Disasters in Africa
The case for legal preparedness

About the IDRL Programme

The IFRC's "International Disaster Response Laws, Rules and Principles" (IDRL) Programme seeks to reduce human vulnerability by promoting legal preparedness for disasters. It works in three areas: (1) collaborating with National Red Cross and Red Crescent Societies and other partners to offer technical assistance to governments on disaster law issues; (2) building the capacity of National Societies and other stakeholders on disaster law; and (3) dissemination, advocacy and research.

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Introduction

African communities have always been resourceful when adapting to their environment and today's threats are forcing them to become ever more resilient.

Development issues are high among their concerns. A vicious cycle of poverty and ill health are the reality for many African countries. Almost half of the population of Sub-Saharan Africa lives on less than one dollar a day. Moreover, the continent shoulders a disproportionate burden of the world's communicable diseases, including the highest number of people living with HIV (22.5 million in sub-Saharan Africa) and the highest rates of HIV-TB co-infection. Africa is the home of 60 per cent of the world's malaria-sufferers and witnesses 90 per cent of the world's malaria deaths.

It is against this challenging background that Africans are bracing against the rising toll of natural disasters. Due in part to the effects of climate change, extreme weather events are on the rise in many parts of the continent. On the one hand, the Sahel region and the Horn of Africa suffer droughts so persistent that crops won't grow and millions of people are deprived of basic food necessities, sometimes amounting to a veritable famine in particularly vulnerable places like Somalia. On the other hand, many other parts of the continent are prone to flooding. For example, heavy rains in Congo and Northern Angola increasingly lead to massive flooding in the areas banking the Zambezi River. This was painfully illustrated by the mega floods of 2000 and 2001 in Mozambique, which drew the world's attention through television images of a woman giving birth in a tree. Such floods not only drown people, livestock and homes, they can also lead to a great upsurge of waterborne diseases, like cholera.

But not all is bad news. Many of these disasters are of the recurring type, and hence may be predictable. As a consequence, their risks may be mitigated through advance planning and preparation, and a number of African governments are doing just that. Inspired by the Hyogo Framework for Action, the flagship global instrument in the area of disaster risk reduction, and the African Disaster Risk Reduction Strategy, governments across the continent have been strengthening institutions, plans and mechanisms to increase their capacities for disaster management. National Red Cross and Red Crescent Societies, with their community-based networks of volunteers, are playing a key supporting role.

In order to establish a firm foundation for these efforts, African countries need strong disaster laws.

Why are strong disaster laws important?

Disaster laws serve a number of critical functions. They set out clear roles and responsibilities among agencies and the various levels of government, establish funding and accountability mechanisms and regulating private behaviour that might increase disaster risks. They can also create a supportive environment for the engagement of civil society and communities in reducing disaster risks and mitigating their impacts. Without a comprehensive disaster management act, it has often proven difficult to guarantee that disaster risk reduction and preparedness measures are accorded proper priority among the many daily tasks facing government and that the many agencies and sectors of society that need to be involved are adequately motivated and coordinated.

Regulatory frameworks are also important to facilitate international cooperation in situations where disasters exceed domestic coping capacities. For example, if the customs department does not employ a special regulation that applies to a disaster situation, humanitarian goods may be treated as if they are regular imports. Hence, customs duties must be levied and inspection requirements may be extensive. A case in point is Namibia. When responding to the heavy floods in the northern part of the country in the last years, even Namibia's National Disaster Management Agency experienced significant delays transporting relief goods from Harare to Windhoek. Regulatory barriers were encountered at every border the relief consignments had to cross. This can never have been the intention of the parties concerned. In response, Namibia has embarked on a project with the Namibia Red Cross to investigate how it can improve its legal framework both for domestic disaster response operations as well as with regard to its role as a transit state in the Southern Africa region.

With the support of the International Federation of Red Cross and Red Crescent Societies (IFRC), National Red Cross and Red Crescent Societies across the continent are working to support their authorities to develop and strengthen disaster laws. Since 2009, the IFRC's International Disaster Response Laws, Rules and Principles (IDRL) Programme has conducted legal preparedness projects in collaboration with the National Societies of Sierra Leone, Uganda, Namibia and Mozambique, and has been involved in the development of legislation relating to both international disaster response and disaster risk reduction (DRR) at the community level in several countries all over the continent, including South Africa. Several African National Societies are actively engaged in legislative advocacy with their governments, such as Botswana and the Seychelles. The IFRC is also working with National Societies to study best practices in legislation for disaster risk reduction and shelter solutions for those affected by disasters.

