

Plan 2010-2011



International disaster response laws, rules and principles (IDRL) Programme



Executive summary

In 2010-11, the International Federation's International Disaster Response Laws, Rules and Principles (IDRL) programme will continue to fulfil its mandate from the 30th International Conference of the Red Cross and Red Crescent to disseminate and promote the use of the **Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance** ("IDRL Guidelines"), in order to reduce unnecessary restrictions, delays and expenses in international disaster relief operations and to increase their quality, coordination and complementarity with domestic efforts. Building on its work in 2008-09, the programme's intention is to complete an intensive series of technical assistance and training projects designed to ensure a momentum among States and National Societies with regard to the use of the IDRL Guidelines, which will be self-sustaining after 2011.

The programme will also continue to assist National Red Cross and Red Crescent Societies to build their capacity and knowledge of a range of legal issues in disaster management (both international and national) to enable them to provide more effective advice to their governments, consistent with their humanitarian mandates and auxiliary roles.

Through a field-focused structure, the programme will act in three main areas:

- (1) cooperating with National Societies to provide **technical assistance to governments** on implementing the IDRL Guidelines, including through ad hoc advice, country-level technical assistance projects and the development of model legislation;
- (2) **building the capacity** of National Societies, International Federation staff and humanitarian partners to promote and use the Guidelines and related international instruments through training workshops and the dissemination of informational materials; and
- (3) **Disseminating and promoting** the IDRL Guidelines and related instruments with governments, humanitarian partners, and inter-governmental organizations as well as fostering **new collaborative research** on domestic legislative issues in disaster management designed to strengthen the Movement's approach to disaster risk reduction in applicable law.

The total 2010-2011 budget is CHF 5.5m (USD 5.3m or EUR 3.6m) ([Click here to go directly to the summary budget of the plan](#)).

Context

Over the last twenty years, the number of disasters has nearly doubled worldwide due to the effects of climate change. We are also beginning to see droughts, storms and floods of greater intensity, occurring in new areas and affecting more communities. It is widely accepted that the poor and marginalized will certainly bear the brunt of these developments if we do not pass to action, both to reduce disaster risks and to be better prepared for responding to disasters when they strike. As affirmed in the Hyogo Framework for Action, **law is a critical tool** for empowering such action and adapting to a changing world.

Since 2001, the International Federation's International Disaster Response Laws, Rules and Principles (IDRL) programme has been investigating the **legal issues and regulatory frameworks** of disaster response, with a particular focus on international relief operations. The management of such operations has become increasingly complex, not only due to the rise in the number and ferocity of disasters but also sharp increases in the number and diversity of international actors ready to intervene in highly publicized events.

In November 2007, the state parties to the Geneva Conventions and the components of the Red Cross and Red Crescent Movement unanimously adopted a new set of "Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance" (the "**IDRL Guidelines**") at the 30th International Conference of the Red Cross and Red Crescent. Their adopting resolution encouraged governments to use the Guidelines to strengthen their domestic laws and bilateral and regional agreements on disaster management and invited the International Federation and National Societies to disseminate and promote their use. Furthermore, they invited the International Federation and National Societies to continue their pioneering research on legal issues in disaster management and to develop further tools and models for the improvement of legal preparedness for disasters.

In 2008 and 2009, the UN Economic and Social Council and General Assembly also adopted resolutions encouraging governments to make use of the IDRL Guidelines.

As the experience of the last two years has shown, there is an important reservoir of interest in many countries to



"Currently, most states figure that they will sort out their mechanisms for dealing with international assistance when the time comes.

Unfortunately, this ad hoc approach is increasingly inadequate to deal with the very real complications of international assistance."

Remarks of IFRC Secretary-General Bekele Geleta, to the Overseas Development Association at Westminster, London, March 2009.

strengthen legal preparedness. However, it is not an easy or a rapid process. Generating and maintaining sufficient momentum to achieve concrete results will require consistent and **well-informed champions at the domestic, regional and international levels**. National Red Cross and Red Crescent Societies are uniquely placed to undertake this role at the national level. Many already have close relationships with the authorities thanks to their status as auxiliaries in humanitarian affairs and their proven operational experience in disaster response. However, a number of Societies lack the legal expertise and experience in legislative processes necessary to be most effective.



