



International Federation
of Red Cross and Red Crescent Societies



Analysis of law in the European Union pertaining to cross- border disaster relief

David Fisher, IDRL Programme
Coordinator, IFRC

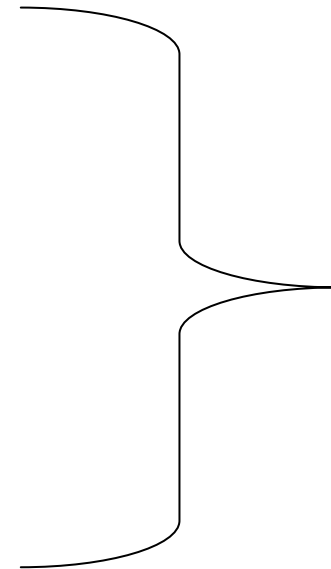
Co-funding from:





Project partners

- International Federation
- Austrian Red Cross Society
- British Red Cross Society
- Bulgarian Red Cross Society
- French Red Cross Society
- German Red Cross Society
- Netherlands Red Cross Society



In cooperation
with their
national civil
protection
authorities



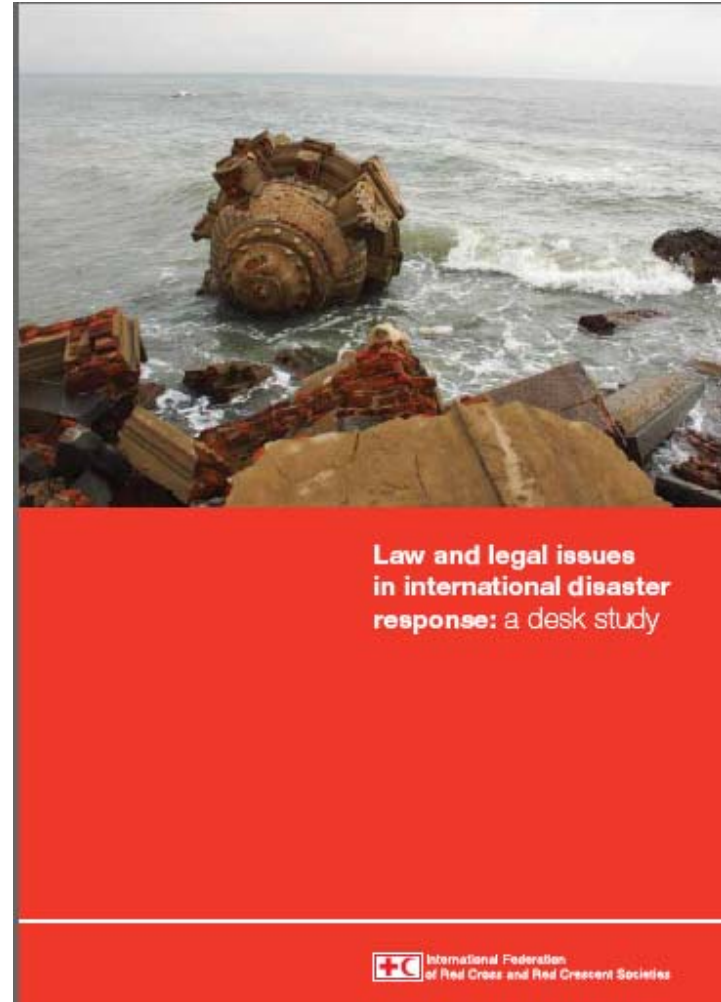
The Federation's involvement

