

**CASE STUDY**

Climate-smart disaster law in Fiji

In Fiji, the Government of Fiji, national and international disaster responders, Fiji Red Cross and the International Federation of Red Cross and Red Crescent Societies (IFRC) are working together to review and integrate their climate and disaster risk management laws for a stronger and more efficient climate-smart disaster risk management system that can reach and engage the people most at risk.

This case study looks at the review and how it connects with the Risk-informed Early Action Partnership (REAP), a global initiative bringing together stakeholders from climate, humanitarian and development communities with the aim of making 1 billion people safer from disaster by 2025. REAP Target 1 encourages countries to review and integrate their disaster risk management and climate adaptation laws, policies and/or plans to ensure that they reduce climate change impacts and exposure on people and the environment.

Our call to action

There is a need for greater coherence across climate change adaptation, disaster risk reduction and development agendas at national and international levels. To implement the Paris Agreement, Sendai Framework for Disaster Risk Reduction and the UN 2030 Agenda for Sustainable Development, governments should adopt a coherent approach, and integrate climate change adaptation and disaster risk reduction in laws, policies, strategies and plans, including national planning processes.

IFRC calls on governments and key stakeholders to:

- Develop and implement effective climate-smart disaster-related laws. This includes aligning their laws and systems across the humanitarian, development, environment and climate sectors to ensure coherence, stronger coordination, and enable concrete impacts on the ground.
- Address the needs of the most vulnerable and marginalised people and communities in legal frameworks, including people in crises and those displaced, so that they are reached, informed and included in global, national and local decisions and plans, and their needs are met.

Disaster law and policy review in Fiji

Cyclone season brings destructive tropical storms to Fiji every year, and with climate change causing more frequent and intense weather-related events, communities are facing very real risks to their lives and livelihoods.

While cyclones and other disasters can be largely unpredictable, Fiji Red Cross Society and national disaster responders in Fiji are prepared, working throughout the year to ensure communities know how to prepare and know what to do when disasters strike.

Tropical Cyclone Winston tore through Fiji in 2016, destroying homes, infrastructure and livelihoods, killing 43 people, affecting 62 per cent of the population and causing cyclone-related losses of 32 per cent of GDP. Following the cyclone, it was identified that there was a need to strengthen and update the disaster law, and related policies and procedures. Areas identified included legislating for the Fiji Cluster System, provisions for strengthening coherence, coordination and regulation by government of non-government organisations and international agencies and strengthening preparedness of all agencies involved in response.

The Government of Fiji approached Red Cross to assist in the review of the disaster law and, in 2018, the Fiji National Disaster Management Office (NDMO), the Fiji Red Cross Society and the International Federation of Red Cross and Red Crescent Societies signed a memorandum of understanding to review the 1998 Natural Disaster Management Act and the 1995 National Disaster Management Plan.

Fiji Red Cross Society, as auxiliary to the Government and a longstanding partner and IFRC, with its disaster law leadership, were a natural choice for the Government. A technical working group, that included Fiji Red Cross Society's Disaster Coordinator and IFRC's Suva-based Disaster Law Manager, was set up to review the current law and plan. The working group held consultations at national and local levels for relevant government departments, at-risk communities and non-government actors including civil society, religious groups, the private sector, and academia.

Recommendations that emerged from the consultations included:

- introducing a central risk information management system
- strengthening subnational and community risk governance through establishing subnational risk management committees down to community level
- strengthening regulation of international aid to minimise unsolicited goods and disaster waste



- strengthening the role of disaster service liaison officers especially the front-line agencies
- strengthening legal facilities and minimum standards to be met by recognised non-governmental organisations and humanitarian organisations
- adopting an integrated multi-hazard approach that allows for impact-based forecasting to inform early action.

Importantly, the consultation recommendations also supported the disaster risk management system being proactive, inclusive, taking a multi risk/hazard approach and focusing on disaster risk reduction. A strong collaboration between the NDMO and the Fiji Climate Change Division for an integrated risk management approach at the community level was also a key recommendation.

The review is to be completed in 2021. As most members of the technical working group work in disaster response, the work has often had to be paused to allow members to prioritise urgent disaster response operations. Regardless, the review has maintained momentum, and the numerous disasters experienced since it started have provided invaluable opportunities to apply and reflect on the new workings of the Bill.

Bringing climate change adaptation and disaster risk reduction together

Fiji faces a changing climate. Prime Minister H.E. Josaia Voreqe Bainimarama, said on the anniversary of the Paris Agreement, Nansen Initiative and Sendai Framework “Pacific Islanders can tell you first-hand: Time means everything when you have water lapping at your door.”

While the review of the Fiji Natural Disaster Management Act was underway, a draft Climate Change Bill was also under development and has now been enacted into law. The shared themes of the Fiji Climate Change Act 2021 and the draft Disaster Risk Management Bill are: a people centred approach, emphasis on risk informed approaches and strengthening of Fiji’s resilience. The NDMO and Climate Change Division continue to collaborate on addressing climate and disaster risk.

