

**Evaluation of the IFRC Disaster Law**  
**Programme**  
**Executive Summary**

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## Executive Summary

The International Federation of Red Cross and Red Crescent Societies (IFRC) launched its Disaster Law Programme (DLP)<sup>1</sup> in 2001. With an initial focus on examining international laws and norms relating to disaster response operations the programme has now expanded to include law and disaster risk reduction (DRR) and barriers to post-disaster shelter.

Since its inception the DLP has undertaken solid foundational work in assessing the needs and gaps in relation to international disaster response law (IDRL) and gone on to look at national laws and procedures related to international disaster response and operational experiences of regulatory problems. A number of innovative tools have been created such as the IDRL Guidelines and a model disaster law act. A series of case studies have been produced and formal technical assistance projects for interested NS and governments have been launched whereby existing laws and procedures are compared with the IDRL Guidelines and recommendations for further legislative development provided.

The DLP carries out its work at national level (in coordination with Red Cross/Red Crescent national societies), regionally (primarily with regional bodies) and internationally (with UN agencies and other international bodies and organisations).

In light of the programme's recent extension to include DRR and post-disaster shelter, this evaluation has been commissioned to assess work to date with a specific focus on gathering stakeholder perceptions of the programme's past performance.

The evaluation has been undertaken by two external consultants with the support of a small team of volunteers. A range of methodological approaches were utilised in order to carry out the evaluation including:

- A review of key literature
- Semi-structured interviews with a total of 65 stakeholders from 35 countries
- An on-line survey for DLP workshop participants was launched and responded to by 58 people (a response rate of 14%)
- A more detailed analysis of six countries that have benefitted from DLP technical assistance

The evaluation has gathered stakeholder views concerning the following areas of DLP's work:

- Country-level technical assistance and dissemination on the IDRL Guidelines in six countries (Ecuador, Haiti, Uganda, Namibia, Nepal and Vanuatu).
- Capacity building for NS and key partners in disaster law.
- Advocacy at regional and global forums.
- Research and other products.

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<sup>1</sup> Formerly known as the International Disaster Response Law Project.

- Overall impact and value added, including a comparison of cost and budget information between the DLP other legislative advocacy/support initiatives.

## Key Findings

The evaluation has made key findings relating to strategic effectiveness, operational effectiveness, cost effectiveness and overall impact as presented below.

### *Strategic Effectiveness*

<b>Finding 1:</b>	The DLP goals are broad and ambitious but are realistically achievable in the longer rather than the short term.
<b>Finding 2:</b>	The current IFRC human resources dedicated to DLP has enabled its continued development, the creation of appropriate resources and led to positive visibility for DL issues.
<b>Finding 3:</b>	There is significant external support for the goals of the DLP from NS, governments, international and regional fora and the UN. However, NS thought more support was needed for the implementation phase once research studies were completed.
<b>Finding 4:</b>	The enlargement of DLP to included DRR and shelter was welcomed by NS but a priority was still sought on securing IDRL in national laws and policies.
<b>Finding 5:</b>	There has been limited support from or involvement of NGOs and other civil society organisations in DLP.
<b>Finding 6:</b>	There has been some confusion with regard to the roles and responsibilities within DLP as it sits in different places in different Zones and due to the need to frequently rely on DM staff to provide entry points to NS.

An assessment was made of the four goals of the DLP. The goals of the DLP are very ambitious at the country, regional and global level. However, implementing the activities and achieving the results envisaged in the biennial operational plan<sup>2</sup> often takes longer than foreseen, as building (and sometimes rebuilding) relationships and pursuing issues which are not always a priority for relevant stakeholders requires constant effort. Therefore, the goals could be considered as realistically achievable in the long term but not necessarily in the short term.

#### *Goal 1: Improving legislation and normative instruments on disaster management*

Achievements within this goal are considered to be significant with a number of changes and pending changes to relevant laws and procedures. However, reference to the IDRL guidelines is seen to be selective with progress at country level often being outside the control of the DLP. In pursuit of this goal the DLP has focused more on the research phase and less on follow up and implementation.

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<sup>2</sup> IFRC (2013), *DLP Operational Plan 2013-14*, (Internal document).

*Goal 2: Establishing an expanded and permanent capacity of the RC/RC in disaster law*

As long as funding is secured there is a permanent capacity within the IFRC for the DLP through its own team of specialists as well as with some disaster management (DM) staff. NS capacity in relation to DLP varies, often depending upon resources and the priority that the programme is given which is in itself linked to the relevant country's disaster vulnerability. NS were positive concerning the support provided by DLP whilst highlighting the need to maintain this support through the implementation phase.

*Goal 3: Growing the international knowledge base and toolkit on key disaster law issues*

DLP has contributed significantly to building the knowledge base on IDRL and developing relevant associated tools. A series of national level research projects, regional workshops and the inclusion of DLP on the agendas of regional and international fora has contributed to the achievement of this goal.

