

## Chapter 3



# Beyond operations: law, governance and the role of local actors

If local actors are not being supported to take on an important role in humanitarian relief and disaster risk management, is it because of gaps in the rule book (in other words, the key laws and norms)? Is it because rules favouring their participation are not enforced? Might it be because, when the important decisions are being made, local actors are not in the room?

The answer to these questions depends on whether the focus is on rules at the international or the national level, on who is meant by 'local actor' and on whether the rules or structures primarily address humanitarian relief or disaster risk reduction (DRR). There is also a significant difference in the degree of take-up of the role of local actors between legally binding and less formal policy instruments. Overall, however, the existing 'hooks' in policy language might already have been expected to produce a result much more favourable to local actors than the experience that many of them report on the ground.

This chapter will review these issues through the lens of law and governance. The literature about governance in the field of disaster risk management often employs that term in a very broad sense. For instance, the United Nations Development Programme (UNDP) has referred to 'disaster risk governance' as "the way in which public authorities, civil servants, media, private sector and civil society coordinate at community, national and regional levels in order to manage and reduce disaster- and climate-related risks" (Aysan and Lavell, 2014) and the United Nations Office for Disaster Risk Reduction (UNISDR) has noted that "[t]he concept of governance includes formal and explicit mechanisms such as legislation, policies, mandatory standards and administrative procedures through which societies are organized as well as the wide range of informal and implicit arrangements that mediate social, economic and political relationships and the management of territory and resources" (UNISDR, 2015a).

Without taking issue with this wide-ranging approach, this chapter will focus its analysis mainly on the more formal aspects of governance – the laws, norms and rules and the bodies and structures charged with decision-making and rule-making – looking first at the international and then at the national level. It will, however, take a broad view of the notion of 'local actor', considering not only the situation of community-level authorities and civil society entities, but also that of authorities of affected states and organizations at the national level with respect

After Typhoon Haiyan hit the Philippines in 2013, the country successfully implemented innovations in managing relationships between international responders and domestic actors. But, as in many other countries, more needs to be done at the local level, where there still appears to be a certain confusion as to the roles of local actors.  
© IFRC

to international response and risk reduction efforts. While this approach may be somewhat unusual, it has the virtue of aligning with how most such national-level actors see themselves – as decidedly ‘local’, with local sensibilities, expectations and rights, vis-à-vis the international community.

## **Local actors and the governance of international disaster response**

It has been argued that there “is no humanitarian system” (Hilhorst, 2002) or specialized body of law for humanitarian relief (Clement, 2014). In 2005, the *World Disasters Report* itself called humanitarian assistance “the world’s largest unregulated industry” (IFRC, 2005).

These assertions bring out some important truths about the piecemeal nature of international disaster response law (IDRL) and the rather limited powers of the primary decision-making mechanisms for disaster assistance at the international level. However, for all their gaps, rules and mechanisms do exist and they do have an influence on practice. There is, therefore, a governance system for humanitarian relief to which local actors might aspire.

### ***What the international rules say about local actors in disaster response***

The global and regional treaties related to international disaster response uniformly reserve the primary role in operations to the affected state. For instance, the Tampere Convention on the Provision of Telecommunications Resources for Disaster Mitigation and Relief Operations of 1998 provides that “[n]othing in this Convention shall interfere with the right of a State Party, under its national law, to direct, control, coordinate and supervise telecommunication assistance provided under this Convention within its territory” and article 3 of the South Asian Association for Regional Cooperation (SAARC) Agreement on Rapid Disaster Response to Natural Disasters of 2011 provides that “[t]he Requesting Party shall exercise the overall direction, coordination, and supervision of the assistance within its territory.”

These treaties generally make no particular mention of sub-national authorities (such as governors, mayors or departments reporting to them) in relation to disaster relief. However as part of government, they would be considered to be representative of the ‘state’ as defined by international law and thus also subject to the state’s rights and duties, to the degree responsibility is accorded to them under domestic law (ILC, 2001).

This is not the case for local non-governmental organizations (NGOs) and other civil society organizations in the affected state. While a handful of IDRL treaties (such as the 1998 Tampere Convention and the Association of Southeast Asian Nations (ASEAN) Agreement on Disaster Management and Emergency Response of 2005) do



refer to NGOs in the context of humanitarian relief, the context normally indicates that their intended scope extends only to those deploying internationally. The same holds true in the current version of the International Law Commission's 'Draft articles on the protection of persons in the event of disasters', which is likely to be finalized and presented to states in the next few years in the form of a draft global treaty (ILC, 2014). One (rather weak) exception to this rule is the Inter-American Convention to Facilitate Assistance in Cases of Disaster of 1991, which allows that states requesting assistance "may" apply some of the facilities in the convention to "a nongovernmental organization, be it national or international". However, to date, this treaty has yet to be evoked in an operation.

In sum, the most formal 'instruments' at the international level are very clear about the role of national-level authorities but do not have much direct to say about other local actors in humanitarian response. However, the treaties in this area are not as well known or implemented as the key non-binding documents, in any case. Probably the most authoritative among the latter is United Nations (UN) General Assembly resolution 46/182 of 1991. This resolution sets out key principles, describes the role of the Emergency Relief Coordinator and his secretariat, now known as the Office for the Coordination of Humanitarian Affairs (OCHA), the Inter-Agency Standing Committee (IASC) (a policy-making body made up of UN humanitarian and development agencies with standing invitations to additional partners), as well as shared understandings as to how relief is to be carried out and commitments to preparedness, risk reduction and recovery.

With regard to local actors, resolution 46/182 mainly follows the same lines as the IDRL treaties. It asserts the primary role of the affected state in humanitarian response without making specific reference to sub-national authorities, and generally refers to NGOs in a way that would seem to intend those acting internationally, though it does encourage the UN's highest country-level officials, the resident coordinators, to promote the use of all locally or regionally available relief capacities.

On the other hand, more recent resolutions of the UN General Assembly and Economic and Social Council (ECOSOC) have evolved significantly in this respect. Starting in 2006, for example, both bodies have adopted annual resolutions encouraging states to "provide an enabling environment for the capacity-building of local authorities and of national and local non-governmental and community-based organizations" with respect to humanitarian assistance (UN General Assembly resolution 61/134, 2006; ECOSOC Resolution 2006/5, 2006).

ECOSOC has further recognized "the importance of involving, as appropriate, relevant entities, including non-governmental organizations and community-based organizations, that provide humanitarian assistance in national and local

coordination efforts, and invites those entities to participate in the improvement of humanitarian assistance, as appropriate” (ECOSOC resolution 2006/5, 2006). It has also become increasingly insistent that the United Nations and other international responders should support the role of sub-national and civil society actors (ECOSOC resolution 1993/1) and dedicate efforts to “building of good relations and trust with national and local governments” (ECOSOC resolution 2011/8).

Similarly, in 2007, the state parties to the Geneva Conventions and the components of the International Red Cross and Red Crescent Movement adopted the *Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance* (also known as the IDRL Guidelines). The IDRL Guidelines call on domestic authorities to take a strong role not only in facilitating outside assistance, but also in monitoring its quality and appropriateness and regulating it as necessary. They affirm that affected states have the primary responsibility in disaster risk management but also that “National Red Cross and Red Crescent Societies, as auxiliaries to the public authorities in the humanitarian field, and domestic civil society actors play a key supporting role at the domestic level” (para. 3).

The IDRL Guidelines also include, among the key responsibilities of international disaster responders, the duty to abide by domestic law and coordination measures and to build upon and conduct their activities so as to strengthen local capacities (para. 4(3)(h)). They call on national governments to encourage other domestic actors with authority over areas of law or policy pertinent to international disaster relief or initial recovery assistance, including sub-national authorities, to take the necessary steps at their level to implement the Guidelines (para 8.3).

An evolution towards a more inclusive approach can also be found in guidance documents produced for the use of humanitarian agencies. For instance, in 2005, the IASC approved a new ‘cluster approach’ to improve planning, coordination and accountability in international response through a series of sectoral ‘clusters’ led by selected operational agencies. The IASC’s *Guidance Note on Using the Cluster Approach to Strengthen Humanitarian Response* insists that a “key responsibility” of cluster leads is building on local capacities and maintaining strong links with local authorities and local civil society (IASC, 2006).

In 2007, a set of Principles of Partnership were endorsed at a separate Global Humanitarian Platform meeting of humanitarian organizations, calling for the recognition of the diversity of the humanitarian community, expressing an intention to treat UN and non-UN humanitarian organizations on an equal footing and recognizing “local capacity” as “one of the main assets to enhance and on which to build” (Global Humanitarian Platform, 2007). It was expected that these principles would be used by the clusters as well as by individual humanitarian organizations in their relations with each other (NGO Humanitarian Reform Project, 2010).