Mandate

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

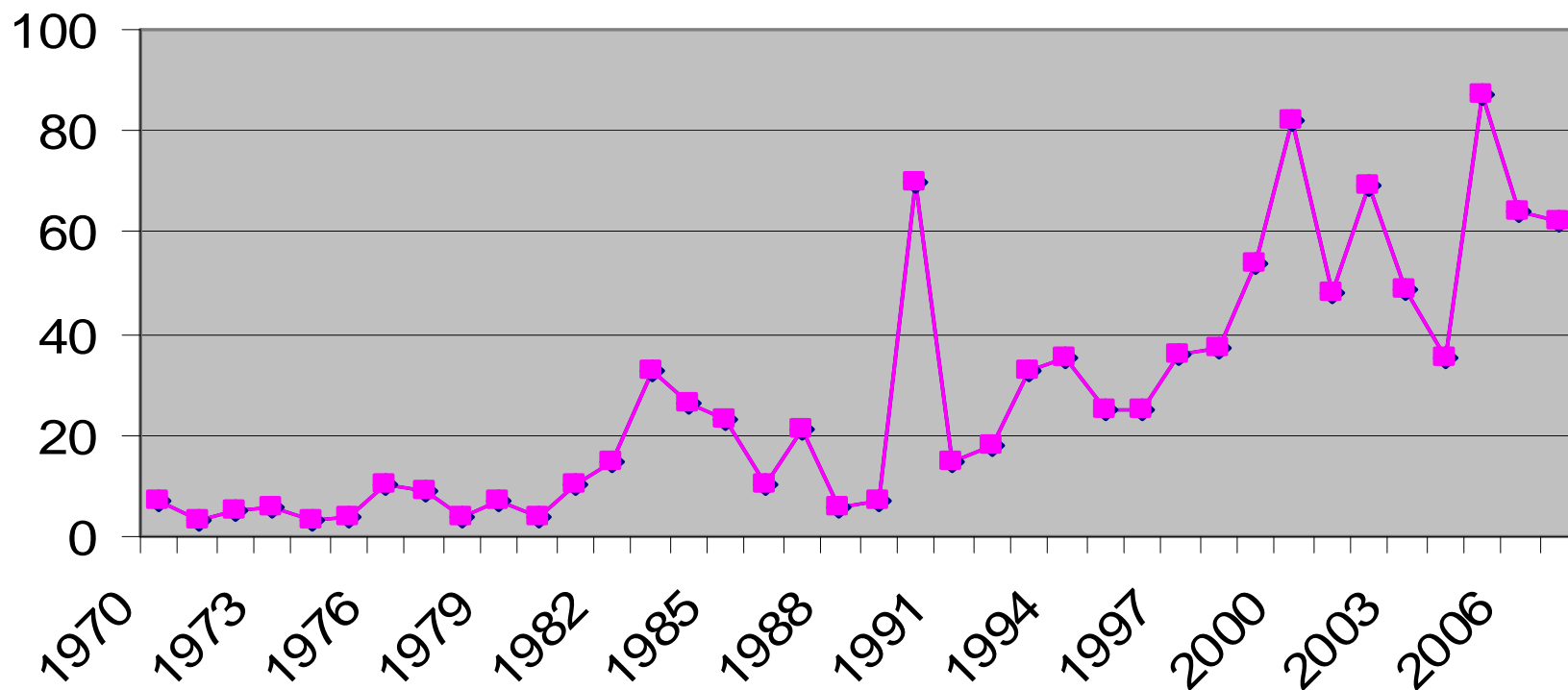
Research and consultations

- 27 legal case studies
- IDRL database
- Global survey
- Desk study
- Regional forums 2006-07





Climate-Relate Disasters in Europe





Increasing potential need for int'l cooperation but are governments ready to manage it?



Wilton Park Seminar, Emergency Response in Europe, 2006

"[D]eveloped countries have very little experience of accepting donations of food, temporary shelter, telecommunications, etc."



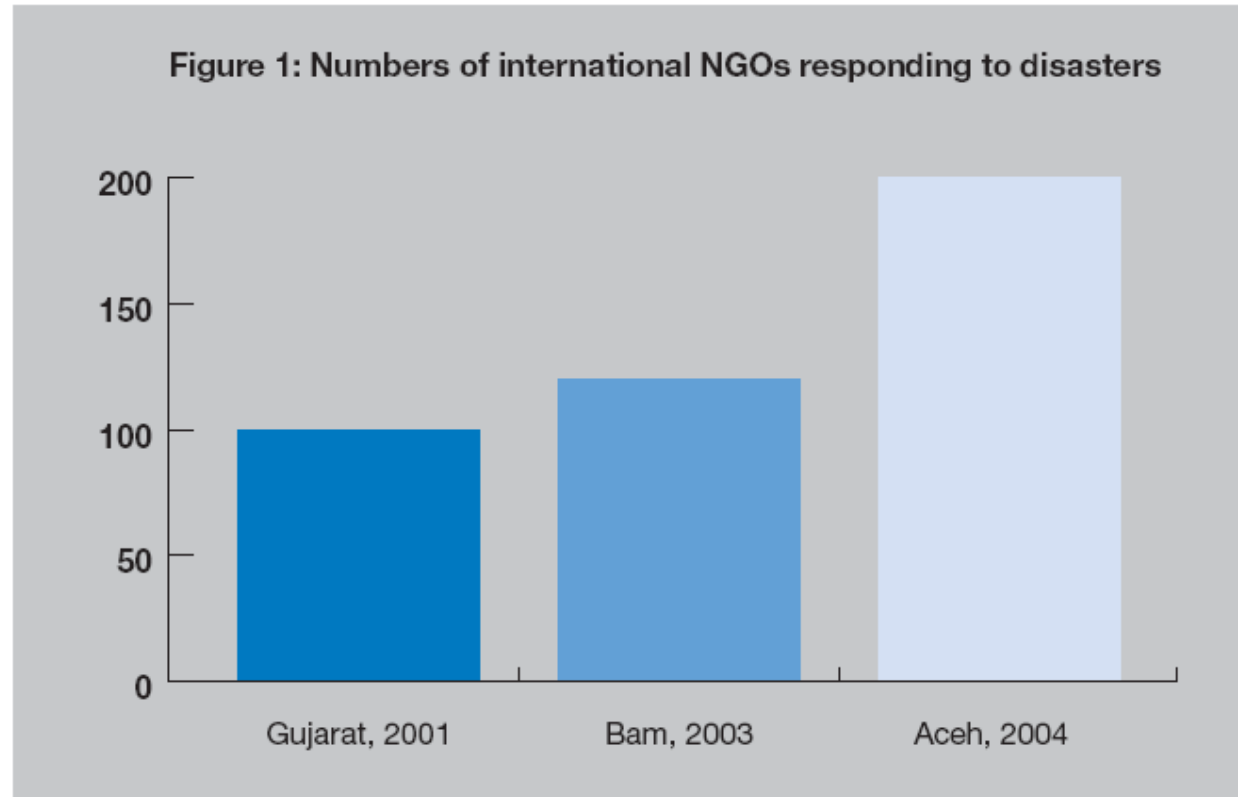
Hurricane Katrina, USA (2005)

