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**32nd INTERNATIONAL CONFERENCE
OF THE RED CROSS AND RED CRESCENT**

Geneva, Switzerland
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**Strengthening legal frameworks for disaster response,
risk reduction and first aid**

Background report

**Document prepared by the
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Background report

EXECUTIVE SUMMARY

This background report sets out the rationale for a proposed resolution consisting of three themes, each of which relates to how legal frameworks can be made more effective tools for saving lives.

Accelerating progress in the facilitation and regulation of international disaster response

From 2001-07, the International Federation of Red Cross and Red Crescent Societies (International Federation) led extensive research and consultations on regulatory issues in international disaster response operations. It found consistent problems, including both excessive bureaucracy in some areas (e.g., restrictions or delays on visas, customs clearance and tax exemptions) as well as oversight gaps which allowed for poor quality and insufficiently coordinated aid.

In 2007, the 30th International Conference adopted the “Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance” (IDRL Guidelines). To date, over 40 National Societies, with support from International Federation, have supported governments to use the IDRL Guidelines and 21 countries have adopted a new law or rule drawing on them. While this is encouraging progress, it means that the overwhelming majority of states still lack comprehensive rules. Meanwhile, updated research indicates that regulatory problems continue to plague international operations. The Conference is thus asked to reiterate its commitment to developing the rules-base and also to invite the International Federation to continue its consultations on how to accelerate global progress, including the potential for strengthening international frameworks.

Strengthening cooperation and laws for disaster risk reduction

Earlier this year, the international community adopted the Sendai Framework on Disaster Risk Reduction, which established new global targets and priorities for disaster risk reduction. There is now an important opportunity for States and National Societies to scale up their cooperation to meet these global targets and the Conference will be asked to promote this.

One step in this direction is to continue to build cooperation with regard to strengthening the provisions and implementation of relevant laws.

In 2014, the International Federation and the United Nations Development Programme (UNDP) published the largest comparative study of this issue performed to date, drawing lessons from the laws of 31 countries. For the last several years, the International Federation and UNDP have also been consulting with governments, National Societies and other partners to develop an easy-to-use “Checklist on law and disaster risk reduction”. The Checklist is designed to assist lawmakers, disaster risk management officials and their partners to constructively evaluate the various areas of law that might contribute to reducing risks. The Conference is asked to adopt the Checklist and encourage its further use.

Providing supportive legal frameworks for first aid

Finally, recognizing that first aid is an indispensable and cost-effective tool for saving lives, the Conference is asked to encourage more supportive legal frameworks for first aid training and delivery. Drawing on research conducted by the International Federation's Global First Aid Reference Centre and other partners over the last several years, three aspects of law and first aid will be highlighted: mandatory training in some circumstances (such as in schools and, where resources permit, for driver's license applicants); the development of official guidelines for first aid training to ensure consistency and quality; and measures to reduce anxiety of first aiders about potential legal liability should their good faith efforts not be successful.

1) Introduction

This background report sets out the rationale for a proposed resolution on "Strengthening Legal Frameworks for Disaster Response, Risk Reduction and First Aid." The resolution consists of three themes, each of which relates to how legal frameworks can be made more effective tools for saving lives. They are:

- Accelerating progress in the facilitation and regulation of international disaster response,
- Strengthening cooperation and laws for disaster risk reduction, and
- Providing supportive legal frameworks for first aid.

The International Conference has been seized with the issue of disaster law on a consistent basis since 2003. Most recently, in 2011, Resolution 7 of the 31st International Conference "affirm[ed] the role of the International Conference of the Red Cross and Red Crescent as a key international forum for continued dialogue on the strengthening of disaster laws and on recovery action in synergy with actions conducted by States and international organisations." Thus, the first two themes noted above build on past decisions of this body, as well as the significant efforts that many States, National Red Cross and Red Crescent Societies, and other partners have undertaken to put those decisions into practice.

The third theme – legal frameworks for first aid – is being brought to the Conference for the first time, though it is an activity that has been at the core of National Societies' programming since their origins and remains one of their most important areas of work. While the benefits of first aid extend well beyond the context of large-scale disasters, it has been consolidated here because first aid is such a critical building block of disaster preparedness and the life-saving legal considerations are similar to those promoted in disaster law.