*Goal 4: Achieving appropriate visibility for disaster law issues*

A decade ago DL was virtually non-existent as a concept but as a result of concerted IFRC and NS efforts it now attracts the interest and attention of a range of stakeholders across the globe. Visibility has been raised regionally and internationally, although transforming this into concrete actions is impacted by resource issues and other priorities of governments and other stakeholders. Reference to IDRL is made in a number of resolutions and statements of a range of regional and international bodies which has been helped by the IFRC having clear and coherent messages on IDRL that aim to benefit the humanitarian community as a whole and not only the Red Cross and Red Crescent Movement.

Support to the goals of the DLP from external actors is varied with NS being very supportive in spite of resource limitations. On the balance NS would like to see priority given to IDRL over the newly introduced topics of DRR and shelter and would like to see continued post-research support from the IFRC. Whilst governments are generally supportive of DLP, with a range of competing priorities their engagement often depends upon the prevalence of disasters in their country, the complexity of legal frameworks and available resources. Similarly, UN bodies have been supportive to DLP in varying degrees. Collaboration with OCHA has taken place at different levels and it has often been difficult for their field staff to engage in technical discussions. There has been limited support to DLP from non-governmental organisations (NGOs) and civil society organisations (CSOs). Whilst these bodies have participated in DLP workshops this has been more ad hoc than systematic.

There has been some tension in relation to where DLP roles and responsibilities lie within the IFRC structure as there is a need for close collaboration with IFRC DM teams due to their ability to provide entry points into NS.

## *Operational effectiveness*

<b>Finding 7</b>	The country based technical assistance has been successful in achieving most of the objectives in selected countries. Strengthened relationships have been seen between NS and governments as a result.
<b>Finding 8</b>	The approach adopted was seen to be positive and the tools available appropriate. However, the comprehensive research projects were not always found to be appropriate or necessary for all contexts, with a range of more flexible approaches needed.
<b>Finding 9</b>	Key factors that influenced the success of technical assistance were found to be the flexibility of the approach adopted, capacity of NS, role of country-level task forces and support following research completion.
<b>Finding 10</b>	DLP has gained significant visibility in global and regional humanitarian forums across all regions.
<b>Finding 11</b>	The DLP training workshops were considered to be highly relevant and useful in terms of increasing knowledge on DL and examples seen where it has increased involvement in DL issues.

An assessment was made of the methodologies applied for achieving DLP's goals focusing on country based technical assistance, advocacy with regional and global forums, training workshop, dissemination and DLP research products and topics.

The step-by-step approach to technical assistance in selected countries was considered positive with the tools used to support this approach being appropriate. The main weakness identified has been the lack of post-research support to NS, which is to an extent a result of limited IFRC resources and capacity. Key influencing factors for the success of technical assistance have been the flexibility of the approach adopted; NS capacity; role played by the task force; support following the research phase; and factors outside the control of the IFRC and NS such as political instability and competing government priorities. The approach has frequently brought together governments and NS which has been highly valued by stakeholders.

The DLP has been markedly successful in its advocacy to global and regional forums, particularly the latter. Visibility for DLP has been achieved in virtually all regions with IDRL and other DL topics directly mentioned in the resolutions and guidelines of a number of regional bodies as a result.

DLP Training workshops were considered both relevant and useful by attendees and have resulted in increased knowledge on DL and increased involvement in DL issues. For those with a legal background, the workshops have provided opportunities to share practice although those without such a background have found some of the information difficult to digest.

The DLP research products in the form of the IDRL Guidelines and the Model Act were considered to be highly valuable to those states with an interest in modifying or creating relevant legislation. The time invested by the IFRC in promoting the use of the guidelines both at national level and at international level (with for example, the UN General Assembly) has been effective.

Findings on the appropriateness of expanding DLP research into DRR and shelter were mixed. Although the focus on DRR was found to be valid it was considered to be complex given its broad scope of application and a potential additional topic for already resource-stretched NS. The shelter research was still in its initial stages and its potential relevance to operations was still to be tested.

### *Cost effectiveness*

<b>Finding 12</b>	Making cost-effectiveness comparisons between organisations providing similar services is difficult given that the actual focus, activities, outcomes and budgets vary.
<b>Finding 13</b>	Given its size and budget, DLP is similar to other organisations in a number of countries reached but it is providing less training and ad-hoc advice. This is related to the different focus of the DLP.
<b>Finding 14</b>	The decentralised model of DLP was similar to most of the comparable organisations and seen as the most efficient way to offer such services.
<b>Finding 15</b>	Organisations are increasingly flexible in the services offered and aim to have their work linked to the broader capacity building and advocacy efforts of their organisations – and away from a pure “legal” mandate.

