



British Institute of
International and
Comparative Law



Flooding and Other Disasters: Assessing the Current Legal Frameworks

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Seminar Report

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To discuss the latest developments in international law, regional law and domestic law relating to flooding and other disasters, Kristin Hausler and Justine Stefanelli, both Associate Senior Researchers at the British Institute of International and Comparative Law (BIICL), in cooperation with Giulio Bartolini (University Roma Tre), held a seminar with an expert panel from both academia and practice.

The seminar was chaired by Dr Giulio Bartolini and the panel of speakers included Professor David D. Caron (King's College London), Dr Federico Casolari (University of Bologna), Claire Clement (British Red Cross) and Elyse Mosquini (International Federation of Red Cross and Red Crescent Societies).

Dr Bartolini initiated the debate by giving an overview of the basic legal elements relating to flooding and other disasters. Due to the frequency of disasters increasing around the world international disaster law is becoming gradually relevant within the international community and at the domestic level. The area is an emerging field that requires analysis of international law, regional law and domestic law, for both natural disasters and manmade disasters. Using the example of the past flooding in England, the current framework in this area, partly due to its underdeveloped nature, is sometimes incoherent and in many respects, incomplete. A mix of binding and soft-law instruments addresses a variety of aspects and different typologies of disasters without providing an exhaustive and clear framework. Disaster law is still a branch of international law in development looking for its autonomy and a proper role. Nevertheless, an increased awareness of the relevance of disaster law can be appreciated during last years.

At the international level many different initiatives are worthy of mention, such as the work of the International Law Commission (ILC) in its draft articles on the protection of persons in the event of disasters which are going to be adopted on first reading in 2014 thus providing a clear framework in this area. The relevance of the human rights dimension in case of disasters is clearly emphasised in the case law recently developed by the European Court of Human Rights (ECtHR) and by other initiatives supported by the United Nations (UN) human rights bodies as for instance with regard to indigenous people or shelter accommodations. In addition, the permanent relevance of areas as climate change law (with difficulties emphasized after the failure of the Copenhagen Conference) and Disaster Risk Reduction, a topic addressed in length during the 2013 Global Platform for DRR and to be considered at the World Conference on DRR to be held in Sendai in March 2015, emphasise the existence of several elements forming the complex puzzle characterizing international disaster law.

The second emerging trend of the topic is the regionalisation of disaster law. It is evident that this trend, by way influence, will play a vital role in the overall development of the framework in this area. At the European level the Lisbon Treaty has already provided a sound and far-reaching legal ground for areas as humanitarian assistance, civil protection and the solidarity clause, which have previously worked without a proper framework present within EU law. This is evidenced by the fact that the new European civil protection mechanism is proving many challenges for practitioners and scholars alike. Furthermore the regionalisation of international disaster law has been emphasised by similar initiatives developed in other areas. Apart from past experiences in Latin America and the Caribbean Region, which however have not been so successful, other interesting developments could recently be recorded in Asia as the 2005 ASEAN Agreement on Disaster Management and Emergency Response and the 2011 SAARC Agreement on Rapid Response to Natural Disaster. The African Union could become an additional actor in the phenomenon of the regionalization of disaster law in the next future.

Another key issue is that States are still 'the master of the system' despite the increase of obligations emerging between States and other regional organisations. States have ultimate discretion with the implementation of instruments and guidelines developed at the international and regional level and consequently they should adopt positive actions in order to establish a national legal system able to react to, and possibly prevent, disasters. This has pushed the group of concerned actors in the field to approach the issue from a 'bottom up' perspective through emphasis being put upon domestic implementation of the law governing disasters to effectively enhancing the law in this area. In this regard a primary point of reference is played by the 2007 IFRC Guidelines on the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance. The main barrier to this approach is that currently there is a lot of fragmentation at the national level, owing largely to the sheer amount of various actors involved. This method is highly dependent on the attitude of national authorities operating in relevant sectors and departments. For instance even if the review of national legislations on disaster response law carried out through a series of reports adopted under the auspices of the IFRC was able to identify a series of shortcomings, subsequent activities could be difficult to be implemented. Modifications of the domestic legal order are difficult to be realised due to the fragmented network of domestic actors involved, different sensibilities in this regard and the existence of other priorities.

