

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

***29-30 November 2023, Bangkok, Skyview Hotel and online***

### **CONCEPT NOTE**

#### **Background**

Global warming at 1.5 degrees Celsius continues to impact the frequency and intensity of disasters across Asia and the Pacific as witnessed by recent events such as the floods in Afghanistan and Pakistan drought in China, Kiribati, Tuvalu and heatwaves in India and Japan, reshaping and expanding the region's disaster riskscape. Almost half the countries in the region are Small Islands Developing States (SIDS) and according to the Intergovernmental Panel on Climate Change (IPCC), the threats of climate change to small islands are very real. Current and future climate-related drivers of risk for small islands during the 21st century include sea level rise, tropical and extratropical cyclones, increasing air and sea surface temperatures, and changing rainfall patterns. Increases in frequency, intensity and severity of droughts, floods and heatwaves, and continued sea level rise will increase risks to food insecurity, vulnerability and social-economic inequities, as well as loss of adaptive capacity and ecosystem services critical to lives and livelihoods.

Such events bring with them not only a devastating human impact but also have a huge economic cost as well. Having strong, inclusive and well implemented disaster laws underpins a well-functioning disaster risk management system. They provide the legal and institutional basis on which to undertake all aspects of disaster risk management from risk reduction, preparedness to response and recovery, and contribute to strengthening the resilience of vulnerable and disaster-affected populations.

Strengthening disaster laws and their implementation particularly at the local level, has been identified as key priorities in global and regional multilateral commitments such as Sendai Framework for Disaster Risk Reduction (DRR), Paris Agreement on Climate Change, the Asian Ministerial Conference for DRR, the ASEAN Agreement on Disaster Management and Emergency Response and the Framework for Resilient Development in the Pacific. The recent IPCC report also highlighted the role of legislative frameworks as a notable enabling action key for implementing, accelerating and sustaining adaptation. Additionally, policy instruments with clear goals and priorities support not only enhanced knowledge on impacts and solutions, but also support mobilization of and access to adequate financial resources, as well as provide for inclusive governance processes.

SIDS is a distinct group of 39 States and 18 Associate Members of the United Nations regional commissions. These States which are located in the Caribbean, the Pacific, Atlantic and Indian Oceans and the South China Sea are encountering high frequency of tropical storms, hurricanes and cyclones. The population of SIDS make up around 1% of the world's total population and they suffer damage equivalent to 2.1% of GDP ever year. The most severe storm causing damage equivalent to 280% of the islands GDP, the highest ever encountered in SIDS was in the Dominica in 2017 (EM-DAT) and Fiji's US\$1.4 billion damage due to Cyclone Yasa in 2020. However, SIDS contribution to cumulative emissions levels creating climate change is minute yet they suffer most devastatingly.

## **Conference**

The NAPSIPAG Disaster Research Group (NDRG), the Institute of Law, Emergencies and Disasters (LEAD), the Institute of Social Sciences and the Sphere India together with the International Federation of Red Cross and Red Crescent Societies, are pleased to announce a Conference on the ***Role of Disaster Law in Mitigating Disasters and Strengthening Climate Resilience***, to be held at in Bangkok, Thailand in November 2023.

The Conference will bring together practitioners, including those working in government, civil society and international and regional organizations, as well as academics and researchers, to discuss current issues relating to disasters and international law in the Asia-Pacific region.

International disaster law is an emerging sub-field of international law made up of a patchwork of global, regional and bilateral treaties, guidelines, and other instruments. Some of these instruments are thematic and others have geographic coverage. In light of the increased frequency and severity of disasters occurring as a result of climate change, the need for better coordination and cooperation in disaster risk reduction and disaster preparedness and response is clear. Laws have a key role to play. It needs to be inclusive, climate smart and resilience enhancing. It is therefore important to analyze and evaluate the legal framework that applies when disasters occur in the Asia-Pacific region.

## **Thematic Areas of Focus**

### ***1. Disaster Law highlights the “Rule of Law” in governance to prevent Climate Change and Disasters***

Examining how disaster law works to support disaster risk governance – a system of institutions, mechanisms, policy and legal frameworks and other arrangements to guide, coordinate and oversee disaster risk reduction and related areas of policy in order to mitigate the impacts of climate change and disasters.

### ***2. Disaster Law provides a Frame of Action***

This thematic area will look at the practical development of disaster law frameworks with case studies from the region at both regional and national levels.

### ***3. Disaster Law perspectives of Small Islands Developing States***

Being particularly vulnerable to disaster and climate risks and impacts due to their isolation and exposure, the conference will examine the unique perspective and challenges of Small Islands Developing States within the region and the role of disaster law in enhancing climate resilience in SIDS.

### ***4. Relationship between Disaster Law and International Humanitarian Law***

Disasters are becoming increasingly complex where the nexus between Disaster Law and International Humanitarian Law can often be blurred. This thematic area will focus on the evolving relationship between Disaster Law and International Humanitarian Law and the role each play in humanitarian contexts.

