

# Plan 2009-2010



## International Disaster Response Laws, Rules and Principles Programme



### Executive summary

In 2009-10 the International Federation's International Disaster Response Laws, Rules and Principles (IDRL) Programme will continue to fulfil its mandate from the 30<sup>th</sup> International Conference of the Red Cross and Red Crescent to disseminate and promote the use of the **Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance** ("IDRL Guidelines"), in order to reduce unnecessary restrictions, delays and expenses in international disaster relief operations and to increase their quality, coordination and complementarity with domestic efforts. It will also assist National Red Cross and Red Crescent Societies to build their capacity and knowledge of legal issues in disaster management (both international and national) to enable them to provide more effective advice to their governments, consistent with their humanitarian mandates and auxiliary roles.

Through a field-focused structure and as an integrated component of the International Federation's overall Disaster Management Strategy, the programme will act in three main areas:

- (1) cooperating with National Societies to provide **technical assistance to governments** on implementing the IDRL Guidelines, through country-level technical assistance projects and the development of a detailed handbook and model legislation;
- (2) **building the capacity** of National Societies, International Federation staff and humanitarian partners to promote and use the Guidelines and related international instruments through the finalization of an advocacy manual, training workshops and other materials; and
- (3) **disseminating and promoting** the IDRL Guidelines and related instruments with governments, humanitarian partners, and inter-governmental organizations as well as fostering **new collaborative research** on domestic legislative issues in disaster management designed to strengthen the Movement's approach to disaster risk reduction in applicable law.

The total 2009-2010 budget is CHF 4,154,884 (USD 3,797,883 or EUR 2,646,423). [Click here to go directly to the summary budget of the plan.](#)

# Context

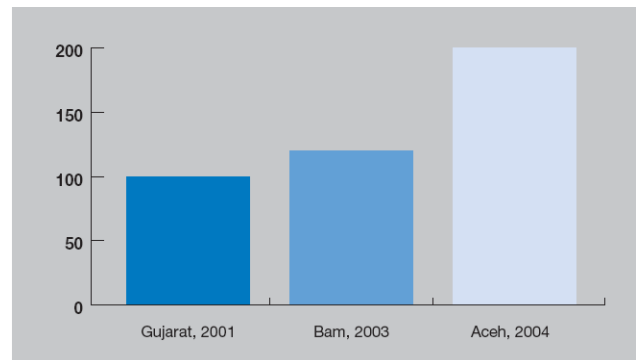
Over the last twenty years, the number of disasters has nearly doubled worldwide due to the effects of climate change. We are also beginning to see droughts, storms and floods of greater intensity, occurring in new areas and affecting more communities. It is widely accepted that the poor and marginalized will certainly bear the brunt of these developments if we do not pass to action, both to reduce disaster risks and to be better prepared for responding to disasters when they strike. As affirmed in the Hyogo Framework for Action, **law is a critical tool** for empowering such action and adapting to a changing world.

Since 2001, the International Federation's International Disaster Response Laws, Rules and Principles (IDRL) Programme has been investigating the **legal issues and regulatory frameworks** of disaster response, with a particular focus on international relief operations. The management of such operations has become increasingly complex, not only due to the rise in the number and ferocity of disasters but also sharp increases in the number and diversity of international actors ready to intervene in highly mediatized events.

Through over two dozen case studies and extensive consultations, the Programme has identified a common set of legal problems in international relief operations including difficulties with initiation and coordination procedures and rules on visas, customs, taxation, registration, and licensing, among others. These problems have contributed to unnecessary delays and expenses when they could least be afforded, while at the same time allowing for gaps of coordination, quality and complementarity of international efforts with those of domestic actors. Most of the difficulties stemmed from a **lack of legal preparation** at the domestic level for the special issues of managing international assistance and for effectively interacting with international humanitarian coordination mechanisms, including those of the United Nations, the Red Cross and Red Crescent Movement, and other key actors. The programme's findings in this respect are summarized in a desk study available at <http://www.ifrc.org/idrl>.