The programme will continue to work directly with interested Societies in providing key information to them and their governments, while building Societies' capacities for humanitarian advocacy. It will also continue to cooperate with National Societies, UN agencies and other partners in **reaching out to regional and global institutions to encourage them to take up this important issue**. Prior work in this area has already shown some important fruit. For example, the International Law Commission has taken up the issue of "Protection of persons in the event of disasters" and has called on the support of the programme. Likewise, organizations such as the Association of South-East Asian Nations (ASEAN) and the Andean Committee for Disaster Prevention and Assistance (CAPRADE) have already begun to make use of the Guidelines for the creation of their own procedures.

The time is also right to build upon the Movement's success in the development of its learning and tools around IDRL to address related challenges. **International relief is only one of many areas of disaster management where law plays an essential enabling role**. The programme will thus continue to support the process of reflection and study within the Movement and with its humanitarian partners to identify legal issues in the domestic response to disasters, particularly in the area of disaster risk reduction and community-level adaptations to the effects of climate change, where advocacy by the Red Cross and Red Crescent is closest to our humanitarian mission and most needed. With this set of common understandings, it will move to providing National Societies with the tools and resources they need to broaden their advocacy in these areas.

Priorities and current work with partners

Consistent with the decision of the International Conference, the programme's main priorities are to ensure an effective dissemination and use of the IDRL Guidelines and to build the capacity of National Societies

The UN General Assembly:

"encourages Member States and, where applicable, regional organizations to strengthen operational and legal frameworks for international disaster relief, taking into account, as appropriate, the [IDRL] Guidelines."

U.N. GA Res. 63/139, para. 8 (2008).

to provide effective advice to their governments on legal preparedness for disasters.

To meet these goals, the programme will continue to cooperate closely with other departments within the International Federation and with its Zone structure. The direct participation of National Societies in the development of manuals model laws and other materials and in presenting IDRL to potential partners will remain a priority.

The programme will also continue and expand its collaboration with partners in the United Nations system and the wider humanitarian community. In 2008-9, this has included briefings for the Logistics Cluster, collaboration in country-level technical assistance projects in Southeast Asia with the World Health Organization (WHO) and making programme staff available as resources for “Preparedness Missions” by the UN Disaster Assessment and Coordination (UNDAC) system.

Moreover, the programme will build upon its prior outreach to inter-governmental and regional organizations (such as the Asia-Pacific Economic Cooperation [APEC], ASEAN, CAPRADE, Economic Community Of West African States [ECOWAS], and Pacific Islands Applied Geoscience Commission [SOPAC] among others) to encourage reflection on the issues raised in the IDRL Guidelines and active steps among their members to address them. It will also seek new partnerships with academic and policy organizations to promote attention to disaster law issues.

Secretariat programme in 2010-2011

International disaster response laws, rules and principles programme

a. The purpose and components of the programme

Programme purpose
The International Federation’s International Disaster Response Laws, Rules and Principles (IDRL) programme seeks to reduce human vulnerability by promoting legal preparedness for disasters.

By increasing legal preparedness, the IDRL programme contributes to each of the International Federation’s four Global Agenda Goals. More effective



“We recognise that, to mobilise the community in responding to disasters, we need to have institutionalized frameworks and laws to facilitate the coordination of disaster management activities from the central level to local level.”

Remarks of Dang Quang Minh, Deputy Head, Flood & Storm Mgmt. Division, Vietnam Ministry of Agriculture and Rural Development, National Workshop on Disaster Preparedness, 2009.

laws on risk reduction and on the organization and facilitation of relief activities can help to reduce the human impact of disasters and health emergencies, per Goals 1 and 2. They can also be critical to empowering communities and National Societies to do the work they need to do to address the most urgent situations of vulnerability, per Goal 3. Moreover, they can go far to guard against discrimination in the design and implementation of disaster management programmes, per Goal 4.

The programme also responds to the International Federation's commitment to increase its work in advocacy, per the Policy on Humanitarian Diplomacy adopted by its Governing Board in Paris in May 2009. That policy calls on the International Federation and National Societies to take the necessary steps to "persuade decision makers and other opinion leaders to act in the interests of vulnerable people, and with full respect for fundamental humanitarian principles."