2) Background

A. Accelerating progress in the facilitation and regulation of international disaster response

The toll of disasters – including mega-disasters – continues to rise worldwide. Just this year, Nepal suffered a series of earthquakes affecting over 8 million people -- a third of its population -- and Cyclone Pam, one of the worst storms in Pacific history, impacted more

than half of the citizens of Vanuatu. Western Africa is just emerging from the world's largest outbreak of Ebola haemorrhagic fever, killing more than 11,000 people.

International assistance can sometimes mean the difference between life and death in disasters like these, and very frequently means the difference between a quick and a protracted shift toward recovery. Yet, while there has, unfortunately, been a great deal of practice with international response operations, they have become increasingly complex to manage, as the numbers and variety of international responders have grown over time.

i. The problem defined

In 2001, the International Federation commenced a dedicated project of research and consultations related to how international response operations are facilitated and regulated. In 2003, the [28th International Conference of the Red Cross and Red Crescent](#) welcomed this initiative and invited the International Federation to extend its research and to consider the “development of models, tools and guidelines for practical use in international disaster response activities.”

Over the course of the next six years of extensive [research and consultations](#), including several dozen country case studies, the International Federation found a common set of regulatory problems plaguing response operations. These included both excessive bureaucracy in some areas and insufficient oversight in others. Seemingly simple issues, such as obtaining visas for relief personnel, customs clearance and tax exemptions for relief goods and equipment, or permissions to operate in affected areas, have often snarled operations. At the same time, oversight gaps allowed for the arrival of inappropriate or unnecessary relief items, uncoordinated and unprincipled aid activities, as well as other quality issues in some international efforts. As a result, aid was slower, more expensive, less effective, and much less supportive of domestic efforts than it should have been.

The International Federation's research found that the major reason for these problems was the widespread lack of specific rules related to international disaster relief. Very few states had comprehensive domestic rules on this topic and thus find themselves improvising once a disaster strikes. While a great deal of rule-making has occurred on these issues at the regional and global levels, the resulting instruments remain rather scattered and incomplete, with little implementation in practice.

ii. The IDRL Guidelines

In 2007, [Resolution 4](#) of the 30th International Conference adopted the “Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance” (also known as the “[IDRL Guidelines](#)”). The IDRL Guidelines were drawn from existing laws and norms at the international and regional levels and negotiated over a two-year period after wide-ranging consultations with disaster management officials and experts. Of relevance to the overarching theme of this year's International Conference, the IDRL Guidelines insist that responders should be expected to abide by minimum standards in delivering their relief, in particular the principles of humanity, neutrality and impartiality. In 2011, [Resolution 7](#) of the 31st International Conference reiterated the determination of

Conference members to make use of the Guidelines as well as the “urgency” for states to strengthen their legal preparedness.

iii. Progress to date

A “Progress Report on the Implementation of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance” to be published in the early autumn will provide a detailed account of the global experience with the Guidelines thus far. In addition, the International Federation is currently finalizing a second edition of its 2007 desk study on “Law and Legal Issues in International Disaster Response,” which will provide an overview of the developments at the national, regional and global levels in building regulatory frameworks for international disaster response. Both will be available at www.ifrc.org/dl_32ic.

In summary, however, since 2007, National Societies, with the support of the International Federation, have assisted their governments in using the IDRL Guidelines to examine existing laws and procedures in many countries around the world, including through formal technical assistance projects in some [46 countries](#). To date, [twenty-one countries](#) have changed their laws or procedures drawing in part on the IDRL Guidelines, and draft bills, policies or regulations are pending in a [further sixteen](#).

One of the success stories is [Indonesia](#), whose lack of procedures was a major gap during the 2004 tsunami operation, but which is now a global leader in terms of the comprehensiveness of its legislation, regulations and guidelines on this topic. Another advance was in the [Seychelles](#), which adopted a comprehensive disaster management act in 2014, including substantial detail as to how to handle international assistance. Likewise, in 2013, [Bosnia and Herzegovina](#) adopted detailed “instructions” for managing international relief. In 2015, [Colombia](#) became the first country to institute a formal “IDRL Commission” for ongoing planning, discussion and preparation for managing future international assistance.

