CHAPTER-3

UNITED NATIONS AND NATURAL DISASTER MANAGEMENT

3.1 Introduction

The discussion in this chapter is about the United Nations and its management of natural disasters. The number of people affected by the suffering and devastation caused by natural disasters has been steadily increasing during recent years. According to the International Federation of Red Cross and Red Crescent Societies, a total of 608 million people were affected by natural disasters in 2002 alone\(^1\). This is an enormous figure, against which the United Nations Development Programme (UNDP) estimates that approximately 31 million people a year were affected by complex emergencies.

Within the UN system, the responsibility for coordination of international natural disaster response, as well UN complex emergency response rests with the UN Emergency Relief Coordinator (ERC) who is also the Under Secretary General for Humanitarian Affairs and head of the UN Office for the Coordination of Humanitarian Affairs (OCHA). Disaster response is an issue on which the UN General Assembly has been engaged for over 30 years. From 1965-2002 it passed some very forthright and far reaching resolutions. It has not, however, been able to ensure that they were fully implemented.

\[^1\] International Federation of Red Cross and Red Crescent Societies,” *World Disaster Report 2003*” (2003), pp 179
The attention that natural disaster response attracts from the humanitarian community has been overshadowed by the post Cold War focus on complex emergencies. Due to the sudden, unpredictable nature of the occurrence of natural phenomena such as earthquakes, cyclones and volcanic eruptions, there are number of basic differences in the international (and system-wide) response to natural disasters, as compared to complex emergencies, with which most humanitarian actors are more familiar. These are discussed below.

Numerous UN General Assembly resolutions over the years make it clear that the responsibility for response to natural disasters, and its coordination, lies squarely with the government of the affected country. International assistance, whether bilateral or by international humanitarian agencies or non-government organizations (NGOs), can only be provided at its request and to augment its resources. In the case of complex emergencies the situation is different, because often the government itself, or a faction of it, is part of the emergency, or there is no government at all.

In natural disaster response there is a need for coordination of response assets, both national and international, on site. Assets such as urban search and rescue teams, International Federation Emergency Response Units, field hospitals and boats are used extensively at the site of a disaster and their use has to be coordinated there in real time. This, along with the necessity to assist the disaster affected Local Emergency Management Authority (LEMA) at district or state level, has resulted over the years in the creation of quick response international coordination instruments, such as UN Disaster Assessment and Coordination (UNDAC) teams. By contrast, in situations of complex emergency, there is a need to coordinate humanitarian programme responses rather than on site assets, in real time. This is a different art altogether.
3.2 Development of natural disaster response ‘soft law’ in the UN

In the backdrop of many disasters happening around the world, there is a necessity of proper response in order to manage natural disasters which should also deal with response to disasters. The following discussion studies the legal response of natural disasters through soft law developed by UN.

3.2.1 Predominance of bilateral assistance

Unlike cases of complex emergencies, where donors channel substantial assistance through UN humanitarian agencies and NGOs, the overwhelming bulk of assistance in natural disaster response is provided through bilateral government channels. For example, during Hurricane Mitch\(^2\) the United States provided approximately US$ 100 million in bilateral assistance to the affected countries within two weeks of the disaster. Such assistance often includes specific in-kind support, such as urban search and rescue teams. Thus in natural disasters, bilateral assistance predominates.

Use of military assets by governments for responding to natural disasters does not have the same political implications it has in complex emergency response. Experience has shown that military and civil defense resources can add considerable value to rescue and recovery efforts following natural disasters because of their logistic capabilities and immediate availability. In many developing countries the army and air force are usually the first to respond to a natural disaster.

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\(^2\) One of the most powerful and most destructive of 1998, Atlantic hurricane season. Mitch was formed in western Caribbean Sea, Oct 22\(^{nd}\) 1998.
3.2.2 The role of the media and communication

Hurricane Mitch in 1998 was the first disaster to be covered live on television. This changed the parameters of government response to natural disasters. The power of this medium to affect the perception of the population about their own government’s competence in responding to a disaster has resulted in huge pressures on governments to be seen to be doing something very quickly. The visible presence of international response on site often helps the government establish that something is being done. Complex emergencies do not create such rapidly escalating media pressures on governments.

If there is no communication from the site of the disaster then the world remains in the darkness regarding the extent of damage due to the disaster. Communications can be of immense use of effective hurdling of a disaster. The use of modern communication is of relevance not only to disaster managers but also the grassroots level actors. Greatest threat of a disaster is that it breaks all possible channels of communication. All disasters, whether natural or man-made, have the common characteristics of first disrupting the transportation and disrupting the communication systems. Due to disruption in communication the flow of information gets cut, it results into severe managerial problems. More severe the disaster, more time it takes to establish the line of communication. Snapped telephone lines, broken VHF antennas, uprooted radio/TV transmission towers stops all sorts of land communication. A bad and innocent weather makes Ariel movements risky and dangerous. As a result the disaster stricken area returns to a primitive stage of civilization, without having any sort of communication with the outside world.
Effective information management is the key success in disaster handling. Today is the age of information. Hundreds of Satellites are scanning the earth surface even now and then. Every natural disaster except an earthquake can be predicted accurately. It gives an ample time to respond to the situation, application of appropriate technology is made to reduce the vulnerability. A well aware community is better prepared to face a disaster. The famous Yokohama message for safer world 1994 affirms that “The information, knowledge and some of the technology necessary to reduce the effects of natural disasters can be made available in many cases at low cost and should be applied. Appropriate technology and data, with the corresponding training should be made available to all freely and in a timely manner, particularly to the developing countries”

3.2.3 The need for preparedness

It is reasonably clear that the oft repeated humanitarian adage that ‘an emergency is an emergency’ is not quite accurate. Effective response to natural disasters requires a lot of hard work with governments, before a disaster, to build up response capacities and trust. There is no time to do this after the disaster has struck. In complex emergencies, on the other hand, one can join an emergency at any time after it has started and work from that point on quite effectively.

Another extremely important difference between the two types of emergency response is in the field of ‘soft law’. The UN General Assembly has applied itself to the subject of natural disaster response since 1965, especially its relationship with state sovereignty. Therefore, a large body of soft law is available in the form of General Assembly resolutions, passed from 1965 to 2002 and agreed to by all members’ States, which represents a board international consensus on the subject.

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3 United Nations World Conference on Natural Disaster Reduction in Yokohama,
3.3 Development of Disaster law and UN

The first General Assembly resolution on natural disaster response was passed in the year 1965\(^4\). These resolutions are proof of the importance that member States accord to natural disaster response, by creating a body of soft law spanning 38 years and built up by consensus amongst member States.

An examination of these General Assembly resolutions indicates that four main themes run through them:

1. The responsibility for natural disaster response in a disaster-affected country rests with the country itself. All assistance provided by the international community is in support of the government and on request from it.

2. The Emergency Relief Coordinator of the UN (earlier known as the UN Disaster Relief Coordinator) is mandated to coordinate and facilitate all international response to a disaster.

