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31<sup>st</sup> International Conference of the Red Cross Red Crescent  
Geneva, 28 November–1 December – For humanity



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**31st INTERNATIONAL CONFERENCE  
OF THE RED CROSS AND RED CRESCENT**

Geneva, Switzerland  
28 November – 1 December 2011

**Strengthening normative frameworks and addressing regulatory  
barriers concerning disaster mitigation, response and recovery**

**Draft resolution**

**Document prepared by  
International Federation of the Red Cross and Red Crescent Societies  
in consultation with the International Red Cross Committee**

Geneva, October 2011

**DRAFT RESOLUTION****Strengthening normative frameworks and addressing regulatory barriers  
concerning disaster mitigation, response and recovery**  
(version 1.0)

The 31st International Conference of the Red Cross and Red Crescent,

**concerned** about the growing impacts of natural disasters on the lives, livelihoods and well-being of people around the world, and in particular the poorest and most vulnerable communities;

**recalling** Resolution 4 of the 30<sup>th</sup> International Conference of the Red Cross and Red Crescent of 2007, which adopted the Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance (also known as the “IDRL Guidelines”) and encouraged states to make use of them;

**recalling** Resolutions 65/264 and 65/133 of 2010, 64/251 and 64/76 of 2009, and 63/141, 63/139 and 63/137 of 2008 of the United Nations General Assembly and Resolutions 2010/1 of 2010, 2009/3 of 2009, and 2008/36 of 2008 of the UN Economic and Social Council, which equally encouraged states to strengthen their regulatory frameworks for international disaster assistance, taking the IDRL Guidelines into account;

**recalling** Final Goal 3.1 of the Agenda for Humanitarian Action adopted by the 28<sup>th</sup> International Conference of the Red Cross and Red Crescent in 2003, which called on states to “review their existing legislation and policies to fully integrate disaster risk reduction strategies into all relevant legal, policy and planning instruments in order to address the social, economic, political and environmental dimensions that influence vulnerability to disasters;”

**recalling** the Hyogo Framework for Action of 2005, which called on states, inter alia, to make disaster risk reduction a national and local priority with a strong institutional basis for implementation, including through developing policy, legislative and institutional frameworks, allocating dedicated resources and promoting community participation;

**noting** that, at the 15<sup>th</sup> General Assembly of the International Federation of Red Cross and Red Crescent Societies’ (IFRC) in 2005, National Societies determined to scale up the capacity of the IFRC and its members to provide emergency shelter in their response to the humanitarian needs following natural disasters and endorsed the IFRC’s offer to the Emergency Relief Coordinator to take a leadership role in the global “cluster” system in this respect;

**welcoming** the IFRC’s background documents on progress in the implementation of the IDRL Guidelines, on law and disaster risk reduction at the community level, and on addressing regulatory barriers to the rapid and equitable provision of emergency and transitional shelter after disasters;

**welcoming** the important progress made thus far in implementing the IDRL Guidelines at the national level in some states and in mainstreaming their use at the regional and global levels;

**noting with concern** the IFRC’s finding that many states’ legal and institutional frameworks nevertheless remain under-prepared to manage the common regulatory problems in international disaster response operations;

**noting with concern** the shared findings of the IFRC, the United Nations International Strategy for Disaster Reduction's (UNISDR) Mid-Term Review of the Hyogo Framework for Action, and of the Global Network of Civil Society Organisations for Disaster Reduction's surveys of 2009 and 2011 that progress in implementing effective disaster risk reduction action is often faltering at the community level and that many communities feel inadequately engaged and supported on the issue;

**noting with concern** the IFRC's finding that regulatory barriers are among the biggest obstacles the Red Cross/Red Crescent and its humanitarian partners face in providing emergency and transitional shelter in a rapid and equitable manner after disasters and are therefore an important cause of the prolonged suffering of affected persons;

**reaffirming** that states have the primary duty to take effective action to protect their citizens from the effects of natural disasters, to provide them with any necessary humanitarian assistance in their aftermath as well as to promote their recovery, and that National Societies are committed to supporting them as their auxiliaries in the humanitarian field;

**reaffirming** the sovereign right of affected states to seek, accept, coordinate, regulate and monitor disaster relief and recovery assistance provided by assisting actors in their territory;

