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*Introduction to Disaster Law  
Philippine Red Cross (PRC) Orientation  
Session*

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**28 April 2016**

## *Overview of the presentation*



- What is disaster law?
  - *Background and mandate*
- International and regional commitments
- Key disaster law themes
  - *IDRL and DRR*
- Progress in the Philippines and highlights from the region
- Cross-cutting connections
- Moving forward

## *What is disaster law?*



- The **laws and regulations** which:
- ✓ address the **roles** and **responsibilities** to **manage** and **respond** to disasters
  - ✓ **minimise impact** of disasters
  - ✓ **reduce disaster risks**

# ***Common domestic disaster law issues***



## ***Disaster Law and the Red Cross Red Crescent Movement – our mandate***



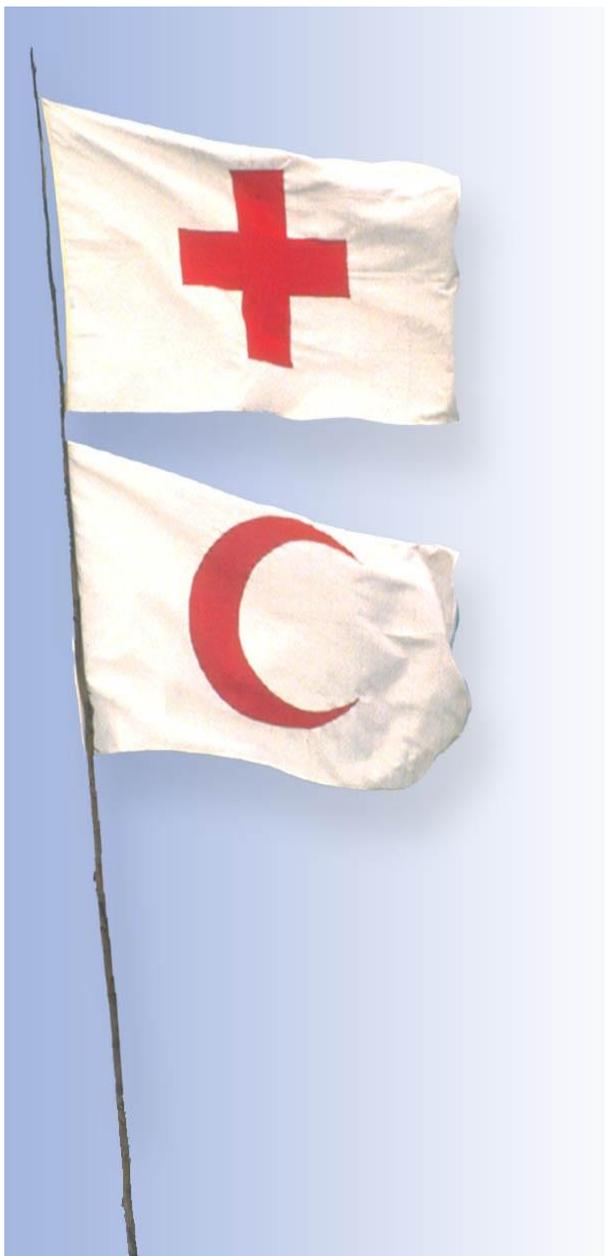
- An international conference convenes every 4 years
- Gathers the state parties to the Geneva Conventions (including Philippines) and all components of the RC/RC Movement
- Addresses key issues of general humanitarian concern
- Several resolutions have been passed calling on governments and the RCRC movement to research and strengthen disaster law

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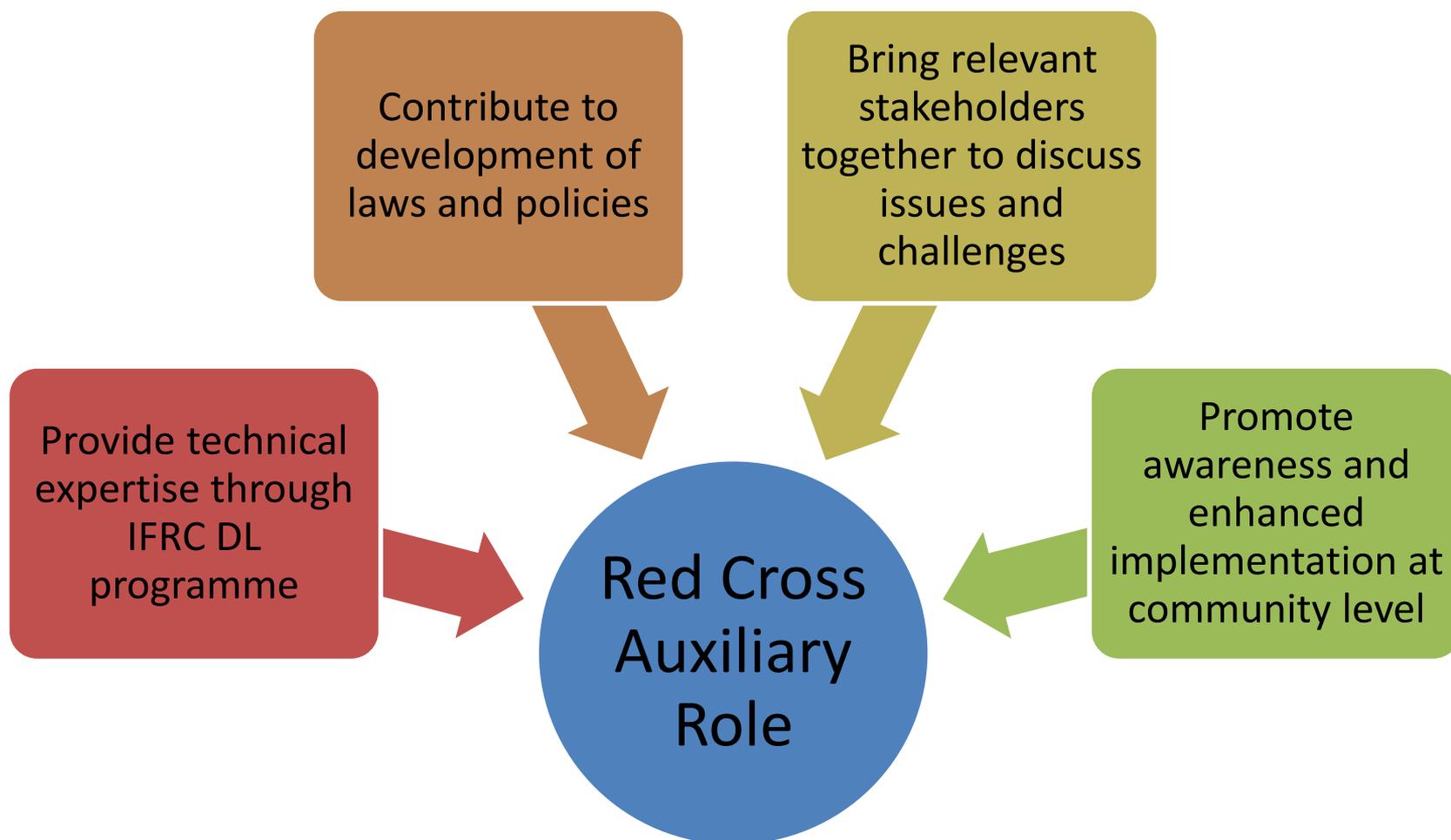
## ***Red Cross and Disaster Law***