"The most destructive disaster in U.S. history. . . We were not prepared to make the best use of foreign support." (US Govt Lessons Learned Report)



Increasing numbers and variety of int'l responders

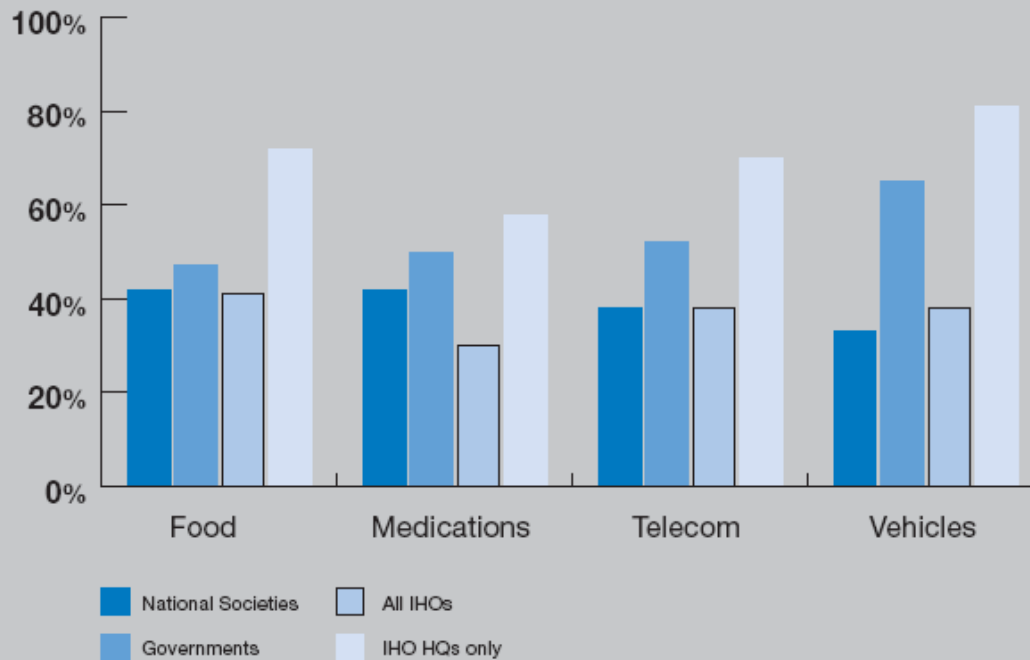
- More states
- More militaries
- More RC/RC societies
- More UN agencies
- Many more NGOs
- More private companies
- More private individuals





Common Problems: Entry and Operations

Figure 3: IDRL survey – per cent of respondents reporting problems with the entry of goods and equipment