Through a global consultation process, the Programme developed the IDRL Guidelines to help governments to solve these problems. In November 2007, the state parties to the Geneva Conventions and the components of the Red Cross and Red Crescent Movement **unanimously adopted** the Guidelines at the 30<sup>th</sup> International Conference of the

Numbers of international NGOs responding to disasters



Regulating international disaster assistance is becoming more complex as more and more international actors are becoming available to respond.



"We fully accept that it is time that our relevant laws and regulations on international disaster assistance be improved."

AVM Rtd Mohammed Maigari Abu-Bida, Director-General, Nigerian Emergency Management Agency, IDRL Forum, 2007

Red Cross and Red Crescent. They also encouraged governments to use the Guidelines to strengthen their domestic laws and bilateral and regional agreements on disaster management and invited the International Federation and National Societies to disseminate and promote their use. Furthermore, they invited the International Federation and National Societies to continue their pioneering research on legal issues in disaster management and to develop further tools and models for the improvement of legal preparedness for disasters.

It is clear that strengthening laws along these lines will not be an easy or rapid process. Generating and maintaining sufficient momentum to achieve concrete results will require consistent and **well-informed champions at the domestic, regional and international levels**. National Red Cross and Red Crescent Societies are uniquely placed to undertake this role at the national level. Many already have close relationships with the authorities thanks to their status as auxiliaries in humanitarian affairs and their proven operational experience in disaster response. However, a number of Societies lack the legal expertise and experience in legislative processes necessary to be most effective. The Programme will work directly with interested Societies in providing key information to their governments, while building their capacities for humanitarian advocacy. The Programme will also cooperate with National Societies, UN agencies and other partners in reaching out to regional and global institutions to encourage them to take up this important issue.

The time is also right to build upon the Movement's success in the development of its learning and tools around IDRL. **International relief is only one of many areas of disaster management where law plays an essential enabling role**. The Programme will thus finalize a collaborative process of reflection and study within the Movement and with its humanitarian partners to identify legal issues in the domestic response to disasters, particularly in the area of disaster risk reduction and community-level adaptations to the effects of climate change, where advocacy by the Red Cross and Red Crescent is closest to our humanitarian mission and most needed. With this set of common understandings, it will move to providing National Societies with the tools and resources they need to broaden their advocacy in these areas.

## Priorities and current work with partners

Consistent with the decision of the International Conference, the Programme's main priorities are to



UN ECOSOC "encourages Member states . . . to strengthen operational and legal frameworks for international disaster relief, taking into account, as appropriate, the [IDRL] Guidelines."

U.N. Doc. E/2008/L.28, 2008



"The last serious disaster [in Guatemala] was [Tropical Storm] Stan in 2005. . . [W]e were able to have effective assistance, but there were some problems with legal status and with importing goods."

Delegation of the Guatemalan Government, International Conference of the RC/RC, 2007



ensure an effective dissemination and use of the IDRL Guidelines and to build the capacity of National Societies to provide effective advice to their governments on legal preparedness for disasters.

To meet these goals, the Programme will continue to cooperate closely with other departments within the International Federation and with its zone structure. The direct participation of National Societies in the development of manuals and other materials and in presenting IDRL to potential partners will remain a priority.

The Programme will also continue its collaboration with partners in the United Nations system and the wider humanitarian community. For example, partnership on legal issues has been included as a component of the Global Alliance on Disaster Risk Reduction with ISDR, and this will serve as a basis for a proposed joint project of research and development of tools between the institutions in 2010.

The Programme will deepen its partnerships with other key stakeholders, such as the Inter-Parliamentary Union and regional organizations, such as the Commonwealth, European Commission, African Union, CAPRADE, ASEAN and SOPAC, to encourage reflection on the issues raised in the IDRL Guidelines and active steps among their members to address them. It will also seek new partnerships with academic and policy organizations to promote attention to disaster law issues.



“Having good laws and systems in place will help us to get the right information to the right place at the right time after a disaster. But it’s not enough to plan within our own borders. We must also ensure our legal system is prepared for cross-border and international cooperation.”