This report provides some insight into three key areas in which strong disaster legislation can make a difference in Africa. The case studies demonstrate not only the range of creative activity of African governments, it also demonstrates how National Red Cross and Red Crescent Societies and their authorities can work together to develop and roll out effective disaster laws.

Reducing the impacts of disasters: how law can promote community action

Many African governments are moving beyond the traditional, exclusively response-focused approach to disaster management, owing to their hard earned experience and the inputs of civil society actors such as National Red Cross and Red Crescent Societies. Instead of focusing only in the response phase, African leadership now increasingly recognises the benefit of taking action in advance to reduce the impacts disasters have on their people.

In West Africa, the Economic Community of West African States (ECOWAS) has been working proactively with governments of its member states to establish National Platforms for Disaster Risk Reduction. All but two of its Member States now operate such a national platform, concentrating efforts to reduce disaster risk in one body – a significant step forwards in countries like Benin, Mali and Sierra Leone. In Southern Africa, the Southern African Development Community (SADC) seeks to increase the capacity of its members though its newly drafted Disaster Risk Reduction Policy. A multilateral centre for disaster risk reduction excellence is being established by Madagascar, Malawi and Mozambique, with the support of UN Habitat and the secretariat of the International Strategy for Disaster Risk Reduction (UNISDR).

Bridging the gap between national law and local action

When it comes to disaster risk reduction, it is important to recognise that governments cannot succeed alone and their laws should reflect this. In other words, it is not enough for disaster law to create and define governmental institutions. "In the long run, we will not be successful in reducing the impacts of disasters if our laws merely distribute responsibilities among dedicated agencies and expert groups," notes IFRC Secretary General Bekele Geleta, "Communities must also be empowered to take responsibility for reducing their own risks and influencing decision-making and planning in disaster management."

There are many things that civil society actors the private sector and communities themselves can do to mitigate their exposure to hazards. Because communities have first-hand experience with the risks that they face, they often have unique insight into how to reduce their own vulnerability. Empowered communities are also more likely to be supportive of governmental efforts to restrain risky behaviours and practices. Likewise, National Red Cross and Red Crescent Societies in Africa have been working with vulnerable communities across the continent for many years to strengthen frontline capacity to respond to disasters and to ensure that community-based disaster risk reduction is included as a part of a comprehensive approach to disaster management.

Good legislation can empower both communities and civil society organisations, and integrate them in disaster management in different ways, as the disaster management law of South Africa shows.

The ECOWAS policy for Disaster Risk Reduction

Regional policies and agreements can serve as an important supplement and inspiration for domestic laws. For example, over the last decade, the Economic Community of West African States (ECOWAS) has increasingly focused its attention on disaster risk reduction. Its Humanitarian Affairs Department is currently implementing the ECOWAS Policy for Disaster Risk Reduction, which was adopted in 2006. The Policy recognises that over 75 per cent of the population of West Africa lives in areas that are regularly affected by natural hazards like cyclones, floods, droughts or earthquakes. It also recognises that the level of vulnerability determines whether these hazards will become disasters.

To address the level of vulnerability, ECOWAS aims to strengthen the sub-regional capacity to manage the risks associated with disaster through an intergovernmental framework for collaboration and partnership, and the integration of disaster risk management strategies into the legal frameworks of the ECOWAS Member States. ECOWAS and the IFRC have concluded an agreement to cooperate on matters of mutual concern, including disaster risk reduction activities. The two organizations are currently exploring ways in which to collaborate in the field of legal preparedness, and to support the Member States to implement the IDRL Guidelines into their domestic legal frameworks.

Case study: South Africa continues to improve legal facilities for community level DRR

South Africa's leadership took action to empower local communities to reduce their vulnerability to disasters with the adoption of its Disaster Management Act in 2002. The aim of the Disaster Management Act is to ensure a uniform and integrated approach to disaster management and disaster risk reduction across all spheres of government, while involving all relevant stakeholders. South African disaster management policy contains specific clauses stipulating community level hazard mapping and risk monitoring, as well as community consultation procedures and training.

By far the most advanced African legislation in this respect, the system is not yet as successful as its supporters would like. "The same factors that constitute vulnerability make populations less empowered to participate in disaster risk reduction initiatives. Although we clearly see the necessity of translating this realisation into law, we have experienced challenges with the implementation of the legal implications of the Disaster Management Act when it comes to capacity building and funding of community level Disaster Risk Reduction," acknowledges Ané Bruwer, South Africa's Executive Manager for Disaster Management Legislation, Policy and Compliance Management.