The scope of this particular seminar was then to emphasise the relevance and potential of new developments in international disaster law, whilst taking into account that scholars are now taking a very in depth approach to this topic.

Professor Caron focused his presentation on the international questions that have been raised and augmented by academia relating to disaster law and why practicality should be the primary focal point in this area. Specifically, by discussing three fundamental shifts that have occurred within disaster law.

There are many subjects in the world that academics and practitioners will examine and write about endlessly that are unlikely to happen. The international community will come into contact with disasters that we do not know where they will occur, but they are inevitable. Yet the framework is not being addressed. The resources in this particular area are weak considering the impact of disasters will come at greater and greater costs. This could be attributed to the notion that there are certain fields of law that resist theory. Therefore, development resists theory and disasters resist theory. Nevertheless, at the practical level it is far from easy to implement what the academic world would like, despite its importance.

1) The first shift on disaster law is our understanding of disasters. From the 1970's onwards the significance of the discourse has changed significantly. In order to attain a greater grasp of the overall framework as it stands, it is necessary to examine the issues from other backgrounds other than law. This is due to the simple reality that there is not much present within the law that can help elucidate certain factors.

Taking the circumstances from an economic angle what is disaster law? The answer to this question can apparently be summarised in a word, discontinuity. Meaning that everything can be working normally, then a disaster comes along and upsets then established order, then everything returns to normal again. This specific point is disturbing as, even though disasters are a discontinuity, the breadth and depth of the discontinuity ultimately bears down to human involvement and complicity. Therefore, there has been a shift to considering that disasters are somehow natural and 'godlike' to our own deep complicity in the amount of suffering that takes place. This is an important recognition to bear in mind as once this shift has occurred, then the situation is considered from before the disaster took place, where human involvement became complicit. One cannot only think about responses to a disaster and 'the line of discontinuity', but consider the foreseeable reasons as to why the disaster has occurred in the first place. From this the whole framework focuses on the people involved and how they are affected, how the impacts on their lives can be mitigated and how their suffering could have subsequently been avoided. Therefore, there is an evolution in disaster law and policy toward anticipation, by way of risk management.

2) The second shift is our understanding of international law and its implications. Taken from the outlook of international environmental law dating back to the 1960's there was mainly only involvement by international law, whereas nowadays it is mainly environmental law that takes precedent. This change has led to a very different emphasis when we examine disaster law. For example, in situations of disaster, what is the responsibility owed by one State to another State and to a system of States. This shift is partly toward human rights and looking at the impact upon the people affected by these disasters, instead of focusing on the impact on the State. Meaning when this occurs the true key handling disaster in this respect is

governance and the notion the States are no longer sovereign (i.e. what really matters are the people). For that reason, States take up an administrative role, working in collaboration to minimise suffering and the sovereignty element, in so far as policy is concerned, starts to dissipate.

One way this is clarified upon is by looking at international environmental law and when arriving at a hard point in a disaster the borders between States are essentially removed. This allows one to ask what States should actively be doing in terms of governance of a disaster. Once this has been achieved the duty to assist becomes an international obligation. Nonetheless, a government's stereotypical view on this matter is when the response necessary to deal with the disaster at hand exceeds local capacity. As soon as this threshold has been surpassed it catalyses action by States and proximity becomes important. Consequently, this regionalisation implies inter-state connections.

With respect to the ILC and their work on disaster law, it is in many ways conflicted. Their work sometimes focuses toward solidarity, in terms of people and human values and then at the opposite end of the field they concentrate on the inter-state relationships. In this respect the ILC are not always clear in clarifying which end of the spectrum they are examining and why precisely they are doing so.

