

Programme Update



International Federation
of Red Cross and Red Crescent Societies

International Disaster Response Laws, Rules and Principles (IDRL) programme

Appeal No. MAA00004

31 August 2010

This report covers the period 1 January to 30 June 2010



In June, the IFRC presented on its efforts to assist Latin American states to strengthen their legal preparedness at the 15th annual meeting of the Andean Strategy for Prevention and Response to Disasters (CAPRADE).
CAPRADE

In brief

Programme purpose: The International Federation of Red Cross and Red Crescent Societies (IFRC) International Disaster Response Laws, Rules and Principles (IDRL) Programme seeks to reduce human vulnerability by promoting legal preparedness for disasters, in particular with regard to international assistance.

Consistent with Resolution 4 of the 30th International Conference of Red Cross and Red Crescent Societies of November 2007, a substantial proportion of the programme's activity is devoted to following up on the implementation of the ["Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance"](#) (the "IDRL Guidelines").

Programme summary: During the reporting period, the IDRL programme worked in three main areas: (1) collaborating with National Societies and other partners to provide technical assistance to interested governments on the implementation of the IDRL Guidelines; (2) building the capacity of National Societies and humanitarian partners to understand and make use of the IDRL Guidelines and other international norms; and (3) promoting, disseminating and researching effective disaster law.

Financial situation: The budget for 2010 has been revised to account for additional projects in Africa, the Americas and Asia Pacific, and the lack of funding for projects originally planned in Europe and the Middle East and North Africa (in as much as most receipts were earmarked by region or for global initiatives). The total revised 2010 budget is CHF 2,467,147 (USD 2,273,377 or EUR 1,862,400), of which CHF 1,673,205 (68 per cent) was covered during the reporting

period (including opening balance). Overall expenditure during the reporting period was CHF 547,610 (22 per cent of the budget). The low spending reflects the fact that several country projects are starting mid-year and expenditure for some larger activities – including the disaster risk reduction project – are planned for the second half of the year.

[Click here to go directly to the attached financial report.](#)

No. of people we have reached: Please see the “progress towards quantitative goals” section below.

Our partners: The IDRL programme is very grateful for the support of its donors for the 2010 appeal thus far, which include substantial contributions by ECHO and the Governments and Red Cross Societies of Australia, Canada, Denmark and Norway. Additional contributions have been provided by the Governments and National Societies of Austria, Iceland, Japan and the United Kingdom.

The IDRL programme has also worked with a number of programmatic partners in the first part of this year, including a number of National Societies as described below, and external partners such as UN OCHA, the Inter-Parliamentary Union (IPU), Pacific Applied Geosciences Commission (SOPAC) and the Pacific Immigration Directors’ Conference.

Context

In November 2007, the 30th International Conference of Red Cross and Red Crescent Societies adopted the [IDRL Guidelines](#), designed to assist states to strengthen their own laws in order to be ready to solve common problems in relief operations and in particular those with a significant number of international responders. The conference encouraged states to make use of the Guidelines both to develop their own national legal frameworks and as a basis for bilateral and regional agreements. It also called on the IFRC and National Societies to support governments in doing so.

In many ways, the development of the IDRL Guidelines was influenced by the [regulatory challenges that arose out of the response Indian Ocean tsunami](#) in 2004. The kinds of problems that were encountered – both by affected states and by international assistance providers – were not unique to that disaster, but the scale of the devastation and of the international response both contributed to making them particularly visible. This year’s massive earthquake in Haiti provoked a similarly crushing human toll and also [a number of similar regulatory issues](#), in light of the literally hundreds of relief organizations that have responded. While not leading to humanitarian crises, the ash cloud arising from the Eyjafjallajökull volcano and the British Petroleum oil spill in the Gulf of Mexico caused enormous economic and environmental impacts and served as important additional reminders of how unpredictable future disasters may be in terms of time, place and damage.

These experiences are prompting a number of countries – including those without a long history of receiving outside disaster assistance -- to think afresh about their level of preparedness. The IDRL Guidelines can be an important part of that reflection.

