

Introduction to: International Disaster Response Law, Rules and Principles (IDRL)

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ARF DIReX Objective 5



To advance the affected (host) nations' ability to respond to humanitarian assistance requirements caused by natural disasters.

We must be
legally
prepared!

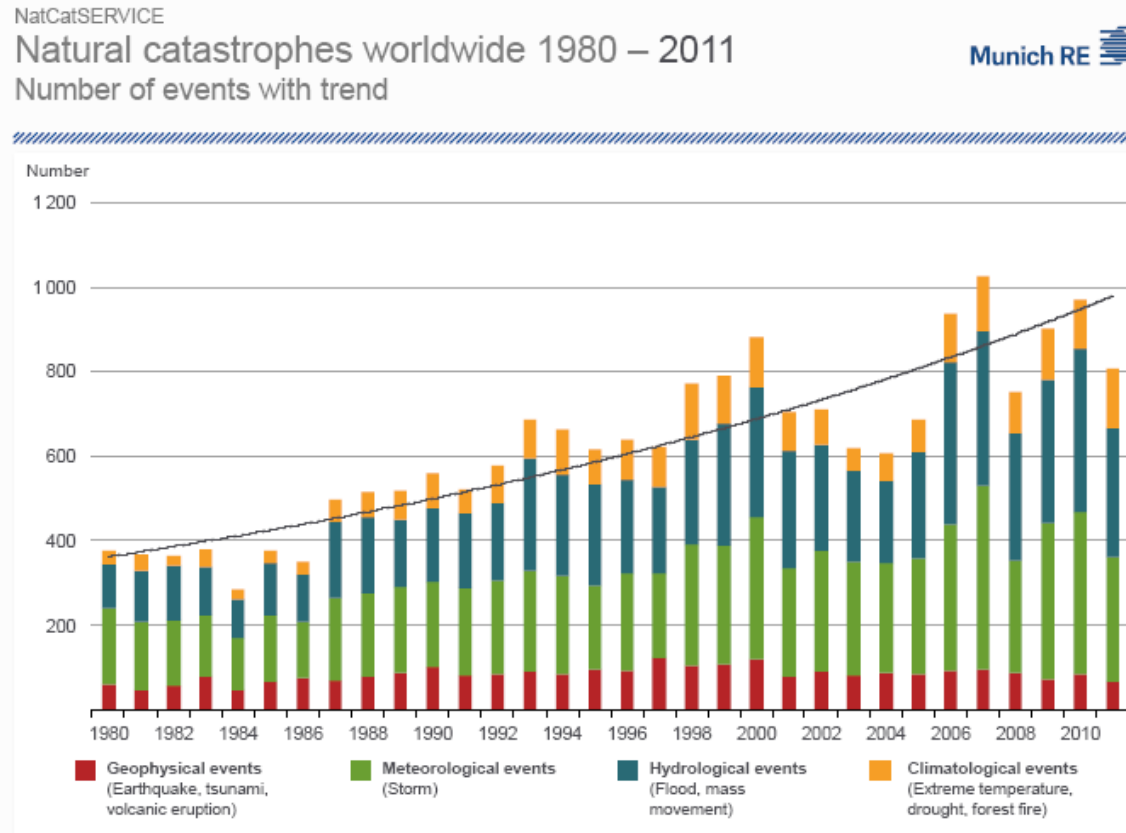


Overview of the presentation



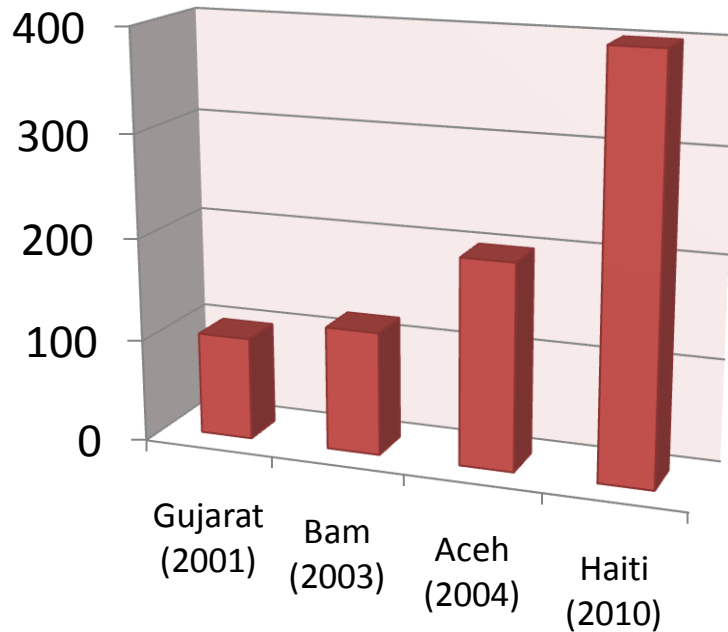
- What does it mean to be 'legally prepared' for international assistance?
- Existing international law and standards
- What are the IDRL Guidelines and how have they been used?
- Link with civil military coordination

Why legal preparedness for international disaster response? (IDRL)

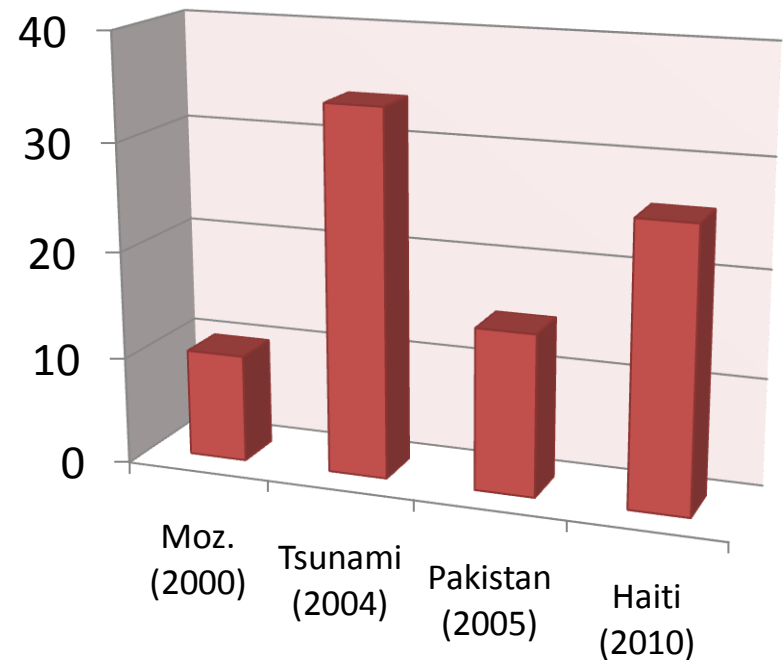


Increasing variety of responders

NGOs



Militaries



Research shows that a lack of legal preparedness hampers international relief



■ Barriers

- Initiation, visas, customs, radio use, taxes, professional qualifications, registration, transport, liability

■ Oversight gaps

- Inappropriate items, ignoring standards, poor coordination, lack of respect

■ Bottom line

- Aid is slower, more expensive, less effective, sometimes counter-productive

A few anecdotes...



**Disaster
Laws**



**Global & Regional
Institutions**



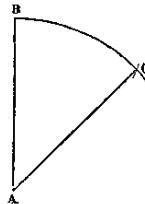
**RC /RC
(Soft) Law**



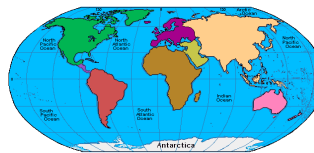
**Soft
Law**

3

**IHL, HRL and
Refugee Law**



**Sectoral
Law**



**Regional
Law**



**Bilateral
Agreements**

No Comprehensive Legal Regime

**Disaster
Laws**

Some “sectoral” law examples



Kyoto Convention (1973)



Tampere Convention (1998)



Conventions on UN Privileges and Immunities (1946 & 1947)



