International disaster response laws, rules and principles (IDRL)

Appeal no. 06AA0XX

This appeal seeks CHF 2,680,385 to fund programmes and activities to be implemented in 2006 and 2007. These programmes are based upon the broader four-year vision of Federation secretariat’s support to the Federation’s Project Planning Process (PPP) framework.

The International Federation’s mission is to improve the lives of vulnerable people by mobilizing the power of humanity. The Federation is the world’s largest humanitarian organization, and its millions of volunteers are active in over 181 countries. All international assistance to support vulnerable communities seeks to adhere to the Code of Conduct and the Humanitarian C Minimum Standards in Disaster Response, according to the SPHERE Project.

Click here to visit the (insert national society name) Partnerships in Profile and website.
Click here to access the Country/Regional appeal budget summary.
Click here to access the 2006-2007 Country/Regional operational plans and the logical frameworks.

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<th>Global Programme</th>
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<th>2007 Budget in CHF</th>
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Totals

Philippines, Typhoon, November 2004
Photo: Romulo Godinez, Philippines National Red Cross Society

Indonesia, Tsunami operations, January 2005
Delegates from the Spanish Red Cross go through documents on the relief goods they have just unloaded from a cargo airplane at the Medan airport.
Photo: Yoshi Shimizu, IFRC
What is the International Disaster Response Laws, Rules and Principles (IDRL) Programme?

The International Disaster Response Laws, Rules and Principles (hereafter “IDRL”) Programme focuses on the legal issues arising from the international response to different types of non-conflict related disasters, including natural sudden or slow onset disasters, as well as technological, chemical and biological disasters. It seeks to 1) raise awareness of applicable normative standards and promote their effective implementation, 2) identify gaps and weaknesses in current regulatory structures at the national, regional and international levels and 3) promote dialogue on finding solutions.

Why does law matter?

Past and current disaster response operations have demonstrated time and time again that international relief can be significantly delayed or impeded in the absence of specific laws, rules or policies. Where national laws, rules or policies do exist and are effectively implemented, international aid operations flow more quickly, are better coordinated and most importantly, save more lives.

Without an adequate regulatory or “IDRL” framework, one of the following three scenarios, or some combination of them usually occurs. In the first, receiving and donating states continue to apply the laws and policies that are applicable in non-emergency situations and designed to ensure orderly control of the entry of persons, goods and the activities of foreign entities. This approach is particularly common in slow onset disasters like droughts or food crises. Unfortunately, such general laws and policies are not adapted to the urgency or needs of disaster situations. Consequently, they can create fatal blockages to essential relief as well as an accompanying administrative nightmare for humanitarian personnel, draining their vital energy away from the primary task of delivering emergency aid. As a result, international assistance may arrive too late, if at all, to the targeted beneficiary population and expenses for operations rise needlessly.

In a second regime affected countries opt for the regulation of international relief on an “ad hoc” basis, selectively waiving laws of general application. In this case, access and delivery of aid will very much depend upon the legal status and negotiating power of the humanitarian actor. Also, legal arrangements are often left unclear or

“Improving lives, reducing vulnerability & mobilising humanity”

The IDRL Programme is a cross-cutting programme, as it focuses simultaneously on several goals of Federation Strategy 2010 and Federation Global Agenda 2006-2010.

The overall goal of the IDRL Programme is to:
• Save losses of lives caused by disaster,
• Reduce the suffering and vulnerability of disaster victims,
• Reduce losses of assets and negative impact on living conditions and livelihood.

Its activities and results pertain to three major strategic orientations of the Federation:
• Disaster management,
• Humanitarian principles and values,
• Institutional capacity-building & development.

Through its legal activities, it advocates for the need to:
• Mainstream fundamental humanitarian principles and values in international disaster relief operations,
• Mainstream the need for disaster response to be responsive to the objective needs of beneficiaries with a priority focus on the most vulnerable,
• Mainstream the need for disaster response to promote local and community capacities and to promote self-reliance.
negotiated after relief operations have already begun. This second solution is not effective either, since it entails a confused situation in which there exist few, if any, guidelines and standards regulating action. Furthermore, it allows for an excessive amount of discretion in the decision-making process.

