

### Checklist on Law and Domestic Preparedness and Response

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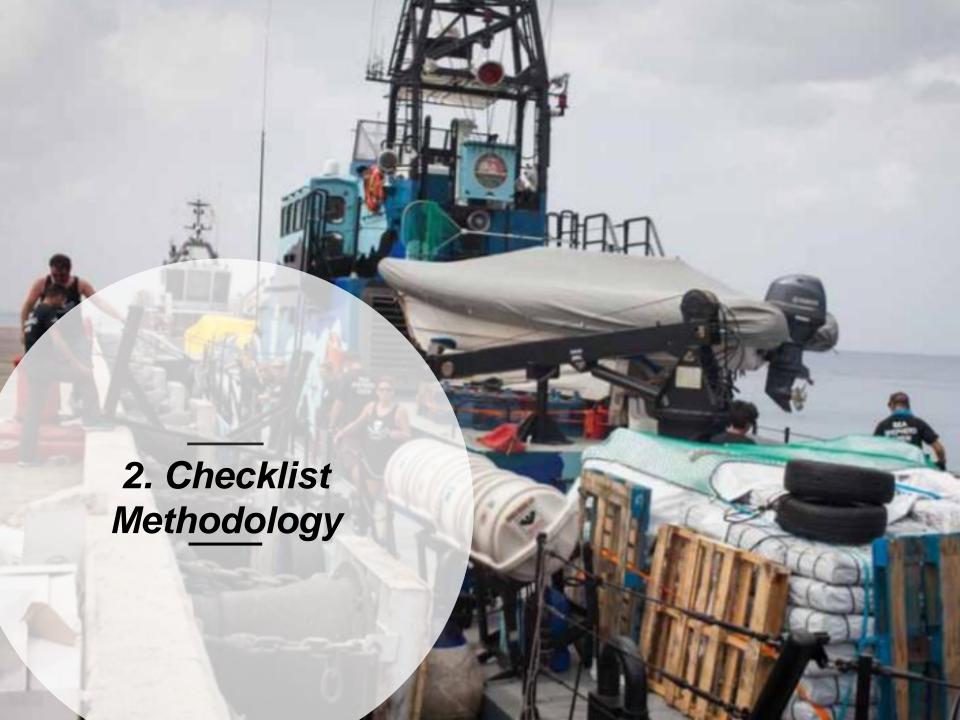




### Context

- DLP mandate: using law to reduce human vulnerability to disasters
- Existing DLP guidance documents
  - IDRL Guidelines (2007)
  - Model Act on IDRL (2013)
  - DRR Checklist and Handbook (2015)
  - IDRL Checklist (2017)
- Gap = lack of comprehensive guidance on domestic disaster preparedness and response (DPR)







### Checklist Methodology

### 1. Desktop Reviews (complete)

- 20 countries
- Pro bono assistance from local law firms

### 2. Literature Review (complete)

- International legal materials
- Guidelines, standards, recommendations
- Academic sources (books, journal articles)
- Reports from UN actors and leading INGOs





### 3. Multi-Country Synthesis Report

- Based on Desktop Reviews and Literature Review
- Provides recommendations for domestic decision-makers

#### 4. Checklist

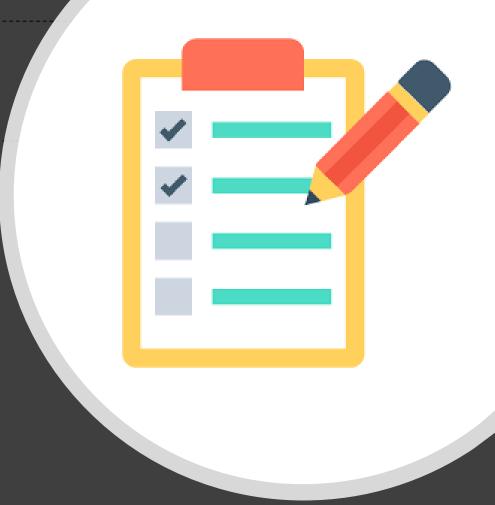
- Translates recommendations from the Multi-Country Synthesis Report into questions
- Subject to consultation with experts from the humanitarian community





### 1. Institutional framework

- Existence of DPR institutions
- Existence of sub-national institutions
- Participation of all stakeholders
- Coordination between actors
- Principles and protections





### 2. Funding and resources

- Dedicated funding for:
  - all phases of DM cycle
  - all levels of government
- Legal facilities for cash transfer programming
- Risk-financing mechanisms (eg, forecastbased financing)
- Capacity to apply for, receive and manage external funding