Progress towards outcomes

Programme component 1: Technical assistance to governments

Outcome: Policy-makers understand and make use of the IDRL Guidelines to strengthen legal and policy frameworks for disaster response.



Colombia's civil protection office and the Colombian Red Cross Society sign a Memorandum of Understanding (MOU) on the IDRL project. **IFRC**



Presentation of the UNDAC report in the Comoros. **IFRC**



Uganda National Society partners in the IDRL technical assistance project. **IFRC**

1. Existing pilot technical assistance projects

The IFRC is currently supporting National Societies in 11 countries to provide technical support on IDRL to their governments:

- **Cambodia:** As a follow-up to [the project](#) the IFRC and the Cambodian Red Cross Society led last year to support the Cambodian government to examine its laws and institutions in relation to the issues raised in the IDRL Guidelines, this year, the IFRC has supported a consultant to assist the Cambodia National Committee for Disaster Management to draft a new legislation. An initial draft has been completed and is currently being refined.
- **Colombia:** Following the successful introductory workshop in December, in April, the Colombian Red Cross Society [signed an MOU](#) with the Directorate for Risk Management for Disaster Prevention and Relief of the Ministry of the Colombian Interior and Justice concerning cooperation on an IDRL technical assistance project, with support from the IFRC. Recruitment is currently underway for a researcher to undertake the initial legal research.
- **EU IDRL Study:** IFRC is coordinating this regional study in collaboration with the National Societies of Austria, Bulgaria, France, Germany, the Netherlands and the United Kingdom. An "[Analysis of Law in the European Union pertaining to Cross-Border Disaster Relief](#)" was published in April 2010. Draft country-level studies have been prepared by the six National Societies mentioned above and will be published shortly. Work is underway on a synthesis report and recommendations come from the above studies. A regional workshop is currently being organized for the autumn for representatives of European governments and disaster response agencies to discuss potential follow-up action.
- **Nepal:** The Nepal Red Cross Society has developed an initial draft of its research report on existing laws and institutions in Nepal related to IDRL. Following completion, a consultative workshop will be held to discuss the findings.
- **Peru:** Building on the recommendations of the [UNDAC preparedness mission in 2009](#), in April 2010, a concept paper was agreed with the Peruvian civil defence office (INDECI) for a technical assistance project on IDRL by the IFRC and the Peruvian Red Cross. A researcher has been hired and has commenced work.

- **Uganda:** In December 2009, IFRC signed a MOU with the Office of the Prime Minister concerning a technical assistance project on IDRL in cooperation with The Uganda Red Cross Society. A researcher was hired and began work that month. A task force was formed to lead the project led by the Office of the Prime Minister and regular meetings are being held. A preliminary version of the research report has been prepared, and a workshop with stakeholders is currently being planned.

2. Development of new projects

- In addition, IFRC is developing a number of new projects to provide technical assistance with its members. Advanced planning has taken place for projects in **Haiti, Kazakhstan, Mozambique, Namibia** and **Vanuatu**, where projects are expected to begin in the second half of the year. Initial discussions have also taken place concerning potential projects in **El Salvador, Mongolia** and **Pakistan**.

3. Cooperation with UNDAC preparedness missions

- This year, IFRC continued its cooperation with OCHA in providing support to governments on IDRL through United Nations Disaster Assessment and Coordination (UNDAC) preparedness missions. It participated in missions to [Comoros, in March](#), and to El Salvador, in April. The reports of both missions included substantial recommendations relating to the legal frameworks for disaster management, including rules related to international assistance.
- As a result, the government of El Salvador has shown interest in a technical assistance project as mentioned above. In the Comoros, President Ahmed Abdallah Mohamed Sambi welcomed the team's recommendations and pledged that his government would do what was in its power to put them into practice. UNDP is currently sponsoring a follow-up project to assist the government to draft new disaster management legislation, taking into account the recommendations of the UNDAC mission.