In the third scenario, particularly frequent in the immediate wake of fast onset disasters of large scale like the December 2004 tsunami, affected governments (whether voluntarily or due to incapacity frequently occasioned by the disaster itself) adopt an "open door" policy to foreign actors. Whereas this approach reduces bureaucratic impediments to the speedy delivery of humanitarian assistance, it can ironically cause delays of a different kind. The lack of coordinated effort and regulation may lead to bottlenecks at points of entry, particularly by the arrival of inappropriate aid items and untrained or non-professional relief workers, thereby blocking appropriate aid from reaching its goal. In addition, "open door" policies may introduce problems of accountability and quality assurance and contribute to the undermining of local capacities. Finally, once the first weeks of an immediate emergency are over, affected countries often return to applying general laws, rules and principles (scenario 1) or start regulating international response on an ad hoc basis (scenario 2), both of which options lead to additional and cumulative problems discussed above.

In short, under each of these scenarios, the lack of prior arrangements at the national and international levels lead to unnecessary waste of time, energy, money and most importantly, lost opportunities to save lives.

**Legal preparedness**

Therefore, the IDRL Programme emphasises the crucial need for ensuring “legal preparedness” as a component of general national disaster preparedness. This notion includes raising awareness and understanding of the current international regulatory framework, as well as contributing to the development of necessary laws, rules and principles at the international, regional and national levels.

The IDRL programme has compiled relevant instruments (e.g. conventions, bilateral agreements, resolutions, guidelines, national legislation) and is currently including them into a publicly available, searchable database for easy reference by practitioners, lawyers, policy makers and the like (see IDRL Programme expected results, below).

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**Major disaster response operations for which international aid was requested in 2005 & 2004**

- Pakistani earthquake
- Tropical Storm Stan (Central-America)
- Hurricanes Katrina and Rita (USA)
- Hurricanes Emily (Caribbean) and Dennis (Caribbean)
- Sumatra forest fires (Indonesia)
- Bay of Bengal Cyclones and floods (India)
- Food crisis in Burkina Faso, Mali, Mauritania & Niger
- Sahel drought
- Aceh earthquake (Indonesia)
- Asia Pacific December 2004 Tsunami
- Bangladesh floods
- Hurricanes Ivan (Caribbean), Jeanne (Bahamas) and Charley (Cuba)
- Mui Fa typhoon (Philippines)
- Caprivi floods (Namibia)
- Morocco earthquake

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In addition, with a view to clarifying the current disparate IDRL framework, identifying outstanding needs for legal development and making recommendations to the 2007 International Conference of the Red Cross and Red Crescent, the Programme is conducting an extensive thematic study. The study will examine how laws, rules and principles pertaining to international response to disasters can strike a balance between the diverging interests of the different stakeholders involved. While laws, rules and principles should undoubtedly facilitate the delivery of requested international aid, they should equally enshrine the need for international response to be truly complementary to the national leadership and efforts of the receiving State, to meet qualitative standards and to be accountable and well-coordinated.

Today, natural disasters are becoming more frequent and intensive, striking indiscriminately developing and developed countries. Hurricane Katrina showed that even countries that usually provide international aid to others can find the roles reversed. Hence, there is an urgent need for States to consider the likelihood of someday calling for international assistance in case of a major disaster, to evaluate the effectiveness of installed national response mechanisms and to review the adequacy of currently existing legislation and agreements. Today’s reality of competitiveness among international responders and their consequent need for constant visibility renders coordination difficult. In addition, regulation of quality, cultural adequacy and accountability in the interest of the disaster-affected victims and donors is to be improved or even developed.
IDRL TOOLS

- **IDRL CD-Rom**, containing more than 350 searchable documents, ranging from treaties to resolutions, standards, guidelines and academic writing – the first of its kind.

- **IDRL Book** “International disaster response laws, principles and practice: reflections, prospects and challenges”.

- **IDRL E-newsletter** is currently distributed to 400 persons working in the disaster response sector. It informs readers about new IDRL instruments and events, and keeps them up to date with the IDRL Programme’s activities and results. It is connected to the IDRL web-site: [www.ifrc.org/idrl](http://www.ifrc.org/idrl)

- **Weekly IDRL news service**, with links to news articles online that concern IDRL issues. Anyone interested should send an email to: [idrl@ifrc.org](mailto:idrl@ifrc.org)

- **National Society IDRL operational handbook and advocacy guide, training module and thematic study**: to be completed in 2006 and 2007 (see IDRL Programme expected results 2006-2007, below).

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_Haiti, Hurricane Jeanne, September 2004. Some 200,000 people have been affected by flooding in and around Gonaïves._

Photo: Marko Kocic/International Federation
The IDRL Programme’s mandate

In December 2003, the 28th International Conference of the Red Cross and Red Crescent explicitly mandated that the International Federation and the National Societies continue their collaborative efforts and activities in compiling, clarifying, promoting and strengthening the IDRL legal and regulatory framework. The Federation and National Societies were also specifically requested to develop models and tools for practical use in international disaster response activities and to report back to the 29th International Conference of the Red Cross and Red Crescent in 2007.