3) The third and last shift concerns international law and the regime of disasters. In 1995, despite the regime having improved slightly since then, the regime was extremely fragmented. This meant that some disasters were covered by international law and some were not. There was an amazing amount of material relating to oils spills, as an example, yet none on hazardous waste spills. This may due to certain regions of the world solving this issue, whilst others have not. Therefore, it was fortuitous to assume that international law covered a specific disaster or not, at least in terms of conventional instruments. One could argue that the presence of custom viably contends this assertion, however, custom in this respect, is not as detailed or responsive to the same extent.

This shift has come about in order to attain a universal background set of international institutions in the area of disaster law. Coming back to the fragmentation of the disaster law framework, the instruments involved can become fragmented through institutionalisation in four ways: by the means of prevention, risk mitigation, institutions' responses to disasters and the restoration and compensation aspect after a disaster has passed. Therefore, moving toward this universal background is of the utmost importance, especially so as to clearly illustrate the international duties of States during times of disaster.

When assessing the international framework, it is not that more rules are needed in order to develop this area of law, but the capacity and will of States to engage in disaster matters to the extent that was required by the international or regional community. A key observation that needs to be emphasised at this stage is that the State is at the centre of the issue and their individual capacities with respect to effectively coping with disasters, along with a State's capacity to build upon what they already encompass in this respect. Coinciding with the universal background it is also essential to ensure the local capacity is at a competent level. In closing, this is a very urgent subject and what can be learnt so far from it, using the Arab spring as an example, is that disastrous events are not linear. What exists instead of this, is erratic changes that come about quickly and out of the blue. One view that we in general have

on climate change that is illusory, is that it will take time to become of significance and for it to 'have a [real] bite' to it. Whereas, the reality is, by way of example, that there could be three summers of drought in one part of the world where the effects will become more and more disastrous. Meaning unless international leaders respond well enough to these issues the type of conflict that could subsequently ensue could be extremely damaging.

Dr Bartolini took some of these points further by emphasising that awareness must be raised with respect to these very real problems. There is a distinct need for more cooperation between different levels of governance. Therefore the idea of regionalisation becomes increasingly important in order to achieve solidarity within the framework. Application of key instruments such as the Treaty of Lisbon is crucial to State action on the matter, which can clearly make a significant difference to the law surrounding disasters. Another problem that is more than apparent is the struggle between sovereignty and the interest of States and the common value of solidarity.

Dr Casolari led on from this to discuss and highlight the specific mechanisms and tools of EU law that could become increasingly more relevant. This working machinery will be discussed by examining the new EU primary law framework, as the legal basis introduced by the Treaty of Lisbon concerning disaster management. Whilst looking at the new EU mechanism on civil protection cooperation and the issues that could come into the fold in the future for disaster law, such as the importance of improving coherence and the proper functioning of EU action vis-à-vis disaster scenarios.

The new EU primary law framework is made up of three different legal bases, which are devoted to disaster scenarios both inside and outside Europe. Firstly, there is a legal basis for cooperation between member States in civil protection matters (Article 196 of Treaty on the Functioning of the European Union (TFEU)). This is a very new legal basis: indeed, before the entry into force of the Lisbon Treaty the civil protection cooperation tools have been implemented and adopted under the 'flexibility clause', a very general clause allowing the Council to introduce new instruments to improve EU policies. Secondly, there is the new legal basis for humanitarian aid, in terms of the financial assistance given by the EU in the event of disasters occurring outside the EU (Article 222 TFEU). Before the entry into force of the Lisbon Treaty all the actions carried out in this field were covered by the development cooperation policy of the EU. Therefore, there was an 'improper' use of another policy of the Union in place to create humanitarian tools utilised to the benefit of other countries. Lastly, there is the benefit of the solidarity clause (Article 222 (TFEU)). This allows member States to create and improve solidarity duties in the event of disasters. However, this clause is not currently applicable because it requires an implementing decision, which to this day has not been adopted by the EU institutions. It follows that today it is impossible to invoke such solidarity duties. Whereas in the other two respects, there are implementing acts, pre and post Lisbon. Generally speaking, it is clear that the existence of these legal bases provide for an element of legal clarity. The boundaries of EU actions are defined and clarified, with respect to EU competence within the disaster law framework. On the other hand, there is the real risk of creating a proliferation of the tools at the hands of the EU institutions. This risk undermines the coherence of the system as a whole.