3. There is a clear recognition of the need for the UN system to work closely in disaster response with the International Red Cross and Red Crescent Movement.

4. A consistent effort is needed to improve the capabilities of the international system, especially the UN, for disaster response.

The above four themes are herein examined.

1. The first theme running through the considerations of the General Assembly since 1965 is that the responsibility for response to a disaster lies squarely with the affected country. It is interesting to observe that the theme of sovereignty in response to natural disasters did not appear specifically until as late as 1981. The first time sovereignty appears is in the General Assembly resolution on strengthening the capacity of the UN to respond to natural disasters, of December 1981\(^5\). Paragraph 2 could not be clear in starting that the General Assembly:

“Reaffirms the sovereignty of individual Members States, recognizes the primary role of each State in caring for the victims of disasters occurring in its territory and stresses that all relief operations should be carried out and coordinated in a manner consistent with the priorities and needs of the countries concerned”.

2. Thereafter, in almost every year, there is a reaffirmation of sovereignty and responsibility of member States. In 1982\(^6\), 1983\(^7\) and 1986\(^8\), the language of the General Assembly resolutions on disasters response is identical:

“Recognizing also that the primary responsibilities of administration, relief operations and disasters preparedness lie with the affect countries and that the major part of the material assistance and human effort in disaster relief comes from the Governments of those countries”.

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3. In 1986, a clear increase in the level of anxiety on this issue is apparent in the General Assembly resolution on the Office of the UN Disaster Relief Coordinator in which the General Assembly:

“Reaffirms the sovereignty of individual Member States, recognizes the primary role of each State kin caring for the victims of disasters occurring in its territory and stresses that all relief operations should be carried out and co-ordinate in a manner consistent with the priorities and needs of the countries concerned”.

By 1988, the language of the General Assembly also started including references to territorial integrity and national unity. The General Assembly resolution on humanitarian assistance to victims of natural disasters and similar emergency situations\(^9\) states:

“Reaffirming the sovereignty, territorial integrity and national unity of States, and recognizing that it is up to each State first and foremost to take care of the victims of natural disasters and similar emergency situations occurring on its territory”.

4. This text is also repeated in 1990 in the General Assembly resolution on humanitarian assistance to victims of natural disasters. Clear language and messages indeed. By 2002, the language had become even more explicit. The General Assembly resolution of December 2002 on strengthening the effectives and coordination of international urban search and rescue assistance\(^{10}\) states:

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\(^{10}\) United Nations General Assembly Resolution, strengthening the effectiveness and coordination of International urban search and rescue assistance, A/RES/57/150(2003)
“Reaffirming that the sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations. In this context humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country”.

3.3.1 The role of the UN Emergency Relief Coordinator

The appointment of the UN ERC to coordinate international response to natural disasters, who is also the Under Secretary General for Humanitarian Affairs and head of OCHA, was emphatically elucidated from its beginning. The title of Emergency Relief Coordinator was originally specified in the now famous General Assembly resolution 46/182 of 19 December 1991, with this resolution, for which the catalyst was the Kurdish refugee crisis of 1991, the General Assembly attempted to consolidate responsibility for all humanitarian emergency response on an individual. Therefore it is the combination of the responsibility for natural disaster response, then with the Office of the UN Disaster Relief Coordinator (UNDRO), and complex emergency response (then scattered amongst various authorities), with one official the ERC. It based this office within UNDRO and renamed UNDRO the Department of Humanitarian Affairs (DHA). DHA was subsequently converted into OCHA as per part of the Secretary General’s reform of the UN in 1998. General Assembly resolution 2816(XXVI) of 14 December 1971\footnote{United Nations General Assembly Resolution, “Assistance in cases of natural disaster and other disaster situations”. Third Committee, A/RES/2816 (XXVII) (1971)} originally created UNDRO and was also one of the pillars on which resolution 46/182 was based.
Even the currently much quoted General Assembly resolution 46/182, while merging the functions of natural disaster and complex emergency response, specifically refers to the original General Assembly resolution 2816 (XXVI) in its opening lines. Thus, 46/182 clearly envisaged a continuation of the role of natural disaster coordination that UNDRO had, all those years. In fact the new office of the ERC was to be based on UNDRO.

The ERC was served by the UN Department of Humanitarian Affairs (DHA) based on the old UNDRO. Within DHA, a separate Disaster Response Branch continued and contained the institutional knowledge of UNDRO. When the UN was reformed by the Secretary General in 1998 and DHA converted into OCHA, the responsibility for natural disaster response remained with the ERC and OCHA.

The General Assembly continued to remain engaged with this issue. As recently as December 2002, it passed a significant resolution on a special subject of natural disaster responses; that of international urban search and rescue. Paragraph 5 of that resolution “Reaffirms the leadership role of the Emergency Relief Coordinator in supporting the authorities of the affected State, upon their request, in coordinating multilateral assistance in the aftermath of disasters”.

3.4 UN and IRCRC *vis-a-vis* Natural Disaster Management

One of the major discernible theme which has emerged over the years is the need to ensure that the UN works closely with the International Red Cross and Red Crescent Movement in natural disaster response. As early as 1968, Paragraph 3 of the General Assembly resolution on assistance in cases of natural disasters. The

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12 Which states, “Recalling its resolution 2816(XXVII) of 14 December 1971 and its subsequent resolutions and decisions on humanitarian assistance, including its resolution 45/100 of December 1990?”

preceding convention invited governments to make national preparations to meet natural disasters and outline the nature of such preparations.

In 1970 the reference to Red Cross and Red Crescent principles was far more explicit. The preamble of the General Assembly resolution on assistance in the case of natural disasters\textsuperscript{14}. In 1971, in the preamble to the resolution on assistance in the case of natural disasters\textsuperscript{15}, the General Assembly recognized “the vital role in international relief played by the International Red Cross”. After 1971 there was a decade gap in which the Red Cross and Red Crescent was not specifically mentioned.

In 1981 the importance of the International Red Cross and Red Crescent Movement in disaster response and preparedness was once again emphasized by the UN General Assembly. In its preamble, the resolution on strengthening the capacity of the UN system to respond to natural disasters States “Recognizing also the importance in international relief of the contribution of the International Committee of the Red Cross, the League of Red Cross and Red Crescent Societies...”

Again in 1982 and 1983, General Assembly resolutions dealing with strengthening the UN capacity for natural disaster response both importance of the contribution of the International Committee of the Red Cross, the League of Red Cross and Red Crescent Societies and appropriate voluntary organizations.

Even in the all important General Assembly resolution 46/182 of 19 December 1991, instructs the newly created UN Emergency Relief Coordinator to “work

\textsuperscript{14} United Nations General Assembly Resolution, “Assistance in cases of natural disaster”, A/RES/2717 (XXV) (1970)

\textsuperscript{15} United Nations General Assembly Resolution, “Assistance in cases of natural disaster and other disaster situations,” Third Committee, A/RES/2816 (XXVII) (1971)
closely with organizations and entities of the United Nations system, as well as the
International Committee of the Red Cross, the League of Red Cross and Red
Crescent Societies...”

