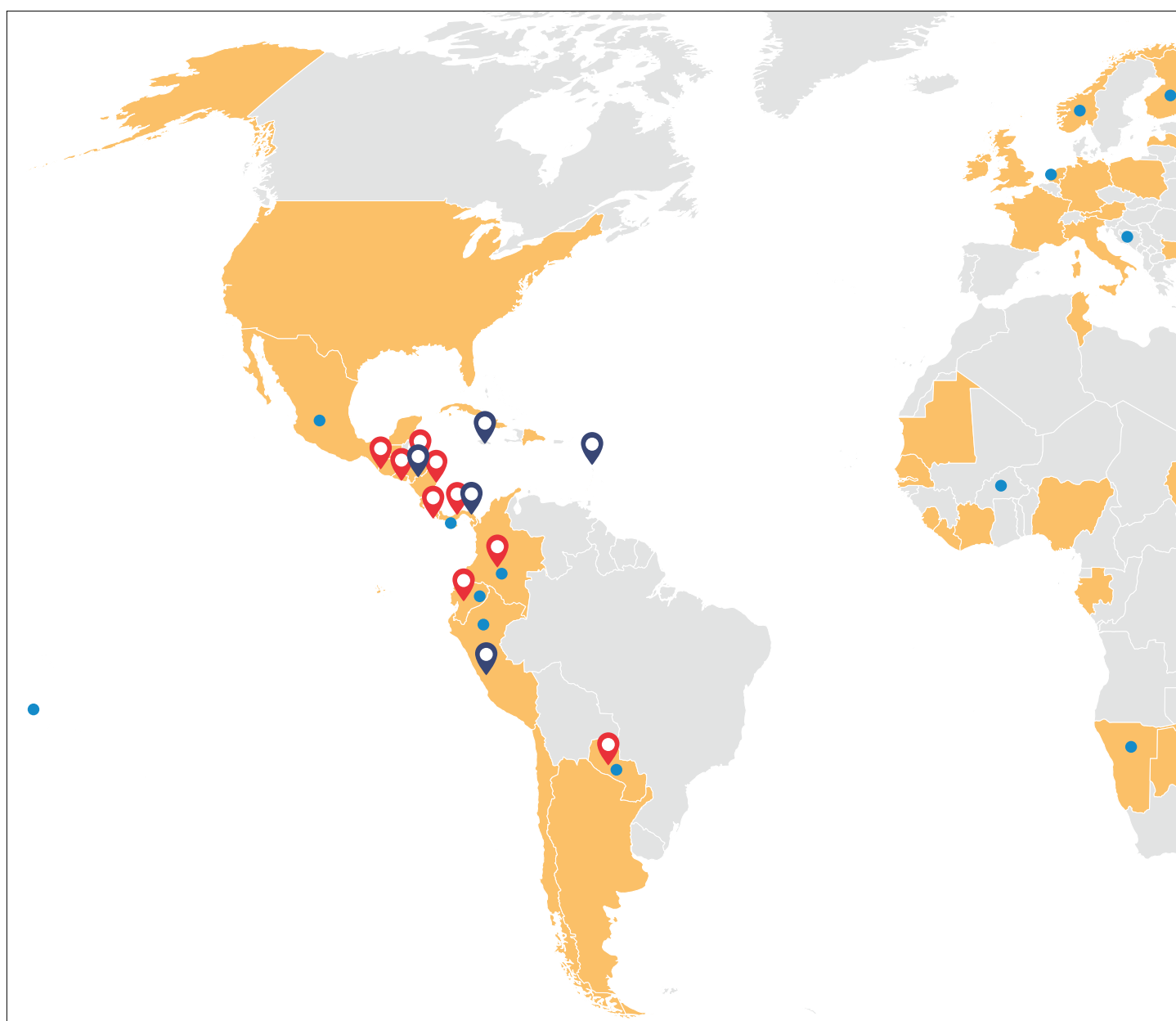
National Red Cross and Red Crescent Societies have expressed their continued interest in supporting their authorities in the area of disaster law, including international disaster response laws rules and procedures, and are increasing their capacity and expertise to do so.