In 2011, the IASC issued a supplemental *Operational Guidance for Cluster Lead Agencies on Working with National Authorities* emphasizing that appropriate governmental authorities (both national and sub-national) should be invited to co-chair the clusters where appropriate and practical. It also emphasizes that international actors should “organize themselves to support or complement existing national response mechanisms rather than create parallel ones which may actually weaken or undermine national efforts” (IASC, 2011).

A somewhat similar development has taken place within international NGO networks that have reached out to include affiliates in the global South, such as World Vision, CARE, Oxfam and ActionAid, moving from a corporate structure to one closer to confederation (Stoddard, 2003). For example, in 2009, ActionAid changed its legal status from a foundation to an association under Dutch law in order to develop and incorporate Southern affiliates – providing each of them equal representation and voting rights in the organization’s assembly and the right to be elected to its international board (ActionAid, 2010).

For its part, the International Red Cross and Red Crescent Movement has long integrated both Northern and Southern members around the world. While its internal governance procedures have accordingly provided for equal voting power for decades, there have also been developments in recent years on the particular rules related to arrangements between the components of the Movement and international disaster assistance, with an emphasis on providing greater regard for the local ‘sovereignty’ of the National Society in an affected country (see Box 3.1).

### **BOX 3.1** Local ‘sovereignty’ and disaster response within the Red Cross and Red Crescent Movement

In 1969, the International Conference of the Red Cross adopted a set of Principles and Rules for Red Cross Disaster Relief, drawing on earlier operational principles documents developed by the Board of Governors of the League of National Red Cross Societies (now known as the IFRC). This document (not to be confused with the Movement’s separate Fundamental Principles) set out some basic expectations as to how the League, the National Red Cross or Red Crescent Society of the affected country and foreign National Red Cross and Red Crescent Societies were to relate to each other when international support was needed to respond to a (non-conflict) disaster.

The Principles and Rules identified the League as the “information and co-ordination centre for all international assistance in the event of a disaster”, provided that National Societies should direct any requests for international assistance through the League and expected them to work with a League liaison officer whenever outside aid was at issue. At the same time, it included some key aspects of local sovereignty, including the expectation that foreign National Societies obtain permission from the

National Society of the affected state before sending any goods or personnel to the country. Though amended several times over the years, the general character and expectations of the Principles document remained quite stable until recently (as noted below).

In 1997, the Movement adopted a separate Agreement on the Organization of the International Activities of the Components of the Red Cross and Red Crescent Movement, known as the Seville Agreement. The Seville Agreement set out criteria for when the International Committee of the Red Cross (ICRC), IFRC or the National Society of the affected country may be considered as the 'lead agency' in coordinating Movement response to a particular emergency (including in armed conflicts, where international humanitarian law already provided a specific role for the ICRC).

Several years on, however, concerns arose among National Societies that the Seville Agreement was too centred on the roles of the ICRC and IFRC and failed to pay enough attention to National Societies. It was also noted that, in the intervening years, many National Societies had increased their capacity for coordination and had developed greater "ownership of their own planning and priorities" (Standing Commission, 2005).

As a result, in 2005, the Movement adopted Supplementary Measures for the Seville Agreement. The Supplementary Measures clarify that, even when the ICRC or the IFRC is serving as lead agency, the 'Host National Society' retains its role and mandate as the only National Society of that country and is a 'primary partner' of the lead agency, to be consulted on all aspects of the Movement's response (Standing Commission, 2005).

This evolution towards increased sovereignty of the 'host' National Society subsequently continued with a thorough revision of the Principles and Rules in 2013, now known as the 'Principles and Rules for Red Cross and Red Crescent Humanitarian Assistance' and currently pending approval by the 32nd International Conference of the Red Cross and Red Crescent, scheduled in December 2015. They affirm, among other things, that the National Society of the affected state "shall define the strategic objectives for Red Cross Red Crescent humanitarian assistance" and a commitment that international assistance will be provided only with the consent of the National Society in the disaster-affected country (IFRC, 2013). ■

### ***Local actors' access to international decision-making structures for disaster response***

To some extent, the actual access of local actors to international decision-making structures for disaster response has grown along with the evolving language of the relevant documents (and, of course, it is precisely because of growing demand for such access that the relevant textual evolutions have taken place). However, there is still clearly progress to be made.

It is striking that the national governments of disaster-affected states are among those most vocally frustrated with the current situation. Notwithstanding the very clear language as to their 'primary' role, in both the binding and the non-binding governance documents, many feel that they are not really in the driver's seat – either

with regard to global decision-making or with respect to international response efforts in their territories (DARA, 2014; Harvey and Harmer, 2011).

At the political level, the UN General Assembly, ECOSOC and top-level committees for key UN agencies (such as the UN Refugee Agency's Executive Committee and the World Food Programme Executive Board) are widely representative of states, including those with recurrent needs for international disaster assistance. However, sub-national authorities do not participate directly, civil society organizations may participate only as observers, and major structural changes are not always fully regulated by these bodies. For example, the cluster approach was developed and its roll-out begun prior to any clear signal from ECOSOC or the General Assembly (Stoddard et al., 2007).

Moreover, other very influential state-run committees in the field of international disaster response, such as the OCHA Donor Support Group, the Humanitarian Liaison Working Group and the Good Humanitarian Donorship initiative, are made up entirely or primarily of traditional donor states (Harvey and Harmer, 2011). For their part, regional (and subregional) organizations active in disaster response generally involve all governments in their jurisdictions and many actively engage with sub-national authorities and civil society, in particular through exercises, training and information-sharing activities (Ferris and Petz, 2013). However, decision-making remains limited to national-level authorities of the member states.

Both governments and local NGOs have complained about lack of access to the IASC, the central policy-making body of the humanitarian community. At present, IASC members come exclusively from humanitarian and development organizations – there are no national or local governmental officials. In addition to UN agencies, the IASC includes, among its 'standing invitees', the ICRC, IFRC and three NGO consortia: the Steering Committee for Humanitarian Response (SCHR), Interaction and the International Council of Voluntary Agencies (ICVA). Of these, only the IFRC and ICVA include local civil society actors directly among their membership, though both SCHR and Interaction have members that are themselves networks of local NGOs, churches or similar organizations. The IASC is, therefore, sometimes referred to as a "network of networks" (Collinson, 2011). Nevertheless, a recent external review of the IASC concluded that it is "generally seen as a 'Western club'" and that the NGO consortia were not perceived to be sufficiently representative by Southern NGOs (Pantuliano et al., 2014).

At the country level, the picture is also quite mixed. While officially intended as a mechanism for coordination and information sharing, the cluster approach has become an important locus for strategic and operational decision-making about international response at the field level. However, it has also been dogged with allegations of failing to adequately integrate domestic authorities (both national



and sub-national) or local NGOs. The first external review of the cluster system in 2007 found the lack of interaction with local NGOs to be “among the most disappointing findings regarding the cluster approach” (Stoddard et al., 2007). The second external review in 2010 similarly found that “clusters have largely failed to integrate national and local actors appropriately and have thereby undermined national ownership” (Steets et al., 2010). On the other hand, that review also pointed out that domestic authorities must share some of the blame for their own lack of engagement, including not always taking very seriously the status of ‘co-chair’ urged on them by the external agencies.

Still, a number of governments have adapted to and even internalized the cluster concept. As noted in Box 3.2, government engagement with the clusters was seen as a positive aspect in response to Cyclone Pam in Vanuatu, though not all problems were solved. Likewise, the Philippines has integrated the cluster approach directly into its own regulatory framework. After Typhoon Haiyan in 2013, this was seen to have brought important benefits at the national level, where the clusters had been active in the preparedness phase, though some gaps and confusion arose in the implementation at field level, where the structure was less familiar (Hofmann et al., 2014).

More recently, significant progress has been reported in including local NGOs in the clusters. Nevertheless, national NGOs may still feel sidelined, for example when executive bodies intended to facilitate faster decision-making are developed, such as a ‘head of NGO’ group that was set up independently in Zimbabwe (Serventy, 2013; Humphries, 2013). Likewise, local NGOs in Kenya have expressed the feeling that cluster coordination at the national level had “added little value for local engagement” (ALNAP, 2012).