Since it was initiated in 2001, the IDRL Programme has carried out its activities from the International Federation’s Secretariat in Geneva. Many National Societies have collaborated in conducting case studies on their respective national legal framework relating to international response to disasters.

In July 2005, the IDRL Programme launched an Asia-Pacific project, which is conducted from Bangkok. The latter focuses on the legal issues faced in the international response to the December 2004 tsunami and seeks to encourage and support legislative and policy review on disaster management in the Asia-Pacific region (See IDRL Asia-Pacific Project, below).

Key Objectives of the IDRL Programme

The Federation's IDRL Programme aims to both raise awareness about the existing norms and standards governing international disaster response and to strengthen the international, regional and national frameworks of laws, rules and principles that pertain to the facilitation, coordination and regulation of international response to disasters.

In this context, it seeks to:
- Facilitate access to existing legal and policy instruments for humanitarian response actors, disaster managers and policy-makers;
- Promote the implementation of existing IDRL instruments;
- Clarify the currently disparate and incomplete framework of IDRL instruments and make their content tangible for humanitarian response actors;
- Assist Red Cross/Red Crescent National Societies in providing advice to their governments with regard to strengthening the disaster management legal and policy framework in their country;
- Identify problems which remain unaddressed in existing IDRL instruments and facilitate a dialogue about finding solutions.

Report of the United Nations Secretary-General to 2004 ECOSOC

“This initiative will facilitate the harmonization of the frameworks that will help develop models, tools and guidelines for the practical applications of laws, rules and principles during international and national disaster operations. It should also enhance coordination and expedite a prompt response to natural disasters.”

Paragraph 53, A/59/93 - E/2004/74

OPERATIONAL PARTNERS OF THE IDRL PROGRAMME

- Red Cross/Red Crescent National Societies
- UN and International Organisations
  The IDRL Programme is engaging in a partnership with OCHA and equally working with UNJLC, WFP, WCO and UNDP.
- NGOs
  The Steering Committee for Humanitarian Relief, an umbrella organization of NGOs, is a consultative partner of the IDRL Programme.
- Academic institutions
- Corporate sector
IDRL Programme beneficiaries

The IDRL Programme’s overall goal is to enable requested international aid to be delivered as efficiently and effectively as possible with a view to alleviating the suffering of disaster-affected populations. As such, its primary beneficiaries are the victims of non-conflict disasters.

The IDRL Programme also seeks to develop practical and operational tools for Red Cross/Red Crescent National Societies and to strengthen their role in the national disaster management policy arena.

At the same time, the IDRL Programme seeks to assist disaster-prone and disaster-affected States to be adequately prepared to facilitate, coordinate and regulate international aid. It equally aims to guarantee that international aid, when delivered, is of the highest quality and respects national and local response mechanisms and leadership.

In addition, the strengthening of IDRL frameworks at the national, regional and international levels will also benefit other international humanitarian actors such as NGOs, donor States or the corporate sector, since it will favour the provision of assistance in a cost-effective and efficient manner. The IDRL Programme’s activities and legal or operational developed tools may be useful to their disaster managers and lawyers in particular.

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"It is the Federation’s position that international emergency assistance can become better organized and more expeditiously delivered, through the establishment of International Disaster Response Laws, Rules and Principles."

"However, the existing international normative framework has, until recently, remained unnamed and unexplored and it is therefore not surprising that many of those most closely concerned are unaware of its full extent. Moreover, the existing framework remains thin with substantial gaps, both in the level of ratifications of key instruments and the scope of the instruments.

The Federation, through its IDRL Programme, is currently organising a network of interested individuals, agencies and governments to discuss and debate solutions to the problems remaining in the area of IDRL and hopes that many of you will be interested to join in."

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San Remo Conference on the Application of International Humanitarian Law, Human Rights and Refugee Law, 8-10 September 2005

Sudan, Darfour operation, May 2005
Ten distribution trucks donated by the Norwegian Red Cross ready to be loaded onto the airplane at Vaeneres Airport in Norway.

Photo: Rosemarie North/International Federation
IDRL Programme expected results 2006-2007

- Public web-based DATABASE (2006)

Often, humanitarian aid actors lack crucial information prior to carrying out their international response operation. For example, an NGO involved in providing food aid might not be aware of national health, security or other requirements involved in importing such goods. On the other hand, some national officers might not be aware of international or regional instruments ratified by their country which would enable this NGO to benefit from accelerated immigration or simplified health verification procedures of certain food items.

