



International Federation  
of Red Cross and Red Crescent Societies

# Law and legal issues in international disaster relief operations: Introduction

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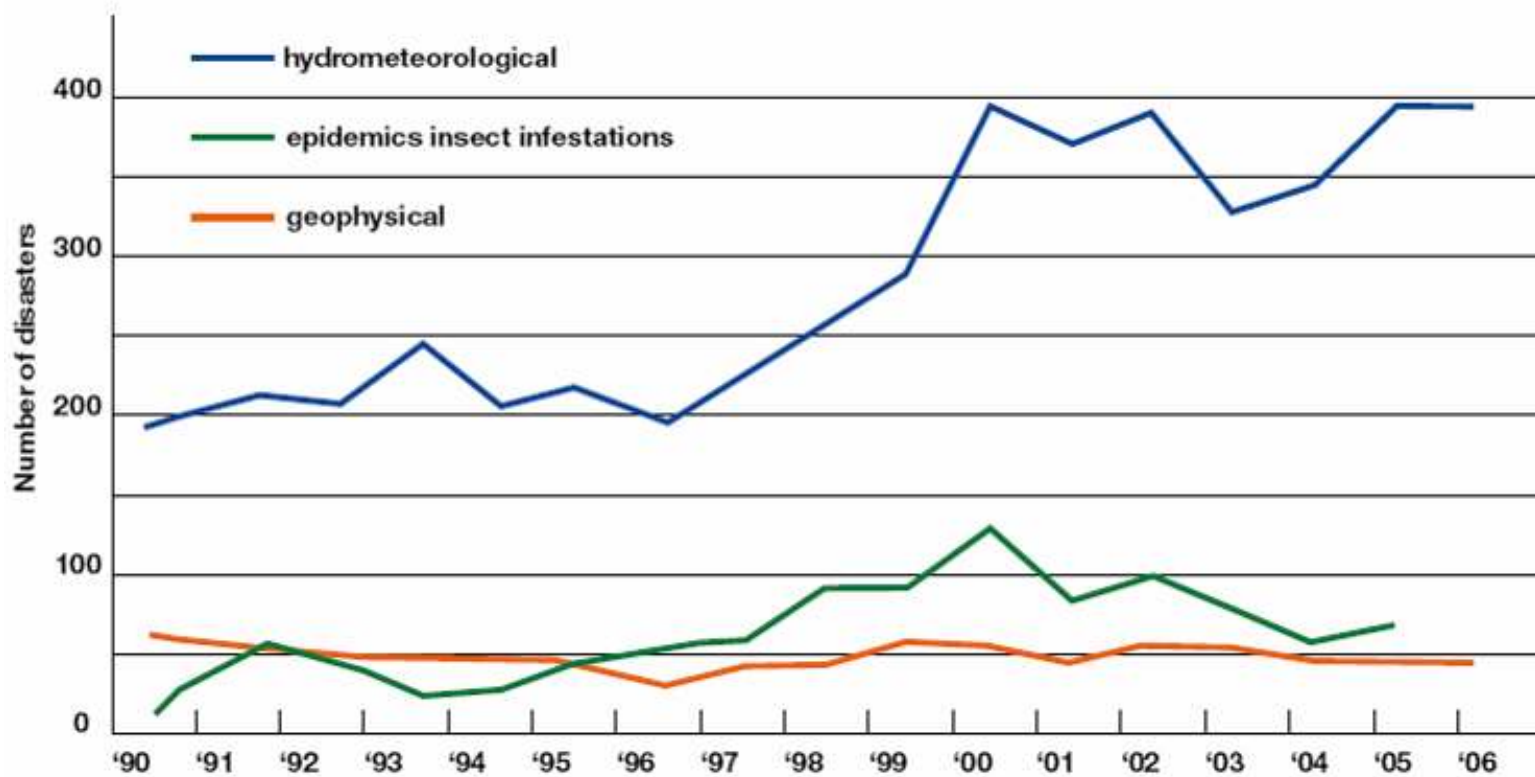