Following on requests from domestic officials involved in country projects, the International Federation partnered with OHCA, the Inter-Parliamentary Union, with support from the World Customs Organization, and the law firms of Allen and Overy, CMS Cameron McKenna and Baker and Mackenzie, to develop a pilot “model act” to assist lawmakers in translating the IDRL Guidelines’ recommendations into legislative text. This initiative was welcomed in [Resolution 7](#) of the 31st International Conference in 2011. After further testing and consultations, a [final version](#) of the model act was launched in 2013. The International Federation and OCHA are also completing work on a [model emergency decree](#) for use as a second-best option when a disaster strikes a country before it has been able to develop the necessary rules and procedures.

In addition, the International Federation has engaged with a large number of partners, in particular humanitarian agencies and over a dozen regional organizations around the world, to promote dialogue and solutions concerning the most common regulatory problems in international response operations. Attention has been given to the issue, in head of state summits in Central America and the Pacific Islands and references have been included in several resolutions at the Economic and Social Council and UN General Assembly. It has also influenced new instruments such as the [CIS Parliamentary Assembly’s](#) regionally

adopted version of model act on the domestic facilitation and regulation of international disaster relief and initial recovery assistance, provisions of the African Union's draft Humanitarian Policy Framework and the draft Central American Protocol on the Sending, Transit and reception of Humanitarian Assistance, among others.

iv. The remaining challenge

Nevertheless, the overwhelming majority of states still lack comprehensive rules for managing international disaster assistance and existing regional and global frameworks remain scattered and of highly variable application. There is little disagreement with the notion that better legal preparedness would be helpful, but developing the political capital to actually adopt new rules has been a slow process in many countries. Moreover, a number of countries that have adopted new legislative language have preferred to leave key details to subsequent regulations or procedures that have yet to be completed.

Meanwhile, regulatory problems remain a major concern in operations. A 2014 [survey](#) commissioned by the International Federation of 15 major international operations since 2007 found persistent and generalized lack of clarity around roles and responsibilities among domestic agencies for managing international relief, inconsistent approaches (often dependent on personal relationships) related to the clearance of imported goods and equipment and issuance of visas, complicated registration rules and major coordination gaps. Likewise a forthcoming report jointly commissioned by International Federation and WHO focuses specifically on the management of foreign medical teams in 14 recent global operations, finding that many governments have struggled with the selection, coordination, tasking and oversight of such teams, in the absence of previously developed procedures. As a result, many teams have lacked capacity, materials and competence in areas actually needed. Concerns about these issues have also regularly surfaced in the many regional consultations that have been held in connection with the upcoming World Humanitarian Summit.

Another significant development is the fact that the [International Law Commission](#) (ILC) has nearly completed work on its "Draft articles on the protection of persons in the event of a disaster," which it is likely to present to states in the form of a draft global treaty. The ILC adopted a first reading of its draft articles in 2014 and has requested written comments from states and certain agencies as of January 2016. However, outside the specialized context of the United Nations' Sixth Committee, there has been little awareness of the initiative or discussion (in particular among disaster management officials) about the merits of the ILC's text and whether a treaty would add value.

For its part, the International Federation has not had a direct role in the ILC's process, but has made its views on the text known through [statements at the Sixth Committee](#). It finds that parts of the text are strong and helpful and some others could be further improved, ideally following a wider consultation. In response to the ILC's invitation, the International Federation will be submitting its consolidated written comments in the autumn.

Over the last year, the International Federation, together with various partners, has organized a series of informal consultations with experts from governments, humanitarian agencies, academia and the private sector to discuss how progress might be accelerated in the development and implementation of rules and procedures for managing international

relief, including whether further strengthening of international legal frameworks, whether at the global or regional levels, would add value. As of the date of writing, seven such consultations had been held (including regional meetings for Africa, the Americas, Southeast Asia and the Middle East and North Africa as well as meetings of global stakeholders) and several additional workshops are planned before the end of 2015. More information about the consultations is available at www.ifrc.org/dl_32ic.

Participants in the consultations have agreed that there is a need to find ways to speed the development of legal and procedural preparedness for disaster cooperation. Some have been quite positive about the idea of a new global treaty, while others feel that it would be too difficult and time-consuming to justify the effort. A number have also voiced various critiques of the ILC's existing text. Some alternatives that have been suggested include the further development of regional agreements (particularly in Africa and the Americas) and the sharing of information (like the current project among states in the Americas to develop a regional compendium of their laws relevant to international response). At the national level, participants called for a renewed commitment among stakeholders to "finish the job" in terms of completing national rules and procedures. It has also been recommended that institutional developments like Colombia's "IDRL Commission" could be valuable to other countries to ensure that there is space for ongoing preparation and planning on how to manage future disaster assistance. Further regional dialogue has also been recommended.