Moreover, at the time of writing of this plan, the International Federation was finalizing its "Strategy 2020" to guide its work for the next ten years. The programme's goals and activities are well encapsulated in the latest draft of that strategy as a key component of the first strategic aim "to save lives, protect livelihoods, and recover effectively from disasters and crises":

"Appropriate laws are crucial to ensure the speed and effectiveness of humanitarian assistance. Therefore, we emphasise national legal preparedness and international legal cooperation through developing and promoting disaster laws that reduce operational barriers and strengthen the role of communities to ensure that relief and recovery measures (including, for example, quarantines, evacuations, and burials) are carried out in a manner respectful of the dignity and rights of affected people. Pre-disaster cooperation arrangements to facilitate and regulate international assistance are also promoted to enhance predictability and preparedness."

The programme budget is CHF CHF 5.5m (USD 5.3m or EUR 3.6m). It will work in three main areas of activity:

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.

1.1. Provide advice and undertake technical support projects for governments on the use of the IDRL Guidelines



"Disaster preparedness is not just about ensuring that local response systems are in place; international intervention should also be an integral part.

Lessons from several parts of the world have indicated that urgently needed international disaster response has been delayed or prevented by national legal regulatory frameworks.

We need to ensure a coordinated and well-supervised international intervention in disasters."

Remarks of Larry Bassie, Chief of Staff, Sierra Leone Office of National Security, at the first Sierra Leone IDRL Workshop, July 2009

Working with National Societies, the IDRL programme will **advise interested governments** on ways to enhance legal preparedness for international disaster assistance and make optimal use of the IDRL Guidelines in their national contexts.

This will include responding to **ad hoc requests for advice**. In the past, this has involved requests for comments on draft legislation, manuals, regulations and regional agreements, sharing good practices, and providing comparative analysis of experiences in various countries.

It will also include more **intensive technical assistance projects**, involving the production of detailed study of national laws, consultations with domestic and international actors and the development of detailed findings and recommendations for the strengthening of national legal frameworks. As of the date of writing, projects of this kind in Cambodia, Laos, Vietnam, and Sierra Leone were nearing completion after having drawn intense interest and active, high-level involvement from the respective National Societies and governments. It is anticipated that five more projects will have been initiated in 2009 to be completed in 2010.

Moreover, in 2010-11, at least **ten new IDRL technical support projects** will be initiated in 5 regions (Asia-Pacific, Africa, the Americas, Central Asia, and the Middle East-North Africa). For each project, the efforts of the National Society will be supported by the respective regional IDRL delegate, working in close collaboration with the International Federation's Zone and field offices. Where possible, a local steering committee (or an equivalent mechanism) involving representatives of relevant ministries will be used to steer project planning and execution.

The structure of each project will be adapted to local needs, dynamics and capacities. However, at a minimum, each will include a **legal mapping exercise** to analyse the existing legal, policy and institutional frameworks in the country in order to identify their strengths and areas of potential improvement with respect to international assistance.

They will also involve **consultations** with relevant stakeholders, including through interviews and workshops. They will produce a report with findings and recommendations for the interested government on ways to enhance legal preparedness.

At the end of each project, consideration will be given to how the recommendations can be taken forward. Upon the request of domestic authorities and National Societies to provide **ongoing advice** from IDRL delegates or in-country experts, for example, with regard to the drafting of new legislation.

Where appropriate, each of the above phases of these



"[S]upport should be provided to strengthen national authorities and organizations' capacity to request and effectively receive international assistance, including facilitating the coordination of international assistance.

Here the use of the International Disaster Response Laws, Rules and Principles, elaborated by the International Federation of Red Cross and Red Crescent Societies, is important."

Statement of H.E. Ambassador Hans Dahlgren on behalf of the European Union to the ECOSOC Humanitarian Affairs Segment, July, 2009.

projects will be conducted collaboratively with other interested international or regional **partners**. In the Andes region of the Americas, for example, it is anticipated that a project will be organized under the mantle of CAPRADE. Similarly, in Vietnam, partnership for ongoing advice on drafting legislation is being discussed with UNDP.

1.2 Complete an EU regional study

In 2010, with substantial support from the European Commission, the programme will complete a project to study law in the EU, both at the trans-national and national levels, in light of the IDRL Guidelines. In 2009, initial regional law research was undertaken and the National Red Cross Societies of **Austria, Bulgaria, France, Germany, the Netherlands and the United Kingdom** will have substantially completed country-level case studies.

In 2010, a synthesis report and regional workshop will be organized to take stock of the findings in 2009 and develop recommendations for the future.