A comparison was made between DLP and similar legal advisory services of three other organisations – the International Committee of the Red Cross (ICRC), the UN Food and Agriculture Organisation (FAO) and the International Organisation for Migration (IOM). Five organisations were considered but two were excluded for lack of comparable information.

A number of limitations had to be taken into account during the cost effectiveness comparison as the priorities and scope of the services provided by the organisation vary even though some of the approaches adopted are similar. It was also difficult to obtain precise and accurate budget figures from other organisations.

The comparison indicated that DLP is similar to all organisations in the number of countries it was reaching based on staffing numbers. A cost per outcome analysis indicated that for each significant outcome achieved, such as a change *to a law, procedure, global or regional instrument* was at the cost of \$97,500 of the budget allocated for these outcomes (for 2012). This has to be read with caution given that other activities could have contributed to achieving these outcomes, certainly previous years have contributed to these achievements and no comparable data was available from other organisations.

## Overall impact

<b>Finding 16</b>	IDRL has been referenced in key humanitarian policy processes but there remains room for increased IDRL presence in such debates.
<b>Finding 17</b>	The impact on DM was less evident to date, although some progress has been seen within the IFRC and NS. DLP complements the more holistic DM approach being adopted within the Movement and elsewhere.
<b>Finding 18</b>	The ultimate impact of the DLP would be how disaster relief is managed and the benefits for affected populations. Given the time span needed to achieve this, such impact should not be expected yet. Indonesia was however cited as a possible example of such impact to date.
<b>Finding 19</b>	The country-level studies, Guidelines, DRR studies and resulting legislation and declarations constitute a considerable body of law now commonly referred to as “disaster law”. However, this evaluation heard different opinions as to whether DL could be considered as an actual “field of law”.

Impact has been considered in relation to disaster management and humanitarian policy and the development of IDRL and disaster law as “fields” of law.

The impact on DM and broader humanitarian policy was considered to be positive with IDRL referenced in a number of key humanitarian policy processes. There was feedback that DL and notably IDRL should be even more present in certain debates, such as the current certification process of the Steering Committee for Humanitarian Response (SCHR) and discussions on successor instruments of the Hyogo Framework for Action.

Together, the country-level studies, the IDRL guidelines, the DRR studies and resulting national legislation and international and regional declarations constitute a considerable body of law now commonly referred to as “disaster law”. However, this evaluation heard different opinions as to whether DL could be considered as an actual “field of law” with a point of view being that many feeling that without the backbone of substantial treaty and customary law it was not yet appropriate to talk of DL in these terms.

## Conclusions and recommendations

Based on the findings of the evaluation a number of strategic and operational conclusions have been reached. Recommendations linked to these conclusions are provided in order to build on the significant achievements made by the DLP to date and to further the programme’s potential.

	Conclusion	Recommendation
<b>Strategic level conclusions and recommendations</b>		
<b>A</b>	<b>DLP's Vision:</b> This evaluation heard divided opinion amongst stakeholders concerning the long-term vision of DLP: Should DLP focus on the current guidelines approach or advocate towards the adoption of an international treaty? The two are not necessarily mutually exclusive. DLP and the Movement must further refine this vision. The development of an international treaty by the International Law Commission needs to be monitored and input provided, notably to try and promote its compatibility with the goals of DLP.	DLP to clarify its global vision and reflect any changes within its strategy and operations.
<b>B</b>	<b>DLP and the humanitarian sector:</b> An examination of DLP indicates that whilst one of its goals is specifically Movement-related (Goal 2), the remaining three goals are outward looking and benefit NGOs, governments, law makers, the UN and ultimately those affected by disaster. Therefore, this evaluation was surprised to see limited involvement and support from these groups, notably INGOs. Given the external focus, should DLP be run as only a Movement (and IFRC) centric initiative – or more as a general DM initiative of the humanitarian sector? DLP should consider further how to secure greater support from the humanitarian sector by for example forming a strong coalition of INGOs and NGOS.	DLP to review how it can secure greater support from the humanitarian sector.
<b>C</b>	<b>Balancing local, regional and international priorities:</b> Over time, DLP has developed privileged access to governments and stakeholders at the national, regional and international level. With this access, DLP is able to approach DL from a range of different operational dimensions. As stated above, most NS thought that the country-level work on IDRL should continue to be a priority for DLP – and regionally extend to the Middle East which is the only major region not covered. At the same time, this evaluation believes that DLP needs to persist with its regional and international work where considerable progress has been seen to date in having IDRL recognised.	Clarification of national, regional and international priorities is required. Steps towards this include: Reinforced support for country-level work through DLP regional teams, ensuring post-research follow up. Regionally - inclusion of the Middle East (within resource limits) would further extend the reach of DLP and cover an existing gap. Internationally - increased engagement with INGOs, the UN and other organisations with international representation to share responsibility (and ultimate benefit) of the work of the DLP.
<b>D</b>	<b>Balancing DL themes:</b> Adding two new thematic areas, DRR and shelter, has created an additional pressure and workload for the small DLP team, in addition to increasing the demands on NS. However, in order to keep relevant and up-to-date with legal issues and barriers to the provision of effective disaster assistance this has been necessary. What remains problematic though is that although there is a	Review next steps for DRR and shelter once the initial research phases have been completed; if possible determine precise activities linked to these themes.

