

Rapid Needs Analysis (RNA) Training

The regulatory framework for humanitarian action

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Quiz



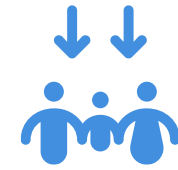
Regulatory Action



- The first responders in any emergency are disaster affected people and their governments



- National Legal systems are the main regulatory frameworks to ensure the protection of disaster affected people



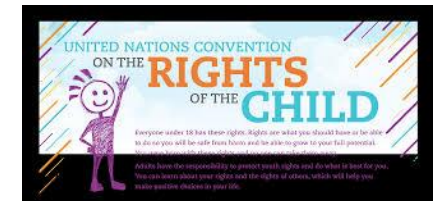
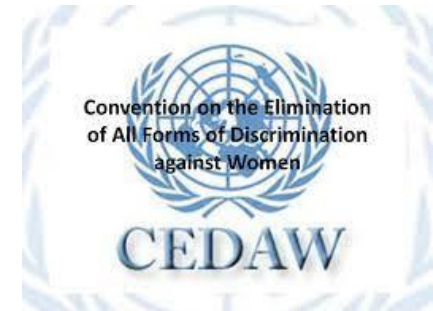
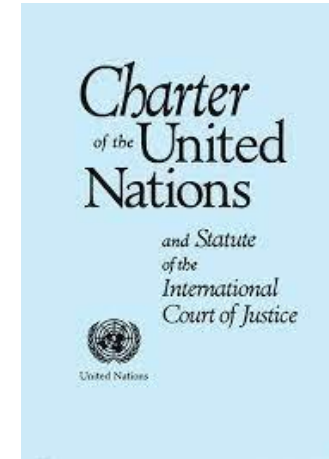
- International humanitarian assistance is guided by the UN General Assembly resolution 46/182 (1991)

UN General Assembly resolution 46/182 (1991) - "Strengthening of the coordination of humanitarian emergency assistance of the United Nations"

Treaties of Myanmar

Myanmar is member country of United Nations

- **Charter of the United Nations and Statute of the International Court of Justice** (signed and ratified - 1948)
- **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, (accession - 1997)
- **Convention on the Rights of Persons with Disabilities (CRPD)** (accession – 2011)
- **Convention on the Rights of the Child (CRC)** (accession – 1991)





Humanitarian action is also regulated by binding and non-binding international humanitarian and human rights law.

General Assembly Resolution 46/182, December 1991

Strengthening the coordination of humanitarian
emergency assistance of the United Nations by

- ☐ Creation of the Emergency Relief Coordinator (ERC/US/
- ☐ Creation of DHA (became OCHA in 1998)
- ☐ **Consolidated Appeal Process (CAP)**
- ☐ Central Emergency Revolving (in 2005 'Response') (CERF)
- ☐ Inter-agency Standing Committee (IASC)



Binding Agreements

- ASEAN Agreement on Disaster Management and Emergency Response (AADMER)
- SAARC Natural Disaster Rapid Response Mechanism (NDRRM)

Non-binding Agreements

- United Nations General Assembly resolution 46/182
- IFRC guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (IDRL)
- World Customs Organization Resolution of the

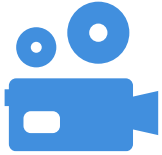


GA Resolution 46/182

Strengthening the coordination of humanitarian emergency assistance of the United Nations by:

- Creation of the Emergency Relief Coordinator (ERC/USG)
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- Consolidated Appeal Process (CAP)
- Central Emergency Response Fund (CERF)
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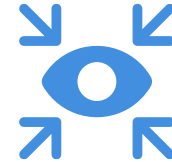
Resolution 46/182 and related intergovernmental decisions on humanitarian assistance