### ***5. Regulating for Resilience: Normalising Disaster Prevention through legal mechanisms***

Disasters occur when a community is vulnerable to a hazard. Thus, prevention is possible if the community is sufficiently resilient. Climate change in particular makes such resilience difficult as the ground literally shifts under the feet of communities. Law (both formal and informal) is one of the mechanisms to create and build resilience to hazards. However, as is clear from recent seismic, volcanic and meteorological events, many legal regimes do not sufficiently address such risks. As climate change makes these risks even more likely and their nature changes, how can domestic legal frameworks incorporate such hazards into future planning decisions and perhaps, most importantly, the management of existing communities?

#### 6. *Disaster Proofing the Law: Legal Preparedness for Disasters*

It has become an established practice to prepare for disaster events through practical and desk top exercises. However, less (or no) consideration is given to the preparedness of the legal framework, either in its formal sense or how things work on the ground. Failures in legal frameworks can not only create additional obstacles to response and recovery but in extreme cases, can be the cause of the disaster itself. This theme focusses on how legal preparedness can be part of response and recovery preparations and what issues need to be addressed, in the consideration of such pre-planning. Is it even possible to create disaster law frameworks which need minimal ad hoc changes mid-event? Can disaster law be part of the normal law of the state?

#### Tentative Programme Outline

Time		Day 1: Wednesday, 29 November		Day 2: Thursday, 30 November
08.30		<b>Opening Ceremony</b>		<b>Recap</b>
09:00	<b>Session 1</b>	<b>The role of governance in preventing Climate Change and Disasters</b>  Facilitator: Ms. Leveni	<b>Session 5</b>	<b>Exploring the nexus between Disaster Law and International Humanitarian Law</b>  Facilitator: Ms. Leveni
10.00		<b>MORNING TEA</b>		<b>MORNING TEA</b>
10.30	<b>Session 2</b>	<b>Regulating for Resilience: Normalising Disaster Prevention through legal mechanisms</b>  Facilitator: Prof. Hopkins	<b>Session 6</b>	<b>Disaster Proofing the Law: Legal Preparedness for Disasters (A framework for action)</b>  Facilitator: Prof. Hopkins
12.00		<b>LUNCH</b>		<b>LUNCH</b>
13.00	<b>Session 3</b>	<b>Disaster Law perspectives of Small Islands Developing States</b>  Facilitator: Prof. Singh	<b>Session 7</b>	<b>Regional cooperation in Disaster Law</b>  Facilitator: Prof. Singh
14.30		<b>AFTERNOON TEA</b>		<b>AFTERNOON TEA</b>
15.30	<b>Session 4</b>	<b>Comparative Regional Laws on coastal ecosystem management laws</b>  Facilitator: Prof. Singh	<b>Session 8</b>	<b>The future of Disaster Law in Asia Pacific</b>  Facilitator: Organising Committee
16.30		<b>WRAP UP</b>		<b>WRAP UP &amp; NEXT STEPS</b>

### **Key Outcomes of the Conference**

- Provide a forum where practitioners and researchers can exchange views on current issues on international law and disasters in the region
- Sensitization on the role of Disaster Law in mitigating disasters and making disaster risk reduction more effective
- Inspiring a vision into policy makers to incorporate climate change and development strategies into the national frameworks of disaster risk reduction to achieve sustainable development goals
- Understanding the relationship between Disaster Law and International Humanitarian Law
- Facilitate the development of a network for cooperation and discussion concerning issues affecting international law and disasters in the Asia Pacific region
- Developing a research agenda for further research and cooperation concerning international disaster law and practice in the Asia-Pacific region

### **Proposed Participants**

- Asia Pacific Academic Institutions, researchers and thematic experts
- Asia Pacific Disaster Law practitioners
- Asia Pacific government representatives from national disaster management authorities
- Asia Pacific SIDS representatives
- Asia Pacific national societies – disaster law focal points
- Regional and international organization representatives
- CSO/NGOs

### **Further Details**

Please note that further details, including registration and detailed programme will be shared soon. In the meantime, should you have any queries, please contact Alexander Magaloff, Senior Disaster Law Assistant, IFRC at [Alexandra.Magaloff@ifrc.org](mailto:Alexandra.Magaloff@ifrc.org) .

### **Expression of interest**

To express your interest, please click here: <https://forms.office.com/e/yBLpH9HcW8>

We look forward to welcoming you to the conference.

Kind regards,

### **The Organizing Committee:**

Prof. Amita Singh, NAPSIPAG Disaster Research Group  
Dr. Gaurika Chugh, NAPSIPAG Disaster Research Group  
Prof. John Hopkins, Institute of Law, Emergencies and Disasters, New Zealand  
Mr. Vikrant Mahajan, CEO Sphere India  
Ms. Finau Heuifanga Leveni, Regional Disaster Law Coordinator, IFRC  
Ms. Padmini Nayagam, Southeast Asia Disaster Law Advisor, IFRC  
Ms. Alexandra Magaloff, Senior Disaster Law Assistant IFRC