Disaster Laws

OVERVIEW OF DISASTER RISK MANAGEMENT AND DISASTER LAW

A Guide for Lao PDR's Disaster Risk Management Law

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The IFRC's Disaster Law Programme assists National Red Cross and Red Crescent Societies to support their authorities in **developing and applying state-of-the-art disaster-related legislation**, policies and procedures.

We do this in order to make communities safer, to ensure **timely and effective humanitarian relief**, and to **improve the protection of the most vulnerable** when faced with crisis.

IFRC Disaster Law Programme's areas of expertise:

Modern legal frameworks that have integrated disaster risk reduction and climate change adaptation into disaster risk management and sectoral laws and policies, in line with key international and regional commitments.

Procedures for international disaster relief that put domestic authorities in the driver's seat, reduce barriers, costs and quality problems, and uphold humanitarian principles.

Modern and integrated legal frameworks for disaster risk management that adequately address domestic preparedness and response, including institutional and procedural arrangements.

Influence the development, adoption and implementation of law and policy connected to IFRC and National Societies' knowledge, experience and mission, in order to create positive social and institutional changes.

IFRC Disaster Law Programme's areas of activity:

Inclusion of gender, diversity and protection issues; to ensure that dignity, access, participation and safety for all is adequately provided for in domestic legislation, policies and procedures.

Contextual, well planned approaches to regulatory issues in post-disaster, addressing the complex legal issues that may arise in the aftermath of a disaster with regard to security of tenure and housing, land and property rights.

Strengthen public awareness and communities' level of understanding on rights, roles and responsibilities under disaster-related legislation, policies and procedures to increase their resilience to disasters.

Recognizing the critical role of National Societies, as auxiliaries to their public authorities in the humanitarian field with a unique community outreach, to ensure community voices and engagement with the national level policy development and planning processes.

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Outline of Presentation

- **Session 1: Basic Concepts**
  - DM, DRM, DRR
  - Thematic areas
  - Disaster risk governance
  - Cross-cutting issues

- **Session 2: Global and Regional Context**
  - SFDRR, AADMER
  - Paris Climate Agreement, SDG

- **Session 3: IFRC Tools for DRM** Legislation; Key elements of a good DRM Law
  - DRR & Law Checklist, draft legislative assessment tool, ASEAN Disaster Law Mapping

- **Session 4: Good examples of DRM Laws in ASEAN**

DM, DRM, DRR – what's in a name?

"Disaster Management"

- organization, planning and application of measures preparing for, responding to and recovering from disasters
- "emergency management"
- may not completely eliminate the risk

DM, DRM, DRR – what's in a name?

"**Disaster Risk Management**"

- Originates from "disaster management"

- Application of disaster risk reduction (DRR / prevention and control) policies and strategies to prevent new disaster risk, reduce existing disaster risk and manage residual risk, contributing to the strengthening of resilience and reduction of disaster losses.

DM, DRM, DRR – what's in a name?

"Disaster Risk Reduction"

- Disaster risk reduction **is the policy objective of disaster risk management**, and its goals and objectives are defined in disaster risk reduction strategies and plans.

- "disaster **prevention** and **control**" in Lao PDR and Viet Nam

- preventing new disaster risk, reducing existing disaster risk and managing residual risk, with objective of strengthening resilience and therefore achieving sustainable development.

Question: What would constitute DRR?

1. Ensuring people are not building homes on high risk flood plains

2. Building stronger houses to withstand high intensity storms

3. Holding disaster drills in schools

4. Delivering aid to affected communities following an earthquake

Answer: All but #4.

DM, DRM, DRR – what's in a name?

