DRR IN ACTION CASE STUDY

A seat at the table: inclusive decision-making to strengthen local resilience

Theme of the Case Study
Disaster Risk Governance

Country
Multiple countries in Asia Pacific

Case location
National

Photo: Mainstreaming Gender and Inclusion in our Community DRM programme. | Samoa Red Cross

Background

The strengthening of law and policy, including its decentralisation, and the role of women and marginalised groups in disaster risk management (DRM) to have clear roles in decision-making has been emphasised in the Sendai Framework for Disaster Risk Reduction 2015-2030 as key priorities to strengthen disaster resilience, from local to national level.

Disasters are not gender, age or disability blind; women and marginalised groups are disproportionately affected by disasters due to greater vulnerability arising from individual capacity levels, social exclusion, or lack of public awareness or discrimination. As such, disaster related laws and policies need to better include and protect those most at risk of disasters. Legislation should guarantee the meaningful engagement of communities, women and marginalised groups by assigning clear roles, responsibilities, and participation in decision-making processes.

What did the action seek to change?

Enabling inclusive community empowerment and protection, gender and inclusion approaches in disaster related laws and policies to strengthen local resilience.

What were the key actions taken to achieve this change?

Guided by global research findings, the IFRC supports National Societies, who as both a community-based actor and an auxiliary to government, are well positioned to work with authorities to ensure national law and policies consider local needs and provide an enabling environment for local action and inclusive community empowerment.

International Federation
of Red Cross and Red Crescent Societies

What were the essential steps taken along the process to bring about this change?

Step 1	In 2012, IFRC and UNDP embarked on a joint initiative to better understand how legal frameworks affect disaster risk reduction, in view of both legislative provisions and implementation, in order to better assist legislators, practitioners, and policy makers engaged in reviewing or drafting DRM laws and selected sectoral laws. The research sought to respond to a clear gap identified in numerous reports relating to the Hyogo Framework for Action (HFA) implementation, which have indicated a lack of readily available information and analysis on the role of legislation, and a slow pace of change in reducing disaster risk at the community level.
Step 2	In 2014, the IFRC-UNDP launched the *Effective Law and Regulation for Disaster Risk Reduction: A Multi-Country Report* [1], which looks at countries' disaster-related legislation and how effectively they address and integrate disaster risk reduction. The report draws on research from a sample group of 31 countries, undertaken in the form of desk surveys, as well as case studies in 14 of these countries for a more comprehensive analysis of the laws and their implementation. The report found that in order to support a whole-of-society approach, legal frameworks for DRR should include institutional mandates, allocate dedicated resources, facilitate the participation of communities, civil society and vulnerable groups, and establish the responsibility and accountability of relevant actors. The input of civil society organizations, communities, women and vulnerable groups is a key part of DRR strategies because it recognizes communities' rights to be involved in their own risk management and takes special account of the needs of vulnerable groups.
Step 3	In 2015, the IFRC-UNDP launched the Checklist on Law and Disaster Risk Reduction[2], and its accompanying Handbook, provides a practical assessment tool, with a list of ten key questions, 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 2015-2030. Specifically, questions 8-9 of the Checklist and Handbook[3] provides guidance on how to ensure the engagement of communities, including women and marginalised groups in disaster risk reduction decisions and activities
Step 4	Between 2014 and 2018 the Checklist has been used as an assessment tool in research and legal and assessment in a number of Asia Pacific countries. Twelve AP countries have undertaken in-depth national level research which examines legal and policy frameworks on DRR and makes recommendations on how to strengthen frameworks or address gaps. In addition, the Checklist has been used as an assessment tool in 10 Asia Pacific legal review processes over this period.
Step 5	Over 2017–2018, in close collaboration with Protection, Gender and Inclusion colleagues, further research into the effectiveness of national laws, policies and institutional frameworks in supporting gender equality and the right to assistance, security and protection of vulnerable groups in disaster risk management and in preventing and responding to sexual and gender-based violence in disasters has enabled evidence-informed advocacy and technical assistance to strengthen inclusive decision-making in local disaster resilience frameworks. This includes the launch of the global report on *Effective Law and Policy on Gender Equality and Protection from Sexual and Gender-Based Violence in Disasters*[4], which draws upon case studies from Nepal[4a], Zimbabwe[4b] and Ecuador[4c], and *the Responsibility to Prevent and Respond to Sexual and Gender-Based Violence in Disasters and Crises*, which draws upon case studies from Philippines, Lao PDR and Indonesia.

What were the essential steps taken along the process to bring about this change?

Step 6	Operating on an international mandate provided by all state parties to the Geneva Conventions, the IFRC provides technical advice based on over a dozen years of global research and consultations, working closely with National Societies as they support their public authorities to strengthen disaster risk management law and policy.

What SFDRR principles[1] were applicable to this change process?

Principle 1   Empowerment of local authorities and communities through resources, incentives and decision-making responsibilities.

Principle 2   Full engagement of all State institutions of an executive and legislative nature at national and local levels.