Article 196 TFEU introduces a parallel competence between the EU and member States. The Treaty of Lisbon has established a new catalogue of competences between the EU and its member States. Some of these competences include EU exclusive competences, shared competences, and parallel or complimentary competences between the EU and member States. Civil protection cooperation represents an example of parallel competence. In this case EU action is intended to support the action of the member States. Meaning the EU may only intervene in disasters as a means of support to member States and reinforce cooperation between them. Yet, it is not possible for the EU to harmonize the national legal frameworks.

The scope of application of this legal basis is extremely broad, possibly due to the broad definition encompassing disasters, (i.e. all situations that could have an impact on civilians, the environment and property, including cultural heritage). Moreover, all stages of disaster management within the EU are covered, from prevention and preparedness to response. Article 196 TFEU has been implemented via the Decision No. 1313 on a Union Civil Protection Mechanism, which repeals another two pre-existing instruments (namely, the Decision No. 2007/779 establishing a Community Civil Protection Mechanism and the Decision No. 2007/162 establishing a Civil Protection Financial Instrument) and merges the operational side and the financial side of EU action concerning civil protection cooperation in disaster response. The main novelties initiated by the new Mechanism are: a development of risk assessments at national and sub-national level, enhanced operations planning and scenario building, which in turn helps to cut unnecessary and expensive efforts being duplicated. There is now framework of preparedness, consisting of assessments by member States of all risks within their territory. Another novelty is the establishment of the Emergency Response Coordination Centre (ERCC), which has been conceived as a hub for coordination between member States and the EU. It has the capacity to deal with a variety of disasters, highlighting that this type of structure has the potential to offer a coherent picture, and ensure proper functioning, of civil protection mechanisms at the EU level. Finally, and most interestingly, the introduction of the European Emergency Response Capacity allows EU Member States, on a voluntary basis, to pre-register assets to be used in the event of disasters.

The idea of creating a flexible and effective instrument in the protection of people and property during disasters is extremely important, yet it still has to be weighed up against State sovereignty. This means that the crux of the issues surrounding the functioning of the Union Mechanism turn on the willingness of individual States to contribute. Moreover, proposed actions in response to disasters need to be accepted by the affected States.

The players involved within these mechanisms are therefore crucial to the efficient functioning of the framework. There are the member States, those within the European Economic Area (EEA), FYROM, combined with any other 'outside' States becoming involved in specific situations. Tie these to the European Commission (EC), in particular the ERCC and the procedures endeavouring to improve coordination become of even greater significance.

There are three main procedures in this area: 1) the early warning procedure (Article 14 of Decision No. 1313), which imposes a requirement on member States that in the event of a disaster that may cause, or are capable of causing, transboundary effects at EU level, a duty arises to inform and notify all countries that could be affected, or at least potentially affected by the disaster. 2) The second procedure is purely restricted to the EU Member States (Article

15). In using this procedure, States may request for intervention by other EU States when a disaster exceeds the affected State's capacity to cope with the subsequent problems. This process is conducted through the ERCC and involves the condition placed upon States to react promptly and in good faith to appeals for assistance. 3) Outside of the EU Member States another procedure that has been set up is that requests by third States, for support in times of disaster are considered through the ERCC and again the same obligations arise when EU States consider the request (Article 16). In these types of situations the European Commission plays a more relevant role, in the sense that the internal dialogue between the States offering assistance and those seeking assistance is managed by the EC to a greater extent. This 'external activation' of the mechanism means that the circumstances in the cases call for even greater coordination between EU member States and those with the parameters of EU law: this explains the reason why the European External Actions Service must be informed by the Commission, in order to allow for consistency between the civil protection operation and the overall Union relations with the affected country.

