



LAWS, POLICIES AND PLANS FOR **DISASTER RECOVERY**

Multi-Country Synthesis Report

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Executive Summary

This report is the culmination of a global research project on disaster recovery conducted by [IFRC Disaster Law](#). The report analyses the information contained in a [Literature Review](#) and eight country reports (the Country Reports). Each of the Country Reports comprehensively maps the legal, policy and planning framework for disaster recovery in the selected country and examines how that framework has operated during the recovery from a recent, major disaster (referred to as the ‘relevant disaster’). The Country Reports focus on the following countries and disasters: [Australia](#) (the 2019–2020 Black Summer Bushfires); [Brazil](#) (the 2019 Brumadinho Dam Collapse); [Italy](#) (the 2016–2017 Central Italy Earthquakes); [Indonesia](#) (the 2018 Sulawesi Earthquake and Tsunami); [Mozambique](#) (Cyclones Idai, Kenneth and Eloise, which occurred in 2019 and 2021); [Sierra Leone](#) (the 2017 Freetown Landslides); [Spain](#) (the 2019 Cold Drop); and [The Bahamas](#) (Hurricane Dorian, which occurred in 2019). In light of their federal (or quasi-federal) political systems, the Australia, Brazil and Spain Country Reports each consider the national and subnational levels. Consequently, the Country Reports analyse 13 jurisdictions in total.

The focus of this report is domestic recovery governance, meaning the ensemble of laws, policies, plans and institutional arrangements that underpin recovery in a given country (or jurisdiction). The report analyses and provides recommendations on how these instruments and arrangements can be used to prepare for recovery by creating the architecture of an effective recovery system in advance of disaster. The report comprises two main parts. Part A addresses the foundations of an effective recovery system. It focuses on the following key topics: recovery laws, policies and plans (section 1); designation of a lead department or agency for recovery (section 2.1); coordination mechanisms, roles and responsibilities (section 2.2); community participation in recovery (section 2.3); assessment, monitoring and evaluation (section 3); and recovery funding (section 4). Part B focuses on a suite of key themes and issues in disaster recovery. It addresses the following topics: building back better (section 5); green recovery (section 6); the protection and inclusion of marginalised and at-risk groups (section 7); internal disaster displacement (section 8); and mental health and psychosocial support (section 9). Each section concludes with a summary of findings and recommendations for domestic law and policy makers.

The report identifies several positive trends in recovery governance. Following the relevant disaster, many of the jurisdictions surveyed developed comprehensive, multisectoral post-event recovery plans and activated multisectoral coordination mechanisms. Strikingly, most of the jurisdictions surveyed have laws, policies or plans that clearly commit to integrating risk reduction into recovery consistent with the ‘build back better’ principle propounded by the Sendai Framework. Several of these jurisdictions identified concrete, practical measures that would be implemented during recovery to reduce disaster risk. Further, in many of the jurisdictions, the experience of the relevant disaster catalysed significant recovery reforms. This included the development of more detailed legal provisions and plans, as well as the creation of permanent recovery agencies. Notwithstanding these positive trends, the report finds that there is generally insufficient preparation and pre-planning for recovery. Moreover, there is a lack of focus on and support for long-term recovery.

A root cause of these challenges may be the fact that domestic disaster laws generally address recovery in less detail compared to other phases and aspects of disaster management. According to IFRC research analysing the main disaster law in 100 countries, only 16% of the laws contain detailed provisions on disaster recovery. By contrast, the percentage is 54% for risk reduction, 75% for preparedness and 75% for response. Moreover, a significant number of countries do not systematically develop detailed *pre-event* recovery plans, instead only developing *post-event* plans. A lack of legal provisions and

detailed pre-planning can result in recovery arrangements being improvised in haste after disasters. It is common for recovery agencies to be created on an ad hoc basis following a major disaster. However, these agencies may encounter teething issues, as it takes time to develop the role clarity, stakeholder relationships and programs needed to operate effectively. Another key issue is that recovery planning and institutional arrangements often do not encompass long-term recovery. Securing adequate funding for long-term recovery is also a persistent challenge. As a result, recovery programming and funding can dry up long before communities have fully recovered.

Overall, this report finds that recovery has been overlooked compared to other phases of disaster management. There are several potential reasons for this. While preparedness and response have long been perceived as the core of disaster management, and the Sendai Framework has generated increased focus on disaster risk reduction, recovery has not benefited from the same level of attention. Moreover, in some countries, disaster preparedness efforts may remain focused on the response phase. However, preparation is vital to ensuring timely and appropriate recovery assistance, the availability of adequate resources and effective coordination of a multitude of government and non-government actors. Laws, policies, plans and institutional arrangements can underpin a comprehensive recovery system, but they need to be developed and tested in advance of disasters to achieve readiness for recovery.

Summary of Key Findings by Topic

Part A: The Foundations of an Effective Recovery System

Laws and policies for recovery (section 1.1): Laws and policies have an important role to play in creating and supporting an effective recovery system. Laws can mandate critical recovery activities (e.g., assessment, planning, monitoring and evaluation) and can facilitate recovery by creating exceptions from normal rules (i.e., removing ‘red tape’) where necessary. Policies can establish an overall vision for recovery by identifying objectives, guiding principles, different sectors and types of activities, and the general roles of different actors. The Country Reports and other IFRC research reveal that there is a need to strengthen laws and policies for recovery. Domestic disaster laws generally address recovery in less detail compared to other phases and aspects of disaster management. An IFRC analysis of the main disaster law in 100 countries found that only 16% of the laws contain detailed provisions on disaster recovery, compared to 54% for risk reduction, 75% for preparedness and 75% for response. Relatedly, the Country Reports indicate that dedicated recovery policies are relatively rare. Policy elements such as descriptions of the objectives, principles and approach to recovery are often incorporated into post-event recovery plans. This is not, however, equivalent to creating general recovery policy, as these plans only apply to specific events. It is generally worthwhile to have a dedicated recovery policy — or a dedicated recovery section in an all-phases disaster management (DM) policy — to create a clear and comprehensive vision for recovery.

Recovery plans (section 1.2): Recovery plans play an important function in clarifying who will do what, where, when and how. The Country Reports indicate that there are two main types of recovery planning. *Pre-event* recovery plans outline standard arrangements for recovery including the main activities that may be implemented and the roles and responsibilities of different actors. They typically focus on early recovery. *Post-event* recovery plans identify the projects, activities and arrangements that will be implemented to recover from a specific disaster based on post-disaster needs assessments. They typically focus on a longer timeframe. While the literature on disaster recovery strongly emphasises the importance of recovery planning, it focuses predominantly on *post-event* recovery planning. The Country Reports and the literature indicate that pre-event planning is a key area where disaster recovery governance needs to be strengthened. In comparison to pre-event planning, post-event planning is generally more widely implemented and more detailed. However, it is not always undertaken and sometimes only addresses short and medium-term recovery, as opposed to long-term recovery. Legal provisions may play a role in strengthening recovery planning by mandating and allocating responsibility for both pre-event and post-event recovery planning, and prescribing the contents of these plans.

Lead recovery agency (section 2.1): The Country Reports reveal four main approaches to government recovery leadership and coordination. Recovery can be coordinated by: (1) an all-phases disaster management agency; (2) a recovery agency; (3) an event-specific recovery agency; or (4) existing departments and agencies. The Country Reports indicate that it is common for recovery agencies to be created on an ad hoc basis following a major disaster. However, these agencies may encounter teething issues, as it takes time to develop the role clarity, stakeholder relationships, experience, and programs needed to operate effectively. It is, therefore, generally preferable for there to be a standing government entity responsible for coordinating recovery, whether in the form of a recovery agency or a recovery division within an all-phases disaster management agency. Unlike ad hoc agencies, standing recovery agencies or divisions can focus on recovery readiness during ‘normal times’, develop a specialised recovery workforce, support coordination of long-term recovery efforts, and implement continuous learning and improvement based on past experience. The Country Reports also highlight the important role of local governments in disaster recovery. As local governments have a continuous

presence before, during and after a disaster — in contrast to national and international actors which may come and go — it is important for their roles and responsibilities to be clarified and supported through adequate funding and other resources.

Coordination mechanisms, roles and responsibilities (section 2.2): The literature on recovery — and on disaster management more generally — emphasises the importance of effective coordination mechanisms and clear roles and responsibilities. The Country Reports indicate that multisectoral government coordination mechanisms for recovery are common. However, a gap is that legal, policy and planning instruments generally do not provide for non-government actors or community representatives to be included in these coordination mechanisms. An important issue, which warrants further research, is the question of when recovery coordination mechanisms are stood down and/or if many countries have coordination mechanisms for long-term recovery. The continued involvement of a broad range of government and non-government actors throughout medium and long-term recovery points to the need for ongoing coordination mechanisms. Regarding roles and responsibilities, the Country Reports indicate that recovery plans (and other instruments) often only provide a general indication of the roles and responsibilities of different actors, without indicating which actor will implement different aspects of an activity, or which actor will lead or oversee activities. There is, therefore, generally scope for recovery instruments to specify different actors' roles and responsibilities more clearly.

Community participation in recovery (section 2.3): The importance of community participation in recovery is widely recognised in the recovery literature. The literature emphasises that a community-centered approach can better identify and meet affected communities' recovery needs, while also building trust between communities and the actors who deliver recovery programs. The Country Reports reveal that few of the jurisdictions surveyed have laws, policies or plans which recognise the importance of community participation in recovery or which enable community members or representatives to participate in recovery coordination mechanisms, planning and programming. Therefore, there appears to be significant scope for domestic laws, policies and plans to better address and facilitate community participation in disaster recovery. In concrete terms, it is important to conduct meaningful, ongoing community consultation on the design and delivery of recovery activities, while also providing a range of supports (e.g., financial, technical, legal) to community groups that wish to take a more active role by designing and implementing their own local recovery projects.

Assessment, monitoring and evaluation (section 3): Following a disaster, it is essential to accurately assess impacts and needs across all sectors in order to enable comprehensive multisectoral recovery planning. It is also important to implement monitoring and evaluation mechanisms to promote efficiency, effectiveness, transparency and accountability. Post-disaster assessment, monitoring and evaluation should ideally be planned in advance, rather than being improvised when a disaster occurs. Further, certain tasks such as gathering baseline data and designing a post-disaster assessment methodology should be completed during the pre-disaster period. The Country Reports reveal, however, that few of the jurisdictions surveyed had legal, policy or planning provisions regarding post-disaster assessment at the time of the relevant disaster. In some jurisdictions, the experience of the relevant disaster catalysed legal reforms that introduced more detailed provisions on post-disaster assessment, suggesting that the disaster highlighted legal or operational deficiencies in this area. In most of the jurisdictions surveyed, legal or policy instruments do make some reference to monitoring and evaluation of recovery activities, however the level of detail varies significantly.

Recovery funding (section 4): The literature on disaster financing generally recommends adopting a 'risk layering' approach which combines a variety of financing mechanisms to address risks of differing frequency and severity, thereby reducing budgetary shock and ensuring that adequate funding is rapidly available for response and recovery when a disaster occurs. The Country Reports indicate that, in practice, securing adequate funding for long-term recovery is a significant challenge, which can be experienced by low, middle and high-income countries alike. Common issues include funding

being exhausted by disaster response activities and drying up during medium and long-term recovery. It is, therefore, important to consider (ideally in advance of disaster) how disaster financing mechanisms can be structured to provide medium and long-term recovery funding — for example, by earmarking funds for recovery to ensure that disaster funding is not depleted by other phases of DM, or by structuring financing mechanisms to provide regular payments over a multi-year period after a disaster. More research and guidance on how to design financing mechanisms to provide long-term recovery funding is needed, especially the identification of domestic models and good practices that could potentially be replicated in other jurisdictions.

Part B: Key Themes and Issues in Disaster Recovery

Building back better (section 5.1): The Country Reports reveal that the laws, policies and/or plans of most of the jurisdictions surveyed clearly recognise the importance of integrating disaster risk reduction (DRR) into recovery. These instruments typically adopt the ‘build back better’ principle propounded by the Sendai Framework or synonymous terms such as ‘resilient recovery’. Some of the instruments also identify the importance of using recovery as an opportunity to enhance climate resilience and make the link between enhancing DRR and climate resilience during recovery. Indeed, recovery presents an important opportunity to promote climate change adaptation by implementing DRR measures designed to address the predicted evolution of hydrometeorological hazards. For some of the jurisdictions surveyed, a high-level commitment to integrating DRR into recovery does not translate into post-event recovery plans that identify specific, practical measures for reducing disaster risk. More generally, there are several persistent challenges to implementing the BBB principle including resource constraints, the complexity of coordinating many different stakeholders and corruption.

Repair and reconstruction of housing and infrastructure (section 5.2): The Sendai Framework and the recovery literature identify that a key measure to reduce disaster risk during recovery is to employ land use controls and building codes to regulate the ‘where’, ‘what’ and ‘how’ of reconstruction. Following the relevant disaster, some of the jurisdictions surveyed explicitly committed to improving and/or enforcing land use controls and building codes during recovery. The Country Reports do not analyse to what extent these commitments have been realised. It is well established that a lack of capacity and resources at local government level can present a challenge to enforcing disaster resilient land use controls and building codes. Another key challenge is the cost of resilient reconstruction. The Country Reports identify a few different approaches to addressing this issue including direct financial support and economic incentives (e.g., tax deductions) for households, and making funding transfers from national to sub-national government authorities contingent on implementing the BBB principle. While regulation is key to promoting disaster resilient reconstruction, time-consuming and complex permit application processes can slow down reconstruction. A potential solution to this challenge is to establish fast-track processes for approving post-disaster reconstruction. In designing fast-track processes it is important, however, to retain substantive requirements designed to reduce disaster risk, promote sustainability and protect the environment. Instead of waiving such requirements, time savings may be achieved through priority processing, increasing processing capacity and waiving certain procedural requirements.

Green recovery (section 6): The environmental damage caused by disasters and the subsequent recovery process can have long-term consequences for the livelihoods, health and disaster resilience of local communities. During disaster recovery, it is therefore important to: (a) plan and execute actions to remediate environmental damage caused by the disaster; (b) implement safeguards and monitoring to avoid causing additional environmental damage from recovery activities; and (c) capitalise on recovery as an opportunity to strengthen environmental practices, including by implementing measures to accelerate progress towards reducing emissions. The Country Reports identify that several of the jurisdictions surveyed have post-event recovery plans or policies that address some or all of these environmental issues. However, none of the jurisdictions *legally require* pre-event or post-event recovery

plans to address environmental issues. Moreover, few of the jurisdictions have substantial provisions regulating disaster waste management, which is a key cause of environmental damage during recovery. The recovery literature identifies that a fast-track environmental impact assessment (EIA) process can be developed in advance of disaster to ensure that environmental protections continue to apply during recovery but do not slow down reconstruction. None of the Country Reports, however, identify examples of fast-track EIA processes.

Protection and inclusion of marginalised and at-risk groups (section 7): The Country Reports reveal that many jurisdictions have disaster laws, policies and/or plans that explicitly recognise women and girls, children, people with disabilities or older people as needing special protection or assistance during disasters. This does not, however, always translate into more specific policy and planning provisions to provide tailored or additional assistance to these groups during recovery. Moreover, several other groups that may be disproportionately impacted by disasters — including (but not limited to) migrants, racial and ethnic minorities, and sexual and gender minorities — are rarely mentioned in either general disaster instruments or recovery-specific instruments. Further, the existing body of guidance on disaster recovery mainly focuses on gender and disability inclusion, rather than other dimensions of an inclusive and equitable recovery. Many of the measures for promoting gender and disability inclusion in disaster recovery are also relevant to other marginalised and at-risk groups. These measures include: collecting disaggregated data; ensuring equal access to assistance by removing barriers to access; meeting specific needs; preventing and responding to protection risks; and promoting leadership and participation.

Internal disaster displacement (section 8): Meeting the needs of displaced people and finding durable solutions to their displacement are critical components of disaster recovery. Overall, the Country Reports reveal that internal disaster displacement needs to be addressed in significantly more detail in domestic legal and policy instruments. A key action to be implemented at the domestic level is to develop (or update) dedicated laws and/or policies on internal displacement and planned relocation which apply to people at risk of, or already displaced by, disasters. Additionally, it is critical to *mainstream* displacement into general DM instruments and recovery-specific instruments. Recovery plans need to address protection and assistance for people who remain displaced after the initial emergency period, including both those who are able to find a durable solution within a relatively short period and those whose displacement becomes protracted. In particular, detailed planning is needed to identify transitional or interim arrangements that will allow people experiencing protracted displacement to resume their lives, rather than being in limbo or an extended emergency situation. Additionally, recovery plans need to address supporting displaced people to find durable solutions to their displacement, whether in the form of return, local integration or resettlement.

Mental health and psychosocial support (MHPSS) (section 9): The impacts of disasters on mental health and psychosocial wellbeing can be long lasting and may emerge or be exacerbated during the years after a disaster, in some cases due to the cumulative impact of subsequent disasters or additional stressors. The Country Reports indicate that MHPSS is a key gap in legal, policy and planning frameworks for recovery. In most of the jurisdictions surveyed, the legal, policy and planning framework for recovery contains limited or no provisions on MHPSS. A key step towards addressing this gap is to introduce legal provisions requiring that pre-event recovery plans and post-event recovery plans address MHPSS, including by identifying MHPSS interventions, roles and responsibilities, and coordination mechanisms. A further step is to develop a dedicated policy on MHPSS in disasters. When developing such instruments, it is important to include both clinical mental health services and a broad range of non-clinical, psychosocial interventions. Non-clinical, psychosocial interventions are critical for alleviating sub-clinical distress and preventing it from developing into a diagnosable mental health disorder. These interventions include facilitating community and family supports, psychological first aid, and targeted programs to assist people to navigate common difficulties experienced after an emergency (e.g., SOLAR, PM+).

Full List of Recommendations

Part A: The Foundations of an Effective Recovery System

Laws, policies and plans for recovery

- Consider developing legal provisions that provide a foundation for the recovery system by:
 - identifying which government entity is responsible for coordinating recovery;
 - outlining the mandate, roles and responsibilities of that entity and other actors;
 - identifying coordination mechanisms for recovery;
 - establishing obligations for critical tasks (e.g., assessment, monitoring and evaluation); and
 - identifying funding sources for recovery.
- Consider developing a dedicated recovery policy (or a dedicated recovery section in an all-phases disaster policy) that provides a clear and comprehensive vision for recovery by identifying objectives, guiding principles, different sectors and types of activities, and the general roles of different actors.
- Consider developing legal provisions that:
 - require pre-event and post-event recovery plans to be prepared;
 - clearly allocate lead responsibility for pre-event and post-event recovery planning;
 - prescribe the minimum contents of pre-event and post-event recovery plans;
 - require post-event recovery plans to be:
 - based on post-disaster needs assessments;
 - address medium and long-term recovery; and
 - periodically updated as recovery progresses.

Note: The first two recommendations above may be implemented by adding or amending recovery provisions/sections into all-phases laws or policies. For example, the first recommendation could be implemented by introducing more detailed recovery provisions into an all-phases disaster law. The same is also true for pre-event recovery plans, which can form part of all-phases disaster plans. In other words, with the exception of post-event recovery plans, it is generally unnecessary to develop separate recovery instruments.

Institutional arrangements

- If not already in place, consider using legal provisions to establish a standing government entity responsible for coordinating recovery, whether in the form of a recovery agency or a recovery division in an all-phases disaster management agency.
- Consider defining the entity's mandate to include:
 - leading and coordinating recovery over the short, medium and long term;
 - preparing for recovery during 'normal times' by:
 - preparing pre-event recovery plans;
 - developing and testing recovery coordination mechanisms; and
 - designing recovery programs and assistance measures.

- Consider developing initiatives to support the important role of local government in disaster recovery. Consider whether there is a need to:
 - clarify the roles and responsibilities of local government in recovery;
 - provide local government with additional financial and other resources for recovery; and/or
 - include local government leaders/representatives in higher-level (i.e., provincial or national) coordination mechanisms.
- Consider introducing legal, policy and planning provisions recognising the auxiliary role of the National Red Cross or Red Crescent Society in disaster recovery, clearly outlining its recovery roles and responsibilities, and providing for it to be included in relevant coordination mechanisms.
- Consider introducing legal provisions requiring pre-event recovery plans to outline:
 - the roles and responsibilities of government and non-government actors involved in recovery, including lead and support roles; and
 - a detailed set of coordination mechanisms for short, medium and long-term recovery which include relevant government and non-government actors.
- Consider developing recovery coordination mechanisms for different levels (i.e., national, provincial, local), different sectors or themes (e.g., education, housing) and different functions (e.g., policy making, planning, and implementation).
- Consider running simulation exercises to test whether planned recovery coordination mechanisms (and other key institutional arrangements) are fit-for-purpose and to ensure that key actors are familiar with the arrangements.
- Consider adopting legal, policy and planning provisions which:
 - recognise the importance of community participation in recovery;
 - establish institutional arrangements that enable community members or representatives to participate in recovery coordination mechanisms, planning and programming; and
 - mandate substantial, ongoing community consultation on the design and delivery of recovery projects.
- Consider developing programs to provide a range of supports (e.g., financial, technical, legal) to community groups that wish to design and implement their own local recovery projects.

Assessment, monitoring and evaluation

- Consider developing legal provisions that:
 - identify which actor will lead and oversee post-disaster assessment;
 - require that actor to develop and periodically update an assessment methodology, gather baseline data and train people on how to use the methodology; and
 - require other actors (e.g., sectoral departments, other levels of government, international organisations, the National Society) to support post-disaster assessment by:
 - collecting and sharing information (including baseline and post-disaster data); and/or
 - conducting their own sectoral assessments to feed into the overall post-disaster assessment.
- Consider developing legal provisions that:
 - identify which actor will lead and oversee recovery monitoring and evaluation;
 - require that actor to develop and periodically update a monitoring and evaluation framework;

- require other relevant actors (e.g., sectoral departments, other levels of government, the National Society, non-government actors implementing recovery projects using government funding) to conduct sector or project-specific monitoring and evaluation; and
- require the publication of monitoring and evaluation reports to promote transparency and accountability in disaster recovery.

Recovery funding

- Consider developing a disaster risk financing strategy that combines a variety of financing mechanisms to address risks of differing frequency and severity consistent with the 'risk layering' approach. This may include contingency funds, contingency budget lines, contingent loans, traditional insurance, parametric insurance, and catastrophe-linked securities.
- In developing the strategy, consider designing or selecting financing mechanisms that will provide long-term funding for recovery. In particular, consider designing or selecting mechanisms that will provide regular payments over a multi-year period after a disaster.
- In developing the strategy, consider:
 - what types of financing mechanisms are offered at regional and international level by multilateral development banks and other financial institutions; and
 - whether the projected long-term benefits of different financing mechanisms justify their ongoing costs (e.g., interest payments, insurance premiums).
- If a disaster contingency fund does not already exist, consider enacting legal provisions (including detailed implementing regulations) to establish one. Ensure that the legal provisions address:
 - the sources of contributions to the fund;
 - the governance, administration and auditing of the fund;
 - how the fund is invested (if at all);
 - the criteria for disbursements;
 - the maximum amount that may be disbursed per year/per event; and
 - expedited procedures for disbursing funds when a disaster is imminent or has begun to occur.
- Consider how the fund can be structured to provide long-term funding for recovery. Consider measures such as:
 - earmarking funds for recovery;
 - permitting regular payments over a multi-year period (e.g., 3, 4 or 5+ years) after a disaster is declared; and
 - permitting funds earmarked for disaster risk reduction to be disbursed to fund resilient reconstruction.
- If a disaster contingency fund is created by law but has not been operationalised, consider taking steps to operationalise the fund including (if necessary) enacting detailed implementing regulations.

Note: To avoid leaving inadequate funds for other phases of disaster management, any amount earmarked for recovery should be determined as part of a broader decision about allocation across phases.

Part B: Key Themes and Issues in Disaster Recovery

Building back better

- Consider adopting building back better (BBB), reducing disaster risk and adapting to climate change as key objectives of disaster recovery. Consider integrating these objectives into the legal definition of disaster recovery.
- Consider introducing legal provisions requiring that post-event recovery plans identify the measures that will be implemented to reduce disaster risk across all sectors.
- Consider reviewing and updating land use controls and building codes to ensure they impose appropriate controls on construction and development in high and medium-risk areas.
- When developing post-event recovery plans and updating land use controls and building codes, consider all major hazards. Consider also the most recent hazard maps, disaster risk assessments and modelling about the predicted evolution of climate-related hazards.
- Consider introducing measures to strengthen compliance with land use controls and building codes both during 'normal times' and during disaster recovery.
- Consider developing legal provisions and programs to alleviate the cost barriers to implementing the BBB principle in the repair and reconstruction of infrastructure including:
 - direct financial support and economic incentives (e.g., tax deductions) for households; and
 - making funding transfers from national to sub-national government authorities contingent on implementing the BBB principle.
- If customary or informal land tenure is common, consider introducing legal and policy measures to ensure equitable access to reconstruction assistance including:
 - removing any legal requirements for formal proof of land ownership;
 - adopting a 'due diligence' approach focused on achieving as much certainty about security of tenure as is feasible in the circumstances, using methods such as community verification and community-based land mapping; and
 - introducing legal provisions to rapidly regularise informal land tenure.
- Consider using legal instruments to establish a fast-track process for approving post-disaster reconstruction. In designing the fast-track process, ensure that substantive requirements designed to reduce disaster risk, promote sustainability and protect the environment continue to apply.

Green recovery

- Consider introducing legal provisions requiring that pre-event recovery plans and post-event recovery plans address:
 - remediating environmental damage caused by disaster;
 - safeguarding against further environmental damage during recovery; and
 - using recovery as an opportunity to strengthen environmental practices.
- Consider mandating and allocating responsibility to relevant government authorities for the following key tasks:
 - assessing environmental damage caused by disasters;
 - developing and implementing the environmental components of pre-event and post-event recovery plans;

- ongoing monitoring of the environmental impacts of recovery activities; and
 - developing and implementing a disaster waste management plan.
- Consider using legal instruments to establish a fast-track environmental impact assessment process to ensure environmental protections continue to apply during recovery but do not slow down reconstruction.

Protection and inclusion of marginalised and at-risk groups

- Consider including a prohibition on discrimination in the main disaster law.
- Consider mandating the collection and analysis of sex, age and disability-disaggregated data in post-disaster needs assessments and in relation to participation in recovery assistance programs. Consider other potential characteristics for disaggregation as appropriate in the local context.
- Consider reviewing existing recovery assistance programs to identify whether they are equitable, in the sense of providing the greatest support to those with the greatest needs. Consider improving equity through measures such as:
 - expanding eligibility criteria;
 - making it easier for applicants to prove their eligibility (e.g., by accepting a wider range of documentation as proof of residency or property ownership);
 - targeting assistance to low-income households (e.g., through means testing) or uninsured/underinsured households; and/or
 - priority access to assistance for marginalised and at-risk groups.
- Consider mandating that pre-event recovery plans and post-event recovery plans address the specific needs of marginalised and at-risk groups including how recovery actors will:
 - provide continuity of essential services (e.g., health care, social care);
 - adapt general assistance measures to make them appropriate and accessible (e.g., by removing physical, cultural or linguistic barriers); and
 - provide tailored or additional assistance where necessary to address needs that differ from, or are greater than, those of the general population.
- Consider mandating the government authorities responsible for preventing and responding to child protection risks and SGBV risks to develop contingency plans addressing continuity of key services during and following disasters, including arrangements for scaling up services to meet increased need.
- Consider mandating educational authorities to develop contingency plans to address continuity of education during and after disasters, including interim modalities for providing education when lengthy repairs and reconstruction of schools are required.
- Consider mandating government agencies involved in disaster recovery to participate in training about the specific needs of, and risks faced by, different groups during and after disasters.
- Consider promoting the participation of, and leadership by, marginalised and at-risk groups in disaster recovery through measures such as:
 - including representatives in key coordination and decision-making bodies;
 - mandating consultation in relation to the design and implementation of recovery activities; and
 - actively recruiting members of these groups to work for disaster management authorities.