4. Development of model legislation

- In order to assist governments to integrate the IDRL Guidelines into their domestic laws and systems, IFRC is cooperating with OCHA and the Inter-Parliamentary Union to develop model legislative elements as well as additional guidance. This model will draw from the experiences in the technical assistance projects the IFRC has undertaken thus far, as well as additional research about how various states handle common problem areas.
- During the reporting period, several major private law offices and companies (Allen and Overy, Baker and Mackenzie, Cameron McKenna CMS, and Microsoft Corporation) donated substantial pro bono time to the project to undertake preliminary comparative research on how existing legislation in over 50 jurisdictions in Asia Pacific, Africa and the Americas address the issues raised in the IDRL Guidelines. This research will inform the drafting of the model and serve as a first step for selecting examples of best practice to be discussed in a commentary to the model.
- In February, initial discussions about the project were held with a group of parliamentarians from 20 countries at a dedicated side-session of the [IPU's General Assembly in Bangkok](#). In May, an advisory committee of experts from the UN, NGOs, regional organizations and National Societies and other experts was formed and met for the first time to assess the project plan and initial research findings. Initial drafting will commence over the summer, and technical meetings on various versions are planned for late 2010 and early 2011.

Programme Component 2: Training and capacity building

Outcome: Interested National Societies and humanitarian partners are empowered to advocate for strengthened legal frameworks for disaster response.



IDRL Training in Bangkok. IFRC



Polish Red Cross workshop in Warsaw.
IFRC



Regional IDRL Training in Vienna. IFRC

1. Sub-regional IDRL training workshops

- From 1 to 2 April, IFRC organized a [training workshop](#) on “Law and Legal Issues in International Disaster Response” in **Bangkok**. It was attended by 30 participants from UN agencies, regional National Red Cross Societies and NGOs.
- From 10 to 12 May, IFRC organized a regional workshop for European National Societies in **Vienna**, hosted by the Austrian Red Cross. The workshop provided training on the IDRL Guidelines and related norms and also included consultations on the draft “**Manual for National Societies on Legislative Advocacy concerning Disaster Management and Health Emergencies**”. Twenty-six European National Society representatives from 18 National Societies attended, as well as representatives from the Danish Emergency Management Agency.
- Having completed seven regional workshops with National Societies on these issues since the end of 2008, the IDRL programme will now integrate all suggestions received on the draft **manual** for final publication in the autumn.

2. Support to National Society workshops

- National Societies have continued the process of organizing their own IDRL workshops with support of the IDRL programme. The IDRL Programme provided support to the [initiative of the Polish Red Cross to organize a national IDRL workshop](#) in Warsaw on April 8, and to an IDRL Forum organized with The Solomon Islands Red Cross and the National Disaster Management Office on June 25.

3. Additional training

- In February, IFRC provided a training session on IDRL to the UN’s **pool of potential humanitarian coordinators** as part of a workshop led by OCHA on international law in Geneva.
- IDRL briefings were also provided to a number of Red Cross Red Crescent gatherings, including the Southeast Asia Regional Disaster Management Committee meeting in Jogjakarta, a workshop for regional ICRC lawyers in May in Kuala Lumpur and the America Disaster Risk Reduction Directors Meeting, in Panama.
- In May, IFRC also coordinated a presentation on IDRL by the Norwegian Red Cross to a training by Swedish Civil Protection office for European civil protection officials and made a

presentation on IDRL at a disaster management workshop held by the Government of the Republic of Korea in Seoul.

- In June, IFRC provided a training session on protection and human rights questions for people affected by disasters as part of a workshop on protection issues organized by the OCHA office in Peru, the National Defense Office of the MIMDES, and with the participation of the UNHCR office in Buenos Aires. Participants included representatives from UNFPA, Save the Children, Plan International, UNICEF, INDECI, OCHA and other humanitarian actors.
- During the reporting period, the IDRL team started work on the development of a series of **online training modules** on the IDRL Guidelines and associated instruments. The training will be made publicly available through the [IFRC training platform](#). The IDRL Programme Asia Pacific team is also collaborating with the Malaysian Red Crescent Society and the International Islamic University of Malaysia to develop a module as part of an “Executive Diploma in Humanitarian Affairs”.