The IDRL Programme is creating a web-based public database as a follow-up to its 2003 CD-Rom. For this purpose it is now systematically collecting international, regional as well as national relevant instruments, such as national disaster management legislation or disaster management policies. Findings of the IDRL case studies (see below) will also be integrated into the data-base, in order to facilitate the users’ access to the current best practices in terms of IDRL implementation.

The database will allow for searches by country, type of disaster, type of document and thematic IDRL item (see box). As a result, the user will have access to the relevant legal text concerning the specific information looked for.

Database Disaster response topics (extracts)

- Initiation of International Disaster Response
  - Needs assessment
  - Request for assistance
  - Offers of Assistance

- Logistics
  - Transport
  - Personnel (visa, vaccination, work permit, …)
  - Relief goods & equipment (state of origin, state of transit, affected state, …)
  - Communication (telecommunications, radio, satellite use, …)
  - Buildings, facilities & land (leasing, purchase, use of government facilities, …)
  - Finance (monetary aid, costs, bank accounts, exchange rate, …)

- Quality of assistance
  - Complementarity of international response
  - Adequacy of relief goods
  - Use of assistance for designated purpose
  - Cultural appropriateness
  - Durability of reduction of vulnerability
  - Effect on local markets and capacities

- Accountability
  - International responders
  - Receiving state
  - Donors
  - Transparency/ Anti-corruption

- Response Coordination
  - Information exchange
  - Coordination mechanisms in affected State


Photo: ITU
IDRL COMPREHENSIVE THEMATIC STUDY (starting 2005, 2006)

So far the IDRL Programme's compilation activities, research and case studies have pointed to the existence of a dispersed international regulatory framework, the very existence of which is often ignored in disaster situations. As such, many legal issues that arise in the field during international response operations remain unresolved.

For this reason, the IDRL Programme is preparing a comprehensive thematic study, which will help to identify and clarify how existing laws, rules and principles at the international level relate to disaster response. The study will highlight general principles, existing laws and state practice, the best practices of IDRL implementation at the national level and the remaining gaps and lacunae which will be addressed by follow-up action.

It will draw upon the database, case studies and the findings of regional meetings (see below).

IDRL case studies

Between 2001 and September 2005, the IDRL Programme, with the assistance of Red Cross/Red Crescent National Societies, has conducted 11 case studies covering 37 countries. The Asia-Pacific IDRL Project is currently preparing 3 new case studies on the international responses in tsunami-affected countries. In addition, new case studies will be conducted in Africa, Europe and the Americas.

The case studies aim to deepen the current understanding of IDRL issues at the national level. In this context, they seek to identify:
- The degree of implementation of applicable IDRL in international disaster response operations,
- IDRL best practices in national laws and policies,
- Valuable lessons learned from the field in addressing specific IDRL-related problems,
- Remaining gaps or issues which have not yet been covered by efficient IDRL instruments.

Indonesia, Tsunami operation, January 2005
A Danish Red Cross logisitician in talks with customs officials at Medan airport in the Aceh province of Indonesia.

Photo: Yoshi Shimizu/International Federation
REGIONAL MEETINGS (2006/2007)

Regional meetings, convening representatives from governments, Red Cross/Red Crescent National Societies, International Organisations, NGOs and academia, will be held respectively in Asia, the Americas, Africa and Europe over the course of 2006 and 2007.

The goals of the regional meetings will be to:

- Raise awareness of existing IDRL instruments among government officials, humanitarian actors, academics and other stakeholders,
- Explore and identify gaps in the current international, regional and national legal frameworks for disaster response in the region,
- Stimulate ongoing dialogue between the various actors to find ways to cooperate in implementing existing laws, rules and principles and to address any gaps in coverage.

As regional milestones in a consultative consensus-building process, the meetings will help to identify issues and recommendations to be brought to the 29th International Conference of the Red Cross and Red Crescent in 2007.

NATIONAL SOCIETY IDRL OPERATIONAL HANDBOOK & ADVOCACY GUIDE (2007)

An operational handbook will be developed in order to make IDRL legal information more practical and tangible for disaster response personnel. In addition to drawing the attention to the different legal and administrative problems that international relief providers might encounter on the field, the handbook will provide concrete solutions drawing upon best practices and the lessons learned from the case studies.

