

Disaster Law Programme

Implementation period:
January 2020 – December 2022

January 2020



How we work

www.ifrc.org

Saving lives, changing minds.



Strategy 2020 voices the collective determination of the IFRC to move forward in tackling the major challenges that confront humanity in the next decade. Informed by the needs and vulnerabilities of the diverse communities with whom we work, as well as the basic rights and freedoms to which all are entitled, this strategy seeks to benefit all who look to Red Cross Red Crescent to help to build a more humane, dignified, and peaceful world.

Over the next ten years, the collective focus of the IFRC will be on achieving the following strategic aims:

1. Save lives, protect livelihoods, and strengthen recovery from disasters and crises
2. Enable healthy and safe living
3. Promote social inclusion and a culture of non-violence and peace

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Geneva, 2020

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1. Introduction

The IFRC Disaster Law Programme (DLP) works with National Red Cross and Red Crescent Societies ('National Societies') and their governments in developing and applying state-of-the-art disaster-related legislation, policies and procedures. We do this in order to make communities safer and to improve the protection of the most vulnerable when faced with crisis. To do so, National Societies leverage their unique auxiliary role vis a vis national governments, especially in disaster risk management platforms and through national and local networks.

With the continuing influence of climate change on extreme weather events (as described in the Intergovernmental Panel on Climate Change's recent Special Report on the impacts of global warming of 1.5°C), the importance of building long term resilience and preparedness activities will continue to be critical. This must include legal preparedness for effective disaster risk governance.

Indeed, having strong, inclusive and well implemented disaster laws underpins a well-functioning disaster risk management system and is essential to prevent and reduce the impact of disasters. They provide the legal and institutional basis on which to undertake all aspects of disaster risk management from risk reduction, preparedness to response and recovery, and contribute to strengthening the resilience and the protection of vulnerable and disaster-affected populations.

For the period January 2020 to December 2022, the IFRC seeks a total 10 million CHF to support National Societies to further assist governments in strengthening their legal preparedness for disasters and the impacts of climate change.

2. Main Themes of the IFRC Programme on Disaster Law

IFRC together with National Societies have a long history working in collaboration with interested states on improving legislation related to disaster risk management and ensuring they are well understood and implemented. With over 95 technical assistance projects since 2007, the IFRC working together with National Societies are now recognized as the preferred experts in this area. We provide our advice pursuant to the mandate set out by the state parties to the Geneva Conventions and the Red Cross and Red Crescent Movement in a series of resolutions adopted at the International Conference of the Red Cross and Red Crescent, starting in 2003¹.

Results of the IFRC thus far include successfully strengthened new disaster laws and policies in 37 countries since 2007, and attention to the issue at head of state summits in the Pacific and the Caribbean, improvements in regional instruments and mechanisms in the Americas, Africa, Asia-Pacific, Central Asia and Europe, and a collection of resolutions of the UN General Assembly.

¹ 28IC/2003/Final goal 3.2; 30IC/2007/Res.4; 31IC/2011/Res.7; 32IC/2015/Res.6; 33IC/2019/Res.5



Our main areas of expertise include:



Domestic Preparedness and Response (New!)

Integrated legal frameworks for DRM that adequately address domestic preparedness and response, such as institutional and procedural arrangements, disaster risk financing, protection of the most vulnerable as well as planned approaches to regulatory issues in post-disaster shelter and disaster-related human mobility.



Disasters and climate laws that leave no one behind (New!)

Support to governments in strengthening their legal and policy frameworks for disaster risk management to ensure they are gender and diversity responsive, protective and inclusive, and reflect international standards.



Law and Disaster Risk Reduction

Modern legal frameworks that have integrated disaster risk reduction and climate change adaptation into disaster risk management and sectoral laws and policies, in line with key international and regional commitments.



Legal Preparedness for International Disaster Assistance ('IDRL')

Procedures for international disaster relief that put domestic authorities in the driver's seat, reduce barriers, costs and quality problems and uphold humanitarian principles.



Auxiliary Role

Recognizing the critical role of National Societies, as auxiliaries to their public authorities in the humanitarian field with a unique community outreach, to ensure community voices and engagement with national level policy development and planning processes.