Note: The answer to the question of which groups are marginalised and at heightened risk from disasters varies depending on the local context. Groups which often (but do not always) fall into this category include women and girls, children, older people, people with a disability or chronic illness, migrants (especially migrants with an irregular status), racial and ethnic minorities, indigenous groups, and sexual and gender minorities. Displaced people generally require special protection and assistance during the period of their displacement, a topic which is addressed below.

Internal disaster displacement

- Consider developing (or updating) a dedicated law and/or policy on internal displacement, having regard to applicable international standards and guidelines including the [Guiding Principles on Internal Displacement](#) and the [IASC Framework on Durable Solutions to Disaster Displacement](#). Ensure that the law and/or policy applies to people displaced by disasters.
- Consider developing (or updating) a dedicated policy on planned relocation which addresses relocations driven by disasters and climate change. In doing so, consider the [Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation](#).
- Consider mainstreaming displacement into general disaster instruments and recovery-specific instruments. As part of this, consider introducing a legal requirement for recovery plans to address displacement, including:
 - protecting and assisting people who remain displaced after the initial emergency period; and
 - supporting displaced people to find durable solutions to disaster displacement, whether in the form of return, local integration or resettlement.
- When developing the displacement sections of recovery plans, consider:
 - using potential displacement scenarios, as identified through disaster risk assessments and past experience, to identify the types of protection and assistance that will likely be needed;
 - outlining in detail the roles and responsibilities of relevant actors across a broad range of sectors and how they will coordinate with one another;
 - identifying mechanisms for displaced people to meaningfully participate in decision-making about measures to protect and assist them;
 - ensuring that planned actions accord with the right of displaced people to choose which durable solution(s) to pursue; and
 - in relation to protracted displacement specifically, identifying interim or transitional measures to replicate normal living conditions to the greatest extent possible until a durable solution is found.

Mental health and psychosocial support

- Consider developing a dedicated policy on MHPSS in disasters which addresses not only clinical mental health services but also a broad range of non-clinical, psychosocial interventions including: providing basic services and security; facilitating community and family supports; psychological first aid; and targeted programs to assist people to navigate common difficulties experienced after an emergency (e.g., SOLAR, PM+).
- Consider introducing legal provisions requiring pre-event recovery plans and post-event recovery plans to:
 - identify the MHPSS interventions that will be implemented over the short, medium and long term to support the mental health and psychosocial wellbeing of the affected population;

- allocate clear roles and responsibilities for those interventions to all relevant government and non-government actors; and
- establish coordination mechanisms for actors involved in delivering MHPSS, including ongoing coordination mechanisms to support long-term MHPSS.
- When developing policies and plans that address MHPSS in disasters, consider the guidance provided by the [IASC MHPSS Guideline](#).
- Following a disaster, consider reviewing laws, policies and plans relating to MHPSS to identify opportunities to strengthen the mental health system during the recovery process, and to ascertain whether existing systems are adequate to meet the needs of the disaster-affected population.

Introduction

IFRC Disaster Law

IFRC has been active in disaster law at the international, regional and domestic levels for over 20 years. During this period, successive resolutions of the International Conference of the Red Cross and Red Crescent (International Conference) — which convenes the states parties to the Geneva Conventions, the 191 National Red Cross and Red Crescent Societies (National Societies), the International Committee of the Red Cross (ICRC), and IFRC — have mandated IFRC to provide advice and support to states on disaster law.¹ This mandate has two pillars: first, to conduct research and advocacy, including the development of models, tools and guidelines for practical use; and secondly, to provide technical support to states to strengthen their disaster laws. This mandate is shared with National Societies, with whom IFRC jointly implements advocacy projects and supports domestic law reform initiatives. The team within IFRC that is responsible for implementing IFRC's disaster law mandate is known as [IFRC Disaster Law](#).

During its two decades of disaster law work, IFRC has conducted research and developed guidance on many different aspects of managing disasters and disaster risk at the domestic level. At the time of writing, IFRC has developed four key guidance documents to support the development and review of domestic laws, policies and plans relating to disasters.

1. The [Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance](#) (commonly known as the IDRL Guidelines) address how governments can legally prepare to receive international disaster assistance.² The IDRL Guidelines were adopted by Resolution 4 of the 30th International Conference in 2007.³ They are based on a study published by IFRC in 2007, entitled [Law and Legal Issues in International Disaster Response: A Desk Study](#). This study drew on: hundreds of international, regional and national legal instruments; legal and operational case studies; a global survey of disaster management practitioners; and direct consultations with National Societies, logistics and disaster management staff from IFRC, external humanitarian partners and governments.⁴ The IDRL Guidelines have subsequently been released in the form of an [IDRL Checklist](#).⁵ IFRC has also developed tools to support their domestic implementation including: a [Model Act](#) developed in collaboration with UN OCHA and the Inter-Parliamentary Union;⁶ and a [Model Emergency Decree](#) developed in collaboration with UN OCHA.⁷
2. The [Checklist on Law and Disaster Risk Reduction](#) (Checklist on Law and DRR) was developed by IFRC and the United Nations Development Programme (UNDP) to provide guidance on how domestic laws, policies and plans can support disaster risk reduction. It was also conceptualised as a tool to support domestic implementation of existing international standards, in particular the Sendai Framework for Disaster Risk Reduction 2015–2030 (Sendai Framework)⁸ and its priority action of strengthening disaster risk governance. The Checklist on Law and DRR was endorsed by Resolution 6 of the 32nd International Conference in 2015, which invited states to use the Checklist to evaluate and improve the content and implementation of their laws, regulations and public policies related to disaster risk reduction.⁹ The Checklist is based on a multi-country research project which analysed the laws of 31 countries and included in-depth case studies for 14 of the countries to assess implementation challenges.¹⁰ The findings of this research are outlined in a report entitled [Effective Law and Regulation for Disaster Risk Reduction: A Multi-Country Report](#). The Checklist is accompanied by a [Handbook on Law and Disaster Risk Reduction](#), which provides guidance on how to use the Checklist and examples of good practice in DRR regulation.¹¹

3. The [Checklist on Law and Disaster Preparedness and Response](#) (Checklist on Law and DPR) was developed by IFRC to provide guidance on how domestic laws, policies and plans can best support disaster preparedness and response. It addresses a wide range of key issues in disaster preparedness and response including contingency planning, early warning and early action, training, education and drills, institutional frameworks, the declaration of states of emergency, and financing. The Checklist on Law and DPR was endorsed by Resolution 7 of the 33rd International Conference, which invited states to use the Checklist to evaluate and improve the content and implementation of their laws, regulations and policies.¹² The Checklist is based on findings from a literature review and country-level research in 30 countries, which is presented in a report entitled [Law and Disaster Preparedness and Response](#) (the DPR Synthesis Report).
4. The [Guidance on Law and Public Health Emergency Preparedness and Response](#) was published by IFRC in 2022 to provide guidance on how domestic laws, policies and plans can support effective preparedness and response to public health emergencies. The Guidance is based on findings from a literature review and country-level research in 129 countries conducted during the COVID-19 pandemic and presented in a synthesis report entitled [Law and Public Health Emergency Preparedness and Response: Lessons from the COVID-19 Pandemic](#). It addresses topics such as institutional frameworks, contingency planning, early warning, simulation exercises, states of emergencies and compliance with the International Health Regulations (2005).

In addition to the four key guidance documents listed above, IFRC has researched and developed recommendations on integrating disaster risk reduction and climate change adaptation policy,¹³ on child protection in disasters,¹⁴ and on gender equality and protection against sexual and gender-based violence in disasters.¹⁵ While the research and guidance documents identified above encompass many phases and aspects of disaster management, they do not address disaster recovery. Therefore, in 2019 IFRC embarked on a new research project aiming to develop a detailed set of recommendations on how domestic laws, policies and plans can support effective disaster recovery.

Research project on law and disaster recovery

The IFRC research project on law and disaster recovery has been conducted in three stages: (1) a literature review on law and disaster recovery; (2) a set of eight in-depth country reports on law and disaster recovery; and (3) the preparation of this report, which synthesises the information collected in the first two stages.

The [Literature Review on Law and Disaster Recovery and Reconstruction](#) (the Literature Review) was published in 2020.¹⁶ It analyses the international, regional and domestic legal frameworks relevant to recovery and reconstruction and discusses a wide range of recovery themes and issues. The Literature Review reveals that, at the international level, many existing hard and soft law instruments are applicable to post-disaster situations. However, there is a shortage of international legal instruments or provisions that *specifically* address disaster recovery. The most detailed international provisions on recovery are found in the Sendai Framework, specifically under the fourth priority for action, which lists global, regional, national and local actions for “[e]nhancing disaster preparedness for effective response and to “Build Back Better” in recovery, rehabilitation and reconstruction”.¹⁷ While the Sendai Framework has been highly influential, it is ultimately a non-binding soft law instrument. Moreover, although it does identify actions relating to recovery, it describes these actions at a high level and does not specify what domestic law and policy makers should do in more concrete, practical terms.

The Literature Review also identified a large body of international guidance addressing the ‘how to’ of recovery planning and programming. This guidance has mainly been developed by the World Bank, the United Nations Development Programme (UNDP), the International Recovery Platform (IRP), the United Nations Office for Disaster Risk Reduction (UNDRR) and the Global Facility for Disaster Risk Reduction (GFDRR). The GFDRR is a multi-donor partnership managed by the World Bank that supports low and middle-income countries to understand, manage, and reduce their risks from natural hazards and climate change.¹⁸ The GFDRR has developed a [Disaster Recovery Framework Guide](#) designed to assist governments and partners to plan for resilient post-disaster recovery following a large-scale disaster.¹⁹

Both the GFDRR and UNDP have also developed a large number of sector-specific guidance notes.²⁰ While the existing body of guidance is highly valuable, it focuses mostly on the ‘how to’ of recovery planning and programming, and generally does not address legal instruments and legal challenges in detail. Moreover, much of the guidance focuses on how to manage recovery after a major disaster has already occurred, rather than addressing how to prepare for recovery during ‘normal times’. In light of the Literature Review, it was clear that the type of recommendations that IFRC sought to develop — that is, recommendations about how to use laws, policies and plans to prepare for recovery and to create the architecture for an effective recovery system — would address a gap in the existing literature.

Once the Literature Review was completed, IFRC Disaster Law prepared a series of eight in-depth country reports on law and disaster recovery (the Country Reports). Each of the Country Reports comprehensively maps the legal, policy and planning framework for disaster recovery in the selected country and examines how that framework has operated during the recovery from a recent, major disaster (henceforth, the relevant disaster or relevant disasters). The Country Reports were prepared using publicly available information, supplemented by interviews with ‘Key Informants’ from the local National Red Cross or Red Crescent Society and, where possible, from government and academia. The countries were selected to achieve diversity in terms of geographical regions, political systems, disaster risk profiles and development levels. The countries and disasters selected for analysis were as follows.

Australia: The [Australia Country Report](#) focuses on the recovery from the catastrophic bushfires that occurred during the summer of 2019–20 (henceforth, the Black Summer Bushfires). The Black Summer Bushfires burnt 18,983,588 hectares of land through a total of 15,344 bushfires. Tragically, 33 lives were lost including 9 firefighters and 24 community members. More than 4,000 homes and 8,000 facilities and out-buildings were damaged or destroyed. The fires also caused sudden and drastic loss to Australia’s biodiversity: an estimated 3 billion native mammals, birds, reptiles and frogs were either killed or displaced. While the fires predominantly affected regional and rural areas, millions of people in Australian cities were exposed to extremely high levels of particulate air pollution, which epidemiologists estimate caused 417 excess deaths and thousands of hospitalisations for cardiovascular and respiratory problems.²¹

Brazil: The [Brazil Country Report](#) focuses on the recovery from the dam collapse at the Córrego do Feijão iron ore mine in Brumadinho (henceforth, The Brumadinho Dam Collapse occurred). Brumadinho Dam Collapse occurred in January 2019 and resulted in 272 deaths. The dam collapse released a mudflow that was over 10 metres deep and comprised 10 million cubic metres of mining waste. The Brumadinho Dam Collapse is Brazil’s worst environmental and industrial disaster and has resulted in extensive litigation. The mine owner, Vale do Rio Doce S.A., is legally obligated to invest more than 37 billion Brazilian reais in the recovery from the dam collapse. At the time of writing, the residents of Brumadinho are experiencing ongoing severe impacts on their livelihoods, housing, physical health and mental health.²²

Italy: The [Italy Country Report](#) focuses on the recovery from the series of earthquakes that struck central Italy in 2016 and 2017. On 24 August 2016, a 5.9 magnitude earthquake hit the central regions of Italy. The first, very powerful and destructive earthquake caused 299 deaths, more than might have otherwise occurred due to the higher number of people in the area during the tourist season. This was only the start of a long seismic sequence that impacted the regions of Abruzzo, Lazio, Marche and Umbria for months, ending only in April 2017. During this period, three additional major earthquakes occurred on 26 and 30 October 2016 and 18 January 2017, affecting thousands of people, with hundreds injured and approximately 41,000 people forced to leave their homes. Extensive damage to residential and public buildings, businesses and commercial activities, communication routes and cultural heritage were recorded in the area.²³

Indonesia: The [Indonesia Country Report](#) focuses on the recovery from the 2018 Sulawesi Earthquake and Tsunami, which occurred on 28 September 2018 when Central Sulawesi was struck by a 7.5 magnitude earthquake that subsequently triggered a 10.5 metre tsunami. Approximately 1.5 million people were impacted by the earthquake and tsunami, with more than 2,000 people dying, 4,600 being severely injured and 210,000 being displaced. More than 65,000 houses were destroyed, and healthcare facilities and airport infrastructure were also severely damaged, which hindered provision of medical care and other emergency aid. By 30 September, 170 aftershocks were recorded, many of which caused further displacement and damage.²⁴

Mozambique: The [Mozambique Country Report](#) focuses on the recovery from Cyclones Idai, Kenneth and Eloise, which struck Mozambique in March 2019, April 2019 and January 2021. Cyclones Idai and Kenneth destroyed 280,000 houses, aggravated food insecurity, compromised access to safe water, caused significant displacement and extensively damaged healthcare facilities, roads and bridges. Overall, they left 2.2 million people in need of urgent humanitarian assistance. Cyclone Eloise struck the same areas two years later, while recovery from Cyclones Idai and Kenneth was still ongoing. In terms of damage, Cyclone Eloise impacted 86,412 families and 441,686 people in total, including thousands of displaced people, with more than 50,000 houses damaged or destroyed, and at least 68 health facilities damaged.²⁵

Sierra Leone: The [Sierra Leone Country Report](#) focuses on the recovery from the landslide that devastated several areas in and around the capital city of Freetown in August 2017. The landslide developed into a debris flow which travelled 6 kilometres through Freetown and out to the coast, leaving a path of devastation behind. The landslide and debris flow caused major destruction to infrastructure, including buildings, bridges, schools, and health facilities. Approximately 6,000 people were affected by the disaster, including 1,141 persons who were reported either dead or missing. In addition to the landslide and debris flow, certain neighbourhoods in Freetown were affected by severe flooding.²⁶

Spain: The [Spain Country Report](#) focuses on the recovery from the severe flooding that affected five of Spain's 17 Autonomous Communities in September 2019. The flooding was caused by a meteorological phenomenon commonly known as a 'cold drop', which results in sudden torrential rain. The September 2019 cold drop was the most severe in 140 years in Spain. In just a few hours, the equivalent of a year's rainfall accumulated, causing the Segura River to overflow and flood adjacent areas. In total, seven people lost their lives and thousands had to be evacuated and hosted in emergency shelters. The flooding also resulted in roads and railway lines being cut off, shortages of water and electricity, interruption of education due to numerous educational centres being damaged, suspension of other essential public services, and suspension of airport activity.²⁷

The Bahamas: The [Bahamas Country Report](#) focuses on the recovery from Hurricane Dorian, which struck The Bahamas on 1 September 2019. Hurricane Dorian is the strongest recorded hurricane to have made landfall in the Atlantic basin and caused catastrophic devastation to the Abaco Islands and Grand Bahama. After making landfall, Hurricane Dorian pounded the islands for 48 hours, resulting in the death of 74 people, with 281 people still not accounted for, and damage amounting to USD \$3.4 billion. The Abaco Islands were the worst hit, with more than 75% of homes being either damaged or destroyed. The most impacted areas were primarily inhabited by vulnerable, undocumented migrant populations.²⁸

It should be noted that the Australia, Brazil and Spain Country Reports each consider the legal, policy and planning frameworks in place at national and subnational levels. The Australia Country Report considers the States of Victoria and New South Wales; the Brazil Country Report considers the states of Rio de Janeiro and Minas Gerais; and the Spain Country Report considers the autonomous community of Valencia. Therefore, the Country Reports analyse 13 jurisdictions in total.

This report represents the third and final step in the IFRC research project on law and disaster recovery. The purpose of this report is to analyse the information in the Literature Review and Country Reports and to provide recommendations about how to use laws, policies and plans to prepare for recovery and to create the architecture for an effective recovery system in advance of disaster. The report is organised in two parts. Part A addresses the foundations of an effective recovery system. It focuses on the following key topics: recovery laws, policies and plans ([section 1](#)); designation of a lead department or agency ([section 2.1](#)); coordination mechanisms, roles and responsibilities ([section 2.2](#)); community participation in recovery ([section 2.3](#)); assessment, monitoring and evaluation ([section 3](#)); and funding ([section 4](#)). Part B addresses a suite of key themes and issues in disaster recovery. It addresses the following topics: building back better ([section 5](#)); green recovery ([section 6](#)); the protection and inclusion of marginalised and at-risk groups ([section 7](#)); internal disaster displacement ([section 8](#)); and mental health and psychosocial support (MHPSS) ([section 9](#)). Each section concludes with a summary of key findings and recommendations for domestic law and policy makers.

A note on terminology

At the international level, the most authoritative definition of ‘recovery’ is that developed in 2016 by the Open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction.²⁹ This definition was endorsed by the United Nations General Assembly in February 2017 and is adopted by this report.³⁰ It defines recovery as follows.

The restoring or improving of livelihoods and health, as well as economic, physical, social, cultural and environmental assets, systems and activities, of a disaster-affected community or society, aligning with the principles of sustainable development and “build back better”, to avoid or reduce future disaster risk.³¹

Recovery can be conceptualised as having two key components: first, an initial period focused on meeting affected people’s basic needs after a disaster and restoring a minimum level of functioning across key sectors and essential services (e.g., housing, education, healthcare, transport); and secondly, a much longer process of rebuilding and restoring full functioning across all sectors and aspects of society. These two key components may overlap, both temporally and substantively. This report therefore conceptualises recovery as a single, continuous process that comprises both elements. Where it is necessary to refer specifically to the first element, this report uses the term ‘early recovery’. The report also uses the terms short, medium and long-term recovery. These are used to refer to timeframes, rather than the components of recovery described above.

In some countries, recovery is conceptualised as comprising of two or more phases. This is the case for two of the jurisdictions surveyed for this report: Indonesia and Italy.³² Where recovery is conceptualised as having distinct phases, the later or last phase of recovery is often referred to as 'reconstruction'. Although this report does not adopt this approach or terminology, it does use the term reconstruction in two ways: first, it uses the term reconstruction when summarising domestic arrangements in Italy and Indonesia; and secondly, it uses the term reconstruction to refer specifically to the physical rebuilding of housing and infrastructure.

In addition to the above, it should be noted that this report uses the term disaster management (DM) to refer to risk reduction, preparedness, response and recovery. Some countries use the term disaster risk management instead of disaster management. The term disaster risk management is, therefore, used when summarising or discussing the contents of instruments adopted in those countries.

PART A - THE FOUNDATIONS OF AN EFFECTIVE RECOVERY SYSTEM

1. Laws, policies and plans for recovery



1.1 Recovery laws and policies

At domestic level, the governance framework for disaster management (DM) typically comprises a network of laws, policies and plans. Each of these instruments plays a distinct role. Laws can mandate that key DM tasks are performed and facilitate DM activities by creating exceptions from normal rules (i.e., removing 'red tape'). Policies can establish an overall vision for DM by identifying objectives, guiding principles, different sectors and types of activities, and the general roles of different actors. Plans can descend into a high level of operational detail, outlining who will do what, when and how. During the past two decades, IFRC has observed a general trend towards the development of all-phases, multi-hazard disaster laws at national and sub-national levels. These comprehensive laws provide the foundation for a country's DM system and often mandate the preparation of plans addressing one or more DM phases. Consistent with this trend, the Country Reports find that, at the time of the relevant disaster, most of the jurisdictions surveyed had an all-phases disaster law encompassing risk reduction, preparedness, response, and recovery. Several of the Country Reports note, however, that these laws contain few provisions on recovery and/or fewer provisions on recovery compared to other phases of DM.³³ This is consistent with the findings of the IFRC's [World Disaster Laws](#) project, which analysed the contents of the main disaster law in 100 countries. The World Disaster Laws project identified that only 16% of the laws contain detailed provisions on disaster recovery.³⁴ By contrast, the percentage was 54% for risk reduction, 75% for preparedness and 75% for response.³⁵ Further, 27% of the laws contain no provisions on disaster recovery.³⁶

In light of the Country Reports and the World Disaster Laws project, it appears that domestic disaster laws generally address recovery in less detail compared to other phases of disaster management. A possible explanation for this finding is that while preparedness and response have long been perceived as the core of DM, and the Sendai Framework has generated increased focus on disaster risk reduction (DRR), recovery has not benefited from the same level of attention. Moreover, recovery may be perceived as an aspect of DM that can be addressed *after* a disaster once impacts and needs are known. However, as this report emphasises, there is much that can be done to be ready for recovery, including enacting appropriate legal provisions. Similar to other phases of DM, laws can provide a foundation for recovery by performing functions such as: identifying which government entity is responsible for coordinating recovery; outlining the mandate, roles and responsibilities of that entity and other actors; establishing coordination mechanisms; and ensuring funding for recovery through mechanisms such as regular budget allocations or contingency funds. While some of these functions can also be performed by non-legal instruments, the benefit of using laws is that they are binding. Laws can create and allocate enforceable legal rights and duties,³⁷ including duties to perform essential recovery tasks. For example, laws may create legal obligations for relevant authorities to develop pre-event and post-event recovery plans (as discussed in [section 1.2](#) below).

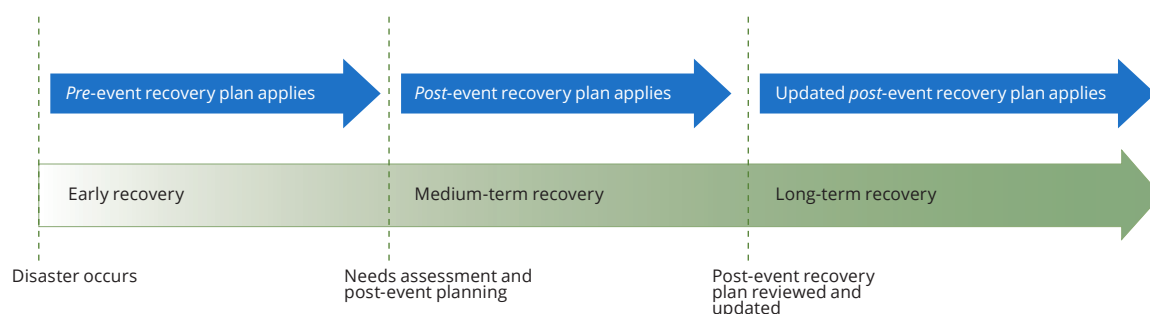
The Country Reports reveal that, in several of the jurisdictions surveyed, the relevant disaster catalysed major legal reforms that included new and more detailed provisions on recovery. This suggests that the disasters highlighted the need for stronger legal provisions governing recovery. For example, in Sierra Leone the 2017 Freetown Landslides led to the country passing its first dedicated DM law: the National Disaster Management Agency Act (NDMA Act).³⁸ At the time of the landslides, disasters were regulated by a national security law, which did not mention recovery.³⁹ The new NDMA Act adopts an all-phases approach that encompasses recovery and allocates key recovery responsibilities to the National Disaster Management Agency and the National Platform for Disaster Risk Reduction.⁴⁰ In some cases, the legal reforms triggered by the relevant disaster occurred in stages, with new recovery provisions being introduced shortly after the disaster, before later being revised or replaced. This was the case in The Bahamas, where the devastation caused by Hurricane Dorian led to a series of legislative reforms. In 2019, the Disaster Reconstruction Authority Act 2019 was passed, establishing an Authority with a mandate to assess the reconstruction needs within designated disaster zones and prepare and implement a reconstruction plan.⁴¹ In 2022, this Act and the main disaster law (the Disaster Preparedness and Response Act 2006) were repealed and replaced with a new all-phases act: the Disaster Risk Management Act 2022.⁴² This new Act represents a significant advancement as it addresses all aspects of DM in more detail, including recovery.⁴³ The Act establishes a new Disaster Risk Management Authority which replaces and assumes all of the responsibilities of the Disaster Reconstruction Authority and the National Emergency Management Agency.⁴⁴

While recovery policies cannot create legally binding obligations, they can also play an important role by creating a clear vision for recovery which guides the development and implementation of other recovery instruments. Recovery policies can define recovery, identify its objectives, establish guiding principles or considerations, specify the different sectors and types of activities involved in recovery, and articulate the general roles of different actors. The Country Reports reveal that dedicated recovery policies are relatively rare. Few of the jurisdictions surveyed had a dedicated recovery policy at the time of the relevant disaster or developed one afterwards. Instead, recovery policy elements are often incorporated into plans, whether pre-event recovery plans, post-event recovery plans or general DM plans.⁴⁵ In some cases, however, the relevant section of these plans is relatively short and does not provide a comprehensive vision for recovery.⁴⁶ Moreover, where policy elements are included in post-event recovery plans, they create a recovery policy for that specific event which is not applicable to future disasters. In other words, they do not create general recovery policy. In light of the foregoing points, it is worthwhile considering developing a dedicated recovery policy — or a dedicated recovery section in an all-phases DM policy — to create a clear vision and approach to recovery to guide the recovery system as a whole.