Accordingly, the International Federation is proposing that the 32nd International Conference renew its commitment to progress in the implementation of the IDRL Guidelines. It is also seeking the International Conference's endorsement and support to continue its consultations, on a more formal basis, to fully explore the various options for accelerating progress, including the potential for further strengthening global and/or regional normative frameworks.

B. Strengthening cooperation and laws for disaster risk reduction

While international disaster assistance remains a critical safety valve, the main path to reducing suffering from disasters must be the reduction of disaster risks. Certainly, there is no better expression of the Principle of Humanity, the centre-piece of the 32nd International Conference, than preventing suffering in the first place.

i. Strengthening cooperation

At the global level, 2015 has been a defining year for disaster risk reduction. The adoption of the Sendai Framework for Disaster Risk Reduction in March established new global targets and priorities for disaster risk reduction until 2030. The finalisation of the Sustainable Development Goals in September brought increased focus to building the resilience of the poor and those in vulnerable situations to disasters, and the adoption of a new agreement for climate change in December is expected to bring a stronger emphasis on climate change adaptation efforts. A common theme that has arisen in the negotiation processes for these global agreements is the need for enhanced cooperation and partnerships between international, national and local actors in building the resilience of communities and individuals. In particular, the need to ensure that their combined resilience efforts enable communities to contribute to decision-making processes, draw on local resources and are tailored to local needs.

The Red Cross and Red Crescent Movement has a long tradition in working with partners from all levels and sectors to help communities become safer, healthier and more inclusive. Stemming from this experience and the global call for more effective partnerships, the IFRC announced a new initiative to increase community and civic action on resilience in November 2014: the One Billion Coalition. The goal of the One Billion Coalition is to engage at least one billion people, one in every household around the world, to take active steps towards strengthening their resilience by 2025. Building on the network created by its 189 National RCRC Societies and 17 million volunteers, the One Billion Coalition will seek to build effective coalitions, both globally and locally, with other organizations committed to the goal of making every community a safe and resilient community.

ii. The role of legal frameworks

Among the most powerful tools available for meeting the goals of the Sendai Framework and for promoting active steps to build community resilience are domestic legal frameworks.

In Vietnam, for example, legal and policy frameworks concerning structural works such as dykes, drainage and safe shelters, together with non-structural measures such as DRR awareness and education, timely evacuations, and relocations based on risk assessments, have tangibly resulted in saving lives. Over the ten years that these measures were implemented, the number of deaths from floods dropped from 600 down to 60 in the Mekong delta region. In the Philippines, the 2010 Disaster Risk Reduction and Management Act mandated community and civil society participation in decision-making on disaster management across various levels of government.

In 2005, the Hyogo Framework for Action identified legislation as a key means to “ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation.” Earlier this year, the stakes were raised yet further with the Sendai Framework for Disaster Risk Reduction, which set “strengthening disaster risk governance to manage disaster risk” as one of the international community’s top priorities.

But what does good law look like? Resolution 7 of the 31st International Conference called on states, with support from their National Societies, the International Federation and other relevant partners, such as the United Nations Development Programme (UNDP), to examine the extent to which their existing laws support disaster risk reduction (DRR), particularly at the community level. A number of focus areas were listed based on consultations and preliminary case study research. For its part, the International Federation was requested to provide continued support, particularly through “technical assistance, capacity building, the development of tools, models and guidelines, advocacy and ongoing research.”

Several National Societies have been active since 2007 to support their governments in strengthening laws related to DRR. In Burkina Faso, Cambodia, Cook Islands, Mexico, Namibia and Vietnam, among other countries, laws and regulations were adopted to provide a stronger basis for DRR following input from their respective National Societies and other partners. However, it also became clear that lawmakers could benefit from greater information about what has worked well and what has not in legislative efforts of other countries around the world.

iii. Advancing the research base

Responding to this need, in 2012, the International Federation and UNDP launched a multi-country research project in order to provide further evidence of best practice and common gaps in domestic law for DRR. This project involved an analysis of the laws of 31 countries, with in-depth case studies conducted in 14 of these countries to assess impact and

implementation challenges. This was the largest comparative study on this topic undertaken to date. The results were summarized in a synthesis report launched in June 2014, entitled '*Effective law and regulation for disaster risk reduction: A multi-country report*' (available at www.drr-law.org).