However, there are still many countries that lack comprehensive domestic laws, rules and procedures for managing international relief and recent research indicates that regulatory problems continue to burden international response operations. *The Model Decree for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance* has been developed as tool for use in the event they are faced with major disasters requiring international relief and assistance. This tool offers a chance for states without comprehensive legislation on this to maintain control and regulate the appropriateness of the aid received during this often-chaotic time. The new *Checklist on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance* is also a useful tool for states to support the implementation of the IDRL Guidelines in domestic context.

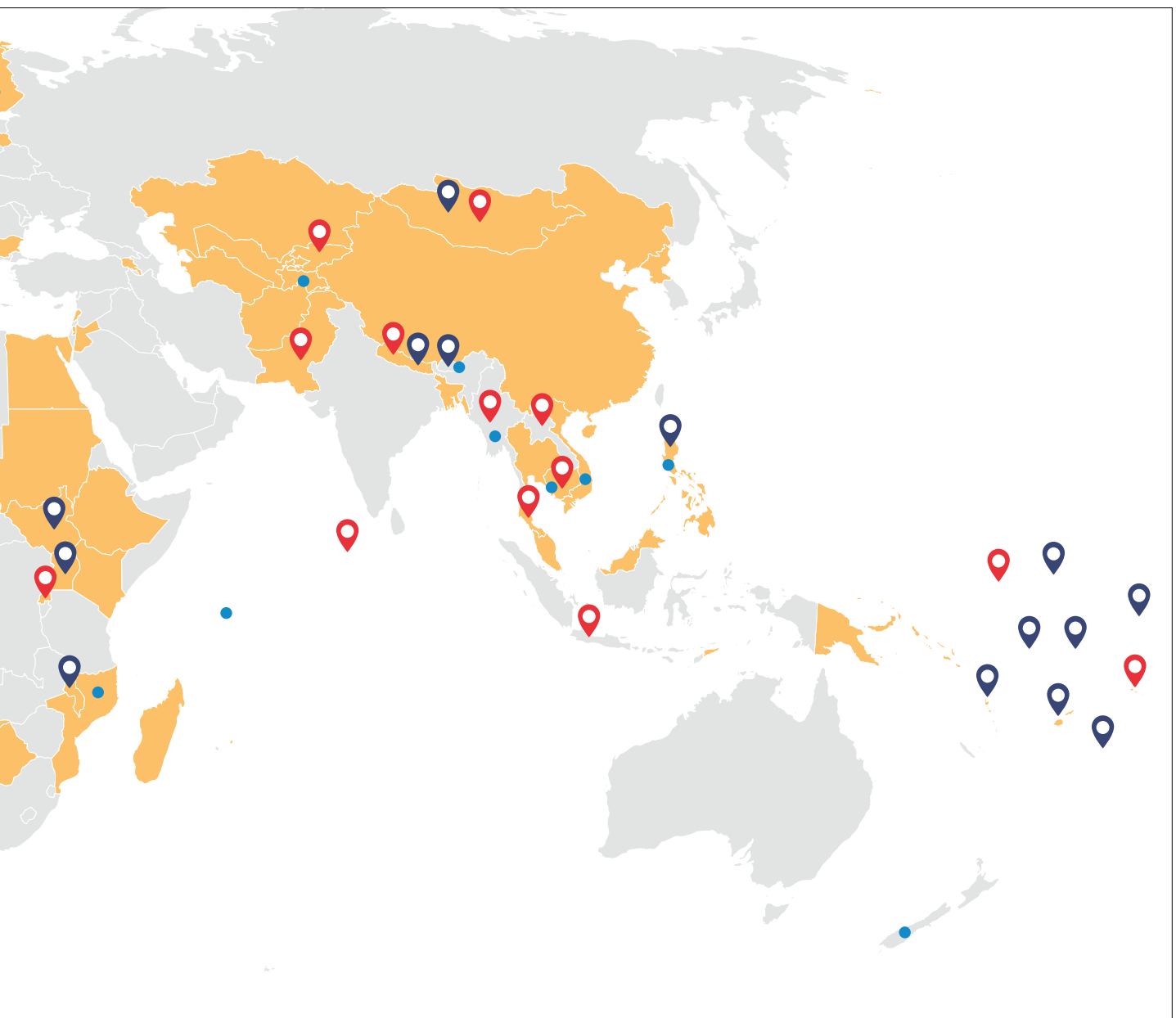
IFRC continues to encourage the state parties to the Geneva Conventions and the components of the Red Cross and Red Crescent Movement to reaffirm their commitment to promoting stronger laws, rules and procedures for the management of international disaster assistance at the upcoming 33rd International Conference of the Red Cross and Red Crescent. It also recommends enhanced efforts in strengthening legal frameworks at the regional and global levels to supplement domestic efforts.