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- **2003:** Request to IFRC to study IDRL
- **2007:** Adoption of **IDRL Guidelines**
- **2011:** Reiterates “urgency” of IDRL; request to IFRC and NSs to support states on a broader range of disaster law issues ( **DRR Law** )
- **2015:** Accelerating progress on IDRL; DRR and law checklist; first aid.



## ***The role of the RCRC in disaster law: keeping communities at the centre***



# *Disaster Law: International and Regional Commitments*



*Our world. Your move.*  
For humanity



International Conference of the Red Cross and Red Crescent



## ***Disaster Law Progress in the Asia Pacific***

- 
- **95% of states have some kind of DM law (DM, civil protection, environmental protection etc)**
  - **25% have provisions in place for international assistance**
  - **Risk reduction slowly making its way into DM laws**



**Theme 1: International Disaster Response Law (IDRL): the laws and regulations to handle incoming international assistance**

## ***True or False?***

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- Disasters = chaos, confusion, there are no rules, law doesn't apply.
- Answer: False

## ***True or False?***

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- International humanitarian workers should abide by all national laws when working in disaster affected countries.
  
- Answer: True

## ***True or False?***

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- IDRL is international humanitarian law
  
- Answer: False

## ***True or False?***

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- International relief teams need the permission of the affected state to provide humanitarian assistance.
  
- Answer: True

## ***True or False?***

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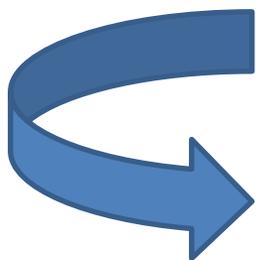
- After requesting international assistance, the affected state must allow foreign governments to bring in any type of aid.
  
- Answer: False

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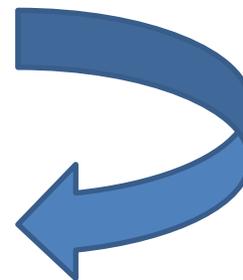
## ***Why is legal preparedness for international disaster response important?***

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More frequent  
and larger natural  
disasters



More and different  
international  
responders



**Absence of laws and procedures to regulate  
the increasingly complex context**

## ***Research shows that a lack of legal preparedness hampers international relief***



- **Barriers**
  - Initiation/requests for assistance, visas, customs, taxes, use of specialized telecommunications equipment, recognition of foreign professional qualifications, registration etc.
  
- **Oversight gaps**
  - Inappropriate items, ignoring standards, poor coordination
  
- **Bottom line**
  - Aid is slower, more expensive, less effective, sometimes counter-productive

# A few anecdotes...



19 MAR 2016 - 7:53PM

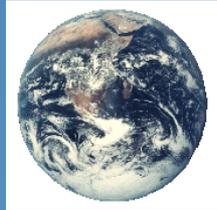
## Vanuatu slams lack of aid co-ordination



IMAGE | VIDEO | AUDIO

The Vanuatu government says aid agencies with their own agendas have hampered the delivery of aid to those affected by the cyclone.





**Global & Regional  
Institutions**



**RC /RC  
(Soft) Law**

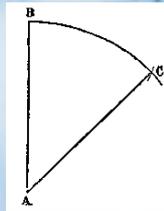


**Soft  
Law**

**3**

**IHL, HRL and  
Refugee Law**

# No Comprehensive Legal Regime



**Sectoral  
Law**



**Regional  
Law**



**Bilateral  
Agreements**

## ***IFRC tools: IDRL Guidelines & Model Act***



**Introduction to the Guidelines**  
for the domestic facilitation and regulation of international  
disaster relief and initial recovery assistance

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 International Federation  
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**Model Act**  
for the Facilitation and  
Regulation of International  
Disaster Relief and Initial  
Recovery Assistance

First Version  
November 2011

 International Federation  
of Red Cross and Red Crescent Societies  
 OCHA  
United Nations Office  
for the Coordination of  
Humanitarian Affairs

- Draw upon existing international norms and best practice
- Recommendations to governments on how to prepare domestic laws and procedures for international assistance
- Requests for ‘legislative language’ to implement the Guidelines = Model Act
- Translated into different languages