The value of community knowledge

South Africa's Disaster Management Act is a good example of how communities can be empowered by law to take up a role in disaster risk reduction. For example, it requires that indigenous knowledge be taken into account in compiling frameworks and plans, and that the National Disaster Management Framework affirm the importance of local and indigenous knowledge relating to disaster management. It notes that this can 'significantly enhance' the information provided by the more technically sophisticated methods employed by scientists. For example, the Western Cape Provincial Disaster Management Framework values indigenous knowledge as 'additional information' that should be obtained in the disaster risk assessment process. When a disaster risk assessment is undertaken, for instance, community members are consulted on past events to gather information on the frequency and severity of events classified as disasters, significant events and recurrent small-scale occurrences. The KwaZulu-Natal Provincial Disaster Management Framework approaches community consultation in the same way, i.e., with the object to consult with community members and traditional leaders in areas affected by past events in order to obtain valuable information based on their experience.

An example of knowledge in action emerges in South Africa's Kosovo and Masiphumelele communities, where a significant number of community members indicated that they rely on such 'unofficial' early flood warnings as observations of the colour and formation of clouds and the flight of birds in a particular direction. Often, such intuitive forms of knowledge are incorporated into 'official' disaster risk assessments, planning instruments or early warnings. Stakeholders confirm that there is a 'gap' between the methods employed by disaster risk scientists and the users of the information generated by scientific risk assessment processes.

When it comes to community level training, the South African legal framework stipulates that national, provincial and municipal bodies bear primary

responsibility for the development of training programmes for communities focusing on disaster risk awareness, disaster risk reduction, volunteerism and preparedness. The incorporation of local indigenous knowledge into such training programmes is essential. A best practice example of training involving municipal entities and the South African Red Cross is taking place at Keimos in the Northern Cape where the local municipality has been working with the South African Red Cross National Society.

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Challenges in the implementation of the law

At the same time, several challenges are being experienced in implementing the community level aspects of the legislation in South Africa. For example, even if there are disaster management officials appointed in the local governance structure, a general perception of the need for DRR activities is not always prevalent, nor is the funding to undertake such activities. As a result, these officers often turn their attention to other matters. A case in point is the Kabokweni Location in the Province of Mpalanga, where local government officials, civil society organizations and the community itself indicated that the lack of an operational budget was the barrier to effective DRR. Lack of funding and lack of human resources are both, in turn, related to a tendency not to prioritize DRR. At the local level, the budget is limited and disasters are perceived to occur infrequently; hence, disaster management is not seen as a full-time job. As a result, disaster management officials are allocated other tasks, impeding their ability to engage fully with DRR. The Kabokweni study shows a lack of understanding of DRR. Disaster management is still seen as a short term event, rather than a long term process.

A need to review

In response to the experience of its legislation not trickling down to communities, the National Disaster Management Agency is currently spearheading the review of the Disaster Management Act to improve the capacity of the municipal leadership to implement the law. In a highly participatory process, it has invited disaster management experts from all spheres of government, as well as from the South African Red Cross and the IFRC, the Disaster Management Institute of Southern Africa, the National Disaster Management Advisory Forum, practitioners, academics and others in the disaster management community to comprehensively review the Acts. Of the date of this report, a proposal for revision was being developed by these same stakeholders, including a new mechanism for funding DRR activities and an entirely new chapter on the role of local municipalities. The draft is expected to be presented to Parliament in early 2012.

Legal preparedness for international assistance: clearing the way for relief

When a disaster overwhelms domestic capacities, international assistance can often be critical to saving lives and restoring dignity. In the absence of a well-prepared regulatory framework, however, international assistance is often stymied. Over-regulation can lead to bottlenecks, slowing down the entry and distribution of international relief. Under-regulation, on the other hand, can lead to lack of coordination and poor quality of relief efforts. These problems are greatly complicated by the increasing number of international actors that are willing to respond when disasters strike. Governments in the region can no longer count on ad hoc approaches to resolve operational problems in light of the growing complexities that international assistance presents.

Guidelines for international response

Since 2001, the IFRC and its member National Societies have been working with governments and relief specialists to address the most common operational problems and study how regulatory frameworks can facilitate international relief operations in a country affected by a natural disaster. Based on this research, and on discussions with over 140 governments and humanitarian organizations, the IFRC spearheaded the negotiations on the Guidelines for the Domestic Facilitation and Regulation of International Relief and Initial Recovery Assistance (also known as the "IDRL Guidelines").