GLOBAL MAP OF COUNTRIES USING IDRL GUIDELINES

-  Countries that have adopted laws, policies or procedures drawing on the IDRL Guidelines since 2015
-  Draft legislation and rules drawing on the IDRL Guidelines known to be pending



- Technical assistance projects on IDRL supported by National Red Cross and Red Crescent Societies
- Countries that have adopted laws, policies or procedures drawing on the IDRL Guidelines before 2015
[https://www.ifrc.org/Global/Photos/Secretariat/201506/IDRL%20Progress%20Report%20\(final\).pdf](https://www.ifrc.org/Global/Photos/Secretariat/201506/IDRL%20Progress%20Report%20(final).pdf)



ANNEX 1

COUNTRIES THAT HAVE ADOPTED LAWS, POLICIES OR PROCEDURES DRAWING ON THE IDRL GUIDELINES SINCE 2015

CAMBODIA

In 2015, Cambodia adopted a new disaster risk management law, including a substantial chapter on international assistance and cooperation, based on recommendations made by Cambodian Red Cross and IFRC, as well as other provisions related to disaster risk reduction drawing on the National Society's advice.

COLOMBIA

In 2016 adopted language based on the recommendations provided by IFRC in its new Custom Decree (1390/2016), and a Decree adopting the National Plan for disaster risk management (308/ 2016). They also included recommendations from the IDRL Guidelines into new Migration procedures (January 2016), in the procedure's manual for national and international donations, and in the Guide for the entry and departure of USAR teams.

The National Disaster Risk Management Authority adopted a resolution in January establishing an "IDRL Commission" as a permanent advisory body made up of representatives of relevant ministries, the Colombian Red Cross, and others to strengthen procedures and plans for managing international relief and ensure smooth operations.

COSTA RICA

In 2016 the National Emergency Commission adopted the National Policy for Risk Management 2016–2030 which includes “the development of national instruments for disaster risk reduction” as one of the five thematic areas and key principles that must be addressed, in line with recommendations provided by Costa Rica Red Cross.

In 2015, through the support of their respective National Societies, Costa Rica and Panama adopted an addendum to the Bilateral Agreement on Migration Matter from 2011 between their countries to provide flexibility in ordinary migration requirements, expeditious transit procedures, and exemptions from otherwise applicable fees, charges and fines for emergency operations conducted by the Red Cross and fire brigades from both countries.

In 2018 the government agreed to recognize the application to situations of emergencies where a national state of emergency hasn't been declared, the benefit of the existing tax exoneration to the Costa Rican Red Cross on the importation of disaster relief items in times of emergencies.