#### **Strengthening legal preparedness for international disaster response**

1. **reiterates** the urgency for states to make themselves fully prepared to facilitate and regulate any international disaster assistance they may require, in order to ensure that affected persons receive timely and effective relief;
2. **calls** on those states that have not already made use of IDRL Guidelines to examine and, where appropriate, strengthen their national legal, policy and/or institutional frameworks to consider doing so, with support from their National Societies, the IFRC, the United Nations and other relevant partners;
3. **encourages** states and National Societies to continue to disseminate the IDRL Guidelines to relevant public authorities at all levels;
4. **invites** regional and international organizations to continue to make use of the IDRL Guidelines in developing and strengthening norms and mechanisms for cooperation in providing disaster relief and initial recovery assistance;
5. **welcomes** the efforts of the IFRC, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the Inter-Parliamentary Union to develop a "Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance" to assist states interested in incorporating the recommendations of the IDRL Guidelines into their legal frameworks, and encourages states to consider making use of the model act as a reference tool;

#### **Enhancing disaster risk reduction at the community level through legislation**

6. **reiterates** that legislation is one of a number of key tools available to states to ensure that disaster risks are effectively addressed;
7. **affirms** that domestic legislation can and should promote community level activity to reduce risks as well as the empowerment of communities with respect to risk reduction;

8. **encourages** states, with support from their National Societies, the IFRC and other relevant partners, such as the United Nations Development Programme (UNDP) and UNISDR, to review their existing legislative frameworks at all levels to assess whether they adequately:
  - a. establish disaster risk reduction as a priority for community-level action;
  - b. promote disaster risk mapping at the community level;
  - c. promote communities' access to information about disaster risk reduction;
  - d. promote the involvement of community representatives, National Societies, other civil society actors and the private sector in disaster risk reduction activities at the community level;
  - e. ensure adequate funding for disaster risk reduction activities at the community level;
  - f. ensure full implementation of building codes, land use regulations and other legal incentives to reduce disaster risk at the community level in a manner that does not impinge unnecessarily on livelihoods or rights; and
  - g. promote strong accountability for results in reducing disaster risks at the community level;
9. **invites** National Societies and states to cooperate in widely disseminating information about existing legislation relevant to disaster risk reduction at the community level;

#### **Addressing regulatory barriers to the rapid and equitable provision of emergency and transitional shelter after disasters**

10. **affirms** the importance of finding practical solutions (both formal and informal) for quickly addressing regulatory barriers related to the provision of emergency and transitional shelter after disasters;
11. **calls** on states and humanitarian organizations to make every effort to assure equitable shelter assistance as between all persons in need, including as between those who possess formal legal title to land or real property and those who do not, as well as between women and men;
12. **encourages** states, with support from their National Societies, the IFRC and other relevant partners such as the United Nations and the World Bank, to review their existing regulatory frameworks and procedures relevant to post-disaster shelter to determine if they adequately:
  - a. provide for rapid measures to assign and/or temporarily requisition land for emergency and transitional shelter, if needed;
  - b. address how to provide shelter assistance to persons who lack documented title to their damaged or destroyed homes;
  - c. reduce the potential for any ambiguities or disputes with regard to land or property ownership to delay or hamper the provision of emergency and transitional shelter;
  - d. allow for tailored building standards relevant to the emergency and/or transitional shelter context; and
  - e. guard against the heightened risk of corruption in the provision of shelter assistance.

#### **Extending support and partnerships**

13. **encourages** National Societies, as auxiliaries to the public authorities in the humanitarian field, to continue to provide advice and support to their governments in the development of effective legal and policy frameworks relevant to disaster management at all levels, in particular with respect to the areas of concern mentioned

in this resolution;

14. **requests** the IFRC to continue to support National Societies and states in the field of disaster law, including with respect to the areas of concern mentioned in this resolution, through technical assistance, capacity building, the development of tools, models and guidelines, advocacy and ongoing research;
15. **invites** the IFRC and National Societies to continue to strengthen their partnerships with relevant stakeholders in the area of disaster law, including OCHA, UNISDR, UNDP, and the World Bank as well as other international, regional and non-governmental organizations and academic experts;

#### **Ensuring dissemination and review**

16. **invites** states, the IFRC, and National Societies to disseminate this resolution widely, including by bringing it to the attention of relevant international and regional organizations;
17. **affirms** the role of the International Conference of the Red Cross and Red Crescent as a key international forum for continued dialogue on the strengthening of disaster law;
18. **requests** the IFRC, in consultation with National Societies, to submit a progress report on the implementation of this resolution to the 32nd International Conference of the Red Cross and Red Crescent.