### **BOX 3.2** Governing international aid after Cyclone Pam in Vanuatu

According to the United Nations Institute for Environment and Human Security’s *World Risk Report*, Vanuatu is among the most disaster-prone countries in the world (UN, 2014). Earthquakes, volcanoes and storms are frequent realities for its inhabitants. However, the ferocity of Cyclone Pam, which slammed into the country in March 2015, tested Vanuatu’s preparedness to respond and the global humanitarian system to assist.

Outside assistance poured into Vanuatu from its neighbours in the Pacific and from around the world. It came in the form of tarpaulins, shelter kits, clean drinking water and humanitarian workers, from as close as Fiji and as far as Finland. The huge influx of international agencies placed considerable strain on the absorptive capacity of Vanuatu’s national structures and institutions and, at least in the initial stages, frayed nerves. Early reports carried mutual recriminations between some officials and aid agencies about alleged lack of coordination and stalling of emergency aid. “I do apologise but I have to

state the facts. We have seen this time and time again,” one national official asserted. “In nearly every country in the world where they go in they have their own operational systems, they have their own networks and they refuse to conform to government directives” (ABC News, 2015). At the Vanuatu National Lessons Learned Workshop held in the capital Port Vila in June 2015, the government called on international actors to respect the sovereignty of disaster-affected countries and to streamline their efforts with the existing protocols of the government in order to build and maintain trust.

Vanuatu’s National Disaster Plan states that international agencies wishing to provide assistance should ensure their interest is channelled through the Ministry of Foreign Affairs, which would then either accept or reject the offer based on an assessment of needs. The ministry would also outline the process for coordination and accountability for that international actor.

However, many international responders failed to follow this process and, indeed, were completely unaware of the requirements. As a result, many agencies did not come under the coordination of the government and went straight to the field. During one health cluster meeting in Vanuatu just three weeks after the cyclone hit, it was noted that 12 registered medical teams were carrying out work in Vanuatu under the coordination of the government, but the whereabouts, activities and competence of three other teams were unknown.

Nevertheless, both governmental and humanitarian sources reported that the Vanuatu Humanitarian Team (VHT) – Vanuatu’s domestic ‘cluster’ system – had added important value. The VHT was established in late 2011 as a partnership between Vanuatu-based NGOs, the Vanuatu Red Cross, UN and government agencies. Coordinated by Oxfam with the support of OCHA’s Regional Office Pacific, it focuses on improving the coordination of humanitarian preparedness and response in support of government agencies in disasters. Government line ministries act in cluster lead roles in emergencies and VHT members act as co-leads. The VHT is recognized as a key coordination mechanism in Vanuatu and is also included in government plans.

However, while the VHT generally works well on a domestic level, its effectiveness was challenged by the influx of international assistance during Cyclone Pam. This highlighted the need to take a closer look at the interface between international assistance and domestic systems. It was assumed that international assistance would enter Vanuatu and seamlessly merge with the established VHT cluster system; however, this was not the reality on the ground.

In addition, Vanuatu was not spared from some of the negative aspects of the tide of goodwill that flooded in from every corner of the globe. Unsolicited goods are a problem at almost every disaster in the world, whether the affected country is rich or poor, big or small. To combat what they knew could drastically hamper relief efforts, the Vanuatu government issued a policy letter on unsolicited goods requesting that those wanting to send relief items liaise with cluster heads or send money. The various clusters also posted specifications for required aid on the internet, outlining qualities, standards and accepted types of aid. Unfortunately, however, this did not prevent the entry of a large volume of unsolicited goods and left the government feeling as if the country was being used as a dumping ground for containers upon containers of goods, many of which were completely unusable.

Since 2011, the Vanuatu Red Cross has also been working with the government to strengthen legal preparedness for international disaster response. Vanuatu was the first country in the Pacific

to undertake such a review. Although the review recommended procedures for the management of international relief be included in the National Disaster Plan, National Disaster Act and other laws, these recommendations had not been implemented when Pam struck. The government, however, drew on them in the procedures developed to respond to the storm. Following the storm, the government has also renewed the review of its legislation to ensure that, before the next disaster, it will be fully prepared. ■

Accordingly, there is a trend towards greater inclusiveness both in the assertions of international normative documents and in at least some of the instances of international decision-making bodies for disaster response. However, many local actors remain dissatisfied.

## **Local actors and international governance for disaster risk reduction**

As in the case of humanitarian response, the international normative framework for disaster risk reduction is currently dominated by non-binding norms, though there are important treaties, particularly at the regional level. However, the distinction between binding and non-binding instruments when it comes to local actors is not as sharp. Moreover, while far from complete, the direct participation and engagement of local actors in international decision-making structures for DRR has grown more quickly than in the field of humanitarian response.

### ***What the international rules say about local actors in DRR***

A clear understanding in international normative instruments is that states – and particularly national governments – bear the main responsibility for reducing disaster risks. On the other hand, some of the same disaster-focused treaties that pass over sub-national authorities and civil society organizations in their provisions on response do remember them when they turn to risk reduction. For example, article 3 of the ASEAN Agreement on Disaster Management and Emergency Response of 2005 provides that “[t]he Parties, in addressing disaster risks, shall involve, as appropriate, all stakeholders, including local communities, non-governmental organisations and private enterprises, utilising, among others, community-based disaster preparedness and early response approaches” (ASEAN, 2005). Likewise, the Agreement Establishing the Caribbean Disaster and Emergency Management Agency (CDEMA) of 2011 expects the CDEMA Coordinating Unit to “establish collaborative arrangement and mechanisms with regional disaster management stakeholders to promote disaster loss reduction” and calls on member states to “develop and implement a comprehensive disaster public awareness information and education programme involving media

houses, schools, voluntary agencies and other institutions in order to ensure public participation and community involved in the disaster management system”.

The story is somewhat more mixed with regard to treaties related to the prevention of slow-onset disasters. The International Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa of 1994 includes not only clear responsibilities for national governments in addressing drought (whether due to natural or human causes), but also detailed requirements as to the empowerment and engagement of sub-national authorities and NGOs (whose “special role” is emphasized at the outset). Regional treaties on the same topic, such as the Agreement Establishing the Inter-Governmental Authority on Development of 1996 and the Convention Establishing a Permanent Inter-State Drought Control Committee for the Sahel of 1973, are more national government-centred. Similarly, language about climate change adaptation in the United Nations Climate Change Convention of 1992 and the Kyoto Protocol of 1998 only refers to states, and without particular reference to sub-national authorities.

Still, the most central international governance instruments related to disaster risk reduction have been non-binding documents, specifically: UN General Assembly resolution 44/236 of 1989 (declaring the 1990s the International Decade of Disaster Risk Reduction), the Yokohama Strategy for a Safer World of 1994, the Hyogo Framework for Action of 2005 and, most recently, the Sendai Framework for Disaster Risk Reduction of 2015. All four affirmed the central role of national authorities in risk reduction, but also referred to the roles of sub-national actors.

In the latter respect, both resolution 44/236 and the Yokohama Strategy were rather tepid. Resolution 44/236 called on states to “encourage their local administrations to take appropriate steps to mobilize the necessary support from the public and private sectors” and stated that “non-governmental organizations are encouraged to support and participate fully in the programmes and activities of the Decade”. Similarly, the Yokohama Strategy called on states to “give due consideration to the role of local authorities in the enforcement of safety standards and rules” and to “consider making use of support from non-governmental organizations”.

Ten years after the Yokohama strategy, however, the Hyogo Framework was more emphatic, asserting that “[b]oth communities and local authorities should be empowered to manage and reduce disaster risk by having access to the necessary information, resources and authority to implement actions for disaster risk reduction” and calling for states to “decentralize responsibilities and resources for disaster risk reduction to relevant subnational or local authorities”. It also

observed that “[c]ivil society, including volunteers and community-based organizations, the scientific community and the private sector are vital stakeholders in supporting the implementation of disaster risk reduction at all levels”.

The 2015 Sendai Framework went yet further. While reaffirming the primary role of national governments for risk reduction, it also acknowledged that “[d]isaster risk reduction requires that responsibilities be shared by central Governments and relevant national authorities, sectors and stakeholders, as appropriate to their national circumstances and systems of governance”. More specifically, it provided that “[w]hile the enabling, guiding and coordinating role of national and federal State Governments remain essential, it is necessary to empower local authorities and local communities to reduce disaster risk, including through resources, incentives and decision-making responsibilities, as appropriate”.