The basis for the technical advice of the IFRC programme on disaster law to date is based on the review of the literature and on regional and global evidence-based research and consultations, together with comparative analysis of the legislation in place in various countries. Primary guidance and tools developed by the IFRC in the area of disaster law include:

- A new *Checklist on Law and Disaster Preparedness and Response*².
- The *Checklist on Law and Disaster Risk Reduction*, and its accompanying Handbook³.
- The *Guidelines for the domestic facilitation and regulation of international disaster assistance and initial recovery assistance* (known as the “IDRL Guidelines”), and its accompanying Model Act, Model Decree and Checklist⁴.
- Recommendations on *Effective Law and Policy on Gender Equality and Protection from Sexual and Gender-Based Violence in Disasters*⁵.
- Recommendations on *Minimum Elements for Community-Based Land Mapping Approaches in Post Disaster Contexts and Rapid Tenure Assessment Guidelines for Post-Disaster Response Planning*⁶.

Likewise, with the adoption of the Sustainable Development Goals (SDGs) and Sendai Framework for DRR in 2015, and in view of the entry into force of the Paris Agreement in 2020, the IFRC’s Disaster Law Programme has received an increasing number of requests from States⁷ to provide recommendations to facilitate integration between wider governance arrangements in legal frameworks, e.g. the National Adaptation Plan (NAP) processes of the Paris Agreement and the risk reduction strategy process of the Sendai Framework (Target E).

As such, in 2019, IFRC has embarked into a global research project to investigate the links, synergies, and potential overlaps between 2015 UN landmark agreements of the Sendai Framework for Disaster Risk Reduction, and COP21’s Paris Climate Conference and develop new research-based recommendations and legal tools, such as new recommendations to integrate DRR and climate change and adaptation in legal and policy frameworks. Resolution 5 of the 33rd International Conference of the Red Cross and Red Crescent of 2019 provided for and mandates the IFRC for additional research and consultation on how best to ensure that disaster laws and policies are well-integrated with climate adaptation mechanisms.

Furthermore, in 2019 the IFRC has embarked on a new research project and partnered with Local Government United Cities Asia Pacific and UNDP to develop a local action and

² Validated by states parties to the GVA Conventions and RCRC components at the International Conference of the Red Cross and Red Crescent (the ‘International Conference’) in December 2019. https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2019/11/DPR_Checklist_Final_EN_Screen.pdf

³ IFRC, UNDP, [Checklist on Law and Disaster Risk Reduction](#) (Geneva, New York: IFRC, UNDP, 2014); and IFRC, UNDP, [Handbook on Law and Disaster Risk Reduction](#) (Geneva, New York: IFRC, UNDP, 2014).

⁴ IFRC, [Introduction to the Guidelines for domestic facilitation and regulation of international disaster and initial recovery assistance](#), (‘the IDRL Guidelines’), (Geneva: IFRC, 2007, rev. 2011).

⁵ http://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2017/10/Gender-SGBV-Report_-_Global-report.pdf

⁶ http://www.ifrc.org/Global/Documents/Secretariat/Shelter/Rapid-Tenure-Assessment-Guidelines_EN.pdf and http://www.ifrc.org/Global/Documents/Secretariat/Shelter/1301400_Community%20Land%20Mapping_EN_LR.PDF

⁷ These calls were voiced in two regional conferences held on the theme ‘Legislating for Climate Smart Disaster Risk Management’ in the Pacific and in Latin America respectively which took place in 2018. The events brought together National Societies, as well as government representatives from national disaster management agencies and regional inter-governmental organizations.



advocacy guide for local risk governance, which aims to support disaster risk informed systems and approaches at the local level and support local authorities and their partners to make the case for the enabling regulatory environment for local action.

Finally, in 2020 the IFRC will initiate a global research to provide evidence-based recommendations for law and policy makers in the area of legal frameworks for risk-informed recovery and reconstruction. This research project will include a review of the literature as well as a global comparative analysis of country case studies to identify key areas of concern. This global research project will be undertaken jointly with key partners such as UNDP and take into account the Linking Relief, Rehabilitation and Development approach as appropriate.

When finalized, the recommendations developed through the research projects cited above will be included as an integral part of IFRC's technical advice on disaster law.