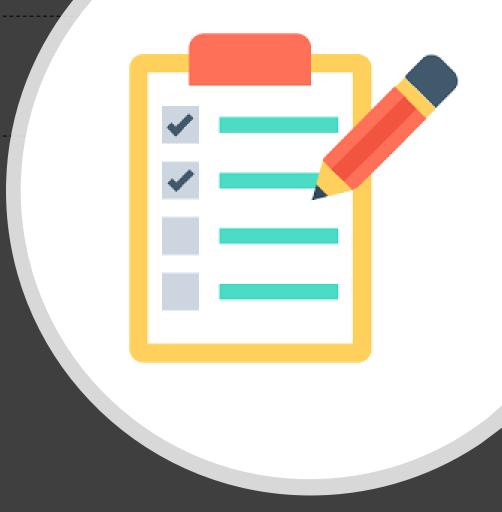


### 3. Risk information and contingency planning

- Risk mapping and risk assessments
- Contingency planning
- Education and drills

### 4. Early warning, early action

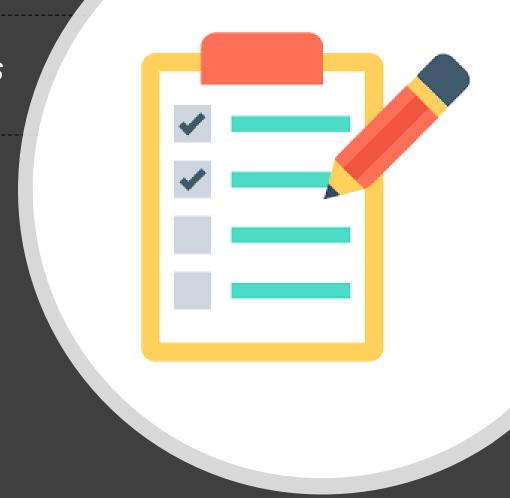
- Risk monitoring and information sharing
- Early warnings
- Evacuation of people and livestock
- Other forms of early action





### 5. Initiation of disaster response

- Clear process for declaration
- Safeguards (eg, time limits)
- Rapid needs and damages assessments



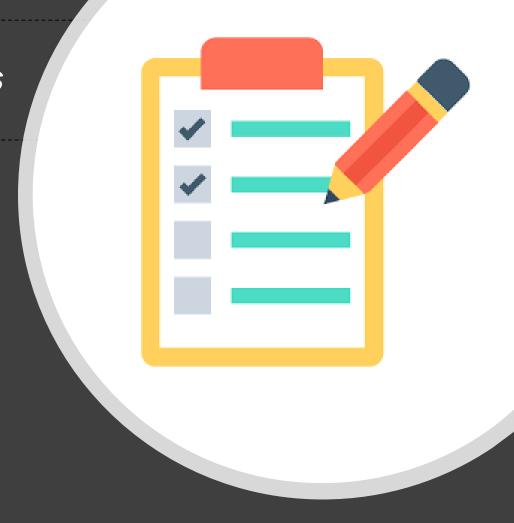


### 6. Legal facilities

- Licensing of professionals
- Licensing of UAVs
- Tax exemptions for DPR
- Liability protections
- Regulation of volunteers

### 7. Quality

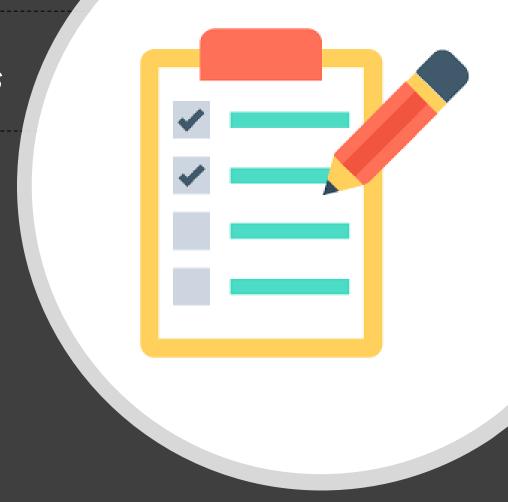
- Minimum standards
- Ongoing needs and damages assessments





#### 8. Emergency shelter assistance

- Legal guarantee of shelter
- Limiting use of schools as shelters
- Non-discrimination on the basis of tenure status
- Procedures for expedited replacement of documents
- Conduct of relocations (when unavoidable)