The IDRL Guidelines are a set of recommendations to governments on how to prepare their laws and disaster plans to avoid problems that arise when international actors offer assistance in a country. Based on existing international legal and policy frameworks, the Guidelines provide advice on the minimum quality standards in humanitarian assistance as well as the legal facilities that international assistance providers need to be able to work effectively. They are also useful for the development of bilateral and regional agreements, and agreements between governments and aid agencies.

In 2007, the state parties to the Geneva Conventions and the components of the Red Cross and Red Crescent Movement unanimously adopted the IDRL Guidelines at the 30th International Conference of the Red Cross Red Crescent. Since then, governments around the world have been collaborating with their National Red Cross or Red Crescent Societies to assess how their own legal frameworks can be improved. The case of Mozambique highlights how the IDRL Guidelines have assisted one government in reviewing the preparedness of its existing frameworks.

Core ideas of the IDRL Guidelines

- Domestic actors have the primary role. The government of the affected state is responsible for meeting humanitarian needs caused by a disaster within its borders. Other actors play a supporting role and international assistance should be designed to complement domestic efforts, rather than displace them.
- International assistance providers have responsibilities and should abide by minimum humanitarian standards such as those in the Code of Conduct of the Red Cross Red Crescent Movement and NGOs in Disaster Relief, and the Sphere Humanitarian Charter and Minimum Standards in Disaster Relief
- Governments should provide international actors with the legal support to accelerate visa processing and customs clearance, facilitate relief transport, exempt humanitarian organizations from taxes, duties and fees, and simplify the means to operate legally in the affected country. States are also encouraged to reduce legal barriers to disaster relief originating within or passing through their territories to another country. The IDRL Guidelines are available in over a dozen languages at http://www.ifrc.org/idrl

African Union to promote legal preparedness for disasters

The Humanitarian Division of the African Union (AU), the continent's supreme political body, has traditionally focused on matters relating to refugees. In past years, the AU has scaled up its leadership role in the broader humanitarian sphere. The AU is currently developing a "Humanitarian Framework Policy" for Africa. Through this Framework, the AU will provide strategic guidance to all humanitarian actors on the continent for more effective action in the areas of disaster preparedness, capacity building and resource mobilisation, and seek to further facilitate coordination of humanitarian action. By complementing and supporting the existing policies of the regional economic communities, like those of ECOWAS and SADC, as well as the existing practice of the Member States, the AU will keep an overview of the existing structures and will act as the convenor of discussions on how to improve them. The draft Humanitarian Framework Policy refers explicitly to the problems that Africa is facing when it comes to regulatory barriers to humanitarian assistance, and outlines the role the AU can play with regard to the implementation of the IDRL Guidelines by its member states and encouraging agreements relating to border crossing disaster assistance.

Olabisi Dare, Head of the AU's Humanitarian Affairs Division, says "Considering the leadership role the African Union holds on the continent, it is the ideal forum to address matters of disaster laws. We are looking forward to cooperating with the IFRC's IDRL Programme to build the capacity of our members through trainings. By collectively building that capacity, we are ready to explore ways in which we can support the efforts of African nations to implement the IDRL Guidelines, because a well prepared set of law is instrumental to the efficient delivery of well coordinated humanitarian assistance to Africa's affected populations – which is what the Humanitarian Framework Policy is all about."

Case study: Mozambique easing the way for emergency medication

Mozambique is considered the third most vulnerable country in Africa when it comes to natural disasters. Due to the fact that it has about 2,700 km of coastline and several rivers flowing through the country into the Indian Ocean, it is prone to large scale flooding. In recent years, the country has seen an increase in the intensity of disasters, especially floods and cyclones. Despite all the efforts and recent successes in boosting domestic response capacity, the country is still likely to require support from the regional or international community in future events.

Recent years have shown how important that support can be, both during the emergency relief phase and in the reconstruction process. Examples are the floods and cyclones experienced in 2000-2001 and more recently in 2007-2008. There is a close link between environmental and climatic factors and the outbreak of an epidemic. Thus, peaks of cholera outbreaks in Mozambique occur mainly during the months of the hot, rainy season, especially after heavy rains or floods from December to May. On top of this, malaria is endemic throughout the country; constituting 28.8 per cent of overall mortality in 2007, it is the leading cause of death in the country. The groups at greatest risk are pregnant women and children under five years old. With regard to HIV / AIDS, the most recent calculations indicate that in 2009-2010 11.5 per cemt of the population was living with HIV – this includes 15 per cent of all pregnant women in Mozambique. With such an ongoing health emergency, in an already disaster prone setting, it is evident that the import of foreign medication is crucial to the population of Mozambique.