## ***Core Ideas of the IDRL Guidelines***



Domestic Actors have the primary role



International Actors have responsibilities

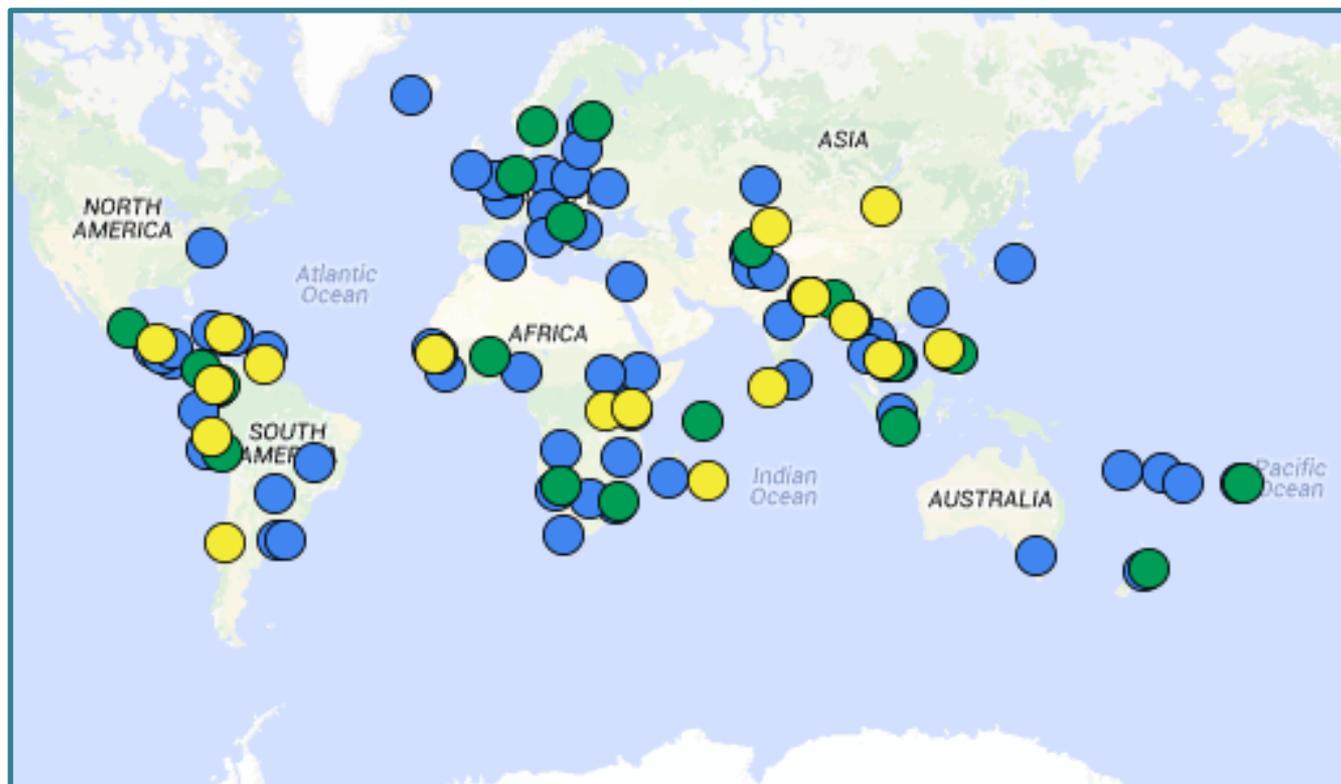


International Actors need legal facilities



Some facilities are conditional

## ***Progress to date: implementing the IDRL Guidelines at the national level worldwide***



### Key:

Blue: disaster  
law projects  
(50+)

Green: new  
laws/regulations  
adopted (19+)

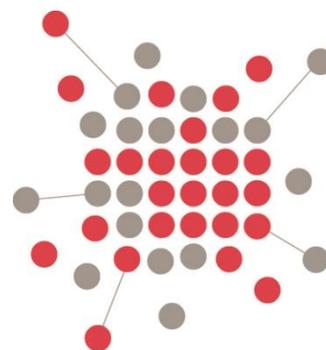
Yellow: new  
laws/regulations  
pending (17+)

## *Remaining gaps at country level*



- The **vast majority** of countries still lack clear and comprehensive procedures
- Very hard to move from ‘interest’ to **adoption AND implementation**
- Tendency to **postpone details** to later instruments

## *International commitments*



## Power of humanity

32<sup>nd</sup> International Conference of  
the Red Cross and Red Crescent  
8-10 December 2015, Geneva



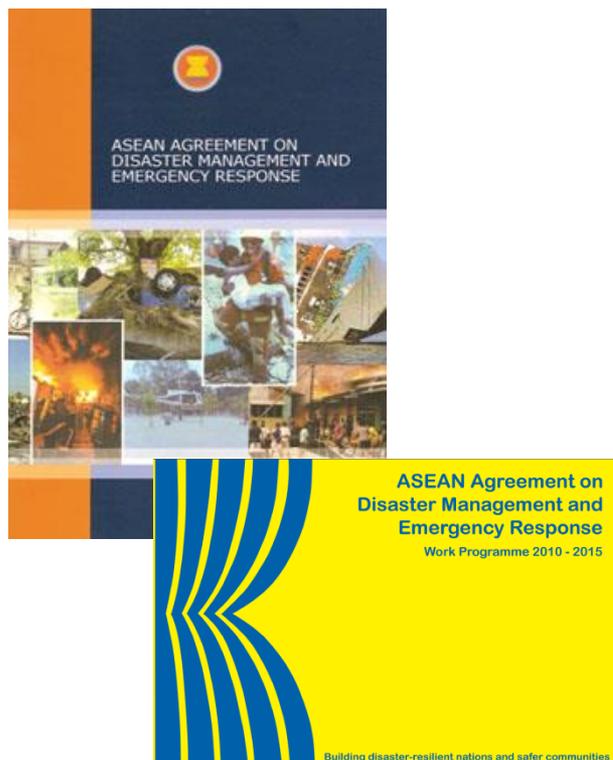
### **Sendai Framework:**

- ✓ Global best practice
- ✓ Calls upon states to use the IDRL Guidelines

### **Resolution 6:**

- ✓ reiterates the importance of legal preparedness
- ✓ Recognizes progress but not enough
- ✓ States need to take more action

## *Regional Commitments*



- **AADMER Agreement:** a binding agreement that provides a regional cooperation mechanism for disaster response
- Governments in SEA must take legislative measures to implement the AADMER e.g.:
  - *To provide assisting states with exemptions from taxation, duties and other charges of a similar nature, and facilitate entry and stay of personnel and equipment (art 14)*
- New AADMER work programme has many references to strengthening and implementing laws for more effective response, and links with the 8 new priority areas

## ***IDRL in action! The experience of the Philippines***



- Republic Act 10121 on National Disaster Risk Reduction and Management (section 16 and 18) and IRR (rule 14) refers to international assistance and IDRL
- ‘Welcomed’ international support soon after Typhoon Haiyan / Yolanda
- Established a “One-Stop-Shop” to expedite clearance of relief goods and equipment through customs;  
Established new immigration procedures and a Task Force
- RA10121 However, not detailed enough: many different orders and guidelines = ad hoc response
- **The Philippines has since been reviewing its disaster management law: this is an opportunity to improve the law and ensure effective response**

# *Recent Experiences from Myanmar and Nepal*





**CHALLENGES  
AHEAD**

- Law development is a long-term process: changes do not happen overnight
- **Dissemination**
- **Implementation**