1.2 Recovery plans

The Country Reports reveal that two main types of recovery plans can be prepared: (1) *pre-event* recovery plans; and (2) *post-event* recovery plans. Pre-event recovery plans are developed during 'normal times' to prepare for recovery from future disasters. They outline standard arrangements for disaster recovery including the key activities that may be implemented, the roles and responsibilities of different actors, and coordination mechanisms. Pre-event recovery plans are usually developed with a range of different types of disaster in mind. Post-event recovery plans are developed after a disaster, outlining the projects and activities that will be implemented across sectors to recover from that specific disaster based on needs assessments. Pre-event recovery plans typically focus on early recovery, while post-event recovery plans generally focus on a longer time frame. This makes sense for two reasons. First, the urgent nature of many early recovery needs (e.g., restoring water, sanitation, telecommunications, transport) necessitates pre-planning about who will do what, where and when. Secondly, it is appropriate to develop a more tailored and longer-term plan once the impacts of a specific

disaster have been assessed. Pre-event and post-event recovery planning are therefore complementary. Pre-event recovery planning can guide actions until a basic level of functioning is restored and needs assessments can be undertaken. At this point, post-event recovery plans can be developed to guide medium and long-term recovery. Post-event recovery plans should then be periodically reviewed and updated based on the results of ongoing monitoring and evaluation. The relationship between pre-event and post-event recovery planning is depicted in the diagram below.



The literature on disaster recovery strongly emphasises the importance of recovery planning, however it focuses predominantly on *post-event* recovery planning. Pre-event recovery planning is, however, important because deciding on key recovery arrangements in advance can save valuable time after a disaster and improve coordination. Moreover, as discussed above, the urgent nature of many early recovery needs necessitates detailed pre-planning. Although most of the literature focuses on post-event recovery planning, there are some exceptions. The UNDRR and IRP [Guidance Note on Recovery: Pre-Disaster Recovery Planning](#) provides step-by-step guidance on how to prepare pre-event recovery plans.⁴⁷ The most recent version of the [GFDRR Disaster Recovery Framework Guide](#) has been updated to include a section on pre-disaster preparation for recovery, which recommends pre-disaster planning.⁴⁸ The Guide notes that few governments engage in pre-disaster recovery planning and, in some cases, only start doing this type of planning after a major disaster highlights the complexity and challenges involved in recovery.⁴⁹

In some of the jurisdictions surveyed, disaster management authorities or officials have a general legal obligation to prepare comprehensive DM plans which are, explicitly or implicitly, required to include recovery.⁵⁰ This is a logical approach because early recovery overlaps with response and, as stated above, the urgency of many early recovery tasks necessitates detailed pre-planning. However, many of the jurisdictions surveyed do not have such a legal obligation and, perhaps as a result, their DM plans either do not address recovery or contain limited provisions on recovery. A strong example of pre-event recovery planning is found in the Australian State of Victoria, where the Emergency Management Commissioner is legally obligated to arrange for the preparation of the state emergency management plan.⁵¹ This obligation implicitly includes recovery planning due to the fact that the term “emergency management” is defined to include recovery.⁵² The resulting all-phases plan, the State Emergency Management Plan, is a good example of detailed pre-event planning for recovery. The Plan identifies more than 60 ‘recovery services’ and allocates roles and responsibilities for these services to a wide range of government and non-government actors.⁵³ It also establishes a detailed institutional framework for recovery with leadership roles and coordination mechanisms at state, regional and local level.⁵⁴

In several of the jurisdictions surveyed, the relevant disaster catalysed the development or updating of pre-event recovery plans, suggesting that the existing plans had deficiencies that were only identified once the disaster occurred. In The Bahamas, for example, prior to Hurricane Dorian there was no detailed pre-event recovery plan.⁵⁵ The experience of the devastating impacts of Hurricane Dorian

led to the development of a detailed pre-event recovery plan in the form of the Resilient Recovery Strategy and Implementation Plan.⁵⁶ In Spain, the absence of municipal emergency plans in several of the municipalities worst affected by the 2019 Cold Drop was identified as a factor that hindered the response and early recovery efforts.⁵⁷ Since the 2019 Cold Drop, the affected municipalities have adopted 39 municipal emergency plans and/or special plans against flood risk, which address all phases of DM including recovery.⁵⁸ Overall, the Country Reports and the literature indicate that, in general, pre-event recovery planning is an area requiring improvement. This could be supported by introducing legal provisions: mandating pre-event recovery planning as part of comprehensive disaster management planning; clearly allocating lead responsibility for this task; and prescribing the minimum contents of pre-event recovery plans. In terms of the contents of pre-event recovery plans, it makes good sense for these to address the period up until a basic level of functioning and security is restored and needs have been assessed, at which point post-event recovery plans can be prepared to address medium and long-term recovery. In other words, it is logical for pre-event recovery plans to focus mainly on early recovery.

As stated above, the literature on disaster recovery strongly emphasises the importance of post-event recovery planning. The GFDRR Disaster Recovery Framework Guide and other guidance documents developed by the GFDRR recommend preparing an overarching multisectoral 'disaster recovery framework' and sector-specific recovery plans.⁵⁹ A disaster recovery framework is an event-specific document which addresses the policy, institutional, financial, and operational aspects of a disaster recovery program.⁶⁰ It is, therefore, a hybrid policy and planning instrument. The GFDRR has guidance on how to develop a disaster recovery framework⁶¹ and sector-specific recovery plans.⁶² The Country Reports indicate that, following the relevant disaster, several of the jurisdictions surveyed prepared detailed, multisectoral post-event recovery plans. In some cases, sector-specific plans were also prepared. Many of the post-event recovery plans identified in the Country Reports contain significant policy elements, making them hybrid policy and planning instruments. A few good examples of post-event recovery planning from the Country Reports are provided below.

In **Spain**, the Valencian Government developed the Vega Baja Regeneration Plan to guide recovery from the 2019 Cold Drop over the short, medium, and long term. The Regeneration Plan, which was developed with active engagement from citizens, is consistent with the 'build back better' principle, promoting a multisectoral approach to using the recovery phase as an opportunity to enhance infrastructure, strengthen the resilience of communities and pursue a more sustainable development model while also adapting to the effects of climate change.⁶³

In **Indonesia**, following the 2018 Sulawesi earthquake and tsunami, the Central Sulawesi provincial government published the Provincial Master Plan for Recovery and Development. The Master Plan divides rehabilitation and reconstruction into several sectors: (i) housing and settlements; (ii) infrastructure; (iii) socio-cultural; (iv) regional economy and society; and (v) cross sectoral activities.⁶⁴ For each sector, it outlines strategies for recovery based on the damage caused by the disaster, the specific needs of the affected communities, and the need to mitigate future risks. The Plan also identifies the key principles that guide the recovery process including transparency, building back better, and considering the needs of vulnerable groups.⁶⁵

In **Mozambique**, the government led the development of a Disaster Recovery Framework for Cyclones Idai and Kenneth, which is a five-year recovery framework identifying recovery needs, outlining coordination mechanisms, establishing monitoring and evaluation modalities, and identifying the applicable financing mechanisms.⁶⁶ The Disaster Recovery Framework represents a holistic, multisectoral approach to recovery and includes, as one of its strategic objectives, strengthening the economic, social and physical resilience of affected communities and infrastructure.⁶⁷

In the **Australian State of Victoria**, considerable post-event recovery planning has taken place at state, municipal and community level. At state level, the Victorian Government developed the Eastern Victorian Fires 2019–20 State Recovery Plan, which outlined state priorities and actions for recovery for the subsequent 12 to 18-month period (i.e., until December 2021).⁶⁸ At municipal level, the three Victorian municipalities worst affected by the Black Summer Bushfires (Alpine Shire, East Gippsland Shire, Towong Shire) have all developed municipal recovery plans. East Gippsland Shire has also developed six recovery sub-plans addressing different aspects of recovery including, for example, social recovery, economic recovery, and natural environment recovery.⁶⁹

While the Country Reports identify several strong examples of post-event recovery planning, some of the jurisdictions surveyed did not develop a post-event recovery plan following the relevant disaster, or at least did not publish any such plan online.⁷⁰ This may be due to the fact that, in most of the jurisdictions surveyed, there is no *legal obligation* for DM authorities (or other relevant government authorities) to develop post-event recovery plans. Moreover, even where such an obligation exists, it is usually framed in high-level terms, and does not prescribe the *content* of post-event recovery plans.⁷¹ Another issue is that some of the post-event recovery plans identified in the Country Reports addressed medium-term recovery, but not long-term recovery.⁷² In light of the foregoing, it is likely to be beneficial to enact legal provisions requiring relevant authorities to: develop multisectoral post-event recovery plans that address the medium and long term (up to 5 years and, if necessary, beyond); to base these plans on post-disaster needs assessments (discussed in [section 3.1](#) below); and to periodically review and update the plans to address changing or emerging needs. Legal provisions may also be used to prescribe the minimum contents of post-event recovery plans.

Key points

- Laws, policies and plans each have an important role in creating and supporting an effective recovery system.
- Laws can provide a foundation for recovery by performing vital functions such as: identifying which government entity is responsible for coordinating recovery; outlining the mandate, roles and responsibilities of that entity and other actors; establishing coordination mechanisms; and ensuring funding for recovery through mechanisms such as regular budget allocations or contingency funds.
- Policies can establish an overall vision for recovery by identifying objectives, guiding principles, different sectors and types of activities, and the general roles of different actors.
- Plans can descend into a high level of operational detail, outlining exactly who will do what, when and how. The Country Reports reveal that two main types of recovery plans can be prepared:
 - *pre*-event recovery plans can outline the general arrangements for recovery including the main activities that may be implemented and the roles and responsibilities of different actors; and
 - *post*-event recovery plans can identify the projects, activities and arrangements that will be implemented to recover from a specific disaster based on assessed needs.
- The Country Reports indicate that there is significant scope to strengthen legal, policy and planning provisions for recovery. Domestic disaster laws generally address recovery in less detail compared to other phases of disaster management (i.e., risk reduction, preparedness and response). Meanwhile, dedicated recovery policies are relatively rare.
- In terms of recovery planning, the Country Reports and the literature indicate pre-event planning is an area requiring improvement. Post-event planning tends to be more common and more detailed, but it is not always undertaken and sometimes only addresses short and medium-term recovery, rather than long-term recovery.

Recommendations

- Consider developing legal provisions that provide a foundation for the recovery system by:
 - identifying which government entity is responsible for coordinating recovery;
 - outlining the mandate, roles and responsibilities of that entity and other actors;
 - identifying coordination mechanisms for recovery;
 - establishing obligations for critical tasks (e.g., assessment, monitoring and evaluation); and
 - identifying funding sources for recovery.
- Consider developing a dedicated recovery policy (or a dedicated recovery section in an all-phases disaster policy) that provides a clear and comprehensive vision for recovery by identifying objectives, guiding principles, different sectors and types of activities, and the general roles of different actors.
- Consider developing legal provisions that:
 - require pre-event and post-event recovery plans to be prepared;
 - clearly allocate lead responsibility for pre-event and post-event recovery planning;
 - prescribe the minimum contents of pre-event and post-event recovery plans;

- require post-event recovery plans to be:
 - based on post-disaster needs assessments;
 - address medium and long-term recovery; and
 - periodically updated as recovery progresses.

Note: The first two recommendations above may be implemented by adding or amending recovery provisions/sections into all-phases laws or policies. For example, the first recommendation could be implemented by introducing more detailed recovery provisions into an all-phases disaster law. The same is also true for pre-event recovery plans, which can form part of all-phases disaster plans. In other words, with the exception of post-event recovery plans, it is generally unnecessary to develop separate recovery instruments.

2. Institutional arrangements for recovery



2.1 Lead recovery agency

A key aspect of designing institutional arrangements for recovery is determining which government department or agency will have overall responsibility for coordinating recovery. The GFDRR Disaster Recovery Framework Guide recommends that the lead recovery agency should be identified at the start of recovery and provides a list of factors to consider in making this decision.⁷³ It identifies three main models of recovery leadership: (1) individual line ministries work independently to manage recovery with no overall lead agency; (2) a new institution is created to manage recovery; or (3) a new unit, section or department is created within an existing government department or agency to manage recovery.⁷⁴ Interestingly, the Country Reports reveal four distinct approaches to recovery leadership, which only partially overlap with those identified in the GFDRR Disaster Recovery Framework Guide.

- 1. Recovery managed through an all-phases DM agency:** Under this approach, recovery is managed through a DM agency that is also responsible for the other phases of DM (i.e., risk reduction, preparedness and response). This approach was used in five of the 13 jurisdictions surveyed.⁷⁵ In some cases, the DM agency has a dedicated recovery division. For example, in Indonesia the National Disaster Management Agency has a Deputy for Rehabilitation and Reconstruction, in addition to deputies for other phases of DM.⁷⁶ The Deputy for Rehabilitation and Reconstruction is responsible for three directorates: (i) the directorate for planning rehabilitation and reconstruction; (ii) the directorate for physical recovery and enhancement; and (iii) the directorate for the recovery and enhancement of the social economy and natural resources.⁷⁷ A similar structure is replicated at regional level.⁷⁸
- 2. Recovery managed through a recovery agency:** Under this approach, recovery is managed through a dedicated agency which is separate from the main DM agency and has a general mandate for disaster recovery. This approach was used to recover from the relevant disaster in two of the 13 jurisdictions surveyed,⁷⁹ although some jurisdictions later adopted this approach by transforming an event-specific recovery agency into a general recovery agency. In some cases, the relevant disaster was the trigger for the agency's creation, but the agency was nonetheless given a general recovery mandate from the outset and tasked with leading the recovery from future disasters. For example, in The Bahamas, following Hurricane Dorian, the Disaster Reconstruction Authority (DRA) was established. The DRA was mandated to assess reconstruction needs within designated disaster zones and to prepare and implement a reconstruction plan.⁸⁰ While the DRA was established in response to Hurricane Dorian, it was designed to be a standing agency with responsibility for leading the reconstruction for Hurricane Dorian and also for future disasters in The Bahamas.⁸¹
- 3. Recovery managed through an event-specific recovery agency or entity:** Under this approach, the recovery from a disaster is managed through an agency or other entity that is established specifically to oversee the recovery from that disaster. This approach was used in three of the 13 jurisdictions surveyed.⁸² In some cases, this approach is planned and is a standard element of the recovery governance framework, whereas in other cases the agency is created reactively following a major disaster. As an example of the former, in Italy the reconstruction process is ordinarily managed by a delegated commissioner who is appointed after a disaster and has a support office comprising high-level public servants, administrative staff and technical experts.⁸³ The appointment of a delegated commissioner for reconstruction is provided for by

the DM law. However, the actual selection and appointment of the relevant individuals takes place after a disaster, through a dedicated legal instrument defining the commissioner's mandate and resources. As an example of the latter, in Australia, following the Black Summer Bushfires, both the Federal and Victorian Governments established new recovery agencies mandated specifically to oversee the recovery from the fires.⁸⁴ While the mandates of these agencies were initially restricted to the Black Summer Bushfires, the agencies were later transformed into standing recovery agencies like those described in point two above.⁸⁵

- 4. Recovery managed through existing departments and agencies:** Under this approach, the recovery from a disaster is managed through existing departments and agencies, usually with a mechanism to permit ongoing coordination between the large number of government actors involved. This approach was observed in two of the 13 jurisdictions.⁸⁶ As an example of this approach, in Mozambique the recovery from Cyclones Idai and Kenneth appears to have mainly been managed through existing departments and agencies, with an ad hoc Cabinet for Reconstruction being established to permit coordination between the large number of government actors involved.⁸⁷ In future, however, it appears likely that recovery operations will be managed by the National Institute for Disaster Risk Management and Reduction, which was established in 2020 and has a Post-Disaster Reconstruction Coordination Division.⁸⁸

In addition to the above typology, another interesting finding that emerges from the Country Reports is that it is common for recovery agencies to be created on an ad hoc basis following a major disaster, either as general or event-specific agencies. While it may be necessary to adapt institutional arrangements to recover from very large-scale or unprecedented disasters, there are risks associated with creating new recovery agencies in the immediate aftermath of a disaster. Two of the Country Reports identified that newly created recovery agencies experienced some difficulties due to having insufficient role clarity — that is, the new agency itself and other actors did not fully understand the agency's roles and responsibilities and how this related to the roles and responsibilities of other actors.⁸⁹ Another difficulty identified was the new agencies not having enough time to develop strong working relationships with other actors (e.g., with sectoral departments, other levels of government and non-government actors) and to design the programs and assistance that would be provided to the affected population.⁹⁰

It is not surprising that recovery agencies created on an ad hoc basis after a disaster may encounter teething issues, as it takes time to develop the role clarity, stakeholder relationships and programs needed to operate effectively. This does, however, suggest that it is generally preferable for there to be a standing government entity responsible for recovery, which can be scaled up as needed following major disasters. This is supported by the GFDRR Disaster Recovery Framework Guide, which observes that the effectiveness of institutions tasked with disaster recovery planning and management can be maximised by establishing them prior to a major event.⁹¹ Interestingly, the Country Reports reveal a shift towards this approach, with four jurisdictions creating a general recovery agency or a recovery division within a multi-phase DM agency in the period since the relevant disaster.⁹² A key benefit of having a standing recovery entity is that it can focus on recovery readiness during 'normal times' by, for example, cultivating strong working relationships with other stakeholders, designing recovery programs and assistance measures that can be rapidly implemented when a disaster occurs, and recruiting and maintaining a specialised recovery workforce. Equally, a standing recovery entity can support coordination of long-term recovery efforts and implement continuous learning and improvement based on past experience. A standing recovery entity may take the form of a division in an all-phases DM agency or a recovery agency. It is not possible, based on the information in the Country Reports, to determine if one of these approaches is preferable. Either approach may be workable provided that the entity is adequately resourced, has a clear mandate and coordinates with entities responsible for other aspects of DM.

Interestingly, four of the eight Country Reports specifically highlight the important role of local government in recovery. The Spain Country Report and the Bahamas Country report highlight the importance of local governments being able to actively participate in disaster response and early recovery, noting that local authorities are present at the very moment of a disaster, while it may take national authorities time to reach the scene, especially when transport infrastructure is damaged.⁹³ Relatedly, the Mozambique Country Report highlights the importance of enhancing the capacities of all levels of government to manage recovery once international partners depart.⁹⁴ The fact that local governments have a continuous presence before, during and after a disaster — in contrast to national and international actors, which may come and go — underlines the importance of local governments being supported to play a key role in recovery. The issue of how exactly this capacity can best be supported, and the identification of good practices in this area, requires further research. A starting point is that local governments should have clear roles and responsibilities in recovery, supported by adequate funding and other resources. Moreover, they should be included in relevant coordination mechanisms, including those established at provincial and national level. There may, however, be many other more specific ways to support local governments' role in recovery. One interesting initiative is identified in the Italy Country Report. As the Report explains, the Central Italy Earthquakes in 2016 affected many very small municipalities, which lacked the human, technical and financial resources to deal with such a large-scale disaster.⁹⁵ To restore basic public and administrative services (e.g., waste management, education and social facilities), a 'twinning' system was established whereby larger municipalities were paired with very small municipalities, with whom they shared expertise and administrative capacities.⁹⁶

2.2 Coordination mechanisms, roles and responsibilities

IFRC's existing research and recommendations on disaster preparedness and response emphasises the importance of effective coordination mechanisms and clear roles and responsibilities. Coordination is a perennial challenge in both domestic and international disaster response.⁹⁷ Two contributing factors to coordination challenges are the very large number of government and non-government actors involved and the urgent nature of the tasks that need to be performed.⁹⁸ IFRC's research identifies that disaster preparedness and response necessitates *vertical* coordination between different levels of government, *horizontal* coordination between sectoral departments and agencies, and coordination between government and non-government actors.⁹⁹ This requires establishing various coordination mechanisms to permit actors to share information with one another and align their activities. IFRC's research also emphasises the importance of clarifying actors' roles and responsibilities in advance of disaster, as uncertainty about the 'what', 'when', 'where' and 'how' can cause delays, duplication and gaps in disaster assistance. To address these issues, IFRC recommends using legal, policy and planning instruments to: establish coordination mechanisms that include representatives from all levels of government, all relevant sectoral departments and agencies, and all relevant non-government actors; require these coordination mechanisms to meet regularly during 'normal times' (i.e., not only when there is an active response); and allocate clear roles and responsibilities to the full range of actors involved in disaster preparedness and response.¹⁰⁰ These recommendations are consistent with the internationally accepted 'all-of-government' and 'all-of-society' approach to disaster management.¹⁰¹

The literature on recovery also strongly emphasises the importance of clear roles, responsibilities and coordination. This is logical because, just like disaster response, disaster recovery involves a multitude of actors and certain elements of recovery are very time sensitive. Indeed, recovery is an inherently multisectoral endeavour requiring the concerted efforts of a very broad range of government and non-government actors from different sectors (e.g., housing, education, health etc.). The GFDRR Disaster Recovery Framework Guide identifies that the sheer number of government and non-government actors engaged in recovery poses significant coordination challenges.¹⁰² The Guide therefore recommends that

pre-disaster preparation for recovery should include defining recovery coordination mechanisms and clarifying the roles and responsibilities of all potential stakeholders, including the private sector, non-governmental organisations and local communities.¹⁰³ The Guide recommends establishing coordination mechanisms at each level of policy-making, planning, and implementation.¹⁰⁴ It also identifies various types of coordination mechanisms that may be established depending on the circumstances.¹⁰⁵ These include a task force comprising senior politicians, administrators, and experts who design recovery policy and programs; local level project management committees comprising local government officials, NGOs, and representatives of affected communities; a NGO coordination committee to provide a forum for NGOs to coordinate with government regarding their participation in recovery; and donor coordination committees for situations where international donors have a significant presence.¹⁰⁶

The Country Reports reveal that, among the 13 jurisdictions surveyed, it is common for there to be some form of multisectoral government coordination mechanism for recovery — that is, a mechanism designed to permit government departments and agencies from different sectors to share information and align their recovery efforts. The Country Reports reveal various types of government coordination mechanisms. One of the most common approaches is to establish a high-level recovery coordination mechanism comprising a broad range of government departments and agencies, often with Ministerial-level representation.¹⁰⁷ Another common approach is to have a suite of thematic coordination mechanisms each of which focuses on a specific theme or sector and which may sit underneath a higher-level mechanism. As an example, in Indonesia, following the 2018 Sulawesi Earthquake and Tsunami, thematic working groups were established at regional level to identify recovery needs and develop recovery and development plans for their respective areas. Five thematic working groups were established for the following themes: (i) disaster risk-based regional development; (ii) regional infrastructure recovery; (iii) regional economic recovery and socio-cultural recovery of the community; (iv) funding and cooperation; and (v) regulation and institutional arrangements.¹⁰⁸ Interestingly, the Country Reports also reveal that, in several of the jurisdictions surveyed, coordination mechanisms were created on an ad hoc basis following the relevant disaster. In some cases, this occurred because there were no pre-planned coordination mechanisms. In other cases, there *were* pre-planned coordination mechanisms and it is not clear why these mechanisms were not used.¹⁰⁹ Potential explanations for why the pre-planned coordination mechanisms were not used may be that they were not appropriate for catastrophic or unprecedented events or were outdated. Another possible explanation is that government authorities were not familiar with them. In general, it is important for pre-planned coordination mechanisms to be tested through simulation exercises to confirm they are fit-for-purpose, to make any adjustments needed, and to ensure key actors are familiar with them.

An important issue, which is not explored in most of the Country Reports and warrants further research, is the question of when recovery coordination mechanisms are stood down and if many countries have ongoing coordination mechanisms for long-term recovery. The fact that a broad range of government and non-government actors typically remain engaged throughout medium and long-term recovery points to the need for ongoing coordination mechanisms, albeit potentially with a smaller or different group of participants compared to recovery mechanisms established immediately after a disaster. On this point, the Australia Recovery Report identifies that there do not appear to be ongoing recovery coordination mechanisms at federal or state levels to support long-term recovery and to develop recovery readiness during ‘normal times’.¹¹⁰ Relatedly, the recently adopted Australian Disaster Recovery Framework identifies this gap and proposes that a National Coordination Mechanism for Recovery could be established in future where there is a need for longer-term, sustained coordination of recovery efforts.¹¹¹

In most of the jurisdictions surveyed, the legal, policy and/or planning instruments relating to recovery acknowledge the key role that non-government actors play in recovery.¹¹² The Country Reports indicate, however, that these instruments generally do not explicitly include non-government actors in recovery

coordination mechanisms by, for example, listing non-government actors as members of these mechanisms. Moreover, based on the Country Reports, dedicated coordination mechanisms for non-government actors are rare. There is, therefore, scope for domestic instruments to better provide for the inclusion of non-government actors in recovery coordination mechanisms. Some of the jurisdictions surveyed have created consultative bodies comprising representatives of non-government actors and affected communities. For example, in The Bahamas, the Disaster Risk Management Authority appoints a Non-Governmental Consultation Council, comprising disaster risk management specialists and representatives from community-based organisations, non-profit organisations, corporations and other private organisations specialising in managing disaster risk.¹¹³ While consultative bodies may provide important opportunities for non-government actors to share their expertise and experience, they cannot be a substitute for operational coordination mechanisms. Non-government actors involved in implementing recovery activities need to be able to meet regularly with other key actors to share information and align activities to best meet the needs of affected people, including by avoiding duplication or gaps in service delivery.

National Red Cross and Red Crescent Societies (National Societies) have a unique legal status as auxiliary to their public authorities in the humanitarian field.¹¹⁴ The auxiliary role means that National Societies are responsible for supplementing the humanitarian activities of public authorities, including in disaster management. National Societies typically implement disaster management activities at the community level including community-based disaster recovery activities. The Country Reports highlight that National Societies played an important role in the recovery from the relevant disasters. The Country Reports identify a diverse range of recovery activities implemented by National Societies, with the most common being psychosocial support (see [section 9](#) for a discussion of mental health and psychosocial support). To take a few examples of recovery activities implemented by National Societies, the Spanish Red Cross provided psychosocial support to over 300 households both face-to-face and via a dedicated phone line;¹¹⁵ the Italian Red Cross financed and coordinated the reconstruction of community social and educational infrastructure;¹¹⁶ Mozambique Red Cross supported housing reconstruction, including by providing construction materials and standardising construction protocols;¹¹⁷ Sierra Leone Red Society provided food, non-food items and psychosocial support;¹¹⁸ and Australian Red Cross provided psychosocial support, supported community-led recovery and advocated for communities' self-identified recovery needs.¹¹⁹ In light of the foregoing, laws, policies and plans should recognise the auxiliary role of the relevant National Society in disaster recovery, clearly outline its recovery roles and responsibilities, and provide for it to be included in relevant coordination mechanisms.

Regarding roles and responsibilities, several of the Country Reports note that recovery plans (and other instruments) only provide a general indication of the roles and responsibilities of different actors. For example, some of the recovery plans list the actors that are responsible for implementing recovery activities, but the descriptions of those activities are very general, and there is no indication of which actor will implement the different components of the activity, or which actor will lead the activity.¹²⁰ Overall, the Country Reports indicate that there is scope for legal, policy and planning instruments to specify recovery roles and responsibilities more clearly. An approach that creates greater clarity, which can be seen in The Bahamas, Sierra Leone and the Australian State of Victoria, is to identify key recovery activities and, for each activity, to identify the lead and supporting actors (both government and non-government).¹²¹ This approach can be further strengthened by providing precise, detailed descriptions of the recovery activities. For example, in Victoria, the State Emergency Management Plan allocates lead and supporting roles and responsibilities for 60 'recovery services' to a wide range of government and non-government actors.¹²² The recovery services have fairly specific descriptions (e.g., "restoration of access to airports", "rehabilitation of injured wildlife", "management of donated goods", "public health advice"),¹²³ which creates clarity about recovery roles and responsibilities in the state.

