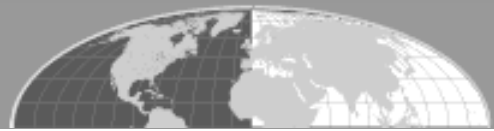


International Disaster Response Laws, Rules and Principles

IDRL





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

I International / cross border responses

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

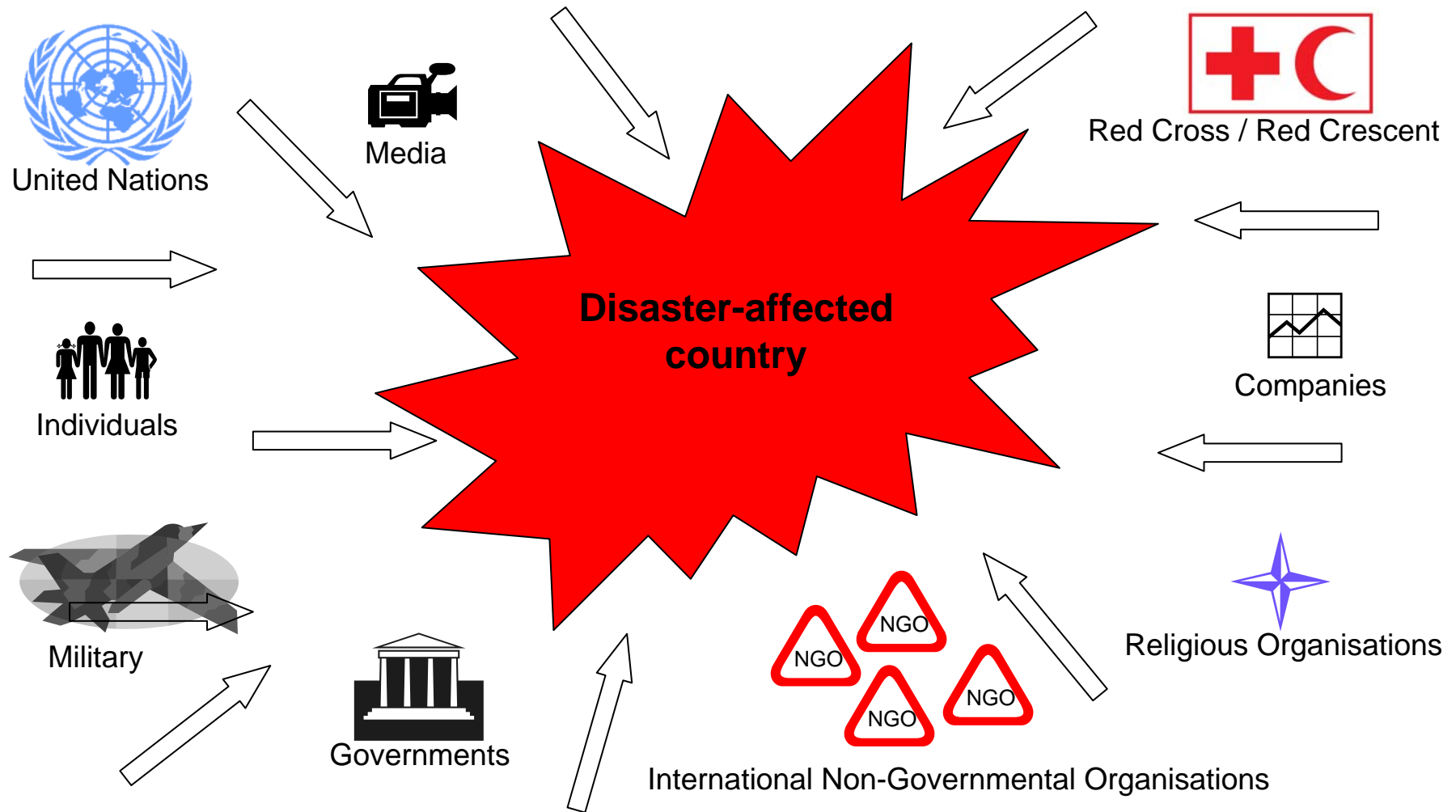
R Response: Preparedness, relief, rehabilitation, reconstruction