ECUADOR

During the April 2016 Earthquake response, the authorities implemented some key recommendations contained in the study on “Legal Preparedness for International Assistance in Disasters in Ecuador”. This included the adoption of an Emergency Resolution (17 April 2016) activating international cooperation protocols and asking for international support. The Civil Aviation adopted a resolution to grant priority landing for flights containing humanitarian aid in line with their “Regulation on Operating Permissions for the Delivery of Aviation Transport Services” which includes specific provisions related to relief flights. The authorities also adopted resolutions to authorize donations of medicines as well as to authorize some NGOs which had no presence in the country before the earthquake to operate in Ecuador under a special legal status (R. 031, SETECI, Technical Cooperation Secretary). They also adopted a Resolution granting gratuity in telecommunication services in the area affected by the earthquake for national and international emergency teams (R. 0437 ARCOTEL, May 2016). In addition, a Regulation making informal tenants eligible to receive international assistance (MIDUVI Agreement 022–16 of 16 April 2016) was also adopted. Moreover, based on previous IDRL work undertaken in Ecuador, the government activated an International Humanitarian Assistance group which coordinated and facilitated the international aid during the response.

EL SALVADOR

In 2018 alongside its Central American Counterparts, revised their CATAI/CCAH Guidelines to incorporate the Central American Protocol to facilitate the shipment, transit and receipt of humanitarian aid within the SICA, an instrument that has been greatly informed by the IDRL recommendations and drawing on advice by the National Red Cross Society.

GUATEMALA

In 2018 alongside its Central American Counterparts, revised their CATAI/CCAH Guidelines to incorporate the Central American Protocol to facilitate the shipment, transit and receipt of humanitarian aid within the SICA, an instrument that has been greatly informed by the IDRL recommendations.

In 2019, CONRED engaged in a reform process of the national DRM Strategy by creating special units responsible for DRM within municipal and executive governance level authorities. The Toolkit that accompany the Guidelines for the creation of these special units include as key reference tools the IDRL Guidelines and the DRR Law Checklist and drawing on advice from the Guatemalan Red Cross.

HONDURAS

In 2018 alongside its Central American Counterparts, revised their CATAI/CCAH Guidelines to incorporate the Central American Protocol to facilitate the shipment, transit and receipt of humanitarian aid within the SICA, an instrument that has been greatly informed by the IDRL recommendations and drawing on advice from the Honduran Red Cross.

INDONESIA

In 2018 the National Disaster Response Framework for Indonesia was approved by the Government of Indonesia in August. The National Disaster Response Framework (NDRF) is Indonesia's primary response document and aims to clarify roles, responsibilities, and the organisation of response to a disaster. It includes specific roles for PMI and IFRC as national / international partners to the government in several areas.

KYRGYZSTAN

In 2017, the country adopted a new law based on the Commonwealth of Independent States Model Law on IDRL of 2014, and Kyrgyzstan's new law largely reflects this model, as well as the IFRC's Model Act on IDRL. Kyrgyzstan is one of the few countries in the world that has an entire law dedicated to IDRL, and this law was developed with technical assistance from Kyrgyzstan Red Crescent, IFRC and UNOCHA.

LAOS	The Disaster Management Law has been adopted in 2019. The review commenced in 2018 and included Red Cross support to several national and international consultations, as well as working closely with the Lao PDR DM Law committee to provide inputs on the draft law.
MALDIVES	In 2015 adopted its first Disaster Management Law, establishing a new institutional framework for the country and a national disaster management authority. It includes dedicated provisions on the regulation on international relief drawing on advice from the Maldives Red Cross.
MONGOLIA	In 2017, the Disaster Protection Law was adopted by their State Assembly. This is the culmination of over four years of Red Cross technical support and assistance. IFRC assessment tools such as IDRL Guidelines and DRR and Law Checklist were used in the development of this new law, which contains dedicated chapter on rights, roles and responsibilities of community actors, establishes a multi stakeholder platform for DRM Governance in Mongolia, a mandated role for Mongolia Red Cross in disaster management coordination mechanisms and a separate chapter on international assistance
MYANMAR	In 2015 new “Disaster Management Rules” were adopted, providing more detailed procedures to guide implementation of the Disaster Management Law (adopted in 2013). The Rules include a chapter on international assistance based on recommendations from the Myanmar Red Cross Society and IFRC in line with elements of the IDRL Guidelines.
NAURU	In 2016, a new Disaster Risk Management Act was adopted in Nauru which provides a new proactive approach to DRM which prioritises DRR. It also contains a chapter on international assistance. The DRR and Law Checklist and IDRL Guidelines were both utilised in development of the new law.