Of possibly greater importance to the development of the current framework surrounding disaster law and policy, is that there are legal issues still pending that have not yet been solved. The first of which is the so called 'implementation dilemma'. Several provisions that are contained in the new 1313 Decision must be implemented via delegating acts or implementing acts by the European Commission and to date there have been no such acts. Therefore, this state of affairs makes it difficult to grasp as clear picture of the mechanism, when taken as a whole. Another open-ended question concerns the use of military assets. It is possible in theory to utilise State's military assets during disasters, but the 1313 Decision does not clarify how this specific tool may be used in practice. The other unsolved quandary is how to regulate the civil protection mechanism with the other tools that could be applied in the same setting, in particular the humanitarian tools and the solidarity clause. With respect to the humanitarian system, today we have a pre-Lisbon Regulation (i.e. Regulation No. 1257/96 concerning humanitarian aid), making it necessary to adopt a new instrument consistent within the Lisbon legal framework. It is true that the 1313 Decision specifies that synergies shall be sought with the humanitarian aid Regulation; however, the present legal framework is lacking in practical provisions that could answer this question. Finally, it is not clear how the Union Mechanism should interact with the 'frozen' solidarity clause. Indeed, it should be noted that the scope of application of the two tools legal bases coincides; on the other hand, the solidarity duties imposed by Article 222 TFEU could diminish the potential value of the Mechanism, which only provides a duty to consider requests for the activation of the Mechanism. Against this scenario, and even if the legal framework concerning the implementation of the solidarity clause is still lacking, we should maintain that such clause should be seen as a 'last resort' mechanism.

Elyse Mosquini of the International Federation of Red Cross and Red Crescent Societies (IFRC) gave a clear layout relating to how the theoretical aspects of disaster law and the operational aspects can be bridged.

Advancement within this particular field is critically important to disaster response 'on the ground level'. This is not only due to the increasing impact and frequency of disasters, but also because response as we see it is becoming increasingly complex over time. This reason for this is due to the diversity of actors responding present on the ground in response to disasters.

Over time there has been a great increase in the type of actors that become involved as well. Taking the 2004 Indian Ocean tsunami as an example, there were a couple of hundred actors present. Fast forward to the 2010 earthquake in Haiti and there were literally thousands of actors present at ground level. From a State perspective, managing this influx is becoming increasingly complex. Therefore disaster law is an important State tool in effectively managing disaster response.

IFRC has been examining the trends in this field, with the benefit of its mix of operation experience combined with the historical role of its member National Societies in the promotion and dissemination of international humanitarian law (IHL) as auxiliaries to their governments in the humanitarian sphere.

IFRC began its study of the impact of law on disaster response a little over a dozen years ago. The study has included consultations with response actors (humanitarian organisations and governments) around common practical legal issues – especially with regard to assistance crossing borders. Walking through this from the legal perspective, an international actor who is seeking to deliver assistance in a particular State may not have any pre-existing relationship with the country's government, meaning practical issues start to amount very quickly (visa requirements, customs, import regulations, duties in bringing in good, additional taxes, landing fees etc.). After an actor has fully entered the State another issue arises, which is the domestic aspect of how the actor can operate on the ground. Foreign actors under most domestic law are required to be registered and have a work permit. Further, involved actors must have the legal capacity to enter into contracts for services within the country.

Our study also included a review of existing law on the topic, and revealed that the number of instruments already in existence were rather fragmented. There is in fact a large number of agreements, including regional and bilateral agreements and many sector-specific agreements dealing with topics such as telecommunications or customs – with many gaps and inconsistencies among them. In part due to this fragmentation, there is also a lack of awareness. While there have been calls for more regulations, this does not seem to be the problem. Rather the study highlighted the need for bringing together the existing rules and regulations in a consolidated form as guidance for States and other humanitarian actors on international disaster response law. Addressing this need, the IFRC spearheaded the initiative for the adoption of what is now commonly referred to as the IDRL guidelines (Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance). These guidelines set forth recommendations to States to address through their domestic law the most common legal issues in international disaster response. They are grounded in existing law and practice. Therefore, if a State wishes to be legally prepared for large scale disaster the IDRL guidelines underline how the State can ensure that its legal framework is ready manage the influx of ensuing operations, whilst guarantee that aid comes in efficiently and quickly, and is directed where it needs to go, as well as make certain that the actors involved are well coordinated and the needs of the beneficiaries are being met.