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

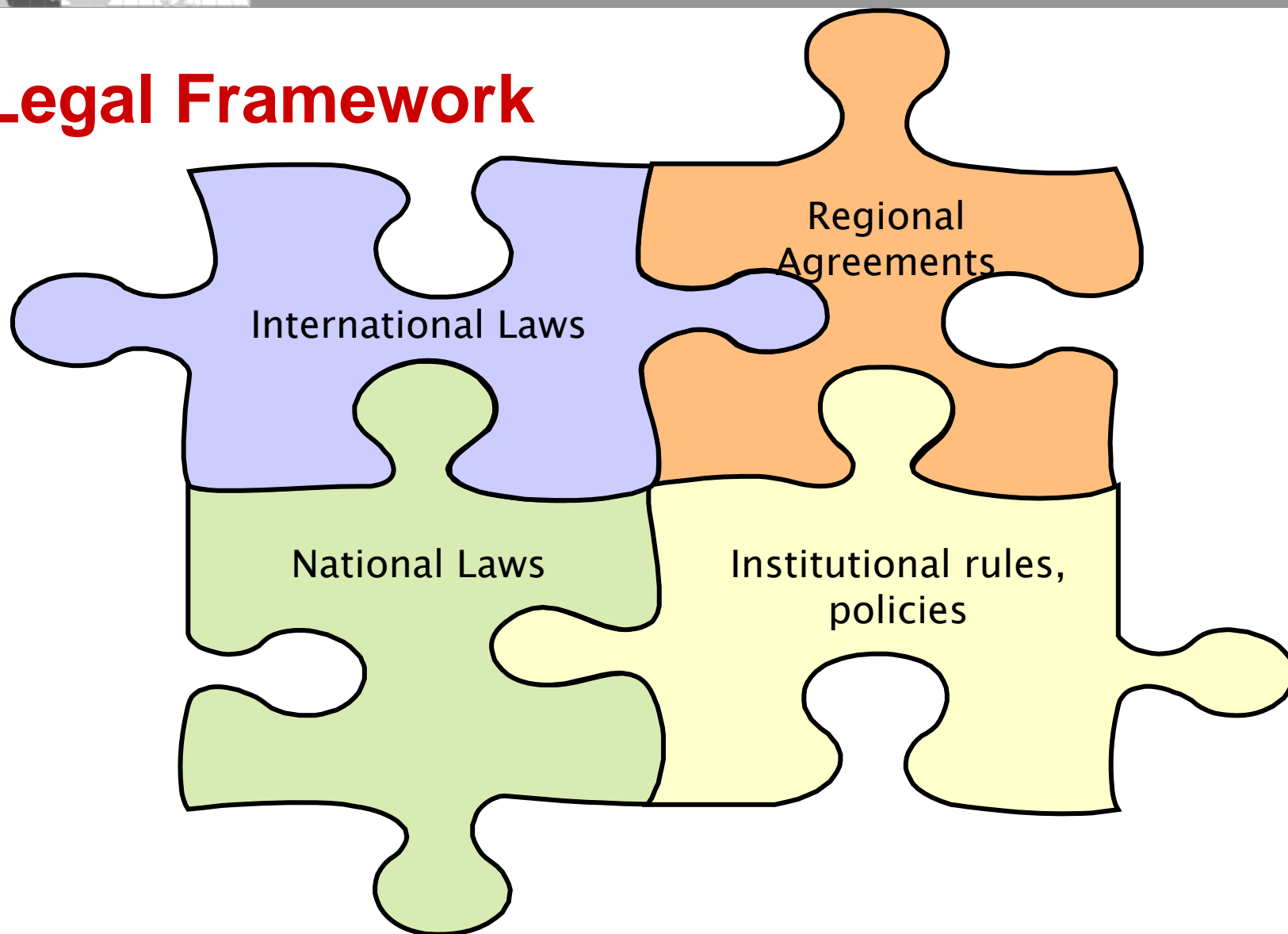
IDRL is not one single law or treaty – it is the name given to all laws, rules and principles applicable to international disaster response.



