International Disaster Response
Laws, Rules and Principles

IDRL

International Federation of Red Cross and Red Crescent Societies
IDRL is about:

- The legal problems which frequently arise in international disaster response operations

Issues which can:
- Cause delays
- Unnecessarily add to costs
- Increase risks
- Decrease efficiency
- Reduce confidence in the disaster response sector
Scope of IDRL

International / cross border responses

Disasters: Non-conflict, natural, technological, man-made, public health emergencies

Response: Preparedness, relief, rehabilitation, reconstruction

Laws, rules, principles, guidelines etc, at the national, regional and international levels.

IDRL is not one single law or treaty – it is the name given to all laws, rules and principles applicable to international disaster response.
International disaster response

United Nations

Media

Red Cross / Red Crescent

Individuals

Military

Governments

Disaster-affected country

International Non-Governmental Organisations

Religious Organisations

Companies
Legal Framework

- International Laws
- Regional Agreements
- National Laws
- Institutional rules, policies
International Legal Framework

Global Institutions

No Comprehensive Legal Regime

Bilateral Agreements

Sectoral Law

Soft Law

Regional Law and Institutions
Regional Law and Institutions

- European Commission Civil Protection Mechanism
- NATO Euro-Atlantic Disaster Response Coordination Center
- Lomé Convention
- Open Partial Agreement
- Black Sea Economic Cooperation Agreement
- Nordic Mutual Asst.

- CEPREDENAC (Coordination Centre, Central Americas)
- Caribbean Disaster Emergency Response Agency
- Inter-American Convention (1991)

- Association of Southeast Asian Nations (ASEAN) Agreement on Disaster Management and Emergency Response (2005) (not yet in force)
- South Asian Association for Regional Cooperation (SAARC) Disaster Center
- Inter-Governmental Authority on Development (IGAD)
- Southern African Development Community DMC
- Dar Es Salaam Declaration (1999)
National legal framework

Disaster Management Legislation / Contingency Planning

- State of emergency
- Roles and responsibilities
- Channelling of funds
- Reporting, information, communication
- Principles and methods for assistance

Other Areas of law

- NGO regulations
- Immigration law
- Customs, import, export regulations
- Tax law
- Property law
- Over flight and landing rights
- Labour law
- Recognition of medical qualifications
- Medical regulations, standards
- Building codes
- Land zoning / ‘buffer zones’
- Telecommunications laws
- Vehicle registration
Realities on the on the ground
Initiation of international response

• Must have consent of government

• No clear processes for deciding when to request international assistance = delays

• Government – Government requests

• Government – International community?

• Pressure to deploy – sending teams without permission of government
Entry of relief personnel

| Visas & work permits waived or expedited | UN GA Res. 57/150 (2002), para. 3 |

- Delayed or refused entry permission/visas for foreign relief workers
- Difficult process for renewing visas
- Income tax for relief workers
- Lack of legal protection, privileges and immunities for relief workers
- Lack of recognition of professional qualifications of relief workers
Legal status of foreign organisations

- Lengthy procedures for gaining legal status to operate (e.g., NGO registration processes) in a foreign country
- Legal difficulties hiring local staff and volunteers
- Difficulties transferring/exchanging money and opening bank accounts
- Vulnerability to false legal claims, arrest, detention and seizure of property
- Restrictions in carrying out mandate

<table>
<thead>
<tr>
<th>Allowed to open bank accounts</th>
<th>UNITAR Model Rules (1984), rule 13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed to hire local staff</td>
<td>Oslo Guidelines on MCDA (1994), para. 19</td>
</tr>
</tbody>
</table>
## Goods, transport, equipment

<table>
<thead>
<tr>
<th>Customs requirements reduced</th>
<th>Kyoto Convention (1999), app. J.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licenses (e.g. for radio use) granted</td>
<td>Tampere Convention (1998), art. 9</td>
</tr>
<tr>
<td>Exemptions from duties and taxes</td>
<td>Convention on Assistance in Nuclear Accident (1986), art. 8</td>
</tr>
</tbody>
</table>

- Delays on the import, export and transit of relief goods, medicines and equipment
- Imposition of taxes, fees and tolls on relief activities
- Restricted use of communications equipment
- Restrictions on purchase, licensing and use of vehicles, aircraft and shipping
Coordination, quality and accountability

- Lack of a central focal point for international assistance
- Inadequate information-sharing about the disaster and the humanitarian needs
- Lack of respect for pre-existing disaster management structures & laws
- Sending unnecessary or inappropriate relief items and assistance
- Undervaluing and failing to respect local knowledge and culture
- Use of untrained or unqualified personnel
- Lack of adherence to quality and accountability standards
Rehabilitation and reconstruction

- Phasing out of special exemptions for humanitarian agencies
- Identification of beneficiaries for longer term assistance (e.g. death certificates)
- Lack of clear legal framework for reconstruction activities
- Differences in quality standards between relief providers
- Loss / lack of property deeds / documentation
- Land zoning / buffer zones
- Local purchase vs imports? (e.g. timber)
Improving the Legal Framework for International Disaster Response
Objective

• That legal and regulatory frameworks, at all levels, are harmonised and ensure that international disaster response can be provided
  ➢ quickly
  ➢ effectively
  ➢ to the highest possible standards
  ➢ for the benefit of affected communities

“Legal preparedness”
IDRL Global Programme

• Develop database collection of international and national IDRL
• Collection of case studies and best practices on IDRL issues
• Publication of comprehensive study on IDRL
• Advocacy, developing partnerships – NS, UN, Govt, IOs, NGOs
• Consultations to explore options for progressive development of IDRL norms
• New international instrument? Guidelines? Principles?

• Handbook for practitioners, especially National Societies
• Guidelines for national legislators
IDRL Asia Pacific Programme

- Research and legal mapping of regional and national IDRL in the Asia Pacific region, collecting case studies and best practices
- Provide training and information on legal aspects of international disaster response for National Societies and other organisations
- Provide support for disaster operations
- Support RC National Societies in providing input into national disaster management legislation and other “legal preparedness” arrangements
- Advocate and explore further options for strengthening IDRL
- IDRL Asia-Pacific Forum, Malaysia December 2006
Thank you!

More information
www.ifrc.org/idrl