IFRC Disaster Law Programme
Herve Gazeau, DRR Manager, IFRC Bangkok office
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**
Disaster Law Themes

International Disaster Response Law (IDRL)

Law and Disaster Risk Reduction (Law and DRR)
Theme 1: International Disaster Response Law (IDRL): the laws and regulations to handle incoming international assistance
Why legal preparedness for international disaster response?

More frequent and larger natural disasters

More and different international responders

Absence of laws and procedures to regulate an increasingly complex context
No Comprehensive Legal Regime

Global & Regional Institutions

RC/RC (Soft) Law

IHL, HRL and Refugee Law

Soft Law

Sectoral Law

Regional Law

Bilateral Agreements
Tools for legal preparedness for disasters:

- Recommendations to governments on how to prepare domestic laws and procedures for international assistance
- Draw upon existing international norms and best practice
Core ideas of IDRL Guidelines

i. Domestic actors have the primary role

ii. International relief providers have responsibilities

iii. International actors need certain legal facilities (e.g. expedited visa and customs processing, exemptions from taxes duties and fees, priority customs clearance)

iv. Some legal facilities should be conditional upon compliance with humanitarian principles and national law
IDRL - International Commitments

- States adopted a resolution at the 31st International RCRC Conference in 2011 which:
  - Reiterated the urgency to be prepared to facilitate international assistance
  - Renewed its call on states to use the IDRL Guidelines to examine and strengthen their laws
  - Called on regional and international organizations to use the IDRL Guidelines as well.

- A new resolution was adopted at the 32nd international conference in 2015 which states the need for states to ‘accelerate progress’ in developing procedures in line with the IDRL Guidelines and Model Act.
IDRL - 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)*
- Previous AADMER work programme 2010 – 2015 references the IDRL Guidelines as a key tool for developing national legal frameworks for international assistance
Progress to date: implementing the IDRL Guidelines at the national level

Key:

Blue: # of disaster law projects (50+)

Green: # of new laws/regulations adopted (+24)

Yellow: # of new laws/regulations pending (+17)
Theme 2: Law and Disaster Risk Reduction (DRR)
IFRC and UNDP launched a global study in 2014 looking at 31 countries:

- Examples of good practice in 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 that support & enable DRR
Law & DRR - International Commitments

Sendai Framework for DRR: focus on DRR legislation and IDRL Guidelines

Resolution 6 on Disaster Law, 2015
Tools for Law and DRR

“Checklist on Law & DRR”; “Handbook on Law and DRR”

The strengths in the legal framework

Where greater focus is needed on implementation

If drafting or revising legislation is needed
IFRC Disaster Law Programme In Action

- Technical assistance
- Advocacy
- Research and capacity building
- Dissemination
Disaster Law Progress in Southeast Asia

- Philippines:
  - Gov't fast-tracked review of DM law; new IHA guidelines 2018;
  - PRC DL trainings for local Chapters & inputs to law review
  - IDRL Study, DRR study
  - Contribution to NDRF
  - DM law review in 2018?

- Cambodia:
  - IDRL study, New DM law in 2015,
  - DRR study 2017,
  - Community Level dissemination

- Indonesia:
  - IDRL Study, DRR study
  - Adopted DM law in 2013
  - Community Level Dissemination

- Thailand:
  - IDRL and DRR study
  - Adopted DM law in 2013
  - Community Level Dissemination

- Lao PDR:
  - IDRL workshop – Int. Asst. Guideline

- Vietnam:
  - New DM law and rules, IDRL Research in Progress

- Myanmar:
  - IDRL Study, Support to legal drafting processes:
    - Climate Change Decree 2017
    - DM Law 2018

www.ifrc.org
Saving lives, changing minds.
Disaster Law Progress in Southeast Asia

- **National workshop on (legal) preparedness with govt and OCHA, considering development of new DM law**

**Malaysia**

**Singapore**

**Brunei Darussalam**

Sensitization and enhancing relations with government

Contributing to regional initiatives

- Legal mapping of regional and domestic preparedness and response provisions in national laws, within AADMER framework. These come with an updateable online resource platform hosted by IFRC Resilience Library.

- Identifies best examples of domestic/regional preparedness & response in different ASEAN states.
ASEAN DL Mapping Report: Recommended Next Steps

1. Peer learning

Peer learning activities, whether through face to face learning exchanges or active use of the online platform, will complement the findings of the Regional Synthesis Report and subsequent country-specific studies. These will provide an avenue for re-evaluation, innovation and strengthened partnership among ASEAN to strengthen DRM legal and policy frameworks, including their implementation.

2. Development of an AADMER checklist

This Report provides a pro-forma checklist (Annex 3) used in mapping National DRM laws against identified preparedness and response provisions of AADMER. This checklist is designed for a general regional survey, but will require further revision for country-specific studies.

3. Conduct of country-specific studies

More detailed country research and consultation, in partnership with relevant government agencies and other stakeholders, is necessary to better assess sub-national and sectoral laws, policies and regulations, as well as undertaking necessary consultation and verification of country-level analysis. The more detailed country specific can also assist with translation of these documents in English if not yet available.
DLP assists National Red Cross and Red Crescent Societies to support their authorities in developing and applying state-of-the-art disaster-related legislation, policies and procedures.

We do this in order to make communities safer, to ensure timely and effective humanitarian relief, and to improve the protection of the most vulnerable when faced with crisis.
FOR MORE INFORMATION, PLEASE VISIT:

http://www.ifrc.org/dl

OR CONTACT:

Gabrielle Emery
Asia Pacific Disaster Law Programme Coordinator
Gabrielle.emery@ifrc.org