International disaster response



Legal Framework



International Legal Framework

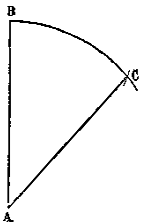


Global Institutions



Bilateral Agreements

**No
Comprehensive
Legal Regime**



**Sectoral
Law**



Soft Law

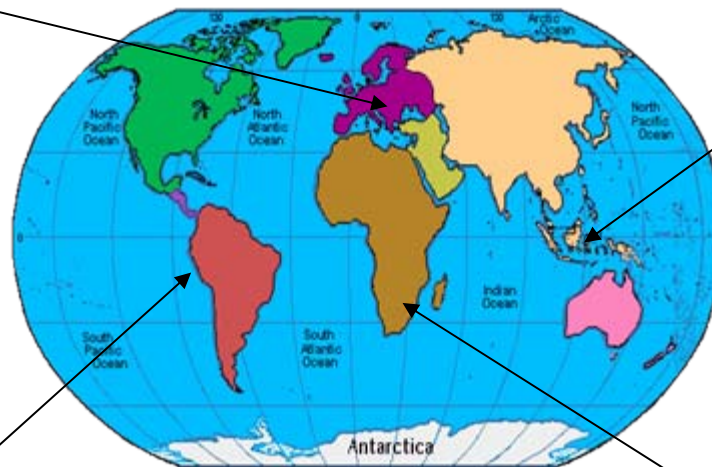


Regional Law and Institutions

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.

- CEPRENAC (Coordination Centre, Central Americas)
- Caribbean Disaster Emergency Response Agency
- Inter-American Convention (1991)
- ACS Agreement (1999) (not in force)



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

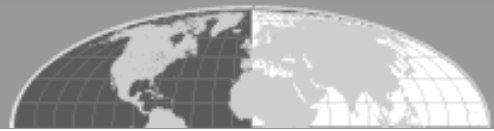
- State of emergency
- Roles and responsibilities
- Channelling of funds
- Reporting, information, communication
- Principles and methods for assistance

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





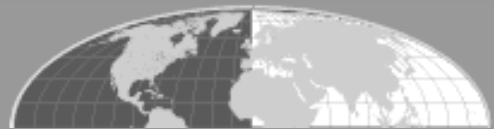
Realities on the on the ground



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
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- 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



Allowed to open bank accounts	UNITAR Model Rules (1984), rule 13
Allowed to hire local staff	Oslo Guidelines on MCDA (1994), para. 19

- Lengthy procedures for gaining legal status to operate (eg. 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

Goods, transport, equipment

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

- 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

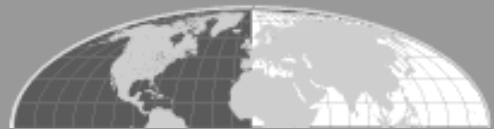


Coordination, quality and accountability



- 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

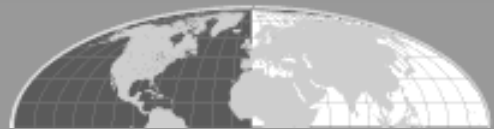




Rehabilitation and reconstruction

- Phasing out of special exemptions for humanitarian agencies
- Identification of beneficiaries for longer term assistance (eg. 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? (eg. 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

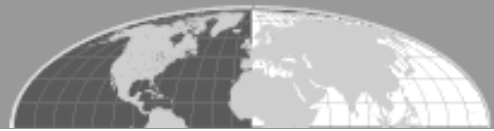
- 
- Develop database collection of international and national IDRL
 - Collection of case studies and best practices on IDRL issues
 - Publication of comprehensive study on IDRL
 - Advocacy, developing partnerships – NS, UN, Govt, IOs, NGOs
 - Consultations to explore options for progressive development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