The logical question then is how are the IDRL guidelines being implemented? Currently the major focus of the IFRC's work on disaster law today is directed toward the domestic level implementation of the guidelines – and there are two reasons for this. First, our philosophy and conviction is that the State should be at the centre of the picture. The IFRC aims to support

the State in its legal preparedness and to ensure that it has the tools to manage not only its disaster response but also to ensure that assistance coming from outside its territory effectively facilitated, regulated and coordinated. Second, during the consultation and negotiation of the guidelines, States took a strong position that the guidelines should be non-binding in nature (there was no appetite at that time for any discussion of a global treaty on disaster response). Orientation toward implementation through domestic law was hence seen as more feasible and realistic. Since the adoption of the guidelines by the 30th International Conference of the Red Cross and Red Crescent in 2007 the IFRC has been working very closely with States to do exactly that. Working together with National Societies we have supported nearly 50 countries worldwide to review their existing legal frameworks for international disaster response and provided technical assistance to many to address identified gaps in their legislation.

What must be borne in mind is that this is a law making process within a very young field of law. It is time consuming and challenging at any level. Now seven years after the adoption of the guidelines 15 States have adopted some form of new legislation or other instrument drawing on the recommendations of the IDRL guidelines. While few can be said to have fully implemented the guidelines, they have picked out issues that are particularly relevant and important in their national context and for which there was political will to take action. For example, Norway has adopted specific provisions in its immigration regulations for employees of humanitarian organisations. We also see examples where a State is developing or amending its disaster management legislation and takes the opportunity to address disaster assistance coming from outside its borders. In Bhutan, where the government recently developed its first comprehensive disaster management act, technical assistance provided by the IFRC led to the incorporation of a section on international assistance.

Furthermore, running parallel to all the developments at domestic level, there is an increasing appetite to develop disaster response frameworks and coordination mechanisms at the regional level. This is most certainly an area to watch, including with respect to the possibility of eventual harmonisation of rules in this field. Such Harmonisation would certainly have benefits for the functional operability of the international humanitarian aid system. If such harmonisation is to be achieved, it will surely be influenced by the ongoing work of the International Law Commission in its project on the 'protection of persons in the event of disasters'.

Claire Clement of the British Red Cross (BRC) looked at the developments in disaster law from a UK perspective and added insights relating to the specific role of the BRC in this context.

In the UK, the government has the primary responsibility to respond to emergencies on its territory. Due to the importance of cooperation between involved actors being frequently emphasised, it is necessary to examine how the voluntary sector interacts within the legal framework of disaster response. The voluntary sector, including the BRC, plays an important role in supporting the UK government in dealing with emergencies, which is formally recognised in the form of legislation in the Civil Contingencies Act (2004). This act constitutes the primary framework for civil protection and disaster response within the UK. However, there is a vast array of additional, sector specific, legislation as well. The Civil Contingencies framework requires the so called 'category one responders', who are the primary organisations involved in emergency response (e.g. police, fire brigade, NHS), to 'have

regard' to the activities of the voluntary sector. Yet, the BRC is not only part of the voluntary sector. The BRC has a unique status in relation to the public authorities, which is enshrined in the BRC's Royal Charter. The organisation is private, but also an auxiliary to the public authorities in the humanitarian field.

In practice this status means that the BRC has a formal duty to support the public authorities in achieving humanitarian objectives. Possible ways in which this is conducted can be through the provision of services related to health care and emergency response, recovery and preparedness, as well as maintaining direct dialogue on matters of humanitarian concern, including both policy and legal issues. The auxiliary role is about maintaining a balance with government. The effect of this is that the BRC is uniquely placed to take on leadership roles in the voluntary sector on emergency response within the UK and also between the voluntary sector and the public authorities. An example of this function is that the head of emergency planning and response at the BRC is chair of the voluntary sector civil protection forum. This forum was established in 2001 by the civil contingencies secretariat at the cabinet office and the BRC. It comprises representatives from the voluntary sector, including from the Salvation Army, St. Johns Ambulance, central and local government, devolved administrations, statutory authorities and professional organisations. This wide-ranging membership aims to identify and maximise the voluntary sector contribution to UK emergency response. The forum has been very active in developing policy on related topics within this field.

