



Disaster Law



SNAPSHOT

Legal frameworks for early warning early action

Early action based on a warning means taking steps to protect people before a disaster strikes. It is critical for saving lives and livelihoods and helps prevent or reduce the potential impact of a disaster. Early action starts with legal frameworks and mandating early action into laws, policies and plans, ensures that they happen. Legal frameworks can detail what actions will be taken, when they happen, and who is responsible for them.

Legal frameworks enable governments to allocate resources for preparedness and early action measures, such as establishing early warnings systems, pre-positioning emergency supplies, or ensuring emergency response funds are available. Legal provisions can also streamline decision-making processes during critical periods.

The underlying rationale for early warning early action, is that pre-emptive, rather than responsive actions, are generally more effective at reducing the impacts of disasters, while also being more cost-efficient.

Early warning early action is known as anticipatory action, anticipatory humanitarian action, forecast-based financing, forecast-based action, early action or risk-informed early action. Terminology depends on the actor and the context, but it all means building upon climate services to forecast extreme weather events and their impacts and to facilitate action.

How do we legislate for early warning early action?

IFRC's Checklist on Law and Disaster Preparedness and Response supports governments, National Societies and other stakeholders with technical assistance for the strengthening of legal frameworks relating to disaster preparedness and response, including early warning early action. The Checklist includes support for establishing legal frameworks for an effective multi-hazard early warning system.

Listed below are the three building blocks of early warning early action, with a sample of guiding questions for the development of legal frameworks based on the Checklist. For a more comprehensive list of guiding questions, check out **IFRC's Checklist - disasterlaw.ifrc.org**.

Early warning

- Does the legal framework clearly set out the roles and responsibilities of all actors that are responsible for hazard mapping, risk assessments, monitoring and forecasting hazards, and generating and issuing warnings?
- Does the legal framework establish coordination mechanisms for the above-mentioned actors?
- Does the legal framework clearly set out the linkages between early warning at all levels, national to local, as well as those applicable to transboundary hazards?
- Does the legal framework establish standards for the systematic collection, sharing and assessment of risk information and data relating to hazards, exposures, vulnerabilities and capacities?

Pre-arranged finance

- Does the legal framework mandate an allocation of funding for DRM?
 - If yes, is there an allocation for preparedness?
 - If yes, how can different agencies (both government and non-government) access that funding?
 - How quickly can this funding be disbursed from national to local and community levels?
- Does the legal framework allow for the rapid release of funding in the event of a disaster, including in the absence of a declaration of a State of Emergency?
 - If yes, could this fund be accessed for early warning early action also?
- Does your legal framework provide funding for training and capacity building for early warning early action?
- Does the legal framework establish or facilitate risk-informed public and private sector sources, such as disaster insurance or reinsurance schemes and risk mitigation incentive schemes (taxes, levies, exemptions, subsidies, grants)?
 - If yes, can any of these mechanisms be used as an early warning early action tool?

Early action

- Does the legal framework establish early warning early action as a guiding principle for DRM?
- Does the legal framework mandate agencies to act ahead of a disaster based on a warning or trigger?
 - If yes, is your mandate dependent on a declaration of a State of Emergency?
 - If not, would your current DRM legal framework enable early warning early action to be integrated or considered?
- Does the legal framework include standardized triggers and thresholds?
- Are your existing prepositioned relief stocks able to be used for early warning early action also?
- Does the legal framework mandate actors to develop comprehensive evacuation plans using hazard maps and risk assessments?
- Does the legal framework include the establishment of appropriate evacuation centres which include the protection of disaster-displaced persons, the prevention of SGBC in evacuation centres and the support of durable solutions?

Examples of early action in law

Early warning and alert systems

Governments can enact laws that mandate the establishment and operation of comprehensive early warning and alert systems. These laws should clearly outline roles and responsibilities and regulate a procedure for issuing warnings and disseminating information to the public. Mandating early warning and alert systems, ensures they are active and effective, giving communities and responders as much time as possible to prepare before a disaster.

Resource re-positioning

Legal frameworks can also authorise the pre-positioning of resources that will be essential during a disaster, including food, water, medical supplies, and emergency equipment. Laws can be used to regulate what resources are stored and where, and to standardize distribution procedures. Pre-positioning ensures that resources are readily available in the event of a disaster.

Early action funds

Law and policy can mandate funding for early action before serious weather-related events. Legal provisions can specify the sources of funding, the allocation process, and the conditions under which funds can be activated, as well as mechanisms for oversight and accountability. Funding for early action enables people to prepare before disasters happen and ensures quicker more effective responses to these disasters as well. This quick, coordinated action is critical to save lives and reduce damage.

Forecast-based financing in Bangladesh

In 2015, Bangladesh Red Crescent, German Red Cross, Red Cross Red Crescent Climate Centre, and the World Food Programme began the establishment of a forecast-based financing system for floods, making Bangladesh one of the first countries to pilot anticipatory humanitarian action.

Strong advocacy led to the Government of Bangladesh including FbF in its Standing Orders on Disaster (SOD) – the document that outlines roles, responsibilities and guiding principles for disaster management and humanitarian actors in the country in 2019. Inclusion in the SOD confers FbF with official legal recognition from the government.

After the establishment of the SOD, support was provided to the government to develop a single overarching framework for anticipation in Bangladesh.

Today, Bangladesh has one of the most established track records in FbF and has become a global leader of anticipatory humanitarian action. Most importantly, people are reached and helped through Fbf. During the 2020 flood season, for example, WFP reached approximately 145,000 people (WFP, 2021) and BDRCS 16,400 (IFRC, 2020) with anticipatory actions.



Community engagement and inclusivity

Laws and policies for early action must protect people with vulnerabilities. Frameworks must protect the most vulnerable - women, the elderly, the young, the displaced, people with disabilities, and marginalised groups, who feel a greater impact of disasters to ensure they are provided the information and support needed to take early action.

For example, domestic laws, policies and plans should mandate evacuation assistance for people unable to evacuate independently.

Laws and policies for early action must be people-centered and involve everyone. They need to be inclusive and developed with the end-users in mind. Standard procedures should address how warnings will be disseminated, for example, through communications channels, mediums, languages, and provide dissemination methods for populations that are hard to reach.

About IFRC Disaster Law

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

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

In Asia Pacific, IFRC Disaster Law is also a member of the Asia Pacific Anticipatory Action Technical Working Group and leads the sub-group on anticipatory action law and policy.



Early Warning for All #EW4ALL

The UN's Early Warning for All Initiative aims to ensure every person on earth is protected from hazardous weather, water, or climate events through life-saving early warning systems by the end of 2027. It includes a commitment to strengthening law and policy for early action, which IFRC Disaster Law will work alongside National Societies and governments to achieve.

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