

*The international response to natural or technological disasters is a fact of life. The question whether the international legal framework for such actions should be developed on similar lines to the international rules regulating assistance and relief operations in time of armed conflict is being raised more and more frequently. The International Federation of Red Cross and Red Crescent Societies has taken an initiative to that effect.*

## **The Federation promotes the development of International Disaster Response Law**

There is no doubt that international disaster response is more effective and more efficiently coordinated with internationally agreed standards in place. These must include predictable mechanisms to facilitate quick access to the victims in times of natural or technological disaster, for donor and beneficiary governments as well as for humanitarian agencies themselves. The latter, including the International Red Cross and Red Crescent Movement, have done much to enhance and develop technical coordination, standards and relevant codes of conduct.

However, in the view of the International Federation, the legal framework for international disaster response requires significant improvement in order to create genuinely favourable conditions for all efforts to enhance that response. Laws and regulations should, among other things, waive import, export and transit restrictions and duties for relief goods; waive overflight and landing restrictions and duties; grant landing rights and facilitate telecommunications in emergency situations, and waive visa and other immigration restrictions. They should provide for the right to exercise medical and other professions directly benefiting disaster victims. At the same time, in order to benefit from these measures, relief organizations and their personnel should be required to respect local laws and internationally agreed standards.

Many national and international (bilateral, multilateral and customary) legal instruments exist, ranging from loose recommendations or guidelines to “hard law” governing the humanitarian response to natural and technological disasters, including in the areas of disaster prevention (or risk reduction), preparedness, relief and post disaster rehabilitation. These instruments or sometimes — to be more precise — isolated clauses are scattered through-

out other legal domains, such as Environmental Law, Air and Space Law, Development Law, and the like. As a result they are little known or applied. Therefore a first step in the process of enhancing the legal framework for disaster response would be to combine these scattered threads in a new area of law entitled “International Disaster Response Law” (IDRL). This initiative was well described in the International Federation’s World Disasters Report 2000 by Michael Hoffman, Director of International Humanitarian Law and Policy at the American Red Cross.

In addition, the relevant legal texts are far from complete, nor are their fundamental provisions universally respected. Only a few provide compliance mechanisms. They appear to contain lacunae. Nonetheless, these instruments merit re-examination in order to ensure that they meet the requirements of today’s humanitarian disasters.

Last November, the Federation’s Governing Board, following a recommendation from the Federation’s Disaster Relief Commission, defined the promotion of International Disaster Response Law as one of the key messages for its advocacy for disaster preparedness.

On 12 February 2001, at the invitation of the Federation Secretariat, experts from 18 National Red Cross and Red Crescent Societies gathered in Geneva under the chairmanship of Dr M. Al-Hadid, President of the Jordanian Red Crescent and Chairman of the Federation’s Disaster Relief Commission, together with representatives from the United Nations’ Office for the Coordination of Humanitarian Affairs (OCHA), the International Committee of the Red Cross (ICRC) and Professor Horst Fischer from the Universities of Bochum (Germany) and Leiden (The Netherlands).

The meeting agreed that the International Federation, with the experience and expertise of its member Societies in disaster preparedness and relief in natural and technological disasters, is well-suited to take a lead role in promoting International Disaster Response Law, as well as perhaps a “guardianship” role for its effective application. This aptitude is derived directly from the Federation’s mission statement to “improve the lives of vulnerable people by mobilising the power of humanity” and its Strategy 2010 which calls on all National Societies’ active advocacy to mobilize people and influence decisions in its core areas of disaster preparedness and response. It is also based on the long-standing role of the Federation, and of the Movement, in helping to develop norms belonging to International Disaster Response

Law in the past (see e.g. Resolution VI and Annex of the 23rd International Conference of the Red Cross, Bucharest, 1977).

One objective is to introduce International Disaster Response Law into the common vocabulary of governmental authorities and intergovernmental and non-governmental actors in disaster relief as a reference term for the legal framework, and to make them conscious of their obligations under existing law when and where required. Another is, after proper study, to propose improvements in the texts themselves, or to develop new ones, where weaknesses and lacunae justify doing so, and to promote the faithful application of the law and the relevant norms.

The meeting of 12 February 2001 clearly recommended a “needs-based” approach: the Federation’s further action in this initiative must focus on those areas that field experience by humanitarian actors has identified as potentially helpful to the beneficiaries of humanitarian relief.

A three-step action plan designed at the meeting provides for:

- the compilation and publication of all existing and relevant international rules;
- the collection of field experience and an evaluation as to where existing rules do/do not respond effectively to the requirements of humanitarian actors in the field; and
- the identification of ways and means to improve the law, or to address recognized difficulties in non-legal ways.

National Society experts volunteering their support for this project will in the next few months elaborate and initiate implementation of an action plan in cooperation with academic experts. This will include a framework for initial consultation with relevant intergovernmental and non-governmental agencies.

The 12 February meeting suggested that a proposal be submitted to the Federation’s Governing Board and Disaster Relief Commission that they support the action plan, and to all National Societies meeting in the Federation’s General Assembly in November 2001 that they decide to work effectively together in advocating effective disaster response law. It was considered realistic to work towards presenting concrete results to the 2003 International Conference of the Red Cross and Red Crescent.