3. Proposed Activities

3.1 Country level support

At domestic level, IFRC will primarily focus its activities in two areas. The provision of targeted trainings to governments and National Societies, and the strengthening and implementation of domestic laws and policies.

a. Capacity building

The IFRC will focus its activities in the provision of training to governments, National Societies and actors of civil society. This will include dedicated courses on international disaster law, the roll-out of IFRC's *Legislative advocacy toolkit* and organizing global, regional and country-level trainings. To ensure sustained follow-up from the trainings, National Societies will be supported to develop a legislative advocacy strategy tailored to their context. Support to the implementation of these strategies will be provided not only by the IFRC, but also a pool of National Society disaster law experts established to provide peer-to-peer learning and exchanges. IFRC will also facilitate the sharing of experiences, best practices and lessons learned on disaster law between countries.

Further to this, the DLP, in coordination with the IFRC National Society Development Unit, will continue to provide trainings to National Societies in order to help them better understand and feel comfortable explaining their auxiliary role to their authorities. The DLP will also support National Societies in providing advice to their authorities about how their auxiliary role is described in law and policy related to health and disaster risk management (also see 3.1 (b) below). This will clarify responsibilities and facilities for the National Society and improve their efficiency in carrying out their mandate.

The IFRC will also continue to develop community level dissemination packages to support domestic disaster law dissemination processes. This will include promoting the understanding of the legal environment with communities encouraging both compliance as well as awareness of rights and responsibilities on the basis of the new disaster law dissemination module 'Know your 3Rs- Rights, Roles and Responsibilities'. The IFRC will be



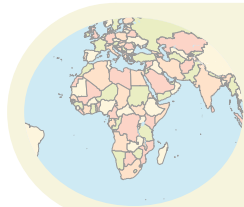
looking at how to standardize this approach across the regions, based on the experiences from the Asia Pacific region where this approach has already been rolled-out.

b. Strengthening and implementation of domestic laws and policies

The IFRC and National Societies will assist and advise their governments in the analysis, drafting and implementation of effective disaster laws. This assistance will range from training, legal research and stakeholder consultations, to drafting assistance with new bills, rules or procedures on law and policy for climate-smart disaster risk management. Further, IFRC and National Societies will support the implementation of existing legal instruments, such as through simulation exercises and the development of subsidiary regulations, procedures and plans.

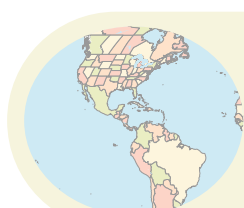
Considering the long-term nature of the work regarding strengthening legal and policy frameworks, IFRC will capitalize on existing relationships established with governments in recent years, and activities proposed for 2020-2022 will complement and build on DLP activities implemented in previous years. Country level disaster law projects will depend on local priority areas but will include support on the main themes described above.

In 2020-2022, IFRC's work on disaster law will focus on supporting National Societies and their partners to assist and advise their governments in the following **priority countries**, chosen on the basis of National Society and government demand, risk profile, and political opportunities. IFRC will also continue to provide ad hoc support in other countries:



Africa

Botswana, Eswatini, Gambia, Niger, Malawi, Seychelles, Sierra Leone, South Sudan, Uganda, Zimbabwe



Americas

Colombia, Costa Rica, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Honduras, Jamaica, Panama, Peru, Trinidad & Tobago



Asia-Pacific

Bangladesh, China, Fiji, Indonesia, Lao PDR, Mongolia, Marshall Islands, Myanmar, Nepal, New Zealand, Palau, Philippines, Samoa, Sri Lanka, Timor Leste, Tuvalu



Central Asia

Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan



3.2 Regional and global level advocacy and research

a. Advocacy

The IFRC has been active in promoting the strengthening of legal frameworks for disaster risk management at global and regional intergovernmental fora around the world. This includes ongoing collaboration with over a dozen global and regional organizations and entities, such as the African Union (AU), the Andean Community (CAN), the Association for South-East Asian Nations (ASEAN), the Caribbean Disaster Emergency Management Agency (CDEMA), the Central American Coordination Centre for the Prevention of Disasters (CEPRENAC), the Economic Community of West African States (ECOWAS), the European Union (EU), the Inter-Governmental Authority for Development (IGAD), the Organisation of Eastern Caribbean States (OECS), the Central America Integration System (SICA), the South Asia Association for Regional Cooperation (SAARC), the Southern African Development Community (SADC), the Central America Economic Integration System (SIECA), the Union of South America Countries (UNASUR), the Secretariat for the Pacific Community (SPC), the Pacific Islands Forum (PIF) and UN Agencies.

