



## DRAFT GUIDELINES FOR THE DOMESTIC FACILITATION AND REGULATION OF INTERNATIONAL RELIEF AND INITIAL RECOVERY ASSISTANCE

Proposed by the International Disaster Response Laws, Rules and Principles (IDRL) Programme for potential adoption by the 30<sup>th</sup> International Conference of the Red Cross and Red Crescent (Geneva, November 2007)



### WHY GUIDELINES?

In follow up to the mandate conferred by the 28<sup>th</sup> International Conference of the Red Cross and Red Crescent in 2003, the International Federation continued its research and consultations on IDRL. The main findings were:

#### STATE OF THE LAW:

- Gaps in the scope and geographic coverage of international agreements
- Domestic laws are ill-equipped to address the common legal issues arising in international disaster response
- Lack of harmonisation and uniformity between States' national legal frameworks



#### OPERATIONAL IMPACT :

- Two main types of legal challenges consistently arise in major international disaster operations. First, legal, bureaucratic and administrative barriers often delay and reduce the efficiency of international response (e.g. visas, customs, legal status). Second, some international actors themselves cause quality and accountability problems for national authorities. Both challenges underline the necessity for an international re-affirmation of the minimum facilities and quality standards needed to provide effective relief
- Increasing demand for international humanitarian assistance in light of an increase in both the number of disasters and disaster-affected persons
- Emergence of a changing international disaster response community, characterised by a proliferation of increasingly diverse actors



#### THEREFORE,

As requested in 2003, the International Federation will report back on its progress and results in the area of IDRL to the 30<sup>th</sup> International Conference in 2007. Accordingly, recommendations on how the existing legal framework for international disaster response might be strengthened will be submitted. These will include Guidelines for the domestic facilitation and regulation of international relief and initial recovery assistance. Such Guidelines are a proposal to address the need for speedy and efficient international response to disasters through the development of efficient national legal frameworks.



### WHAT ARE THE GUIDELINES?

- A non-binding document providing guidance for domestic authorities wishing to develop or improve their national framework on international disaster response
- Includes the main principles relating to international disaster response that have already been adopted by States over the last two decades
- A proposal which seeks to strike a right balance between the needs of various actors involved. As such, the Guidelines suggest legal facilities for eased entry and operation, while linking those to compliance with minimum humanitarian and quality standards, as well as safeguards for governments providing these facilities
- The Guidelines apply to slow and rapid onset disasters, whether natural or man-made, for which international relief and initial recovery assistance has either been requested or accepted by the Government. They do not cover armed conflict or situations in which IHL is applicable



## HOW WOULD THE GUIDELINES IMPROVE INTERNATIONAL RELIEF AND INITIAL RECOVERY?



### Disaster-affected persons and communities

- Contribute to saving more lives and alleviating human suffering as international assistance is made speedier and more efficient
- Ensure the delivery of relevant and culturally adequate assistance, responsive to the special needs of existing vulnerable groups
- Further adequate involvement of beneficiaries and capacity building of the local community



### Red Cross and Red Crescent National Societies

- Empower the National Society in its auxiliary role to draw the attention of its authorities to the importance of IDRL and to work in cooperation with them to review existing disaster management laws
- Strengthen the role of the Host National Society which provides liaison between Participating National Societies and the disaster-affected Government
- Provide a legal framework facilitating the response operations of Participating National Societies, while respecting the Seville Agreement and the need for prior consent of the Host National Society



### Governments

- Facilitate the reception and coordination of international assistance
- Improve the accountability, adequacy and complementarity of international aid
- Strengthen observance of national law and domestic disaster response mechanisms
- Constitute a useful tool of reference on existing international standards for legislative review



### International organisations

- Reaffirm the need for implementation of existing privileges and immunities in disaster operations
- Further speedier and more efficient operations of implementing partners

### NGOs

- Facilitate the work of NGOs through the provision of significant legal facilities needed to ensure speedy and efficient assistance
- Clarification of the roles and responsibilities of the relevant stakeholders



## WHAT THE GUIDELINES ARE NOT

- The Guidelines are not binding and hence do not create new law
- The Guidelines do not put existing agreements and privileges and immunities into question (e.g. UN or status agreements), neither do they alter the unique role or legal status of components of the Red Cross and Red Crescent Movement
- The Guidelines are not solely concerned with Red Cross or Red Crescent; as they consider response provided by all types of international actors
- The Guidelines do not infringe upon State sovereignty, they do not oblige States to accept international assistance nor do they deprive States of their primary role in coordinating, monitoring or regulating aid