The report found that there has been significant global progress in updating and adopting national disaster management laws to include more focus on DRR, and these efforts have helped to generate more national attention to the issue of DRR. At the same time, the report also found that there are reoccurring gaps and challenges in the implementation of legal frameworks common to many countries. These include gaps with respect to the allocation of significant legal mandates or DRR responsibilities to local authorities without the necessary funding or capacity, missed opportunities to ensure the engagement of communities and civil societies in decision-making processes, and a lack of consideration given to the risk of natural hazards in rules and regulations concerning development and the environment, in particular those related to land use, building permits, environment protection and natural resource management. The report further found significant challenges in the implementation of existing laws and few formal mechanisms available to ensure accountability and compliance.

iv. A practical tool: the Checklist on law and disaster risk reduction

Concurrent with the research project, the International Federation and UNDP led consultations for the development of a "[Checklist on law and disaster risk reduction](#)" (the Checklist). The concept of the Checklist stemmed from recognition of the need to condense the findings of the multi-country report into a practical tool that could be used by different domestic stakeholders. The Checklist provides a prioritized and succinct list of ten key questions that lawmakers, implementing officials, and those supporting can consider to ensure that their laws provide the best support for disaster risk reduction. It addresses not only national disaster risk management laws, but also other sectoral laws and regulations that are critical for building safety and resilience, as well as the environment, land and natural resource management.

The Checklist is designed to serve as an assessment tool to guide a review process of national and local level laws and regulations that can enhance DRR and provide guidance on how to bring national legal frameworks in line with existing international standards, in particular, the Sendai Framework for Disaster Risk Reduction. It also aims to foster a more integrated approach to disaster risk reduction by taking into account climate change and sustainable development considerations within the review of legislation. However, it is not intended as a model for a disaster risk management law, nor as an international monitoring mechanism.

The subject matter of the questions contained in the Checklist, along with their precise wording, were debated, revised and improved through an extensive consultation process conducted over two years including ten regional and global consultation meetings. (More information about these consultations is available at www.ifrc.org/dl_32ic). Following this consultation process, a pilot version of the Checklist was launched at the World Conference on Disaster Risk Reduction in Sendai.

As the Checklist itself provides only an introduction to the key issues to consider when reviewing domestic legal frameworks for disaster risk reduction, a more detailed handbook is also being developing during the pilot process. As the text of the handbook may be updated and revised to take into account ongoing experiences and feedback on the Checklist, it will not be submitted for formal adoption at the 32nd International Conference.

v. The pilot process

The pilot process for the Checklist commenced following the World Conference in Sendai and has involved country based initiatives, further consultations and the undertaking of research concerning 'lessons learned' from legislative reform processes. The aim of the pilot process was to assess the utility of the Checklist at the national level through different methodologies, to seek feedback from stakeholders on how the tool could be improved before submission to the 32nd International Conference and to inform the content of the handbook.

The country level initiatives have involved supporting interested governments, National Red Cross and Red Crescent Societies and UNDP country offices to pilot the use of the Checklist. Methods of using the Checklist varied between countries. For example, Indonesia, Cook Islands, Tunisia, Egypt, Mongolia, Colombia, Senegal and Ivory Coast, used the Checklist to guide in-depth legal research projects to be discussed and considered by a multi-stakeholder dialogue. Other countries, such as Armenia, Nigeria, Italy, Mauritius, Madagascar, and Laos PDR, used the Checklist in workshops to guide an initial discussion with relevant stakeholders about their existing legal framework and to identify priority issues for their country in terms of legislative reform for DRR. In Madagascar, Mauritius, Timor Leste and Mongolia, the Checklist was also used to analyse and improve their respective draft national disaster risk management laws.