2.3 Community participation in recovery

The importance of a community-centered approach to recovery is widely recognised in the recovery literature.¹²⁴ The literature emphasises that a community-centered approach can better identify and meet affected communities' recovery needs, while also building trust between communities and the actors who deliver recovery programs.¹²⁵ However, recovery practitioners often fail to realise the full potential of participatory recovery planning in the fast-paced and complex post-disaster environment.¹²⁶ The Country Reports reveal that few of the jurisdictions surveyed have laws, policies or plans which recognise the importance of community participation in recovery or which establish institutional arrangements that enable community representatives (e.g., from community groups or the local branch of the National Society) to participate in recovery coordination mechanisms, planning and programming. Therefore, there appears to be significant scope for domestic laws, policies and plans to better address and facilitate community participation in disaster recovery.

Among the jurisdictions surveyed, the only jurisdiction which has detailed policy and planning provisions on community participation in disaster recovery is Australia. One of the seven National Principles for Disaster Recovery in Australia is "community-led recovery".¹²⁷ According to this principle, "successful recovery is community-centred, responsive and flexible, engaging with community and supporting them to move forward".¹²⁸ The principle further provides that communities should be enabled to actively participate in their own recovery and that recovery should be guided by community priorities. The principle of community-led recovery is not only reflected in national instruments, but is also clearly reflected in the policies, plans and institutional arrangements of the two states surveyed for the Australia Recovery Report (Victoria and New South Wales).¹²⁹ Although none of the other jurisdictions surveyed have detailed legal or policy provisions on community participation in recovery, an interesting example of community involvement in post-event recovery planning is identified in the Spain Country Report. Following the 2019 Cold Drop, affected municipalities jointly developed the Vega Baja Regeneration Plan. The content of this plan was informed by an extensive public consultation process.¹³⁰ Four citizen consultation groups were formed, each of which identified priority recovery projects for the short, medium and long term.¹³¹ Following review by a group of experts, the recovery projects identified by citizens were submitted to a public vote (with both in-person and digital voting possible).¹³² Although this consultation process mainly occurred online (due to COVID-19 restrictions), preliminary consultations were undertaken to identify which digital platforms were preferred by community members.¹³³ This process, which is outlined in detail in the Vega Baja Regeneration Plan itself, provides a strong example of community participation in recovery planning.

Although the literature emphasises the importance of enabling community participation in disaster recovery, operationalising a community-centred or community-led approach to recovery can involve some challenges. In the Australian State of Victoria, a comprehensive report by the State's Inspector-General for Emergency Management (IGEM) highlights the complexity and challenges of implementing the Victorian Government's community-led approach to recovery following the Black Summer Bushfires.¹³⁴ Victorian policy envisioned that, after the fires, Community Recovery Committees (CRCs) would be established and supported to plan and lead their own recovery, including applying for grant funding and implementing local recovery projects.¹³⁵ The IGEM identified that, in practice, there was a lack of clarity about the roles and responsibilities of CRCs. Some CRCs ended up having very heavy workloads, resulting in stress and fatigue for the members, many of whom were managing their own personal recovery and supporting neighbours, friends and family to recover.¹³⁶ According to the IGEM, "[s]takeholders and community members have noted that it would be more effective for the community-led component of recovery to mean 'community-supported and consulted'".¹³⁷ In light of these findings, the IGEM recommended that the Victorian Government work with councils and communities to strengthen a common understanding of community-led recovery.¹³⁸

The experience in Victoria highlights that not all communities will wish (or have the capacity) to plan, fund and execute their own recovery projects. Instead, they may wish government to perform this role, provided there are adequate opportunities for consultation and other types of involvement. Community preferences about how to participate in recovery may also differ between and within communities, at different stages of recovery, and in relation to different aspects of recovery. Ultimately, this points to the need for community participation in disaster recovery to be supported in a flexible manner which adapts to the preferences and capacities of different communities. At a minimum, there should be meaningful, ongoing community consultation on the design and delivery of recovery projects, and community representatives should be included in relevant recovery coordination mechanisms. Additionally, governments should provide a range of supports for communities (or existing community groups) that wish to take a more active role in their own recovery. This may include support to form a community recovery committee (including, if necessary, support with the incorporation process), develop a recovery plan, apply for funding, manage any funding received, and coordinate local recovery projects.

Institutional arrangements for recovery

Key points

- The Country Reports reveal four main approaches to recovery leadership and coordination. Recovery can be coordinated by: (1) an all-phases DM agency; (2) a recovery agency; (3) an event-specific recovery agency; or (4) existing departments and agencies.
- The Country Reports indicate that it is common for recovery agencies to be created on an ad hoc basis following a major disaster. However, these agencies may encounter teething issues, as it takes time to develop the role clarity, stakeholder relationships, experience and programs needed to operate effectively.
- It is, therefore, generally preferable for there to be a standing government entity responsible for recovery. This can take the form of a recovery agency or a recovery division in an all-phases DM agency. A key benefit of having a standing recovery entity is that it can focus on recovery readiness during 'normal times' and also support coordination of long-term recovery efforts.
- The Country Reports highlight the important role of local governments in disaster recovery. As local governments have a continuous presence before, during and after a disaster — in contrast to national and international actors which may come and go — it is important for them to be supported to play a key role in recovery.
- In terms of recovery coordination, the Country Reports indicate that multisectoral government coordination mechanisms are common. However, legal, policy and planning instruments generally do not provide for non-government actors or community representatives to be included in these coordination mechanisms.
- Moreover, few of the jurisdictions surveyed have laws, policies or plans which recognise the importance of community participation in recovery or which enable community members or representatives to participate in recovery planning and programming.
- The Country Reports indicate that recovery plans (and other instruments) often only provide a general indication of the roles and responsibilities of different actors, without indicating which actor will implement different aspects of an activity, or which actor will lead or oversee activities. There is generally scope for recovery instruments to specify different actors' roles and responsibilities in more detail.

- An important issue, which warrants further research, is the question of when recovery coordination mechanisms are stood down and/or if many countries have coordination mechanisms for long-term recovery. The continued involvement of a broad range of government and non-government actors throughout medium and long-term recovery points to the need for ongoing coordination mechanisms.

Recommendations

- If not already in place, consider using legal provisions to establish a standing government entity responsible for coordinating recovery, whether in the form of a recovery agency or a recovery division in an all-phases disaster management agency.
- Consider defining the entity's mandate to include:
 - leading and coordinating recovery over the short, medium and long term;
 - preparing for recovery during 'normal times' by:
 - preparing pre-event recovery plans;
 - developing and testing recovery coordination mechanisms; and
 - designing recovery programs and assistance measures.
- Consider developing initiatives to support the important role of local government in disaster recovery. Consider whether there is a need to:
 - clarify the roles and responsibilities of local government in recovery;
 - provide local government with additional financial and other resources for recovery; and/or
 - include local government leaders/representatives in higher-level (i.e., provincial or national) coordination mechanisms.
- Consider introducing legal, policy and planning provisions recognising the auxiliary role of the National Red Cross or Red Crescent Society in disaster recovery, clearly outlining its recovery roles and responsibilities, and providing for it to be included in relevant coordination mechanisms.
- Consider introducing legal provisions requiring pre-event recovery plans to outline:
 - the roles and responsibilities of government and non-government actors involved in recovery, including lead and support roles; and
 - a detailed set of coordination mechanisms for short, medium and long-term recovery which include relevant government and non-government actors.
- Consider developing recovery coordination mechanisms for different levels (i.e., national, provincial, local), different sectors or themes (e.g., education, housing) and different functions (e.g., policy making, planning, and implementation).
- Consider running simulation exercises to test whether planned recovery coordination mechanisms (and other key institutional arrangements) are fit-for-purpose and to ensure that key actors are familiar with the arrangements.
- Consider adopting legal, policy and planning provisions which:
 - recognise the importance of community participation in recovery;
 - establish institutional arrangements that enable community members or representatives to participate in recovery coordination mechanisms, planning and programming; and
 - mandate substantial, ongoing community consultation on the design and delivery of recovery projects.
- Consider developing programs to provide a range of supports (e.g., financial, technical, legal) to community groups that wish to design and implement their own local recovery projects.

3. Assessment, monitoring and evaluation



3.1 Post-disaster assessment

Following a disaster, it is essential to accurately assess impacts and needs across all sectors (e.g., housing, health, infrastructure, environment, agriculture etc.) in order to prepare a multisectoral post-event recovery plan. Due to the complex and time sensitive nature of post-disaster assessment, it is strongly preferable to plan and prepare for post-disaster assessment during 'normal times', rather than improvising when a disaster occurs. The GFDRR Disaster Recovery Framework Guide recommends that pre-disaster preparation for recovery should include developing capacity for post-disaster needs assessments including by designating the entity responsible for post-disaster assessment, identifying a standard assessment tool, training people to use the tool, and gathering baseline data.¹³⁹ The most widely used international standard on post-disaster assessment is the 'Post-Disaster Needs Assessment' (PDNA), developed by the European Commission (EC), the United Nations Development Programme (UNDP), and the World Bank.¹⁴⁰ The PDNA methodology is comprehensive and multisectoral, encompassing the economic, productive, commercial, social, and human development dimensions of recovery.¹⁴¹ It is designed to be implemented through a government-led process, with support from the UN, EC, World Bank and other national and international actors.¹⁴² The EC, UNDP and the World Bank have developed Post-Disaster Needs Assessment Guidelines, which are presented in two volumes.¹⁴³ Volume A outlines the general process and steps for conducting a PDNA, while Volume B provides technical advice for sector-specific assessments.¹⁴⁴

Although the PDNA Guidelines and the GFDRR Disaster Recovery Framework Guide provide valuable guidance on post-disaster assessment, they do not specifically address the role of laws, policies and plans in this domain. As for other aspects of recovery, legal provisions can play a key role in supporting post-disaster assessment by mandating and allocating responsibility for critical tasks. Legal provisions may: identify which actor will lead and oversee post-disaster assessment; require that actor to develop and periodically update an assessment methodology, gather baseline data and train people on how to use the methodology; and require other relevant actors to collect and share information or, alternatively, conduct their own assessments to feed into the overall post-disaster assessment. The Country Reports reveal that few of the jurisdictions surveyed had legal, policy or planning provisions regarding post-disaster assessment at the time of the relevant disaster. A notable exception is the Valencian Community in Spain, which had enacted a decree outlining the respective responsibilities of the Post-Emergency Office and affected municipalities in relation to collecting, sharing, and analysing information about the impacts of a disaster and the recovery needs.¹⁴⁵ Another notable example is Sierra Leone, which did not have legal provisions on post-disaster assessment, but did have fairly detailed provisions on this topic in both its Disaster Management Policy and National Disaster Management Preparedness Plan.¹⁴⁶ The provisions in these instruments identified the responsibilities of different levels of government and sectoral agencies in relation to post-disaster assessment and prescribed the types of information to be collected and analysed. Notwithstanding these examples, the Country Reports indicate that legal, policy and planning frameworks could generally address post-disaster assessment in more detail.

The Country Reports identify that, in some jurisdictions, the relevant disaster catalysed legal reforms that introduced more detailed provisions on post-disaster assessment, suggesting that the disaster highlighted legal or operational deficiencies in this area. For example, in The Bahamas, Hurricane Dorian led to the enactment of the Disaster Risk Management Act 2022 which (amongst other things) assigns overall responsibility for post-disaster assessment to the Disaster Risk Management Authority (DRMA),

elaborates on the DRMA's responsibilities in this regard, and also requires lower levels of government to prepare and share needs assessments with the DRMA.¹⁴⁷ Another finding from the Country Reports is that at least three of the countries studied — The Bahamas, Mozambique and Sierra Leone — received external assistance for post-disaster assessment. In The Bahamas, assistance was provided by the Caribbean Disaster Emergency Management Agency, the Inter-American Development Bank and the United Nations Economic Commission for Latin America and the Caribbean;¹⁴⁸ in Mozambique, assistance was provided by the World Bank, the UN System and the European Union;¹⁴⁹ in Sierra Leone, assistance was provided by the World Bank.¹⁵⁰ In countries where post-disaster assessment is typically conducted with external assistance, this should be reflected in the planning and preparation for assessment by, for example, identifying which international standards will be used and how the government and external partners will coordinate with one another.

3.2 Monitoring and evaluation of recovery

Monitoring and evaluation are key mechanisms for promoting effectiveness, efficiency, transparency and accountability in recovery operations. Equally, monitoring and evaluation are key to improving recovery programs and systems, by enabling the identification of areas for improvement, both during and after a recovery operation. Monitoring and evaluation are broad concepts which can take many different forms and can be implemented at different scales. Monitoring is the routine collection and analysis of information (qualitative and/or quantitative), usually in order to track and report progress against plans and objectives.¹⁵¹ Evaluation involves using information to make an assessment, usually about the effectiveness, efficiency, or appropriateness of activities that have been implemented.¹⁵² The GFDRR Disaster Recovery Framework Guide identifies that governments tend to poorly implement monitoring and evaluation systems for disaster recovery or not implement them at all.¹⁵³ It explains that this is problematic because it means that when recovery programs are not performing well they may continue to operate instead of being readjusted and improved.¹⁵⁴ The Guide therefore recommends developing monitoring and evaluation mechanisms for recovery in advance of disaster.¹⁵⁵ The Country Reports reveal that, in most of the jurisdictions surveyed, legal or policy instruments make some reference to monitoring and evaluation of recovery activities. However, the level of detail varies significantly, ranging from high-level obligations to conduct monitoring and evaluation (generally found in laws),¹⁵⁶ to more detailed and specific obligations or procedures (generally found in decrees, ordinances, regulations or non-legal instruments such as post-event recovery plans).¹⁵⁷

In one of the countries studied, the relevant disaster led to a series of government inquiries. The Black Summer Bushfires that struck Australia during the 2019–20 summer triggered a national Royal Commission, a Senate inquiry, and inquiries in both Victoria and New South Wales.¹⁵⁸ While such inquiries cannot replace standard monitoring and evaluation processes, they can provide an opportunity to analyse the recovery system as a whole and to gather a large amount of qualitative information from a wide range of stakeholders, including affected communities. This was the case in Victoria, where the Inspector-General for Emergency Management prepared a comprehensive report on the effectiveness of immediate relief and recovery activities following the Black Summer Bushfires.¹⁵⁹ The report, which draws on consultations with affected communities, provides a wealth of information about the recovery operation, an assessment of how well it met communities' recovery needs, and a comprehensive set of recommendations.¹⁶⁰ While inquiries can provide an important opportunity for systemic analysis, they are only one step towards improving the recovery system. Political will is necessary to implement the findings of inquiries and, once a decision is made to implement reforms, this itself requires ongoing monitoring and evaluation.

Legal provisions may play a role in supporting monitoring and evaluation. Similar to post-disaster assessment, legal provisions may: identify which actor will lead and oversee recovery monitoring and evaluation; require that actor to develop and periodically update a monitoring and evaluation framework; require other relevant actors (e.g., sectoral departments, other levels of government, the National Society, non-government actors implementing recovery projects using government funding) to conduct sector or project-specific monitoring and evaluation, and to share this information when necessary; and requiring the publication of monitoring and evaluation reports to promote transparency and accountability. It is beyond the scope of this report to provide recommendations about monitoring and evaluation methodologies, and there do not appear to be any specific international guidelines on how governments should monitor and evaluate recovery activities.¹⁶¹ There are, however, many resources on monitoring and evaluation developed by the humanitarian sector, which may be helpful references for domestic law and policy makers. Examples include the Active Learning Network for Accountability and Performance's [Evaluation of Humanitarian Action Guide](#) and the IFRC's [Project/Programme Monitoring and Evaluation \(M&E\) Guide](#).

Key points

- Following a disaster, it is essential to accurately assess impacts and needs across all sectors in order to prepare a multisectoral post-event recovery plan. Due to the complex and time sensitive nature of post-disaster assessment, it is important to plan and prepare for post-disaster assessment during 'normal times', rather than improvising when a disaster occurs.
- It is also important to develop monitoring and evaluation mechanisms for recovery in advance of disaster. Monitoring and evaluation mechanisms are key to promoting effectiveness, efficiency, transparency and accountability in recovery operations.
- The Country Reports reveal that few of the jurisdictions surveyed had legal, policy or planning provisions regarding post-disaster assessment at the time of the relevant disaster. In some jurisdictions, the experience of the relevant disaster catalysed legal reforms that introduced more detailed provisions on post-disaster assessment, suggesting that the disaster highlighted legal or operational deficiencies in this area.
- In most of the jurisdictions surveyed, legal or policy instruments make some reference to monitoring and evaluation of recovery activities. However, the level of detail varies significantly, ranging from high-level obligations to conduct monitoring and evaluation (generally found in laws), to more detailed and specific obligations or procedures (generally found in decrees, ordinances, regulations or non-legal instruments such as post-event recovery plans).

Recommendations

- Consider developing legal provisions that:
 - identify which actor will lead and oversee post-disaster assessment;
 - require that actor to develop and periodically update an assessment methodology, gather baseline data and train people on how to use the methodology; and
 - require other actors (e.g., sectoral departments, other levels of government, international organisations, the National Society) to support post-disaster assessment by:
 - collecting and sharing information (including baseline and post-disaster data); and/or
 - conducting their own sectoral assessments to feed into the overall post-disaster assessment.
- Consider developing legal provisions that:
 - identify which actor will lead and oversee recovery monitoring and evaluation;
 - require that actor to develop and periodically update a monitoring and evaluation framework;
 - require other relevant actors (e.g., sectoral departments, other levels of government, the National Society, non-government actors implementing recovery projects using government funding) to conduct sector or project-specific monitoring and evaluation; and
 - require the publication of monitoring and evaluation reports to promote transparency and accountability in disaster recovery.



4. Recovery funding

4.1 Financing mechanisms for response and recovery

In general, the literature on disaster financing does not clearly distinguish between financing mechanisms for response and recovery. Instead, it generally addresses these issues together as a single topic which encompasses financing mechanisms that are activated or established when a disaster risk materialises. There are many different financing mechanisms that can be used to cover the costs of responding to and recovering from disasters. As no single financing mechanism is appropriate for all types of risk, many multilateral development banks (e.g., World Bank, Asian Development Bank, Islamic Development Bank) recommend adopting a 'risk layering' approach which combines different types of financing mechanisms to address risks of differing frequency and severity.¹⁶² IFRC also endorses the risk layering approach and recommended in its Disaster Preparedness and Response Synthesis Report that governments develop a disaster risk financing strategy based on this approach.¹⁶³

A disaster risk financing strategy should be developed and implemented in advance of disaster to reduce budgetary shock and to ensure that adequate funding is rapidly available when a disaster occurs. When developing a strategy, it is important to consider the overall amount and types of funding allocated to different phases and aspects of disaster management, rather than only focusing on post-disaster funding (i.e., for recovery and response).¹⁶⁴ This is because investing in disaster risk reduction and preparedness can significantly reduce disaster losses and, therefore, the amount of funding required for response and recovery.¹⁶⁵ In practice, few countries appear to be implementing a risk layering approach. Recent research into a set of 68 countries in Africa, the Caribbean, Central America and the Pacific found that almost half (46%) of the countries are deploying no disaster risk financing mechanism at all and nearly a quarter (23%) are using only one mechanism.¹⁶⁶

Risk layering involves classifying risks along a spectrum with high frequency/low severity risks on one end and low frequency/high severity risks on the other end.¹⁶⁷ For high frequency/low severity risks, key financing mechanisms include contingency budget lines and contingency funds.¹⁶⁸ Contingency funds —which may also be referred to as reserve funds, emergency funds or disaster funds— are often designed to be used for more than one phase of disaster management (e.g., response and recovery, or all phases of DM). Contingency funds can have various sources of funding including regular budget allocations, budget surpluses, donor contributions, and/or specified taxes or levies.¹⁶⁹ Often, contingency funds are invested, allowing for them to earn income and grow during normal times. Contingency funds are established using legal instruments. Key matters that need to be specified in the relevant law and/or regulations include: the sources of contributions to the fund; how the fund is invested (if at all); the governance, administration and auditing of the fund; the criteria for disbursements from the fund; the maximum amount that may be disbursed per event or per year; and expedited procedures for disbursing funds when a disaster is imminent or has begun to occur.¹⁷⁰

To use an analogy with personal finance, having a contingency fund is like having a savings account for a rainy day. However, as the severity of a disaster risk increases, it becomes less likely that contingency funds will be sufficient to cover losses if the risk materialises. Thus, additional financing mechanisms may be needed to make sufficient funding available. These additional financing mechanisms include the following.

Contingent credit lines: Governments may be able to access contingent credit lines from international financial institutions. These credit lines are agreed during 'normal times' and funds are disbursed when a disaster occurs. Contingent credit lines allow governments to access funds quickly after a disaster, when rapid funding is needed but liquidity constraints are high. Contingent credit lines typically require countries to satisfy certain disaster management criteria.

For example, to be approved for the World Bank's Catastrophe Deferred Drawdown Option, a country is required to have, or be developing, a satisfactory disaster risk management program.¹⁷¹ To be approved for the Inter-American Development Bank's Contingent Credit Facility for Natural Disaster Emergencies, a country needs to have in place a Comprehensive Natural Disaster Risk Management Program approved by the Bank.¹⁷²

Disaster risk insurance: There are many different types of insurance that can be included in a disaster risk financing strategy. Traditional insurance (also called indemnity insurance) can be used to cover losses caused by a disaster. Government may take out this type of insurance to cover damage to its own assets. Equally, it may establish public insurance schemes to allow private individuals to obtain affordable insurance for their assets (e.g., housing, agricultural equipment etc.).¹⁷³ Another type of insurance is parametric insurance which provides a payout when a pre-defined event occurs (e.g., an earthquake of a specified magnitude).¹⁷⁴ Insurance facilities for disaster risks also exist at regional and international levels. For example, the Caribbean Catastrophe Risk Insurance Facility offers Caribbean and Central American countries parametric insurance coverage against hurricanes, earthquakes and heavy rains.¹⁷⁵

Catastrophe-linked securities: Catastrophe-linked securities provide a mechanism to transfer disaster risk to capital markets. The most common type of catastrophe-linked security is a catastrophe bond, commonly known as a CAT bond. CAT bonds are securities that pay the issuer when a pre-defined disaster risk materialises, such as a wildfire causing \$500 million in losses or an earthquake reaching a magnitude of 6.0.¹⁷⁶ While insurance companies make up the largest group of CAT bond issuers, governments can also issue CAT bonds.¹⁷⁷ Governments can use CAT bonds with parametric triggers to, in effect, obtain multi-year access to insurance protection and quickly access disaster funds if the trigger event occurs.¹⁷⁸

The financing mechanisms described above can be categorised as either risk transfer or risk retention mechanisms. Risk transfer mechanisms enable governments to pass on financial risks associated with disasters to another party by paying a fixed cost or premium.¹⁷⁹ Insurance and CAT bonds are both examples of risk transfer mechanisms. With risk retention mechanisms, government retains the financial risks associated with disaster risks and, in the event of disaster, will bear the associated financial losses. Contingency funds and contingent credit lines are both examples of risk retention mechanisms. Although contingent credit lines involve a rapid injection of external funding, government ultimately bears the financial costs of the disaster as it is obligated to repay the loan plus interest. Disaster risk financing mechanisms have varying costs. In deciding which mechanisms to implement, it is important to consider whether the projected long-term benefits justify the ongoing costs of a mechanism, such as interest payments or insurance premiums.¹⁸⁰

The above financing mechanisms are designed to be established in advance of a disaster and are often referred to as ex ante mechanisms. There are also several financing mechanisms which are commonly established after a disaster. These mechanisms, which are often referred to as ex post mechanisms, include the following:

- **budget re-allocation:** funding originally allocated for other purposes is reallocated to address disaster impacts;
- **post-disaster credit:** government loans money from international financial institutions or raises funds through issuing bonds such as sovereign reconstruction or development bonds;
- **additional tax revenue:** government imposes additional taxes or surcharges to raise revenue for recovery costs; and
- **donations:** government receives donations through international appeals, donor conferences and/or directly from donors (e.g., other governments, private individuals, companies).¹⁸¹

Regarding the last point above, in many countries affected by large-scale disasters Multi-Donor Trust Funds (MDTFs) have been established to create an unearmarked pool of funds to be spent in accordance with national priorities and to address financing gaps.¹⁸² Expenditures from MDTFs are initiated, planned, and implemented primarily by governments.¹⁸³ Fund allocations are endorsed by a steering committee with government, donor, and civil society membership.¹⁸⁴

4.2 The recovery funding gap

The literature identifies that ensuring adequate funding for recovery is a key challenge for governments, with resources often being exhausted by response and early recovery activities.¹⁸⁵ According to Yore and Walker, only 12% of disaster losses in low and lower-middle income countries are met by humanitarian aid and only 5% are covered by insurance, leaving a USD \$39 billion shortfall each year that must be met by the people directly affected by disasters and their governments.¹⁸⁶ Adequate funding is critical for implementing the ‘build back better’ principle during disaster recovery. As discussed in [section 5](#) below, cost is one of the main barriers to implementing this principle in the reconstruction of housing and infrastructure because more resilient designs can involve higher upfront costs. Failing to build back better can, however, ultimately lead to greater financial losses when the next disaster occurs. The GFDRR Disaster Recovery Framework Guide emphasises the importance of long-term funding for recovery and recommends that governments should establish a financial framework with predictable, multi-year funding that aligns with sectoral recovery programs.¹⁸⁷ It also identifies which financing mechanisms are generally appropriate for which stage of recovery — for example, it recommends using contingency funds for short-term and medium-term recovery and using loans for medium-term and long-term recovery.¹⁸⁸ However, the Disaster Recovery Framework does not provide more detailed guidance on how to ensure adequate long-term funding.

In theory, one way to promote adequate funding for long-term recovery is to structure disaster risk financing mechanisms — such as contingency funds, loans or even insurance — to provide regular payments over a multi-year period after a disaster (e.g., for 3, 4 or 5+ years after a disaster is declared). Another potential option is to legally permit funding allocated to disaster risk reduction to be used for initiatives to ‘build back better’, including using more resilient designs and materials for the reconstruction of housing and infrastructure. Regarding contingency funds specifically, an option is to earmark recovery funding to ensure that the fund (or the amount of funding available per event or per year) is not exhausted by disbursements for other phases of disaster management. To avoid leaving inadequate funds for other phases of disaster management, any amount earmarked for recovery should be determined as part of a broader decision about allocation across phases. A further option is to develop a separate, dedicated recovery fund. The foregoing list provides some options for how to structure disaster risk financing mechanisms to achieve long-term recovery funding. However, as there appears to be a lack of research and guidance on this specific issue, it would be beneficial to conduct comparative research to identify models and examples of good practice that could potentially be replicated in other jurisdictions.