Finally, this thread of connectivity with the International Red Cross and Red
Crescent Movement in disaster response has been reiterated as recently as
December 2002 with the passage of General Assembly resolution 57/150 on
strengthening the effectiveness and coordination of international urban search and
rescue assistance which makes a direct reference to the International Federation’s
effort to clarify international disaster response law, albeit with inter government
supervision\textsuperscript{16}.

3.4.1 Improving the capacity of the international system

Since 1965, the UN General Assembly has also applied its collective mind to
improving the capacity of natural disaster response, including authorizing many
practical measures. Between 1965 and 1990, the General Assembly passed no less
than 15 resolutions which contained paragraphs asking the Secretary General to
strengthen UNDRO and the international system for natural disaster response.

A typical text is General Assembly resolution of 29 November 1974 which “Calls
upon the Secretary General to provide sufficient staff, equipment and facilities to
strengthen the capacity of the Office of the United Nations Disaster Relief
Coordinator to provide an efficient and effective worldwide service of mobilizing
and coordinating disaster relief”\textsuperscript{17}. Besides a general call to strengthen disaster

\textsuperscript{16} United Nations General Assembly Resolution, “Strengthening the effectiveness and coordination of

\textsuperscript{17} United Nations General Assembly Resolution, Office of the United Nations Disaster Relief Coordinator,
response, the General Assembly also suggested undertaking some good practical measures.

A summary of some of the important issues on which it passed resolutions asking for action included the following:

- In 1968 it requested governments to make administrative arrangements to respond to natural disasters including stockpiling relief, training of personnel, communications, early warning systems and preparation of specialized disaster response units. At the same time, it asked the secretariat to complete a study on the legal status of disaster relief units made available to member states through the United Nations, an issue which lacks clarity even today.

- In 1965, it created an emergency grant to enable of immediate cash grants to member states affected by natural disasters. The amount that could be released was steadily increased till it stood at US$ 50,000. This figure was reached in 1982 and remains unchanged 21 years later\(^\text{18}\). In 1974 it created a trust fund for enhancing capacity for disaster response. This trust fund still exists today, in OCHA.

- In 1971, it suggested the creation of a roster of experts to be made available to disaster affected countries at a very short notice. This measure was ultimately put into effect in 1993, when the UN Disaster Assessment and Coordination (UNDAC) team was created, prompted by the devastating earthquake in Spitak, Armenia in 1988. Today, the UNDAC team has 173 members from 48 countries and has responded to emergencies 105 times in 64 countries since 1993.

• In 1984, the General Assembly realized the need for special administrative procedures for disaster responses and requested the Secretary General “to modify the United Nations procurement procedures as necessary, to permit, on the part of the Office of the United Nations Disaster Response Coordinator, a timely and more effective response to the special and immediate requirements of countries exposed to disasters”\textsuperscript{19}. This was seven years before General Assembly resolution 46/182. This demand was also repeated in 1990 and in 1991. It remains unimplemented to date.

• In 1990, the General Assembly also asked UNDRO to create a warehouse to stockpile supplies in order to enable UNDRO to respond “in a timely manner to the special and immediate requirements of countries exposed to sudden disasters”. This led to the creation of a warehouse in Pisa, Italy with supplies contributed by donors and managed by OCHA. In the reform of 1998, management of this warehouse was divested to the UN World Food Programme (WFP).

• In 1991, resolution 46/182 created a Central Emergency Revolving Fund (CERF) to enhance capacity to address emergencies. CERF was made applicable for use in case of natural disasters in 1994. However, to date there has been not a single instance of CERF funds being used in response to an emergency as a result of a natural disaster.

Where the member states have failed over the years has been in the inability to ensure that there solutions passed in the UN general Assembly were properly implemented by those responsible, namely UNDRO and its successors. In spite of the preamble and guiding principles of resolution 46/182, making specific references to General Assembly resolutions 2816 (XXVI) of December 1971 and

45/100 of December 1990 as guidance in dealing with natural disaster response, the attention and capacities devoted to this issue have actually declined because of the emphasis on dealing with complex emergencies.

As recently as 2001, OCHA had a separate Disaster Response Branch in Geneva which dealt solely with natural disasters. This branch was the repository of institutional knowledge, expertise and contacts in disaster prone countries and with donor governments, which had been built up over the years since 1965 by UNDRO and DHA.

However, in 2001 an internal reorganization of OCHA combined the complex emergency and natural disaster desks. In this process the Disaster Response Branch was discontinued. That reorganization resulted, perhaps inadvertently, in dissipation of the knowledge and culture of disaster response built up over the decades by the ERC office – a result which was clearly at odds with the repeated call made by the UN General Assembly.

3.5 United Nations Agency and Natural Disaster Management

The United Nation system does not have any specific convention relating to humanitarian activities in non–conflict disasters. But provisions can be found in treaties, agreements, other instruments in the areas of transportation, volunteers, food, clothes, international assistance etc. For example the Convention on International Civil Aviation\(^20\) requires the State to facilitate entry, departure and transit of relief flights undertaken in response to natural and man–made disasters. Similarly the Convention on Facilitations of International Maritime Traffic, 1965\(^21\)

\(^{20}\)“Convention on International Civil Aviation”, 1944 (commonly known as the Chicago Convention).

\(^{21}\)The 1987 Amendment to the Convention on Facilitation of International Maritime Traffic, 1965. This amendment simplify the documentation required by ships including crew lists, and also facilitate the movement of ships engaged in disaster relief work and similar activities.
requires the public authorities to facilitate the arrival and departure of ships engaged in disaster relief work.

The Convention on the Simplification and Harmonization of Customs Procedures, 1973, requires the states to permit entry of goods being imported for the purpose of helping the victims of natural disaster or similar catastrophes. Understanding the importance of transportation facilities during disasters, there is a less specific but a significant provision in the Convention concerning International Carriage by Rail, 1980, that provides for reduction in rail charges for charitable, educational of instructional purpose. More recently in the year 1990 a provision was added in the Convention on Temporary Admission, which requires the nations for temporary admission of goods to be used in relief work during disasters.22

Similarly the International Atomic Agency, understanding the consequences of nuclear disaster like Chernobyl has drafted few instruments for the early notifications23 and international assistance in the event of a nuclear accident24. But in spite of these efforts Russia was reluctant to accept international assistance when a nuclear submarine met with an accident fearing the leak of military information resulting in the death of many soldiers. The following are the major agencies of the United Nations attempting to standardize disaster management internationally.

