

Strengthening climate resilience through law and policy in the Philippines

Climate change adaptation and disaster risk reduction are at the core of any effort to enhance climate resilience, as the two sectors have overlapping goals. Since 2019, a legislative process on disaster resilience has been ongoing in the Philippines Parliament to create a unified Department of Disaster Resilience. This case study explores how this reform could favour more comprehensive and cross-sectoral actions to enhance climate resilience.

Enhancing climate resilience through integrated laws and policies

The increasing frequency, severity and unpredictability of extreme climatological events, driven by global warming, is leading to increased impacts on vulnerable people around the world. There is a need for us all to adapt to our changing climate.

The basic connections between climate change adaptation (CCA) and disaster risk reduction (DRR) are at the core of any effort to enhance climate resilience. This includes the ability of a system, community or society exposed to climate-related hazards to resist, absorb, accommodate, adapt to, transform and recover from the effects of such hazards in a sustainable and efficient manner, including through the preservation and restoration of its essential basic structures and functions through disaster risk management.ⁱ

CCA and DRR have overlapping goals, namely the reduction of losses due to weather and climate-related hazards (including both slow-onset and sudden events) and the reduction of risks and vulnerabilities in at-risk communities. It is of no surprise, then, if the urgency of greater CCA and DRR coherence has been called for in the most relevant instruments, resolutions and reports adopted at the international level.ⁱⁱ

A comprehensive risk management approach for both state and non-state actors should ensure complementarity between decisions undertaken as part of different agendas, namely through efforts to reduce those actions that contribute to one set of goals but undermine the other. In this sense, greater climate resilience in domestic systems can be obtained by means of the adoption of more integrated laws and policies aimed at reducing gaps and mismatches between CCA and DRR objectives and related practices.

Supporting climate resilience through legislative strengthening

IFRC Disaster Law receives many requests from National Red Cross and Red Crescent Societies to aid them in providing technical assistance to their authorities to develop laws relating to climate-smart disaster risk management.

One of the main goals of IFRC Disaster Law is the identification of good practice and the development of recommendations for law and policymakers aimed at increasing climate resilience. This is of course based on the need to link research with the adoption of new and more effective normative frameworks.

In 2019, in partnership with the School of Law of University College Cork (UCC), IFRC Disaster Law

embarked on a research project to support the accomplishment of this goal, elaborating on the previous recommendation provided in the [IFRC-UNDP Checklist on Law and DRR \(2015\)](#) and related [Handbook \(2014\)](#); as well as the [IFRC Checklist on Law and Disaster Preparedness and Response \(2019\)](#) and related [Multi-Country Synthesis Report \(2019\)](#). This is also in line with prior resolutions on disaster law adopted by the International Conference of the Red Cross and Red Crescent.ⁱⁱⁱ The need to deal with the humanitarian consequences of climate change was reiterated and expanded upon by the International Community at the 33rd International Conference of the Red Cross.

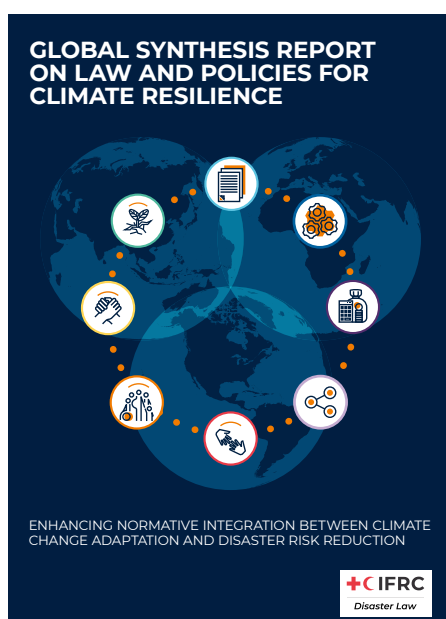
The Global Synthesis Report on Law and Policies for Climate Resilience

The [Global Synthesis Report on Law and Policies for Climate Resilience](#), published in 2021, brings together case studies from countries most vulnerable to climate and weather-related hazards - Fiji and Pacific Island Countries, the Philippines, Dominica and Kenya.

The Report identifies eight recommendations illustrated in related thematic sections. Each of them addresses a specific issue necessary to improve the normative

structures for climate resilience, providing evidence on how these issues are currently addressed by domestic law in the sample countries, as well as examples of good practice.

The Report is a useful assessment tool for governments around the world to understand how normative integration in this field could be favoured by new legislation.



Report recommendations

1. Improve Normative Integration and Institutional Harmonisation Across Governance Sectors
2. Develop Mechanisms to Assess Implementation and Align the Timing for Reviews and Updates
3. Ensure a Consistent Allocation of Resources for Integrated Risk Assessments and CCA-DRR Mainstreaming at All Levels
4. Favour Normative Alignment with the International and Regional Levels
5. Integrate CCA-DRR law and policies with Sustainable Development and Poverty Reduction Policies that 'Leave No one Behind'
6. Address Specific Vulnerabilities, Gender Mainstreaming and Social Inclusivity
7. Ensure Effective and Localised Implementation through Community Engagement
8. Build on the Opportunities Provided by Nature and Ecosystems

At the 33rd International Conference of the Red Cross and Red Crescent in December 2019, the adopted resolution “[Disaster Laws and Policies That Leave No One Behind](#)” highlighted the urgency and importance of integrating climate change adaptation and disaster risk management efforts for effective DRM laws. Through this Resolution, the Conference:

- “10. encourage[d] National Societies, as auxiliaries to their public authorities in the humanitarian field, to continue to provide advice and support to their governments in the development and implementation of effective legal and policy frameworks relevant to disaster risk management and to climate change adaptation;
- 11. request[ed] the IFRC to continue to support National Societies and States in the field of disaster laws, including with respect to the areas of concern mentioned in this resolution, through technical assistance, capacity building, the development of tools, models and guidelines, advocacy, ongoing research and promotion of the sharing of experiences, techniques and best practices among countries;”

Supporting climate resilience in the Philippines

The IFRC Disaster Law report [Addressing specific vulnerabilities through integrated climate and disaster risk governance: Lessons from the Philippines](#) was published in 2020. It results from a combination of desk-based and empirical research conducted in the country via digital means through interviews with key informants, including governmental officials involved in DRM activities; parliamentarians; IFRC and Philippine Red Cross staff; representatives of civil society organisations active in relevant sectors; and academics with relevant expertise. Informants provided insights and evaluations of past and present normative processes, while also assessing the actual impact of Philippines laws and policies at different levels.

The Philippines Disaster Resilience Act

A legislative process on disaster resilience has been going on in the two branches of the Philippines parliament since 2019. As part of this, the Senate is currently discussing ‘[An Act Creating the Department of Disaster Resilience, Defining its Powers and Functions, and Appropriating Funds Therefor](#)’

or (Disaster Resilience Act)^{iv}. The Bill is primarily aimed at the creation of a highly specialized government agency – the Department of Disaster Resilience – with new, more centralised powers and functions. All its resources, technical expertise and skills are expected to be fully focused on the department’s mandate, that of addressing the effects of natural disasters and climate change.

The establishment of this new, unified government agency – which would substitute the previous Climate Change Commission and National Disaster Risk Reduction and Management Council – is meant to favour more comprehensive and cross-sectoral actions to reduce climate and disasters risks, as well as a continuous development of programmes and actions ensuring climate resilience. This is clearly stated in its art. 2 (sec. 5) mandating the Department to monitor and ensure ‘the integration of disaster risk reduction and management and climate change adaptation policies into national development plans’.

The Bill contains examples of good practice on normative integration. For instance, cross-references to other sectoral laws and policies can be found, like those to the 2009 Climate Change Act as for the definition of Climate Change or to the Republic Act No. 7277 on the integration of disabled persons into society.

Policy integration is also expected to be favoured, starting from the fact that the existing National Disaster Risk Reduction and Management Framework and National Framework Strategy on Climate Change shall be ‘integrated and harmonised’ into a new National Disaster Resilience Framework. The National Disaster Resilience Framework will be reviewed/updated every three years, potentially paving the way for a progressive alignment of actions between the two sectors, also considering that it would represent the benchmark for evaluating local disaster resilience and investment plans to ensure their consistency.

Moreover, the Bill mandates the establishment of a Disaster Resilience Research and Training Institute, in charge of supporting inter-agency knowledge sharing. This would happen, for instance, through an Integrated Disaster Resilience Information System, a database of all relevant disaster risk reduction and climate change data, including a geographic information system on geo-hazard assessments and climate risk. This will be made accessible at all times to governmental officials the relevant agencies ‘to support overall decision-making and effective cross-sectoral coordination at both the national and sub-national levels’

Strong localisation and multi-stakeholder components can also be identified in the new Bill. This is evidenced by the Department’s task to support the implementation of national, local, and community-based disaster resilience programs in collaboration with national

government agencies and in coordination with NGOs and private organisations.

The open-access provision of near real-time data from both local and international sources made available through various platforms, such as websites, mobile apps, and social media, would empower the local disaster resilience offices early warning capacities at different levels. Also, the development of local disaster resilience plans (setting out objectives and goals on both DRR and CCA) and the convening of disaster resilience assemblies are instrumental to a more coherent approach.

Looking ahead

The legislative process in the Philippines reflects in part the content of good regulatory practice identified in the [IFRC Global Synthesis Report on Law and Policies for Climate Resilience](#). Still, other recommendations could support its finalisation towards greater coherence between DRR and CCA sectors, including:

- A more explicit normative alignment with intersecting commitments taken internationally (i.e. through the Paris Agreement of the Sendai Framework for Disaster Risk Reduction 2015–2030) could be included.
- More concrete means to reduce the exposure of specific vulnerable groups could also be included, (along the lines of what the Bill foresees for the indigenous people) as well as more details on how the natural environment and its assets can be used to manage climate and disaster risks.
- Finally, once a consolidated version of the different Bills currently under discussion will be approved, it will be key to ensure its effective implementation through the investment of the necessary resources, effective coordination at different administrative levels, and awareness-raising activities with at-risk communities

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.

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.

ⁱ Adapted from UNDRR definition of 'Resilience' (UNDRR, Terminology - 2016). We can move this in the text with parenthesis if you prefer, but it is important to acknowledge that the definition is taken from UNDRR

ⁱⁱ See, among others, UN General Assembly Resolution 70/1 (2015) Goal 1.5, 11.5, 13.1; Paris Agreement on Climate Change (2015) Art. 7; Sendai Framework for Disaster Risk Reduction 2015-2030 (2015) paras 4, 6, 11, 13, 19, 25-28, 47-48.

ⁱⁱⁱ See, in particular, Final Goal 3.2 of the 28th IC; Resolution 4 of the 30th IC, Resolution 7 of the 31st IC; and Resolution 6 of the 32nd IC on strengthening legal frameworks for disaster risk management.

^{iv} This Senate Bill largely reflects the content of the House Bill No. 5989, which was passed by the House of Representatives (lower house) on third and final reading on September 2020.