The Country Reports emphasise that securing adequate funding for disaster recovery is a significant challenge. Five of the eight Country Reports explicitly identify recovery funding challenges or shortfalls.¹⁸⁹ Common challenges include funding being exhausted by disaster response activities and drying up during medium to long-term recovery.¹⁹⁰ The Mozambique Country Report identifies that the key challenges are to achieve an appropriate distribution of funding between the disaster response and recovery phases, to promote fundraising for recovery from the beginning of the emergency, and to raise adequate funds for long-term recovery.¹⁹¹ Similarly, the Sierra Leone Country Report identifies that funding is mainly directed to response activities and that recovery funding is scarce.¹⁹² Importantly, the challenge of securing adequate funding for medium and long-term recovery can be experienced in low,

middle and high-income countries alike. The Australia Recovery Report identifies that, in the State of Victoria, a government inquiry found that recovery funding tends to be short-term which undermines organisations' ability to develop medium and long-term recovery plans and objectives.¹⁹³ The inquiry recommended that government work with the emergency management sector to develop a recovery funding model that enables short, medium and long-term recovery planning and resourcing.¹⁹⁴

The Country Reports indicate that it is common for a country to have a law establishing a disaster contingency fund. Seven of the eight Country Reports identify legal provisions establishing a multi-phase contingency fund.¹⁹⁵ Additionally, two of the eight Country Reports identify legal provisions establishing a dedicated recovery fund.¹⁹⁶ In relation to multi-phase contingency funds, none of the Country Reports indicate that funds are earmarked specifically for recovery. Thus, while disaster contingency funds are common, it does not appear that they necessarily provide a dedicated pool of recovery funding. Another challenge identified by the Country Reports is that disaster contingency funds are not always operationalised. In many countries, a disaster contingency fund is established through two instruments: (1) a high-level provision in a disaster law; and (2) a detailed set of implementing regulations. However, two of the Country Reports (Brazil and Sierra Leone) identify that the second type of instrument had not been developed, meaning the contemplated fund had not actually been created.¹⁹⁷ In Brazil, federal legislation provides for the establishment of the National Fund for Public Disasters, Protection and Civil Defense which is designed to fund reconstruction in areas affected by disasters.¹⁹⁸ However, due to a lack of implementing regulations, this Fund had not been operationalised at the time the Brazil Country Report was published.¹⁹⁹ The same challenge has been experienced at state level, with the State Fund for Public Disasters of Rio de Janeiro also not yet being operational due to the absence of implementing regulations.²⁰⁰

Two of the eight Country Reports identify the use of other financial instruments to generate recovery funding, consistent with the risk layering approach discussed above. Following Hurricane Dorian, The Bahamas used two ex ante financing mechanisms. It received USD13 million from the Caribbean Catastrophe Risk Insurance Facility,²⁰¹ and USD100 million from the Inter-American Development Bank pursuant to a contingency loan signed in April 2019.²⁰² Following the Sulawesi Earthquake and Tsunami, Indonesia used both ex ante and ex post financing mechanisms. In terms of ex ante mechanisms, it activated the Multi Donor Fund Facility for Disaster Recovery, which was established in 2009 with the aim of mobilising funds and coordinating international assistance in order to support and complement the government's efforts in disaster management.²⁰³ In terms of ex post mechanisms, Indonesia received two loans from the Asian Development Bank for recovery: a USD \$500 million emergency assistance loan in November 2018 for recovery and rehabilitation activities in Lombok and Central Sulawesi; and a USD \$297.75 million loan in June 2019 for the rehabilitation and reconstruction of public works and transport infrastructure in Central Sulawesi.²⁰⁴ Since the Sulawesi Earthquake and Tsunami, Indonesia has implemented significant reforms in the area of disaster risk financing; it has developed a Disaster Risk Finance and Insurance Strategy, launched a State Asset Insurance Program and joined the Southeast Asia Disaster Risk and Insurance Facility.²⁰⁵

Key points

- Developing and implementing a disaster risk financing strategy in advance of disaster can reduce the budgetary shock typically caused by disasters and make funding rapidly available for response and recovery.
- Many multilateral development banks recommend developing a disaster risk financing strategy that reflects a 'risk layering' approach. IFRC also recommends this approach, which involves combining a variety of financing mechanisms to address risks of differing frequency and severity.
- Key ex ante financing mechanisms that can be included in a strategy as part of the risk layering approach include: contingency funds; contingency budget lines; contingent loans; traditional and parametric insurance; and catastrophe-linked securities.
- The literature and the Country Reports indicate that few countries appear to be implementing a risk layering approach and that securing adequate funding for long-term recovery is a significant challenge. Common issues include funding being exhausted by disaster response activities and drying up during medium and long-term recovery.
- Insufficient recovery funding is a challenge that can be experienced by low, middle and high-income countries alike. Adequate funding is, however, critical for implementing the build back better principle to reduce future disaster losses (including financial losses).
- There is a lack of detailed research and guidance on how disaster risk financing mechanisms can be structured to ensure adequate long-term recovery funding. It would be beneficial to conduct comparative research on this topic to identify models and examples of good practice that could potentially be replicated in other jurisdictions.

Recommendations

Developing and implementing a disaster risk financing strategy

- Consider developing a disaster risk financing strategy that combines a variety of financing mechanisms to address risks of differing frequency and severity consistent with the 'risk layering' approach. This may include contingency funds, contingency budget lines, contingent loans, traditional insurance, parametric insurance, and catastrophe-linked securities.
- In developing the strategy, consider designing or selecting financing mechanisms that will provide long-term funding for recovery. In particular, consider designing or selecting mechanisms that will provide regular payments over a multi-year period after a disaster.
- In developing the strategy, consider:
 - what types of financing mechanisms are offered at regional and international level by multilateral development banks and other financial institutions; and
 - whether the projected long-term benefits of different financing mechanisms justify their ongoing costs (e.g., interest payments, insurance premiums).

Developing a disaster contingency fund

- If a disaster contingency fund does not already exist, consider enacting legal provisions (including detailed implementing regulations) to establish one. Ensure that the legal provisions address:
 - the sources of contributions to the fund;
 - the governance, administration and auditing of the fund;
 - how the fund is invested (if at all);
 - the criteria for disbursements;

- the maximum amount that may be disbursed per year/per event; and
 - expedited procedures for disbursing funds when a disaster is imminent or has begun to occur.
- Consider how the fund can be structured to provide long-term funding for recovery. Consider measures such as:
- earmarking funds for recovery;
 - permitting regular payments over a multi-year period (e.g., 3, 4 or 5+ years) after a disaster is declared; and
 - permitting funds earmarked for disaster risk reduction to be disbursed to fund resilient reconstruction.
- If a disaster contingency fund is created by law but has not been operationalised, consider taking steps to operationalise the fund including (if necessary) enacting detailed implementing regulations.

Note: To avoid leaving inadequate funds for other phases of disaster management, any amount earmarked for recovery should be determined as part of a broader decision about allocation across phases.

PART B - KEY THEMES AND ISSUES IN DISASTER RECOVERY



5. Building back better

5.1 The 'build back better' principle

The term 'build back better' was first popularised in 2006, when it appeared in the title of a report of the UN Secretary-General's Special Envoy for Tsunami Recovery.²⁰⁶ The alliterative catchphrase was employed to convey the concept of integrating disaster risk reduction into recovery, a concept that was already present, albeit not very prominent, in the Hyogo Framework for Action 2005–2015.²⁰⁷ In the ensuing years, the 'build back better' principle (BBB principle) gained growing recognition as a fundamental principle of disaster recovery and, in 2015, the Sendai Framework adopted the BBB principle as one of its guiding principles, stating that "in the post-disaster recovery, rehabilitation and reconstruction phase, it is critical to prevent the creation of and to reduce disaster risk by 'Building Back Better' and increasing public education and awareness of disaster risk".²⁰⁸ The BBB principle is also reflected in Priority 4 of the Sendai Framework, which is to "[e]nhanc[e] disaster preparedness for effective response and to 'Build Back Better' in recovery, rehabilitation and reconstruction".²⁰⁹ The Sendai Framework identifies that, in order to achieve Priority 4, it is important to incorporate disaster risk management into post-disaster recovery and rehabilitation processes including through land-use planning and structural standards improvement.²¹⁰ It also identifies the importance of developing guidance for preparedness for disaster reconstruction, such as on land-use planning and structural standards improvement.²¹¹

In 2017, the UN General Assembly adopted a resolution endorsing a set of definitions developed by the Open-Ended Intergovernmental Expert Working Group on Indicators and Terminology relating to Disaster Risk Reduction. Notably, this included a definition of 'building back better' as:

The use of the recovery, rehabilitation and reconstruction phases after a disaster to increase the resilience of nations and communities through integrating disaster risk reduction measures into the restoration of physical infrastructure and societal systems, and into the revitalization of livelihoods, economies and the environment.²¹²

Some academics and humanitarians have advocated for the use of the term 'build back safer' instead of 'build back better', arguing that the former provides a clearer goal.²¹³ This alternative formulation specifically conveys the aim of reducing risk and improving resilience, rather than upgrading or improving infrastructure and systems in a broader sense. Nonetheless, the term 'build back better' remains more widely used and is adopted in this report. As is clear from the above definition, the BBB principle relates to *all* aspects of recovery including the revitalisation of societal systems, livelihoods, economies and the environment. However, much of the literature on the BBB principle focuses on the reconstruction of housing and infrastructure.

It is now widely recognised that, both conceptually and practically, there is a large overlap between DRR and climate change adaptation. Climate change adaptation (CCA) seeks to reduce the risks posed by

climate change and to benefit from any associated opportunities where possible. DRR and CCA converge on the management of hydrometeorological hazards which, due to being exacerbated by climate change, are a major focus for both sectors. In the context of a changing climate, implementing the BBB principle (i.e., integrating DRR into recovery), requires using recovery as an opportunity to implement DRR measures that will address the predicted evolution of hydrometeorological hazards, thereby promoting adaptation to climate change. This requires using the best available information — ideally, recent and high-quality scientific modelling — about how climate-related hazards will evolve over time when planning and implementing recovery.

While the BBB principle is widely accepted as a guiding principle for disaster recovery, it can be difficult to operationalise. A 2019 paper by Fernandez and Ahmed analyses research on BBB in the period since the term first emerged in 2006.²¹⁴ The paper finds that while BBB is a desirable goal, numerous experiences have proved that it is challenging to implement in practice, noting that two of the main barriers to implementation are cost and corruption.²¹⁵ Some writers have lamented the omission of corruption in the Sendai Framework, noting that the construction industry, which plays a critical role in BBB, is one of the sectors most susceptible to corruption.²¹⁶ The topic of corruption is also absent from the Report of the Midterm Review of the Sendai Framework, although the Report identifies several other challenges to implementing the BBB principle including resource constraints,²¹⁷ a greater focus on response and early recovery,²¹⁸ lack of inclusion of BBB principles in donor funding,²¹⁹ the complexity of managing diverse stakeholders,²²⁰ and a lack of indicators and guidance to define and measure the implementation of the BBB principle.²²¹ The Report finds that, at regional level, progress towards Priority 4 has been mixed in three regions (Asia and the Pacific; Europe and Central Asia; Sub-Saharan Africa) and limited in the two remaining regions (Latin America and the Caribbean; Middle East and North Africa).²²² The Report ultimately concludes that “[t]here is widespread recognition that BBB principles have not been applied systematically since 2015”.²²³

In terms of the role of law and policy in building back better, Mannakkara and Wilkinson argue that law can perform two main functions: compliance and facilitation.²²⁴ In relation to *compliance*, Mannakkara and Wilkinson emphasise the need to enforce regulatory requirements for safe and good quality reconstruction (e.g., through land use controls and building codes) and to increase awareness of these regulatory requirements.²²⁵ In relation to *facilitation*, they refer to legislation to “remove unnecessary red tape to facilitate recovery activities”, including expedited approvals for building permits and fast-track tender processes.²²⁶ UNDRR’s Words into Action Guidelines on Building Back Better in Recovery, Rehabilitation and Reconstruction (UNDRR Guidelines on BBB) identify that laws and policies can play two key roles, either incentivising or ensuring building back better.²²⁷ The latter function is similar to the compliance function identified by Mannakkara and Wilkinson. Consistent with the Sendai Framework, the Guidelines identify the role of land use planning and building codes and, additionally, note the importance of DRR assessments for critical infrastructure.²²⁸ Meanwhile, the Report of the Midterm Review of the Sendai Framework recommends that BBB principles must be systematically included in disaster recovery plans at both the national and the local level.²²⁹

The Country Reports reveal that the laws, policies and/or plans of most of the jurisdictions surveyed reflect a clear commitment to integrating risk reduction into the recovery process. Most of the jurisdictions have a law, policy and/or plan containing a high-level commitment to the BBB principle or a synonymous term such as “resilient recovery”²³⁰ or “sustainable recovery”.²³¹ In several cases, building back better or improving disaster resilience is identified as one of the key objectives or guiding principles of recovery,²³² or is incorporated into the definition of recovery itself.²³³ Further, some of the jurisdictions surveyed have instruments which identify the importance of using recovery as an opportunity to enhance climate resilience and which (implicitly or explicitly) make the link between enhancing DRR and climate resilience during recovery.²³⁴ This reflects that fact that, as discussed above, there is significant overlap between the BBB principle, DRR and CCA, with recovery being an

opportunity to build back better by implementing DRR measures that address the predicted evolution of hydrometeorological hazards, thereby promoting adaptation to climate change. While many of the laws, policies and/or plans of the jurisdictions surveyed contain a clear commitment to integrating risk reduction into the recovery process, these instruments do not always identify specific DRR initiatives or measures that will be implemented during recovery. Further, to the extent they do identify DRR measures, these typically focus on the reconstruction of housing and infrastructure, rather than other aspects recovery (e.g., livelihoods, the environment). Some examples of recovery instruments that *do* outline specific DRR measures are provided below.

In **Spain**, the Vega Baja Regeneration Plan addresses the need to repair, reconstruct and improve hydraulic infrastructure to reduce flood risk. To this end, it identifies the following activities: building channelling and drainage systems to separate rainwater from wastewater in urban areas; constructing retaining dams and pipes to channel water away from urban areas; and improving wastewater treatment and its reuse for agriculture.²³⁵ The Plan also acknowledges the need to prevent or minimise construction in high-risk areas.²³⁶

In **Sierra Leone**, the Recovery Action Plan identifies many concrete actions to reduce landslide risk, including stabilising the slope prior to the next rainfall season and restoring connectivity to the affected areas by building modular bridges whose design reflects the BBB principle. Other specific actions identified in the Plan include: training masons, artisans and unemployed youths on disaster resilient and cost-effective construction techniques using local resources; rehabilitation and reforestation of degraded habitats in disaster prone zones; and awareness raising activities on constructing housing in low-risk areas.²³⁷

Even when recovery instruments do identify specific measures that will be implemented to reduce disaster risk during recovery, there may be significant barriers to implementation. The Spain Country Report identifies insufficient funding and the fact that responsibility for hydraulic infrastructure is split between different levels of government as potential barriers to fully implementing the ambitious DRR measures in the Vega Baja Regeneration Plan.²³⁸ In Sierra Leone, even though recovery instruments clearly adopt the BBB principle and identify specific risk reduction measures to be implemented during the recovery from the 2017 Freetown Landslides, interviews with key informants revealed significant challenges in this area and emphasised that the BBB principle needs to be given greater attention in practice.²³⁹

5.2 Repair and reconstruction of housing and infrastructure

This section focuses on the application of the BBB principle to the repair and reconstruction of housing and infrastructure after a disaster. It addresses four key topics: land use controls and building codes; housing, land and property rights; fast-track approval processes; and cost barriers to resilient reconstruction.

Land use controls and building codes

As discussed in [section 5.1](#) above, the Sendai Framework and the literature on disaster recovery emphasise the importance of employing land use controls and building codes to reduce disaster risk during recovery. Land use controls can prohibit or restrict (re)construction in high-risk areas, while building codes can require buildings to be constructed using designs, materials and methods that increase resilience to natural hazards. This forms part of the ‘compliance’ function of law identified by Mannakarra and Wilkinson. IFRC has an existing body of research and recommendations addressing the role of building codes and land use controls in reducing disaster risk, which was developed jointly with UNDP.²⁴⁰

In relation to building codes, the IFRC's and UNDP's Multi-Country Report on Effective Law and Regulation for Disaster Risk Reduction identifies that most countries *do* have legally enforceable building codes and land use controls, although few of them specifically consider DRR and many would benefit from more concrete criteria and requirements to address relevant natural hazards.²⁴¹ Local governments are generally responsible for implementing these instruments and a lack of capacity and resources at this level presents a significant challenge.²⁴² IFRC and UNDP therefore recommend (amongst other things) that lawmakers and administrators: review laws on building, construction and land use planning to ensure that they cover the whole territory and are regularly updated to the latest natural hazard standards; increase local technical capacity and resources to enforce building and spatial planning regulations; and use or introduce legal sanctions for cases of non-compliance leading to unsafe buildings or developments.²⁴³ These recommendations relate to DRR generally and do not specifically address the recovery context. In general, the literature on recovery emphasises the importance of applying land use controls and building codes during recovery as part of the BBB principle.

Several of the Country Reports identify that the absence of appropriate land use controls and/or building codes, or insufficient compliance with these instruments, exacerbated the impacts of the relevant disaster.²⁴⁴ In three of the 13 jurisdictions surveyed, recovery instruments introduced after the relevant disaster explicitly recognised the importance of enforcing land use controls and building codes during the recovery process, or of strengthening the content and enforcement of these instruments more generally.

In **Mozambique**, one of the guiding principles of the Disaster Recovery Framework for Cyclones Idai and Kenneth was to ensure that recovery investments would be resilient to future risks and disasters, would be conducted in accordance with territorial planning instruments and would respect the zoning plans of the territory to avoid high-risk zones.²⁴⁵

In **Sierra Leone**, the Landslide Response Framework identified the importance of developing resilient building codes and a spatial strategy based on risk assessments and multi-hazard risk maps.²⁴⁶

In **The Bahamas**, the Resilient Recovery Policy identified the importance of reviewing and updating the building code to ensure new construction would be resilient to 'super storms' like Hurricane Dorian and that existing buildings would be retrofitted.²⁴⁷ The Policy also emphasised the importance of improving enforcement of the building code.²⁴⁸

The Country Reports do not analyse how these commitments to adhere to and/or improve land use controls and building codes have been implemented during recovery. It is, therefore, ultimately unknown to what extent these commitments have been realised. An interesting example, which moves beyond a high-level commitment, is found in the Italy Country Report. In Italy, legal instruments introduced after the Central Italy Earthquakes established a Technical Scientific Committee, which developed reconstruction guidelines that aimed to balance 'security' (i.e., achieving a level of seismic resistance very close to that expected for new construction consistent with the BBB principle) and 'identity' (i.e., maintaining traditional materials and construction types).²⁴⁹ Legal instruments also introduced sophisticated new systems for assessing and classifying seismic risk, and economic incentives to encourage private property owners to improve the seismic resistance of their properties.²⁵⁰ As indicated by this example, and the Country Reports more generally, major disasters can be catalysts for reviewing and updating land use controls and building codes, or for developing reconstruction guidelines. It is important that these instruments are developed or updated based on the best available information. In the case of climate-related hazards, this should ideally be recent and high-quality scientific modelling about how hazards will likely evolve over time. This is essential for reducing disaster risk and building back better, as controls based on historical or current hazard information are unlikely to adequately reduce climate-related hazards in future.

Cost barriers to resilient reconstruction

The issue of cost is relevant to the repair and reconstruction of both infrastructure (which is generally the responsibility of government or private sector actors) and of housing (which is usually, but not always, the responsibility of private individuals). The Country Reports contain few examples of funding or financial support for implementing the BBB principle in the repair or reconstruction of infrastructure and housing. Nonetheless, a few different approaches can be identified: providing direct financial support and economic incentives for householders; or making funding transfers from national to sub-national government authorities contingent on implementing the BBB principle. An interesting example comes from Italy, where economic incentives were introduced to encourage private property owners to improve the seismic resistance of their properties. Specifically, 70 to 80% of expenses incurred in decreasing the seismic risk level of a private property could be claimed as tax deductions.²⁵¹ Another interesting (albeit very different) example is from Brazil, where federal funding can be provided to states and other public entities for the reconstruction of housing units. To receive this funding, the recipient entity is obligated to ensure that reconstruction does not take place in areas susceptible to disasters and must make a declaration to this effect.²⁵² As the Country Reports contain limited information about funding and financial support for BBB, it would be beneficial to conduct further research to identify jurisdictions that have successfully implemented measures to address the cost barriers to implementing the BBB principle in the repair and reconstruction of both housing and infrastructure.

Housing, land and property rights

A key component of recovery assistance for disaster-affected people is providing them with funds, materials and/or technical support to repair or reconstruct their housing. Before providing these types of assistance, government and non-government actors may require formal proof of 'secure' tenure, often in the form of freehold title or other land title documents.²⁵³ This requirement is designed to ensure that the person receiving assistance has the right to live on the property. Otherwise, assisting them may involve infringing third party property rights or may ultimately prove futile if they are subsequently required to leave due to eviction or a legal dispute. While these are valid concerns, in many contexts requiring formal proof of secure tenure is both impractical and inequitable. These contexts include countries or regions where customary and/or informal land tenure is common, and/or marginalised groups have low rates of formal land tenure. This issue is discussed in the Bahamas Country Report, which identifies that, following Hurricane Dorian, many government reconstruction assistance programs required proof of property ownership and proof of residence.²⁵⁴

In recognition of the problems associated with the requirement of 'secure' tenure, the international humanitarian community is moving towards a requirement of 'secure enough' tenure.²⁵⁵ This concept recognises that many tenure arrangements other than freehold title may be sufficiently secure to indicate that the risks associated with providing assistance are relatively low. In practice, this approach can be implemented by using a 'due diligence' approach which involves achieving as much certainty about land rights as is feasible in the circumstances. This can involve using community verification and community-based land mapping processes to verify ownership or use rights, instead of relying on formal tenure documentation. These approaches were used by humanitarian organisations in The Bahamas following Hurricane Dorian, with the Bahamas Red Cross Society (BRCS) and the IFRC implementing a due diligence approach with respect to 'generational land' (meaning land that is jointly owned by many descendants of the original owner).²⁵⁶ This approach promoted more equitable access to BRCS' and IFRC's shelter assistance programmes.²⁵⁷ However, it is not clear whether this approach was adopted in relation to government assistance programs which, as identified above, generally required proof of ownership and residence.²⁵⁸

In light of the foregoing, in contexts where customary and/or informal land tenure is common, eligibility for reconstruction assistance should generally not depend on formal proof of tenure in the form of freehold title or other land title documents. Moreover, recovery should be used as an opportunity to regularise undocumented or informal land tenure. While the Country Reports do not identify any examples of post-disaster programs for regularising land tenure, previous IFRC research has identified some good examples. In Chile, for example, the 2010 earthquake and tsunami affected many households which had undocumented or informal land tenure.²⁵⁹ While the government had been working since 2001 to regularise land tenure, the earthquake and tsunami generated additional momentum, catalysing the introduction of new legal measures to simplify and accelerate the land tenure regularisation process for those affected.²⁶⁰

Fast-track approvals

The repair and reconstruction of buildings following a disaster can be slowed down by time-consuming permit application processes and insufficient government capacity to process a spike in applications. A potential way to resolve this issue is to use legal instruments to create fast-track application processes.²⁶¹ This forms part of the 'facilitation' function of law identified by Mannakarra and Wilkinson. Fast-track processes can be implemented through priority processing and increasing processing capacity (for example, by redeploying staff from other municipalities or government departments). Fast-track processes can also involve simplifying or waiving procedural and substantive requirements that would otherwise apply. In designing fast-track processes, it is important not to waive requirements designed to reduce disaster risk, promote sustainability and protect the environment. However, it may be appropriate to waive other types of requirements. For example, for applications to rebuild residential properties of a similar size and in the same location, procedural requirements to advertise the proposed works or notify neighbours could be waived. In order for a fast-track mechanism to be effective, it may also be necessary to implement practical measures to ensure sufficient availability of professional expertise (e.g., engineers, town planners) in the affected area. Unfortunately, the Country Reports do not identify any examples of fast-track processes to expedite approval for post-disaster reconstruction. It would be beneficial to conduct further research to identify jurisdictions that have successfully implemented such fast-track approval processes during recovery.

Building back better

Key points

- In most of the jurisdictions surveyed, laws, policies and/or plans clearly recognise the importance of integrating disaster risk reduction into recovery. In many jurisdictions, the BBB principle (or a synonymous term such as 'resilient recovery') is identified as a key objective or guiding principle for recovery.
- In some jurisdictions, instruments also recognise recovery as an opportunity to enhance climate resilience and (implicitly or explicitly) make the link between enhancing DRR and climate resilience during recovery. Indeed, recovery is an opportunity to adapt to climate change by implementing DRR measures designed to address the predicted evolution of hydrometeorological hazards, as identified through recent and high-quality scientific modelling.
- For some of the jurisdictions surveyed, a high-level commitment to integrating DRR into recovery does not translate into post-event recovery plans that identify specific, practical measures for reducing disaster risk.
- The Sendai Framework and the recovery literature emphasise the importance of employing land use controls and building codes to reduce disaster risk during recovery. Following the relevant disaster, some of the jurisdictions surveyed explicitly committed to improving and/or enforcing land use controls and building codes during recovery.

- The Country Reports do not analyse to what extent commitments to improve and/or enforce land use controls and building codes have been realised. However, it is well established that a lack of capacity and resources at local government level can present a significant challenge in this domain.
- Another key challenge is the cost of resilient reconstruction. The Country Reports identify a few different approaches to addressing this issue including direct financial support and economic incentives (e.g., tax deductions) for households, and making funding transfers from national to sub-national government authorities contingent on implementing the BBB principle.
- Before providing reconstruction assistance, many actors require formal proof of 'secure' tenure. This requirement, which is generally impractical and inequitable in contexts where customary and/or informal land tenure is common, can be replaced with a 'due diligence' approach to security of tenure. Legal provisions to rapidly regularise informal land tenure can also be introduced to alleviate this challenge.
- While regulation is key to promoting disaster resilient reconstruction, time-consuming and complex permit application processes can slow down reconstruction. A potential solution to this challenge is to establish fast-track processes for approving post-disaster reconstruction. It is important, however, to retain substantive requirements designed to reduce disaster risk, promote sustainability and protect the environment.

Recommendations

- Consider adopting building back better, reducing disaster risk and adapting to climate change as key objectives of disaster recovery. Consider integrating these objectives into the legal definition of disaster recovery.
- Consider introducing legal provisions requiring that post-event recovery plans identify the measures that will be implemented to reduce disaster risk across all sectors.
- Consider reviewing and updating land use controls and building codes to ensure they impose appropriate controls on construction and development in high and medium-risk areas.
- When developing post-event recovery plans and updating land use controls and building codes, consider all major hazards. Consider also the most recent hazard maps, disaster risk assessments and modelling about the predicted evolution of climate-related hazards.
- Consider introducing measures to strengthen compliance with land use controls and building codes both during 'normal times' and during disaster recovery.
- Consider developing legal provisions and programs to alleviate the cost barriers to implementing the BBB principle in the repair and reconstruction of infrastructure including:
 - direct financial support and economic incentives (e.g., tax deductions) for households; and
 - making funding transfers from national to sub-national government authorities contingent on implementing the BBB principle.
- If customary or informal land tenure is common, consider introducing legal and policy measures to ensure equitable access to reconstruction assistance including:
 - removing any legal requirements for formal proof of land ownership;
 - adopting a 'due diligence' approach focused on achieving as much certainty about security of tenure as is feasible in the circumstances, using methods such as community verification and community-based land mapping; and
 - introducing legal provisions to rapidly regularise informal land tenure.
- Consider using legal instruments to establish a fast-track process for approving post-disaster reconstruction. In designing the fast-track process, ensure that substantive requirements designed to reduce disaster risk, promote sustainability and protect the environment continue to apply.