Principle 3   Primary responsibility of States to prevent and reduce disaster risk, including through cooperation.

What were the Achievements and the Impacts?

By harnessing their unique auxiliary role, National Societies, working with the IFRC Disaster Law Programme, have successfully strengthened new disaster laws and policies in 30 countries since 2007, including establishing modern legal frameworks that have integrated disaster risk reduction and climate change adaptation and implementing governance structures and decision-making processes and mechanisms for inclusive community empowerment and local action. Operating on an international mandate provided by all state parties to the Geneva Conventions, the IFRC Disaster Law Programme provides technical advice based on over a dozen years of global research and consultations. A few illustrative examples from the Asia Pacific region include:

■ The National Disaster Management Plan (NDMP) 2016-2019 for **Samoa,** prepared under section 9 of the 2007 Disaster and Emergency Management Act, which establishes village Disaster and Climate Committees (DCC) that are responsible for co-ordinating disaster mitigation and preparedness programmes and activities at the community level, and for co-ordinating the various village response teams for specific threats. It is the role of the Ministry of Women, Community & Social Development to support, monitor and liaise with Village Councils and organizations through the "Sui o le Nuu" and "Sui Tamaitai o le Nuu" as they implement disaster management activities. The Plan recognized that women are still largely excluded from formal planning and decision-making processes, and that entry points for amplifying women's voice in disaster risk reduction should be constantly explored. The Law and Justice Sector is tasked to assign clear roles and tasks to community representatives within disaster risk management institutions and processes and decision-making through relevant legal frameworks, to undertake comprehensive public and community consultations during the development of such laws and regulations, and to ensure women, children and youth, persons with disabilities, poor people, indigenous peoples, and older persons are meaningfully engaged.

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[1]   e.g. Primary responsibility of the State, Shared responsibility, Protection, All-of-society-engagement, coordination mechanism, empowering local-decision makers, Multi-hazard approach and inclusive risk-informed decision-making, Sustainable development, Local and specific risks.

- **Philippines'** Disaster Risk Reduction and Management Act of 2010 (RA 10121), which establishes the Local Disaster Risk Reduction and Management Office, mandates the participation of the Philippine Commission for Women in the National Disaster Risk Reduction and Management Council and requires gender sensitive provisions.

- **Vietnam's** Law on Natural Disaster Prevention and Control of 2013, recognizes that local organizations, households and individuals are first responders ('on-the-spot forces') and shall carry out natural disaster prevention and control activities. It establishes Commune-level People's Committees and makes explicit provisions for communities to participate in the elaboration of local plans on natural disaster prevention and control, which are integrated into local socio-economic development plans.

- The 2017 Law on Disaster Protection of **Mongolia**, provides for multi-stakeholder national and local platforms to be embedded into the new institutional structure, including establishing local disaster risk reduction and disaster protection councils. This Law illustrates a more inclusive and participatory approach to DRM Decision making.

- The Bill for the Disaster Risk Management Act for **Vanuatu**, currently awaiting official parliamentary processes, will establish and assign clear roles and responsibilities to Municipal and Community Disaster and Climate Change Committees. The membership of these committees will include a women representative at both municipal and community level, and representation for youth, persons with disabilities, and elected community members at community level.

NB. There has not been any impact studies done at the time of writing.

Mr. Dickinson Tevi, Organizational Development Coordinator of Vanuatu Red Cross:

"Working together on Disaster Law has really helped to strengthen our relationship with the government, particularly their understanding of the work we do as Red Cross. This has certainly helped to cement our role as auxiliary to the government in disaster risk management through the institutionalization of the role of Vanuatu Red on the National Disaster Management Committee."

What were the key Lessons Learnt?

- Most DRR-related laws, policies and plans do not lay the necessary foundation required for inclusive community empowerment and local action. Equally, local systems for DRM with decentralised governance structures are not effective if they are not delegated the adequate authority and allocated the resources required to build their own resilience.

- Although most countries have reflected international commitments on equality and equity in National Constitutions or Bills of Rights, these obligations are often not translated into DRM systems. Research has found that national DRM laws and policies which do contain provisions on marginalised groups and women are often aspirational statements without specific implementation mechanisms. DRM frameworks often tend to focus on the importance of addressing the needs of these groups, but without ensuring their active participation in decision-making processes. When inclusive decision-making processes are established, it is seldom accompanied by eligibility criteria or procedural and/or practical solutions (for instance, the provision of financial incentives to address loss of livelihood when time is dedicated to partake in decision-making processes; the organization of safe and accessible transport; and, ensuring that cultural barriers to participation are addressed).

What were the Good Practices arising from this action?

Good Practice 1	Non-government actors like National Societies have actively engaged and influenced DRM law making. This helps to ensure that voices and needs of communities and at risk groups are heard and considered in decision-making processes.
Good Practice 2	Many Asia Pacific countries are moving from a narrow view of law which established roles and responsibilities, and institutional mechanisms to legal frameworks that are people-centred and rights-based and include protection and inclusion issues related to disasters.
Good Practice 3	Many recent laws have established and formalized mechanisms for community engagement and involvement in decision-making.