A second part of the handbook will assist National Societies that wish to provide advice to their governments on legislation and policy in disaster management. It will draw upon best practices in national legislation and policy as identified in the IDRL database and the comprehensive thematic study.

The handbook will constitute the basis for an IDRL training module which will be incorporated into standardised Federation disaster management training materials. Both the handbook and advocacy guide will draw from technical workshops with Red Cross/Red Crescent National Societies.

Although targeting Red Cross/Red Crescent National Societies, the handbook might equally be useful to any government or humanitarian agency interested in policy enhancement or legislative change and improvement.

Niger, Sahel food crisis, August 2005
Food distribution by the International Federation. Mothers queuing up with their children outside the health centre in Bagaroua, Western Niger.

Photo: Olav Saltbones/Norwegian Red Cross
IDRL Asia-Pacific Project

In 2006-2007, the Asia-Pacific Project will:

- Study legal issues arising from tsunami operations and identify lessons to be applied to future operations.
- Research and continue legal mapping of regional and national IDRL in the Asia-Pacific region, collecting case studies and best practices.
- Explore options for improving “legal preparedness” in the Asia-Pacific region, such as the adoption of pre-disaster agreements between National Societies and governments.
- Support National Societies in providing input into national disaster management legislation.
- Provide training and information on legal aspects of disaster response for National Societies and other organisations.
- Develop partnerships with other organisations, such as the UN, regional disaster management organisations, governmental bodies and universities.

IDRL and the Asian tsunami response

The devastating impact of the Asian tsunami, felt across 11 countries, gave rise to an unprecedented scale of international assistance, testing national and international contingency planning and response systems alike. With large quantities of foreign cash, goods and personnel flowing into affected countries, how did legal systems cope? Were they a hindrance or did they successfully facilitate the relief efforts? Did organisations respect and implement appropriate checks and balances, or did aid flow in without any assurances of quality, ethics and accountability?

Already it is clear that domestic legal systems were placed under strain by the scale of the relief efforts. In many countries, standard procedures for visas, registration of foreign organisations, customs and transport were hurriedly amended, temporarily waived or bypassed altogether. There were times when urgently needed relief goods, medications or equipment were held up in administrative bottlenecks, sometimes for months on end, before being released for use. Blockages were also caused by the arrival of large quantities of inappropriate or unsuitable goods, sent spontaneously by well-wishers, but without regard to local laws, culture and the actual needs of the beneficiaries, not to mention available storage and distribution capacities.

Humanitarian organisations also found themselves under pressure to “do something”, both from donors and the public at large, putting in jeopardy essential processes for coordination, accountability and long term planning in favour of showing immediate results and achieving maximum visibility. International relief efforts sometimes undermined or “crowded out” existing national and community-based response structures, rather than strengthening and supporting them.

Conversely, there were many examples of goodwill from governments to minimise bureaucracy and delays, and also from organisations seeking to uphold humanitarian principles and ensure transparency of financial and operational activities. The experience has also prompted some governments to review existing disaster management legislation to further strengthen national structures and ensure greater “legal preparedness” for future disaster operations.

These issues and more will be explored in further detail as part of the IDRL Asia-Pacific Programme research in 2006 and 2007.
Recommendations for the 2007 International Conference of the Red Cross and Red Crescent

A lot of different ideas have been put forward in regards to the clarification and eventual development of the regulatory framework of international response to natural, technological and other non-armed conflict disasters. These proposals include guiding principles, the development of standard bilateral and multilateral agreements and even the eventual elaboration of further regulation on certain IDRL topics.

The IDRL Programme, through its thematic study, looks to bring recommendations to the International Conference of the Red Cross and Red Crescent on which, if any, of the above-mentioned instruments would add value in this field.

Donor visibility and reporting

The Federation’s IDRL Programme acknowledges financial contributions and ensures donor visibility in its publications and on its website.

Donors are continuously informed about the Programme’s plans, activities and progress, through a bi-annual online donor update as well as the annual Global Appeal report.

IDRL Programme budget 2006-2007

Please see attached budget sheet.

For more information:

For more information on this Appeal, please contact:
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e-mail: katrien.beeckman@ifrc.org

IDRL donors 2001-2005

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Indonesia, tsunami operation, January 2005
Devastated area in Aceh province
Photo: Yoshi Simizu/International Federation

Tsunami operation, Indonesia, January 2005.
The devastated town of Meulaboh, Aceh, where the International Federation is coordinating Red Cross/Red Crescent post-tsunami humanitarian assistance.

Photo: Ian Woolverton/International Federation