Programme Component 3: Dissemination, advocacy and research



The World Customs Organization's meeting in Brussels. **IFRC**



Opening ceremonies at the IPU Assembly in Bangkok. **IPU**



Participants at the 15th Session of CAPRADE in Lima. **CAPRADE**

Outcome: The IDRL Guidelines are well known, partnerships are developed and the knowledge base of the Movement on legal issues in disaster response is deepened.

1. Advocacy and promotion

- In May, IFRC was invited to give a [joint presentation with OCHA to the World Customs Organization's \(WCO\) Permanent Technical Committee](#) in Brussels on the problems and best practices of customs clearance in disaster settings. At that meeting, WCO members affirmed their desire to make this issue a priority area of its work for the next year, potentially including the development of guidance documents, compilation of best practices, and the creation of a mutual support mechanism for support with clearance issues in disaster settings. In June, IFRC and WCO signed a Memorandum of Understanding to cooperate in developing information-sharing events and materials on customs-related issues in disasters.
- In April and May, IFRC made presentations on the IDRL Guidelines at the Organization of American States (OAS) “[Working Group on Existing Mechanisms for Disaster Prevention and Response](#)” in Washington and at an OAS regional workshop on emergency laws in the Caribbean in Saint-Lucia.
- In June, IFRC made presentations on IDRL in the Americas: as part of a panel organized by the OAS at the [Global Risk Forum 2010](#), in Davos; at the [15th meeting of the Andean Committee for the Disaster Response and Prevention](#) (CAPRADE) in Lima; and at the III Regional Meeting on Enhancing International Humanitarian Partnerships, in Buenos Aires.

2. Legal aspects of disaster risk reduction

- The IDRL Programme commenced desk research on the legal aspects of disaster risk reduction (DRR). The project seeks to consolidate existing research and best practice in legislation in DRR; to advance understanding of key elements of disaster risk reduction law, in particular those with direct impact at the community-level; and to provide guidance to National Societies and governments as to how to make operational use of the research findings.
- In this context, the IDRL Programme has been requested to provide a paper on the topic of “legal aspects of disaster risk reduction” as part of the development process for the Global Assessment Report on Disaster Risk Reduction (GAR) 2011, organized by the United Nations International Strategy for Disaster Reduction (ISDR).
- A series of country case studies related to this project is planned for the second half of the year.

3. Other research and papers

- During the report period, the programme prepared a joint paper with ICRC for Commonwealth Law Ministers on International Humanitarian Law and IDRL. The programme also prepared a paper for the “Law Ministers of Small Commonwealth Jurisdictions” on legal issues in disaster risk reduction.
- In March, the IDRL Programme published a study on the Australian law applicable to relief entitled [“Legal preparedness for international disaster response in Australia- laws, policies, planning and practices”](#).

4. Publicity and dissemination

- The IFRC cooperated with the secretariat of the Pacific Immigration Directors’ Conference (PIDC) to develop a [policy brief on ‘Disaster Response and the Role of Immigration’](#) for the 23 PIDC member countries and territories.
- During the reporting period, background material on the IDRL Guidelines was translated into Greek and Portuguese. The IDRL Guidelines are now available in 15 languages on the [IDRL Programme’s public website](#).
- The IDRL [bi-monthly e-newsletter and weekly news service](#) continue to reach a wide audience by email, twitter and facebook.
- The IDRL programme’s work was featured in the [2009 International Aid and Trade Review](#), the website of the [Vietnamese Ministry of Foreign Affairs](#) and in the June 2010 edition of the [World Customs Organization News](#).

