

ANNUAL REPORT



International Federation of Red Cross and Red Crescent Societies
Fédération Internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge
Federación Internacional de Sociedades de la Cruz Roja y de la Media Luna Roja
الاتحاد الدولي لجمعيات الصليب الأحمر والهلال الأحمر

INTERNATIONAL DISASTER RESPONSE LAWS, RULES AND PRINCIPLES (IDRL)

April 2005

In Brief

Appeal No. 01.100/2004; Appeal target: CHF 733,689 (USD 568,395 or EUR 471,233); Appeal coverage: 59%.

(click here to go directly to the attached Financial Report).

Summary: Much has been achieved with this programme over the past 12-15 months. The study of IDRL at the national level in the Asia-Pacific region has been successfully implemented, while at the same time initiatives in other regions have been facilitated and progress initiated to develop a practical tool to facilitate the better implementation of IDRL worldwide. The impact of the various advocacy events, papers and reports has been reflected through greater awareness about the IDRL Programme, leading to increased requests for information, advice and presentations both within and external to the Red Cross and Red Crescent Movement. Over the coming months it is hoped that this work will be further consolidated through the conclusion of partnership arrangements with other organizations in pursuit of the objectives set in the IDRL Global Appeal for 2005.

This Annual Report reflects activities implemented over a one-year period; they form part of, and are based on, longer-term, multi-year planning (refer below to access the detailed logframe documents). All International Federation assistance seeks to adhere to the Code of Conduct and is committed to the Humanitarian Charter and Minimum Standards in Disaster Response in delivering assistance to the most vulnerable. For support to or for further information concerning Federation programmes or operations in this or other countries, please access the Federation's website at <http://www.ifrc.org>

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Overall analysis of the programme

The long term aim of the IDRL Programme is to improve the speed, effectiveness and quality of international disaster response through the better understanding, implementation and harmonisation of relevant laws, rules and principles at all levels - national, regional and international. In doing so, the IDRL Programme is guided by the specific actions proposed in Goal 3.2 of the Agenda for Humanitarian Action adopted by the International Conference of the Red Cross and Red Crescent. The three key objectives, which are detailed further below, are derived from Goal 3.2 as reflected in the IDRL Programme Strategic Plan for 2004-2007. A progress report on

work towards achieving Goal 3.2 will be presented to the next International Conference of the Red Cross and Red Crescent in 2007.

In 2004, the IDRL Programme entered a new phase. In addition to continuing the process of examining the various relevant international and regional instruments, which had begun in 2001, the Programme began a pilot study on the role and impact of national disaster management systems and legal frameworks on the ability for international assistance to be provided quickly, efficiently and to the highest possible standards whenever it is needed. This pilot study commenced in the Asia-Pacific region to examine the legal, policy and planning frameworks of four countries, and identified the past and potential legal challenges and best practices for international disaster response efforts. Additionally, the Programme sought to promote awareness about the need for “legal preparedness” for international disaster response within the Asia-Pacific region and to encourage greater awareness of the existing international instruments which provide useful guidance in this regard. This study is due to conclude in the first quarter of 2005 and the final report will be completed by June 2005.

Another priority of the IDRL Programme has been to find ways of further clarifying the relevant principles which should apply to international disaster response operations, based on the many treaties, resolutions, guidelines and other texts in this area. Given the dispersed nature of the current range of instruments and tools, a proposal was prepared for the development of “guiding principles and practice for international disaster response” (working title). In 2005, work will commence on this initiative, supported through partnerships with relevant stakeholders, with the hope of producing a unique and useful tool for law and policy makers, government authorities and humanitarian workers.

The IDRL Programme also sought to ensure that awareness and implementation of IDRL remain high on the international agenda, and thus the Programme has been engaged in a number of different advocacy initiatives at different levels for range of target groups. Through these efforts it is clear that there is indeed growing recognition of the need identify and resolve the various legal issues in advance of disaster, which have the potential to impact international disaster response operations.

Objectives, Achievements, and Constraints

Goal: In conformity with Strategy 2010 and proposed actions from the 28th International Conference of the Red Cross and Red Crescent, IDRL aims to reduce the vulnerability and suffering of people affected by natural and technological disasters by utilising the expertise and knowledge base of the International Federation to lead international efforts to improve international disaster response through the promotion and strengthening of IDRL.