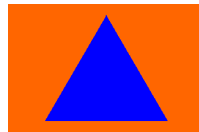
Food Assistance Convention (2013)



Nuclear Accident Convention (1986)



Chicago Convention, Annex 9 (2004)



Framework Convention on Civil Defense (2000)

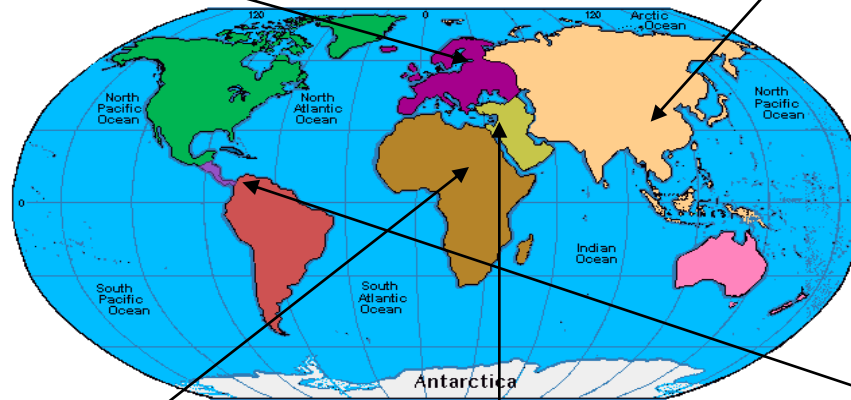


Int. Health Regs (2005)

Disaster Laws

Regional Law

Cotonou Convention
Civil Protection
Mechanism
Council Reg 1257/96
BSEC Agreement
NATO MOU



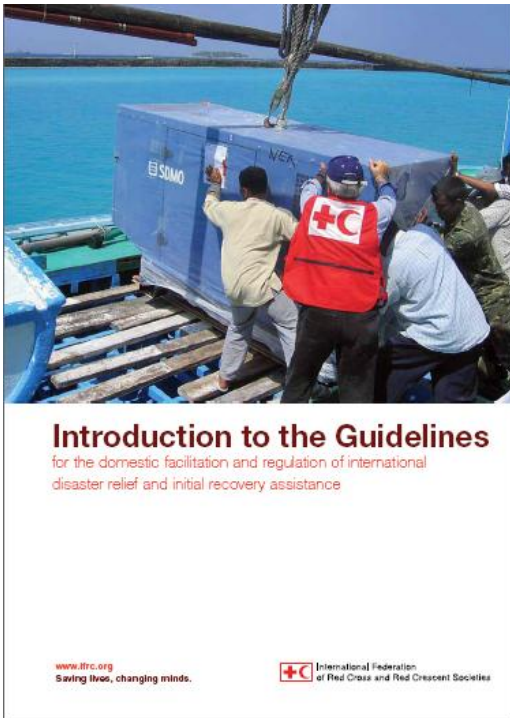
•ASEAN Agreement
(2005)
•SAARC Agreement on
Rapid Response to
Natural Disasters (2011)
•SOPAC

•Inter-American
Convention
•CDEMA
•CEPREDENAC
•CAPRADE

Arab Agreement

IGAD
ECOWAS

Legal preparedness at the domestic level: the IDRL Guidelines



- Adopted by consensus by the state parties to the Geneva Conventions in 2007
- Recommendations to governments on how to prepare their own domestic laws and procedures for international assistance
- 11 new laws or regulations / 12 pending, 25 formal reviews
- Drawn upon in AADMER, the SASOP, the Work Programme and ARF Strategic Guidance



The IDRL Guidelines: Core Ideas

- Domestic actors have **the primary role**
- International relief providers have **responsibilities**
- International actors need certain **legal facilities**
- Some legal facilities should be **conditional**

The IDRL Guidelines and humanitarian actors: a sort of domestic “certification”