NEPAL	<p>In 2017 the Disaster management law was approved by Parliament of Nepal. Key highlights of the new law include creation of a new entity in Nepal to oversee disaster risk management, higher priority placed on DRR and Preparedness, a more multi stakeholder governance approach to DRM as well as confirmation of Nepal Red Cross' membership of the Disaster Management Executive Committee. The framework law also provides for legislation to be developed on DRM at the municipal level, as well as for development of an international assistance directive. Red Cross will continue to support the authorities across both processes.</p>
NICARAGUA	<p>The National System for Preparedness, Mitigation and Disaster Response (SINAPREC), adopted a National Protocol which set out the roles and responsibilities of the different institutions in disaster management, also highlighting the role of the Nicaraguan Red Cross.</p>
PANAMA	<p>In 2015, through the support of their respective National Societies, Costa Rica and Panama adopted an addendum to their 2011 Bilateral Agreement on Migration Matters to provide flexibility in ordinary migration requirements, expeditious transit procedures, and exemptions from otherwise applicable fees, charges and fines for emergency operations conducted by the Red Cross and fire brigades from both countries.</p> <p>In 2018, an agreement was concluded between the Panamanian Red Cross and the National Customs Authority which allowed the exoneration of applicable taxes on the importation of items as well as an expedite treatment of the pre-hospital care services at Customs during the World Youth Day.</p>
PARAGUAY	<p>In 2015, enacted a Red Cross law which includes rules for the facilitation of international relief as well as a mandate to the National Society to disseminate information about international disaster response law (IDRL).</p>
PAKISTAN	<p>In 2018, Pakistan adopted new Host Nation Support Guidelines which guide how international assistance will be managed in Pakistan in the case of large-scale disaster. These guidelines have been inspired and modelled of IDRL Guideline provisions</p>

RWANDA

In 2016 the Cabinet approved a new disaster management law, which includes extensive provisions on the management of international relief drawing from the IDRL Guidelines.

SAMOA

In 2018, the National Disaster Management Plan (NDMP) was endorsed. The NDMP was strongly influenced by Samoa Red Cross and IFRC – this enabled the inclusion of strengthened provisions on the auxiliary role, international assistance provisions and ensured provisions on GBV and disasters.

THAILAND

In 2016 the Government of Thailand adopted a new guideline on the coordination of international assistance. This guideline had been under development for two years and was discussed during the 2014 IDRL workshop hosted by the Thai Department of Disaster Prevention and Mitigation, the Thai Red Cross and IFRC. It follows some recommendations made during the workshop and is also in line with recommendations made at a large-scale regional disaster response simulation exercise back in 2013, which called for stronger procedures to coordinate, facilitate and regulate international disaster assistance in Thailand in line with the IDRL Guidelines

ANNEX 2

DRAFT LEGISLATION AND RULES DRAWING ON THE IDRL GUIDELINES KNOWN TO BE PENDING

BHUTAN

In May 2018, the zero draft of the trilateral pre-disaster agreement between the Royal Government of Bhutan, the Bhutan Red Cross and Movement partners was supported by the disaster law team. The draft sets out a framework for cooperation, roles and responsibilities of parties, and certain legal privileges for IFRC and ICRC in relation to humanitarian response efforts on the territory of Bhutan.

DOMINICA

An IDRL Project was launched involving an IDRL study and a consultation process to discuss the findings and recommendations stemming from the desk research and review with all governmental authorities involved in disaster risk management. The process allowed informing the current development of the draft Disaster Risk Management Law that should be finalised and presented to Congress in 2019.