Objective: Build the knowledge base on IDRL for the benefit of the International Red Cross and Red Crescent Movement and the international community.

Achievements

The focus of this objective in 2004 was to improve understanding of the impact of national legal frameworks on international disaster response operations, with a special focus on the Asia-Pacific region. This was achieved through the conduct of the IDRL Asia-Pacific study. Four countries were selected for this study: Nepal, Myanmar, Indonesia and Fiji. The methodology for this study involved three key processes:

1. A desk study to examine documents relating to past international disaster response operations and national systems in place for dealing with large-scale disasters requiring international assistance;
2. In-country workshops and consultations with national authorities, National Red Cross and Red Crescent Societies and international organisations/foreign NGOs working in the country to identify the past and potential legal challenges for international disaster response operations; and
3. An in-depth study of the national systems, laws and practices in place which impact on international disaster response operations.



IDRL Workshop: Myanmar



IDRL Workshop: Indonesia



IDRL Workshop: Fiji

This research was facilitated by the National Red Cross Societies of each country, and most workshops involved participation by 15-20 different foreign organisations and government agencies. Meetings were also held with representatives of relevant national government ministries involved in disaster response in each country. Additional legal studies were conducted in Nepal, Indonesia and Fiji by local researchers conversant with the language and legal systems. A range of challenges were identified during this research, from both operational and legal perspectives, and it was apparent that arrangements for international disaster response in all countries remained ad hoc and lacked the support of a clear and coherent legal framework. In the case of Indonesia, the Indian Ocean tsunami resulted in some significant changes to the way in which international assistance is handled in that country, both from operational and legal perspectives. Where possible this information will be included in the final report, however a more detailed examination is required to gain a comprehensive understanding of the IDRL implications in Indonesia and within the wider region. The information collected from the full research process is now being analysed and compiled into a report which will be available in June 2005.

Specific research on the tsunami operations in the various countries began in early 2005 and a short-term researcher was employed in Geneva to collect relevant case studies and legal information arising from the operations as well as interviews and surveys of personnel involved. This information will be incorporated into a more comprehensive assessment planned for later in 2005.

Also in progress / under discussion within the Asia-Pacific region are the following initiatives:

- IDRL consultation workshop and legal mapping in Papua New Guinea to be conducted by Australian Red Cross and PNG Red Cross.
- Mapping of different customs legislation in the Asia-Pacific region in partnership with DHL.
- Partnerships for wider legal mapping in Asia under consultation with relevant disaster response and preparedness organisations in the region.

In addition to the Asia-Pacific Study, other initiatives have been undertaken or are in progress, to contribute to the knowledge-base on IDRL in different national and regional contexts. These initiatives include the following:

- Continued collection of international and regional instruments applicable to international disaster response operations such as treaties, resolutions, declarations, guidelines, training materials and other tools.
- Issues paper on IDRL and Bam Earthquake prepared by a staff-on-loan from the Iranian Red Crescent.
- “Recommended rules and practices” and a training structure for disaster managers on IDRL for the Balkans region – research and proposal prepared by Serbia and Montenegro Red Cross Society and approved in a meeting of National Red Cross / Red Crescent Societies of the Balkans Region, hosted by Serbia and Montenegro Red Cross Society.
- Study on Belgian and EU law conducted by Belgium Red Cross.
- Paper on IDRL in the Indian context prepared by the Indian Red Cross.
- Preliminary discussions for the conduct of an IDRL Americas study in 2005.

Overall, there has been an notable increase not only in the quantitative information on IDRL, through the collection of additional international, regional and national instruments, but also in the qualitative information

gathered through consultations and meetings – both as part of the Asia-Pacific study and also through other events attended during the year (see below for further details). An important consideration will be finding the best means of making this information widely available. Posting reports on the IDRL public website and the internal FedNet site will be important, as will updates to the IDRL mailing list, but other mechanisms will need to be considered, such as the creation of an IDRL database or a new version of the IDRL CD Rom.

Objective: Facilitate better implementation of IDRL by the International Red Cross and Red Crescent Movement, governments, international organizations and the international community.