	Disaster Management	Disaster Risk Management
Objectives	Prepare and respond to disaster impact	Prevent the creation of new risk and mitigate / lessen existing risk
Time scale	Preparedness, response, early recovery	All time scales, long - term

$$\text{Risk} = \frac{\text{hazard x exposure x vulnerability}}{\text{capacity}}$$

Thematic Areas of DRM

PREVENTION & MITIGATION	PREPAREDNESS	RESPONSE	RECOVERY
Activities and measures to **avoid** existing and new disaster risks (**Prevention**) The **lessening or minimizing** of the adverse impacts of a hazardous event (Mitigation)	Development of knowledge and **capacities** to effectively anticipate, respond to and recover from the impacts of likely, imminent or current disasters	Actions before, during or immediately after a disaster , in order to **save lives**, reduce health impacts, ensure public **safety** and meet the **basic subsistence needs** of the people affected.	**Restore or improve** livelihoods, health, economic, physical, social, cultural and environmental assets, systems and activities, of a disaster-affected community to **avoid or reduce future disaster risk** (sustainable development, build back better)

Thematic Areas of DRM : Examples

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PREVENTION & MITIGATION	PREPAREDNESS	RESPONSE	RECOVERY
• Risk assessment and mapping • risk-informed sectoral plans • spatial planning • resilient buildings • sound environmental management	• Awareness • Education and Training • Contingency plans • Early warning system • Prepositioning of goods • Pre-emptive evacuation	• Search and rescue • Relief • Psycho-social support • Camp management (evacuation centers) • WASH • Emergency shelter	• Reconstruction and rehabilitation • Basic utilities (water, sanitation, health, electricity) • Livelihood • Resettlement

International Federation
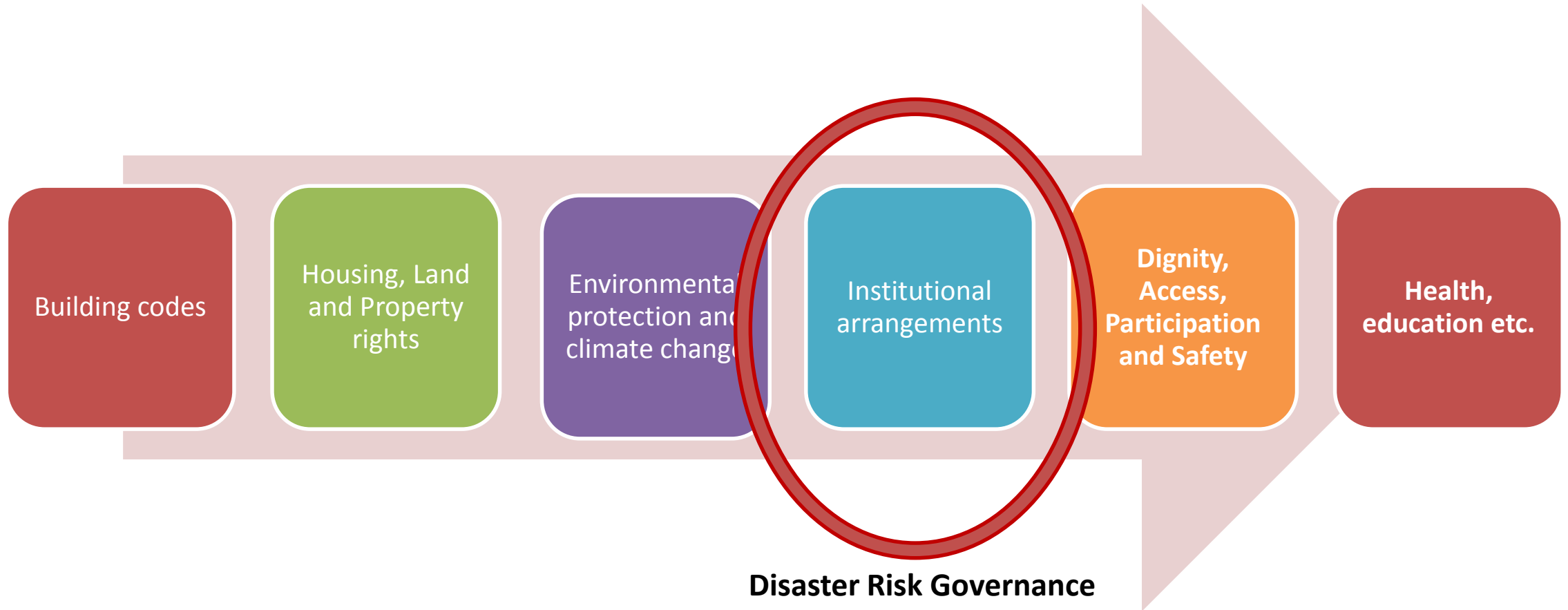of Red Cross and Red Crescent Societies

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Question:

If you wanted to check whether your national laws address disaster risk reduction, which laws would you check from the list below?