## *Points to remember: Why is IDRL important?*



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## ***Questions to consider...***

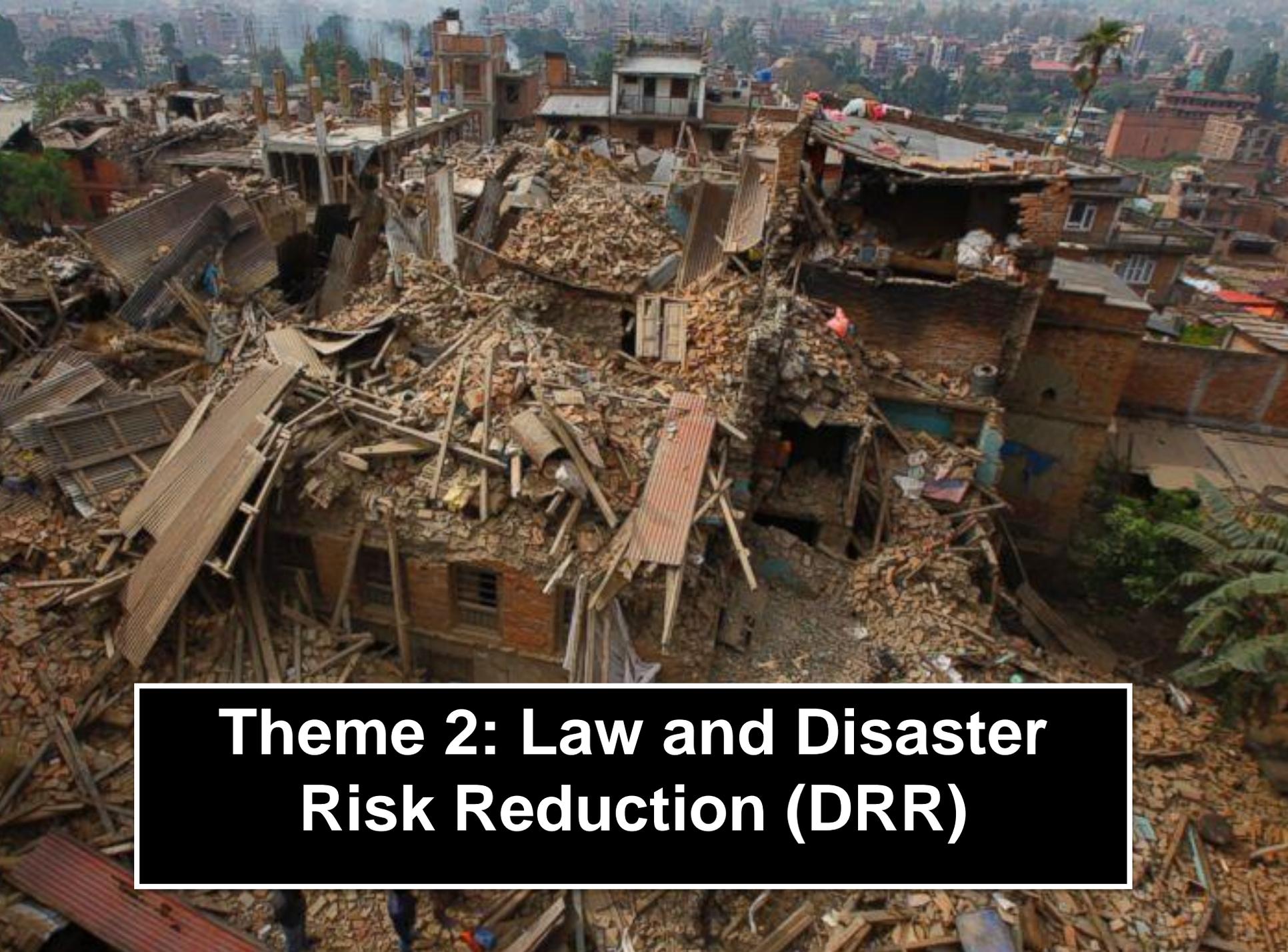
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Which IDRL issues have you come across in your experience?

Which challenges might be most relevant in your country context?

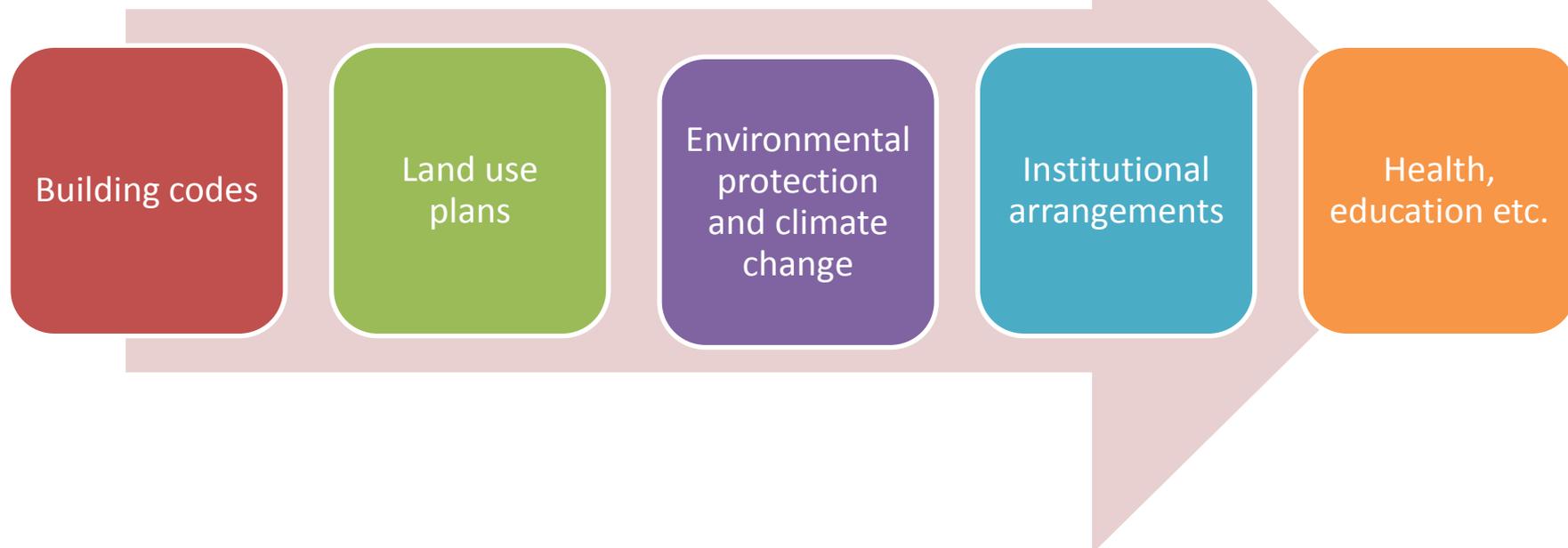
Do you know of any laws/procedures in place to address these issues?