3.5.1 United Nations Development Programme

22 The Convention on Temporary Admission, 1990; See also the Customs Convention On the ATA Carnet for the Temporary Admission of Goods, 1961 (ATA Convention) and The International Convention on the Simplification and Harmonization of Customs Procedures.
23 The Convention on Early Notification of a Nuclear Accident signed in Vienna on 26 September 1986 (entered into force on 27 October 1986)
24 The Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency signed in Vienna on 26 September 1986; The convention on Nuclear Safety, signed in Vienna on 17 June 1994.
The United Nations Development Programme (UNDP), which is the United Nation’s global development agency, aims to help the people of the world to lead a better life by preventing poverty by using the available resources efficiently. Disasters compel the available resources which could be used for development to be redirected towards disaster management. The accumulated losses from the disasters are concentrated disproportionately in the most vulnerable sectors of the poorest countries. To help these nations the UNDP has a Crisis Prevention and Recovery office known as a Bureau of Crisis Prevention and Recovery (BCPR), which shapes the organization response to disasters. The UNDP has sixty six country offices specifically involved in activities relating crisis-related issues.

3.5.2 United Nations Office for Coordination of Humanitarian Affairs

In order to improve the overall effectiveness of the disaster management during conflict as well as during natural or manmade disasters, the United Nations General Assembly\(^{25}\) appointed an Emergency Relief Coordinator as the Secretary General of the Department of humanitarian affairs, whose function would be to coordinate the activities of the UN during disasters. It also created the Inter – Agency Standing Committee (IASC)\(^ {26}\), the Consolidated Appeals Process (CAP)\(^ {27}\) and the Central Emergency Revolving Fund (CERF)\(^ {28}\) as key coordination mechanisms and tools of the Emergency Relief Coordinator.

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\(^{25}\) Adopted through resolution 46/182 in the year 1991.

\(^{26}\) The Inter –Agency Standing Committee was established in the year 1992 for “Strengthening co-ordination of humanitarian assistance”.

\(^{27}\) CAP is a mechanism which is disaster which is disaster aid organizations to plan, implement and monitor their own activities.

\(^{28}\) The Central Emergency Revolving Fund was created for effectively bridging the gap between needs and available funding through UN resolution A/RES/46/182.
In the year 1998 the Department of Humanitarian Affairs was reorganized into the Office for the Coordination of Humanitarian Affairs (OCHA). Its mandate was expanded to include the coordination of humanitarian response, policy development and humanitarian advocacy. This organization carries out its coordination function primarily through the Inter–Agency Standing Committee, which is chaired by the Emergency Relief Coordinator. The Policy Development and Studies Branch of the OCHA (PDSB) develop the policy framework in close collaboration with the Security Council, other UN departments, humanitarian partner agencies and member States. International Search and Rescue Advisory Group (INSARG) is an inter governmental network under the United Nations establish in the year 1991 for doing urban search and rescue and related disaster response issues. The main function is to provide a platform for information exchange, to define standards for international cooperation and coordination during earthquakes.

3.5.2 United Nations Disaster Assessment and Coordination

The United Nations Disaster Assessment and Coordination\(^\text{29}\) is an additional and standby mechanism of professionals having expertise in disaster management. These professional are nominated and funded by governments, OCHA, UNDP etc. in the event of a disaster, the members of the UNDAC can be deployed within hours to carry out rapid relief work because they are permanently on stand – to deploy to relief missions following disasters and humanitarian emergence anywhere in the world. The UNDAC is also responsible for providing first hand information on the disaster situation to the international community and others.

3.5.3 International Decade for Natural Disaster Reduction

\(^\text{29}\) Resolution 44/236 of 22 December 1989, known in short as IDNDR.
The United Nations General Assembly designated the year beginning from 1990 to 1999 as the International Decade Reduction, to create awareness, arrive at standards, and uses the existing knowledge, wealth and human resource for preventing, mitigating and effectively responding to the disasters. The decade aimed to curb the losses, human, material and economical, caused by disasters\(^{30}\). It was also the aim of the Decade to bring an integral approach to natural disaster management\(^{31}\). As a part of the Decade a conference on Environment and Development was held in Rio in the year 1992, which emphasized the need for greater cooperation with the countries exposed to natural disasters and other crisis liable to affect the environment. Other important attempts to set standard in disaster management during this Decade were:

(a) The World Conference on Disaster Reduction held in Yokohama in May 1994 where Yokohama Strategy and the Plan of Action for a Safer World and Guide for the Prevention, Preparation and Reduction of Vulnerability were adopted.

(b) The Istanbul Declaration on Human Settlements drafted on 14 June 1996, which emphasis the right for everyone to adequate housing and the universal goal to provide safer, healthier and sustainable human settlements.

(c) The Conference on Natural Disaster Prevention, Land – Use Planning and Sustainable Development held in Paris in the year 1999.

(d) IDNDR International Programme Forum held at Geneva in the year 1999 which drafted the Geneva Mandate on Disaster Reduction.

(e) Many regional conferences were held during this period like (i) Yerevan Conference of the Central and East European countries held in September

\(^{30}\) UN General Assembly Resolution 44/236 (22 December 1989)
\(^{31}\) UN General Assembly Resolution 46/162 (19 December 1991)
1998; (ii) IDNDR/ESCAP Regional Meeting for Asia which was held in Bangkok in the year February 1999; (iii) The Valencia Conference on Natural Disaster Prevention and Reduction in the Mediterranean held in May 1999; (iv) Regional IDNDR/UNEP Meeting for Africa held in Nairobi in the year May 1999; (v) Hemispheric Conference for Latin America and the Caribbean held in San Jose in the year June 1999.

(f) Many conferences were also held on specific subject pertaining to disaster
(i) Inter government Conference on Emergency Telecommunications held in Tampere in June 1998;
(ii) International Conference on Early Warning Systems held at Potsdam during September 1998;
(iii) First Inter government Seminar of Experts on El Nino held at Guayaquil during November 1998;
(iv) International Conference on Natural Hazards in the Mountains held at Grenoble during April 1999.

The most important standards that were set during this Decade were the Yokohama Strategy, Geneva Mandate, and the Tampere Telecommunication convention.

3.5.3.1 The Yokohama Strategy

The Yokohama Strategy was signed at the United Nations World Conference on Natural Disaster Reduction in Yokohama, Japan from 23rd to 27 May 1994. Many aspects of disaster reduction were discussed in this Conference\(^{32}\). The

\(^{32}\) The UN-FAO/ECE/ILO. Team of specialists used the opportunity to express its views on global fire to the IDNDR.
Conference identified that the poor and socially disadvantaged people in the developing country are mostly affected in cases of disasters\(^{33}\). Even though each and every country has a sovereign responsibility\(^{34}\) to protect its citizen; a partnership\(^{35}\) among the nations, civil society, scientific and research establishments, industries etc., has to be established along with a multi disciplinary and holistic approach.