Laws on:

a) Disaster risk management
b) Building codes
c) Land use planning
d) Human rights
e) Environment
f) Education

- **Answer**: All of them !

Cross-cutting Issues in DRM

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Building codes

Housing, Land and Property rights

Environmental protection and climate change

Institutional arrangements

Dignity, Access, Participation and Safety

Health, education etc.

Disaster Risk Governance

www.ifrc.org
Saving lives, changing minds.
A Canada-ASEAN project. Funded by Canada
CANADIAN RED CROSS
International Federation of Red Cross and Red Crescent Societies

Disaster Risk Governance

- The system of **institutions**, **mechanisms, policy** and **legal frameworks** and **other arrangements** to guide, coordinate and oversee disaster risk reduction and related areas of policy

- Transparent, inclusive, collective / coordinated, efficient

Question:

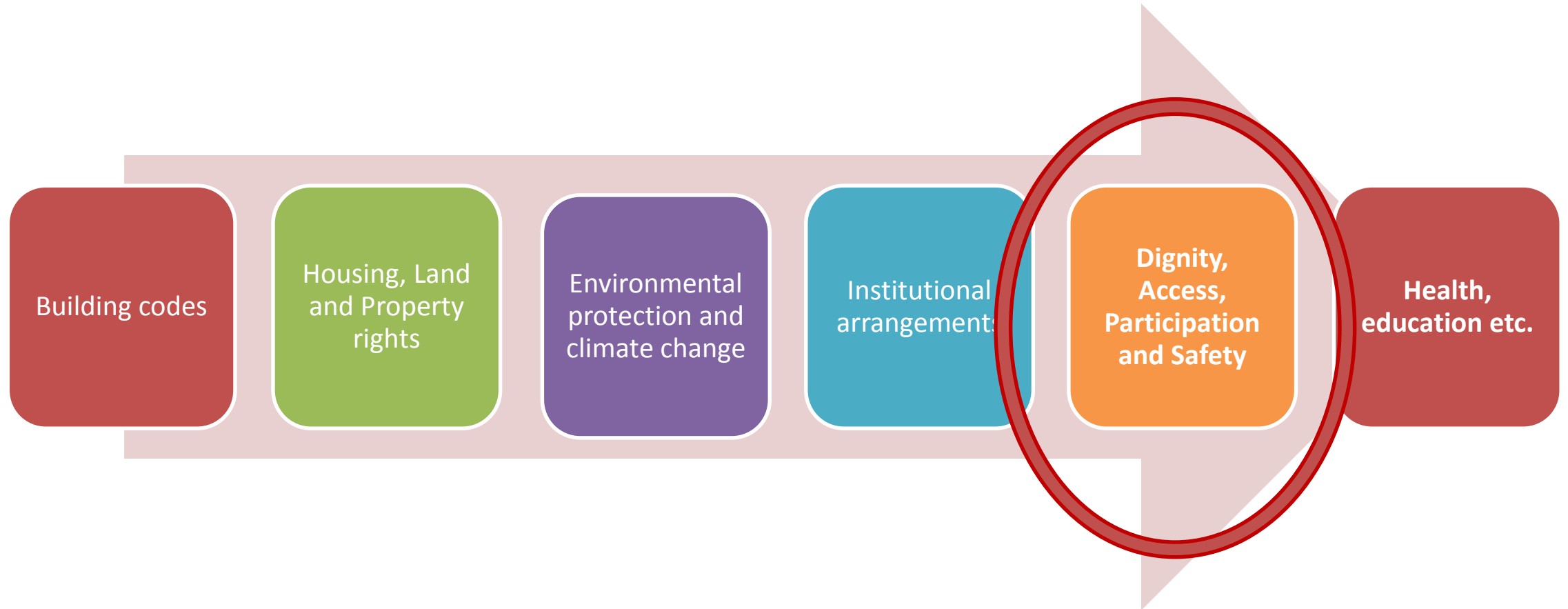The impact of natural disasters is equally felt by men, women, and children. TRUE OR FALSE ?