> "The import of medication has been a challenge. We experience delays at the border due to bureaucracy, which is time consuming. A well structured law could solve this problem." says Américo Ubisse, Secretary General of the Mozambique Red Cross. "But there is also a responsibility on the side of the donors. For example, during the floods of 2000-2001 we were forced to destroy a consignment of donated medicines which had almost reached the expiry date, or had already expired."

In Mozambique, as in any other country, the import and distribution of medications is governed by law. The *Lei n° 4/98 de 14 de Janeiro* was designed to ensure the regular availability of medications that are effective, safe, affordable and of good quality, as well as to guarantee their proper use. According to this law, the Mozambican Government is responsible for the quality of all medication used in the country. To exercise this responsibility, the importation, circulation and sale of medication must be authorized by the Ministry of Health, and any medication imported should be in line with the National List of authorized medication called the *Formulário Nacional*.

So far so good. But the law neither mentions special measures for expedited import procedures, nor does it facilitate foreign assistance during an emergency.

The experience of the Mozambique Red Cross illustrates the type of problems such a gap in legislation may produce in a disaster setting. "The import of medication has been a challenge. We experience delays at the border due to bureaucracy, which is time consuming. A well structured law could solve this problem." says Américo Ubisse, Secretary General of the Mozambique Red Cross. "But there is also a responsibility on the side of the donors. For example, during the floods of 2000-2001 we were forced to destroy a consignment of donated medicines which had almost reached the expiry date, or had already expired."

In short, regulatory barriers and bad quality donations are effectively delaying the distribution of much needed medical assistance in the country. In

2011, the Government of Mozambique initiated a revision of its law governing medication, and decided to include clauses relating to the delivery of emergency medication. In the legislation process, the government has solicited the advice of the Mozambique Red Cross, which had already built its expertise in the field of IDRL through a review of Mozambique's legal framework for international disaster response.

Drought in the Horn of Africa

The food crisis in the Horn of Africa is considered one of the worst in living memory. In 2011, more than 13 million people in East Africa were in need of food aid in Somalia, Kenya, Ethiopia, Djibouti and Tanzania. The dramatic shortage of food and water in the affected countries was caused by several ongoing trends, including population growth and changes to the traditional lifestyle of the pastoralist community. If this serious drought could have been predicted with weather data, more energy and funds could have been invested to prepare communities and governments for the upcoming food shortage. Before a crisis erupts, states can take measures to ensure that international aid, such as food aid, will make its way as quickly, efficiently and as cheaply as possible to the affected population.

During the operations in the Horn, the delivery of food was substantially delayed. This was due in part to delays in clearance at transit airports and the retroactive implementation of a new law concerning the imports of food. As in many other emergencies, lengthy customs inspections on arrival and the complex application processes for visa and work permits for relief personnel all added to the time it takes to get the required assistance to where it needs to be.

Well intentioned but inexperienced NGOs may also unwittingly cause complications relation in the coordination and distribution of relief. "Not all spontaneous actions live up to existing international standards and some ad hoc NGOs don't realize the scale of the operation, which demands the coordination of their efforts with those of the authorities of the affected country," observes Gabriella Waaijman, Deputy Head of Office for the UN Office for the Coordination of Humanitarian Affairs (OCHA) in Kenya. "This can result in poor distribution of relief or failure to get access to the affected population due to miscommunication between aid agencies and local authorities." The IDRL Guidelines provide governments with tools on how to register, monitor and coordinate international humanitarian action without hindering the relief efforts.

Securing shelter: removing the regulatory barriers

Land is critical to the rural and urban poor, providing not only security, but also the means for economic and social development. In many recent disasters, property rights complications and procedural issues have frustrated efforts to provide shelter for people whose homes have been damaged or destroyed. A lack of clear measures to secure land for displaced families, the lack of formal property titles, conflicting claims to property, incomplete land registrations, and the unequal treatment of home-owners and non-home-owners, as well as discrimination against other vulnerable groups, are some of the pressing issues that hamper recovery for thousands of those affected by disasters in Africa. Particularly in places where there is no tradition of documenting land titles, it may be difficult, or even impossible, to precisely determine the ownership of property after a disaster. In practice, this may lead to unjustified claims to land and delays. If there is no quick and effective dispute mechanism available to assess these claims, the most vulnerable are left deprived of their property – leaving them not only without a solid roof, but often also empty handed and without livelihood.