Progress towards quantitative goals

Goal for two-year period 2010-11	Level achieved as of June 2010
Ten (10) governments benefiting from new country-level pilot technical assistance projects.	Five (5) projects are underway, negotiations near completion for projects to commence in an additional eight (8) countries.
Six (6) governments benefiting from case studies in EU (and all EU states benefiting from the overall regional study).	EU regional study published, country studies in six EU countries near publication and planning ongoing for regional workshop.
Twenty (20) government representatives benefiting from a five-day course.	Planned for the second semester of 2010.

Five (5) disaster risk reduction country case studies.	Planned for the second semester of 2010.
Organized at least three (3) regional or sub-regional workshops each year in 2010 and 2011.	Regional workshops held in Bangkok and Vienna.
At least 10 trainings/briefings of substantial length	Nine (9) substantial trainings/briefings provided to various audiences (as discussed in the text above).
Seek to co-sponsor two to three conferences per year with regional organizations.	Potential workshops under discussion with SADC and the OAS. A workshop for European governments is also planned for the fall as part of the EU IDRL study.

Constraints or Challenges

- A continuing challenge has been the delay inherent in obtaining government participation in the in-country projects, particularly in the Pacific. However, the more flexible approach adopted at the end of 2009 emphasizing research in an initial phase rather than a political process has eased this somewhat.
- Funding remains a challenge in several regions, in light of geographic priorities of many donors. This has constrained the ability of the IDRL Programme to work in the Middle East, North Africa, Eastern Europe and Central Asia.

Working in partnership

- Key partners are National Societies - often involving a combination of leadership, disaster managers and legal advisors.
- The programme has expanded its partnership with several UN agencies this year, in particular OCHA (including the UNDAC programme, collaboration in trainings, and joint approaches to governments), as well as other key international actors such as the IPU, WCO and NGOs. At the regional level, the programme has deepened its cooperation with several regional organizations during the reporting period, including CAPRADE, [ECOWAS](#), OAS, PDIC, and [SOPAC](#). It has also forged its first private sector partnerships with the law firms involved in the model legislation project discussed above.

Contributing to longer-term impact

- The IDRL Programme will continue to work globally to promote implementation of the IDRL Guidelines, raise awareness of legal issues in disaster management, and support national states and international and regional organizations in their work on increasing international cooperation on legal preparedness for disaster risk reduction and response.

Looking ahead

- IFRC is convinced that the best way to solve regulatory issues in international assistance is to prepare systems – particularly legislation – prior to a disaster. An important milestone is approaching with the 31st International Conference of the Red Cross and Red Crescent, scheduled for November 2011. At that time, states and National Societies will be invited to report on their progress in implementing the resolution from the 30th International Conference adopting the IDRL Guidelines. IFRC will do its best to help both states and its Members to ensure that they have positive progress to report.

- For its part, in the remainder of this year, the IDRL programme will continue the process of finalizing important products, including the legislative advocacy manual, a model act on the IDRL Guidelines and a comprehensive study of legal issues in disaster risk reduction. It will also further develop its online training module on IDRL and the various intensive technical assistance projects discussed above.
- Per the 2010-11 plan, it is also hoped that support will be obtained for dedicated human resources to work in Eastern Europe and Central Asia and in the Middle East and Northern Africa.

How we work	
<p><i>All Federation assistance seeks to adhere to the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGO's) in Disaster Relief and is committed to the Humanitarian Charter and Minimum Standards in Disaster Response (Sphere) in delivering assistance to the most vulnerable.</i></p>	
<p>The IFRC's vision is to:</p> <p>Inspire, encourage, facilitate and promote at all times all forms of humanitarian activities by National Societies, with a view to preventing and alleviating human suffering, and thereby contributing to the maintenance and promotion of human dignity and peace in the world.</p>	<p>The IFRC's work is guided by Strategy 2020 which puts forward three strategic aims:</p> <ol style="list-style-type: none"> 1. Save lives, protect livelihoods, and strengthen recovery from disaster and crises. 2. Enable healthy and safe living. 3. Promote social inclusion and a culture of non-violence and peace.
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