## **Theme 2: Law and Disaster Risk Reduction (DRR)**

## ***Strengthening DRM: more than just response***

- Strengthening risk reduction goes beyond having a national disaster management law or focusing on response – this has been recognized in the Philippines
- It requires a multi-sectoral, broader DRM approach
- Includes many areas such as:



## ***Law as a foundation ; creating an ‘enabling environment’***

- DRR is not just a government responsibility but a ‘whole of society’ approach
- Everyone has a role to play in reducing risks and preventing new ones
- Law can be a framework for empowerment by mandating roles, resp, resources.



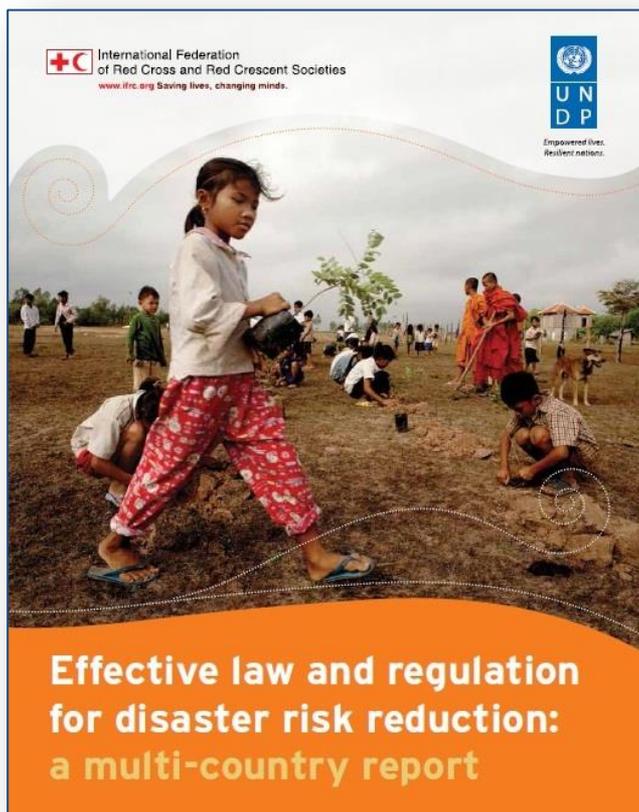


# Global Commitments: Sendai framework for DRR

## Priority 2: **Strengthening disaster risk governance to manage disaster risk :**

- Review and strengthen legal frameworks to enhance transparency
- Enhance levels of compliance with existing safety-enhancing provisions of sectoral laws and regulations (building codes, urban planning)
- Assign clear roles to community representatives within legislation

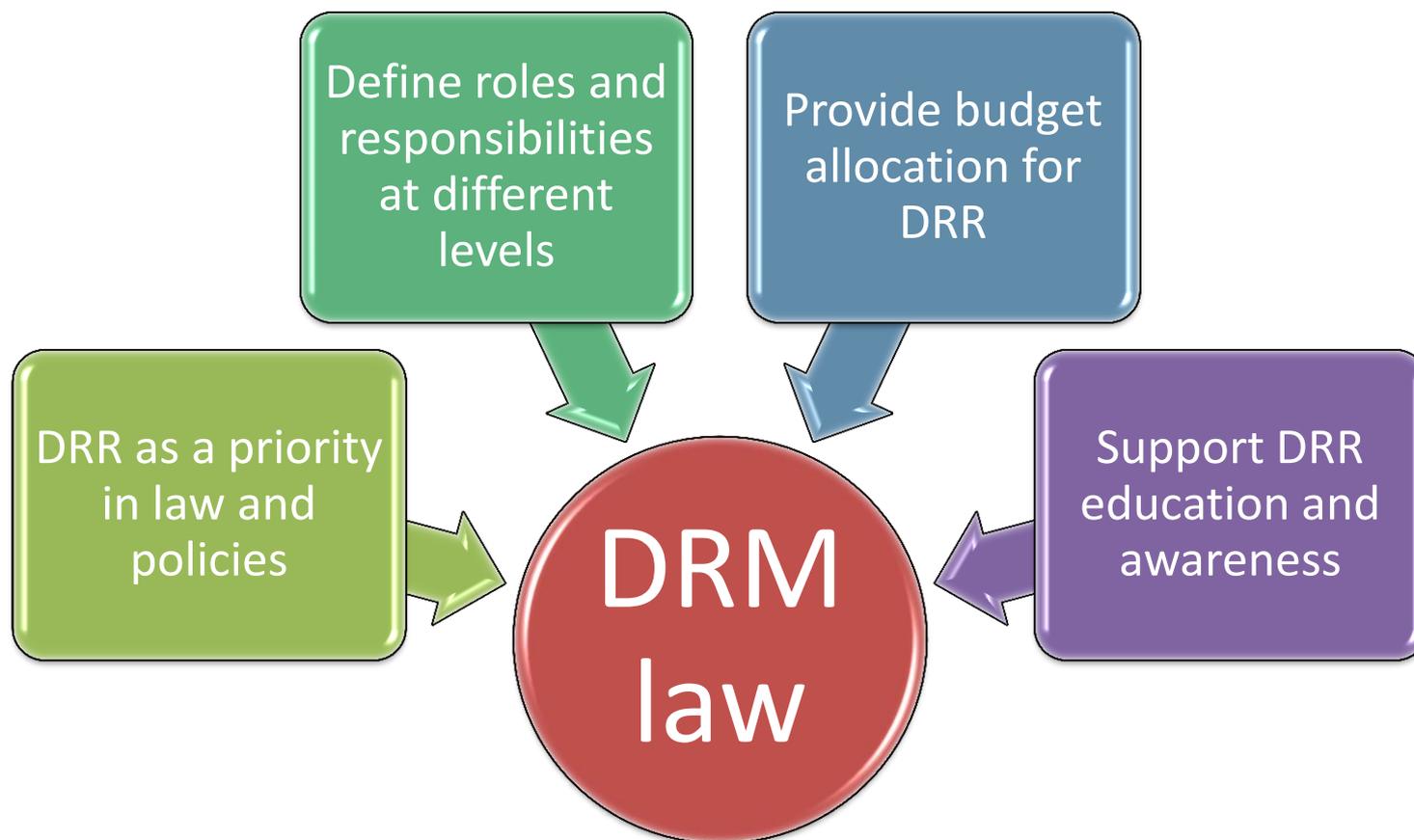
## ***Global research: Multi-country study on law and DRR***