- **Answer**: FALSE. Women and children are more vulnerable to the negative impact of disasters.

Definition:

- **Dignity**: Respect for the life and integrity of individuals

- **Access**: dimensions of accessibility include:
  - *Non-discrimination* - Everyone has equal access;
  - *Physical accessibility* - Facilities and services are within safe physical reach for everyone, including special measures to facilitate access for vulnerable groups.
  - *Economic accessibility/affordability* - services must be affordable for all, including socially disadvantaged groups.
  - *Information accessibility* – right to information (tailoring formats to different needs) and feedback (Community Engagement and Accountability mechanisms).

- **Participation**: The full, equal and meaningful involvement of all members of the community in decision-making processes and activities that affect their lives.

- **Safety**: dimensions of safety include;
  - Sector-specific safety issues; e.g. locks, lighting, distribution sites
  - Sexual and Gender-Based Violence (SGBV) prevention and response; survivor-centred approach
  - Child Protection: as per the Convention on the Rights of the Child
  - Internal protection system; e.g. Code of Conduct, PSEA policies

Before we go there . . .

WHAT IS DISASTER LAW?

The **laws and regulations** which:

✓ address the **roles** and **responsibilities** to **manage** and **respond** to disasters

✓ **minimise impact** of disasters

✓ **reduce disaster risks**

Question:

- **Q:** Is there an International Treaty on Natural Disaster Response and Risk Management?

- **A:** None !

Hyogo Framework for Action (HFA)
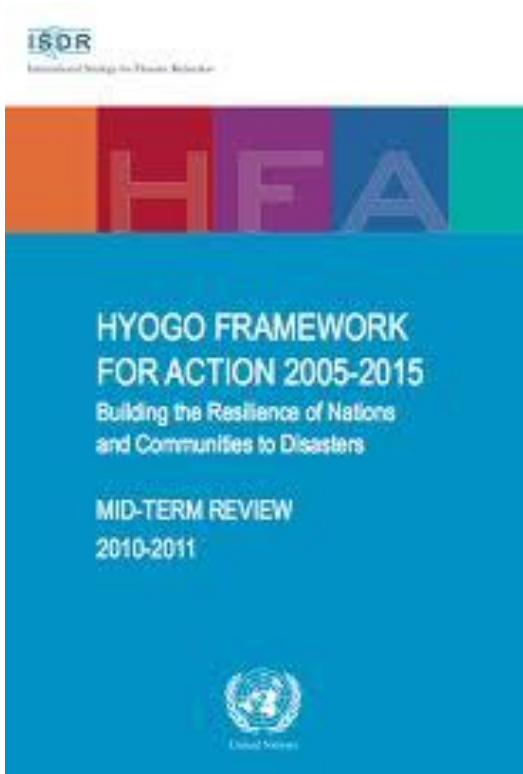
- Non-binding but is a strong source of guidance and political will among States

- Pushed DRR agenda globally. **Hyogo Declaration: "We affirm that States have the primary responsibility to protect the people and property on their territory from hazards"**

- Mid-Term Review and other studies found:
  - Important advances in mindset, approach
  - Big gap between national and community levels

The Sendai Framework for Disaster Risk Reduction (SFDRR)

- Non-binding agreement adopted at Sendai, Japan in March 2015

- **Outcome: "The substantial reduction of disaster risk and losses in lives, livelihoods and health and in the economic, physical, social, cultural and environmental assets of persons, businesses, communities and countries."**

- Period 2015-2030 ; 7 global targets ; 4 priorities for action

- Armed with indicators and monitoring framework, updated UNISDR Terminology in 2017

The Sendai Framework for Disaster Risk Reduction (SFDRR)

Priority 2: Strengthening disaster risk governance to manage disaster risk :