6. Green recovery

A key component of disaster recovery is to plan and execute actions to remediate environmental damage caused by the disaster. Additionally, the literature on disaster recovery emphasises that actions taken during the recovery process can pose significant environmental risks and must be done with environmental considerations at the forefront in order to 'do no harm'.²⁶² Three key aspects of recovery activities can have negative environmental impacts if not properly managed.

Waste management: Disasters can generate large volumes of solid and liquid waste, including hazardous waste, which can overwhelm existing waste management systems. The use of poorly planned landfills or dumping of disaster waste can cause soil and groundwater contamination.

Use of resources: The choice of materials for repairing and reconstructing housing and infrastructure can have significant environmental consequences. For example, it may intensify unsustainable logging and mining activities in adjacent areas.

Spatial planning: The choice of where to reconstruct housing and infrastructure may degrade ecosystems that have important functions and provide essential services, such as ecosystems that sustain livelihoods or serve as protective buffers against landslides, storm surges and cyclones.

Environmental degradation caused by recovery activities can have long-term consequences for the livelihoods, health and disaster resilience of local communities, underlining the importance of implementing measures to mitigate the environmental impacts of recovery.²⁶³ In addition to the foregoing, recovery presents an opportunity to strengthen environmental practices consistent with the principle of 'building back better'. Indeed, recovery provides an opportunity to accelerate progress towards reducing emissions by reconstructing housing and infrastructure using designs which will use substantially less greenhouse gases to operate in future. Henceforth, this report uses the term 'green recovery' to refer to a recovery process which remediates environmental damage caused by the disaster, avoids causing additional environmental harm and capitalises on recovery to improve environmental practices, including to reduce future emissions.

The Literature Review identifies two key guidance documents that address the environmental dimensions of disaster recovery: the [Guidance Note on Recovery and the Environment](#), developed by the International Recovery Platform (IRP) and UNDP India;²⁶⁴ and [Safer Homes, Stronger Communities: A Handbook for Reconstructing after Natural Disasters](#) (the Safer Homes, Stronger Communities Handbook) developed by the World Bank and the GFDRR.²⁶⁵ In addition, since the Literature Review was published, UNDP has released an [Environment Sector Disaster Recovery Framework Guide](#).²⁶⁶ These guidance documents identify the importance of: assessing the environmental damage caused by the disaster; developing and implementing a plan for remediating environmental damage; ongoing monitoring of progress towards remediating environmental damage; developing and implementing a disaster waste management plan; carrying out environmental impact assessments for reconstruction and other recovery activities; implementing environmental safeguards during recovery; and ongoing monitoring of the environmental impacts of recovery activities. The Safer Homes, Stronger Communities Handbook provides detailed guidance about how to carry out environmental impact assessments and environmental monitoring of reconstruction projects, as well as how to develop a debris management plan.²⁶⁷ In terms of roles and responsibilities, the Handbook emphasises that the lead environmental agency should monitor reconstruction, decide what incentives and sanctions will be employed, and implement mechanisms to ensure that trees, groundwater, and other natural resources and other local environmental assets will be protected.²⁶⁸ It identifies that local government should establish measures to ensure that decision points, such as approving site plans and issuing building permits, are

used to ensure compliance with environmental guidelines.²⁶⁹ The Guidance Note on Recovery and the Environment does not address the role of different levels of government, but it does identify the importance of clarifying roles and responsibilities, establishing coordination mechanisms, and enabling community participation in the design and implementation of environmental activities during recovery.

Although there is considerable literature on the environmental dimensions of disaster recovery, there is limited analysis of the role of legal instruments in promoting environmental protection during recovery. The Safer Homes, Stronger Communities Handbook states that national and local environmental laws and regulations should apply to reconstruction, although additional guidance may be needed to address the post-disaster situation.²⁷⁰ It also notes that existing legal and regulatory instruments may need to be updated during recovery.²⁷¹ While the enforcement of environmental laws and regulations is key to mitigating environmental risks during recovery, satisfying the requirements created by these instruments can involve complex and time-consuming approval processes. In this regard, the Guidance Note on Recovery and the Environment identifies the importance of developing a fast-track environmental impact assessment process to be used during disaster recovery. It emphasises that this should be done in advance of a disaster, citing the case of the 2004 Indian Ocean Tsunami, where it took two years to develop a fast-track environmental impact assessment process in Indonesia.²⁷² Similar to fast-track processes for building approvals (discussed in [section 5.2](#) above), fast-track EIA processes should not suspend substantive requirements designed to protect the environment. Instead, they should focus on other measures to expedite approvals, such as priority processing or simplifying procedural requirements.

In relation to waste management, Brown and Milke identify that legislation governing waste management is often waived in emergency settings in order to facilitate the quickest debris collection, treatment and disposal options.²⁷³ Brown and Milke question the appropriateness of this approach, highlighting that poorly managed waste disposal can necessitate lengthy environmental remediation processes.²⁷⁴ Indeed, poorly managed disaster waste disposal can cause soil and groundwater contamination, with long-term impacts on the health and livelihoods of local populations. Both the Safer Homes, Stronger Communities Handbook and the Guidance Note on Recovery and the Environment emphasise the importance of developing a disaster waste management plan, preferably in advance of disaster.²⁷⁵ Key issues to be addressed in disaster waste management plans include: pre-selecting appropriate waste disposal sites; outlining systems for separating hazardous and non-hazardous waste; and identifying recycling options and procedures.²⁷⁶ Developing a disaster waste management plan may reduce the likelihood of needing to rely on ad hoc waste disposal measures that create environmental risks. Equally, it may reduce the likelihood of needing to waive or suspend laws and regulations that ordinarily apply.

The Country Reports reveal that several of the jurisdictions surveyed have post-event recovery plans or policies that address environmental issues in detail. The content of the relevant provisions falls into three main categories: (i) remediating the environmental damage caused by the disaster; (ii) avoiding further environmental damage during recovery; and (iii) using recovery as an opportunity to strengthen environmental practices. Some of the examples identified in the Country Reports are summarised below.

In **Spain**, the Vega Baja Regeneration Plan aims to use the recovery from the 2019 Cold Drop as an opportunity to move towards a more sustainable and innovative economic model, by increasing environmental standards while promoting growth in sectors such as water quality, clean energy, sustainable transport and housing, green tourism and the circular economy.²⁷⁷ Environmental protection is recognised as a cross-cutting issue in the Plan, while the climate emergency is one of the strategic lines. The Plan identifies many concrete measures to improve environmental protection and waste management such as improving wastewater treatment and its reutilisation for agricultural activities and reducing floating solid waste in wastewater networks.²⁷⁸

In **The Bahamas**, climate and environmental resilience is one of the guiding principles of the Resilient Recovery Policy.²⁷⁹ The Policy identifies the need to implement the following measures during the recovery from Hurricane Dorian: remediate and restore the impacted forest ecosystems of Grand Bahama and Abaco; restore the land and marine environments of Grand Bahama and Abaco; develop a debris management programme; and develop resilient reforestation programs.²⁸⁰ To support these activities, the Department of Environmental Planning and Protection conducted a series of assessments of the environmental impacts of Hurricane Dorian, which served as a baseline for monitoring environmental remediation.²⁸¹

In **Sierra Leone**, environmental protection is addressed as a cross-cutting issue in the Recovery Action Plan developed after the Freetown Landslides.²⁸² For example, key interventions in the infrastructure sector include conducting environmental impact assessments and implementing environmental safeguards.²⁸³ Several of the key interventions in the food security and livelihoods sector promote sustainable land and natural resource management, land conservation and ecosystem rehabilitation, climate smart agriculture, waste management and recycling.²⁸⁴ Additionally, the Landslide Response Framework identified that critical priorities were to physically demarcate and protect disaster prone areas, and to stabilise the slope prior to the next rainy season.²⁸⁵

Although several of the jurisdictions surveyed have post-event recovery plans or policies that address environmental issues, the Country Reports do not identify any jurisdictions where there is a legal requirement to do this. Moreover, none of the jurisdictions surveyed appear to have developed a fast-track environmental impact assessment process for disaster recovery.

An interesting set of legal provisions regarding environmental remediation is found in Brazil, where two major mining disasters — the Mariana dam disaster in November 2015 and the Brumadinho dam disaster in January 2019 — have catalysed significant legal reforms. While these legal reforms mainly aim to reduce the risks posed by mining activities, some of the new provisions are relevant to recovery. At the federal level, dam developers now have a legal obligation to remediate damage to human life, the environment and public and private property in the event of a disaster.²⁸⁶ Additionally, projects for the recovery of areas degraded by accidents or environmental disasters are now among the priority areas for the federal environment fund.²⁸⁷ In the State of Minas Gerais, where both the Mariana and Brumadinho dam disasters occurred, new legislative provisions provide for the environmental licensing process to require dam developers to provide a guarantee of socio-environmental recovery in the event of a disaster.²⁸⁸ At the time the Brazil Country Report was finalised, this provision still needed to be operationalised through an implementing decree. Also as a result of the Brumadinho dam disaster, a government body dedicated to environmental recovery (the Integrated Environmental Recovery Management) has been created and works jointly with the State Institute of Forests and the Minas Gerais Institute of Water Management during the disaster recovery phase.²⁸⁹

In terms of waste management, four of the Country Reports explicitly state that the legal, policy and planning framework for recovery does not address disaster waste management or that there does not appear to be a disaster waste management plan.²⁹⁰ Only two of the Country Reports — Italy and Sierra Leone — identify substantial provisions on waste management. In Italy, the management of waste generated by the 2016 Central Italy Earthquakes was regulated through a series of decrees adopted on an ad hoc basis.²⁹¹ Consistent with Brown and Milke's observation about waiving legislation governing waste management, the decrees derogated from the requirements and procedures in the Environmental Code for classifying waste according to its origin, characteristics and dangerousness.²⁹² However, the Country Report did not analyse whether these derogations created environmental risks or resulted in environmental damage. In Sierra Leone, the Recovery Action Plan developed after the Freetown Landslides addressed the issue of waste management in detail, outlining the key actions that needed to be implemented and identifying the need for a Master Waste Management Plan for Freetown.²⁹³

The Bahamas Country Report identifies that Hurricane Dorian highlighted the need for the country to develop a disaster waste management plan.²⁹⁴ A preliminary assessment by UNDP estimated that Hurricane Dorian generated two million cubic metres of waste in Abaco alone.²⁹⁵ However, no measures were implemented to segregate waste and safely handle hazardous materials on the island.²⁹⁶ Since Hurricane Dorian, the Department of Environmental Health Services has been developing a disaster waste management plan to address all types of waste, including debris removal and hazardous waste.²⁹⁷ Overall, the Country Reports therefore indicate that disaster waste management is a gap in the legal, policy and planning framework for disaster recovery.

Green recovery

Key points

- The environmental damage caused by disasters and the subsequent recovery process can have long-term consequences for the livelihoods, health and disaster resilience of local communities.
- During disaster recovery, it is important to: (a) plan and execute actions to remediate environmental damage caused by the disaster; (b) implement safeguards and monitoring to avoid causing additional environmental damage from recovery activities; and (c) capitalise on recovery as an opportunity to strengthen environmental practices, including by implementing measures to accelerate progress towards reducing emissions.
- The Country Reports identify that several of the jurisdictions surveyed have post-event recovery plans or policies that address environmental issues. However, none of the jurisdictions have a *legal* requirement for post-event recovery plans to address environmental issues. Moreover, few of the jurisdictions have substantial provisions regulating disaster waste management, which is a key cause of environmental damage during recovery.
- The recovery literature identifies that a fast-track environmental impact assessment (EIA) process can be developed in advance of disaster to ensure that environmental protections continue to apply during recovery but do not slow down reconstruction. None of the Country Reports, however, identify examples of fast-track EIA processes.

Recommendations

- Consider introducing legal provisions requiring that pre-event recovery plans and post-event recovery plans address:
 - remediating environmental damage caused by disaster;
 - safeguarding against further environmental damage during recovery; and
 - using recovery as an opportunity to strengthen environmental practices.
- Consider mandating and allocating responsibility to relevant government authorities for the following key tasks:
 - assessing environmental damage caused by disasters;
 - developing and implementing the environmental components of pre-event and post-event recovery plans;
 - ongoing monitoring of the environmental impacts of recovery activities; and
 - developing and implementing a disaster waste management plan.
- Consider using legal instruments to establish a fast-track environmental impact assessment process to ensure environmental protections continue to apply during recovery but do not slow down reconstruction.

7. Protection and inclusion of marginalised and at-risk groups



7.1 Existing IFRC recommendations

Disasters have varying impacts on different groups within society. People that may be disproportionately impacted by disasters (depending on the circumstances) include women and girls, children, older people, people with a disability or chronic illness, migrants, racial and ethnic minorities, indigenous groups, and sexual and gender minorities. These groups may experience higher levels of death, injury, displacement and loss of livelihoods or housing due to disaster. They may also face barriers to accessing assistance (e.g., physical, cultural or linguistic barriers) and be at heightened risk of the various forms of violence, abuse and exploitation that commonly increase during and following a disaster. The aforementioned groups are often collectively referred to as ‘vulnerable groups’, including in previous IFRC Disaster Law reports and guidance documents. However, the term ‘vulnerable groups’ has several shortcomings. The term may be interpreted as implying that vulnerability is inherent to certain people or groups, rather than being a product of external factors such as discrimination and social and economic marginalisation. Equally, the term arguably homogenises the members of vulnerable groups, obscuring the intersectional and context-dependent nature of vulnerability to disaster impacts. For these reasons, this report adopts the term ‘marginalised and at-risk groups’.

One of the main protection risks that typically increases during and after a disaster is the risk of sexual and gender-based violence. The term ‘sexual and gender-based violence’ (SGBV) is a composite term used within the International Red Cross and Red Crescent Movement to refer to two distinct but overlapping phenomena: (i) sexual violence; and (ii) gender-based violence. Sexual violence refers to acts of a sexual nature committed against any person by force, threat of force or coercion. Gender-based violence refers to any harmful act that results in, or is likely to result in, physical, sexual or psychological harm or suffering to a woman, man, girl or boy on the basis of their gender. The types of SGBV that occur during disasters include (but are not limited to) domestic violence, rape and sexual assault, child/early marriage, transactional sex and sex trafficking. SGBV affects women, men, girls and boys. However, women and girls are disproportionately affected due to pre-existing gender inequality. During disasters, child protection risks also usually increase. Child protection risks include (but are not limited to) abduction, trafficking, sale and illegal adoption; exploitation, including child labour; sexual and gender-based violence, including child prostitution and child marriage; physical violence; and neglect.

The IFRC’s DPR Synthesis Report analyses the large body of guidance documents developed by international organisations on the protection and inclusion of marginalised and at-risk groups in humanitarian response. Drawing on these guidance documents, the literature more broadly and insights from a set of 20 country reports, the DPR Synthesis Report provides a set of detailed recommendations about how disaster laws, policies and plans can promote the protection and inclusion of marginalised and at-risk groups in disaster preparedness and response. In general terms, the recommendations emphasise the importance of: prohibiting discrimination; collecting disaggregated data to accurately quantify impacts and needs; ensuring equal access to assistance by removing barriers to access; meeting specific needs; preventing and responding to protection risks; promoting the leadership, representation and participation of marginalised and at-risk groups; and training and sensitisation

for disaster preparedness and response actors. The DPR Synthesis Report recommends the following specific legal and policy measures:

- including a prohibition on discrimination in the main disaster law;
- mandating disaster management authorities and relevant sectoral agencies to prepare disaster contingency plans that address the specific needs of marginalised and at-risk groups and identify modalities for ensuring continuity of essential services for these groups, including by addressing:
 - healthcare and social care for older people and people with disabilities or chronic illness;
 - sexual and reproductive healthcare and menstrual hygiene management for women and girls;
 - nutrition for pregnant and lactating women, children, older people and people with disabilities or chronic illness;
 - education for school-aged children;
 - evacuation assistance for people with disabilities and older people;
 - use of a wide range of communication channels, mediums and languages in disaster preparedness and response activities including warnings;
- mandating government entities responsible for preventing and responding to child protection and SGBV risks to develop disaster contingency plans that address prevention, monitoring and response activities during and after disasters;
- mandating the collection and analysis of sex, age and disability-disaggregated data in risk, vulnerability and needs assessments;
- promoting the participation of, and leadership by, marginalised and at-risk groups in disaster preparedness and response through measures such as:
 - mandating representation in key coordination and decision-making bodies;
 - mandating consultation in relation to the design and implementation of activities;
 - actively recruiting members of these groups to work for disaster management authorities; and
- mandating all government agencies involved in disaster preparedness and response — including sectoral agencies, the military and the police — to participate in training about the specific needs of, and risks faced by, different groups during disasters (including SGBV and child protection risks).²⁹⁸

While the IFRC recommendations listed above were designed for the disaster preparedness and response context, most of them are also relevant to recovery. Indeed, as will be seen in the following subsections, existing guidance documents on disaster recovery also emphasise the importance of these general types of measures. These recovery-specific guidance documents mainly focus on gender and disability, rather than other characteristics. Accordingly, the following sub-sections in this section focus on gender and SGBV ([sub-section 7.2](#)) and disability inclusion ([sub-section 7.3](#)). A final sub-section ([sub-section 7.4](#)) discusses other marginalised and at-risk groups. While there do not appear to be any existing guidance documents specifically addressing how to assist these other groups during recovery, the Country Reports provide some interesting examples of legal and policy measures.

7.2 Gender equality and SGBV prevention and response

There are three key existing guidance documents that specifically address gender and disaster recovery:

- the Guidance Note on Gender Equality and Women's Empowerment in Disaster Recovery developed by the GFDRR (GFDRR Guidance Note on Gender Equality in Recovery);²⁹⁹
- the Gender and Recovery Toolkit: Advancing Gender Equality and Women's Empowerment in Crisis and Recovery Settings developed by UNDP (UNDP Gender and Recovery Toolkit);³⁰⁰ and
- 'Volume B – Gender' of the PDNA Guidelines, which was developed by the GFDRR and focuses on how to integrate gender equality issues into a PDNA process.³⁰¹

The above guidance documents emphasise the gendered impacts of disasters, but also highlight that disaster recovery is an opportunity to redress pre-existing inequalities and empower women.³⁰² The guidance documents emphasise the importance of: collection and assessment of sex, age and disability-disaggregated data during PDNAs; ensuring equal access to recovery resources and assistance; meeting gender-specific needs during recovery; enabling the leadership and participation of women in recovery activities; and preventing and responding to SGBV. There is a large overlap between these recommendations and IFRC's existing recommendations on the protection and inclusion of women and girls in disaster preparedness and response, as discussed in section 7.1 above. This indicates that many of the measures for protecting and including women and girls during the preparedness and response phases remain relevant during recovery.

The guidance documents identified above mainly focus on the 'how to' — that is, the types of practical measures that need to be implemented and how to best implement them. The GFDRR Guidance on Gender Equality in Recovery does, however, discuss integrating gender equality and women's empowerment into recovery policy and planning. The Guidance envisages that, after a disaster, an overarching Recovery Framework and sector-specific Recovery Plans will be developed. It recommends that the Recovery Framework should include gender-related principles to guide relief and reconstruction efforts, as well as objectives, targets, and measures to address gender issues.³⁰³ It also recommends that sector-specific Recovery Plans should include gender-related measures, with a focus on a limited number of strategic and realistic actions that will have the greatest impact.³⁰⁴ Further, the Guidance recommends that a gender sector recovery plan should be developed, identifying key outcomes, outputs, and interventions that relate specifically to addressing gender and which are not included in other sector-specific recovery plans.³⁰⁵

The Country Reports indicate that gender is widely recognised in domestic instruments as a factor in vulnerability to disaster impacts. Several of the jurisdictions surveyed have a disaster law, policy and/or plan that explicitly recognises gender as contributing to vulnerability. In Mozambique, both the 2014 and 2020 DRM Laws recognise women as particularly vulnerable persons who have a right to priority in evacuation and resettlement and a right to protection against abuse.³⁰⁶ In The Bahamas, the Disaster Risk Management Act 2022 identifies that gender is a factor in vulnerability to disaster and that it warrants consideration in the provision of humanitarian assistance.³⁰⁷ In Indonesia, the 2007 Disaster Law recognises pregnant women or nursing mothers as a vulnerable group which should be prioritised in the provision of healthcare and psychosocial services following a disaster.³⁰⁸ In relation to recovery instruments specifically, after the relevant disaster some of the jurisdictions surveyed adopted recovery policies or plans that address gender considerations. For example, The Bahamas' Resilient Recovery Policy, Strategy and Implementation Plan identifies gender responsiveness as a cross-cutting theme,³⁰⁹ while Sierra Leone's Recovery Action Plan integrates gender considerations throughout all sectors to promote gender responsive interventions informed by a rights-based approach.³¹⁰

Although there is widespread recognition of the role of gender in vulnerability to disaster impacts, there are challenges in translating this recognition into concrete action. Since the publication of Volume B of the PDNA Guidelines in 2014, there has been an increase in PDNAs that identify the gender differentiated impacts of disasters, but this recognition is yet to manifest into gender-differentiated needs, policies, interventions, and projects in recovery.³¹¹ This challenge is reflected in the Country Reports, which reveal that recovery policies and plans generally do not contain detailed provisions to redress gendered disaster impacts during recovery. A notable exception is Indonesia, where Regulation Number 13 of 2014 and the Sulawesi Provincial Master Plan for Recovery and Development contain fairly detailed provisions on gender. Regulation Number 13 of 2014 provides that: women and men must actively participate in the planning, implementation, and monitoring of recovery; and the special needs of women and men must be considered in the planning process, as well as the allocation of recovery resources.³¹² The Sulawesi Provincial Master Plan emphasises the importance of ensuring that women are actively involved in planning and executing recovery efforts, and that all efforts are inclusive of the needs of women.³¹³ The Plan identifies the following specific measures: ensuring women have equal access to jobs, finance and vocational training during recovery; ensuring women have an equal say to men in decision making during recovery processes; and strengthening the capacity and effectiveness of humanitarian agencies in protecting women and girls.³¹⁴

In terms of SGBV, the Country Reports indicate that this is an issue that needs to be addressed in significantly more detail in both general DM and recovery-specific instruments. Three of the Country Reports (Brazil, Spain and The Bahamas) explicitly state that the legal, policy and planning framework for disasters does not appear to contain any provisions on, or mention of, SGBV.³¹⁵ The Indonesia Country Report does not report any mention of SGBV in disaster instruments, while the Australia Country Report and the Italy Country Report do not consider this topic. The two remaining countries — Mozambique and Sierra Leone — had fairly detailed planning provisions on SGBV before the relevant disaster, or developed such provisions after the disaster. In Mozambique, gender-based violence (GBV) is identified as a cross-cutting issue in the annual disaster contingency plans for 2019 to 2021.³¹⁶ The plans identify specific actions to be implemented in the recovery phase including: raising awareness of GBV risks in accommodation centres and/or resettlement neighbourhoods; disseminating information about services and safe places for children and women suffering from violence and abuse; and providing psychosocial support to survivors of GBV.³¹⁷ In Sierra Leone, the Recovery Action Plan acknowledges that there has historically been a high prevalence of GBV in the country and identifies measures to address this risk during the recovery from the Freetown Landslides.³¹⁸ These measures include: increasing community and male engagement to support GBV prevention and response; providing comprehensive and multisectoral services for survivors; and strengthening data collection and documentation of GBV cases.³¹⁹

7.3 Disability inclusion

There appears to be only one existing guidance document addressing disability inclusion in disaster recovery: the [Guidance Note on Disability-Inclusive Disaster Recovery](#) developed by the GFDRR in 2020 (GFDRR Guidance Note on Disability-Inclusive Recovery).³²⁰ The Guidance Note states that disability-inclusive recovery is primarily concerned with creating equal opportunities for people with disabilities through the removal of barriers.³²¹ Consistent with the principle of building back better, the Guidance Note emphasises that recovery is an opportunity to create more inclusive and resilient societies.³²² It emphasises the importance of: collecting sex, age, and disability-disaggregated data during PDNAs; collecting data on barriers and accessibility improvements during recovery; enabling the participation of people with disabilities in the planning and design of recovery and reconstruction processes; promoting disability inclusion in mainstream recovery programming; and providing disability-specific interventions

where necessary.³²³ These key actions strongly echo other more general guidelines on disability inclusion, such as the Inter-Agency Standing Committee's Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action and the Humanitarian Inclusion Standards for Older People and People with Disabilities.³²⁴ Equally, they overlap substantially with IFRC's existing recommendations on the protection and inclusion of people with disabilities through laws, policies and plans for disaster preparedness and response.³²⁵ This indicates that many of the general measures for protecting and including people with disabilities during the preparedness and response phases remain relevant during recovery.

In relation to legal and policy instruments, the GFDRR Guidance Note on Disability-Inclusive Recovery states that there are few examples of specific policies addressing disability-inclusive recovery, but there are examples of national disability legislation that address the inclusion of persons with disabilities in disaster risk management and recovery.³²⁶ It further notes that disability-inclusive disaster management policies and strategies lay the foundation for inclusive recovery and reconstruction and the development of an inclusive Disaster Recovery Framework.³²⁷ The Guidance Note does not, however, provide any explicit recommendations on how to integrate disability inclusion into a Disaster Recovery Framework, other recovery instruments, or general DM instruments. In relation to institutional arrangements, the Guidance Note emphasises the importance of identifying and designating an agency with responsibility for coordinating and overseeing disability affairs in recovery and reconstruction and establishing disability focal points across line ministries with responsibility for reporting and communicating between ministries and the disability affairs lead.³²⁸

The Guidance Note acknowledges that some of the recommended practices for disability-inclusive recovery are not widely implemented, noting that data on disability is neither routinely collected in PDNAs nor incorporated into disaster recovery frameworks.³²⁹ Consistent with this observation, the Country Reports reveal that few of the jurisdictions surveyed have enacted detailed provisions on disability inclusion in recovery-specific or general DM laws, policies and plans. While several of the jurisdictions surveyed have laws, policies or plans recognising that people with disabilities may be more vulnerable to the impacts of disasters, this does not appear to manifest into more specific provisions or concrete measures to support people with disabilities.³³⁰ Again, a notable exception is Indonesia, where people with disabilities are identified as a vulnerable group in both the 2007 Disaster Law and the Sulawesi Provincial Master Plan for Recovery and Development.³³¹ The 2007 Disaster Law provides for people with disabilities to be prioritised in the provision of healthcare and psychosocial services following a disaster.³³² The Master Plan identifies the need to: prioritise the reconstruction and rehabilitation of essential services and facilities for people with disabilities; ensure that these facilities are accessible to people with disabilities, and are reconstructed and rehabilitated in a manner that will make them accessible following future disasters; and ensure the participation of people with disabilities in decision making processes.³³³

7.4 Other marginalised and at-risk groups

As stated above, the existing guidance on assisting marginalised and at-risk groups during disaster recovery mainly focuses on women, girls and people with disabilities. There are, however, many other groups that may be disproportionately impacted by disasters and, therefore, require tailored or additional assistance during recovery. The Country Reports reveal examples of recovery plans containing specific measures for protecting and assisting three additional groups: children, indigenous groups and people with chronic illness.