1.3 Develop a model act

The development process for a **model act** to implement the IDRL Guidelines, which was commenced in 2009, will be finalized in 2010. The model will draw on lessons learned from the technical assistance projects and studies mentioned above and an accompanying commentary will include examples of best practices from existing laws.

The model act will be drafted **in partnership** with UN OCHA and with the engagement of other relevant actors.

As an ongoing activity, the IDRL programme will also expand the availability of relevant national legal instruments in the existing online **IDRL database**. The interface of the database will be improved, simplified, and expanded.

1.4 Develop a disaster law course for policy-makers

Beginning in 2010, the programme will work with interested National Societies and other partners to design an annual 5-day **course on disaster law** for governmental officials, potentially drawing on the participation from OCHA, ISDR, and other agencies. The course will incorporate background on applicable international law as well as comparative law and lessons from practice, with an eye both to the implementation of international norms in operations and to the development of domestic law.

1.5 Participate in UNDAC preparedness missions

Drawing on successful cooperation in 2009, IDRL programme staff will continue to make themselves available to lend **legal support to “preparedness missions”** undertaken by the United Nations Disaster Assessment and Coordination (UNDAC) programme. These missions are



“Indonesia is now focusing seriously on implementing Law No. 24, 2007 on Disaster Management . . . by getting all government sectors involved during disaster operations to discuss gaps and ways to improve the law.

The IDRL Guidelines give appropriate recommendations for almost all elements in our discussion. . . .

We hope to work closely together with [the Indonesian Red Cross] and the IDRL team to produce comprehensive guidelines or maybe adopt a new presidential decree.”

Remarks of Dewina Nasution, Head of Legal & Cooperation Bureau, National Disaster Management Body (BNPB) Indonesia, at the Workshop to facilitate national policy on international humanitarian assistance in Indonesia, July 2009.

initiated by the request of governments seeking overall advice on ways to strengthen their disaster management systems, including with regard to their interface with international systems.

2. Training and capacity building

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

2.1 Organize training workshops

The programme will continue to offer **training workshops** for National Societies, humanitarian partners, and, as appropriate, governmental officials.

As in 2009, these trainings will address a range of issues, including the IDRL Guidelines and associated international instruments and norms in disaster operations. Drawing on the “**Manual for National Societies on legislative advocacy concerning disaster management and health emergencies**” completed in 2009, workshops will also continue dialogue, the sharing of experience and skills building in this aspect of “humanitarian diplomacy.”

At least **three regional or sub-regional workshops** will be organized each year in 2010 and 2011. The programme will also deliver other trainings and briefings at the national level, including at least 10 trainings per year of substantial length during the period of this plan.

2.2 Develop additional training materials

The programme will also develop dedicated **training materials** for use outside of its own workshops, to develop internal and partner capacities on legal issues in disasters and health emergencies.

These will include short modules for inclusion in existing trainings (such as those for ERU, FACT, RDRT, and UNDAC). The programme will also develop on-line modules for use on the new online training platform for National Societies and IFRC staff launched in 2009.

2.3 Support National Societies to develop and resource their own technical assistance projects

The programme will assist interested National Societies to develop their own legislative research and consultation projects to advise their governments regarding IDRL. In close cooperation with International Federation resource mobilization structures, this may include assistance in locating and approaching potential donors, where outside resources are required.



The OAS General Assembly resolves:

“To urge the member states, regional organizations, the Inter-American Committee for Natural Disaster Reduction, and the Inter-American Network for Disaster Mitigation to foster coordination, cooperation, and synergy in actions to facilitate transparent management of supplies and expedite humanitarian assistance.”

OAS GA Res. 2492 (XXXIX-O/09).

3. Dissemination, advocacy and research

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.

3.1 Disseminate the Guidelines to RC/RC, governments, UN agencies, inter-governmental organizations, NGOs and academic institutions

Using the **dissemination kit on the IDRL Guidelines** developed in 2008, the programme will continue to disseminate the Guidelines and accompanying information and assist International Federation personnel and National Societies to do the same.

To assist in that task, the programme will develop two short informational **videos** to raise awareness of legal problems in disaster management and the Guidelines.

Opportunities will also be seized to make introductory presentations on the Guidelines at appropriate meetings and conferences. Moreover, in the context of its technical assistance programmes and regional meetings, the programme will promote **translation** of the Guidelines into additional languages.