**Humanitarian Principles
(A/RES/46/182)**



**Support Member States on
contingency planning
(A/RES/51/194)**



**Governments to coordinate
with stakeholders to
strengthen emergency
response (A/RES/56/103)**



**Support Member States for
preparedness and response
(A/63/L.49)**



**Support Governments
organizing joint inter-agency
needs assessments and
response plans
(A/RES/46/182)**

Voluntary Guidelines

1. [IASC Transformative Agenda Protocols](#)
2. [World Humanitarian Summit \(WHS\) Agenda for Humanity](#)
3. [Code of Conduct for the RCRC Movement and NGOs in Disaster Relief](#)
4. [Sphere Humanitarian Charter and Minimum Standards in Humanitarian Response \(Sphere Handbook\)](#)
5. [Core Humanitarian Standard on Quality and Accountability \(CHS\)](#)
6. [Minimum Initial Service Package \(MISP\) on Reproductive Health in Crises](#)
7. [IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters](#)
8. [Guiding Principles on Internal Displacement](#)
9. [Oslo Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief](#)
10. [Asia-Pacific Regional Guidelines for the Use of Foreign Military Assets in Natural Disaster Response Operations](#)
11. [Management of Dead Bodies after Disasters: Field Manual](#)
12. [Environmental Emergencies Guidelines](#)
13. [Disaster Waste Management Guidelines](#)
14. [IASC Commitments on Accountability to Affected Populations \(CAAP\)](#)
15. [IASC Gender Handbook in Humanitarian Action](#)
16. [IASC Guidelines for Gender-Based Violence Interventions in Humanitarian Settings](#)
17. [IASC Principles on Sexual Exploitation and Abuse by UN and non-UN Entities](#)
18. [Community-based Complaint Mechanism Best Practice Guide](#)

World Humanitarian Summit

- Identifies voluntary commitments for reducing suffering and better assisting people caught in humanitarian crises.
- Took place in Istanbul, Turkey, in May 2016 and brought together 9,000 participants, representing UN Member States, international and regional organizations, international, national and local civil society organizations, as well as the private sector and academia
- Organized eight multi-stakeholder regional consultations, one global consultation, and numerous stakeholder- or industry-specific consultations were held, and the results contributed to shaping the WHS agenda, in the two years leading up to the WHS.
- The Agenda for Humanity, developed by former UN Secretary-General Ban Ki-moon, was an outcome of the WHS.
- More than 3,500 commitments to action were generated.
- For more information: www.agendaforhumanity.org



Code of Conduct for the RCRC Movement and NGOs in Disaster Relief

1. The humanitarian imperative comes first (H)
2. Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind (N)
3. Aid priorities are calculated on the basis of need alone. Aid will not be used to further a particular political or religious standpoint (I)
4. We shall endeavour not to act as instruments of government foreign policy (I)
5. We shall respect culture and custom
6. We shall attempt to build disaster response on local capacities
7. Ways shall be found to involve programme beneficiaries in the management of relief aid
8. Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs
9. We hold ourselves accountable to both those we seek to assist and those from whom we accept resources
10. In our information, publicity and advertising activities, we shall recognize disaster victims as dignified humans, not hopeless objects



Sphere Humanitarian Charter and Minimum Standards in Humanitarian Response



An internationally recognized set of common principles and universal minimum standards for the delivery of humanitarian assistance improves both the quality of assistance provided to people affected by disasters as well as the accountability of humanitarian

actors to the affected people, donors and partners

Guide humanitarian action across four primary areas

1. Water supply, sanitation and hygiene promotion;
2. Food security and nutrition
3. Shelter, settlement and non-food items; and
4. Health action

A series of Sphere companion standards, published as separate volumes

Minimum Standards for Education in Emergencies (MSEE), Inter-Agency Network for Education in Emergencies (INEE), Minimum Standards for Child Protection in Humanitarian Action (CPMS), Child Protection Alliance, Minimum Standard for Market Analysis (MISMA) and Cash Learning Partnership (CaLP)

Basic IHL

What is international humanitarian law?

- International humanitarian law (IHL) is a set of rules limiting the use of violence in armed conflict.
- IHL does not prohibit all violence but it does seek to limit the harm caused during situations of conflict.
- IHL protects persons who are not, or are no longer, participating in hostilities and restricts the “methods and means” of warfare (i.e. military tactics and the behavior of those taking part in the fighting [methods] and the weapons that can be used [means]).

Basic IHL

Key IHL principles on the conduct of hostilities

Distinction: Parties to the conflict must at all times distinguish between civilians and combatants; attacks cannot be directed against civilians. Linked to this is the *prohibition on indiscriminate attacks*.

Proportionality: Any anticipated harm to civilians cannot be excessive in relation to the concrete and direct military advantage anticipated.

Precaution: Constant care must be taken to spare the civilian population and civilian objects. All feasible precautions must be taken to avoid and minimize loss of civilian life, injury to civilians and damage to civilian life.

Basic IHL

Humanitarian assistance and IHL – obligations on parties to conflict

- IHL recognizes that humanitarian aid is essential to ensure protection.
- All parties to a conflict, whether international or non-international, have an obligation to allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need.
- However, the assistance must be impartial in character and provided on the basis of need alone.

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Thank you

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