Pum Chantini, Secretary-General, Cambodian Red Cross Society, 2008

## Secretariat programme in 2009-2010

### Disaster management/International disaster response laws, rules and principles programme

#### a) The purpose and components of the programme

Programme purpose
The International Federation’s International Disaster Response Laws, Rules and Principles (IDRL) Programme seeks to reduce human vulnerability by promoting legal preparedness for disasters.

By increasing legal preparedness, the IDRL Programme contributes to each of the International Federation’s four Global Agenda Goals.<sup>1</sup> More effective laws on risk reduction and on the organization and facilitation of relief activities can help to reduce the human impact of disasters and health emergencies, per Goals 1 and 2. They can also be critical to empowering communities and National Societies to do the work they need to do to address the most urgent situations of vulnerability, per Goal 3. Moreover, they can go far to guard against discrimination in the design and implementation of disaster management programmes, per Goal 4.

<sup>1</sup> The Global Agenda Goals are noted at the end of this report. More information on these Goals is available at <http://www.ifrc.org/docs/pubs/who/fof-en.pdf>.

The Programme also responds to the first Objective of the International Federation's overall Disaster Management Strategy, to "increase DM impact and coherence through better linkages between policy and practice and expanded advocacy to reduce disaster risks and impact."

The Programme budget is CHF 4,154,884 (USD 3,797,883 or EUR 2,646,423).

**Programme component: Technical assistance to governments**

**Outcome: Policy-makers understand and make use of the IDRL Guidelines to strengthen legal and policy frameworks for disaster response.**

**1.1. Undertake country-level pilot technical support projects**

The pilot technical support projects will **advise interested governments** on ways to enhance legal preparedness for international disaster assistance and make optimal use of the IDRL Guidelines in their national contexts. As of the date of writing, it is anticipated that at least four such projects will have been initiated in 2008 and will be completed in 2009.

Moreover, during the 2009-2010 biennium, a total of **ten new IDRL technical support projects** will be initiated in 4-5 regions: Asia-Pacific (3 countries), Africa (3), the Americas (3) and Central Asia, Eastern Europe and/or the Middle East (2). Each pilot project will be guided by the respective regional IDRL coordinators working in close collaboration with the National Society and the International Federation's zone offices.

The structure of each project will be adapted to local needs and to the possibility of integration with similar initiatives of international or regional partners. However, at a minimum, each project will include a **legal mapping exercise** to analyse the existing legal, policy and institutional frameworks in the country identifying its strengths, as well as remaining challenges and gaps in addressing needs when international assistance is called upon. This exercise will be concluded by a **report that will contain findings and recommendations for the interested Government on useful areas and ways for enhancing legal preparedness**. If desired, follow-up support could be provided in future stages beyond 2010.

Each project will establish an **advisory steering committee** chaired by the government and include other relevant stakeholders. Two **technical in-country workshops** will be organised to exchange information and experiences, as well as to receive input on the legal mapping exercise, findings and recommendations. Where appropriate, the projects will be conducted collaboratively with other interested international **partners**, such as WHO (partnering in three projects in South-East Asia begun in 2008). IDRL Programme staff will also



"[I]n our domestic legislation [we should] address - now - those problems which can be solved in advance. Now, we should avoid foreseeable harmful effects of disasters, caused by legal challenges in the absence of adequate legal preparedness."

H.E. Dr. Libertina Amathila, Deputy Prime Minister, Namibia, IDRL Forum 2007

be available to lend support, on an ad hoc basis, to contingency planning exercises carried out by National Societies and governments with support from the Federation's disaster management programmes.

## 1.2 Coordinate an EU regional study

With substantial support from the European Commission, the Programme will also coordinate a project to study EU-level regulations in light of the IDRL Guidelines and involving country-level studies carried out by the National Red Cross Societies of **Austria, Bulgaria, France, Germany, the Netherlands and the United Kingdom.**

The national studies will be similar in format to the country-level pilots described above, with a workshop held in each country. A regional workshop will also be organized in 2010 to synthesize the legal and case research and to develop recommendations for the future.