It also called for “[e]nhance[d] collaboration among people at the local level to disseminate disaster risk information through the involvement of community-based organizations and non-governmental organizations” and for states to “[e]mpower local authorities, as appropriate, through regulatory and financial means to work and coordinate with civil society, communities and indigenous peoples and migrants in disaster risk management at the local level”. In a section on “roles of stakeholders”, it provided an additional laundry list of desired activities from “civil society, volunteers, organized voluntary work organizations and community-based organizations”, ranging from support in developing normative frameworks to disseminating public information.

While not as strongly stated, the (non-binding) Cancun Adaptation Framework adopted by the conference of the Parties of the United Nations Framework Convention on Climate Change (UNFCCC) in 2011 similarly “[r]ecognizes the need to engage a broad range of stakeholders at the global, regional, national and local levels, be they government, including subnational and local government, private business or civil society. . . .” and “invites relevant multilateral, international, regional and national organizations, the public and private sectors, civil society and other relevant stakeholders to undertake and support enhanced action on adaptation at all levels”.

### ***Local actors’ access to international decision-making structures for disaster risk reduction***

At the close of the International Decade, the UN General Assembly approved the Secretary-General’s proposal to create a small UN secretariat (UNISDR) and an “inter-agency task force”, designed mainly to coordinate the approach of the various UN agencies and to identify and suggest solutions for policy gaps.



The membership of the task force was limited to 14 representatives from UN agencies, eight from regional organizations and eight from civil society and professional sectors (UNISDR, 2005a). Governments were not directly represented, but a significant number of diplomats participated as observers to the meetings and some officials were also involved in thematic working groups established under the task force umbrella. Civil society organizations in the task force were mainly international NGOs rather than domestic entities (UNISDR, 2005b).

In 2006, in the wake of the World Conference on Disaster Reduction in Kobe, Japan, the inter-agency task force was disbanded and its functions were shifted to the Global Platform on Disaster Risk Reduction, in part to widen the group of stakeholders involved (UN Secretary-General, 2007). Sessions of the Global Platform were convened biannually starting in 2007 and have been increasingly well attended (the participants' list for the 2013 global platform runs to 274 pages), welcoming not only diplomats from low-, middle- and high-income countries, but also significant numbers of other national and local officials, civil society representatives, scientists and academics, the private sector and other stakeholders. Similarly, for the last several years, regional platforms have been organized with participation from a wide base of stakeholders. As in the case of humanitarian response, network organizations like the IFRC and the Global Network of Civil Society Organizations for Disaster Reduction (the latter established in 2007 and now representing some 850 organizations) have also been a mechanism for increasing the influence of local civil society actors in these meetings.

While the global and regional platforms have certainly played an important role in building a sense of community among disaster risk management practitioners and in encouraging information sharing, their products have tended to be informal – generally a chair's summary and a report of proceedings. Their impact as governance instruments has thus been limited and they are seen more as technical platforms than decision-making forums (Jones et al., 2014).

In addition to the platforms, however, periodic World Conferences on Disaster Reduction have also been held. These produced the major international risk reduction instruments described above – the Yokohama Strategy, the Hyogo Framework and the Sendai Framework – which were clearly weighty (if non-binding) global normative instruments. Like the global and regional platforms, these conferences have featured ever-increasing attendance, including by local actors (Corredig, 2012) and civil society organizations, particularly those working through networks, both of which have clearly had an important influence on the overall shape of the frameworks (Oleru, 2010).

However, the final say on these texts remains in the hand of states – and in particular their diplomatic representatives. For example, in the run-up to the 2015 World

Conference in Sendai, UNISDR and other partners organized 167 consultative events with various stakeholders – including many sub-national officials and local civil society representatives – over a two-year period (UNISDR, 2015b), resulting in a zero draft of the Sendai Framework produced by UNISDR in October 2014. Nevertheless, that draft then went through extensive changes in a subsequent state-only negotiation process, which included several preparatory sessions both before the conference and at very late-night sessions during the conference itself (Wilkinson, 2015).

Civil society actors play an even more visible but possibly also more secondary role when it comes to the more politically fraught decision-making in the climate change context. Since the first conference of the parties (COP) of the UNFCCC in 1995, the involvement of non-state observers has risen to nearly 1,600. Most of these, however, are made up of industry representatives and independent or research NGOs, whereas indigenous peoples' organizations, trade unions, farmers, women and gender groups or youth groups each account for only about 2 per cent of all organizations (Betzold, 2013).

The very openness of these conferences to a wide variety of outsiders has led to problems of effective access. For instance, at COP 15 in Copenhagen, some 30,000 civil society representatives were registered for a meeting centre with a maximum capacity of 15,000 (Eastwood, 2011). On the other hand, this openness has definite limits – non-state observers have only the power to be heard, not to propose texts or vote, and many individual meetings are closed to them. As one commentator explains: “When observers are allowed, the Parties are not really, let's say, behaving how they should behave constructively, getting to the point; sometimes they are just giving long speeches just to demonstrate their devotion, to present themselves” (Nasiritousi and Linner, 2014).

Unlike the case of the DRR frameworks, negotiating texts are not developed on the basis of full stakeholder consultations but rather remain top-level state processes from beginning to end. Accordingly, “members of civil society regularly talk about their role in UN deliberations as ‘damage control’ or ‘holding governments’ feet to the fire’ as most policy decisions are not as strong as CSOs [civil society organizations] would like them to be”. This is achieved, for the most part, through background advice and lobbying with like-minded states and through media-oriented protest (Eastwood, 2011).

Civil society has also achieved entry, but a contingent one, in the direct governance of global climate finance. For example, the World Bank's Global Environment Facility (GEF) and Climate Investment Fund have long included and even funded the participation of some civil society observers to their decision-making bodies. These observers are ‘self-selected’ from networks grouping many organizations, though some critics charge that the process privileges international over local NGOs and

that their ability to make statements does not necessarily amount to significant influence (Sharma, 2010). Guidelines for the funds also expressly call for the engagement of local civil society in the development of projects at the country level, though some have questioned the effectiveness of their implementation (Bretton Woods Project, 2011).

Similarly, two years after its creation in 2011, the Green Climate Fund was opened to some NGO observers (Godoy, 2013). In 2014, it also created a Private Sector Advisory Group consisting of ten private sector and civil society experts (Green Climate Fund, 2014). Its initial general guidelines for country programmes require country programmes to engage stakeholders, including governments, sub-national institutions, civil society and the private sector. Inasmuch as this fund has only just received sufficient pledges to begin allocations this year, the effectiveness of this commitment to engagement is yet to be seen.

In the area of DRR (and the allied field of climate change adaptation), therefore, the actual access of local actors to international decision-making forums has caught up to a significant extent to the rhetoric of international norms, but is still in a decidedly secondary position.

## **The role of local actors within their national disaster risk management governance**

As might be imagined, the role of local actors in disaster risk governance varies significantly from country to country, depending on a wide range of factors, including the overall political context and governance system (Aysan and Lavell, 2014). Nevertheless, some trends can be identified.

### ***Domestic rules on international assistance***

In the area of international disaster response, domestic governance structures remain sparse. In 2007, after six years of dedicated research and consultations, the IFRC found that few states had existing national legislative and policy frameworks in this area (Fisher, 2007). As a result, international response operations suffered from recurrent problems of overregulation in some areas (such as delays in customs clearance and imposition of taxes on relief items) and underregulation in others (such as oversight of foreign medical teams). Moreover, without clear procedures, many national authorities struggled to stay in the driver's seat in terms of their expected "primary role in the initiation, organization, coordination, and implementation of humanitarian assistance within its territory", as described by UN General Assembly resolution 46/182 of 1991.

For example, when the 2005 earthquake struck Pakistan, there was no provision in national law designating a responsible institution for coordinating relief. Likewise, after Tropical Storm Stan in Guatemala, it was reported that the central disaster management authority did not understand its role to be coordinating the whole relief effort, thus leaving most NGOs to act on their own (Fisher, 2007).

After the adoption of the IDRL Guidelines in 2007, National Red Cross and Red Crescent Societies and the IFRC have assisted interested national authorities to review their laws and procedures for receiving international response in more than 40 countries. To date, some 19 countries have adopted new laws and procedures drawing on recommendations of the Guidelines (IFRC, 2015), including Indonesia, which is now setting the standard for legal preparedness for international disaster cooperation (see Box 3.3).