The practical focus of the BRC in crisis situations is to support category one responders. The organisation has a range of relationships with these responders that follow a variety of models. During disaster situations the BRC undertakes a number of activities in a supporting role. Such activities include providing first aid, distributing aid (food, water, etc.), transport and catering provisions for emergency responders, along with providing important emotional support to beneficiaries. These actions free up the category one responders to deal with the most critical aspects of disasters. On top of this there is also the existence of a disaster appeal scheme, meaning that, in consultation with the UK government, the organisation may initiate a disaster appeal for a specific situation.

In the recent flooding in England the BRC helped almost 10,000 beneficiaries in many different ways. Further, there are two areas that have been identified from the recent flooding that are not in need of legal attention, but in terms of practical considerations, may be discussed further with the government. The first being managing spontaneous or convergent volunteers, with the second being the management and distribution of donated goods. Commercial organisations with respect to the recent flooding were very enthusiastic and active in donating goods, which made this latter issue very much apparent.

Moving on to disaster law issues, from 2008 to 2010 a national study of the UK's domestic legislation relating to disasters was conducted. The purpose of this study was to examine the extent to which the domestic legal, administrative and operational framework was able to facilitate potential international relief into the UK. The UK in this respect is seen as very self-sufficient and well equipped to deal with disasters occurring within its territory. The British Institute of International and Comparative Law was commissioned to conduct this study by the BRC, in which a very comprehensive analysis of the current framework was undertaken. The study utilised the IDRL guidelines as a reference point to ensure that UK legislation was fit for

purpose, in terms of potentially facilitating incoming aid if it were ever needed. The cabinet office provided technical input into the study and hosted a national workshop on the study for local authorities, category one responders and other actors. The aim of the study was to remain realistic about the UK's situation, knowing that the country is primarily self-sufficient in this regard, whilst being practical about any future need for incoming assistance. The study found that the UK is generally well equipped to handle disasters, which occur on its own territory. There was one situation where the UK used the civil protection mechanism, mentioned earlier, to make a request for assistance in the unusually severe winter weather of 2010. In this instance the UK experienced a road salt shortage and made a request through the civil protection mechanism to enquire to whether any States in the EU had road salt supplies that the UK could purchase. Furthermore, the study highlighted that in a number of ways the UK domestic framework does align with the recommendations set out in the IDRL guidelines.

However, the study also found that legislation in the UK was largely silent on the issue of incoming aid. While disaster law issues are covered in a general sense within UK legislation, there is no explicit mention of how to facilitate incoming aid. One could say this is because the UK is self-sufficient in this area, yet in serious emergencies, which will undoubtedly become increasingly more frequent and severe in the future, there is a need for preparedness. The framework of disaster law is not just about the here and now, but preparing for what future events may come to pass. Another unforeseen benefit of the study was that it brought together in one place all the relevant legislation that applies in the UK to disasters. The study therefore acted as a useful reference for both the Civil Contingencies Act, which is the central piece of the UK's disaster law framework, and all of the other legislation relevant to this area (transport, immigration etc.). Conducting this study has also deepened the relationship between the BRC and local authorities, the civil contingencies secretariat and other areas of government in the UK, by increasing the credibility of the BRC in relation to disaster law issues. The cabinet office has also helped to support the work being conducted on this issue at the international and regional level.

Taking these issues forward, the BRC and the UK government has active current joint pledge to continue to collaborate in supporting initiatives on disaster law issues, whether it be on the issue of cross-border assistance, disaster risk reduction or shelter, and to be effectively engaged in these matters, whilst working together to promote the IDRL guidelines in the UK and also internationally. The pledge was made in the context of the International Conference of the Red Cross and Red Crescent. The UK and the BRC will be required to report on progress made in implementing the pledge at the next International Conference in 2015.

This Report was prepared by Richard Mackenzie Gray Scott.