

Conference on the Role of Disaster Law in Mitigating Disasters & Strengthening Climate Resilience

November 29-30, 2023, Bangkok and online



Introduction

Held in Bangkok, Thailand, and online between 29-30th November, the "The Role of Disaster Law in Mitigating Disasters and Strengthening Climate Resilience Conference" marked a significant step forward in enhancing disaster risk reduction, preparedness, and response.

Jointly organized by the International Federation of Red Cross and Red Crescent Societies (IFRC), the New Zealand Institute of Law, Emergencies and Disasters (LEAD), Sphere India, the NAPSIPAG Disaster Research Group (NDRG), and the Institute of Social Sciences, India, the event aimed at fostering better coordination and collaboration among key stakeholders.

The conference addressed the urgent need for comprehensive disaster law as a tool against climate change, with a focus on challenges unique to Small Island Developing States (SIDS) and the relationship between Disaster Law and International Humanitarian Law (IHL). It brought together a diverse group of speakers from government, academia, and regional and international bodies from the Asia-Pacific, highlighting the importance of legal preparedness in disaster management and the broader implications of climate change. Key outcomes included the launch of the International Handbook of Disaster Research and the establishment of the Asia Pacific Disaster Law Network, setting the stage for the next conference in Christchurch, New Zealand in 2024.

The conference highlighted the critical role of disaster law in mitigating disasters and strengthening climate resilience, calling for enhanced cooperation, innovation, and the development of adaptable legal frameworks to meet the challenges posed by climate change and disasters.

Key Takeaways

Disaster Law in Governance: There's a growing consensus on the need for legal frameworks that are aligned with international commitments and the evolving nature of disaster management. The conference emphasized the intricate links between disaster management, governance, and legal systems, underlining the crucial role of being prepared and acknowledging the wide-reaching impact of disasters on various legal areas, not limited to disaster law alone.

Legal Preparedness: One of the major themes was the need for legal readiness in addressing disaster response and recovery. Conversations highlighted the significance of having legal frameworks in place well before disasters strike. Preparedness is fundamental for an effective recovery process. Laws must be comprehensive and flexible to efficiently manage and recover from disasters.

Vulnerability of Small Island Developing States: The conference paid special attention to the specific vulnerabilities and challenges that small island developing states face due to climate change. There was a strong call for custom legal solutions and frameworks to mitigate these challenges, with an emphasis on developing climate resilience for coastal communities. The discussions also touched on aspects of climate justice and equity.

Enhancing Resilience: Various case studies demonstrated the importance of incorporating governance, legal frameworks, and community involvement in building disaster resilience. The value of integrating traditional knowledge and local practices into disaster management was emphasized.

The Intersection of Disaster Law and International Humanitarian Law: An important conversation revolved around how disaster law intersects with international humanitarian law, exploring the ways these two areas complement each other. The aim was to examine how legal frameworks could bolster humanitarian efforts in times of disasters and armed conflicts.

Community-Centric Recovery Approaches: Emphasizing the importance of community engagement in the recovery phase, the conference advocated for approaches that are centred around people. It called for the inclusion of indigenous knowledge and practices in formulating disaster management strategies, ensuring that recovery efforts are inclusive and comprehensive.

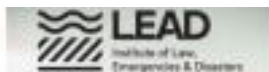
Regional Cooperation: The need for regional collaboration and joint action plans in disaster management was highlighted, with examples of successful regional initiatives aimed at boosting resilience and preparedness throughout the Asia Pacific region being shared.

Future of Disaster Law: The discussions looked at the future of disaster law, touching upon the drafting of new articles for the protection of individuals in disaster scenarios and the creation of integrated frameworks that encompass disaster risk reduction, recovery, and resilience-building efforts.

Day One Overview

Opening Remarks: The conference began with an emphasis on the urgency of enhancing disaster law frameworks in light of climate change. Kathryn Clarkson welcomed participants and highlighted the IFRC's commitment to disaster resilience. Marco Toscano-Rivalta's keynote addressed the necessity for legal frameworks that can adapt to the complexities of modern disasters and climate change. The launch of the International Handbook of Disaster Research by its editor Prof. Amita Singh signified a step forward in consolidating knowledge and best practices in disaster law.