### **IFRC and UNDP launched a global study in 2014 looking at 31 countries:**

- Examples of good practice legal provisions
- What helps or hinders implementation
- Recommendations for reviewing or drafting laws
- **Aim to support legislators, public administrators and development practitioners to prepare and implement legal frameworks for DRR**

## ***Findings: Role of Disaster Risk Management laws***



## ***Global tools: The Checklist on Law and DRR***



- A succinct and easy to use tool to support the strengthening of legal frameworks for DRR by:
  - Drawing on key findings of the multi-country study
  - Provides guidance to review and revise laws and regulations for DRR
  - Designed to be used by lawmakers, relevant govt. ministries/departments, RCRC Societies, other DRR practitioners
  - Handbook also available with more details and background for each of the checklist questions

## ***The checklist questions...***

-  Do you have a dedicated law for disaster risk management that prioritises risk reduction and is tailored to your country context?
-  Do your laws establish clear roles and responsibilities related to risk reduction for all relevant institutions from national to local level?
-  Do your key sectoral laws incorporate provisions to increase safety and reduce vulnerability?
-  Do your laws ensure that sufficient resources are budgeted for disaster risk reduction?
-  Do your laws establish clear procedures and responsibilities for risk assessments and ensure risk information is considered in development processes?

## ***The checklist questions (continued)...***

-  **6** Do your laws establish clear procedures and responsibilities for early warning?
-  **7** Do your laws require education, training and awareness-raising to promote a whole-of-society approach to disaster risk reduction?
-  **8** Do your laws ensure the engagement of civil society, the private sector, scientific institutions and communities in risk reduction decisions and activities?
-  **9** Do your laws adequately address gender considerations and the special needs of particularly vulnerable categories of persons?
-  **10** Do your laws include adequate mechanisms to ensure that responsibilities are fulfilled and rights are protected?

## ***Why law and DRR? Experience highlights the importance of legal frameworks for DRR***



### **Vietnam:**

- Seen the benefits of having strong laws / regulations for DRR in terms of saving lives.
- Legislation on early warning, the establishment of dykes, drains (prevent flooding) and safe shelters and community awareness activities = a substantial reduction in lives lost from flooding and storms.
- The flood level in the Mekong Delta in 2011 was similar to 2000 BUT the number of deaths from floods dropped from 600 down to 60.

## *Links with climate change*

- Climate change adaptation measures are increasingly recognised as overlapping with many DRR measures, and vice versa.
- Research has demonstrated, however, that institutions and legislation for climate change are often very separate to those assigned for disaster risk reduction and management.
- To promote a collaborative approach for effective disaster risk reduction AND climate change adaptation, it's a good idea to check whether your DM law specifies mechanisms for better coordination and integration (e.g. through institutional mandates or activities).

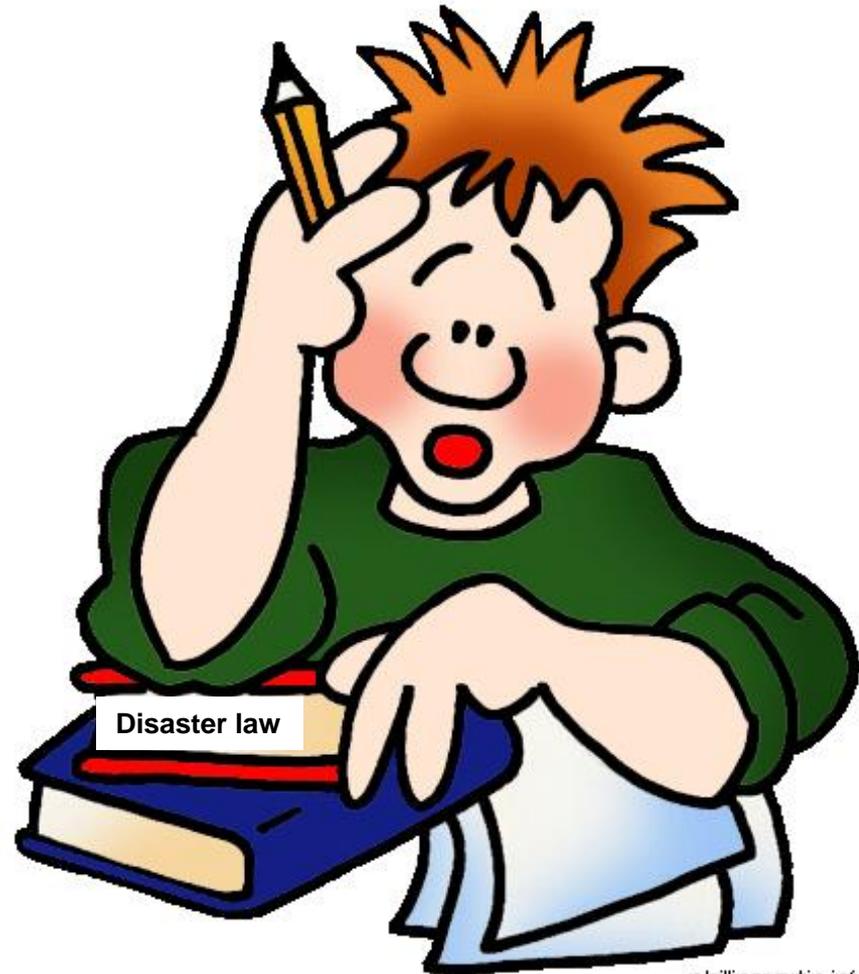


## ***True or False?***

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- If you have a good disaster management law, your legal framework for DRR is complete
  
- Answer: False

# DRR LAW POP QUIZ!!!



## ***Question one***

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- Which of the following are ways to reduce the risk of disasters?
  