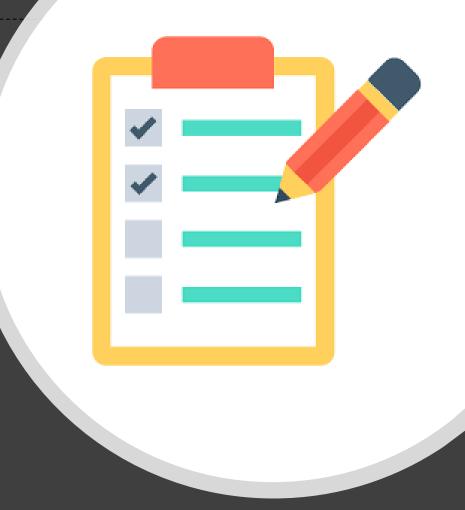


### 9. Protection and inclusion of vulnerable groups

- Protection and inclusion of 9 vulnerable groups
- Child protection; SGBV protection
- Mental health and psychosocial support

### 10. Accountability

- Monitoring and evaluation of response
- Prevention of diversion, misappropriation and fraud







- 1. Institutional mandate
- 2. Existence of subnational Institutions
- 3. Participation of all stakeholders
- 4. Coordination





#### 1. Institutional mandate

- Three components; numerous configurations
  - jurisdiction (eg, national, regional, municipal, community)
  - subject matter (eg, DRR, response, recovery)
  - function (eg, policy, operations, technical advice)
- Shaped by constitutional structure, political environment, history and disaster risk profile etc
- Should be comprehensive: all jurisdictions, all hazards and all functions need to be addressed





#### 2. Sub-national institutions

- Most countries surveyed have dedicated DPR institutions at subnational levels
- Variation in the degree of autonomy and responsibility granted to subnational institutions
- Sub-national institutions may provide more responsive and targeted governance but asymmetrical devolution is a key challenge
- Sub-national institutions should be granted sufficient powers and resources to implement their DPR mandates





### 3. Participation

- Variation between countries regarding:
  - breadth of stakeholders permitted to participate
  - type of participation granted to stakeholders
- Decision-makers should adopt all-ofsociety approach that allows all stakeholders to participate in institutions





### Initial Findings: Institutional Frameworks

### 3. Participation (continued)

- Stakeholders should be granted highest degree of participation that is appropriate to their resources and capacity
- Stakeholders should have rights to participation, rather than leaving this at the discretion of government
- Law should protect stakeholder independence





#### 4. Coordination

- Two types of domestic coordination required:
  - coordination between government actors (ie, sectoral agencies; different levels of government)
  - coordination between government and non-government actors
- Desktop Reviews indicate:
  - coordination mechanisms often include a range of government actors coordination mechanisms are common
  - <u>but</u> non-government actors are sometimes excluded





### Initial Findings: Institutional Frameworks

### 4. Coordination (continued)

- Coordination mechanisms should include representatives from:
  - all sectoral agencies
  - all levels of government
  - all types of non-government stakeholder
- Coordinating bodies should:
  - meet regularly
  - assign participants clear roles and responsibilities
  - designate one actor with overall control of a response





### **Vulnerable groups**

- women and girls
- children (including unaccompanied and separated children)
- older persons
- persons with disabilities
- displaced persons
- persons at risk of displacement
- migrants and refugees
- indigenous groups
- ethnic and racial minorities
- sexual and gender minorities





### **Common causes of vulnerability**

- Economic marginalisation: vulnerable housing and livelihoods creates increased exposure to disaster impacts
- Pre-existing discrimination and social marginalization leads to direct and indirect discrimination in DPR
- Impairments (physical, sensory etc) make it more difficult to escape or take shelter from physical hazards
- Some groups are at heightened risk of harmful and exploitative behaviours (eg, SGBV, child trafficking, physical violence)





### **Key Findings**

- Domestic laws and policies in the countries surveyed do not sufficiently protect vulnerable groups
- Protection and inclusion is often uneven, by addressing the needs of some but not all groups
- No need to 'reinvent the wheel' → for most vulnerable groups, there is a comprehensive body of principles, guidelines, standards and tools





#### 1. Prohibition on discrimination

### 2. Accessible and adapted DPR activities

- Removing barriers to access
- Meeting specific and additional needs
- Risk and needs assessments
- Contingency planning

### 3. Collecting disaggregated data

- Risk and needs assessments
- Disaster impacts, SGBV, participation





### 4. Training and awareness raising for all emergency responders

### 5. Participation

- Representation in institutions
- Active recruitment
- Direct consultation
- Training opportunities
- Monitoring and evaluation

#### 6. SGBV protection

- Contingency planning
- Post-disaster shelter
- Training and awareness raising



FOR MORE INFORMATION, PLEASE VISIT:

### http://www.ifrc.org/dl

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# Questions & Comments