Policy Relevance to DRR in Action

Cecilia Alpira, Regional Adviser for Asia Pacific, UN Women:

"I can see a distinct change in Disaster Laws with an emerging gender dimension. I suspect that the IFRC has a lot to do with this".

The strengthening of law and policy, including its decentralisation and the role of women and marginalised groups in DRM decision-making has been emphasised in the Sendai Framework for Disaster Risk Reduction 2015-2030 as key priorities to strengthen disaster resilience, from local to national level.

The Sendai Framework calls for inclusive, accessible and non-discriminatory all-of-society engagement and partnership in disaster risk reduction, including applying an integrated gender, age, disability and cultural perspective in all policies and practices, and that women and youth leadership should be promoted. It further emphasizes that 'empowering women and persons with disabilities to publicly lead and promote gender equitable and universally accessible response, recovery, rehabilitation and re-construction approaches is key' and that women and their participation are critical to effectively managing disaster risk and designing, resourcing and implementing gender-sensitive disaster risk reduction policies, plans and programmes; and adequate capacity building measures need to be taken to empower women for preparedness as well as to build their capacity to secure alternate means of livelihood in post-disaster situations. (19(d)(g),27(f), 32, 36(a(i))).

The Sendai Framework and the 2030 Agenda for Sustainable Development are intrinsically linked. States need to integrate their commitments from both to ensure a holistic approach to sustainable development and disaster risk reduction. The SDGs contain five specific targets regarding disaster risk reduction and management. In particular, Goal 11.5 commits States to 'significantly reduce the number of deaths and the number of people affected and substantially decrease the direct economic losses relative to global gross domestic product caused by disasters, including water-related disasters, with a focus on protecting the poor and people in vulnerable situations.' Climate change adaptation is stressed in Goal 2.4, while Goal 1.5 requires States to 'build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters.' Goal 5 stressed the importance of women and girls in political and economic decision-making processes to fuel sustainable economies and benefit societies and humanity at large. Targets also call for the elimination of discrimination, violence and other harmful practices against women and girls.

Moreover, the Sendai Framework for Disaster Risk Reduction is expressly cited in Goal 11b, and the first target of Goal 13 is to 'strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries'. Likewise, the Sendai Framework (adopted before the SDGs) clearly highlighted that 'effective disaster risk management contributes to sustainable development'.

Nola Fa'asau, Legislative Drafter, Pacific Island Forum Secretariat (PIFS) at the Asia Pacific Disaster Law Field School:

"Ultimately it is about the people, who we collectively work to protect. PIFS is accountable to leaders, who in turn are accountable to the people of their countries. Unfortunately, during times of disasters everyone's rights are affected; the only way to ensure that all rights are protected is to have those rights protected in laws. Without laws in place the disaster becomes two-fold; the impact of the disaster and then the legality issues of so many things. If we don't have laws in place, we are so much more vulnerable to the human impact of a disaster."

Key Messages from this Case Study

■ Scale-up **Local Voices and Leadership**, particularly amongst women and marginalised groups, in climate smart DRM decision-making, including in the development and implementation of laws, strategies and plans.

This case study illustrates how DRM Governance frameworks can be made more inclusive and ensure involvement of people whom they serve to protect - local communities. In Asia Pacific, Red Cross and Red Crescent National Societies have been working alongside governments, partners and communities to bridge the gaps and utilizing their auxiliary role to ensure decision making firmly includes the voice and needs of those most at risk of disaster.

References for this Case Study

1. IFRC, UNDP Effective Law and Regulation for Disaster Risk Reduction: A Multi-Country Report, 2014

2. IFRC, UNDP, *The Checklist on Law and Disaster Risk Reduction*, 2015

3. IFRC, UNDP, *The Handbook on Law and Disaster Risk Reduction*, 2015

4. IFRC, Effective Law and Policy on Gender Equality and Protection from Sexual and Gender-Based Violence in Disasters, and country case studies from Nepal[4a], Zimbabwe[4b] and Ecuador[4c], 2017

5. IFRC, *The Responsibility to Prevent and Respond to Sexual and Gender- Based Violence in Disasters and Crises,* 2018 (awaiting finalization)

6. IFRC, *Disaster Law in South East Asia – Case Studies 2017*

7. Government of the Independent State of Samoa, *National Disaster Management Plan 2016-2019*

8. IFRC, Samoa: *Strengthening PGI in Disaster Law – Snapshot 2018*

9. Socialist Republic of Vietnam, *Law on Natural Disaster Prevention and Control* (No. 33/2013/QH13)

10. Republic of the Philippines, *Disaster Risk Reduction and Management Act of 2010* (RA 10121)

11. Republic of Mongolia, *Law on Disaster Protection, 2017*

12. Republic of Vanuatu, *Bill for the Disaster Risk Management Act*