Children: Child protection risks typically increase during disasters, and this may continue during recovery. This necessitates taking steps to ensure continuity of systems for preventing and responding to child protection risks, scaling up or improving those systems where necessary,

and rapidly resuming schooling. Most of the Country Reports do not consider child protection in detail, however two Country Reports (Mozambique and Sierra Leone) identify that this was a serious issue following the relevant disaster which was addressed in post-event recovery plans.³³⁴ The rapid resumption of schooling is a critical measure for reducing child protection risks.³³⁵ The Country Reports reveal that the laws and plans of several of the jurisdictions surveyed (Brazil, Italy, Indonesia, Mozambique and Sierra Leone) have a strong focus on resuming education as soon as possible after an emergency and identify detailed practical measures to achieve this. This topic appears to be addressed either in post-event recovery plans or in dedicated plans. For example, in Mozambique the Ministry of Education and Human Development has adopted a Strategy for Preparedness, Response and Recovery of the Education Sector in Emergency Situations 2020–2029.³³⁶

Indigenous groups: During disasters, indigenous groups may suffer loss or damage to culturally and spiritually significant lands, sites and monuments. They may be excluded from recovery assistance through direct or indirect discrimination, while pre-existing economic marginalisation may reduce their ability to absorb economic losses. Two of the jurisdictions surveyed adopted post-event recovery plans recognising impacts on indigenous groups and identifying measures to address these impacts. In Indonesia, the Sulawesi Provincial Master Plan for Recovery and Development notes that there are fifteen indigenous groups in Central Sulawesi, who were affected by the 2018 Earthquake and Tsunami through not only losing members of the group, but also from loss or damage to historically and culturally significant land and monuments.³³⁷ The Master Plan identifies the need to: (i) rehabilitate and/or reconstruct damaged historical monuments; and (ii) include indigenous group members in identifying and planning resettlement locations.³³⁸ In the Australian State of Victoria, the State Recovery Plan for the Black Summer Bushfires identifies ‘aboriginal culture and healing’ as one of five lines of recovery.³³⁹ Key actions listed under this line of recovery include (but are not limited to): enabling Traditional Owners to participate in the assessment, rehabilitation and ongoing management of land that was impacted by the fires; providing tailored psychosocial support; and providing targeted recovery support for Aboriginal businesses.³⁴⁰

People with a chronic illness: During disasters, people with a pre-existing chronic illness may experience a disruption to their treatment, with adverse health consequences. This may persist during the recovery phase, especially if health infrastructure and systems have been severely damaged. People with a pre-existing chronic illness may also experience an exacerbation of their symptoms. Two of the Country Reports (Mozambique and Sierra Leone) specifically identify the particular vulnerability of people living with HIV following the relevant disaster. In Sierra Leone, the Recovery Action Plan developed after the Freetown Landslides identified that there was significant disruption in access to anti-retroviral treatment and an increase in living conditions that were especially dangerous for those with a weakened immune system.³⁴¹ The Plan identifies a detailed set of measures to address these issues. In Mozambique, people living with HIV were identified as a vulnerable group in the PDNA and in the Disaster Recovery Framework developed after Cyclones Idai and Kenneth.³⁴² However, none of the applicable instruments identified specific measures to assist this group.

Notwithstanding the above positive examples, the Country Reports indicate that general DM laws and recovery-specific instruments do not address several other groups which may require special protection and assistance. This includes migrants, racial and ethnic minorities, and sexual and gender minorities. Surprisingly, although general DM laws often identify older people as needing special protection and assistance, this does not appear to have been reflected in recovery plans in any of the jurisdictions surveyed. It is reasonable to infer that many of the general measures identified in the preceding sections — collecting disaggregated data, ensuring equal access to assistance by removing

barriers to access, meeting specific needs, preventing and responding to protection risks, and enabling leadership and participation — are also relevant to other marginalised and at-risk groups. However, it would be beneficial to conduct further research to identify how laws, policies and plans can promote the protection and inclusion of older people, migrants, racial and ethnic minorities, and sexual and gender minorities in disaster recovery.

Migrants are discussed in some detail in The Bahamas Report, which identifies that Haitian migrants experienced a higher level of displacement from Hurricane Dorian due to the fact that many of them were living in informal settlements in high-risk areas.³⁴³ Haitian migrants were also reluctant to seek assistance due to fears of discrimination or deportation.³⁴⁴ These fears were ultimately well founded, with 112 Haitians being deported a little over a month after Hurricane Dorian following document checks implemented for people returning to Abaco (one of the worst affected islands).³⁴⁵ As discussed in the DPR Synthesis Report, migrants may experience direct or indirect discrimination in accessing recovery assistance, as well as cultural or language barriers.³⁴⁶ Migrants with an irregular status, in particular, may be ineligible to receive government services or may be fearful of engaging with government services.³⁴⁷ Migrants may also experience pre-existing economic marginalisation which manifests in vulnerable housing and livelihoods which are disproportionately impacted by disaster.³⁴⁸ In light of the foregoing, the protection of migrants should specifically be addressed in general DM laws and recovery-specific instruments.

In addition to the specific measures discussed in this section, a more general measure is to review existing disaster recovery assistance programs to identify whether they are equitable, in the sense of providing the greatest support to those with the greatest needs. An interesting example is found in the United States, where the Federal Emergency Management Agency (FEMA) has recently reviewed and updated many of its response, recovery and resilience programs to promote equity. Academic research and FEMA's own analysis have identified that, historically, FEMA's disaster recovery assistance has not been equitably distributed, with low-income disaster survivors and those from underserved communities receiving less assistance.³⁴⁹ In January 2021, President Joe Biden issued an Executive Order requiring federal agencies to assess equity with respect to race, ethnicity, religion, income, geography, gender identity, sexual orientation and disability.³⁵⁰ Subsequently, FEMA has announced that Goal 1 under its 2022–2026 Strategic Plan is to instill equity as a foundation of emergency management.³⁵¹ FEMA's recent initiatives to promote equity have included expanding eligibility criteria for several recovery programs, such as expanding home repair assistance to include people with disaster-caused disabilities.³⁵² FEMA has also made changes to make it easier for people to prove their eligibility for assistance, given that certain evidentiary requirements tend to disproportionately exclude underserved groups, who are less likely to have formal land title documents and other official documents proving ownership or residency.³⁵³ Changes in this area include accepting a broader range of documentation, automated public records verification, and creating physical document drop off centres.³⁵⁴ Other key measures include prioritising casework and evaluation for vulnerable populations and targeting certain assistance towards people with low incomes.³⁵⁵

Key points

- Disasters have varying impacts on different groups within society. People that *may* be disproportionately impacted by disasters (depending on the circumstances) include women and girls, children, older people, people with a disability or chronic illness, migrants, racial and ethnic minorities, indigenous groups, and sexual and gender minorities.
- It is relatively common for disaster laws, policies and/or plans to recognise women and girls, people with disabilities, children or older people as vulnerable to disasters and in need of special protection or assistance. In general, however, this does not always translate into specific policy and planning provisions to provide tailored or additional assistance to these groups during recovery.
- Several other groups which may require special protection and assistance — including (but not limited to) migrants, racial and ethnic minorities, and sexual and gender minorities — are rarely mentioned in either general disaster instruments or recovery-specific instruments.
- Moreover, the existing body of guidance on disaster recovery mainly focuses on gender and disability inclusion, rather than other dimensions of an inclusive and equitable recovery.
- Measures to promote gender and disability inclusion are also highly relevant to many other groups. These measures include: collecting disaggregated data; ensuring equal access to assistance by removing barriers to access; meeting specific needs; preventing and responding to protection risks; and promoting leadership and participation.

Recommendations

- Consider including a prohibition on discrimination in the main disaster law.
- Consider mandating the collection and analysis of sex, age and disability-disaggregated data in post-disaster needs assessments and in relation to participation in recovery assistance programs. Consider other potential characteristics for disaggregation as appropriate in the local context.
- Consider reviewing existing recovery assistance programs to identify whether they are equitable, in the sense of providing the greatest support to those with the greatest needs. Consider improving equity through measures such as:
 - expanding eligibility criteria;
 - making it easier for applicants to prove their eligibility (e.g., by accepting a wider range of documentation as proof of residency or property ownership);
 - targeting assistance to low-income households (e.g., through means testing) or uninsured/underinsured households; and/or
 - priority access to assistance for marginalised and at-risk groups.
- Consider mandating that pre-event recovery plans and post-event recovery plans address the specific needs of marginalised and at-risk groups including how recovery actors will:
 - provide continuity of essential services (e.g., health care, social care);
 - adapt general assistance measures to make them appropriate and accessible (e.g., by removing physical, cultural or linguistic barriers); and
 - provide tailored or additional assistance where necessary to address needs that differ from, or are greater than, those of the general population.
- Consider mandating the government authorities responsible for preventing and responding to child protection risks and SGBV risks to develop contingency plans addressing continuity of key services during and following disasters, including arrangements for scaling up services to meet increased need.

- Consider mandating educational authorities to develop contingency plans to address continuity of education during and after disasters, including interim modalities for providing education when lengthy repairs and reconstruction of schools are required.
- Consider mandating government agencies involved in disaster recovery to participate in training about the specific needs of, and risks faced by, different groups during and after disasters.
- Consider promoting the participation of, and leadership by, marginalised and at-risk groups in disaster recovery through measures such as:
 - including representatives in key coordination and decision-making bodies;
 - mandating consultation in relation to the design and implementation of recovery activities; and
 - actively recruiting members of these groups to work for disaster management authorities.

8. Internal disaster displacement



Disaster displacement refers to people being “forced to or obliged to leave their homes or places of habitual residence as a result of a disaster or in order to avoid the impact of an immediate and foreseeable natural hazard”.³⁵⁶ The analysis in this section focuses specifically on internal disaster displacement. In 2022, there were 32.6 million internal displacements worldwide associated with disasters, triggered mostly by weather-related hazards such as floods and storms; this figure does not fully capture displacements triggered by slow onset hazards such as riverbank and coastal erosion or glacier melt.³⁵⁷ It should be noted that disaster and climate displacement overlap — to the extent that disaster displacement is caused by climate change-induced exacerbations of hydrometeorological hazards, it can also be classified as climate displacement. Managing disaster displacement has four key components: (i) implementing measures to reduce displacement risk; (ii) preparing to respond to unavoidable displacement; (iii) responding to displacement when it occurs by assisting and protecting displaced people; and (iv) finding durable solutions to displacement. This section focuses on the third and fourth components. While the third component may be perceived as part of disaster response, it is discussed in this section because it often needs to continue well into the recovery phase, lasting until durable solutions are found.

The most widely recognised international standards on internal displacement are the Guiding Principles on Internal Displacement, which were adopted by the United Nations Commission on Human Rights in 1998.³⁵⁸ The Guiding Principles address protecting people from arbitrary displacement and protecting and assisting people both during displacement and during their return or resettlement and reintegration.³⁵⁹ The Guiding Principles apply to all types of internal displacement, including displacement caused by armed conflict, situations of generalised violence, violations of human rights or disasters.³⁶⁰ They adopt a rights-based approach which stresses internally displaced persons’ (IDPs) rights to (amongst other things): life, dignity, liberty and security; liberty of movement; and freedom to choose his or her residence. The Guiding Principles provide that IDPs have the right to an adequate standard of living which, in practical terms, requires domestic authorities to provide essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation.³⁶¹ In relation to return, resettlement and reintegration (i.e., what is now widely referred to as ‘durable solutions’), the Guiding Principles provide that domestic authorities are responsible for establishing the conditions and providing the means to enable return or resettlement, and that they should also facilitate the reintegration of returned or resettled IDPs.³⁶² They further provide that special efforts should be made to ensure that IDPs fully participate in the planning and management of their return or resettlement and reintegration.³⁶³

Several international guidance documents have been developed to address the practical dimensions of managing internal displacement, some of which address specific components or specific contexts. In terms of responding to disaster displacement, a key reference document is the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (commonly known as the Nansen Protection Agenda). Notwithstanding its title, the Nansen Protection Agenda contains some recommendations for responding to internal disaster displacement. It recommends ensuring that domestic legislation or policies on internal displacement apply to people displaced in disaster contexts and contain specific and adequate provisions addressing all stages of displacement.³⁶⁴ It also recommends that humanitarian response plans should address protection and assistance for internally disaster-displaced people, including by clarifying the roles and responsibilities of relevant actors.³⁶⁵

As the Nansen Protection Agenda identifies, it is important to integrate displacement into response plans. However, as responding to displacement often continues well into the recovery phase, displacement should also be mainstreamed into recovery plans. Importantly, recovery planning needs to address protection and assistance for people who remain displaced after the initial emergency period, including both those who are able to find a durable solution within a relatively short period and those whose displacement becomes protracted. In concrete terms, this requires detailed planning: (a) to provide emergency shelter and other assistance beyond the initial emergency period (e.g., by keeping emergency shelters operational or providing other emergency accommodation); and (b) to provide transitional or interim arrangements to allow people experiencing protracted displacement to resume their lives, rather than being in limbo or an extended emergency state. Transitional arrangements should replicate normal living conditions to the greatest extent possible. To provide an example, in the case of displaced people who are waiting for lengthy home repairs or reconstruction to be completed, housing assistance may involve supporting them to move from emergency shelters into rental accommodation in their hometown, or to live in modular buildings erected on or near their land. Importantly, assistance should not be limited to shelter or housing, but should encompass the other elements necessary to achieve an adequate standard of living (i.e., food and potable water, appropriate clothing, essential medical services, education etc.). The exact types of assistance required will vary depending on the context and should, therefore, be planned on the basis of potential displacement scenarios, as identified through disaster risk assessments and past experience. In addition to the foregoing, recovery plans should also address durable solutions to displacement.

The [IASC Framework on Durable Solutions for Internally Displaced Persons](#) is a key point of reference on the topic of durable solutions. The IASC Framework identifies that “[a] durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement”.³⁶⁶ It notes that this can be achieved in three ways: (i) sustainable reintegration at the place of origin (i.e., return); sustainable local integration in areas where IDPs have taken refuge; or (iii) sustainable integration in another part of the country (i.e., resettlement).³⁶⁷ The IASC Framework states that IDPs should be the primary actors in the search for durable solutions and that their right to make an informed and voluntary decision on what durable solution to pursue must be respected.³⁶⁸ Once IDPs have made a decision, national authorities have the primary responsibility for enabling the durable solution to be achieved.³⁶⁹ The IASC Framework does not provide detailed guidance on domestic law and policy. It simply states that the “necessary legal and/or policy frameworks” must be in place to secure the rights of IDPs, establish effective government structures to coordinate the national and local response, facilitate provision of humanitarian and development assistance, and ensure adequate funding.³⁷⁰ A common approach is to address these matters through a dedicated law and/or policy on internal displacement. However, it is also important for recovery instruments to address durable solutions to internal disaster displacement. Recovery plans should identify which actors are responsible for assisting displaced people to find and implement durable solutions to their displacement, their respective roles and responsibilities, and how they coordinate with one another.

In some circumstances, planned relocation can be a durable solution to internal disaster displacement. Planned relocation may also be implemented in *anticipation* of disasters and environmental change, in some cases as a strategy for adapting to climate change.³⁷¹ The [Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation](#) (the Planned Relocation Guidance) is a key reference document on this topic. Like the IASC Framework, the Planned Relocation Guidance adopts a human rights-based approach, promotes the agency and central role of affected persons, identifies that relocation is a measure of last resort, emphasises the importance of enabling affected persons to actively participate in decision-making, and underlines the need to restore livelihoods and standards of living in the new location. These recommendations reflect the fact that, in order to succeed,

relocation needs to be much more than ‘a new house in a safe place’; it needs to provide the relocated community with the means to rebuild their lives through access to livelihoods, public services and social networks.³⁷² The Planned Relocation Guidance recommends that states should adopt a comprehensive legal and policy framework for undertaking planned relocation that is consistent with international law and provides detailed guidance on the key components of this framework.³⁷³ This report concurs with this recommendation, noting that the complexity of planned relocation warrants a dedicated legal and policy framework.

The Country Reports reveal that disaster displacement is generally not addressed in detail in the DM or recovery-specific laws, policies and plans of the jurisdictions surveyed. Additionally, few of the jurisdictions surveyed have a dedicated legal or policy instrument governing internal displacement. The Country Reports do, however, contain a few notable examples of legal and policy provisions addressing internal disaster displacement. In Italy, a series of ordinances were issued to respond to the displacement caused by the Central Italy Earthquakes. A housing allowance of up to 600 Euros per month per family unit was provided from the date of the evacuation and was available until return was possible or other stable accommodation was found.³⁷⁴ In addition, temporary modular housing structures were provided to enable people to remain in their communities after evacuation centres had closed but reconstruction was ongoing.³⁷⁵ This was made possible by pre-existing framework agreements between the Civil Protection Department, national and subnational administrations and suppliers for the prompt provision of emergency housing solutions.³⁷⁶ Another notable example is Mozambique which, in 2021, adopted a Policy and Strategy for the Management of Internal Displacement. One of the pillars of the Policy is reconstruction and recovery. Under this pillar, actions must be implemented that will guarantee displaced people a safe return to their area of origin or, alternatively, integration in the reception area.³⁷⁷ While the Policy represents a progressive framework for managing internal displacement, finding durable solutions to internal displacement remains a challenge in Mozambique. This is, in part, due to the overlap in the response and recovery from successive cyclones, with new cyclones occurring while recovery from previous cyclones is ongoing, giving rise to new displacement.³⁷⁸ In addition to the foregoing, it should be noted that the laws, policies and/or plans of three of the jurisdictions surveyed refer to using relocation as a way to reduce future exposure to disaster risk.³⁷⁹ However, these provisions are high level and do not provide concrete information about the circumstances in which relocation will occur or how it will be implemented.

Overall, the Country Reports reveal that internal disaster displacement needs to be addressed in significantly more detail in domestic legal and policy instruments, including recovery instruments. A key action to be implemented at the domestic level is to develop (or update) dedicated laws and/or policies on internal displacement and planned relocation. Additionally, it is critical to mainstream displacement into general DM instruments and recovery-specific instruments. The box below provides more detailed recommendations on how domestic instruments can support effective management of disaster displacement during the recovery process.

Key points

- Managing disaster displacement has four key components: (i) implementing measures to reduce displacement risk; (ii) preparing to respond to unavoidable displacement; (iii) responding to displacement when it occurs by assisting and protecting displaced people; and (iv) finding durable solutions to displacement, whether in the form of return, local integration or resettlement. The third and fourth components coincide with disaster recovery.
- There are many international standards and guidance documents relevant to managing internal disaster displacement. This includes the Guiding Principles on Internal Displacement, the Nansen Protection Agenda, the IASC Framework on Durable Solutions to Disaster Displacement and the Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation.
- The Country Reports reveal that disaster displacement is generally not addressed in detail in the general DM or recovery-specific laws, policies and plans of the jurisdictions surveyed. Internal disaster displacement could, therefore, be addressed in significantly more detail in domestic instruments.
- A key action to be implemented at the domestic level is to develop (or update) dedicated laws and/or policies on internal displacement and planned relocation. It is also critical to mainstream displacement into general DM instruments and recovery-specific instruments.

Recommendations

- Consider developing (or updating) a dedicated law and/or policy on internal displacement, having regard to applicable international standards and guidelines including the Guiding Principles on Internal Displacement and the IASC Framework on Durable Solutions to Disaster Displacement. Ensure that the law and/or policy applies to people displaced by disasters.
- Consider developing (or updating) a dedicated policy on planned relocation which addresses relocations driven by disasters and climate change. In doing so, consider the Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation.
- Consider mainstreaming displacement into general disaster instruments and recovery-specific instruments. As part of this, consider introducing a legal requirement for recovery plans to address displacement, including:
 - protecting and assisting people who remain displaced after the initial emergency period; and
 - supporting displaced people to find durable solutions to disaster displacement, whether in the form of return, local integration or resettlement.
- When developing the displacement sections of recovery plans, consider:
 - using potential displacement scenarios, as identified through disaster risk assessments and past experience, to identify the types of protection and assistance that will likely be needed;
 - outlining in detail the roles and responsibilities of relevant actors across a broad range of sectors and how they will coordinate with one another;
 - identifying mechanisms for displaced people to meaningfully participate in decision-making about measures to protect and assist them;
 - ensuring that planned actions accord with the right of displaced people to choose which durable solution(s) to pursue; and
 - in relation to protracted displacement specifically, identifying interim or transitional measures to replicate normal living conditions to the greatest extent possible until a durable solution is found.

9. Mental health and psychosocial support



During and following a disaster, it is essential to provide both mental health services and psychosocial support to affected communities. This is recognised by the Sendai Framework, which identifies that one of the actions to be implemented at national and local levels to build back better after disasters is “[t]o enhance recovery schemes to provide psychosocial support and mental health services for all people in need”.³⁸⁰ The term mental health services generally refers to clinical services provided by professionals with the aim of diagnosing and treating mental disorders. Psychosocial support is a broad concept which encompasses various non-clinical services designed to meet the overlapping psychological and social needs of individuals, families and communities. In the context of an emergency, psychosocial support can include (amongst other things) psychological first aid, support groups, education about normal reactions to stressful events and coping mechanisms, creating child-friendly spaces, and supporting the continuation of community social and cultural life. The composite term “mental health and psychosocial support” (MHPSS) is widely used in the humanitarian sector to refer jointly to mental health services and psychosocial support, reflecting the complementary and interconnected nature of these types of interventions.

The Inter-Agency Standing Committee’s Guideline on Mental Health and Psychosocial Support in Emergency Settings (the IASC MHPSS Guideline) reflect the insights of numerous agencies and practitioners worldwide and are widely recognised as an authoritative source on best practice for MHPSS in emergencies.³⁸¹ A central concept of the IASC MHPSS Guideline is a pyramid model, which represents “a layered system of complementary supports that meets the needs of different groups”.³⁸² The pyramid model, depicted in the diagram below, reflects the insight that restoring basic services and security and providing adequate psychosocial support are foundational to the mental health and psychosocial well-being of an emergency-affected population. The MHPSS pyramid has four layers of intervention, with the bottom level being required by the entire emergency-affected population and each subsequent layer being required by a progressively smaller segment of the population.

- At the bottom of the pyramid is basic services and security, which refers to promoting the well-being of all people by (re)establishing security, adequate governance and services that address basic physical needs (i.e., food, shelter, water, basic health care).³⁸³
- The second layer of the pyramid is community and family supports, which encompasses a broad range of activities that facilitate the role of family and community networks and activities in enhancing individual mental health and psychosocial wellbeing. Some examples of activities in this category include family tracing and reunification, assisted mourning and communal healing ceremonies, mass communication on constructive coping methods, and the activation of social networks.³⁸⁴
- The third layer of the pyramid is focused, non-specialised supports. This encompasses more focused individual, family or group interventions. This includes basic mental health care by primary health care workers but also psychological first aid and other interventions delivered by non-health specialists.³⁸⁵
- The fourth and final layer of the pyramid is specialised services, which refers to psychological or psychiatric supports for people with mental health disorders whose needs exceed the capacities of existing primary/general health services.³⁸⁶

Implementing interventions at lower levels of the pyramid can reduce the need for interventions at higher levels by alleviating distress and preventing it from progressing into a diagnosable mental health

disorder. Indeed, for many people impacted by disasters, timely lower-level interventions can be an appropriate and effective way to support their mental health and psychosocial wellbeing. For example, while protracted loss of housing can have serious mental health impacts, rapidly restoring housing can reduce these impacts, thus reducing the need for higher-level interventions. Likewise, facilitating family and community supports — for example, through family reunification and resumption of community social life — can alleviate distress and promote mental and psychosocial wellbeing by providing social connection, restoring a sense of normalcy, and rebuilding a feeling of community and connectedness to place. In addition to the foregoing, it is important to note that service providers delivering interventions at lower levels of the pyramid can play an important role in identifying and referring people who require higher-level interventions. For example, providers operating at the bottom layers of the pyramid can identify people who are experiencing acute reactions or resorting to harmful coping mechanisms after a disaster and refer them to specialised supports.³⁸⁷



Intervention pyramid for MHPSS in emergencies, reproduced from the IASC MHPSS Guidelines

The stepped-care model of mental health support, which is sometimes referred to as matched-care, is closely related to the MHPSS pyramid model.³⁸⁸ Like the MHPSS pyramid model, the stepped-care model is a hierarchy of interventions that begins with the least intensive and most widely needed interventions, with subsequent steps representing increasingly intensive and targeted interventions that are generally required by fewer people. Whereas the MHPSS pyramid model has a systemic approach focused on how to structure and coordinate MHPSS for emergency-affected populations, the stepped-care model is more centred on the individual. The stepped-care model comprises three steps. Level 1 comprises information provision and basic support, such as psychological first aid.³⁸⁹ At its core, psychological first aid entails providing humane and compassionate support to a person affected by a traumatic event. Psychological first aid is not a set of pre-determined actions. Instead, it entails listening carefully to the needs of affected people and linking them with the information and practical support they need, with an emphasis on interacting with them in a way that instils hope and promotes feelings of safety, calmness, connectedness and self-efficacy.³⁹⁰ Psychological first aid does not involve directly encouraging people to talk about their experiences of disaster, although it does involve listening to people if they wish to do so.

Level 2 comprises more targeted and structured interventions designed to assist people to navigate common difficulties following an emergency or other traumatic event.³⁹¹ These interventions are appropriate for situations where psychological first aid is not sufficient, but the individual does not have a diagnosable mental health disorder. That is, they are appropriate for treating sub-clinical mental

health impacts and aim to decrease the likelihood that the individual will go on to develop a diagnosable mental health disorder. There are several programs that may be implemented as Level 2 interventions, including:

- PM+ (Problem management plus), which was developed by the World Health Organization;³⁹²
- Skills for Psychological Recovery, which was developed by the National Center for PTSD and the National Child Traumatic Stress Network in the US;³⁹³ and
- SOLAR (Skills fOr Life Adjustment and Resilience), which was developed through an international collaboration between disaster and mental health experts led by Phoenix Australia – Centre for Posttraumatic Mental Health at the University of Melbourne.³⁹⁴

Level 3 comprises evidence-based interventions targeting mental health disorders, including trauma-focused therapies designed to treat posttraumatic stress disorder (PTSD), which are delivered by mental health professionals.³⁹⁵

In terms of how the MHPSS pyramid model and the stepped-care model relate to one another, the three steps in the stepped-care model map onto the top two layers of the MHPSS pyramid (i.e., specialised services and focused, non-specialised supports). An important point to note regarding both the IASC pyramid model and the stepped-care model is that they emphasise the importance of lower-level interventions that do not need to be provided by mental health professionals. For example, Levels 1 and 2 in the stepped-care model may be delivered by other health practitioners and even by lay people with adequate training and supervision. This is critically important because it permits task shifting, a term which refers to allowing people who do not normally have competencies for specific services to deliver those services.³⁹⁶ Task shifting can be used as a mechanism to increase access to health care in situations where demand outstrips supply, including in emergency settings and in strained healthcare systems.