- Review and strengthen **legal frameworks** to enhance transparency
- Enhance levels of compliance with existing **safety-enhancing provisions of sectoral laws** and regulations (building codes, urban planning)
- Assign **clear roles to community representatives** within legislation

UN World Conference on
Disaster Risk Reduction
14-18 March 2015, Sendai, Japan

Resilience built into Sustainable Development Goals

Target 1.5: Reduce exposure of the poor to climate related extreme events and disasters

Target 2.4: Strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters

SUSTAINABLE DEVELOPMENT GOALS

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3 GOOD HEALTH AND WELL-BEING

Target 3.6: Develop early warning and reduce risk of health related disasters

4 QUALITY EDUCATION

Target 4a: Build and upgrade educational facilities that are safe from disasters

9 INDUSTRY, INNOVATION AND INFRASTRUCTURE

Target 9.1: Develop quality and reliable infrastructure that are resilient to disasters

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11 SUSTAINABLE CITIES AND COMMUNITIES

Target 11.5: Significantly reduce the number of deaths, affected and economic losses by disasters

13 CLIMATE ACTION

Target 13.1: Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters

15 LIFE ON LAND

Target 15.3: Restore land affected by drought and floods

'Fostering climate resilience'
An objective of Paris Climate Agreement

Article-2:

<u>Foster climate resilience</u> in a manner that does not threaten food production;

Article-7:

Parties establish global goal of enhancing adaptive capacity, <u>strengthening resilience and reducing vulnerability to climate change,</u> with a view to contributing to sustainable development

COP21·CMP11
PARIS 2015
UN CLIMATE CHANGE CONFERENCE

'Fostering climate resilience'
An objective of Paris Climate Agreement

Article 8

Enhance understanding, action and support on

a) Early warning systems;
b) Emergency preparedness;
c) Slow onset events;
d) Events that may involve irreversible and permanent loss and damage;
e) Comprehensive risk assessment & management;
f) Risk insurance facilities, climate risk pooling and insurance solutions;
g) Non-economic losses; and
h) Resilience of communities, livelihoods and ecosystems.

COP21·CMP11
PARIS 2015
UN CLIMATE CHANGE CONFERENCE

The ASEAN Agreement on Disaster Management and Emergency Response (AADMER)

ASEAN Agreement on
Disaster Management and Emergency Response
(AADMER)

Building disaster-resilient nations and safer communities

- **Objectives:**
  - to provide effective mechanisms to achieve substantial reduction of disaster losses in lives and in the social, economic and environmental assets of the Parties **(DRR)**
  - to jointly respond to disaster emergencies through concerted national efforts and intensified regional and international cooperation **(IDRL)**

- **Focus on DRR:** "Parties shall give priority to prevention and mitigation, and thus shall take precautionary measures to prevent, monitor and mitigate disasters."

A Canada-ASEAN project. Funded by Canada

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The ASEAN Agreement on Disaster Management and Emergency Response (AADMER)

- Disaster risk assessment and sharing of information with the region

- Domestic disaster prevention and mitigation measures to reduce losses (includes <u>legislation</u>, strategies, plans)

- Domestic and regional disaster preparedness (includes regular disaster risk assessment, early warning, public awareness, regional standby arrangements for disaster relief and response, joint regional trainings, coordination with AHA Centre)

- Domestic and regional disaster response (international assistance / IDRL)

- Regional technical cooperation on capacity-building and science/technical research on DRM

- Establishes the ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre) as the region's operations center

- Institutional arrangements - Conference of the Parties, National Focal Point, AADMER Fund (not operational)

Disaster Law Tools : summary

- DRM Law Typology from *"Effective Law and Regulation for Disaster Risk Reduction"* (IFRC & UNDP, 2014)

- *Checklist on Law and Disaster Risk Reduction* (IFRC & UNDP, 2015)

- *IDRL Guidelines* (IFRC, 2011), *Model Act* (IFRC & OCHA, 2013), and *The IDRL Checklist* (IFRC, 2017)

- DRM Law Typology and peer learning examples from *"ASEAN Disaster Law Mapping - Implementing AADMER: A Regional Stocktake"* (IFRC & ASEAN, 2017)