Consultations on the Checklist also continued through the pilot period, with consultations sessions held at country, regional and global levels gathering feedback from representatives from National RCRC societies, government departments, regional organisations, non-governmental organisations, academia, the private sector and technical experts/consultants. At the same time, an additional research exercise was launched to extract 'lessons learned' and advice from over 10 countries that have recently undergone legislative reform processes. The contributions that were provided during these additional consultations and research processes have also been used to strengthen the final version of the Checklist and the handbook.

vi. Invitation to the Conference

Accordingly, the 32nd International Conference will be invited to:

- Promote strengthened cooperation between National Societies and States in order to meet the goals of the Sendai Framework and the Sustainable Development Goals by building community resilience.
- Note the findings of the International Federation/UNDP multi-country research on law and disaster risk reduction and the consultations and piloting process of the Checklist on Law and Disaster Risk Reduction.
- Adopt the Checklist as a useful reference tool and encourage to states to use it, with support from National Societies, the International Federation, UNDP and other partners
- Encourage cooperation in generating public awareness of relevant national and international law on risk reduction as a measure to enhance implementation

The International Federation would also be pleased to offer its support to National Societies and their governments to make use of the Checklist to strengthen their legal frameworks for disaster risk reduction, and looks forward to further strengthening its partnership with UNDP and other stakeholders in the area of law and regulation for disaster risk management.

C. Providing supportive legal frameworks for first aid

First aid is an indispensable and cost-effective tool for saving lives. It has been at the core of the work of the Red Cross and Red Crescent from its beginnings and is perhaps the most “human” and direct way that volunteers practice the Principle of Humanity.

Experience has shown that widespread training and individual practice of first aid can greatly improve the chances that someone is close at hand to provide the necessary intervention in the first moments of a sudden health crisis, avoiding “death by delay” pending the arrival of more highly trained health professionals. However, in discussions with the International Federation’s Global First Aid Reference Centre (the “Reference Centre”) (hosted by the French Red Cross in Paris), Red Cross first aid trainers have identified legal barriers that are impeding this goal in some countries.

In 2009 and 2010, the International Federation, supported by the Reference Centre, published several reports (available at www.ifrc.org/falaw) setting out the evidentiary argument for wider public first aid training and signalling gaps in the legal and policy support for this approach in many countries, in particular with regard to mandatory training, standards and liability protection. A separate report on law and first aid is currently being prepared to update these findings, drawing on the results of surveys of first aid trainers undertaken by the Reference Centre in 2013 and 2015, additional consultations with first aid experts within the Movement and government, as well as comparative research performed on a pro bono basis by the law firm of Allen & Overy looking at first aid legislation in 38 countries.

However, the following summarizes findings to date in the three main areas of concern proposed for attention by the 32nd International Conference.

i. Mandatory first aid training in certain circumstances

The most direct way to ensure widespread first aid training is to officially mandate it. As described in the [International Federation's 2009 report](#), in Europe, where data collection is strongest on this issue, the percentage of the population trained in first aid ranges dramatically from 95% for the top-performing country to less than 5% for the least. The difference stems from the fact that the high performers have laws that make first aid compulsory, either at the workplace, at school, or when applying for a drivers’ licence.

According to the research undertaken for the 32nd International Conference, workplace requirements are the most common types of first aid mandates among countries. However, there is a very wide variety among states as to the circumstances they choose (e.g., whether based on employee functions, the type of business, size of companies or other factors). While there are several ILO conventions on occupational health and safety that refer to first aid (e.g. Conventions C155 on occupational safety and health and C161 on occupational health services), there is currently very little information at the international level about the degree to which they are implemented and the effectiveness of the measures they espouse. Of course, circumstances also vary from country to country, but a greater cross-border

sharing of experiences with regard to the choices that have been made would be extremely valuable.

In the absence of more complete current information about the panoply of workplace measures, the International Federation proposes to focus the most specific recommendations of the draft resolution on two other opportunities for training mandates: schools and drivers licences.

a. Mandatory training at schools

One of the major concerns of experts involved in first aid training is the phenomenon of “skills fade”, common with one-off training sessions. Mandatory first aid training in schools represent an ideal means to start building lifetime first aid preparedness. School children are the segment of our population most easily reached. First aid training scheduled at various points of primary, secondary and tertiary schooling not only cements understanding but also builds willingness for further “refresher” opportunities later in life

In addition, in light of the trust that parents place in schools to safeguard the well-being of their children, a mandate that at least some school-place personnel be trained in first aid (even if outside providers are brought in to teach methods to the children) also makes great sense.

b. Drivers licenses

A second juncture at which states administratively engage with a large proportion of their citizens relates to drivers' licenses. A requirement for license applicants to undertake some first aid training provides another opportunity for another “refresher” from learning at school and comes with a natural connection to the driving environment. As pointed out in the [International Federation's 2009 report](#), studies in Europe have shown that more than 50 per cent of all road accident fatalities occur within a few minutes of the crash, well before the injured person arrives at a hospital. Having someone on hand to provide first aid, paired with a well-functioning ambulance service, is critical to reducing mortality.

