



International Disaster Response Law

Introduction:

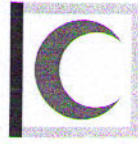
The present conditions of humanitarian operations and activities are fraught with serious challenges and hurdles. Recent experiences showed that an array of factors could, on many occasions, adversely affect timely access to disasters hit-people, and consequently result in mounting numbers of casualties. These factors include, among other things, (delay of entry or exit of relief supplies, equipments and aid materials by relief teams, non-recognition of professional qualifications and imposing restrictions of telecommunications...etc.). The international community should, therefore, concert its efforts and strengthen cooperation to address such compelling challenges which obstruct relief operations and aid, so that we could rescue thousands of people and alleviate the sufferings of victims ravaged by disasters.

Definition, What is the International Law for Combating Disasters?

The International Law for combating disasters aims at finding the legal frameworks at the national, regional and international levels which evidently manifest the magnitude of practical challenges wrestled with in the course of relief and aid operations once undertaken by the countries, national societies, armed forces and private sector companies during the eruption of disasters internationally.

International Efforts "Draft Guidelines on Facilitating & Organizing" Relief:

Tremendous efforts were deployed over the past few years at the regional and international levels in a bid to curb these challenges and to lay out a recognized framework for the international operations of disasters response. The outcome of these efforts resulted in significant numbers of documents, resolutions, declarations and guidelines. However, these efforts have taken an apparent curve in 2007 when the International Federation of the Red Cross and the Red Crescent initiated the enactment of international laws program for combating disasters in view of the resolutions of the Board of Representatives of the Red Cross and Red Crescent whereby the International Federation was requested to undertake the following duties with the support of the national associations:



- 1-compile and print the international laws and regulations in force in the field of international response to disasters.
- 2-develop and update the applied aspects of the international law for combating disasters.
- 3-evaluation of the effectiveness of the International Law for Combating Disasters against the accomplished humanitarian operations.
- 4-urge the countries to accede to Tampere Convention in order to ensure facilitation and management of communications during disasters.
- 5-Submit the necessary proposals to the Board of Representatives. (2005)

Although significant achievements have been made in recent years, there is still a dire need to find out the best means for combating disasters and leverage the progress relief operations in order to ensure efficient access and rescue of victims.

The General Secretariat of the International Federation has undertaken to make the management systems and rescue mechanisms in force more efficient. It is no wonder, therefore, that tremendous efforts were exerted for enhancing the contents of laws, regulations and guidelines created for combating disasters, and this is evident from the countless regional events held to meet this end.

Draft guidelines on facilitating and organizing international relief and aid at the time of disasters has eventually been brought into light as an outcome of the combined and coalesced efforts.

In spite of the fact that the said guidelines comprised of 24 Articles is created for guidance purpose only and having no binding effect, it does, however, consist of a comprehensive text, and we hope that participants shall examines the provisions contained therein to enrich it with their feedback.

Regional Efforts: Arab Cooperation Agreement in the Field of Rescue

*Considering the importance of cooperation among the Arab countries in the cases of emergencies, the Arab League Council agreed on 3/9/1987 on the Arab Cooperation Agreement regarding the organization and the facilitation of rescue operations. The agreement aims to ensure smooth



reach of supplies, aid and rescue materials and teams across the borders of the Arab Countries without any obstructions.

* 12 Arab countries then acceded to this agreement, namely, (UAE, Saudi, Arabia, Kuwait, Qatar, Egypt, Palestine, Jordan, Tunis, Morocco, Oman and Libya).

*For the purpose of activating the agreement, the General Secretariat of the Arab Organization of the Red Cross and Red Crescent requested its counterpart of the Arab League to urge Arab States which did not ratify the agreement to do so. In addition, the General Secretariat of the Arab Organization of the Red Cross and Red Crescent requested the General Secretariat of the Arab Interior Ministers Council to have deliberations on the agreement in question, and hence, it was included on the agenda of the 10th Arab Conference of Heads of Civil Defence held in Rabat in June 2006.

As for the legislation on international rescue, it should be pointed out that the UAE Federal Law No. (9) of 2002 of the UAE Red Crescent provides in Article (21) for the exemption of the UAE Red Crescent Authority along with its funds, properties, purchases, aid and rescue and humanitarian materials dispatched by International Red Crescent and Red Cross Organization or any other external authority from all dues or taxes or any other fees applicable in the UAE.

Most Important Provisions of the Arab Cooperation Agreement:

1-The member countries shall undertake to render all kinds of assistance and facilities for the shipment or entry of rescue materials. The said facilities include (documentary credits, easing up customs procedures, customs and tax exemption, facilitation of passage of means of transportation and exemption from any dues or restrictions... etc.).

2-The member countries shall undertake to provide the necessary facilities for the movement of rescue teams and representatives (entry visas issue, easy movement...etc.).

3-The member countries shall undertake to facilitate communication services.



Legal Challenges:

1-Field Rescue Teams

- *Decline or delay of entry visas.
- *Obstacles hindering the assistance of local staff.
- *Lack of protection to the members of rescue team.
- *Non recognition of professional qualifications.

2-Legal Status of Foreign Organizations:

- *Length of time needed to issue a work permit in any respective country.
- *Financial obstacles (opening banking accounts, transfers ...etc.).
- *Legal actions (arrest, imprisonment, seizure of properties...etc.).

3-Materials & Aid:

- *Delay of rescue materials entry and exit.
- *Imposing taxes, customs dues and other charges.
- *Limited communication services.
- *Difficulties in land, sea and air shipping.

4-Coordination, Quality & Accountability:

- *Inadequacy of information on disasters and the pressing needs.
- *Dispatching unneeded materials by disaster hit victims.
- *Underestimating the local people's experience and capability of response.
- *Hiring untrained or unqualified staff.
- *Lack of experience in quality and accountability standards.

Recommendations:

1-To bridge the gap in building technical capacities of staff, and to consolidate efforts for assisting national societies and states to build their capacities which will subsequently be conducive to the reduction of aids to be provided by other countries.



- 2-To create a database where member countries can exchange the flow of information on disasters.
- 3-To facilitate the import and export of rescue materials and equipments without any delay.
- 4-To put a binding system in effect under which each member state shall have to define its institutions, and assign the duties to be undertaken by each organization in case of emergencies.
- 5-To cancel all taxes and dues on rescue materials.
- 6-Laying down the basis of administrative and financial procedures, and to ease up all the activities pertaining to the activities of any organization operating in the recipient country of aids including the entry and entry of funds, hiring staff, renting stores...etc..
- 7-To facilitate air- shipping and landing of aircrafts permits.
- 8-Build regional supplies warehouses subject to the standards to be agreed upon for easy access to any them in case of disasters.

Conclusion:

We are confident that there is now an international consensus that upheld the importance of rescue operations and addressing all the hurdles which may hamper their success. This consensus is translated in the UN Resolution No. 44236 on assigning the years from 1990-2000 as the international decade for the alleviation of natural disasters, and Resolution No. 82/46 calling for the coordination of humanitarian efforts during emergencies, and Resolution No. 194/51 on encouraging the creation of transparent procedures and measures applied in the course of coordinating rescue operations.