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Legal preparedness project welcomed in Vietnam

Each year Vietnam’s coastal provinces are battered by up to 12 major tropical storms and the impact of climate change is believed to have increased the risk of both flooding and droughts in many parts of the country. Additionally, there is great vulnerability, particularly in poorer, more remote communities, to a range of communicable diseases including diarrhoea, dengue, HIV/AIDS and avian influenza – all of which amounts to a need for good prevention, preparedness and response systems.

However, with one of the fastest-growing economies in the region, and with support of many government, non-government and corporate partners from around the world, the longer-term outlook is positive. This was demonstrated most recently during the Partnership Meeting of the Vietnam Red Cross Society (VNRC) on 28 August, involving over 150 participants who pledged their support to humanitarian projects in areas of disaster management, social welfare, community-based health care and capacity building.

One area of emphasis was the need for good legal frameworks to facilitate humanitarian activities of the different partners involved. Having recently revised the legal status of the VNRC through the Red Cross Activities Law, the Vice-President of Vietnam, Mme Nguyen Thi Doan, affirmed the State’s commitment to creating the most favourable conditions and the best legal framework for humanitarian activities.

In the Federation’s welcoming address, Country Representative Ms Irja Sandberg highlighted the adoption of the IDRL Guidelines in Geneva last year and described the work of the IDRL Asia Pacific Unit in encouraging their implementation in domestic legal systems. She described the upcoming project planned for Vietnam, which aims to research and recommend ways of strengthening legal preparedness measures to support responses to disasters and communicable disease outbreaks.

“We believe that the results of the Legal Preparedness Project in Vietnam will prove useful for all those involved in preparing for and responding to disasters and diseases and will ensure that humanitarian assistance will reach those in need as quickly and efficiently as possible”, said Sandberg.

The Legal Preparedness Project has also been welcomed by the Ministry of Health, which supported funding of the project from the Pooled Funds of the ADB’s Greater Mekong Sub-Regional Communicable Diseases Control Project, and has identified its Deputy Director of Communicable Disease Control as a focal point for the initiative.

The Federation also hosted a multi-agency briefing on the Legal Preparedness Project for Vietnam, facilitated by Victoria Bannon (IDRL Asia Pacific Coordinator) on 29 August. The session attracted over 20 participants from a variety of local and international agencies. The project was greeted with enthusiasm and suggestions were made for integrating this work into a number of ongoing disaster management and pandemic preparedness initiatives.
UN Secretary-General reiterates call to implement the IDRL Guidelines

The UN Secretary General’s report to the General Assembly on “International Co-operation on Humanitarian Assistance in the Field of Natural Disasters,” released on August 13th, encourages the use of the IDRL Guidelines in strengthening legal frameworks for disaster assistance.

The report, made on the request of the General Assembly in Resolution 62/92, is an overview of humanitarian disaster response, including the implications of emerging trends. In citing the key challenges, it highlights the need to fortify legal frameworks for disaster preparedness, risk reduction and protection of affected persons. These frameworks are viewed as an “essential enabling factor for sustainable preparedness systems.” In this context, it notes the adoption of the IDRL Guidelines at the 30th International Conference of the Red Cross and Red Crescent and outlines subsequent action taken to promote their implementation at national level.

The report emphasises the importance of continued co-operation between the Federation and the UN in promoting and mainstreaming the Guidelines. It concludes by inviting UN Member States and regional organisations to use the Guidelines in strengthening their legal frameworks.

SAARC declaration calls for the creation of new disaster mechanisms

The 15th South Asian Association for Regional Co-operation (SAARC) Summit, which convened from 2-3 August 2008 in Colombo, ushered in new hopes for concerted legislative improvement and coordination of disaster response among the member countries.

The highlight of the event was the Colombo Declaration, which was adopted in the concluding session and covers a number of areas for improved regional cooperation, such as food, energy security, trade, combating terrorism, poverty alleviation, water resources and environment.

In Point 14 of the declaration, the Heads of State and Government expressed concern at the human loss caused by natural disasters in the region and stressed the need for the timely provision of relief in humanitarian emergencies. In this regard, they directed that a Natural Disaster Rapid Response Mechanism be created to adopt a coordinated and planned approach towards such emergencies under the aegis of the SAARC Disaster Management Centre.

The Conference leaders also signed the Colombo Statement on Food Security, which directs the urgent establishment of a regional food bank to ensure food availability and nutritional security in the region. They also directed their Agriculture Ministers to meet to develop food security and cooperation strategies, including with regard to climatic and disease risks. They further called for increased cooperation with the international community to ensure food availability.
Inching toward comprehensive disaster management legislation in Mozambique

As demonstrated by the floods of 2001 and 2007, Mozambique is a country highly vulnerable to disaster. However, while the country has made important progress in developing plans and institutional mechanisms for disaster response, it still lacks specific legislation to concretize its approach to disasters. The Mozambique Red Cross (MRC) has been actively engaged in advocacy for the development of a national disaster management law. MRC Secretary-General Fernanda Teixeira explains:

What role has MRC played in Mozambique’s upcoming disaster management legislation?

Besides advocacy activities in Parliament, we have been involved in meetings and workshops discussing the national disaster management plan, and assist the government by offering the Movement’s experience. We also intend to organise workshops to discuss implementation of the IDRL Guidelines.

