

Memorandum of Understanding (MoU)

between

**the International Federation of Red Cross and Red Crescent Societies
(IFRC)**

and

**the United Nations Office for the Coordination of Humanitarian Affairs
(OCHA)**

*regarding cooperation in the area of
International Disaster Response Laws, Rules and Principles (IDRL)*

WHEREAS the IFRC is an international humanitarian organization whose general object is, in conformity with the Fundamental Principles of the International Red Cross and Red Crescent Movement, to inspire, encourage, facilitate, and promote at all times all forms of humanitarian activities by National Societies with a view to preventing and alleviating human suffering and thereby contributing to the maintenance and promotion of human dignity and peace in the world;

WHEREAS OCHA is the office of the United Nations Secretariat whose mission is to mobilize and coordinate effective and principled humanitarian action in partnership with national and international actors in order to alleviate human suffering in disasters and emergencies; advocate the rights of people in need; promote preparedness and prevention and facilitate sustainable solutions;

CONSIDERING that preparedness for emergency response is a key element of OCHA's strategic goal of a more enabling environment for humanitarian action, and its active engagement to assist states to improve their preparedness for international disaster assistance, including through such tools as preparedness missions of the United Nations Disaster Assessment and Coordination (UNDAC) system;

CONSIDERING that the state parties to the Geneva Conventions and the components of the Red Cross and Red Crescent Movement adopted the "Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance" (IDRL Guidelines) at the 30th International Conference of the Red Cross and Red Crescent in 2007 and that the UN General Assembly has encouraged states to make use of them in several resolutions, including UN GA Res. Nos. 65/133; 65/264; 64/251; 64/76; 63/141; 63/139; and 63/137;

CONSIDERING the IFRC's developed expertise in issues relating to the facilitation and regulation of international disaster assistance, including leading the development and negotiation of the IDRL Guidelines, as well as its continuing mandate to disseminate and support the use of the IDRL Guidelines to strengthen national legal, policy, and institutional frameworks;

CONSIDERING that OCHA and the World Customs Organization developed a "Model Customs Agreement" in 1995 to facilitate the customs treatment of disaster relief consignments;

CONSIDERING that Member States are encouraged by the Secretary General in his report of 8 September 2010 (Doc. No. A/65/356) to increase their legal preparedness for effective disaster management by using the guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance and also to consider signing the model customs facilitation agreement to facilitate the import and transit of the relief consignments and possessions of relief personnel in the event of disasters and other emergencies;

CONSIDERING the growing cooperation between the IFRC and OCHA in the promotion of legal preparedness for international disaster response since the establishment of IFRC's IDRL Programme in 2002, including jointly-organized workshops and conferences, both at headquarters and in field offices in Africa, Asia-Pacific, and the Americas; the "International Dialogue on Strengthening Partnership in Disaster Response: Bridging National and International support," convened by OCHA, IFRC, the Swiss Government and the International Council of Voluntary Agencies in October 2011; the development of a "Model Act on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance"; the development with interested states of a questionnaire for states in support of a "Regional Compendium of Regulatory Instruments for the Management of International Humanitarian Assistance in Emergencies" in Latin America and the Caribbean; engagement with the World Customs Organization to enhance the role of customs in natural disasters providing advice and support to government-led contingency planning exercises for interested states; approaches to several countries and regional organizations interested in developing stronger regulatory frameworks for international disaster response; and offering legal recommendations related to disaster management in United Nations Disaster Assessment and Coordination preparedness missions;

The parties agree as follows:

Article 1 Roles of the parties in IDRL

- a. OCHA recognizes the role of the IFRC as a leader in the analysis and promotion of effective disaster law, welcomes its work in the development and dissemination of the IDRL Guidelines, and considers IDRL an essential and practical tool to inform Governments on how to prepare their disaster laws and plans for international disaster relief while protecting the interests and needs of States persons affected by a natural disaster.
- b. IFRC recognizes the role of OCHA as a prime focal point for the coordination in international relief operations and welcomes its work in further promoting and disseminating the IDRL Guidelines to them, among other coordination tools.
- c. The parties affirm their intention to further extend their cooperation in the area of IDRL, at the headquarters, regional and field levels, and to further strengthen the complementarity of their efforts.

Article 2 Joint activities

- a) The parties will look to carrying out joint activities to promote the dissemination, implementation and strengthening of international norms and best practice in domestic law concerning international response, including, but not limited to, conferences, workshops, training events and the development of guidance tools and educational and dissemination materials.

- b) The parties will invite one another to attend meetings and conferences they organise relevant to IDRL when they are not considered internal or confidential by the organizing party.
- c) Agreed joint activities may be subject to specific terms jointly agreed between the parties and if necessary detailed in a separate agreement.

Article 3 Information sharing and consultation

The parties will cooperate and consult regularly on matters of mutual interest relating to IDRL including emerging best practices and norms, including the regular exchange information on IDRL related issues.

Article 4 Joint advocacy on legal preparedness

The parties will endeavour, where relevant and where resources allow, to develop joint advocacy approaches to states, regional organizations and international organizations regarding regulatory issues in international disaster response.

Article 5 Information resource on disaster laws

As resources allow, the IFRC undertakes to serve as a key information resource to OCHA with regard to disaster law issues. In particular, it is agreed by the parties that:

- a. The IFRC will continue to provide legal expertise for OCHA's United Nations Disaster Assessment and Coordination preparedness missions, without prejudice to the potential participation of additional representatives of the IFRC with other areas of expertise; and
- b. As requested by OCHA, the IFRC will seek to share its expertise, for example, in IDRL related contingency planning activities or in reviewing the development of relevant tools and training materials.

Article 6 Continued dialogue on the Model Customs Agreement

- a. The parties agree that the envisaged legal facilities set out in the Model Customs Agreement serve as useful guidance for states in developing their legal preparedness for international disaster response in the area of customs. It is understood that it fills a gap in the area of customs facilities during the lengthy process often required to develop more comprehensive national procedures, regulations and laws pursuant to the IDRL Guidelines.

However, mindful of the possible implications of provisions included in the Customs Agreements on the independence in particular of Red Cross and Red Crescent operations, the parties undertake to continue to jointly develop a mutually acceptable solution.

Article 7 Focal points

To facilitate the collaboration set out in this MoU, the parties will each designate, through an exchange of correspondence and as soon as this MoU is signed, a headquarters focal point for continuing contact and information-sharing on matters of mutual interest. As relevant, regional focal points may also be designated. Any replacement or long-term substitution of a designated focal point will be notified to the other party.

Article 8 Term

This MoU may be terminated at any time by mutual consent of the parties, or by written notification by one party to the other, which notice will be effective three months from the date of delivery.

Article 9 Rights/Obligations

This agreement does not create any legal binding rights or obligations for either party.

IN WITNESS WHEREOF, the undersigned, being duly authorised, have on behalf of the parties hereto signed this Memorandum of Understanding in duplicate on the date indicated below.

For the

International Federation
of Red Cross and Red Crescent Societies:

Matthias Schmale
Under Secretary General, Programme
Services

For the

United Nations Office for the
Coordination of Humanitarian Affairs:

John Ging
Director of Operations, OCHA New York

Signed in Geneva on 30 November 2011.