Achievements

The main activity identified for this objective has been identifying a tool which can be used to synthesise the large volume of treaties, resolutions and other relevant documents into a format which can be of practical use prior to and during international disaster response operations. A preliminary study was conducted on other similar initiatives, both in the area of disaster response and on other topics, with a view to identifying a process which could be useful for IDRL. Following this, a proposal for the development of “guiding principles and practice” was developed. This concept was shared with workshop participants during the Asia-Pacific Study and at other events for feedback, which so far has been very positive. In particular, discussions are being held with relevant UN agencies with a view to forming partnerships to implement this initiative.

The concept behind “guiding principles and practice” is two-fold. One is to extract from the existing body of IDRL the essential elements for the facilitation and improvement of international disaster response. These would be formulated into a general set of “guiding principles” on the different aspects of international disaster response operations, ranging from the minimisation of regulatory barriers such as customs and visa requirements to the quality and standards for humanitarian assistance. As these principles would be general in nature, the second aspect is the inclusion of a compendium containing examples of recommended implementation measures for each guiding principle. This could include examples of best practice from different countries, model agreements or legislation, case studies and references to more detailed documents such as handbooks and training materials.

In this way, the “guiding principles and practice” would provide both governments and humanitarian organisations with an invaluable tool through which to encourage better implementation of the various laws and rules and principles. The “guiding principles” could be used as a checklist to identify potential challenges or barriers to international disaster response and identify ways of resolving or minimising these challenges before disaster strikes – whether this be through implementing legislative or policy changes, through the development of pre-disaster agreements, through improved awareness and training exercises or other action. An important aspect of the “guiding rules and principles” will be their ability to be adapted for different regional, country or organisational contexts and thus avoiding the limitations of “one size fits all” approaches.

Other activities to further the implementation of IDRL have included:

- Continued advocacy for the ratification/accession to the Tampere Convention on the Provision of Resources for Disaster Mitigation and Relief Operations, which successfully entered into force on 8 January 2005, after ratification by 30 states.
- Provision of IDRL information and technical support to the ASEAN Committee on Disaster Management.
- Advice and provision of relevant documents and information to support Red Cross and Red Crescent activities such as meetings, training, policy development and operations issues.
- Presentations and distribution of materials to external organisations and governments.

Whilst it is recognised that improved implementation of existing IDRL is perhaps the longest-term objective of the IDRL Programme, progress towards this goal has been made. The coming year will see the commencement of the process to develop the “guiding principles and practice” and wherever possible, to link in with activities associated with the development of new international, regional or national instruments, training and programmes, to ensure that existing instruments on IDRL are taken into account and put into effect wherever possible.

Additionally a proposal has been prepared to continue the progress made in the Asia-Pacific region, to work with National Societies and governments to already identify ways in which IDRL elements can be incorporated into national legal and disaster management frameworks. This is particularly relevant for the countries which have been affected by the Indian Ocean tsunami, as they review the lessons learned from the international disaster response operations and take steps to build on this knowledge for the future.

Objective: To advocate for the continued research, development and implementation of IDRL by states and international organizations, utilizing the network of national societies.

Achievements

During 2004 and in the first months of 2005, there have been significant efforts aimed at improving awareness about the IDRL Programme, support both by the International Federation in Geneva and in the field, as well as by National Red Cross and Red Societies, at many different levels. In particular, the IDRL Programme sought to advocate for improved “legal preparedness” for international disaster response – encouraging governments and organisations to identify and resolve potential legal challenges and delays for international assistance in advance of disaster. Listed below are the different ways and means through which the objectives and key messages of the IDRL Programme have been promoted.

Presentations/ statements on IDRL:

- Statement to the High Level Segment of the United Nations Economic and Social Council on “International Federation contributions towards the United National Millennium Development Goals”, delivered by the President of the Canadian Red Cross/Vice President of the International Federation (New York, June 2004).
- Series of workshops on IDRL delivered to participants during the Annual Meeting of International Federation Heads of Regional Delegation, Head of Delegation, Federation Representatives and Regional Reporting Units and Regional Finance Units delivered by the IDRL Coordinator (Geneva, June 2004).
- Special briefing on IDRL to Permanent Missions to the United Nations, hosted by the International Federation at its headquarters in Geneva delivered by the IDRL Coordinator and other International Federation representatives (Geneva, June 2004).
- Statement to the Humanitarian Segment of the United Nations Economic and Social Council on “Special economic, humanitarian and disaster relief assistance” delivered by International Federation Director of Policy and Relations (New York, July 2004).
- Panel with the Humanitarian Segment of the United Nations Economic and Social Council, paper on “Strengthening preparedness and response to natural disasters, with an emphasis on capacity building” delivered by former Director General of the International Affairs Department of the Iranian Red Crescent Society (New York, July 2004).
- Presentation and technical support to the Balkans Red Cross / Red Crescent National Society meeting on IDRL Implementation and Training provided by the IDRL Coordinator (Belgrade, September 2004).
- Workshop and discussion on IDRL for the Wilton Park Conference on the Immediate Response to Disasters, delivered by the IDRL Coordinator and Federation International Operations Manager (Sussex, September 2004).
- Presentation to the Stability Pact Disaster Prevention and Preparedness Initiative Meeting, delivered by the Budapest Regional Disaster Management Delegate (Skopje, October 2004).
- Presentation and discussion on IDRL for Annual National Red Cross and Red Crescent Society Legal Advisors Meeting conducted by the IDRL Coordinator, Federation Legal Counsel and Director of International Humanitarian Law of American Red Cross (Geneva, November 2004).
- Statement to the Plenary of the United Nations General Assembly on “Coordination of emergency humanitarian assistance” delivered by President of Jamaican Red Cross / Federation Governing Board Member (New York, November 2004).
- Presentation on IDRL to the ASEAN Ministerial Meeting on Disaster Management, delivered by Federation Representative, Cambodia (Phnom Penh, December 2004).

- Presentation on IDRL to the UN Joint Logistics Unit / UN OCHA / World Customs Organisation Customs Training Workshop delivered by the IDRL Coordinator (Brussels, December 2004).
- Presentation to International Symposium “Living with Risk” on “Disaster reduction for future generations” delivered by International Federation Secretary-General (Kobe-Hyogo, January 2005).
- Participation and inclusion of IDRL issues for the World Conference for Disaster Reduction, IDRL Coordinator participated as part of International Federation delegation to the conference (Kobe-Hyogo, January 2005).
- Statement to the Plenary of the United Nations General Assembly on “Strengthening emergency disaster relief and assistance” delivered by the International Federation Permanent Observer to the UN (New York, January 2005).
- Presentation and discussion at the Workshop on Reducing Food Insecurity Associated with Natural Disasters in Asia and the Pacific delivered by the IDRL Coordinator (Bangkok, January 2005).
- Paper presented to the International Conference on Issues Relating to Disaster Management: Challenges for Governance Reform in Asia delivered by the IDRL Coordinator (Hong Kong, March 2005).

Media / publications:

- Article, “Law in Disaster: Improving international disaster response” (Australian Red Cross, *Action Abroad*, vol 13, No 3, December 2004).
- Web pages, IDRL section on FedNet launched for the Red Cross and Red Crescent Movement.
- Mailing list updates sent to approximately 300 subscribers.
- Over 400 IDRL books and CD Roms have been distributed in response to orders received during conferences and meetings or by the general public.
- IDRL Programme Fact Sheets 2004:
 - Laws in disaster – preparing for international disaster response.
 - The IDRL Programme.
 - IDRL Strategic Plan 2004-2007.
 - IDRL at the 28th International Conference of the Red Cross and Red Crescent.
 - Research and knowledge building: International / regional instruments.
 - Research and knowledge building: Exploring the link between national laws and international disaster response.
 - Clarification, implementation and harmonisation: “Guiding Principles and Practice”.
 - Advocacy and partnerships: Getting the message across.
 - IDRL resources and order form.
- Press release, “Tsunami operation offers reminder of need for disaster reduction measures” (IFRC, 12 January 2005), including follow-up interviews.
- Press release, “As tsunami operation continues, Red Cross Red Crescent hails boost for international disaster response laws” (IFRC, 10 January 2005), including follow-up interviews.
- Opinion piece, “Learning Lessons from the Tsunami” (IFRC Secretary-General, January 2005).
- ISDR Thematic Discussion Paper Cluster 1, “Governance: Institutional and policy frameworks for risk reduction”, World Conference on Disaster Risk Reduction (18-22 January 2005).
- ISDR Thematic Discussion Paper Cluster 5, “Preparedness for effective response”, World Conference on Disaster Risk Reduction (18-22 January 2005).
- B. Jakovljevic, “International disaster relief law”, *Israel Yearbook on Human Rights*, 34 (2004) 251.
- Paper for publication by Hong Kong University following the International Conference on Issues Relating to Disaster Management: Challenges for Governance Reform in Asia on “Strengthening international disaster response laws, rules and principles” by IDRL Coordinator (in progress).