## 1.3 Develop an IDRL handbook for policy-makers

The development process for an **inter-agency handbook on domestic law for the management of international disaster assistance** commenced during 2008 will be finalized in the 2009-10 biennium. The handbook will draw on lessons learned from the technical assistance projects and studies mentioned above and will include examples of best practices from existing laws as well as model legislation for incorporating the IDRL Guidelines and other international instruments pertinent to managing international relief into domestic law.

The handbook will be drafted **in partnership**, with the active input of various experts in the areas concerned, including from UN agencies and international organisations such as OCHA, WCO, IPU, WHO, UNDP and IDLO.

As an ongoing activity, the IDRL Programme will also expand the availability of relevant national legal instruments in the online **IDRL database**. The interface of the database will be improved and simplified, as well expanded to reach to other language groups.

## 1.4 Develop a disaster law course for policy-makers

On the basis of the handbook and other materials, design an annual 5-day **course on disaster law** for governmental officials—



"[D]eveloped countries have very little experience of accepting donations of food, temporary shelter, telecommunications etc."

Wilton Park Seminar on Improving the Emergency Response in Europe, 2006



"As no specific provisions existed concerning the modalities with which international assistance should be requested and received, the Government issued ad hoc administrative instructions in the midst of a major response operation."

Tsunami Lessons Learned Workshop, hosted by the Government of Indonesia and the UN, 2005



potentially in cooperation with an academic partner, and drawing on the participation from OCHA, ISDR, and other agencies – , incorporating background on applicable international law as well as comparative law and lessons from practice. The course will look both at the implementation of international norms in operations and the development of domestic law. The first such course will be developed by 2010.

### Programme component: Training and capacity building

**Outcome: Interested National Societies and humanitarian partners are empowered to advocate for strengthened legal frameworks for disaster response.**

#### 2.1 Develop a capacity-building manual for National Societies

Continuing work begun in 2008, a manual will be developed to build National Societies' capacity to provide effective advice to their governments on **law related to disaster management and health emergencies**. It will integrate advice and best practices regarding international relief as well as common domestic disaster management legal issues that National Societies see as critical.

The **manual development process** will be collaborative, involving National Societies from different regions and various relevant departments/programmes of the Secretariat of the International Federation, guided by a steering group of different departments of the Federation and a Reference Group of National Society representatives. The manual will be finalized and translated by the end of 2009.



"This manual will be a powerful tool for National Societies to enhance their dialogue with their governments."

Dr. Mohammed Al-Hadid, President, Jordanian Red Crescent Society, 2008

#### 2.2 Organize sub-regional legislative advocacy workshops for National Societies

As part of the development process for the manual described above, sub-regional legislative advocacy workshops will be organized for interested National Societies. Two such workshops will have been completed by the end of 2008 and **four more** will be planned for 2009 in different regions. **Three** additional workshops will be provided in 2009 using the completed manual.

The workshops will serve as i) a means of familiarizing participants with the knowledge in the manual, ii) a forum for National Societies to **share ideas and best practices**, iii) a feedback mechanism to improve the contents of the manual, before its final production.



"Vulnerable communities look to the International Federation and our network of Red Cross and Red Crescent National Societies to . . . show the results and impact of our action and advocacy."

Federation of the Future, 2006

#### 2.3 Provide training on legal issues in disaster/health emergency management to National Societies, International Federation personnel and humanitarian partners

The Programme will develop dedicated **training materials** to develop internal and partner capacities on legal issues in disasters and health emergencies.

These will include specific materials for International Federation personnel and National Societies as well as materials for use with outside humanitarian partners. They will range from short modules to be inserted into existing trainings (such as those for ERUs, FACT, RDRT, and UNDAC) to several-day trainings for a thorough overview, with a particular focus on explaining the IDRL Guidelines and other international standards.

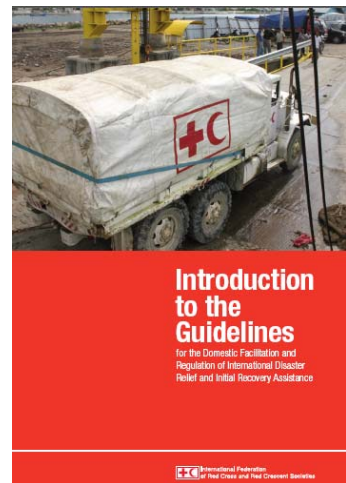
The Programme will itself deliver at least **3 trainings** per year of substantial length in Africa, the Americas and Asia-Pacific and at least **one training per year elsewhere** during the period of this plan.