### **BOX 3.3** Indonesia sets the standard for legal preparedness for international assistance

Located in the Pacific ‘ring of fire’, Indonesia is faced with the constant threat of disasters, ranging from volcanoes and earthquakes to floods and tsunamis. Having suffered from one of the worst disasters the world has seen – the Indian Ocean tsunami in 2004 – Indonesia now has one of the most comprehensive legal frameworks for disaster management and response in the world. The effects of the 2004 tsunami had a profound impact and were a catalyst for significant legal and institutional reform. Before that fateful day, Indonesia did not have any overarching disaster management law in place and procedures were unclear on how to guide the huge influx of international assistance that poured into the country.

This lack of legal preparedness contributed substantially to the chaos of the response operation and revealed a significant number of regulatory issues which hampered the response. These hurdles included high taxes and duties on the import of relief goods, lengthy procedures for customs clearance, inconsistency and confusion surrounding visas and work permits – many of which were addressed on an ad hoc or case-by-case basis, rather than through a clear and transparent system. In the years following the tsunami, the Indonesian Red Cross Society (Palang Merah Indonesia or PMI), worked together with the government, NGOs and key humanitarian actors such as the UN to develop a legal framework to address these issues comprehensively.

Indonesia adopted a new disaster management law in 2007, followed by a series of regulations and guidelines, including a government regulation on the role of international institutions and foreign NGOs in disaster response (2008). A guideline developed by the country’s National Disaster Management Authority, BNPB, in 2010 provides even more detailed direction on the role of international assistance in relief operations. This framework set Indonesia on the path to becoming an exemplar across Asia and globally in terms of disaster law.

Indonesia’s investment in its disaster management systems and governance arrangements has stood the country in good stead, especially as regards emergency response. Recent disasters such as the Padang earthquake in 2009 and the Mount Merapi eruption in 2010 have seen the system put

to the test. And while some progress is still to be made in the implementation and understanding of the legal framework, great strides have been taken in terms of national and local capacity to respond.

Indonesia knows through experience that it is not a matter of if, but when, another mega disaster will hit. In light of that, PMI and the national authorities recognize the need constantly to test, revise and improve their national laws and frameworks. PMI and BNPB have continued to work together to assess and improve the legal framework for disaster management and response, with technical assistance from the IFRC and other partners. These steps have included simulation exercises to test roles, responsibilities and coordination mechanisms; new research and consultations on the impact and implementation of the existing legal framework (PMI and IFRC, 2014); ongoing dissemination and advocacy about IDRL including at universities across Indonesia; the review of existing guidelines on international assistance and the development of a new guideline on emergency response command structures. The Indonesian parliament is due to review the national disaster management law (Law 24/2007) in 2015 and 2016, and PMI are playing an active role in this process. Plans to develop a National Response Framework for Indonesia are also under way.

Although Indonesia was forced to learn the hard way, the 2004 tsunami has led to a level of legal preparedness that sets a benchmark for the rest of South-East Asia and beyond. “The 2004 tsunami was a huge wake-up call” says Ritola Tasmaya, PMI secretary general. “It opened our eyes, and we saw the need to have the right laws and institutions in place to be able to prepare for, and respond to, disasters. PMI will continue to support, and promote, our national disaster law progress.” ■

Among the gaps that remain in many countries’ regulatory frameworks is clarity as to the role of sub-national authorities with regard to international responders. For example, after the Great East Japan earthquake of 2011, the World Bank reported that local governments were not up to the task of coordinating and overseeing international relief providers (World Bank, 2012).

### ***Domestic rules on local actors in response and risk reduction***

In a large number of national laws and policies, a disaster is partly defined as an event that exceeds local capacities. The designation of an event as a disaster, therefore, entails a shift of (at least some) operational responsibility and power from local authorities towards their provincial and/or national counterparts (OAS, 2011). Although it is a fairly basic aspect of national disaster laws, this process is nevertheless often difficult, confusing and politically charged. Depending on the circumstances, both local and national authorities may hope to keep operational control over the situation in order to meet public expectations of leadership or, on the contrary, to shift responsibility (and blame) to the other.

A very visible example of the latter occurred in the United States after Hurricane Katrina, after which federal, state and municipal authorities publicly clashed over their respective roles and engaged in mutual blame for delays in aid distributions and efforts to ensure law and order. Two weeks after the storm, the mayor of New



Orleans, C. Ray Nagin, said, “We’re still fighting over authority... A bunch of people are the boss. The state and federal government are doing a two-step dance” (Shane et al., 2005).

With regard to DRR, many countries have decentralized responsibilities for key activities to sub-national (particularly municipal) authorities. However, this delegation is often not accompanied by a corresponding access to the necessary resources or expertise to carry out the tasks. As noted by a comparative study of laws for DRR in 31 countries published by IFRC and UNDP in 2014: “There is little empirical evidence that decentralized governance necessarily strengthens DRR, and some sources suggest that decentralization may even have a negative effect on disaster risk if legal authority is not matched by resources and capacity” (IFRC and UNDP, 2014). Similarly, a separate UNDP review noted that the Mid-Term Review of the Hyogo Framework for Action had found that only 20 countries had dedicated budget allocations to local governments for disaster risk management, even though 65 per cent of the countries had made local governments legally responsible for this activity (Aysan and Lavell, 2014).

The IFRC–UNDP study also found a range of approaches in domestic law and policy to the participation of local civil society organizations in DRR. Some 13 of the 31 countries studied were found to have specific legislative (or policy) provisions in this regard, 10 had general obligations to be inclusive of non-governmental stakeholders, and 5 were silent. In some of the countries that included express provisions, there were nevertheless problems with implementation. For instance, the study notes that, in the Dominican Republic, civil society was represented, but stakeholders felt that the law was not clear on exactly what their roles should be, while in New Zealand, the overall success of community representation through local government was not matched for Maori communities, who are reportedly not yet well integrated into pre-disaster planning and emergency response (IFRC and UNDP, 2014).

Likewise, UNDP has separately found that the integration of local civil society in planning for national climate change adaptation has often been dependent on external pressure from donors, with inconsistent results. For instance, in Viet Nam, “the national government has made a commitment to national implementation of a community-based disaster risk management system (Decision 1002), presumably due to calls from the United Nations and non-governmental organizations. However, it has not allocated significant resources to rolling this out, leaving the agenda effectively in the hands of the non-governmental organizations who are managing small and scattered pilot projects” (Aysan and Lavell, 2014).

Of course, the disaster risk management sector is not alone in this respect, as the role of civil society in any aspect of social governance remains in its infancy in some countries and has been seen to roll backwards in some others (International Center

for Not-for-Profit Law, 2013). However, the news is certainly not all bad when it comes to support for local actors in disaster risk management. As noted in Box 3.4, both Mexico and Colombia have recently adopted new laws placing a particular accent on involving sub-national authorities and civil society, and a similar trend can also be seen in recent policy and legal documents in a number of other countries in Latin America.

### **BOX 3.4** Building local engagement through disaster risk management legislation – the examples of Mexico and Colombia

Both Mexico and Colombia recently adopted major revisions to their national civil protection acts, with the particular goal of increasing the priority of risk reduction as part of their disaster management systems and sharing responsibilities among a wide group of national stakeholders.

The Mexico example is striking with regard to the multi-year negotiation that took place between the national government and the states, which have significant autonomy guaranteed by the constitution when it comes to disaster risk management.

The new General Civil Protection Act, adopted in 2012, established an important milestone, mainstreaming the concept of integrated risk management in various sectors, including spatial planning, construction, environment and climate change. In order to involve stakeholders, the national civil protection organization (SINAPROC) was set up as a multi-sectorial forum involving representatives of all entities and dependencies of the federal public administration, the civil protection systems of state entities, municipalities, volunteer and neighbourhood groups, civil society organizations, fire departments, the private and social sectors, communication media, investigation, education and technological development centres.

The act established specific requirements for the involvement of communities in DRR activities, providing that communities be informed and participate in risk management, and emphasizing the importance of education about civil protection and disaster prevention by making the topic compulsory at all levels of public and private education. Moreover, municipal civil protection councils were established in accordance with the new act, which allow communities to consult the public authorities before, during and after disasters, also making the municipalities directly responsible for their communities in response to disasters. Another example of citizen empowerment established through the act are the municipal councils for social participation in education, responsible for supporting the municipalities in civil protection activities and school emergencies. These councils are formed of parents, teachers and local authorities and responsible for strengthening preparations for potential emergencies.

An important next step for Mexico is the harmonization of existing federal, state and municipal laws to bring them into line with the dispositions of the General Civil Protection Act.

In Colombia, Law 1523 of 2012 created a comprehensive disaster risk management system where, for the first time, entities at all levels (national, department, district and municipal) are involved.