Case study: securing property rights for the internally displaced persons in Kenya

In December 2007, Kenya was the scene of violent clashes between supporters of rivalling parties in the presidential elections. According to government sources, 1,200 people were killed and property worth 31 billion Kenyan Shillings was destroyed. In the days following the outbreak of violence, 600,000 people decided to find safety by fleeing their homes. Three hundred fifty thousand of them were housed in temporary camps erected throughout the country's territory. Although Kenya has witnessed the displacement of its people from other causes, such as flooding and other types of natural disaster, this massive dispersion of people was by far the most extreme example of internal displacement the country had ever witnessed. In the words of Dr. Naomi Shaban, Kenya's Minister of State for Special Programmes during a workshop in 2010, "tented camps which we had come to associate with refugees sprouted everywhere as Kenyans woke up to the sad reality of being refugees in their motherland. (...) Since then, the terminology internally displaced persons or 'IDPs' became a common vocabulary in Kenya."

After a stabilisation of the situation in the spring of 2008, the newly elected government set out to facilitate the return of the IDPs to their homes. However, according to Kenya's IDP Monitoring Project, 50,000 IDPs have remained

displaced.[1] Due to security concerns and inability to reclaim their land and properties, many have been hindered in their return. Lack of access to documentation and slow and inconsistent provision of financial compensation by the government has also barred IDPs from returning and reintegrating in society. In response to this situation, and to its commitments to regional and international human rights instruments such as the Protocols of the International Conference on the Great Lakes Region and the Guiding Principles on Internal Displacement, the Government of Kenya is developing a National Policy on Internal Displacement.

The draft Policy not only addresses the root causes of displacement, but explicitly aims to strengthen the rights of IDPs to the property they left behind as well as to the temporary shelter they inhabit, while at the same time raising awareness of these rights. Under the current draft, the government shall not only ensure the IDPs' physical security, but also provide them with the legal security of tenure, so as to avoid eviction from the their new homes.

Legal protection of property

With regard to the homes, lands, property and possessions IDPs have left behind, the draft states that "[t]he Government shall respect and protect the right to property and possessions of all internally displaced persons in accordance with the Constitution, the International Conference on the Great Lakes Region (ICGLR) Protocol on the Property Rights of Returning Persons and other regional and international human rights and humanitarian law standards without discrimination. This includes the right not to be arbitrarily deprived of homes, lands, property and possession (including livestock) as well as the right to protection of these assets.

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1   http://www.knchr-idp.org/protection-working-group.aspx

It goes on to oblige the government to take concrete measures to secure the homes, lands, property and possessions the IDPs left behind, such as protection against destruction, looting and unlawful occupation. Importantly, the Government is tasked to provide for succession of housing, land and property rights and as well as dispute mechanisms in case of any dispute over any of these rights. Once adopted, the draft Policy will be used as a basis for the development of local laws to support its implementation.

Conclusions

The humanitarian situation in the African continent remains of serious concern, and due to changes in the climate as well as challenges relating to poverty and diseases faced by people across Africa, the likelihood of disastrous events occurring is still on the rise. Governments need to prepare their laws and policies to meet this rising challenge, promoting disaster risk reduction activities on the community level, facilitating international disaster and recovery assistance and reducing legal barriers to shelter.

To meet these challenges, the IFRC offers the following proposals for moving forward:

On Disaster Risk Reduction

Most African governments have already embraced the importance of disaster risk reduction, but many have not yet integrated this concept into their disaster laws. Moreover, existing disaster laws in many African countries still give little emphasis to engaging and empowering communities and civil society. They are encouraged to consider following the example of the South Africa and to collaborate with their National Societies to strengthen the focus on community-based disaster risk reduction in their disaster management laws.

On IDRL

National Societies and their governments are encouraged to follow the example of Mozambique and critically review their domestic legal and policy frameworks in light of the IDRL Guidelines and, where necessary, to consider strengthening their laws.

On Shelter

To make way for shelter solutions for people displaced by a disaster, National Societies and their governments are encouraged to cooperate to review the national regulatory framework that may negatively affect the provision of post-disaster shelter. This assessment should include the legal procedures for making land available for temporary shelter, the protection of property rights of the displaced and the availability of quick dispute resolution mechanisms. They are encouraged to draw on experiences such as Kenya's and to collaborate with their National Societies to assess if they are prepared to overcome legal barriers to speedy, stable and equitable shelter solutions for disaster-affected households.

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.

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