3.2 Advocate for legal preparedness at the global and regional levels

Close **partnerships** to raise awareness on the importance of legal preparedness, highlighting the usefulness of the IDRL Guidelines, will be continued and intensified with the UN, regional organisations, NGOs and research institutions.

The programme will seek to co-sponsor **2-3 conferences per year** with regional organizations to gather representatives of governments, National Societies and humanitarian partners, with the aim of further exploring the use of the IDRL Guidelines at the national and regional levels and advancing dialogue on legal preparedness.

The programme will also continue to encourage inter-governmental and regional forums and platforms to: take note of the IDRL Guidelines; make use of them in the development of protocols and standard operating procedures; and promote their use by their member states.

3.3 Undertake new research on law in disaster risk reduction

In partnership with ISDR, the programme will begin an **18-month research project**, to examine the key legal issues in disaster risk reduction, with a particular focus on how law can best foster community-level activity to reduce risk to



“There is a pressing need to build institutions, including legal frameworks, to sustain disaster risk reduction action as an ongoing concern, and several countries stressed the need for technical assistance, to help grow their capacities.”

Chair's Summary, Second Global Platform on Disaster Risk Reduction, June 2009.

disasters and health emergencies.

This research programme will include desk research and a series of short, geographically representative country case-studies to identify key issues, and best practices. The study will be finalized and formally launched at the Global Platform on Risk Reduction in June 2011.

3.4 Collaborate with the other IFRC departments on applied research

The programme will collaborate with other departments of the IFRC on **applied research** regarding the use of legal tools to meet disaster management goals. This will include work with the Shelter Department, looking at issues raised both with regard to its work with National Societies and as the Global Shelter Cluster convener.

3.5 Foster academic interest in IDRL issues

The IDRL programme will foster academic attention to IDRL issues in order to generate more ideas and energy toward solutions. It will continue a series of **working papers** on disaster law issues published on its website and disseminated to its network. It will also contribute papers to outside journals and it will cultivate **regional pools of experts** on IDRL.

c) Potential risks and challenges

As in the previous two-year plan, much of the programme's energy will go toward empowering National Societies and assisting governments on the issues of strengthening legal and policy frameworks. However, there can be **no guarantees that new legislation will be adopted** during the period of this plan, as this depends entirely on the decisions of policy-makers in the States concerned. There is thus a risk that there will not be immediate results from this work.

Another risk that must be carefully managed is ensuring that any advocacy activities of the International Federation or its National Societies **do not compromise the neutrality of the Red Cross and Red Crescent Movement** as set out in the Fundamental Principles. This will be squarely addressed in a collaborative manner with National Societies in the development of the capacity-building manual and advocacy workshops.

Finally the ambitious programme laid out here is **dependent on adequate funding**, particularly to allow for maintaining a regional IDRL staff presence, which will be critical to ensuring progress at the national level.



“Each individual National Society and the International Federation has a responsibility to . . . persuade decision makers and other opinion leaders to act in the interests of vulnerable people, and with full respect for fundamental humanitarian principles.”

IFRC Policy on Humanitarian Diplomacy, adopted May 2009.

Role of the secretariat

In general, the role of the International Federation secretariat in the IDRL programme will be to act as a **catalyst** for the actions of others. It will serve as a clearinghouse of disaster law information for the Movement and other partners and help to **train and empower** National Societies to offer effective advice to their governments. It will also cooperate with National Societies and other partners to support governments in making use of the IDRL Guidelines, both at the national level and in regional and other inter-governmental settings.