Colombia's national Disaster Risk Unit was upgraded institutionally, with its director now reporting directly to the president of the country, substantially improving its ability to coordinate with other ministries and departments. The aim of the new law was to evolve from a system that was entirely based on disaster response to a system that is now focused on DRR, risk knowledge and disaster management.

Article 2 of the law states that "disaster risk management is the responsibility of all authorities and inhabitants of the territory of Colombia" and requests that public and private entities and communities develop and execute risk management processes in the context of their competences, sphere of application and jurisdiction. According to the act, all public entities, the private and not-for-profit sectors and communities are part of the disaster risk management system. However, the act does not detail the modalities for the participation of communities and the not-for-profit sector in DRR activities or the role they play at department, district and municipal levels.

To achieve its objectives, the act creates three national committees, with their equivalent at departmental, district and municipal levels, i.e., the territorial councils, responsible for ensuring the articulation of DRR, risk knowledge and disaster management. These committees are mainly composed of representatives of inter-sectoral governmental entities assuming functions pertinent to disaster risk management. Civil society and the public sector are also represented in these committees. The National Committee for Disaster Risk Reduction includes public and private universities and the Federation of Colombian Insurers, while the Colombian Red Cross is included in the National Committee for Disaster Response and in territorial councils. For its part, the National Committee on Risk Knowledge includes representatives of the Association of Regional Autonomous Corporations and Sustainable Development. It is noteworthy, however, that the role of other members of civil society and NGOs is not defined in the law. It would be opportune to define their role in the established DRR mechanisms and committees.

Three levels of government are involved in developing the National Plan for Disaster Risk Management and the act requests that they develop a disaster risk management plan and an information system for each department, district or municipality. The act also calls for development plans to identify risk factors and threats to prevent construction in zones at risk and pre-establish response procedures in case of emergency. It also requires the creation of a national fund for disaster risk management and new funds at department and municipal levels, managed directly by mayors and governors, which has decentralized and empowered local decision-making. ■

The gaps in the normative and actual empowerment of local actors in disaster risk management governance in national law are thus similar to those described above with regard to the international governance frameworks. However, a similarly positive trend is also manifest in many countries to bridge these gaps. This is a good thing because they are likely to have much greater consequences at the domestic level. Of particular concern is the disconnect between the common reliance on local actors to implement key rules and activities relevant to risk management and the authority, resources and capacitation actually available to them to do so.

## Conclusion

Prevailing attitudes about the role of local actors in humanitarian assistance and disaster risk management have changed over time, and both international and national norms are evolving along with them.

With regard to the role of affected states, international norms, both binding and non-binding, have been consistent that they are to have the primary role when it comes to international humanitarian relief in disasters. This is also clearly asserted in agency guidance documents. Nevertheless, affected states feel increasingly that a large gap exists between this normative expectation and their experience of the actual behaviour of international responders. Some of the blame for this situation, however, may also be placed on the lack of domestic rules and procedures in many countries, domestic capacity limits and half-hearted attempts in some cases to play a full coordination role.

With regard to sub-national authorities and civil society, binding international law is mainly silent as to their role in international humanitarian operations, but it does find a place for them in DRR. In both areas, however, the key non-binding norms, including resolutions of ECOSOC and the UN General Assembly as well as the main international frameworks, have grown increasingly insistent about recognizing the importance of these actors.

In light of the unmitigable language, one would expect to see them very strongly represented in the main decision-making forums. This has not yet been achieved when it comes to international humanitarian mechanisms, whether at the international or at the country level. Greater access does seem to have been granted in governance forums most focused on DRR and climate change adaptation. However, the ability of these actors to actually participate in meaningful decision-making there is not as great as might be imagined, either because the forums produce weak products (at least from the point of view of exercising governance power) or because the actual decision points are not completely open to them. Further development of binding norms – including the International Law Commission's potential global treaty – might lend additional normative pressure for more inclusive results in practice. On the other hand, some states remain wary of a 'slippery slope' in sharing ever more space in traditionally inter-governmental processes and question the real representativeness and legitimacy of civil society organizations.

With regard to national systems, the picture is more mixed. It is clear, however, that many states have not yet fully prepared themselves in a regulatory sense to manage major international disaster assistance operations. Some of them have strongly enshrined the role of sub-national authorities and civil society in their laws and policies, but not always with full success. Here too, though, a trend

towards greater inclusiveness is noticeable and to be welcomed, even if the real-world power of the local actors has not always kept pace with the legal ambition. In addition, it does seem evident that some countries could strengthen their legal and policy provisions related to local actors.

Overall, the relevant normative frameworks seem to be moving in the right direction when it comes to recognizing and promoting the role of local actors. Local actors are fairly well represented in the rule books. It is simply time for the mechanisms of decision-making to catch up.

*Chapter 3 and Box 3.1 were written by David Fisher, Global Coordinator of the IFRC Disaster Law Programme. Box 3.2 was written by Finau Heuifanga Limuloo, IFRC Humanitarian Diplomacy and Disaster Law Delegate for the Pacific; Box 3.3 by Lucia Cipullo, IFRC Disaster Law Delegate for South-East Asia; and Box 3.4 by Isabelle Granger, IFRC Disaster Law Programme Coordinator for the Americas.*

It often falls to local communities to organize relief in the aftermath of disaster, as here in the Philippines after Typhoon Haiyan. But the roles of local actors, although improving, are not always fully recognized and promoted in the normative frameworks of affected countries.

© Jarkko Mikkonen/  
Finnish Red Cross





## Sources and further information

- ABC News. ‘Tropical Cyclone Pam: Vanuatu’s government criticises aid groups over poor coordination of disaster relief’, 19 March 2015. Available online: [www.abc.net.au/news/2015-03-19/vanuatu-criticises-lack-of-aid-coordination-after-cyclone-pam/6333676](http://www.abc.net.au/news/2015-03-19/vanuatu-criticises-lack-of-aid-coordination-after-cyclone-pam/6333676).
- ActionAid. *Good Practices for ActionAid Governance*. Johannesburg, South Africa: ActionAid, 2010. Available online: <http://actionaid.org/publications/good-practices-actionaid-governance-governance-manual>.
- Agreement Establishing the Caribbean Disaster Emergency Management Agency (2011): [www.ifrc.org/docs/idrl/N740EN.pdf](http://www.ifrc.org/docs/idrl/N740EN.pdf).
- Agreement Establishing the Inter-Governmental Authority on Development (1996): [http://igad.int/etc/agreement\\_establishing\\_igad.pdf](http://igad.int/etc/agreement_establishing_igad.pdf).
- Agreement on the Organization of the International Activities of the Components of the Red Cross and Red Crescent Movement, Resolution 6, Council of Delegates of the Red Cross and Red Crescent (1997): [www.ifrc.org/docs/idrl/I1034EN.pdf](http://www.ifrc.org/docs/idrl/I1034EN.pdf).
- ALNAP. *The State of the Humanitarian System*. London: ALNAP, 2012. Available online: [www.alnap.org/resource/6565](http://www.alnap.org/resource/6565).
- Association of Southeast Asian Nations Agreement on Disaster Management and Emergency Response (2005): [www.asean.org/communities/asean-socio-cultural-community/item/the-asean-agreement-on-disaster-management-and-emergency-response](http://www.asean.org/communities/asean-socio-cultural-community/item/the-asean-agreement-on-disaster-management-and-emergency-response).
- Aysan, Y. and Lavell, A. *Disaster Risk Governance During the HFA Implementation Period: UNDP Thematic Review*. Background Paper Prepared for the 2015 Global Assessment Report on Disaster Risk Reduction. New York: UNDP, 2014. Available online: [www.wcdrr.org/wcdrr-data/uploads/847/UNDP%20Thematic%20Review%20\\_%20Disaster%20Risk%20Governance%20during%20the%20HFA%20implementation%20Period%20%28Aysan%20and%20Lavell,%202014%29.pdf](http://www.wcdrr.org/wcdrr-data/uploads/847/UNDP%20Thematic%20Review%20_%20Disaster%20Risk%20Governance%20during%20the%20HFA%20implementation%20Period%20%28Aysan%20and%20Lavell,%202014%29.pdf).
- Bhatt, M. ‘The Hyogo Framework for Action: reclaiming ownership?’ in *Humanitarian Exchange Magazine*, Issue 38, June 2007.
- Betzold, C. *Non-State Actors in International Climate Change Negotiations: A Synthesis*. Working Paper No. 61. Bern, Switzerland: National Centres for Competence in Research, 2013.
- Bretton Woods Project. *A faulty model? What the Green Climate Fund can learn from the Climate Investment Funds*. London: Bretton Woods Project, 2011.