FIJI	The MoU between the Government of Fiji, Fiji Red Cross Society and IFRC on the Legislative Review of the DRM Act and National Disaster Management Plan was signed. A technical working group comprised of Government representatives, Fiji Red Cross and IFRC has been established and the review team will be drafting the national disaster management plan and Act in 2019
HONDURAS	Between 2017 and 2019, an IDRL study in Honduras was developed implying the creation of a national IDRL Commission comprised of key members of the national civil protection system (COPECO), parliamentarians and the Honduran Red Cross. The process allowed designing an advocacy strategy for the implementation of the recommendations stemming from the study published in March 2019. Since May 2019, the Commission is developing, with the support of the Honduran Red Cross and the IFRC Secretariat an IDRL Law Proposal which will be presented to the Congress by the end of the year.
JAMAICA	A Regulation Proposal to facilitate the entry of international disaster relief was developed in 2017 by the Jamaican Red Cross in consultation with national authorities based on the IDRL Model Law. This initiative will be discussed in Sept. 2019 during a workshop with the new NDO administration.
KIRIBATI	In 2019, Kiribati Red Cross Society and IFRC were requested to review the Kiribati Disaster Risk Management Bill. This review is ongoing.
MALAWI	The Malawi Red Cross (MRC) and IFRC supported in the drafting of the Malawi draft DRM Bill and the Operational Guidelines for Disaster Risk Management, as well as developing Standard Operating Procedures (SoPs) for response operations. The guidelines contain provisions, derived from the 2013 IDRL Report Recommendations, on international disaster risk management assistance. The guidelines as well as the draft bill are expected to be presented to Parliament for their consideration and debate. The Bill has been presented to the Office of the Prime Minister for subsequent presentation to parliament.
MONGOLIA	IFRC is supporting in the drafting of the humanitarian assistance resolution.

NEPAL	IFRC is supporting in the drafting of the IDRL regulation, and municipal assessment guide.
PANAMA	The government of Panama, led by the Ministry of Foreign Affairs, has been developing an IDRL Law Proposal.
PERU	The government of Peru, led by INDECI, has worked on the development of an IDRL Law proposal.
PHILIPPINES	The Government of Philippines approved the Philippines International Humanitarian Assistance Guidelines in 2018. The Guidelines, inspired by the IDRL Guidelines, seek to regulate how international assistance will be managed and coordinated throughout the Philippines and sets up institutional coordinating mechanisms to oversee this.
SOUTH SUDAN	The South Sudan Red Cross (SSRC) Society supported the Ministry of Humanitarian Affairs and Disaster Management (MHADM) in the finalization of the National Disaster Risk Management (NDRM) Policy. The policy sets up an institutional framework for humanitarian assistance and disaster risk management, including promotion of a culture of disaster risk reduction for community resilience and building the capacity for disaster risk management at all levels. The NDRM Policy has been presented to the Cabinet for their approval.
TOKELAU - NZ	IFRC will be supporting the Government of Tokelau in drafting of its DRR and Emergency Rules.
TONGA	IFRC is supporting the review of the IDRL regulations.
TUVALU	Discussions are also being carried out with Tuvalu Red Cross, Tuvalu Department of Climate Change & Disaster and Tuvalu AGO on the Asia Pacific Disaster Law Programme aiding with the revisions of their Disaster Law Bill. The Government of Tuvalu has requested assistance for IFRC on the review of their National Disaster Management Act.

UGANDA

IFRC is supporting the Government of Uganda and the Uganda Red Cross in the drafting of the Disaster Preparedness and Management (DPM) Bill and the revision of the Uganda Red Cross Society and Emblem Use & Protection bill.

VANUATU

IFRC is supporting the review of the IDRL regulations and DRM Act.