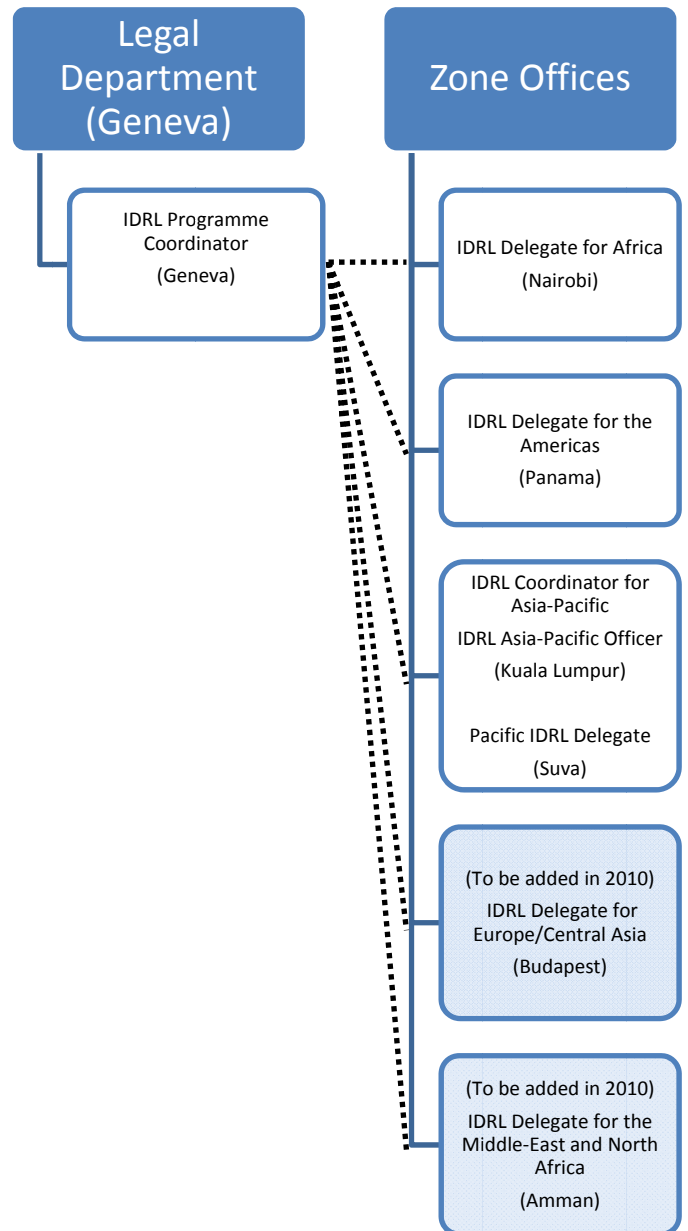
The IDRL programme will only achieve its goals through adequate human resources and active cooperation with other parts of the International Federation structure. In terms of programme staffing, this will include a minimal coordinating presence in Geneva and IDRL delegates placed in several International Federation **regional “Zone” offices**, with a particular focus on Asia-Pacific, as this region largely outstrips every other part of the globe in terms of the human impact of disasters arising from global warming. In 2010, it is hoped that the programme can add delegates for Europe (focusing on Central Asia and Eastern Europe) and for the Middle East and North Africa region.

Promoting gender equity and diversity

Gender equity is an important issue in disaster management and therefore should be addressed by applicable laws. The IDRL Guidelines highlight that **disaster relief and initial recovery assistance must not discriminate** on the basis of gender, but should be responsive to the special needs of women. They also call for special efforts to be made to involve women beneficiaries in decision-making about relief and recovery programmes. Additional gender issues arise in disaster law related to domestic response and risk reduction efforts, and these will be highlighted in the project’s informational and training materials.

Quality, accountability and learning

The programme will work collaboratively in order to ensure an adequate check on its



direction and the quality of its products. Steering committees will guide country-level technical assistance projects. At the end of each such project, a lessons learned report will be prepared in order to refine and improve our methods. It will survey participants at its trainings and workshops about potential areas of improvement. It will furthermore continue to take opportunities report to the regional disaster management networks, National Societies Legal Advisors meeting, and other Movement fora and policy-making bodies in order to gather suggestions and comments on its work.

How we work	
<p>The International Federation's activities are aligned with its Global Agenda, which sets out four broad goals to meet the International Federation's mission to "improve the lives of vulnerable people by mobilizing the power of humanity".</p>	<p>Global Agenda Goals:</p> <ul style="list-style-type: none"> • Reduce the numbers of deaths, injuries and impact from disasters. • Reduce the number of deaths, illnesses and impact from diseases and public health emergencies. • Increase local community, civil society and Red Cross Red Crescent capacity to address the most urgent situations of vulnerability. • Reduce intolerance, discrimination and social exclusion and promote respect for diversity and human dignity.
Contact information	
<p>For further information specifically related to this plan, please contact:</p> <ul style="list-style-type: none"> • In the International Federation secretariat: David Fisher, Coordinator, IDRL programme; Legal department, david.fisher@ifrc.org; tel: +41 22 730 4360; fax: +41 22 730 4929. 	