The growing role of regional organizations in disaster risk management is now widely recognized and are viewed by the IFRC as an important bridge between international and national level policy and law making. As such, the IFRC proposes to leverage its existing relationships and influence to further its objectives relating to the strengthening of law and policy for climate-smart disaster risk management through regional policies and frameworks.

The IFRC will support the development of several new regional instruments to reflect messaging on strengthening laws, policies and procedures consistent with the Sendai Framework and the Paris Agreement. It will strengthen existing relationships and ties with regional organizations and provide support for disaster law processes with regional organisations. Through these relationships, the IFRC will advocate for strengthened regional approaches, guidelines and agreements.

Key activities will range from participating and promoting the importance of legal frameworks for climate-smart disaster risk management at intergovernmental forums; offering drafting and other technical support to regional resolutions, frameworks, agreements and the like; and support in the implementation of existing regional agreements, frameworks and plans.

Furthermore, IFRC will support the implementation of the 'Disaster laws and policies that leave no one behind' resolution of the 2019 International Conference of the Red Cross and Red Crescent. This will include the development of advocacy and dissemination products and tools to support the implementation of the new *Checklist on law and disaster preparedness and response* recognized by the States parties to the Geneva Convention and components of the RCRC Movement in the said resolution.

Commitments made at the International Conference will also contribute to the Global Commission on Adaptation Action Tracks and Risk Informed Early Action Partnership in which IFRC has taken a key role in shaping ambitions and targets.



Finally, IFRC will support the development of communication and dissemination tools in order to promote global achievements by law and policy makers in the area of DRM governance and disaster law.

In 2020-2022, IFRC's work on disaster law will focus on supporting over **12 regional organizations** in developing tools, guidance and mechanisms. The IFRC will also continue to support dialogue at the global and regional level in **inter-governmental forums** to move forward the disaster law agenda.

Regional organizations:

African Union, Centre for Emergency Situations and DRR (Central Asia), ECOWAS (West Africa), European Union, IGAD (East Africa), ASEAN (South-East Asia), CDEMA (Caribbean), CEPREDENAC (Central America), CAN (Andean countries), PIF (Pacific), SAARC (South Asia), SADC (South Africa), SPC (Pacific)

Inter-governmental forums:

Africa: Regional Platform on DRR, IGAD's Climate Outlook Forum, IGAD's Technical Advisory Committee Meeting, UNFCCC Regional Climate Week for Africa, UNDRR Inter-Agency Roundtable on DRR, AU Humanitarian Law and Policy Training;

Americas: CDEMA Technical Advisory Group, MIAH, Regional Platform 20;

A-P: A-P Ministerial Conference on DRR, UN Economic and Social Commission for A-P, A-P Economic Cooperation, A-P Climate Week;

Central Asia: Conference of the Central Asia Regional Economic Cooperation;

Global: Climate Action Summit, GPDRR, UNFCCC's COP, UNGA (ILC 6th Committee)

b. Pursuing high-quality research that informs legislative advocacy

Since 2001, the IFRC has spearheaded innovative research and the development of state-of-the-art recommendations on key issues that are crucial in the development of legal frameworks for DRM, including preparedness and response, disaster risk reduction, and international disaster response law. The IFRC proposes to continue to contribute to this global evidence base through the development of targeted research that informs advocacy related to legal frameworks for disaster risk governance.

The IFRC proposes to continue supporting ongoing research projects initiated in 2019. Recommendations will be produced to support law and policy makers strengthen DRM governance and (1) integrate DRR and climate change and adaptation in legal and policy frameworks, (2) strengthen legal and policy frameworks for recovery and reconstruction and (3) strengthen the RCRC auxiliary role in law and policy frameworks. The IFRC will support the development of training modules, dissemination products and tools to support implementation in domestic contexts upon completion of the researches.



