



Report on International Disaster Law Workshop

Dublin (4-5th May 2017)

The first expert workshop on international disaster law took place on Thursday 4th and Friday 5th May 2017 in Dublin. This workshop was part of a collaborative project between the [Centre for Criminal Justice and Human Rights](#) in the School of Law, University College Cork and the [Irish Red Cross](#), funded by the Irish Research Council's New Foundations award scheme.

The aim of the workshop was to bring together humanitarian practitioners and academics working in the area of international disaster law (IDL), to advance knowledge and practical application of IDL and to strengthen international networks of academics and practitioners. Participants included representatives from non-governmental organisations such as the International Federation of Red Cross and Red Crescent Societies (Geneva and Brussels), the Irish Red Cross, Development Initiatives and Christian Aid, from the Irish Department of Foreign Affairs and Trade and Irish Aid, and academics from Ireland, the UK and Italy.



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Topics Covered:

Held over the course of two days, the workshop consisted of a series of invited presentations and plenary discussions on key topics of relevance to both humanitarian practitioners and academics working on international disaster law and disaster management. Topics covered included:

- Legal Frameworks for Disaster Risk Management
- The International Law Commission's draft articles on the Protection of Persons in the Event of Disasters
- Sexual and Gender Based Violence in Disasters
- Disaster Risk Reduction (DRR)
- Human Rights in Disasters
- Trends in Humanitarian Financing
- The EU Civil Protection Mechanism and Host Nation Support Guidelines
- Information Needs of Humanitarian Organisations

Questions Raised:

Throughout the course of the presentations and plenary discussions, a range of questions and issues arose regarding the nature, content and future of international disaster law. For example:

- Have states engaged in ‘cherry picking’ of international norms, and is this a result of the non-binding nature of current international legal regimes regarding disasters?
- Should the International Law Commission’s draft articles be codified as a convention? Is there ‘convention fatigue’ on the part of states and public international lawyers?
- How can we take advantage of legal regimes, such as the Sendai Framework on Disaster Risk Reduction, to facilitate disaster management, and to ensure the law is not simply seen as a constraint?
- How can sexual and gender-based violence be taken into account at all stages of disaster management? Has sufficient focus been placed on the screening of rapid response staff and disaster management teams as perpetrators?
- When, if ever, should derogations or limitations to existing human rights law be allowable in disaster contexts? What role will draft article 5 on human rights in disasters in the ILC draft articles play?
- How can we ensure stable humanitarian funding which reflects the increasing needs around the world? What role should private sector donors play, in conjunction with more traditional state humanitarian assistance budgets? To what extent does corruption impact donation trends?
- Are the attempts to develop an EU disaster response capacity duplication of work already being undertaken at the national level or by organisations such as the Red Cross? What role should the EU play in external events (i.e. disasters that occur outside of the EU), compared with intra-EU collaboration to assist EU member States affected by a disaster? What impact will Brexit have on the EU mechanisms?



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Issues for Further Consideration:

Cross cutting themes and issues for further consideration that were raised during the workshop included:

- How can humanitarian practitioners better utilise legal tools and instruments? Can lawyers create / adopt more accessible language for non-lawyers?



- Is there a need to remove the explicitly legal lens and replace this with a disaster prevention, preparation and response approach? Would this help promote engagement between humanitarian practitioners and (legal) academics?
- Is there a need for more information for humanitarian practitioners, or is there already too much? In an era of information overload, how can we present key information and research findings in an effective but comprehensive manner?
- Many practitioners view law as a restraint, not as an enabler, so how can we change this perception?
- There needs to be a better quality of research and information on the role and impact of disaster laws. Quality over quantity – simple and clear funding, with a calculated dissemination plan for practitioners. For academics, how can we simplify and clarify complex research without losing depth of analysis and levels of engagement?
- The importance of disaster risk reduction – prevention is easier to facilitate than response. So there needs to be the development of clear, concise guidelines, and recognition of the central role of DRR for IDL to function to maximum efficiency.

Action Points:

A variety of key words were consistently noted throughout the workshop:

- ❖ **New partnerships, concrete outcomes, maximum impact, multi-disciplinary, engagement, key stakeholders, outreach.**



In advance of the second expert workshop to be held in Cork on 8-9th June 2017, the participants identified areas for future research collaboration. In particular, participants discussed the need for creating sustainable and relevant outcomes for this IDL Project both in the short-term (over the course of the two workshops) and in the longer term (e.g. through the development of a multi-disciplinary research / practice group). It was therefore suggested that the focus should be on:

- **creating sustainable research goals, with a multi-disciplinary approach (both practice & academia) in which new partnerships are sought, in order to facilitate concrete impact and engagement.**

Developing a Collaborative Research Agenda

Participants noted that the development of such a collaborative research agenda might be best achieved through the creation of specific joint / individual projects, including:

- Identification of **further areas for research, dissemination and thinking** which could include: in-depth country analysis; inter-regional analysis; and international analysis.



- **New Partnerships:** moving beyond the realms of INGO/NGO practice and research/academia. What kind of partnerships could those participating in the workshop work towards collectively?
- **Engagement with key stakeholders** will be crucial to successfully create impact of any future research. For example:
 - It is important to consider non-traditional stakeholders outside legal academia and the INGO/NGO sphere (such as the private sector, e.g. insurance companies).
 - Stakeholders should be asked to identify the top three issues from their perspective that they feel are a cause for concern (areas which stakeholders feel they are lacking in capacity / understanding).
- Future research projects will require **concrete outcomes** with **maximum research impact** both within practice and academia. In particular, it was noted that partnerships between practice and academia will be central to creating successful and far-reaching, relevant impact within IDL.

Practical Considerations:

It was noted that one of the objectives of the second expert workshop in Cork will be to advance discussion of the priority research topics and potential funding sources for future collaborative research projects. To this end, participants identified the following practical considerations:

- It will be necessary to identify further funding sources for such collaborations.
- Identification and clarification as to scope and feasibility of aforementioned collaborative and multi-disciplinary projects is required.
- Identification of relevant and suitable stakeholders.



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More information regarding this project can be found at: <http://disaster-law.ucc.ie/> (best viewed in Chrome) or contact:

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