**Programme component: Dissemination, advocacy and research**

**Outcome: The IDRL Guidelines are well known, partnerships are developed and the knowledge base of the Movement on legal issues in disaster response is deepened.**

**3.1 Disseminate the Guidelines to RC/RC, governments, UN agencies, inter-governmental organizations, NGOs and academic institutions**

Using the **dissemination kit on the IDRL Guidelines** developed in 2008, the Programme will disseminate the Guidelines and accompanying information and assist International Federation personnel and National Societies to do the same. Opportunities will be seized to make introductory presentations on the Guidelines at appropriate meetings and conferences.



**3.2 Advocate for legal preparedness at the global and regional levels**

Close **partnerships** to raise awareness on the importance of legal preparedness, highlighting the usefulness of the IDRL Guidelines, will be continued and intensified with the UN, regional organisations (in particular ASEAN and SOPAC), NGOs and research institutions.

For instance, the Programme will continue to encourage inter-governmental and regional forums and platforms to: take note of the IDRL Guidelines; make use of them in the development of protocols and standard operating procedures; and promote their use by their member states.

**3.3 Undertake new research on law in disaster risk reduction**

In partnership with ISDR, the programme will begin a **two-year research project** (beginning in 2010), to examine the key legal issues in disaster risk reduction, with a particular focus on how law can best foster community-level activity to reduce risk to disasters and health emergencies.

It is proposed that this research programme include desk research on best legal practices and **5 geographically representative case studies** on legal issues at the country level, using methodology similar to that of prior IDRL case studies (i.e., desk



“Countries that develop policy, legislative and institutional frameworks for disaster risk reduction . . . have greater capacity to manage risks[.]”

Hyogo Framework for Action, 2005



research, interviews and workshops). The study will be tested through technical assistance projects in 2011 and finalized and formally launched at the Global Platform on Risk Reduction in June 2011.

### 3.4 Foster academic interest in IDRL issues

The IDRL programme will foster academic attention to IDRL issues in order to generate more ideas and energy toward solutions. It will initiate a series of **working papers** on disaster law issues to be published on its website and disseminated to its network. It will contribute papers to outside journals and it will cultivate **regional pools of experts** on IDRL.

#### b) Profile of target audience and final beneficiaries

The IDRL Programme will be mainly targeted to National Societies and, in direct cooperation with interested Societies, to policy-makers. Its target audience will include:

- 14 governments benefiting from country-level pilot technical assistance projects
- 6 governments benefiting from case studies in EU (and all EU states benefiting from the overall regional study)
- 5 governments benefiting from disaster risk reduction country case studies
- 20 government representatives benefiting from the 5-day course (probably beginning in 2010).
- At least 70 representatives of National Societies receiving training on IDRL
- At least 70 representatives of National Societies benefiting from advocacy workshops
- At least 30 representatives of partner humanitarian organizations benefiting from training on IDRL
- At least 4 intergovernmental and regional organizations will be formally introduced to the Guidelines

All governments have the potential to benefit from the Handbook and dissemination products and all National Societies can benefit from the legislative advocacy manual, both of which will be extensively disseminated.

#### c) Potential risks and challenges

As in 2008, much of the programme's energy will go toward empowering National Societies and assisting governments on the issues of strengthening legal and policy frameworks. However, there can be **no guarantees that new legislation will be adopted** as this depends entirely on the decisions of policy-makers in the States concerned. There is thus a risk that there will not be immediate results from this work.

Another risk that must be carefully managed is ensuring that any advocacy activities of the International Federation or its National Societies **do not compromise the neutrality of the Red Cross and Red Crescent Movement** as set out in the Fundamental Principles. This will be squarely addressed in a collaborative manner with National Societies in the development of the capacity-building manual and advocacy workshops.