Reviewing and responding

Since the review began in 2018, Fiji has been hit by numerous cyclones, other weather-related events, and the COVID-19 pandemic. While the NDMO said the challenge of responding to disasters has delayed the review process, it has also been a blessing. It has allowed lessons from the review process to be applied in real time, particularly in relation to coordination and collaboration with the whole-of-government during operations.

Lessons learned from disaster operations for recent cyclones and COVID-19 have confirmed the relevance of draft provisions in the Bill, and these operations allowed for field testing of recommendations on strengthening other provisions. The multi-hazard context in which the review has been undertaken is reflected in the review and the NDMO said it was an opportunity for mainstreaming application of this approach, with the NDMO at the helm and supported by other agencies.

Ms Vasiti Soko, Director of the NDMO said multi-hazard response coordination is the expertise of the NDMO and therefore these situations require NDMO leadership and management, from preparedness up to when long term recovery kicks in, where operations will then be passed back to other ministries under their normal mandates.

“In drafting the text of our new DRM Bill, we are taking a multiple risk/hazard approach, and a whole of society, people-centred approach. We hope to introduce a risk governance structure that links across international, national, and subnational levels, right down to the community level.”

Connecting and coordinating

The collaborative approach of the review in Fiji has brought together stakeholders from across government, civil society and the national and international humanitarian sector. The NDMO said they found the review to be an advocacy process for what they do, inducting and reminding sectors and new public servants on their roles and responsibilities and the roles and responsibilities of other sectors in a disaster setting.

“The review has been the instrument to bring everyone together and join the pieces together.”

FIJI NDMO

Given the wide consultation conducted as part of the review process, the NDMO said there was also more appreciation and understanding of its role by colleagues who are not traditionally involved in disaster decision-making. An example of this was a workshop for frontline agencies who are involved in the clearance of humanitarian aid but previously haven’t been part of disaster response planning and preparedness. In addition to the workshop strengthening understanding, it also formulated a draft SOP for responding to disasters during the COVID-19 pandemic, and a draft TOR for a frontline agency working group on expedited clearance of humanitarian aid consignments and deployed personnel.

For Fiji Red Cross Society, increased understanding of its role and the wider Red Cross by cross-government representatives participating in the review process has

also been a welcome outcome. Mr Maciu Nokelevu, Fiji Red Cross Society's Disaster Coordinator, said the workshop for frontline agencies also cleared up confusion on customs levies for incoming Red Cross humanitarian aid.

"Many different parts of the government that we usually wouldn't deal with, but that have an impact or influence on our work were part of the review. These people now really understand our role in emergencies, what our auxiliary status means and how we can better work together."

"This ultimately helps the communities we work with, as the process for incoming aid is sped up, which in turn means people get the help they need faster."

Leaving no one behind

The development of the new Bill in Fiji has involved extensive participation and stakeholder engagement, providing opportunities for people's voices to be included in disaster law decision-making, both collectively and individually.

The working group has had extensive consultation with representative groups for women, older people, children, people with disabilities, LGBTQI+, and minority groups in Fiji. This targeted approach helps to ensure that protection, gender and inclusion are key components of the new disaster law and that no one is left behind.

The Bill also establishes Disaster Risk Management Committees at the subnational level down to community level who are to be responsible for preparing Community-Based Disaster Risk Management Plans. The Committees will be responsible for: collecting and reporting risk information from their respective levels to update the Centralised Risk Information System and also communicating risk information/alerts/warnings they receive to their communities. The Community Based Risk Management Policy is being formulated to provide guidance for the work of these committees.

Risk-informed Early Action Partnership (REAP)

The Risk-informed Early Action Partnership (REAP) brings together stakeholders across the climate, humanitarian and development communities with the aim of making 1 billion people safer from disaster by 2025.

REAP also aims to facilitate intergovernmental collaboration and knowledge exchange. This aligns with the objectives of the Adaptation Action Coalition, given that activities support peer-to-peer learning between countries and regions, and enable showcasing of successes and learnings about taking to scale risk-informed early action in a tangible and action-focused way.

REAP Target 1

Target 1 focuses on the necessity to better connect the complementary goals of disaster risk reduction/management and climate change adaptation.

GOAL: 50 countries have reviewed and integrated their crisis/disaster risk management and climate adaptation laws, policies, and/or plans to ensure that they reduce climate change impacts and exposure on people and the environment.



Activities under the REAP project in Fiji are made possible through support from the following partners:



About IFRC Disaster Law

IFRC Disaster Law works with National Red Cross and Red Crescent Societies and governments to strengthen disaster risk governance, through the development and implementation of climate, disaster and emergency-related legislation, policies and procedures.

With 20 years of experience supporting the development and implementation of disaster law and policy around the world, we are the global leader in disaster law technical advice to governments.