Humanitarian actor
requests legal
facilities



Gov't decides
Facilities
conditioned on
adherence to
minimum quality
standards



Ongoing obligation of
recipient to abide by
standards

Gov't monitors
progress

Impact of the IDRL Guidelines in Asia Pacific

■ National level

- Indonesia
- Cambodia
- Philippines
- Vietnam
- Cook Islands
- New Zealand

■ Regional level

- ASEAN
- Pacific Islands Forum

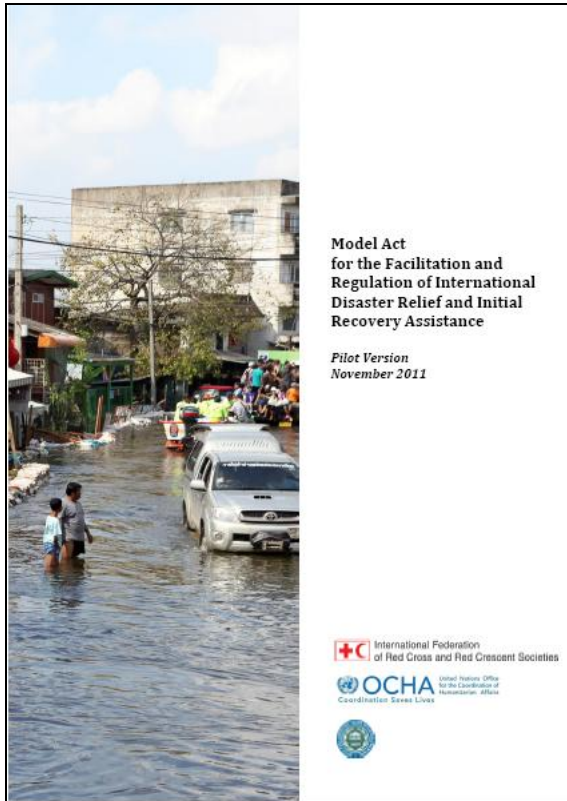


Support in improving legal frameworks

- **IFRC and National RC Societies provide support through:**
 - Legislative review projects
 - Assistance in drafting new legal instruments
 - Provision of comments on draft laws, regulations and plans



Model Act for International Disaster Assistance



- Model domestic statute with commentary
- Developed with OCHA and IPU, with support from WCO and several international law firms
- Can be used as a whole or in pieces
- Model Decree now out for consultation
- YOUR COMMENTS NEEDED!

Disaster
Laws

Scope of the IDRL Guidelines



Civil Military Coordination: Neutral and Independent Humanitarian Action (NIHA)

- Civil defence and military assets play an important role in disaster relief operations, in particular through the mobilisation of large-scale logistical support.
- However, it's important to distinguish between humanitarian and military resources and objectives



Civil Military Coordination: Neutral and Independent Humanitarian Action (NIHA)

- The Red Cross / Red Crescent Movement must maintain its neutrality and independence at all times.
- It's not enough to BE neutral and impartial, we must also be PERCEIVED by others to be neutral and independent.
- Failing to do so can put not only staff and volunteers at risk, but also jeopardises assistance reaching vulnerable people



IDRL Guidelines and Civil Military Coordination



- IDRL Guidelines (and the Model Act) recommend setting up a pre-registration system for humanitarian actors
- Military and Civil Defence Assets should be distinguished in the legal frameworks
- Model Act: “*Assisting States planning to provide aid through military actors shall make such offers according to*” [regulations or agreements].

In this TTX think...Why is legal preparedness important?



- 1. For governments:
 - Sets out procedures, roles and responsibilities
 - Controls the type of incoming assistance
 - Coordinates and regulates the actions of international actors
- 2. For international assisting actors:
 - Facilitates response operations
 - Faster, more effective, assistance

Key points to remember

A lack of 'legal preparedness' = delays, poor quality aid and less control and coordination



International agreements and standards remain dispersed and fragmented and are poorly implemented



The IDRL Guidelines contain recommendations on how Governments can become better prepared



Being better legally prepared will mean a more effective, better coordinated response

FOR MORE INFORMATION, PLEASE VISIT:

<http://www.ifrc.org/idrl>

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 International Federation
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