Rodney Bay, Saint Lucia, 21 May 2010



# Increasing numbers of disasters

**Figure 3: Annual number of natural disasters** (source: CRED EM-DAT)



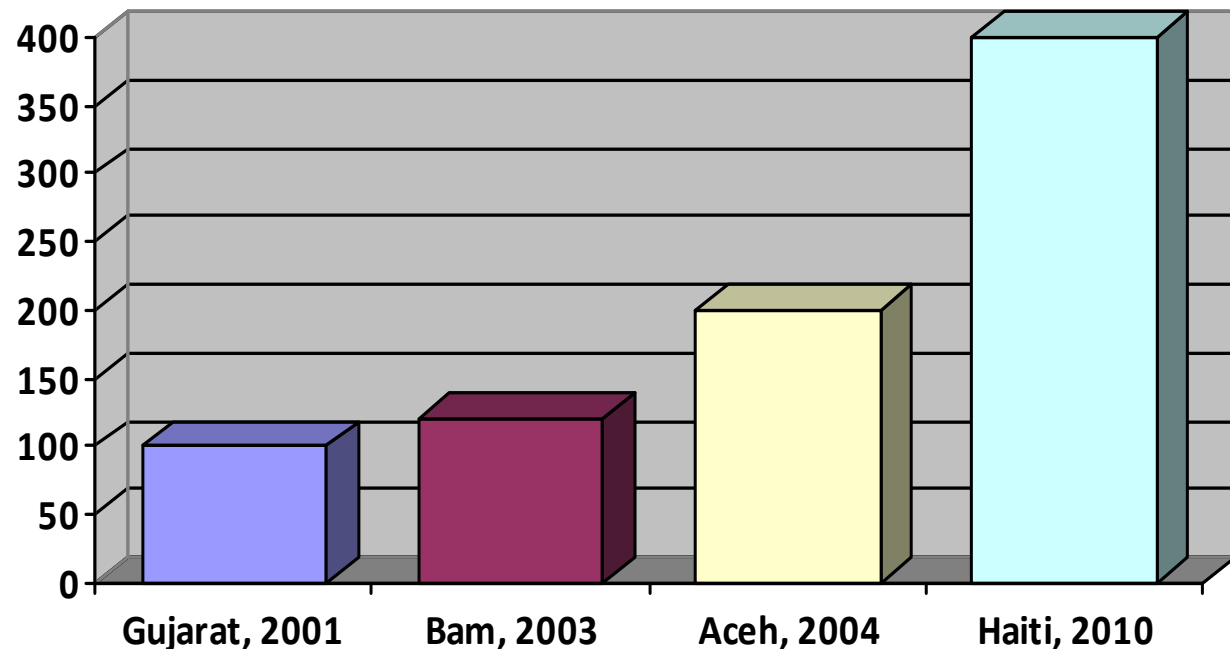
From the Red Cross/Red Crescent Climate Guide (2007)



# Increasing numbers and variety of int'l responders

- More states
- More militaries
- More RC/RC societies
- More UN agencies
- Many more NGOs
- More private companies
- More private individuals

Numbers of international NGOs responding to disasters





# The Federation's involvement

## Mandate

- 2001 Council of Delegates
- 2003 International Conference
- 2007 International Conference

## Research

- 27 legal case studies
- IDRL database
- Global survey
- Desk study
- Regional forum 2006-2007





# Countries covered by IDRL studies since 2001





## Common Problem Areas



- Initiation
- Visas
- Customs
- Taxes
- Legal Personality
- Bank Accounts
- Local Hiring
- Liability
- Corruption



- Inappropriate relief items and activities
- Untrained or unqualified personnel
- Lack of respect for domestic authorities and relief actors
- Lack of respect for beneficiaries
- Failure to coordinate







# Haiti Earthquake

- Humanitarian Flights have been turned away
- Delays in moving aid received at the airport beyond storerooms
- Inexperienced international “relief” personnel
- Examples of non-essential “relief” items (such as solar-powered speaking bibles)
- Inappropriate interventions (such as faith healing)
- Foreign Exchange Problems/ Hiring local staff



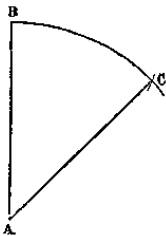
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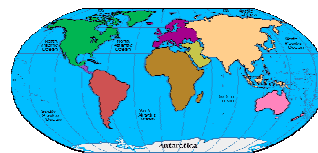
Global & Regional  
Institutions

3

3 musketeers



Sectoral  
Law



Regional  
Law



RC /RC  
(Soft) Law



Soft  
Law



Bilateral  
Agreements

No  
Comprehensive  
Legal Regime





# Guidelines on the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance “IDRL Guidelines”

- Recommendations to governments on how to prepare domestic legal and institutional frameworks for non-conflict disasters
- Compile existing international norms and best practice
- Intended to help governments ensure that disaster-affected communities receive speedy and appropriate relief