- A) Reduce exposure to hazards
- B) Decrease vulnerability of people and property
- C) Proper management of land and the environment
- D) Improve preparedness for adverse events

**ANSWER: All of them**

## ***Question two***

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- What is the Sendai Framework for Disaster Risk Reduction?
- A) a binding international treaty on disaster risk reduction
- B) a global framework for how to reduce disaster losses and risks
- C) Japan's law on disaster risk reduction

**ANSWER: a global framework for how to reduce disaster losses and risks**

## ***Question three***

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- If you wanted to check whether your national laws address disaster risk reduction, which laws would you check from the list below?

Laws on:

- Disaster risk management
- Building codes
- Land use planning
- Human rights
- Environment
- Education

- **ANSWER: All of them**

## ***Question four***

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- Which points below are key factors to consider when reviewing legislation for disaster risk reduction?
  - A) Whether it ensures that community members can participate or contribute to decision making for DRR
  - B) Whether it takes into account the different needs of groups who are most vulnerable to disasters
  - C) Whether it clearly assigns roles and responsibilities from national to local level, and to all relevant institutions across different sectors
  - D) Whether outlines the exact procedure for funding a response to a disaster

**ANSWER: All of them**

# *Progress in the Philippines and highlights from Southeast Asia*

## PHILIPPINES

2011/ 2012  
workshops

2013  
research,  
deployment,  
IDRL bill

2014- 2016  
review of  
RA10121

Development  
of PIHAC

PRC DL  
initiative

## SOUTH EAST ASIA

Vietnam law, advocacy,  
exchange,  
disseminations

Laos: Disaster and  
climate change,  
advocacy

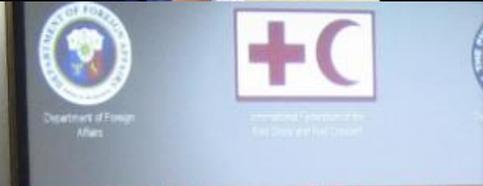
Myanmar law, rules,  
operations, advocacy /  
profiling

Cambodia law ,  
advocacy and  
disseminations

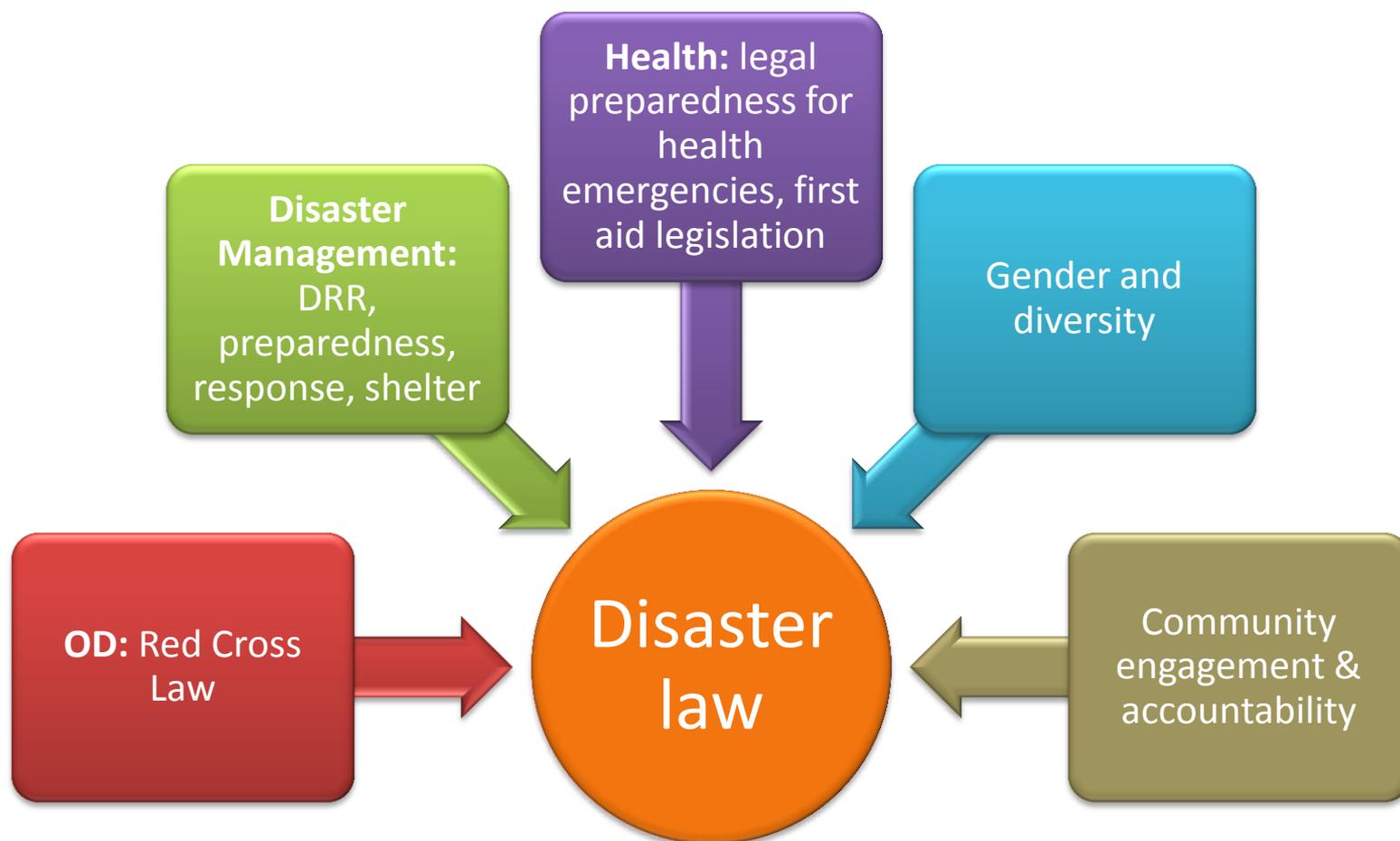
Indonesia:  
comprehensive  
framework; IDRL and  
DRR, projects,  
advocacy, simulations.