The strategy emphasized on the need for shifting the stress on relief and rehabilitation to prevention and mitigation\(^{36}\). Education and training, development and strengthening of human resources\(^{37}\); identification, networking, developing of existing centers of excellence\(^{38}\), improvement of awareness in vulnerable communities; improved coordination and cooperation among ongoing national, regional land international disaster research activities; effective national legislation and administrative action, higher priority at the political decision making level; integration of the private sector in disaster reduction efforts through promotion of business opportunities; promotion of the involvement of non – governmental

\(^{33}\) Clause 1 of the Message says that “The impact of natural disasters in terms of human and economic losses has risen in recent years, and safety in general has become more vulnerable to natural disasters. Those usually most affected by natural and other disasters are the poor and socially disadvantaged groups in developing countries as they are at least equipped to cope with them. ”\(^{34}\) Clause 7(B) of the Yokohoma Message emphasize that the World Community “Will give priority attention to the developing countries, in particular the least developed, land-locked countries and the small island developing States”.

\(^{35}\) Clause 7 (A)of the Message

\(^{36}\) Clause 4 of the Message says that “The world is increasingly interdependent. All countries shall act in a new spirit of partnership to build a safer world based on common interests and shared responsibility to save human lives, since natural disasters do not respect borders. Regional and International cooperation will significantly enhance our ability o achieve real progress in mitigating disasters through the transfer of technology and the sharing of information and joint disaster prevention and mitigation activities. Bilateral and multilateral assistance and financial resources should be mobilized to support these efforts.

\(^{37}\) Clause 9(C)

\(^{38}\) Clause 9(E)
organization in natural hazard management etc. are some of the important issues that found place in the Strategy.

The Strategy emphasizes on the importance of building a global culture of prevention as an essential component of integrated approach to disaster reduction rather than on other elements like mitigation and relief. According to this plan every nation should be self-reliant in capacity building, allocation of resources, technology, human resources etc. It also called for community participation, creating an awareness among the vulnerable communities, identification and networking of existing centers or excellence to enhance disaster prevention, reduction and mitigation activities; broader monitoring and communication of forecasts and warnings; improved coordination and cooperation among national, regional and international disaster multidisciplinary research activities; integration of the private sector in disaster reduction efforts through promotion of business opportunities; promotion of the involvement of non-governmental organization in natural hazard management.

Later on, in the World Conference on Disaster Reduction, the Yokohoma strategy was reviewed. The review emphasized on the importance of having a more pro-active approach to informing, motivating and involving people in all aspects of disaster risk reduction in their own local communities. This review also points out the lack of resources allocated specifically from development budgets for the realization of risk reduction objectives, at the national, regional and international levels. Specific gaps and challenges were identified by the review in a few areas such as:

(a) Governance: organizational, legal and policy frameworks.

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39 Clause 9(Q)
40 Clause 9(A)
(b) Risk identification, assessment, monitoring and early warning
(c) Knowledge management and education
(d) Reducing underlying risk factors and
(e) Preparedness for effective response and recovery.

3.5.3.3 The Geneva Mandate on Disaster Reduction

The participants representing different countries in the IDNDR International Programme Forum held at Geneva in the year 1999 drafted the Geneva Mandate on Disaster Reduction recognizing that the world is increasingly being threatened by large scale disasters, which will have long term social, economic, and environmental consequences. The Forum also recognized the fact that this would have an impact on sustainable development particularly in developing countries. This mandate calls for adopting and implementing policy measures at the international, regional, sub-regional, national and local levels for establishing hazard-resilient community. These policies shall also contribute to safeguarding the natural and economic resources and social well-being and livelihoods. The mandate emphasized the role scientific, social and economic research, and technological and planning applications at all levels.

The Mandate emphasized on the importance of having an interdisciplinary risk management with continued interaction and cooperation among all disciplines and institutions concerned. It also stressed on developing and strengthening innovative regional approaches to suit local needs.

3.5.3.5 Tampere Telecommunication Convention

This is one of most effective standards set by the comity of nations, understanding the importance of sharing information in preventing, mitigating, and in the rescue operations in the event of a disaster. The Tampere Telecommunication
Convention\textsuperscript{41} requires the signatory States to provide unhindered use of telecommunications during disasters. This convention could serve as a model for bringing an international legal standard. The countries that have signed the convention are required to reduce or remove regulatory barriers to the use of telecommunication resources for disaster mitigation and relief.

The IDNDR came to an end in 1999. However, during its ten year span of activities, it was comparatively effective in setting standards especially in terms of forging vital links among the political, scientific and technological communities. To continue these activities, the United Nations established a successor body known as the International Strategy for Disaster Reduction\textsuperscript{42}.

3.5.4 International Strategy for Disaster Reduction

The International Strategy for Disaster Reduction (ISDR) was launched by the General Assembly to provide a boost for the international standard setting processes with the objective of reducing human, social, economic and environmental losses happenings as a result of natural technological and environmental hazards. The ISDR aims at building disaster resilient communities by promoting increased awareness of the importance of disaster reduction as an integral component of sustainable development. This is the main body within the United Nations system for coordination strategies and programmes for disaster reduction and to ensure synergy between disaster reduction activities and those in the socio – economic and humanitarian fields. Its important role is to encourage both policy and awareness activities by promoting national committees dedicated to disaster reduction and working in close associations with regional initiatives.

\textsuperscript{41} Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, 1998, which is commonly known as the Tampere Telecommunication Convention

\textsuperscript{42} Popularly known as ISDR. The activities of this body can be learned through their website\{http://www.unisdr.org/\}
The mission of ISDR aims at building disaster resilient communities by promoting increased awareness of the importance of disaster reduction as an integral component of sustainable development, with the goal of reducing human, social, economic and environmental losses due to natural hazards and related technological and environmental disasters.

**The ISDR aims to promote four objectives:**

1. With the slogan prevention begins with information, the ISDR aims to increases public awareness among regional organizations, governments, non – governmental organizations, United Nations entities, representatives of civil society and others about disaster reduction globally.

2. It aims at obtaining commitment from public authorities to implement disaster reduction policies and actions. Correspondingly this requires a grassroots approach whereby communities at risk are fully informed and are encouraged to participate in risk management initiatives.

3. It is one of the important goals of ISDR to stimulate interdisciplinary and intersect oral partnerships, including the expansion of risk reduction networks. If more entities that are active in disaster reduction share information on their research and practices it will be more useful for developing a global body of knowledge.

4. The ISDR also tries to improve scientific knowledge about disaster reduction so that the community can remain better prepared.
This body is having its secretariat in Geneva. The principal organs of the ISDR are the Inter – Agency Task Force on Disaster Reduction\textsuperscript{43} and the Inter Agency Secretariat. The former is the principal body for the development of disaster reduction policy. It is headed by the UN Under – Secretary General of Humanitarian Affairs and consists of the United Nation, international, regional and civil society organizations. It meets twice a year in Geneva, Switzerland.