- Clement, C. 'International Disaster Response Laws, Rules and Principles: A Pragmatic Approach to Strengthening International Disaster Response Mechanisms' in Caron, D.D., Kelly, M.J. and Telesetsky, A. (eds), *The International Law of Disaster Relief*. New York: Cambridge University Press, 2014.
- Colombia, Law no. 1523, by which the National Policy on Disaster Risk Management is Adopted, the National Disaster Risk Management System is Established, and other Dispositions are Set Out (2012).
- Collinson, S. *The role of networks in the international humanitarian system*. London: Overseas Development Institute, Humanitarian Policy Group, 2011.
- Convention Establishing a Permanent Inter-State Drought Control Committee for the Sahel (1973): [www.ifrc.org/docs/IDRL/Revised%20Convention%20establishing%20a%20Permanent%20Inter-State%20Drought%20Control%20Committee%20for%20the%20Sahel%20%28Fr%29.pdf](http://www.ifrc.org/docs/IDRL/Revised%20Convention%20establishing%20a%20Permanent%20Inter-State%20Drought%20Control%20Committee%20for%20the%20Sahel%20%28Fr%29.pdf).
- Corredig, L. *Effectiveness and Accountability of Disaster Risk Reduction Practices. An Analysis Through the Lens of Informal International Lawmaker*. IFRC Disaster Law Working Paper Series, Paper No. 2, 2012.
- DARA. *Addressing the Perennial Problems of Disaster Response*. Background Study for the Disaster Response Dialogue Conference, 2014.
- Disaster Response Dialogue (DRD). *Improving trust and cooperation for more effective humanitarian responses*. Global Conference in Manila, 13-15 October 2014. DRD, 2015.
- Eastwood, L. 'Climate Change Negotiations and Civil Society Participation: Shifting and Contested Terrain' in *Theory in Action*, Vol. 4, No. 1, pp. 16–23, 2011.
- Ferris, E. 'Invisible Actors: The Role of Local NGOs in Humanitarian Response' in DARA, *Humanitarian Response Index*, 2009.
- Ferris, E. and Petz, D. *In the Neighborhood: The Growing Role of Regional Organizations in Disaster Risk Management*. Washington DC: The Brookings Institution, 2013.
- Fisher, D. *Law and legal issues in international disaster response: a desk study*. Geneva: IFRC, 2007.
- Global Humanitarian Platform, *Principles of Partnership* (2007): <https://icvanetwork.org/principles-partnership-statement-commitment>.
- Godoy, E. *Civil society pushes for more active participation in Green Climate Fund*. Inter Press Service, 21 July 2013.
- Green Climate Fund. *Green Climate Fund announces selection of private sector and civil society international experts to serve in the Private Sector Advisory Group*. Press release, 7 March 2014. Available online: [www.gcfund.org/fileadmin/00\\_customer/documents/pdf/GCF\\_Press\\_Release\\_PSAG\\_2014\\_07\\_03\\_final.pdf](http://www.gcfund.org/fileadmin/00_customer/documents/pdf/GCF_Press_Release_PSAG_2014_07_03_final.pdf).

- Harvey, P. and Harmer, A. *Building Trust: Challenges for national authorities and international aid agencies in working together in times of disasters*. Background Paper 1. London: Humanitarian Outcomes, 2011. Available online: [www.humanitarianoutcomes.org/sites/default/files/InternationalDialogueonStrengtheningPartnershipinDisasterResponse2011.pdf](http://www.humanitarianoutcomes.org/sites/default/files/InternationalDialogueonStrengtheningPartnershipinDisasterResponse2011.pdf).
- HERE. *The Impact of Regulatory Problems and the Gains from Legal Preparedness in Recent Response Operations*. Geneva: HERE-Geneva, 2015. Available online: [www.ifrc.org/PageFiles/195860/IDRL%20Impact%20Study%20Draft%20for%20Expert%20Meeting\\_270215.pdf](http://www.ifrc.org/PageFiles/195860/IDRL%20Impact%20Study%20Draft%20for%20Expert%20Meeting_270215.pdf).
- Hilhorst, D. 'Being good at doing good? Quality and accountability of humanitarian NGOs' in *Disasters*, Vol. 26, Issue 3, p.369, 2002.
- Hofmann, C.-A. et al. *Learning Review of the cooperation between the Government of the Philippines and humanitarian actors in their response to Typhoon Yolanda*. Disaster Response Dialogue, 2014. Available online: [www.drdinitiative.org/v2/files/armadillo/media/DRDlearningreviewFINAL5Aug.pdf](http://www.drdinitiative.org/v2/files/armadillo/media/DRDlearningreviewFINAL5Aug.pdf).
- Humphries, V. 'Improving Humanitarian Coordination: Common Challenges and Lessons Learned from the Cluster Approach' in *The Journal of Humanitarian Assistance*, 30 April 2013. Available online: <http://sites.tufts.edu/jha/archives/1976>.
- Hyogo Framework for Action 2005–2015, Building the Resilience of Nations and Communities to Disasters (2005): [www.unisdr.org/we/coordinate/hfa](http://www.unisdr.org/we/coordinate/hfa).
- Indonesian Red Cross Society (PMI) and IFRC. *International Disaster Response Law (IDRL) in Indonesia*. 2014.
- Inter-Agency Standing Committee (IASC). *Guidance Note on Using the Cluster Approach to Strengthen Humanitarian Response*. Geneva: IASC, 2006. Available online: [www.alnap.org/resource/9359.aspx](http://www.alnap.org/resource/9359.aspx).
- IASC. *Operational Guidance for Cluster Lead Agencies on Working with National Authorities*. Geneva: IASC, 2011. Available online: [www.alnap.org/resource/19893](http://www.alnap.org/resource/19893).
- International Center for Not-for-Profit Law (ICNL). *The Legal and Regulatory Framework for Civil Society: Global Trends in 2012-2013*. Washington DC: ICNL, 2013.
- International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (1994): [www.unccd.int/en/about-the-convention/Pages/Text-overview.aspx](http://www.unccd.int/en/about-the-convention/Pages/Text-overview.aspx).
- International Federation of Red Cross and Red Crescent Societies (IFRC). 'Information Black Hole in Aceh' in *World Disasters Report 2005: Data or dialogue?* Geneva: IFRC, 2005. Available online: [www.ifrc.org/en/publications-and-reports/world-disasters-report/wdr2005/wdr-2005---chapter-4-information-black-hole-in-aceh/](http://www.ifrc.org/en/publications-and-reports/world-disasters-report/wdr2005/wdr-2005---chapter-4-information-black-hole-in-aceh/).

- IFRC. *Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance*. Resolution 4, 30th International Conference of the Red Cross and Red Crescent, 2007. Available online: [www.ifrc.org/docs/idrl/I1014EN.pdf](http://www.ifrc.org/docs/idrl/I1014EN.pdf).
- IFRC. *Principles and Rules for Red Cross and Red Crescent Humanitarian Assistance*. Geneva: IFRC, 2013. Available online: [www.ifrc.org/Global/Documents/Secretariat/Accountability/Principles%20Rules%20for%20Red%20Cross%20Red%20Crescent%20Humanitarian%20Assistance.pdf](http://www.ifrc.org/Global/Documents/Secretariat/Accountability/Principles%20Rules%20for%20Red%20Cross%20Red%20Crescent%20Humanitarian%20Assistance.pdf).
- IFRC. Adopted legislation and rules: [www.ifrc.org/what-we-do/disaster-law/about-disaster-law/international-disaster-response-laws-rules-and-principles/idrl-guidelines/new-legislation-adopted-on-idrl/](http://www.ifrc.org/what-we-do/disaster-law/about-disaster-law/international-disaster-response-laws-rules-and-principles/idrl-guidelines/new-legislation-adopted-on-idrl/). Accessed 1 June 2015.
- IFRC. Disaster law database: [www.ifrc.org/en/publications-and-reports/idrl-database/?&t=&fr=01/01/1969&to=31/12/1969&oc=&l=&z=&c=&cat=&au=&doctype=&content=&dt=1](http://www.ifrc.org/en/publications-and-reports/idrl-database/?&t=&fr=01/01/1969&to=31/12/1969&oc=&l=&z=&c=&cat=&au=&doctype=&content=&dt=1).
- IFRC and United Nations Development Programme (UNDP). *Effective law and regulation for disaster risk reduction: a multi-country report*. New York: IFRC and UNDP, 2014. Available online: [www.drr-law.org/](http://www.drr-law.org/).
- International Law Commission (ILC). *Draft Articles on Responsibility of States for Internationally Wrongful Acts with Commentaries*. Art. 4. New York: ILC, 2001.
- ILC. *Report of the work of its 66th Session*. UN Doc. No. A/69/10, chapter 5. New York: ILC, 2014.
- Jones, S. et al. 'Disaster Risk Governance: Evolution and Influences' in Collins, A. et al. (eds), *Hazards, Risks and Disasters in Society*. Elsevier Science, 2014.
- Kyoto Protocol to the United Nations Framework Convention on Climate Change (1998): <http://unfccc.int/resource/docs/convkp/kpeng.pdf>.
- Lautze, S. et al. *Humanitarian governance in the new millennium: an Ethiopian case study*. HPG Working Paper. London Overseas Development Institute, 2009. Available online: <http://reliefweb.int/report/ethiopia/humanitarian-governance-new-millennium-ethiopian-case-study-1>.
- Mexico, General Law on Civil Protection, 2012.
- Nasiritousi, N. and Linner, B.-O. 'Open or closed meetings? Explaining nonstate actor involvement in the international climate change negotiations' in *International Environmental Agreements: Politics Law and Economics*, January 2014.
- NGOs and Humanitarian Reform Project. *Humanitarian Reform: Basic Information Leaflet Series Principles of Partnership*. 2010. Available online: [http://r4d.dfid.gov.uk/pdf/outputs/hum\\_response/cluster-leaflet.pdf](http://r4d.dfid.gov.uk/pdf/outputs/hum_response/cluster-leaflet.pdf).

