

SNAPSHOT

DISASTER LAWS ENABLING ANTICIPATORY ACTION

Having strong, inclusive and well implemented laws underpins a well-functioning disaster and climate risk management system. Laws provide the legal and institutional basis on which to undertake all aspects of disaster risk management from risk reduction, climate change adaptation, preparedness to response including early warning early action and recovery, and contribute to strengthening the resilience of vulnerable and disaster-affected populations.

What is disaster law?

Disaster law encompasses the laws and regulations which attribute roles and responsibilities in the management and response to disasters, while aiming to minimize their impacts and reduce their risk exposure.

What is anticipatory action?

Anticipatory action (AA) is a set of interventions that are carried out when a hazard poses imminent danger based on a forecast, **early warning** or pre-disaster risk analysis. Anticipatory **action** is taken by an individual or organization before an anticipated disaster *to mitigate its impact on people, assets and infrastructure that are likely to be affected*. Importantly, these actions are linked to **pre-agreed financing**.

ABOUT IFRC DISASTER LAW

The International Federation of Red Cross and Red Crescent Societies Disaster Law Programme (IFRC Disaster Law) assists National Societies and their public authorities in the development and implementation of state of the art disaster-related legislation, policies and procedures. By harnessing their unique auxiliary role, numerous National Societies have successfully strengthened disaster laws since 2007.



ANTICIPATORY ACTION IN PRACTICE



FOR SUDDEN-ONSET HAZARDS

- Early Warning based on impact-based forecasts
- Unconditional cash transfer/social protection payouts
- Evaluation of people, livestock and/or assets
- Reinforcement of vulnerable housing structures/schools
- Distribution of WASH items to prevent the spread of waterborne diseases

FOR SLOW-ONSET HAZARDS

- Early Warning based on impact-based forecasts
- Conditional/unconditional cash transfer/social protection payouts
- Borehole construction or rehabilitation
- Reinforcement of vulnerable housing structures/schools
- Distribution of drought tolerant inputs to improve crop production in drought years
- Fodder production

National laws enabling anticipatory action

The role of law and policy in anticipatory action is fundamental as it institutionalises a preparedness approach to disaster risk management (DRM) by mandating roles and responsibilities, establishing coordination mechanisms, as well as the allocation of funds. This national DRM framework will be seen as both a guide and an enabler for key stakeholders, public authorities, assisting actors as well as local communities. Moreover, the overarching scope of anticipatory requires that multiple sectors are included in planning and decision-making process. Importantly, including provisions on early warning and early action within relevant sectoral laws can ensure harmony between various stakeholders and actors.

Ensuring anticipatory action is part of the climate change conversation is critical and to complement ongoing efforts. Anticipatory action naturally fits well within climate change, disaster risk reduction and humanitarian conversations.

Notably, some countries already have ongoing legislative processes, including Botswana, Comoros, Eswatini, Malawi, South Sudan, Uganda, Zambia. Importantly, these processes offer an opportunity to not only enhance coordination but also intergrade anticipatory action activities within national and local level DRM budgetary allocations.

KEY CONSIDERATIONS

- Existing institutional structure for anticipatory action
- Inclusion of scientific sectors in decision-making process
- Functioning coordination mechanisms for disaster preparedness
- Dedicated funding for disaster preparedness (distinct from the disaster response budget)
- Hazard-mapping, planning and risk assessment measures in place
- Early warning communication channels for risk informed communities
- Clarifying roles and responsibilities in anticipatory action through a **pre-disaster agreement**