The Secretariat of the ISDR has been established as a flexible structure with core staff composed of a small number of substantive officers and managed by a Director under the direct authority of the Under Secretary General for Humanitarian Affairs. The ISDR Secretariat is funded exclusively from voluntary contributions. The main functions of the Secretariat are:

(a) To support the inter – agency task force in the development of policies on natural disaster reduction
(b) To promote a worldwide culture of reduction of the negative effects of natural hazards, through advocacy campaigns
(c) To serve as an international clearing house for the dissemination and exchange of information and knowledge on disaster reduction strategies and
(d) To backstop the policy and advocacy activities of national committees for natural disaster reduction.

To achieve the goals for which they have been constituted the two organs of the secretariat adopt many techniques like campaign programmes, conferences and

\textsuperscript{43} The UN General Assembly, through resolutions 54/219 and 56/195, established an Inter-Agency Secretariat and an Inter – Agency Task Force for the implementation of the International Strategy for Disaster Reduction (ISDR).
seminars, developing sufficient interdisciplinary and multidisciplinary infrastructure for managing disaster situations.

To create awareness among the people and prepare them fully to face a disaster, the United Nations and its various agencies have in the past years presented many agendas before the world at large. In the year 2004, the theme of the International Day for Disaster Reduction was “Learning from today’s disasters for tomorrow’s hazards”. The Secretary General, in the aftermath of a disaster, through his message have called the government authorities, business, community groups and individuals to see whether appropriate actions, such as early warning, were taken to save life and property. He also called for creating awareness about the disasters at schools, at university, and through community networks. By participating in educational activities, engaging in community risk mapping exercises, and sharing good practices, young people can learn lifelong lessons, and help make their communities more disaster resilient.

The third session of the Global Platform for Disaster Reduction, held in May, 2011 convened the broadest-ever cross-section of leaders and experts committed to building resilience. Its deliberations provided guidance for the further implementation of the Hyogo Framework for Action. A strong sense of urgency for increased investments in disaster risk reduction was expressed. The Government of Japan offered to host the Third World Conference on Disaster Risk Reduction in 2015.

3.5.4.1 Hyogo Framework for Action 2005 -2015
The ISDR as part of its mission organized the World Conference on Disaster Reduction at Hyogo in Japan from 18 to 22 January 2005\(^4^4\). This Conference reviewed the Yokohama Strategy and adopted two important resolutions, the Hyogo Declaration and the Hyogo Framework for Action 2005 – 2015: Building the Resilience of Nations and Communities to Disasters, which is known as the Hyogo Framework for Action 2005 – 2015.

In the Declaration, the nations have aimed at building relevant international commitments and frameworks, recognizing the intrinsic relationship between disaster reduction, sustainable development and poverty eradication. Development of a culture of disaster prevention and resilience, and associated pre – disaster strategies, which are sound investments, must be fostered at all levels, ranging from the individual to the international levels. Similar to the Yokohama Strategy it also declared that States have the primary responsibility to protect the people and property on their territory from hazards, and thus, it is vital to give high priority to disaster risk reduction in national policy, consistent with their capacities and the resources available to them. It calls on all nations to support the creation and strengthening of national integrated mechanisms, such as multi sectoral national platforms to ensure that disaster risk reduction of community participation in disaster risk management.

Enhancing the capabilities of the international system for natural disaster response is a subject in which UN member States have been deeply involved since 1965. As a result, a body of soft law has been built up in the UN on this issue spanning almost four decades. This soft law has been agreed upon by all member states and therefore has the widest acceptability. It also specifies actions that

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\(^4^4\) As per General Assembly Resolution 58/214 of 23 December 2002. The World Conference on Disaster Reduction was convened with five specific objectives; To conclude and report on the review
should have been taken to strengthen the system. In the years since the adoption of the Hyogo Framework, a number of States have reported progress in the adoption of new laws and a growing satisfaction that their legislative frameworks are now much more supportive of the prevention of disasters. However, it also focuses on how disaster management legislation may promote tangible results at the community level also. The Framework also underlined the importance of seeing the impact of disaster risk reduction activities at the community level. In this respect, it asserted the importance of community participation, capacity-building for community-level institutions, devolution of authority and resources, and the role of community-based institutions.

3.5.4.2 Decentralization of responsibility and resources

The Hyogo Framework calls for decentralization of authority and resources to promote community-level disaster risk reduction activities. A number of recent disaster management laws have adopted this as a goal. For example, Honduras Law on the National Disaster Management System of 2010 sets out decentralization as one of the primary “guiding principles” of the country’s disaster management system. Likewise, the Phillipines Disaster Risk Reduction and Management Act of 2010 declares it a “policy of the state to recognize the local risk patterns across the country and strengthen the capacity of the authorities for disaster risk reduction and management through decentralized powers, responsibilities, and resources at the regional and local levels.” However, not all new disaster management legislation takes this approach. For example, Thailand’s 2007 Disaster Prevention and Mitigation Act calls for the national Department of
Disaster Prevention and Mitigation to prepare national disaster plans and binding guidelines, under which local administrations will operate all their activities.

Decentralization without supporting legislation has proven very challenging in countries that have attempted it. For example, Timor Leste adopted a new Disaster Risk Management Policy in 2008 emphasizing decentralization, but international and civil society actors have expressed doubts about whether that goal have been met.\textsuperscript{45} Moreover, in traditionally centralized States, old habits have sometimes proven difficult to break, even after enactment of new law. For example Indonesia’s 2007 Disaster Management Act provided for decentralization of certain powers and responsibilities for disaster risk reduction and response. Each region and each city is required to create its own disaster management agencies and committees. However, as of 2009, it was reported that only 18 of the 32 provinces had established their regional Disaster Management bodies and that local governments still exhibited a reluctance to delicate their own resources to disaster risk reduction, preferring to wait for support from the national level. Similarly partial results as to legal mandates to create municipal and community disaster management commissions were reported in El Salvador.\textsuperscript{46}

On the other hand, it is important to acknowledge that decentralization can sometimes result in less rather than more activity to reduce disaster risks. For example, in Peru, major responsibility for disaster management was transferred in the 1990s from the national government to local governments as part of larger-scale devolution of governmental powers pursuant to the 1993 constitution. However, in a number of cases, local governments failed or were unable to assign resources or dedicated staff of the activities and designated committees, lacked

\textsuperscript{45} World Bank, 2010; IRIN, 2010
\textsuperscript{46} UNISDR Local Governments, 2010
adequate technical expertise and advice, and did not meet or carry out their expected tasks.\textsuperscript{47} Moreover, local voters did not hold their mayors to account on this issue. Draft amendments to the national disaster management law are currently under discussion, in part to introduce some additional elements of support and accountability for local-level risk reduction.

The new Philippine legislation\textsuperscript{48} seeks to mitigate some of these dilemmas by specifying a minimal staffing level for local disaster management secretariats and making changes to the local “Calamity Funds” now known as “Local Disaster Risk Reduction and Management Funds.” Under prior legislation, localities were mandated to set aside 5\% of local revenues each year in the Calamity Funds in case of a disaster. However, if no disaster struck that community in a particular year, they were disbursed to local employees as bonuses.\textsuperscript{49} Pursuant to the new act, these funds can now be made available all year-round for risk reduction and preparedness activities and they are strictly reserved for disaster management purposes.