Programme Constraints

The major programme constraints reflect the fact that the Global Appeal was not fully covered. In particular this affected the ability to recruit additional staff to support the IDRL Coordinator, as planned. While some temporary positions were created to meet urgent needs, this has limited some progress towards the Programme objectives.

Additionally, the methodology for the Asia-Pacific study was originally intended for two researchers, however the last minute unavailability of a research partner meant that the study was conducted by the IDRL Coordinator alone, thus reducing the time and resources available for the completion of the study. There was also some delay in identifying suitable local researchers for the legal studies, thus the finalisation of these sub-reports was also delayed. Nevertheless, the final report will be completed on schedule.

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Selected Parameters	
Year/Period	2004/1-2004/12
Appeal	M04AA100
Budget	APPEAL

All figures are in Swiss Francs (CHF)

I. Consolidated Response to Appeal

	Health & Care	Disaster Management	Humanitarian Values	Organisational Development	Coordination & Implementation	TOTAL
Budget (A)		733,690				733,690
Opening Balance (B)		134,557				134,557
Income						
<u>Cash contributions</u>						
<i>Australian Red Cross</i>		161,805				161,805
<i>Austrian Red Cross</i>		20,274				20,274
<i>British Red Cross</i>		5,660				5,660
<i>Norwegian Red Cross</i>		150,173				150,173
<i>Iranian Red Crescent</i>		1,222				1,222
Cash contributions (C1)		339,134				339,134
<u>Inkind Personnel</u>						
<i>Iranian Red Crescent</i>		18,807				18,807
Inkind Personnel (C4)		18,807				18,807
<u>Other Income</u>						
<i>Transfers of Income</i>		-65,923				-65,923
Other Income (C5)		-65,923				-65,923
Total Income (C) = SUM(C1..C5)		292,018				292,018
Total Funding (B + C)		426,575				426,575

II. Balance of Funds

	Health & Care	Disaster Management	Humanitarian Values	Organisational Development	Coordination & Implementation	TOTAL
Opening Balance (B)		134,557				134,557
Income (C)		292,018				292,018
Expenditure (D)		-194,782				-194,782
Closing Balance (B + C + D)		231,793				231,793

Selected Parameters	
Year/Period	2004/1-2004/12
Appeal	M04AA100
Budget	APPEAL

All figures are in Swiss Francs (CHF)

III. Budget Analysis / Breakdown of Expenditure

Account Groups	Budget	Expenditure					TOTAL	Variance
		Health & Care	Disaster Management	Humanitarian Values	Organisational Development	Coordination & Implementation		
A							B	A - B
BUDGET (C)		733,690					733,690	
Personnel Expenditures								
Delegates Payroll	466,000		103,963				103,963	362,037
Staff-on-Loan			33,090				33,090	-33,090
National & National Society Staff			193				193	-193
Consultants	50,000		13,500				13,500	36,500
Total Personnel Expenditures	516,000		150,747				150,747	365,253
Workshops & Training								
Workshops & Training	50,000		1,014				1,014	48,986
Total Workshops & Training	50,000		1,014				1,014	48,986
General Expenditure								
Travel	50,000		17,564				17,564	32,436
Information & Public Relation	60,000		3,517				3,517	56,483
Office Costs	10,000		6,018				6,018	3,982
Communications			3,288				3,288	-3,288
Financial Charges			1				1	-1
Other General Expenses			52				52	-52
Total General Expenditure	120,000		30,440				30,440	89,560
Program Support								
Program Support	47,690		12,581				12,581	35,108
Total Program Support	47,690		12,581				12,581	35,108
TOTAL EXPENDITURE (D)	733,690		194,782				194,782	538,908
VARIANCE (C - D)			538,908				538,908	