The literature on MHPSS for disaster-affected populations emphasises that MHPSS is required for many years after a disaster.³⁹⁷ The impacts of disasters on mental health and psychosocial wellbeing can be long lasting and may emerge or be exacerbated during the years after a disaster, in some cases due to the cumulative impact of subsequent disasters or additional stressors. An Australian longitudinal study on the effect of bushfire exposure on mental health and psychosocial wellbeing found that five and ten years after bushfire exposure, 22% of study participants from high impact communities reported symptoms consistent with a diagnosable mental health disorder including post-traumatic stress disorder (PTSD) and depression.³⁹⁸ This was more than twice as high as participants from low impact communities.³⁹⁹ Among those who had moderate to high levels of bushfire exposure, many of those who did not quite meet the threshold of a diagnosable condition still experienced difficulties with adjustment over the 10 years following the fires,⁴⁰⁰ indicating the prevalence of sub-clinical mental health impacts. The study recommends that governments undertake staged, 5-year recovery planning for major disasters to address extended mental health impacts and to support short and long-term recovery, resilience and community connectedness.⁴⁰¹

While the literature emphasises that disasters can have significant and long-lasting impacts on mental health and psychosocial wellbeing, it equally highlights that disasters can present opportunities for growth. At the individual level, disaster-affected people may experience post-traumatic *growth* through, for example, strengthening relationships and making new social connections, developing new skills or rediscovering old skills, developing an enhanced sense of personal strength, and gaining an increased appreciation for life.⁴⁰² At the systems level, the recovery process can also be an opportunity to strengthen mental health systems. A World Health Organization report entitled Building Back Better: Sustainable Mental Health Care after Emergencies includes a review of 10 countries (Afghanistan, Burundi, Indonesia (Aceh), Iraq, Jordan, Kosovo, Somalia, Sri Lanka, Timor-Leste and West Bank and Gaza Strip)

that were able to build better-quality and more sustainable mental health systems following emergencies.⁴⁰³ The report identifies key actions and factors which supported the strengthening of the countries' mental health systems. These included reviewing and revising national policies and plans and ensuring coordination between agencies.⁴⁰⁴

While there is a significant body of literature on best practice for delivering MHPSS interventions to disaster-affected populations, there is limited literature analysing how legal, policy and planning instruments can play a supporting role in this domain. The Guidance Note on Health Sector Recovery, developed by the GFDRR provides general recommendations for health sector recovery, which are relevant to MHPSS.⁴⁰⁵ The Guidance Note identifies the importance of using legislation, plans or a leadership framework to establish coordination mechanisms, roles and responsibilities for the health sector in disaster recovery, and notes that this should ideally be done in advance of disaster.⁴⁰⁶ It also identifies the need to develop a health sector recovery plan *after* a disaster in coordination with wider recovery planning.⁴⁰⁷ The Guidance Note views the recovery process as an opportunity to strengthen the health sector, including by reviewing and strengthening relevant legal and policy instruments. In this regard, it specifically refers to reviewing national mental health policies to ensure they reflect post-disaster needs.⁴⁰⁸ The IASC MHPSS Guideline also contains recommendations relevant to law and policy. It contains a set of Action Sheets which, amongst other things, identify the importance of: developing a MHPSS plan; establishing an intersectoral coordination mechanism for MHPSS; and creating monitoring and evaluation systems that enable community participation.⁴⁰⁹ The Action Sheets also provide detailed, substantive guidance on how to deliver MHPSS in emergency settings, which can serve as a reference for governments that are developing policies and plans relating to MHPSS in disaster response and recovery.

While providing MHPSS is critical to the recovery of disaster-affected populations, the Country Reports indicate that MHPSS is a key gap in legal, policy and planning frameworks for recovery. The Country Reports reveal that, in most of the jurisdictions surveyed, the legal, policy and planning framework for recovery contains limited or no provisions on MHPSS.⁴¹⁰ There are, however, some notable examples of jurisdictions that do have provisions on MHPSS in the disaster recovery context.

In **Indonesia**, the 2007 Disaster Law defines “rehabilitation” to include psychosocial recovery and refers to the provision of counselling services and the elimination of community disaster trauma.⁴¹¹ Regulation Number 21 of 2008 expands on the concept of psychosocial recovery, stating that it involves providing assistance to disaster-affected communities to bring their social and psychological lives back to pre-disaster conditions.⁴¹² The Provincial Master Plan for Recovery and Development, developed after the Sulawesi earthquake and tsunami, recognises the adverse impacts on community psychology and contemplates the provision of psychological support to individuals suffering from disaster-related trauma.⁴¹³

In the **Australian State of Victoria**, there is a dedicated policy entitled Psychosocial Support: A Framework for Emergencies, which is based on the IASC pyramid model.⁴¹⁴ Further, the State Emergency Relief and Recovery Plan (SERRP) in force at the time of the Black Summer Bushfires identified “psychosocial support” as *both* a relief and recovery activity, stating that this includes psychological first aid, emotional and spiritual care, case management, counselling and mental health services, community information sessions and community engagement.⁴¹⁵ The Plan specified that psychosocial support is led by municipal councils with support from the Australian Red Cross (ARC) and the Victorian Council of Churches' Emergency Ministry (VCC-EM).⁴¹⁶ It further stated that, where municipal councils could not meet demand, a request for support could be escalated to the state government.⁴¹⁷

Interestingly, five of the Country Reports highlight that, even where MHPSS was not addressed in detail in the recovery framework, it was one of the main recovery services provided by the National Red Cross or

Red Crescent Society. For example, in Spain, the national and provincial recovery framework — including the post-event recovery plan for the 2019 Cold Drop — contain very limited provisions on MHPSS in recovery. However, this was a major focus for the Spanish Red Cross, which provided psychosocial support to more than 300 affected households through face-to-face support and a dedicated phone line.⁴¹⁸ MHPSS was also one of the key activities implemented by the Australian Red Cross, Mozambique Red Cross Society, Sierra Leone Red Cross Society and The Bahamas Red Cross Society.

Overall, the findings of the Country Reports indicate that MHPSS is an element of recovery that needs to be addressed in more detail in legal, policy and planning instruments. This may be supported through legal provisions that require pre-event and post-event recovery plans to address MHPSS by: outlining the MHPSS interventions that will be implemented; allocating clear roles and responsibilities for those interventions to relevant government and non-government actors; and establishing coordination mechanisms for actors involved in delivering MHPSS. A dedicated policy on MHPSS in disasters may also play an important role by outlining a clear vision and objectives, which can then guide the development and implementation of the MHPSS components of recovery plans. Legal, policy and planning provisions should address not only clinical mental health services but also a broad range of lower-level MHPSS interventions, consistent with the IASC pyramid model and the stepped-care model. This is because investing in lower-level interventions can prevent sub-clinical distress from progressing into a diagnosable mental health disorder, while also permitting task shifting. Lower-level interventions should include not only psychological first aid and programs such as SOLAR, but also activities designed to facilitate community and family supports, which are essential to psychosocial wellbeing.

Mental health and psychosocial support (MHPSS)

Key points

- The literature on the mental health and wellbeing of disaster-affected populations emphasises that MHPSS is generally required for many years after a disaster. This is because the impacts of disasters on mental health and psychosocial wellbeing can be long lasting and may emerge or be exacerbated during the years after a disaster, in some cases due to the cumulative impact of subsequent disasters or additional stressors.
- The literature emphasises the importance of not only providing clinical mental health services, but also implementing a broad range of non-clinical, psychosocial interventions. This includes:
 - providing basic services and security (i.e., food, shelter, water, basic healthcare);
 - facilitating community and family supports (e.g., through family reunification, activating social networks, resuming community cultural and religious life); and
 - psychological first aid and targeted programs to assist people to navigate common difficulties experienced after an emergency or other traumatic event.
- Investing in these types of lower-level interventions is critical for addressing sub-clinical distress and preventing it from progressing into a diagnosable mental health disorder. It also has potential to alleviate strain on mental health systems through task shifting because lower-level interventions can be delivered by non-mental health professionals and even by lay people who receive adequate training and supervision.
- The Country Reports indicate that MHPSS is a key gap in legal, policy and planning frameworks for recovery. In most of the jurisdictions surveyed, there are limited or no provisions on MHPSS. Overall, MHPSS is an element of recovery that needs to be addressed in much more detail in legal, policy and planning instruments.

Recommendations

- Consider developing a dedicated policy on MHPSS in disasters which addresses not only clinical mental health services but also a broad range of non-clinical, psychosocial interventions including: providing basic services and security; facilitating community and family supports; psychological first aid; and targeted programs to assist people to navigate common difficulties experienced after an emergency (e.g., SOLAR, PM+).
- Consider introducing legal provisions requiring pre-event recovery plans and post-event recovery plans to:
 - identify the MHPSS interventions that will be implemented over the short, medium and long term to support the mental health and psychosocial wellbeing of the affected population;
 - allocate clear roles and responsibilities for those interventions to all relevant government and non-government actors; and
 - establish coordination mechanisms for actors involved in delivering MHPSS, including ongoing coordination mechanisms to support long-term MHPSS.
- When developing policies and plans that address MHPSS in disasters, consider the guidance provided by the [IASC MHPSS Guideline](#).
- Following a disaster, consider reviewing laws, policies and plans relating to MHPSS to identify opportunities to strengthen the mental health system during the recovery process, and to ascertain whether existing systems are adequate to meet the needs of the disaster-affected population.

ENDNOTES

- 1 See IFRC, 'International Conference of the Red Cross and Red Crescent' <<https://disasterlaw.ifrc.org/international-conference>>.
- 2 IFRC, 'Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance' (version re-issued in 2017 with foreword from then IFRC Secretary General Elhadj As Sy) <<https://disasterlaw.ifrc.org/sites/default/files/media/disaster-law/2020-09/1205600-IDRL-Guidelines-EN-LR.pdf>>.
- 3 30th International Conference of the Red Cross and Red Crescent, 'Resolution 4 – Adoption of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance' (Geneva, November 2007)
- 4 IFRC, 'Law and Legal Issues in International Disaster Response: A Desk Study' (2007) <<https://disasterlaw.ifrc.org/sites/default/files/media/disaster-law/2020-08/113600-idrl-deskstudy-en.pdf>>.
- 5 IFRC, 'The Checklist on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance' (November 2017) <<https://disasterlaw.ifrc.org/media/1325>>.
- 6 IFRC, UN OCHA and Inter-Parliamentary Union, 'Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (With Commentary)' (March 2013) <<https://disasterlaw.ifrc.org/sites/default/files/media/disaster-law/2021-02/IDRL%20Model%20Act%20%28English%29.pdf>>.
- 7 IFRC and UN OCHA, 'Model Emergency Decree for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance' (2017) <https://disasterlaw.ifrc.org/sites/default/files/media/disaster-law/2020-09/Model-Decree_EN-LR.pdf>.
- 8 Sendai Framework for Disaster Risk Reduction 2015-2030 (adopted 18 March 2015 at the Third UN World Conference on Disaster Risk Reduction) <<https://www.undrr.org/publication/sendai-framework-disaster-risk-reduction-2015-2030>> (Sendai Framework).
- 9 32nd International Conference of the Red Cross and Red Crescent, 'Resolution 6 - Strengthening legal frameworks for disaster response, risk reduction and first aid' (Geneva, December 2015) 32IC/15/R6 <https://disasterlaw.ifrc.org/sites/default/files/media/disaster-law/2021-02/32IC-Res6-legal-frameworks-for-disaster_EN.pdf>.
- 10 IFRC and UNDP, 'Effective Law and Regulation for Disaster Risk Reduction: A Multi-Country Report' (June 2014) <<https://disasterlaw.ifrc.org/media/1372>> (IFRC and UNDP Law and DRR Report).
- 11 IFRC and UNDP, 'The Handbook on Law and Disaster Risk Reduction' (2015) <<https://disasterlaw.ifrc.org/media/1349>> (IFRC and UNDP Handbook on Law and DRR).
- 12 33rd International Conference of the Red Cross and the Red Crescent, 'Resolution 7 – Disaster Laws and Policies that Leave No One Behind' (Geneva, December 2019) 33IC/19/R7 <https://disasterlaw.ifrc.org/sites/default/files/media/disaster-law/2021-02/33IC_R7-Disaster-Law-resolution-adopted-EN-1.pdf>.
- 13 IFRC, 'Global Synthesis Report on Law and Policies for Climate Resilience: Enhancing Normative Integration between Climate Change Adaptation and Disaster Risk Reduction' (2021) <<https://disasterlaw.ifrc.org/media/3268>>.
- 14 IFRC, 'We Need to Do Better: Policy Brief for Enhancing Laws and Regulations to Protect Children in Disasters' (2021) <<https://disasterlaw.ifrc.org/media/1285>>; IFRC, 'We Need to Do Better: Enhancing Laws and Regulations to Protect Children in Disasters - Case Study from Brazil' (2020) <<https://disasterlaw.ifrc.org/media/1792>>; IFRC, 'We Need to Do Better: Enhancing Laws and Regulations to Protect Children in Disasters - Case Study from the Philippines' (2020) <<https://disasterlaw.ifrc.org/media/3063>>; IFRC, 'Country Study for Uganda: Effective Law and Policy for Addressing Child Protection in Disaster Risk Management' (2019) <<https://disasterlaw.ifrc.org/media/1294>>.
- 15 IFRC, 'Unseen, Unheard: Gender-Based Violence in Disasters (Global Study)' (2015) <<https://disasterlaw.ifrc.org/media/1785>>; IFRC, 'Global study: Effective law and policy on gender equality and protection from sexual and gender-based violence in disasters' (2017) <<https://disasterlaw.ifrc.org/media/1788>>.
- 16 IFRC, 'Literature Review on Law and Disaster Recovery and Reconstruction' (2020) <<https://disasterlaw.ifrc.org/media/1684>> (Literature Review).
- 17 Sendai Framework, above n8, Priority 4.
- 18 Global Facility for Disaster Reduction and Recovery, 'About Us' (March 2022) <<https://www.gfdr.org/en/feature-story/about-us>>.
- 19 Global Facility for Disaster Reduction and Recovery, 'Disaster Recovery Framework Guide' (Revised Version, March 2020) <<https://www.gfdr.org/sites/default/files/publication/DRF%20Guide.pdf>> 7 (GFDRR Disaster Recovery Framework Guide).
- 20 The GFDRR guidance notes include the following: 'Disaster Recovery Guidance Series: Health Sector Recovery' (2017) <<https://www.gfdr.org/en/publication/health-sector-recovery>>; 'Disaster Recovery Guidance Series: Education Sector Recovery' (2019) <<https://www.gfdr.org/en/publication/education-sector-recovery>>; 'Disaster Recovery Guidance Series: Gender Equality and Women's Empowerment' (2018) <<https://www.gfdr.org/sites/default/files/publication/gender-equality-disaster-recovery.PDF>>; 'Disaster Recovery Guidance Series: Social Protection and Disaster Recovery' (2019) <https://www.gfdr.org/sites/default/files/publication/Social_Protection_Guidance_Note_FINAL.pdf>; 'Disaster Recovery Guidance Series: Disability-Inclusive Disaster Recovery' (2020) <<https://www.gfdr.org/en/publication/disaster-recovery-guidance-series-disability-inclusive-disaster-recovery>>. The UNDP guidance notes include the following: 'Guidance Note on Recovery: Environment' (2012) <<https://www.undp.org/india/publications/guidance-note-recovery-environment#:~:text=The%20Guidance%20Note%20on%20Recovery%3A%20Environment%20is%20primarily%20intended%20for,and%20risk%2Dreducing%20recovery%20process.>>>; 'Guidance Note on Recovery: Livelihood' (2012) <https://www.undp.org/sites/g/files/zskgke326/files/migration/in/guidance_note_on_recovery_livelihood.pdf>; 'Guidance Note on Recovery: Health' (2012) <<https://www.undp.org/india/publications/guidance-note-recovery-health>>; 'Guidance Note on Recovery: Shelter' (2012) <<https://www.undp.org/india/publications/guidance-note-recovery-shelter>>; 'Guidance Note on Recovery: Governance' (2013) <<https://www.undp.org/india/publications/guidance-note-recovery-governance>>; 'Guidance Note on Recovery: Climate Change' (2012) <<https://www.undp.org/india/publications/guidance-notes-recovery-climate-change>>.
- 21 IFRC, 'Disaster Recovery in Australia: A Legal and Policy Survey' (2023) <<https://disasterlaw.ifrc.org/media/4207>> 8-9 (Australia Country Report).
- 22 IFRC, 'Recuperação de desastres no Brasil - Uma pesquisa legal e política' <https://disasterlaw.ifrc.org/media/4148?language_content_entity=pt-pt> 8-11 (Brazil Country Report).
- 23 IFRC, 'Disaster Recovery in Italy: A Legal and Policy Survey' <<https://disasterlaw.ifrc.org/media/4140>> 18-19 (Italy Country Report).

- 24 IFRC, 'Disaster Recovery in Indonesia: A Legal and Policy Survey' <<https://disasterlaw.ifrc.org/media/4220>> 7 (Indonesia Country Report).
- 25 IFRC, 'Disaster Recovery in Mozambique: A Legal and Policy Survey' <<https://disasterlaw.ifrc.org/media/4141>> 8-9 (Mozambique Country Report).
- 26 IFRC, 'Disaster Recovery in Sierra Leone: A Legal and Policy Survey' <<https://disasterlaw.ifrc.org/media/4142>> 8 (Sierra Leone Country Report).
- 27 IFRC, 'Disaster Recovery in Spain: A Legal and Policy Survey' <<https://disasterlaw.ifrc.org/media/4143>> 8-9 (Spain Country Report).
- 28 IFRC, 'Disaster Recovery in The Bahamas: A Legal and Policy Survey' <<https://disasterlaw.ifrc.org/media/4147>> 11-12 (Bahamas Country Report).
- 29 Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction, A/71/644 (1 December 2016) <https://www.preventionweb.net/files/50683_oiewgreportenglish.pdf> 21/41 (Working Group Report).
- 30 Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction' UNGA Res 71/276, UN Doc A/RES/71/276 (adopted 2 February 2017) <https://www.preventionweb.net/files/resolutions/N1702972_en.pdf>.
- 31 Working Group Report, above n30, 21/41.
- 32 See Indonesia Country Report, 9-10 (discussing the distinction between early recovery, rehabilitation and reconstruction); Italy Country Report, 11 (discussing the difference between recovery and reconstruction). For a detailed discussion on defining disaster recovery and reconstruction, see Literature Review, above n16, 11-16.
- 33 See, eg, Bahamas Country Report, 13 discussing the now repealed Disaster Preparedness and Response Act, 2006; Sierra Leone Country Report, 13 discussing the NDMA Act; Brazil Country Report, 16, discussing Laws n° 12.340/10, n° 12.608/12 and n° 12.983/14. A notable exception was Spain's National Civil Protection Law, whose provisions on recovery are as equally detailed as those on disaster risk reduction, preparedness, and response: Spain Country Report, 11-12.
- 34 The results of the World Disaster Laws project can be accessed using the project's search function: <https://disasterlaw.ifrc.org/world-disaster-laws-search>. These results were obtained using the search filter 'All' for geographical area and the search filters 'Detailed provisions' or 'Minimal provisions' under the disaster risk reduction, preparedness, response and recovery tabs.
- 35 Ibid.
- 36 Ibid. This result was obtained using the search filter 'All' for geographical area and 'No reference' under the disaster recovery tab.
- 37 For a discussion of the role of legal instruments versus policy and planning instruments in DM see: IFRC, 'Policy Brief: Legal Frameworks for Effective and Integrated Disaster and Climate Risk Governance' (2022) <https://disasterlaw.ifrc.org/sites/default/files/media/disaster-law/2022-04/20220325_DisasterRisk_PolicyBrief.pdf>.
- 38 Sierra Leone Country Report, 12-13.
- 39 Ibid 9.
- 40 Ibid 13.
- 41 Bahamas Country Report, 14.
- 42 Ibid.
- 43 Ibid 15 citing the Disaster Risk Management Act, 2022.
- 44 Ibid.
- 45 See, eg, Sierra Leone Country Report, 11-12, (citing the Landslide and Floods Early Recovery and Risk Management Action Plan); Australia Country Report, 12 (citing the NSW Recovery Plan); Mozambique Country Report, 12 (citing the Disaster Recovery Framework).
- 46 See, eg, Australian State of NSW: Australia Country Report, 12. See also Spain: Spain Country Report, 13.
- 47 UNDRR and IRP, Guidance Note on Recovery: Pre-Disaster Recovery Planning (2012) <<https://www.undrr.org/media/83549/download?startDownload=true>>.
- 48 GFDRR Disaster Recovery Framework Guide, above n19, 13-14.
- 49 Ibid 14.
- 50 This is the case in the Australian State of Victoria, Sierra Leone, and The Bahamas.
- 51 Emergency Management Act 2013 (Vic) s60AD.
- 52 Ibid s3.
- 53 Australia Country Report, 21, 28-31.
- 54 Ibid.
- 55 Bahamas Country Report, 13.
- 56 Ibid 27.
- 57 Spain Country Report, 23, 36.
- 58 Ibid 25.
- 59 GFDRR Disaster Recovery Framework Guide, above n19, 7, 30.
- 60 GFDRR, 'Disaster Recovery Guidance Series - Process for Preparing Disaster Recovery Frameworks' (2017) <<https://recovery.preventionweb.net/media/83164/download?startDownload=true>>.
- 61 Ibid.
- 62 See, eg, GFDRR Guidance on Health Sector Recovery, above n20; GFDRR Guidance on Education Sector Recovery, above n20; GFDRR Guidance on Social Protection and Disaster Recovery, above n20; GFDRR Guidance on Disability-Inclusive Disaster Recovery, above n20.
- 63 Spain Country Report, 16.
- 64 Indonesia Country Report, 10-12.
- 65 Ibid.
- 66 Mozambique Country Report, 12.
- 67 Ibid.
- 68 Australia Country Report, 22.
- 69 Ibid.
- 70 For example, post-event recovery plans do not appear to have been prepared in the Australian State of New South Wales and in the Brazilian State of Minas Gerais.

- 71 General legal obligations to prepare post-event recovery plans apply in The Bahamas (under the DRM Act 2022), Indonesia (under Regulation Number 21 of 2008 concerning Disaster Management), in Italy (under the Presidential Decree of 9 September 2016 and Legislative Decree n. 189 of 17 October 2016) and in Valencia, Spain (under the Valencian Civil Protection Law): Bahamas Country Report, 27-28; Indonesia Recovery Report, 10; Italy Country Report, 24; Spain Country Report, 18.
- 72 For example, following the Black Summer Bushfires, the Australian State of Victoria developed the Eastern Victorian Fires 2019–20 State Recovery Plan. The Plan, which covers the 12 to 18-month period from August 2020 onwards, states that it will be updated a number of times over the coming years to take account of progressive community-led planning and development, as well as further funding outcomes from State and Commonwealth budget processes in future years. However, an updated plan is not publicly available: Australia Country Report, 22.
- 73 GFDRR Disaster Recovery Framework Guide, above n19, 46-47. For further discussion of this issue, see the following two recent publications: UNDP, 'Handbook on Recovery Institutions: A Guidebook for Recovery Leaders and Practitioners' (November 2021) <<https://www.undp.org/publications/handbook-recovery-institutions-guidebook-recovery-leaders-and-practitioners#:~:text=Intended%20for%20anyone%20tasked%20with,Practitioners%22%20describes%20institutional%20options%2C%20successful->>>; UNDP, 'Case Studies on Institutional Arrangements for Recovery' (September 2021) <<https://recovery.preventionweb.net/publication/case-studies-institutional-arrangements-recovery->>>.
- 74 GFDRR Disaster Recovery Framework Guide, above n19, 48-50. See also Tony Lloyd-Jones, Ian Davis and Andre Steele, 'Topic Guide: Effective Post-Disaster Reconstruction Programmes' (August 2016) <https://assets.publishing.service.gov.uk/media/57c70932ed915d6c2f00000c/P1735_EoD_TG_ReconstructionFINAL.pdf> 5.
- 75 This approach was adopted in the Australian State of NSW, in Brazil (at the federal level and in the states of Rio de Janeiro and Minas Gerais), and in Indonesia.
- 76 Indonesia Country Report, 11.
- 77 Ibid.
- 78 Ibid 12.
- 79 This approach was adopted in The Bahamas and Spain.
- 80 Bahamas Country Report, 14.
- 81 Ibid 17.
- 82 This approach was adopted in Italy and in Australia (at the federal level and in the State of Victoria).
- 83 Italy Country Report, 13, 17, 24.
- 84 Australia Country Report, 12.
- 85 Ibid 12.
- 86 This approach was adopted in Mozambique and Sierra Leone.
- 87 Mozambique Country Report, 13.
- 88 Ibid 14.
- 89 Australia Country Report, 26, 28-29 (citing challenges experienced both at federal level and in the State of Victoria); Bahamas Country Report, 19.
- 90 See, eg, Australia Country Report, 28-29.
- 91 GFDRR Disaster Recovery Framework Guide, above n19, 13.
- 92 In the period since the relevant disaster the following jurisdictions created a general recovery agency or a recovery division within a multi-phase DM agency: Australian State of Victoria (Emergency Recovery Victoria); Australian State of NSW (Recovery NSW and NSW Reconstruction Authority); Mozambique (the National Institute for Disaster Risk Management, which has a Post-Disaster Reconstruction Coordination Division). Some jurisdictions created a recovery agency but later arranged for this agency to be subsumed into other entities. This was the case in The Bahamas, where a Disaster Reconstruction Authority was created, but its functions were later subsumed into a new Disaster Risk Management Authority.
- 93 Spain Country Report, 15, 18; Bahamas Country Report, 7, 8, 18, 19.
- 94 Mozambique Country Report, 32.
- 95 Italy Country Report, 23.
- 96 Ibid.
- 97 IFRC, 'Law and Disaster Preparedness and Response Multi-Country Synthesis Report' (2010) <<https://disasterlaw.ifrc.org/media/1302>> 33-34 (DPR Synthesis Report).
- 98 Ibid.
- 99 Ibid.
- 100 Ibid 36-37.
- 101 The guiding principles of the Sendai Framework include an all-of-society approach: Sendai Framework, above n8, 19(d).
- 102 GFDRR Disaster Recovery Framework Guide, above n19, 67.
- 103 Ibid 21.
- 104 Ibid 74.
- 105 Ibid.
- 106 Ibid.
- 107 This was the case, for example, in Italy: Italy Country Report, 26 (discussing the Permanent Conference).
- 108 Indonesia Country Report, 12.
- 109 For example, in the Australian States of Victoria and NSW newly created coordination mechanisms were used to coordinate the recovery from the Black Summer Bushfires, but it is not clear why the pre-planned coordination mechanisms were not used: Australia Recovery Report, 28-30, 32-33.
- 110 Ibid 5.
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- 112 See, eg, Bahamas Country Report, 17 (citing the Resilient Recovery Strategy and Implementation Plan); Indonesia Country Report, 10 (citing the legal definition of 'reconstruction' and the Sulawesi Master Plan; Brazil Recovery Report, 21 (citing Law n° 12.608/12); Sierra Leone Country Report, 10, 12 (citing the 2006 National Disaster Management Preparedness Plan, the 2017 Recovery Action Plan, and the 2017 Landslide Response Framework).
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