

Executive Summary

Since the 1990s, Korea has been carrying out relief activities against natural disasters across the globe, but it was the 2004 Indian Ocean tsunami that urged for a more systematic overseas disaster relief, which led to the enactment of the 「Overseas Emergency Relief Act and its Enforcement Ordinance」 in 2007. Based on this legislation, the Korea Disaster Response Team(KDRT) was organized and it has been providing relief through search and rescue activities and/or emergency medical assistance to disasters overseas.

Meanwhile, various external factors, such as increasing large-scale disasters, social and environmental constraints in affected countries, complex emergencies, demand for a more efficient and systematic KDRT operation during peacetime and also in disaster response. In addition, questions were raised as to whether the current law, the legal framework for KDRT, can regulate effective and systematic implementation. It was also pointed out that the current law should specify the definition of disaster in a broader sense, respecting international norms and principles of humanitarian assistance and emergency relief. Based on the analysis of emergency relief systems and legislation in Korea and advanced donor countries, this study aims to propose measures to improve KDRT's operating system and its legal basis.

As aforementioned in the objective of this research, the analysis on legislation, policies and operating system regarding humanitarian assistance and emergency relief in Japan, Australia, and Switzerland are as follows.

Japan, which has a legal system most similar to that of South Korea, regulates the procedure of relief team dispatch based on the "Law Concerning Dispatch of Japan Disaster Relief (JDR)" and the "International Peace Cooperation Law" for natural disasters and armed conflicts respectively. In terms of policy, it recognizes

humanitarian assistance as an integral part of 'human security,' and defines the scope of disaster in a broader sense. It also formulates and implements relevant strategies, highlighting the importance of Disaster Risk Reduction (DRR). The Ministry of Foreign Affairs, which has an exclusive decision-making power, plays a leading role in boosting cooperation between ministries, while JDR Secretariat in Japan International Cooperation Agency (JICA) is in charge of operation regarding the dispatch of relief teams. The deployment of personnel is implemented by the JDR Secretariat, which consists of a rescue team (Police Agency, Fire and Disaster Management Agency, Coast Guard) and a medical team composed of civilian volunteers. The equipment and logistics management is mostly outsourced to contractors with expertise in order to increase efficiency.

As for Australia, although there is no legislation regarding humanitarian assistance and emergency relief, the legal status, protection, and rights regarding the dispatch of private-public specialists are stated in the "Australian Civilian Corps Act" which was enacted in 2011. Such absence of legislation is supplemented through policy documents that highlight Whole of Government (WOG) consultation. Interdepartmental Emergency Taskforce (IDETF) led by the Department of Foreign Affairs and Trade is operated based on the Crisis Management Framework (CMF), which stipulates and discusses the roles and responsibilities of each department. A strong humanitarian assistance policy is also being implemented based on plans for ODA program, including humanitarian assistance action plans, DRR policies, and strategy report that were announced as part of the effort. The state government is mainly in charge of running the emergency relief team, since Australia has a dual federalism where coordination (the federal government) and execution (state government) are separated. The rescue team consists of state (New South Wales and Queensland) Fire Department crews and led by the Department of Health, the medical team consists of crews from the National Critical Care and Trauma Response Centre (NCCTRS) in The Royal Darwin Hospital, although the medical

team is composed and dispatched considering comprehensive factors including disaster stricken areas and disaster situations. It is also in close cooperation with Australian defense in terms of emergency relief and is working together in consultation with major NGOs regarding humanitarian assistance. Equipment and logistics are managed by the rescue team and the medical team.

Switzerland has long focused on linking relief and development by allocating equal share to development cooperation and humanitarian assistance, based on the "Federal Act on Development Cooperation and International Humanitarian Assistance" which was enacted in 1976. With regard to policy, Switzerland places emphasis on the alleviation of victims' suffering and resilience. It has prioritized strategic areas focusing more on disaster prevention than emergency response, and is focusing on capacity building by dispatching related specialists to disaster-stricken states. Since the Swiss Agency for Development and Cooperation (SDC) is given full authority from the Federal Council in terms of policy implementation, decisions on major issues such as the dispatch of relief team are made promptly. The relief team consists of Rapid Response Team (RRT) and Rescue Chain. The Rescue Chain is a comprehensive organization composed of specialists from eight (8) civic, public, and military institutions. In order to improve efficiency, the RRT including the Maternal and Child Health Care Team is deployed with flexibility according to local disaster situations in cases of difficulty. The Humanitarian Aid and Swiss Humanitarian Aid Unit (HA/SHA) of SDC is in charge of the Equipment and logistics.

Considering the implications drawn from the analysis on three case studies, a number of proposals can be made. First, in terms of legislation, amendments will be unnecessary, given that demands for amendment are mostly reflected in the established policies and strategies, and that all three countries did not enact legislation that only stipulates humanitarian assistance. Nevertheless, in the medium to long term, revising the "Framework Act on International Development

Cooperation," to stipulate purpose, definitions, and key principles that comply with the norms and principles of humanitarian assistance, could be worth considering.

In regards to policy, specific implementation strategies for various topics should be established, reviewing the direction of overseas humanitarian assistance. In addition, considering the importance of field assessment in the early stages of disaster, the composition and the roles of Rapid Assessment and Coordination Team (RACT) should be stipulated. Periodic monitoring and examination through Steering and Working Committee is also required for the smooth implementation of KDRT's peacetime operating system.

In terms of the KDRT's operating system, detailed criteria for dispatch decisions should be provided, and the Ministry of Foreign Affairs needs to play a critical role in general coordination to ensure smooth collaboration among ministries on major issues, such as human resources pool and dispatch and logistics transport in KDRT's peacetime and dispatch process. When it comes to the management, budgets for workforce and equipment management in KDRT Secretariat (including workforce dispatch agencies) should be secured, along with associated guidelines. Furthermore, a comprehensive system needs to be established and strengthened to deal with different labor pool management and capacity-building measures.

Equipment could be managed through outsourcing, unified management by KDRT Secretariat, or by each participating organization according to the situation. Regarding logistics transportation, accessibility and logistical conditions of the affected country should be taken into account to prioritize the means of transportation and the loading of equipment and materials. As to step-by-step response, dispatch criteria and type of advance team for cases of natural disaster should be set. The RACT should be able to prepare for relief team activities, assess the damages, and identify the needs for recovery and reconstruction at the same time. Furthermore, efforts should be made to operate a unified on-site leadership

and reporting system, with the Ministry of Foreign Affairs taking the lead.

Additional proposals, along with the aforementioned recommendations on the direction of improvement and development, include increasing budget on humanitarian assistance (6% of the ODA budget), reflecting DRR in the Country Partnership Strategy (CPS) for fragile and disaster-stricken states, and building various partnerships with the private sector. As for subsequent studies, further studies on exemplary donor countries, establishment of a disaster relief and response cooperation system in the Northeast Asia, and in -depth research concerning humanitarian assistance and emergency relief, such as studies on civil workforce utilization and public-private partnership framework will be required.