ANNEX 3

TECHNICAL ASSISTANCE PROJECTS ON IDRL SUPPORTED BY NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

AFRICA	AMERICAS	ASIA- PACIFIC	EUROPE/ CENTRAL ASIA	MENA
Botswana	Argentina	Afghanistan	Austria	Israel
Ethiopia	Canada	Bangladesh	Armenia	Egypt
Gabon	Chile	Cambodia	Bulgaria	Iraq
Gambia	Colombia	China	Denmark	Jordan
Ivory Coast	Costa Rica	Cook Islands	Finland	Lebanon
Kenya	Cuba	Democratic People's Republic of Korea (DPRK)	France	Palestine
Liberia	Dominica	Fiji	Germany	Tunisia
Madagascar	Dominican Republic	Indonesia	Iceland	
Malawi	Ecuador	Laos	Ireland	
Mauritania	El Salvador	Malaysia	Italy	
Mauritius	Grenada	Mongolia	Kazakhstan	
Mozambique	Guatemala	Myanmar	Kyrgyzstan	
Namibia	Honduras	Myanmar	Latvia	
Nigeria	Jamaica	Nauru	Netherlands	
Rwanda	Mexico	Nepal	Norway	
Senegal	Nicaragua	Pakistan	Poland	
Sierra Leone	Panama	Papua New Guinea	Tajikistan	
South Sudan	Paraguay	Philippines	Turkmenistan	

AFRICA	AMERICAS	ASIA- PACIFIC	EUROPE/ CENTRAL ASIA	MENA
Sudan	Peru	Samoa	United Kingdom	
Uganda	St. Vincent & the Grenadines	Solomon Islands	Uzbekistan	
Zimbabwe	United States of America	Thailand		
		Timor Leste		
		Tokelau		
		Tonga		
		Tuvalu		
		Vanuatu		
		Vietnam		

NOTES

1 [https://www.ifrc.org/PageFiles/41203/1205600-IDRL%20Guidelines-EN-LR%20\(2\).pdf](https://www.ifrc.org/PageFiles/41203/1205600-IDRL%20Guidelines-EN-LR%20(2).pdf)

2 https://www.ifrc.org/PageFiles/125652/IDRL-Progress-Report_en.pdf

3 <https://www.ifrc.org/PageFiles/125652/IDRL%20progress%20report.pdf>

4 <https://www.ifrc.org/en/what-we-do/disaster-law/news/international/third-progress-report-on-the-implementation-of-the-idrl-guidelines-70724/>

5 In 2018 alone, 315 climate-related and geophysical disasters events were recorded in the International Disaster Database with 11,804 deaths, and over 68.5 million people affected across the world and causing US\$131,7 billion in economic damages. CRED, Disasters 2018: Year in Review, www.cred.be

6 Resolution 7, Strengthening normative frameworks and addressing regulatory barriers concerning disaster mitigation, response and recovery, 31st International Conference of the Red Cross and Red Crescent, Geneva, 2011; Resolution 6, Strengthening legal frameworks for disaster response, risk reduction and first aid, 32nd International Conference of the Red Cross and Red Crescent, Geneva, 2015.

7 They are Bhutan, Bosnia and Herzegovina, Burkina Faso, Cambodia, Colombia, Cook Islands, Costa Rica, Ecuador, El Salvador, Finland, Guatemala, Honduras, Indonesia, Italy, Kyrgyzstan, Maldives, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Rwanda, Samoa, Seychelles, Tajikistan, Thailand, Vanuatu, Vietnam.

8 <http://www.ifrc.org/docs/IDRL/MODEL%20ACT%20ENGLISH.pdf>

9 All reports can be found here: <https://www.ifrc.org/en/what-we-do/disaster-law/research-tools-and-publications/disaster-law-publications/>

10 Full detail available in IFRC DLP Annual Reports available here www.ifrc.org/dl

11 <https://media.ifrc.org/ifrc/document/checklist-facilitation-regulation-international-disaster-relief-initial-recovery-assistance/>

12 https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2017/12/Model-Decree_EN-LR.pdf

13 In Spanish: Centro de Coordinación para la Prevención de los Desastres en América Central. It is comprised of the Directorates of the National Disaster Offices of Central American Integration System (SICA) member States.

14 <https://www.rcrc-resilience-southeastasia.org/disaster-law/disaster-law-mapping-asean-agreement-on-disaster-management-and-emergency-response/>

The Fundamental Principles of the International Red Cross and Red Crescent Movement

Humanity The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

Impartiality It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality In order to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary service It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.