Furthermore, the IFRC will finalize the development of new recommendations 'Planned Relocation Guidance' for National Societies and other local actors regarding planned relocation / resettlement due to disasters or as a climate change adaptation measure. These Guidelines will provide recommendations and make the necessary links with regulatory frameworks that should be put in place as preventive measures and complement existing recommendations such as the ones on legal frameworks for addressing disaster displacement and planned relocation provided in the new *Checklist on law and disaster preparedness and response* of December 2019. National level trainings and dissemination modules on the guidance will be rolled out in at least three countries.

The IFRC also proposes to develop recommendations to ensure that the local risk governance system is fit for purpose and that the national regulatory environment system provides the necessary enabling environment for local action. The 'Local Action and Advocacy Guide: Strengthening Risk Governance at the Local Level' has been drafted in 2019 and will be piloted in two countries in Asia Pacific in 2020, with a view to launch the new Guide at the Asia Pacific Ministerial Conference on DRR (APMCDDRR, Brisbane, June 2020).

IFRC will finalize the development of the new DRM Legal Index and update the existing DLP Database of legal instruments available on IFRC website. These instruments will provide easy-to-use reference on the content of DRM laws, policies and other instruments around the world, which can be utilized by DRM practitioners, law and policymakers, parliamentarians, academics, and the like.

IFRC will also support the International Yearbook of International Disaster Law and more specifically the 'International Disaster Law in Practice' open-access section in order to increase its visibility and relevance. This section represents a unique feature of the Yearbook and will be a point of reference for DRM practitioners and academics.

Key outcomes at global level in 2020-2022 will include:

Finalize the global research projects on integrating CCA and DRR in legal frameworks

Support the global research on law and recovery and Checklist on law and recovery and reconstruction

Finalize the research project on the RCRC auxiliary role in law

Finalize the 'Planned Relocation Guidance'

Finalize the 'Local Action and Advocacy Guide: Strengthening Local Risk Governance'

Finalize the development of the DRM Index (classification chart)

Partnership with Roma Tre University to update and maintain the IFRC disaster law database

Support to the Yearbook on International Disaster Law



4. Human Resources

The Disaster Law Programme is currently being managed by a full-time Legislative Advocacy Coordinator based in Geneva, in addition to regional coordinators based in Almaty, Geneva, Panama City, Nairobi and Kuala Lumpur. The team also counts with technical experts based in all regions. Noting the evolving nature of the work envisioned in the next few years, they will be actively involved in providing timely support, remotely and in person, to the National Societies and governments. They will also facilitate legislative advocacy and capacity building sessions, and provide technical legal advice, to improve the impact of the activities envisioned at country level.

In addition, IFRC proposes to increase the pool of technical experts within National Societies to support dissemination and awareness-raising efforts towards governments. Further, IFRC proposes to strengthen its internal pool of legal experts to support the implementation of disaster law activities and develop innovative recommendations in the area of disaster law. Finally, IFRC proposes to include communication officers as part of its staff in order to improve communication, awareness-raising and dissemination of its operational success stories on disaster law, including in social media channels.

Lastly, IFRC will collaborate closely with UN agencies and universities in the implementation of its activities. As an example, IFRC will work in close collaboration with Roma Tre University in updating the DL Database, and with University College Cork of Ireland in the research project on integrating CCA and DRM in legal and policy frameworks. To answer specific needs, IFRC may hire consultants for specific products when the expertise and capacity are not available in house.

5. Budget for 2020-2022

Activities	Total CHF (approximative figures)
Country level activities	
Capacity building and legislation strengthening	3,250,000
Regional level activities	
Advocacy and regional events	2,000,000
Global activities	
Research and dissemination	1,000,000
Others	
Communication, Travel, Monitoring and Evaluation	750,000
Human Resources	
DLP salary and costs	3,000,000
Total	10,000,000*

*Includes 6.5% IFRC Programmes and Services Support Recovery

The Fundamental Principles of the International Red Cross and Red Crescent Movement

Humanity The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

Impartiality It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality In order to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary service It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.

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