## The IDRL Guidelines' standards

- **Aid providers always:**
  - Abide by domestic and international law
  - Coordinate with domestic authorities
  - Abide by humanitarian principles
    - Humanity, neutrality and impartiality
- **To the greatest extent practicable, they:**
  - Meet int'l quality standards
  - Coordinate with other actors
  - Involve beneficiaries
  - Use fully trained personnel
  - Build on local capacities
  - Ensure transparency





# The IDRL Guidelines' proposed legal facilities



- **Personnel**
  - Visas
  - Work permits
  - Professional qualifications
  - Freedom of movement
- **Goods and equipment**
  - Customs clearance and duties
  - Food, vehicles, telecoms, medicines
- **Transport**
- **Domestic legal status**
  - Power to open bank accounts, contract, etc.
- **Taxes**
- **Security**
- **Extended hours**
- **Costs**



## The Guidelines and humanitarian actors: the recommended link



Humanitarian actor  
requests legal  
facilities



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

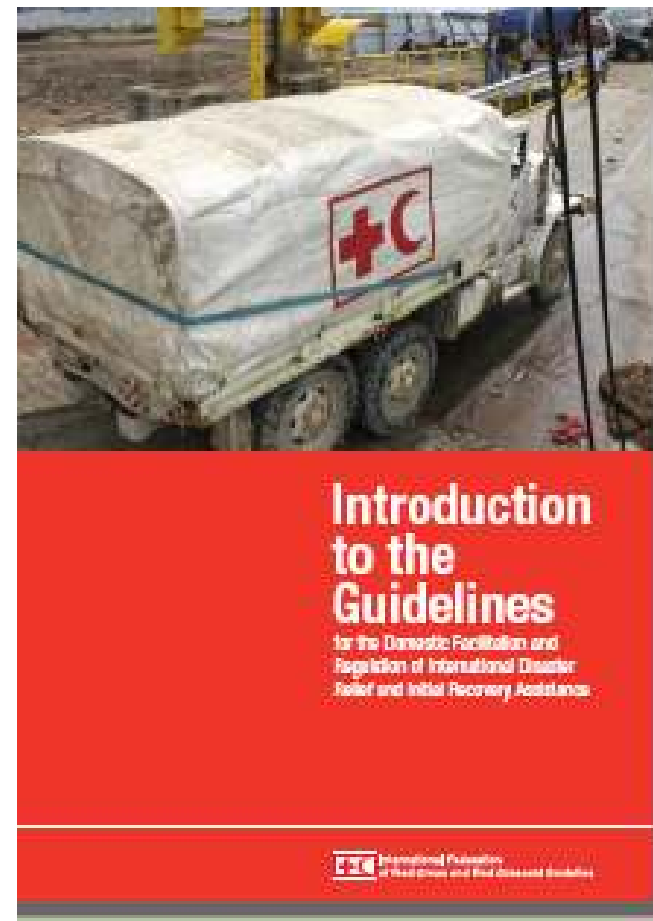


Ongoing obligation of  
recipient to abide by  
standards  
Gov't monitors  
progress



## The “IDRL Guidelines”

- Unanimously adopted by the state parties to the Geneva Conventions in 2007
- Approving resolutions from the UN ECOSOC and General Assembly in 2008 and 2009
- EU Consensus on Hum. Aid, APEC Strategy, CAPRADE Manual, ASEAN SOPs





## Need to act: regional signals



- Resolution of the OAS General Assembly (July 2009)
  - “process of joint assessment of existing legislative and coordination mechanisms”
- Declaration of Florianopolis (September 2009):
  - Investigate existing mechanisms
  - Evaluate national legal frameworks for facilitating and regulating international relief using the IDRL Guidelines





## Examples of use of the IDRL Guidelines

### New rules developed

- Indonesia, New Zealand, Norway, Panama
- ASEAN, CAPRADE, NATO

### Formal evaluations

- **Underway:** Austria, Bulgaria, Cambodia, Colombia, France, Germany, Indonesia, Laos, Netherlands, Norway, Peru, Sierra Leone, Uganda, UK, Vietnam
- **Under development:** Afghanistan, Canada, Haiti, El Salvador, Kazakhstan, Kiribati, Mozambique, Namibia, Pakistan, Philippines, Tajikistan, Vanuatu





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## For more information

- IDRL website:
  - [www.ifrc.org/idrl](http://www.ifrc.org/idrl)