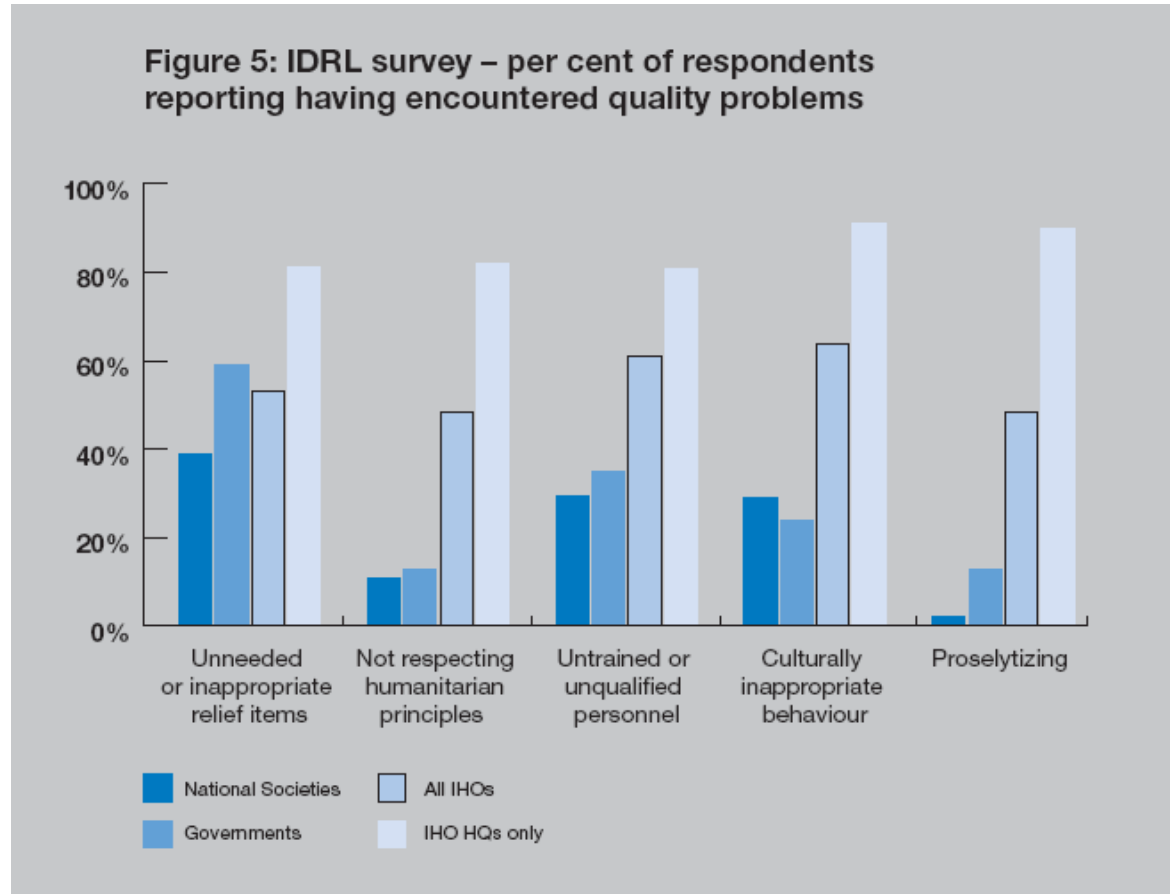


- Initiation
- Visas
- Customs
- Taxes
- Legal Personality
- Bank Accounts
- Local Hiring
- Liability
- Corruption



Common Problems: Quality and Coordination







- 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





Gaps in existing international instruments



-  Lack of geographic reach (few parties to treaties)
-  Lack of thematic scope
 -  Type of disaster
 -  Type of actor
-  Lack of awareness
-  Lack of use



A few European instruments to highlight

- Council resolution of 8 July 1991
- Council Decision establishing the CP Mechanism (2001 – recast in 2007)
- EUR-OPA Major Hazards Agreement
- Barcelona Convention





Guidelines on the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance

- Recommendations to governments on how to prepare domestic legal frameworks
- Compile existing international norms and best practice on legal facilities
- Ways to ensure both respect for sovereignty and a quick response





Consultative development process



European Forum
Antalya, May 2006



Asia-Pacific Forum
Kuala Lumpur, Dec. 2006



Americas Forum
Panama City, April 2007



Pan-African Forum
Nairobi, May 2007



Middle East Forum
Abu Dhabi, June, 2007

+ many other meetings
(including Oct 2007 Permanent
Missions Meeting in Geneva)



30th International Conference
Geneva, November 2007

**Resolution 4 – unanimously
adopted**



EU Joint Pledge on the IDRL Guidelines

- Without prejudice to obligations under the Treaty on European Union:
 - The EU supports the aim pursued by the IFRC in its draft guidelines
 - Member States will examine the possibility of participation in regional pilot projects to disseminate the guidelines





Work already underway



- Norway, Sweden and Denmark have already begun formal analyses of their domestic laws pursuant to their concept of "host nation support"
- Finnish and Swiss officials are also considering these issues



Project Plan

- **Stage 1:** Regional level research (Jan-July 2009)
 - Desk Research
 - Interviews
- **Stage 2:** Country-level case studies (Mar 09-Apr 10)
 - Desk research
 - Interviews
 - Country workshops
- **Stage 3:** Consolidation and analysis (Mar 10-Dec 10)
 - Regional workshop