Of course, the problem of resources is not only at the local level. In many countries, there is little guarantee of dedicated funding for risk reduction even at the national level. This was one of the key findings, for example, of a 2010 legal study of 11 Caribbean countries by the Organization of American States\textsuperscript{50} most of which provided clearly designated funding only for the operating expenses of their national disaster management agencies. In contrast, India’s 2005 law requires that every national ministry and department include a budget line item for disaster

\textsuperscript{47} Salazar, Milagros, “El Nino Throws a Tantrum.” Tierramerica (Feb.24, 2010)
\textsuperscript{48} Disaster Risk Reduction and Management Act, Philippines, 2010
\textsuperscript{49} IFRC Asia Report,2010
\textsuperscript{50} OAS, Caribbean Emergency Legislation Project, Regional Workshop Background Note and Country Briefs, Rodney Bay, Saint Lucia(May 21, 2010)
management. Costa Rica’s 2006 disaster management law similarly requires that “every public institution” dedicate a specific line item in its budget for disaster risk reduction.

In federal States, decentralization is already part of the natural legal order and a major proportion of disaster management responsibility is generally reserved to provincial or regional authorities. This means that the level of activity and priority accorded to disaster risk reduction is likely to vary from region to region, as is the support to, and pressure on, local authorities to implement risk reduction at the community level. However, some federal governments still seek to exert an influence on localities by offering funding with certain conditions.

An overview of progress on the implementation of the International Strategy for Disaster Reduction in response to General Assembly resolution 65/157, Disaster risk is accumulating faster than economic growth, thus hampering development and the achievement of the Millennium Development Goals.

### 3.5.4.3 Challenges and Opportunities associated with the implementation of the Hyogo Framework for Action

- The midterm review of the Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and communities to Disasters, the HFA Monitor, the 2011 Global Assessment Report, the global and Regional platforms and associated consultative processes have identified critical

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51 Austrian Red Cross, 2010; German Red Cross, 2010; IFRC Australia Report, 2010.
challenges, opportunities and priorities to reduce risk exposure and vulnerability.

- In line with General Assembly resolution 64/200, the strategy secretariat facilitated the mid-term review of the Hyogo Framework for Action through a participatory approach involving stakeholders at international, regional and national levels.

- Managing disaster risk and its consequences requires strong cooperation across sectors and among nations, including local constituencies. While there is progress in certain sectors, this cannot yet yield the expected results given the lack of integration of systems.

- Accountability for effective disaster management requires further strengthening. The adoption of relevant legislation by numerous countries is a significant step. At the same time, it cannot yet be effectively implemented owing to the lack of appropriate recording of disaster losses, as well as the lack of clear standards, baselines and target indicators to guide and measure progress.

- The midterm review of the Hyogo Framework for Action noted that financing of disaster risk reduction is still underdeveloped and more work is needed to track investments, positively condition development investments and support local level action.

- In December 2010, at the Conference of the parties to the United Nations Framework Convention on climate change in Cancun, parties asserted the importance of enhancing climate change-related disaster risk reduction strategies, taking into consideration the Hyogo Framework for Action where appropriate.

- Disaster risk information plays a critical role in guiding investment decisions and supporting public opinion. Access to information about natural hazards
and the available risk reduction measures provide opportunities to reduce vulnerabilities.

3.6 The Legal Framework of Humanitarian Assistance in the UN System

3.6.1 Legal mandates to provide humanitarian assistance

One of the purposes of the United Nations is stated in Article 1(3) of the UN Charter:

To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character….

Consistent with this purpose, Article 55 of the UN Charter provides, with a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self determination of peoples, the United Nations shall promote:

a. Higher standards of living, full employment, and conditions of economic and social progress and development.

b. Solutions of international economic, social, health and related problems; and international cultural and educational cooperation;

In accordance with these articles the UN and General Assembly has established several subsidiary organs, funds and programmes mandated to provide humanitarian assistance. In accordance with their constituent instruments, some specialized agencies also provide humanitarian assistance, notably the World Health Organization.
While the UN High Commissioner for Refugees’s fundamental responsibilities under the statute adopted in 1950 by the GA are to provide international protection to refugees and seek permanent solutions for their problems, protection and material assistance are now generally planned as complementary parts of a single UNHCR operation.\textsuperscript{54} Article 2 of the statute provides that “the work of the High Commissioner shall be of an entirely nonpolitical character; it shall be humanitarian and social”.

When UNRWA was first established by the GA, part of its mandate according to resolution 302 (IV) OF 8 December 1949, entitled “Assistance to Palestine Refugees” was to carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission. Since 1967 one of its mandates from GA has been “to continue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are currently displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities”.\textsuperscript{55}

In 1965 the UN Development Programme was created by consolidating two UN activities\textsuperscript{56} the scope of UNDPs responsibilities is now very broad and has evolved in accordance with successive GA resolutions and action plans drawn up at individual conferences. One of UNDPs many responsibilities is disaster prevention and preparedness, which is also part of UN humanitarian action. When disaster occurs, UNDP coordinates relief work at the local level, while promoting recovery and long-term development.

\textsuperscript{54} UNHCR, Handbook for emergencies, 2nd ed., Geneva, UNHCR, 2000,12,16, The UNHCR Statute was adopted by the General Assembly in resolution 428 (V) of 14 December 1950
\textsuperscript{55} GA resolution 2252 (ES-V) of July 1967 and GA resolution 60/101 of 16 January 2006.
\textsuperscript{56} GA resolution 2029 (XX) of November 1965
The proliferation of UN bodies concerned with humanitarian assistance resulted in a greater need for coordination to strengthen the UN’s response to both complex emergencies and natural disasters and to improve the overall effectiveness of the UN’s humanitarian operations in the field. To this end, in December 1991, the GA adopted resolution 46/182, which created the high level position of Emergency Relief Coordinator (ERC). This new function would combine into a single UN focal point the functions carried out by representatives of the Secretary – General for major and complex emergencies, as well s the UN’s natural disaster functions carried out by the UN Disaster Relief Coordinator, UNDRO. The same resolution created the Inter-Agency Standing Committee (IASC), the Consolidated Appeals Process (CAP) and the Central Emergency Revolving Fund (CERF) as key coordination mechanisms and tools of ERC.

Soon after, the Secretary General established the Department of Humanitarian Affairs (DHA) and assigned the ERC the status of Under-Secretary-General (USG) for Humanitarian Affairs. In 1998, DHA was reorganized into the Office for the Coordination of Humanitarian Affairs, OCHA. Its mandate was expanded to include the coordination of humanitarian response, policy development and humanitarian advocacy.