Session 1 - The Role of Governance in Mitigating Climate Change and Disasters: This session looked at the relationship between governance, law, and disaster management. The discussion underscored the 'soft law' nature of disaster law, pointing out the challenges in its adoption into domestic legal systems. Fiji's experience in updating its disaster management legislation to match the ambition of its disaster management capabilities was a key case study, showcasing the critical need for legislation that reflects international commitments and operational shifts towards disaster risk reduction.



Session 2 - Legal Preparedness – Mainstreaming Disaster Law: Experts explored the gaps and needs in legal preparedness for disaster response and recovery. The session covered the importance of pre-established legal frameworks to guide disaster management efforts, highlighting the potential risks of ad-hoc legal responses post-disaster. The discussions pointed to the need for legal frameworks that are clear, accessible, and adaptable to the complex nature of modern disasters.

Session 3 - Legal Frameworks for Managing Increased Vulnerability of SIDS to Disasters: The vulnerabilities of Small Island Developing States (SIDS) to climate change and disasters were at the forefront of this session. The dialogue focused on the necessity for legal and policy frameworks that address the unique challenges faced by SIDS, emphasizing climate justice, equity, and the development of climate-resilient strategies.

Session 4 - Planning for Resilience: Case Studies from the Regions: This session presented various regional approaches to building resilience through governance, legal frameworks, and community engagement. The case studies demonstrated the value of integrating traditional knowledge into disaster risk reduction strategies and highlighted the critical role of good governance in supporting resilient communities.

Day Two Overview

Session 5 - Relationship between DL and IHL: This session delved into the intersections between Disaster Law and International Humanitarian Law, exploring how these legal frameworks can complement each other in disaster and conflict scenarios. The discussion revealed the potential for these legal domains to work in tandem, offering a more holistic approach to protecting vulnerable populations.

Session 6 - Regulating for People-Focused Recovery: The importance of legal frameworks in supporting inclusive, community-focused disaster recovery efforts was the highlight of this session. Examples from Afghanistan, Indonesia, and New Zealand illustrated how legal regulations can facilitate community engagement and ensure that recovery processes address the needs of all affected populations.

Session 7 - Regional Action Plan for Managing Disasters in Asia Pacific: The session underscored the importance of regional cooperation in disaster management, with discussions on shared challenges and strategies for enhancing resilience across the Asia Pacific. The dialogue advocated for a collaborative approach to disaster management, highlighting the benefits of pooling resources, knowledge, and strategies.

Session 8 - The Future of Disaster Law in Asia Pacific: The conference concluded with forward-looking discussions on the evolution of disaster law. The Draft Articles on the protection of persons in the event of disasters were a focal point, with debates on their potential to form the basis of an international legal framework. The session underscored the importance of ongoing collaboration and innovation in disaster law to address the complexities of climate change and disasters.

Next Steps

The following next steps were discussed and agreed upon during the conference:

- ❖ **Establish the Asia Pacific Disaster Law Network (APDLN):** Create a platform for ongoing collaboration, knowledge exchange, and regional cooperation among disaster law professionals to enhance legal preparedness and response.
- ❖ **Launch an International Disaster Law Course for the Asia Pacific:** Develop and offer a specialized course aimed at building capacity among policymakers, practitioners, and disaster management professionals in the region, focusing on the unique challenges and legal frameworks pertinent to the Asia Pacific.
- ❖ **Disseminate Conference Insights and Advocacy:** Publish and share the conference's findings, recommendations, and policy briefs widely to influence national and international disaster management strategies and to advocate for stronger disaster law frameworks.
- ❖ **Advance the Draft Articles on Protection in Disasters:** Promote further discussion and action toward adopting the Draft Articles as a binding international framework to enhance cooperation and assistance in disaster contexts.
- ❖ **Engage with the ILC and UNDRR:** Continue collaboration with the International Law Commission and the United Nations Office for Disaster Risk Reduction to integrate disaster law principles into international legal instruments and agendas, emphasizing the importance of disaster risk reduction.

