

Presentation by Ms. Isabelle Granger, Coordinator for the Americas Disaster Law Programme of the International Federation of the Red Cross and Red Crescent Societies (IFRC), on the “Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance (IDRL) and the Model Act for the IDRL Guidelines implementation”

IDRL, the Model Act and the Model Decree

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02 October 2013

Research findings: common problems

- Barriers
 - Initiation, visas, customs, radio use, taxes, professional qualifications, registration, transport, liability
- Oversight gaps
 - Inappropriate items, ignoring standards, poor coordination, corruption
- Bottom line
 - Aid is slower, more expensive, less effective, sometimes counter-productive

The IDRL Guidelines

- Adopted by consensus by the 30th International Conference in 2007
- Non-binding recommendations to governments on how to prepare domestic laws and procedures
- Intended not only for the Red Cross but for all international assistance
- Other tools: Model act and model emergency decree

Progress to date in implementing the IDRL Guidelines at the national level



The ACS

- The Pétion-Ville Declaration

"Recognize the importance of establishing mechanisms to facilitate and expedite the dispatch, receipt and distribution of humanitarian assistance in cases of disasters according to the established legal order in each country, as they urge the ACS to conduct activities that will permit the strengthening of coordinated disaster management actions"

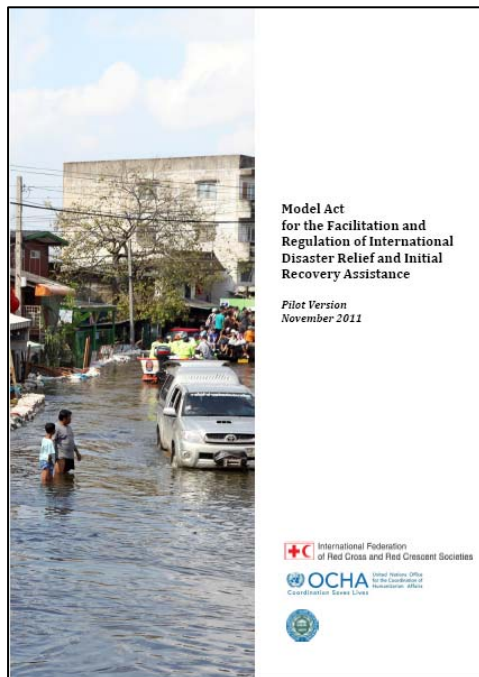
- Side-event to the Heads of State and Government's Summit
- ACS' work programme
- Declaration of San José also adopted language on IDRL

The example of Mexico

- Exhaustive review of its existing domestic legal framework pursuant to the management of international disaster assistance;
- New provisions in its Civil Protection Law;
- In the process of adopting new regulation and standard operating procedures to complement existing regulations;
- New guideline for providing expedited visas for international relief personnel

Other countries: Colombia, Costa Rica, Dominican Republic, Guatemala, Haiti, Jamaica, Trinidad & Tobago

The Model Act



- Example of national law- requested by government and NS
- Based on the recommendations of the IDRL Guidelines
- Include comments with examples from countries around the world
- Launched in 2013 at the IPU Assembly
- A good starting point- needs to be adapted to national context

The Model Decree (consultation version)

- Reference tool for voluntary use
- Directed to situations where clear legal framework is not in place before the onset of a large-scale disaster, or adoption of more comprehensive legislation is not practicable
- Based on IDRL Guidelines

Partners in this project



Purposes of the Model Decree Key points:

- Seeks to limit delays, restrictions and costs while ensuring adequate oversight
- Calls for certain legal facilities to be provided to chosen international providers
- Requires providers to abide by clear standards

Content of the Model Decree

- Coordination of intn assistance
- Offers and acceptance
- Responsibilities of assisting intn actors
- Eligibility for facilities
- International relief goods and equipments
- Legal status and facilities for eligible actors
- Intn. personnel
- Oversight
- Transparency as to intn donations

Uses of the Model Decree Key points:

- Should be adjusted to circumstances of each country
- Assumes that a emergency declaration had been issued
- Refers only to intn assistance- not domestic response

Your comments and suggestions:

- How to improve the language of the Model Decree to ensure it is useful to countries?
- Would this be useful in your country considering existing laws, procedures, manuals?
- Could other type of decrees be useful (e.g. for transit of intn assistance)?

Invitation to ACS' countries:

- Initiate the review of your domestic legal framework and adopt comprehensive regulation to facilitate and regulate international disaster assistance, using the IDRL Guidelines and the Model Act as benchmarks;
- Red Cross is most interested to support in this process.

Two other projects of the Disaster Law Programme

- **Legislation and disaster risk reduction**
 - Comparative study of 31 countries (with UNDP)
 - Checklist for lawmakers
 - Integration of legislative advocacy in urban risk programming

- **Regulatory barriers to post-disaster shelter**
 - Harmonized methodology for community-based land use mapping
 - Country studies
 - Shelter Cluster deployments

For more information, please visit:

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