Finally the ambitious programme laid out here is **dependent on adequate funding**, particularly to allow for maintaining a regional IDRL staff presence in Asia-Pacific, Africa and the Americas, which will be critical to ensuring quality country-level work.

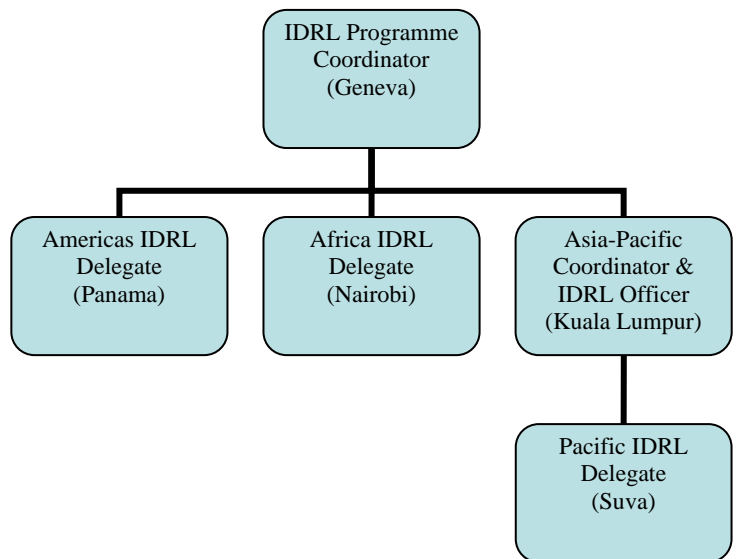
## Role of the Secretariat

In general, the role of the International Federation Secretariat in the IDRL programme will be to act as a catalyst for the actions of others. It will serve as a clearinghouse of disaster law information for the Movement and other partners and help to train and empower National Societies to offer effective advice to their governments. It will also cooperate with National Societies and other partners to support governments in making use of the IDRL Guidelines, both at the national level and in regional and other inter-governmental settings.

The IDRL programme will only achieve its goals through adequate human resources and active cooperation with other parts of the International Federation structure.

In terms of programme staffing, this will include a minimal coordinating presence in Geneva and IDRL delegates placed in several International Federation regional “zone” offices, with a particular focus on Asia-Pacific, as this region largely outstrips every other part of the globe in terms of the human impact of disasters arising from global warming.

It will also work closely with staff in the International Federation’s zone offices, particularly those concerned with disaster management and health emergencies, to empower them to offer relevant legal information to National Societies



## Promoting gender equity and diversity

Gender equity is an important issue in disaster management and therefore should be addressed by applicable laws. The IDRL Guidelines highlight that disaster relief and initial recovery assistance must not discriminate on the basis of gender, but should be responsive to the special needs of women. They also call for special efforts to be made to involve women beneficiaries in decision-making about relief and recovery programmes. Additional gender issues arise in disaster law related to domestic response and risk reduction efforts, and these will be highlighted in the project’s informational and training materials.

## Quality, accountability and learning

The Programme will work collaboratively in order to ensure an adequate check on its direction and the quality of its products. Steering committees will guide and monitor progress on the legislative advocacy manual and policy-makers handbook projects, and a National Society Reference Group has additionally been formed to assist in the former project. At the end of each technical assistance project, a lessons learned report will be prepared in order to refine and improve our methods. It will survey participants at our trainings and workshops about potential areas of improvement. It will furthermore continue to take opportunities report to the regional disaster management networks, National Societies Legal Advisors meeting, and other Movement fora in order to gather suggestions and comments on its work.

## How we work

The International Federation's activities are aligned with its Global Agenda, which sets out four broad goals to meet the Federation's mission to "improve the lives of vulnerable people by mobilizing the power of humanity".

### **Global Agenda Goals:**

- Reduce the numbers of deaths, injuries and impact from disasters.
- Reduce the number of deaths, illnesses and impact from diseases and public health emergencies.
- Increase local community, civil society and Red Cross Red Crescent capacity to address the most urgent situations of vulnerability.
- Reduce intolerance, discrimination and social exclusion and promote respect for diversity and human dignity.

## Contact information

For further information specifically related to this plan, please contact:

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