What have MRC’s advocacy priorities been? To what extent has MRC succeeded in having these reflected in national planning?

For now, our priorities are the development of clearly defined and formalised co-ordination mechanisms for disaster response, and the creation of more legal facilities for humanitarian organisations to help them contribute better to disaster preparedness.

We believe that our advocacy has mostly been successful. However, issues such as tax exemptions for humanitarian organisations remain critical, as currently they are dealt with on a case-by-case basis. We also need a better definition of when an official disaster can be declared, and what action MRC is permitted to take if no declaration is made. This last issue often creates difficulties with resources, as we may not appeal for funds if the government has not officially declared a disaster.

Did the 2007 flood relief operation bring to light any legal issues which still need to be addressed?

This experience showed that there is still a gap in legal facilities and tax exemptions for disaster relief, as well as uncertainty about when external help can be requested.

What issues will you be highlighting in your presentation at the upcoming Pan-African Conference of Red Cross and Red Crescent Societies?

By sharing our experience, I will highlight the importance of any country having good disaster management mechanisms, so that quick action can be taken to save lives. Governments should take leadership on this issue, engage with civil society and make the most of the experience that National Societies can offer.
Encouraging new legislation to strengthen Nepal’s response to disasters

We spoke to Nepal Red Cross Society (NRCS) Executive Director, Mr. Umesh Prasad Dhakal, about recent developments in Nepal and NRCS’s involvement.

Could you update us on any recent developments in disaster legislation in Nepal?

The Government of Nepal expressed its commitment to disaster risk reduction by signing the Hyogo Framework for Action in Kobe in 2005. This has been followed up by drafting the National Strategy for Disaster Risk Management (the Strategy), the National Policy for Disaster Management and the new Disaster Management Act (dealing with the legal facilities recommended by the ID RL Guidelines). These will all be approved soon.

How involved was NRCS in these processes?

In the Strategy drafting process, the NRCS Chairman was a member of the steering committee, and I sat on various working committees, where I had the opportunity to highlight the importance of ID RL. I was also on the Steering Committee for the Policy and Act, and the drafts were discussed with various stakeholders including NRCS.

Why was it felt necessary to draft new legislation?

The existing Natural Calamity (Relief) Act of 1982 is the sole legal instrument defining disaster at the moment, and it focuses primarily on disaster relief. The new Disaster Management Act is broader and touches on the legal facilities for entry and operations - including with regard to relief goods, equipment and personnel - which are clearly recommended by the ID RL Guidelines.

What follow-up has there been to the adoption of the Guidelines at the 30th International Conference?

For now, we are discussing and promoting the ID RL Guidelines within NRCS. We then plan to disseminate and promote the Guidelines widely to our stakeholders and the authorities concerned.

Are there any challenges that you have faced? What best practices have emerged?

The challenges faced so far have been minimal. NRCS has been well-represented at government level and is considered as one of the key players in disaster management. The constant open dialogue among stakeholders and the participatory approach have contributed to a comprehensive Disaster Management Policy and Act.
IDRL workshops planned in Asia and Africa

The IDRL programme is collaborating with the Federation’s Asia-Pacific and West Africa Zone Offices to organize two trainings and consultative workshops on legal issues in disaster management in the last quarter of 2008.

These events will gather representatives from National Societies as well as humanitarian partners to provide training on the IDRL Guidelines and other international instruments pertaining to disaster relief, to identify best practices in disaster management law, and to discuss strategies for legislative advocacy.

The first such workshop will take place in Kuala Lumpur, Malaysia on November 13th-14th. The date and location of the West African workshop are still to be finalized. Similar workshops in other regions are planned for 2009.
Special Thanks

The IDRL Programme would like to express its appreciation to:

Norwegian Red Cross

Government of Norway

for their new pledge of support to the IDRL programme; and

European Commission

for agreeing to support an EU study about the facilitation and regulation of cross-border disaster assistance in the EU, to be carried out by the IDRL programme in cooperation with the National Red Cross Societies of Austria, Bulgaria, France, Germany, the Netherlands and the UK in 2009-10.

We would also like to thank:

The UN Office of Legal Affairs (Codification Division), for its donation of legal materials for the IDRL database;

the University of Applied Sciences (HAMK), the University of Glamorgan and the Finnish Red Cross, for hosting the Programme’s participation in workshops and working meetings in Helsinki and Hammenlinna in August; and

the Oresund Emergency Management College, for inviting the programme to train EU civil protection officials in IDRL in Revinge, Sweden in September.

IDRL in Finland

In August, the IDRL Programme was invited to brief staff at the Finnish Red Cross Society about the IDRL Guidelines and to share ideas on strategies for their promotion and implementation.

IDRL Programme Coordinator David Fisher also took part in a meeting between the FRC and officials from the Finnish Ministries of Foreign Affairs, Interior and Health and Social Affairs to discuss the IDRL Guidelines and current initiatives to update Finnish legislation on disaster management and health emergencies.

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#### About the Federation’s IDRL Programme

The International Federation of Red Cross and Red Crescent Societies’ IDRL Programme seeks to reduce human vulnerability by promoting legal preparedness for disasters through advocacy, technical assistance, training and research. For more information, please see our website at [www.ifrc.org/idrl](http://www.ifrc.org/idrl).

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