	<p>unanimous resolution from the 2011 International Conference there is a lack of common agreement on this from within the IFRC as a whole. It may be too early to tell if adding two new research topics to the agenda of the DLP is appropriate until the current research phases of Shelter and DRR are complete. Given the ongoing work on IDRL inclusion, promotion and advocacy it is possibly simply too ambitious to expect consistent results in these two new areas. One solution raised by several persons was to draw from these two new themes precise activities or actions that IFRC and NS could carry out, such as ad-hoc legislative advice on DRR or a focus on shelter that is even more operationally focused, linked to tools around transitional housing for example.</p>	
<p><b>Operational level conclusions and recommendations</b></p>		
<b>E</b>	<p><b>Broader services of DLP:</b> This evaluation found that in carrying out in-country technical assistance, success was not only seen through the research project approach, but also in a range of approaches all aimed to support the integration of DL within laws and policies. This ranged from - a short consultative process - to quick engagement with a government in the build-up to hurricane or cyclone seasons - to linking into an existing law being developed - to offering a comparison to an existing study of a neighbouring country. What was missing was any documentation of these approaches and their availability to NS and governments.</p>	<p>Define, document and disseminate the range of options that DLP can offer at the country-level with the aim of supporting DL integration.</p>
<b>F</b>	<p><b>Support for implementation phase:</b> Following the country-level research, the evaluation heard of examples where the resources were not available to support the next phase of the project. The evaluation believes that there needs to be more follow up once the research reports have been completed. There also needs to be a break-down of the findings to make them more accessible to a wider range of stakeholders. This will also be particularly important for DRR where connection at a community level is key. This phase implies pursuing non-legal tasks such as lobbying and advocacy for the adoption or amendment of laws and policies that requires a different set of skills and tools (the development of a planned DLP advocacy manual is already a positive move in this direction). Some would go as far as seeing DLP being more involved in comprehensive disaster exercises where new structures and laws are tested.</p>	<p>Build post-research support into the planning of country-level research projects and aim to engage staff and/or volunteers from NS in moving processes forward once the research stage is over.</p>
<b>G</b>	<p><i>Alignment with IFRC operations:</i> This evaluation found that the work to establish a clearer link with IFRC operations and DM in NS and IFRC has proven beneficial to date. All agreed that further work was needed to build on the progress to date. A clearer link with DM staff in the field would be positive as would the possibility to deploy further DLP delegates in major operations as was done with Haiti, an approach that was perceived as successful and constructive</p>	<p>Reinforce further links between DM and IFRC operations to ensure that DM staff are more aware of the ultimate positive benefits that DLP may have on their work; deploy further DLP delegates in major operations</p>

	for both DM and DLP.	when appropriate and feasible.
<b>H</b>	<p><b>NS capacity:</b> Positively, NS all over the world showed their interest and ability to deal with the issues and challenges of DLP. IFRC has plans in the coming years to increase support for select NS by funding DLP officers. This is a positive move given that the lack of focal points in NS was a major weakness for progressing DLP issues. At the same time, other options were found such as the development of NS volunteers to provide support in this area. Further, PNS could also provide support to NS in this area, particularly where they already have longstanding bilateral collaboration. Strengthening south-south cooperation between NS was also needed.</p>	<p>Explore further options to build NS capacity in this area, for example in the development of NS volunteers, more south-south cooperation (possible partnering of NS) and involving more PNS through their existing collaborations with other NS.</p>
<b>I</b>	<p><b>Monitoring and evaluation:</b> DLP is already monitoring key indicators as set out in its operational plan. Aside from the challenges of the long-term nature of the programme and the difficulty in measuring all aspects (such as relationships built, collaboration strengthened), there are several areas where this aspect could be improved that would bring a better ability to adapt and improve DLP.</p>	<p>Introduce a monitoring activity to analyse further the laws that have been adopted or modified in regard to DL (IDRL in particular) to determine trends, commonalities and any major deficiencies (i.e. common areas left out of laws from guidelines); introduce an improved reporting system on the achievements and follow up of the country-level research projects – as a minimum to have a brief review carried out (possibly by DLP HQ staff with NS) following each project’s completion detailing achievements and next steps needed.</p>