Annex A: Agenda

Time	Day 1: Wednesday, 29 November	Day 2: Thursday, 30 November
08:30-09:00	Opening Ceremony: Finau Leveni (Facilitator), Kathryn Clarkson (Opening Remarks), Marco Toscano-Rivalta (Keynote Address), Launch of the International Handbook of Disaster Research: Amita Singh & Gabrielle Emery, Housekeeping, Group Photo	
09:00-10:00	Session 1: The Role of Governance in Mitigating Climate Change and Disasters	Session 5: Disaster Law and International Humanitarian Law Facilitator: Padmini Nayagam,

	<p>Facilitator: Finau Leveni, Introduction to Disaster Law,</p> <p>Practitioner perspectives: Litia Bainimarama on Fiji, Relationship between DL and IHL</p>	<p>Speakers: Finau Leveni, Margherita D Ascanio on IHL and climate change, John Hopkins on New Zealand's lead, Gabrielle Emery on UNDRR, Vikrant Mahajan</p> <p>Rapporteurs: Ernest Gibson</p>
10:00-10:30	MORNING TEA	MORNING TEA
10:30-12:00	<p>Session 2: Legal Preparedness – Mainstreaming Disaster Law</p> <p>Facilitator: Toni Collins,</p> <p>Speakers: John Hopkins on disaster law limits, Holly Faulkner on Black Swan Events, Vikrant Mahajan on humanitarian standards, Mary Picard on gender equality,</p> <p>Rapporteurs: Jill Banwell</p>	<p>Session 6: Regulating for People Focused Recovery</p> <p>Facilitator: John Hopkins,</p> <p>Speakers: Toni Collins and Jill Banwell on disputes, Sulaiman Sarwary on community engagement, Litiana Bainimara on Fiji, Viliamu Iese and Tevita Rarokolutu on Pacific trends,</p> <p>Rapporteurs: Holly Faulkner</p>
12:00-13:00	LUNCH	LUNCH
13:00-14:30	<p>Session 3: Legal Frameworks for Managing Increased Vulnerability of SIDS to Disasters</p> <p>Facilitator: Amita Singh</p> <p>Speakers: Swarnamayee Tripathy, Kokila Konasinghe, Gayle Manuelli, Fine Tu'itupou-Arnold, Nidhal Abdulla Kuniyil (Online), Justice Shiranee Tilakwardane (Online)</p> <p>Rapporteurs: Meen Poudyal Chhetri</p>	<p>Session 7: Regional Action Plan for Managing Disasters in Asia Pacific</p> <p>Facilitator: Amita Singh</p> <p>Speakers: Md. Ekramul Haque, Meen Poudyal Chhetri on Himalayan earthquakes, Patrick Haines on Pacific cooperation</p> <p>Rapporteurs: Gaurika Chugh</p>
14:30-15:00	AFTERNOON TEA	AFTERNOON TEA
15.30 –16.30	<p>Session 4: Planning for Resilience: case studies from the regions</p> <p>Facilitator: Amita Singh, President, NAPSIPAG Disaster Research</p> <p>Lalitha Fernando, Professor and Department Head, Department of Public Administration, University of Sri Jayawardenepura: Coastal Ecosystems of South Asia & Role of Good Governance to Prevent Disasters.</p> <p>Gaurika Chugh, Assistant Professor, Jaypee Institute of Information Technology: Key Points in Resilience building through Land Laws for making Coastal Cities safe from disasters</p>	<p>Session 8: The future of Disaster Law in Asia Pacific</p> <p>Facilitator: Ernest Gibson, Asia Pacific Disaster Law Manager, IFRC</p> <p>Dug Cubie, Senior Lecturer, Institute of Law Emergencies and Disasters, University College Cork: The Draft articles on the protection of persons in the event of disasters and the Asia Pacific</p> <p>Q&A</p> <p>Finau Leveni, Asia Pacific Disaster Law Coordinator, IFRC: Asia Pacific Disaster Law Course Q&A</p> <p>Announcements: AP Disaster Law Network Disaster Law Conference 2024</p>

	<p>Andrenel P. Reyes, Office of Civil Defense, Philippines: Institutionalising Anticipatory Action into law and policy</p> <p>Viliamu Iese, Senior Lecturer: Disaster Risk Management, University of the South Pacific /Tevita Rarokolutu, Teaching Assistant, Pacific Centre for Environment and Sustainable Development (PaCE-SD)</p> <p>Rapporteurs: Holly Faulkner</p>	<p>Rapporteurs: Sulaiman Sarwary</p>
16:30 – 17:00	WRAP UP	WRAP UP & NEXT STEPS
17:30- 19:30	Welcome Reception	