# South East Asia: Leaders in Disaster Law!



## ***Disaster law is a cross-cutting area of work***



## ***Disaster law and Red Cross law***

<b>National disaster Law</b>	<b>National Red Cross law</b>
Law governing disaster (risk) management for the whole country (not just RC)	Provides 'legal basis' for National Red Cross Society
Sets up govt. roles, responsibilities, institutions, funding mechanisms for DM, DRR etc.	Establishes the roles, responsibilities and 'mandate' for a National Society in their given country
Can outline role of local / domestic and civil society actors	Can include recognition or protection of RC emblem (or sometimes this is in a separate 'emblem law')
Can outline international cooperation and coordination (IDRL)	Can include allocation of govt. funding for NS
Can ensure adequate funding for DRM at all levels, and put in place accountability mechanisms (e.g. reviews, penalties etc.).	Can outline role of RC in DM/DRR activities – this is where there can be a connection with disaster law work

## *Law and first aid*

- New theme: providing supportive legal frameworks for **saving lives through first aid** (together with Global First Aid Reference Centre)
- Research on mandatory training requirements for first aid training, official standards for the quality of training programmes and protection from liability for people (particularly volunteers) who have first aid training.
- Law can: making first-aid education accessible to all and not just for those who can afford it.
- Compulsory first-aid training at different stages (school, workplace, driving licence)
- Mandate time limits for first aid certificates to establish refresher courses that should be taken every five years.
- Regulation against holding first-aid providers responsible for poor outcomes.



### Law and first aid

Promoting and protecting life-saving action

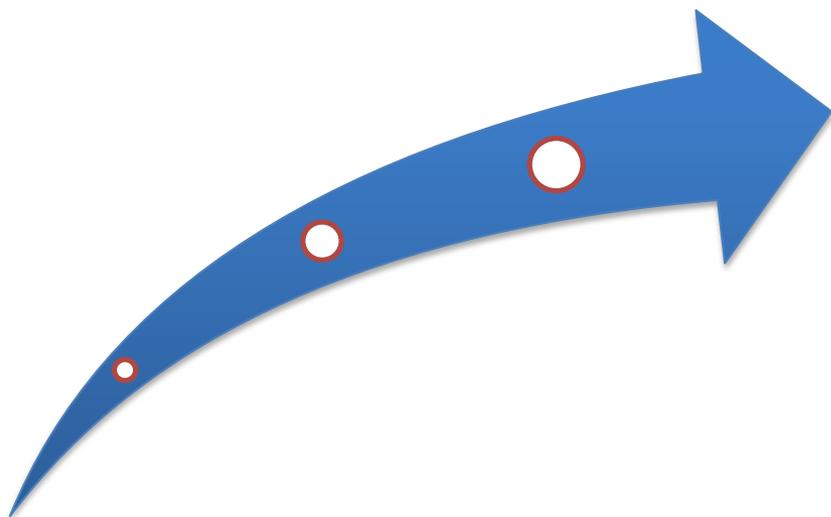


## *Links with gender & diversity*

- **In DRR:** Analysing the distinct roles and needs of men, women, boys and girls, addressing gaps through law and policy
- Equitable access to learning, skill-building (e.g. swimming) EW information etc.
- Ensuring protection for everyone in society is a key concern for disaster law makers and requires some gender analysis.
- **In Response:** Distribution of relief e.g. making sure it reaches female-headed households
- Consideration of needs e.g. dignity kits, maternal health kits, etc.
- Avoid tokenism – laws can clearly mandate an active role for women

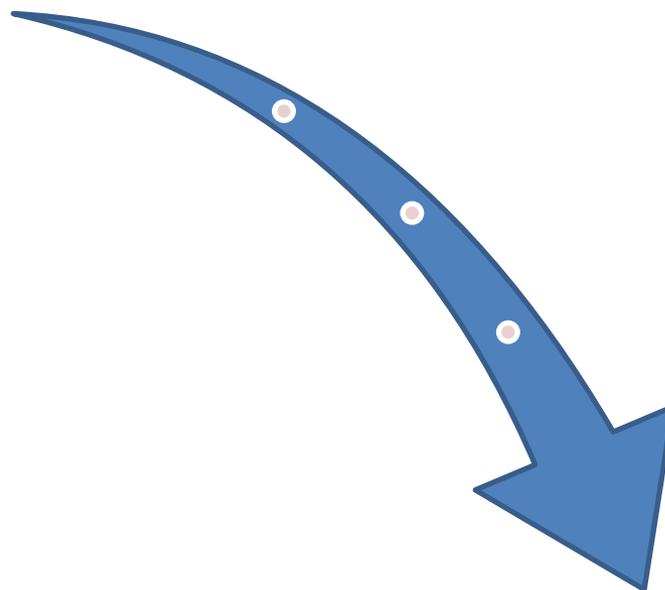


## ***Community engagement in and disaster law: It works two ways...***



**BOTTOM UP:** Collect and represent community views in decision-making processes that will affect them: they feel the impact of disasters the most, and know how to prepare and respond

**TOP DOWN:** ensure communities know their roles, rights, responsibilities and the accountability mechanisms available.



## *Some examples of good practice in SEA*



### Vietnam

Right for communities to access information and participate in development of local plans



### Myanmar

Calls for active participation of communities in preparedness; promotes public awareness and community engagement in DRR



### Philippines

Includes involvement and participation of stakeholders and institutions with specific roles and responsibilities

**Participation of civil society and communities under DM laws**

## ***Links with shelter , housing land and property (HLP)***

- Regulatory barriers to the provision of rapid, equitable shelter / Housing, land and property rights
- Hazard mapping and land use planning
- Acquisition / designation of land for emergencies (e.g. open spaces in Nepal)
- After Haiyan: advocacy and technical advice on issues around no build zones, relocation, construction and quality of temporary shelter (bunkhouses) etc.
- There is a role for law and policy to improve many of these processes





## ***Moving forward in the Philippines***

Consolidating  
and building  
upon work  
already done

Focus on  
knowledge and  
capacity  
building for PRC  
: institutionalize

Positioning of  
PRC as partner  
of choice  
through various  
processes

Cannot do it  
alone: link with  
other partners  
and initiatives

Short-term and  
long – term  
approach

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***Thank you for listening!***

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**For more info:**

**Public website and IDRL  
online module (instructions  
online)**

[www.ifrc.org/dl](http://www.ifrc.org/dl)

**Online library:**

<https://sites.google.com/site/drrtoolsinsoutheastasia/>

**Email:**

[lucia.cipullo@ifrc.org](mailto:lucia.cipullo@ifrc.org)

**Comments?**



**Questions?**

**FOR FURTHER INFORMATION PLEASE CONTACT:**

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