As a region, Europe has taken the lead in this area. [As of 2009](#), some 55 per cent of European countries mandated first aid training before granting drivers' licenses. These countries have proven that it can be achieved. While imposing new requirements of this nature is never easy and may be beyond current resource and training capacities in some countries, states should at least evaluate their ability to do so in light of the potential to save lives.

ii. Training guidelines

First aid training is unlikely to save lives if it fails to provide correct and actionable information. Yet, very few states have official guidance as to what first aid training should entail, even in cases where it is mandated. In recent years, concerns have been raised in particular about increasing numbers of providers offering low-price “online-only first aid training,” which is very unlikely to impart the physical skills necessary for many first aid practices. While a detailed “one-size-fits-all” approach to first aid training is neither necessary nor advisable, guidance as to minimum elements to include, based on a critical

review of the available medical evidence, will guard against failure when emergencies present.

In this respect, states may find it useful to draw upon core elements in existing guidelines that have been developed by experienced providers, including National Societies, as well as the "[International first aid and resuscitation guidelines](#)" first published by the International Federation in 2011 and currently undergoing their first update.

iii. Protection from liability

In addition to measures to promote effective first aid training, the Conference will also be invited to remove an important barrier to action by volunteer first aiders when confronted with health emergencies.

While not the only consideration, fear of potential legal responsibility has been identified as one of the factors that frequently deters bystanders – even those fully trained – from offering assistance in emergencies. This concern comes out in the surveys of the Reference Centre as well as external studies in a number of countries, as described in the International Federation's upcoming report.

With certain exceptions, the incidence of prosecutions and lawsuits based on failed first aid efforts does not seem widespread in practice. However, the research conducted by Allen & Overy indicates that few countries have clear provisions in their laws to exclude liability in the event of good faith first aid efforts. Thus, while the fears of potential first aiders may well exceed the actual likelihood that they will encounter problems, it would seem that they are often correct that there is no specific protection available to them.

In light of this, the Conference will be asked to encourage states to consider providing more specific protections, at least for laypersons who have been trained and act in good faith. Specific solutions will vary according to local preference, but might extend to excluding prosecution or civil liability for any errors that do not amount to gross recklessness and/or intentional harm. In those states where legal protections of this sort do already exist, governments and National Societies are encouraged to ensure that this is widely understood. The resolution will not ask states to take a position as to whether laypersons should have a legal duty to assist, bearing in mind that legal systems have traditionally approached this question in different ways.

3) Conclusion and next steps

It is plain that international attention can play a positive role in supporting local champions within government and civil society in their efforts to strengthen laws and rules designed to save lives, whether in the area of disaster risk management or first aid. It is equally plain that law-making is a complex endeavour, highly dependent on local circumstances and preferences, and one requiring a long-term commitment.

This resolution will build upon the momentum the International Conference has developed over more than a decade of consistent attention to disaster law, and in particular Resolution 7 of the 31st International Conference in 2011. Members of the Conference already have

much to be proud of in terms of their achievements so far, but we can and should also work to accelerate progress.

For its part, the International Federation continues to expand its support on the issue of disaster law in response to requests from National Societies and their governments, mainly through field-based technical advice. While not specifically addressed in the resolution, the International Federation plans to work with partners to also develop checklists related to disaster preparedness, response and recovery. It is hoped that this suite of tools will allow domestic stakeholders to take a holistic approach to assessing their disaster laws, where this is appropriate, or to focus in on specific aspects of law, where more helpful. These checklists, and the International Federation's other support efforts, will also incorporate learning from work developed on the issue of regulatory barriers to post-disaster shelter (as described in the separate report on the follow-up questionnaire to the 31st International Conference available at www.rcrcconference.org).

The resolution will also pave the way for strengthened cooperation between National Societies and their governments on other steps to build community-level resilience, as a critical step to meeting the goals of the Sendai Framework and Sustainable Development Goals.

Finally, this year's resolution affirms National Societies' willingness to support their governments in the area of first aid law. The International Federation is committed to supporting interested National Societies to provide the best quality advice to their governments and to continue building the evidence base as to the most effective approaches.