- Oleru, D. 'The Hyogo Framework for Action and its implications for disaster management and reduction in Africa' in *Jàmbá: Journal of Disaster Risk Studies*, Vol. 3, No. 1, p. 307, 2010.
- Organization of American States (OAS), Inter-American Convention to Facilitate Assistance in Cases of Disaster (1991): [www.oas.org/juridico/english/treaties/a-54.html](http://www.oas.org/juridico/english/treaties/a-54.html).
- OAS. *Caribbean Emergency Legislation Project: Improving the Legal and Institutional Framework Related to State of Emergency*. Washington DC: OAS, 2011.
- Pantuliano, S. et al. *Review of the Inter-Agency Standing Committee: Requested by the IASC Principals Steering Group*. Geneva: IASC, 2014.
- Principles and Rules for Red Cross Disaster Relief, Resolution XXIV, 21<sup>st</sup> International Conference of the Red Cross, 1969.
- Sendai Framework for Disaster Risk Reduction 2015–2030 (2015): [www.unisdr.org/we/coordinate/sendai-framework](http://www.unisdr.org/we/coordinate/sendai-framework).
- Serventy, M. 'National NGOs and the cluster approach: the "authority of format"' in *Humanitarian Exchange Magazine*, Issue 56, January 2013. Available online: [www.odihpn.org/humanitarian-exchange-magazine/issue-56/national-ngos-and-the-cluster-approach-the-authority-of-format](http://www.odihpn.org/humanitarian-exchange-magazine/issue-56/national-ngos-and-the-cluster-approach-the-authority-of-format).
- Shane, S. et al. 'After Failures, Government Officials Play Blame Game,' *New York Times*, 5 September 2005.
- Sharma, A. *The Reformed Financial Mechanism of the UNFCCC: Renegotiating the role of civil society in the governance of climate finance*. Oxford: Oxford Institute for Energy Studies, 2010.
- South Asian Association for Regional Cooperation, Agreement on Rapid Disaster Response to Natural Disasters (2011): <http://saarc-sdmc.nic.in/pdf/SARRND.pdf>.
- Standing Commission of the Red Cross and Red Crescent (Standing Commission). *Report of the Work of the Standing Commission Working Group on the Implementation of the Seville Agreement*. CD 2005 9/1. Geneva: Standing Commission, 2005. Available online: [www.ifrc.org/Global/Governance/Policies/Resolution\\_8.pdf](http://www.ifrc.org/Global/Governance/Policies/Resolution_8.pdf).
- Steets, J. et al. *Cluster Approach Evaluation 2: Synthesis Report*. Groupe U.R.D. and Global Public Policy Institute, 2010. Available online: [http://interagencystandingcommittee.org/system/files/legacy\\_files/GPPi-URD\\_Synthesis\\_Report\\_DD05-HR.pdf](http://interagencystandingcommittee.org/system/files/legacy_files/GPPi-URD_Synthesis_Report_DD05-HR.pdf).
- Stoddard, A. et al. *Cluster Approach Evaluation*. New York: OCHA, 2007.



- Stoddard, A. 'Humanitarian NGOs: challenges and trends' in McRae, J. and Harmer, A. (eds), *Humanitarian Action and the 'global war on terror': a review of trends and issues*. HPG Report 14. London: Overseas Development Institute, 2003. Available online: [www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/287.pdf](http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/287.pdf).
- Supplementary Measures to Enhance the Implementation of the Seville Agreement, Resolution 8, Council of Delegates of the Red Cross and Red Crescent (2005): [www.ifrc.org/Global/Governance/Policies/Resolution\\_8.pdf](http://www.ifrc.org/Global/Governance/Policies/Resolution_8.pdf).
- Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations (1998): [www.ifrc.org/docs/idrl/I271EN.pdf](http://www.ifrc.org/docs/idrl/I271EN.pdf).
- United Nations (UN) General Assembly resolution 44/236 (1989): [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/44/236](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/44/236).
- UN General Assembly resolution 46/182 (1991): [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/46/182](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/46/182).
- UN General Assembly resolution 61/134 (2006): [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/61/134&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/61/134&Lang=E).
- United Nations Economic and Social Council (ECOSOC) resolution 1993/1 (1993): [www.un.org/en/ecosoc/docs/docs.shtml](http://www.un.org/en/ecosoc/docs/docs.shtml).
- UN ECOSOC resolution 2006/5 (2006): [www.un.org/en/ecosoc/docs/2006/resolution%202006-5.pdf](http://www.un.org/en/ecosoc/docs/2006/resolution%202006-5.pdf).
- UN ECOSOC resolution 2011/8 (2011): [www.un.org/en/ecosoc/docs/2011/res%202011.8.pdf](http://www.un.org/en/ecosoc/docs/2011/res%202011.8.pdf).
- United Nations Framework Convention on Climate Change (UNFCCC) (1992): [http://unfccc.int/files/essential\\_background/background\\_publications\\_htmlpdf/application/pdf/conveng.pdf](http://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf).
- UNFCCC, Cancun Adaptation Framework: <http://unfccc.int/adaptation/items/5852.php>.
- United Nations Institute for Environment and Human Security. *World Risk Report 2014*. Bonn, Germany: UN, 2014. Available online: <http://ehs.unu.edu/news/news/world-risk-report-2014.html#info>.
- United Nations Secretary-General. *Implementation of the International Strategy for Disaster Reduction*. Doc. A/62/320, 2007.
- United Nations Office for Disaster Risk Reduction (UNISDR). *Inter-Agency Taskforce on Disaster Reduction, Functions and Responsibilities*. Geneva: UNISDR, 2005a.
- UNISDR. *Inter-Agency Taskforce on Disaster Reduction, Membership 2000-2005*. Geneva: UNISDR, 2005b.

# Chapter

# 3

- UNISDR. *Global Assessment Report on Disaster Risk Reduction 2015*. Geneva: UNISDR, 2015a. Available online: [www.preventionweb.net/english/hyogo/gar/2015/en/gar-pdf/GAR2015\\_EN.pdf](http://www.preventionweb.net/english/hyogo/gar/2015/en/gar-pdf/GAR2015_EN.pdf).
- UNISDR. *HFA2 Consultations by Region: 2012 to 2015*. Geneva: UNISDR, 2015b. Available online: [www.preventionweb.net/posthfa/consultation-process](http://www.preventionweb.net/posthfa/consultation-process). Accessed 1 June 2015.
- Wilkinson, E. *We leave Sendai with a new global deal on disaster risk, but does it go far enough?* 20 March 2015. Available online: [www.trust.org/item/20150320095427-g4krc](http://www.trust.org/item/20150320095427-g4krc).
- World Bank. *The Great East Japan Earthquake: Learning from Megadisasters; Knowledge Notes*. Washington DC: World Bank, 2012.
- Yokohama Strategy and Plan of Action for a Safer World, 1994: [www.ifrc.org/Docs/idrl/I248EN.pdf](http://www.ifrc.org/Docs/idrl/I248EN.pdf).