OCHA carries out its coordination function primarily through the Inter-Agency Standing Committee, which is chaired by the ERC. Participants include all humanitarian partners, from UN agencies, funds and programmes to the Red Cross Movement and NGOs. The IASC ensures inter-agency decision-making in response to complex emergencies. These responses include needs assessments,
consolidated appeals, field coordination arrangements and the development of humanitarian policies.\textsuperscript{57}

The General Assembly is not the only principal organ of the UN concerned with humanitarian assistance. Under the UN Charter,\textsuperscript{58} the Security Council has primary responsibility for the maintenance of international peace and security. Incidental to its discharge of this responsibility, the Security Council has taken action with a view to providing some humanitarian assistance.

### 3.6.2 UN Privileges and Immunities to facilitate delivery of Humanitarian Assistance

To facilitate the delivery of humanitarian assistance by the many UN bodies, an international legal framework has been developed that accords privileges and immunities to those entities and their officials and experts on mission.

This legal framework is additional to that under international humanitarian law. For example, Art 59 of the Fourth Geneva Convention of 1949 assists UN relief agencies, as well as non-UN entities, to deliver humanitarian assistance.\textsuperscript{59}

UN privileges and immunities are part of the International law and are found mainly in treaties, notably:

- UN Charter,
- 1946 Convention on the Privileges and Immunities of the United Nations;


\textsuperscript{58} Article 24 of the Resolution

\textsuperscript{59} Fourth Geneva Convention of 1949, Art 59, first para.
- 1947 Convention on the Privileges and Immunities of Specialized Agencies; and
- Bilateral agreements between the UN or UN agencies such as UNRWA and relevant governmental authorities.

Pursuant of the UN Charter, the General Assembly adopted the 1946 Convention on the Privileges and Immunities of the UN and then the 1947 Convention on the Privileges and Immunities of Specialized Agencies. Although there are some differences, there are none worth highlighting for present purposes. Since agencies referred to in detail are all covered by the 1946 Convention. By May 2006, 151 States had become parties include Jordan, Lebanon, Syria and Israel, none of whom made reservations. As far as UNRWA is concerned, bilateral agreements between individual UN agencies and various host authorities may adjust obligations under the 1946 convention. Therefore, unless a State applies the principle of most favored treatment, two UN agencies might have different privileges and immunities of that State.

There are three UN privileges and immunities which are of particular importance to the delivery of humanitarian assistance under

1. Immunity from search and confiscation of UN property, including UN Vehicles;
2. Immunity of UN officials-locally recruited and international and experts on mission from legal process in respect of acts done
3. Freedom of movement of UN staff

Importantly, for the delivery of humanitarian assistance, under Article V, Section 18(a) of the 1946 Convention, “Officials of UN shall be immune from legal

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60 Agreements reprinted in Sisalem, Muhanna, El Dahdoh (eds). “The Laws of Palestine”, VOL.XXX, 3-28
process in respect of words spoken or written and all acts performed by them in their official capacity. \(^{61}\) If international humanitarian law applies to the region where the UN is providing humanitarian assistance, a UN humanitarian agency may also seek to rely on the Convention of 1949 to urge an occupying power to allow unrestricted movement to the agency’s personnel as part of the duty to facilitate relief schemes.

The Convention \(^{62}\) calls upon all Governments and parties in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations, in countries in which humanitarian personnel are operating, in conformity with the relevant provisions of International law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel and delivery of supplies and equipment in order to allow those personnel to perform efficiency their task of assisting the refugees and internally displaced persons.

Unfortunately, it has not worked that way in practice. The focuses of the international humanitarian community on complex emergencies, as well as developments within the UN secretariat in recent years, have actually seen a declining level of expertise and specialization in natural disaster response within the UN system. If 608 million people in one year can be affected by disasters, then this is a trend that ought to be addressed and reversed. It is very much evident from the recent chaos in USA and Asia after Katrina and Tsunami respectively that these efforts at national, regional and international level have not been effective. There is no definite, broadly accepted source of International law, which spells out legal standards, procedures, rights and duties pertaining to disaster response and

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\(^{61}\) “Experts on mission” have a similar immunity under Article VI, section 22(b).

\(^{62}\) General Assembly Resolution 60/123 of 26 March 2006
assistance. No systematic attempt has been made to pull together the disparate threads of existing law, to formalize customary law or to expand and develop the law in new days. There are no international standards for donating money and the accountability of beneficiary government. While an occasional newsworthy disaster may be flooded with relief, others go unreported and receive inadequate response.

Disaster response systems are very often affected by procedural formalities and confusion, and by policies of government. These problems cannot be removed and humanitarian community cannot function at all without the quite success of treaty based rules. A model disaster response law can be developed in the line of International Humanitarian Law and Refugee Law, which is comparatively well developed, that apply during large-scale emergencies. Both are invaluable within their sphere. The standards of International disaster management law can be a conceptual framework within which the amorphous body of International, regional and national rules and regulations are effectively used. A broad based, action oriented standard will have to be made to effectively capture humanitarian action in all phases of disaster management.

Consultations with Governments and partners through national, regional and global process culminated with the third session of the Global platform for Disaster Risk Reduction, which identified\textsuperscript{63} critical areas and opportunities for joint work to manage disaster risk and strengthen the implementation of the Hyogo Framework for Action over the next five years. National multi-stakeholder mechanisms can play a crucial role in supporting informed decision-making, the development of integrated communication strategies to inform the public and thus support

\textsuperscript{63} The Chair’s Summary of the third session of the Global Platform for Disaster Risk Reduction (Geneva, 8-13 May 2011)
individual’s choices. Different models of national platforms have developed over the past 10 years with mixed results. The International Strategy for Disaster Reduction will launch a process jointly with national mechanisms to capture national experiences and ensure that a viable model for disaster risk reduction promotion can be established to contribute to optimal risk management. The above discussions traced the development of UN law and its response towards the management of natural disasters.
List of UN Resolutions related to Natural Disasters

1. United Nations General Assembly Resolution, Assistance in cases of natural disaster, A/RES/ 2034(XX)(1965)


15. Which states, “Recalling its resolution 2816(XXY) of 14 December 1971 and its subsequent and decisions on humanitarian assistance, including resolution 45/100 of December 1990
16. United Nations General Assembly Resolution, of the coordination of international urban search and rescue assistance, A/RES/57/150(20030)


19. United Nations General Assembly Resolution, Assistance in cases of natural disasters, AND disaster and other disaster situations Third Committee A/RES/2816(XXXY) 1971

20. United Nations General Assembly Resolution, Strengthening the capacity of the United Nations system to respond to natural disasters and other disaster situations, A/RES/36/2251981

22. United Nations General Assembly Resolution, Resolution the effectiveness and coordination of international urban search and rescue assistance, A/RES/57/1502003


30. United Nations General Assembly Resolution, Humanitarian assistance to
victual disasters and simmer emergency situations A/RES/45/100 1990

31. United Nations General Assembly Resolution, Strelution of the
coordination of Humanitarians and Disaster relief assistance of the United
Nations including special Economic assistance Strengthening the cording
of emergency Humanitarian assistances of the United Nations,
A/RES/49/57 1994