

# International Disaster Law Information Sheet

## International Disaster Law project

Centre for Criminal Justice & Human Rights, School of Law,  
University College Cork & the Irish Red Cross Society

**“Disasters do not strike departments or committees, they strike communities. In the long run we will not be successful in reducing risks if our laws merely distribute responsibilities among dedicated agencies and expert groups.”<sup>1</sup>**

### What is International Disaster Law?

International disaster law (IDL) focuses on the legal issues arising from the preparation for, response to and recovery from different natural hazards, such as earthquakes or storms, as well as human-made disasters such as large-scale industrial accidents.



Image: Eric Quintero (IFRC)

### Why is IDL needed?

The humanitarian impact of major disasters, such as the 2004 Indian Ocean Tsunami or 2010 Haitian earthquake, are undeniable.

However, despite the long history of legal protection for the victims of armed conflict, it is only in the past 20 years that serious consideration has been given to the role that law can play in protecting persons before, during and after major disasters.

Events such as Hurricane Katrina in the USA and the 2011 Fukushima tsunami and nuclear disaster in Japan highlight that even the wealthiest societies may require international support when disasters strike.

### Disasters and the law

“Regulatory mechanisms are often seen as impediments in the aftermath of a disaster – something to be bypassed rather than as tools to enhance the effectiveness of response. But well-designed systems and processes are critical to meet the needs of the affected population. They can swiftly and efficiently direct international assistance to where it is most needed, and they can help ensure that appropriate quality and accountability standards are maintained.”

*Bekele Gelata, Secretary General IFRC<sup>2</sup>*

Key issues which a strong legal and regulatory framework can address include:

- ❖ **Proliferation of international responders:** recent years have seen a vast increase in the number and type of international actors responding to major disasters. While international assistance is often welcome, it can also place severe strain on national and local authorities to cooperate, facilitate and oversee such international support – particularly when the existing systems were already weak or have been damaged by the disaster itself.
- ❖ **Bureaucracy:** an influx of international aid can cause significant and often damaging delays in obtaining entry visas, transportation permissions, customs clearance, telecommunications provision and personnel registration, all of which can slow down the capacity of responders to supply assistance.
- ❖ **Ill-preparedness and the absence of regulatory mechanisms:** regulatory mechanisms are crucial to meet the needs of disaster-affected populations. A well-designed system can direct international assistance towards the areas where it is most required, and can ensure that quality and accountability standards are upheld at all stages of preparation, response and recovery.

For more information, see: <http://disaster-law.ucc.ie>

## Preparation, Response & Recovery

International disaster law encompasses activities taken before, during and after disasters, and multi-disciplinary disaster management activities extend into many different legal regimes, such as environmental law, building codes, and human rights law. While the transitions between different stages of disaster management are not always clear-cut, it is possible to identify three key phases:

**Disaster risk reduction (DRR):** The UN Office for Disaster Risk Reduction ([UNISDR](#)) defines disaster risk reduction as:

“the concept and practice of reducing disaster risks through systemic efforts to analyse and reduce the causal factors of disasters. Reducing exposure to hazards, lessening vulnerability of people and property, wise management of land and the environment, and improving preparedness and early warning for adverse events are all examples of disaster risk reduction.”

### Preparedness and response:

Disaster preparedness refers to measures taken to prepare for and reduce the effects of disasters. In other words, to predict and, where possible, to prevent disasters, mitigate their impact on vulnerable populations, and respond to and effectively cope with their consequences.

Following a disaster, life-saving assistance is the most urgent need. The rapid provision of food, water, shelter and medical care is vital to prevent further loss of life and to alleviate suffering. How long this stage lasts varies according to the scale, type and context of the disaster but typically takes between one and six months. Disaster response is therefore comprised on a search and rescue phase in the immediate aftermath of a disaster, followed by a medium-term phase devoted to stabilising the survivors' physical and emotional condition.

### Recovery and rehabilitation:

Recovery and rehabilitation refers to those programmes which go beyond the provision of immediate relief to assist those affected by disasters to rebuild their homes, lives and services and to strengthen their capacity to cope with future disasters.

<sup>1</sup> IFRC, [Disasters are not a department](#) (11 May 2011)

<sup>2</sup> Foreword: IFRC, [Introduction to the Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance](#) (2011)

<sup>3</sup> Ibid

<sup>4</sup> UN, [Sendai Framework for Disaster Risk Reduction 2015-2030](#) (18 March 2015) A/CONF. 224/CRP.1.

## Relevant International Standards & Guidelines

In November 2007, the state parties to the Geneva Conventions and the International Red Cross Red Crescent Movement unanimously adopted the “Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance” – **the IDRL Guidelines**.<sup>3</sup>

### IDRL Guidelines (2007)

The **IDRL Guidelines** are a set of recommendations to governments on how to prepare their disaster laws and plans for the common regulatory problems in international disaster relief operations.

The core concepts set out in the Guidelines are:

1. Domestic actors have the primary role.
2. International relief providers have responsibilities.
3. International actors need legal facilities.
4. Some legal facilities should be conditional.



Image: IFRC

### Sendai Framework for Disaster Risk Reduction 2015-2030<sup>4</sup>

The **Sendai Framework**, adopted by states in 2015, sets out four priorities for action, namely:

1. Understanding disaster risk.
2. Strengthening disaster risk governance to manage disaster risk.
3. Investing in disaster risk reduction for resilience.
4. Enhancing disaster preparedness for effective response, and to “Build Back Better” in recovery, rehabilitation and reconstruction.

## Centre for Criminal Justice & Human Rights

School of Law, University College Cork, Ireland

Web: [www.ucc.ie/en/ccjhr/](http://www.ucc.ie/en/ccjhr/)

## Irish Red Cross Society

16 Merrion Square, Dublin 2, Ireland

Web: [www.redcross.ie](http://www.redcross.ie)