- Research Template and methodology for Legislative Review (used for Fiji DRM Law review, 2018)

DRM LAW TYPOLOGY

DRM Law Typology : Results of Multi-Country Report on Law and DRR
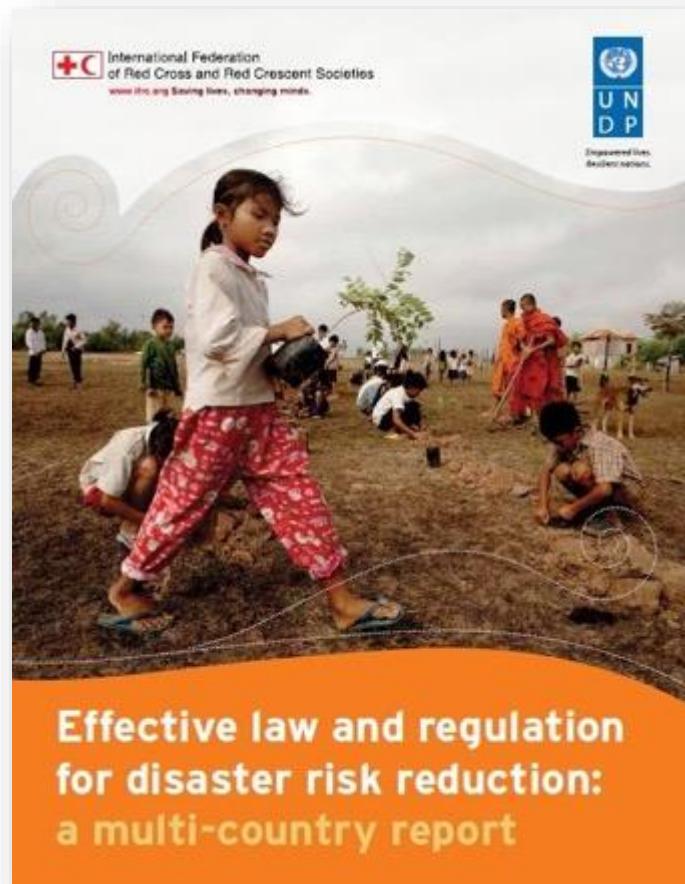
Effective law and regulation for disaster risk reduction: a multi-country report

Type 1: Preparedness and Response Law

Type 2: Broad DRM Law

Type 3: DRR Priority Law (high detail)

Type 4: DRR Priority Law (low detail)

DRM Law Typology : Results of Multi-Country Report on Law and DRR

Country exposure to natural hazards

	Low	Medium	High
High	DRR priority law (high detail)	DRR priority law (high detail)	DRR priority law (low detail)
Medium	DRR priority law (high detail)	Broad DRM law	DRR priority law (low detail)
Low	Broad DRM law	Broad DRM law	Preparedness and response law

Country disaster risk governance capacity through sectoral laws

TYPE 1: PREPAREDNESS AND RESPONSE LAW	TYPE 2: BROAD DRM LAW	TYPE 3: DRR PRIORITY LAW (HIGH DETAIL)	TYPE 4: DRR PRIORITY LAW (LOW DETAIL)
Does not include DRR in objectives	Includes some DRR elements, but is not the focus	Focuses and prioritizes DRR, including: • DRR resource allocation • Risk assessment and mapping • Early warning system (EWS) • DRR awareness & education • DRR mainstreaming & coordination	Focuses on DRR, but is only one among other sectoral laws that address other DRR concerns (e.g. natural resource management, building code, local government policies, spatial planning)
Emergency response to natural disasters; Some immediate preparedness, early warning, and recovery elements	All phases of DRM (prevention and mitigation, preparedness, response, recovery)	All phases of DRM (prevention and mitigation, preparedness, response, recovery)	All phases of DRM (prevention and mitigation, preparedness, response, recovery)
Commonly found in countries with: • low exposure to hazards; or • high exposure to hazards but there is high disaster risk governance capacity; or • high exposure to hazards but unable to update legal framework for some reason	Commonly found in countries with: • high exposure to hazards , and • DRM law passed before Hyogo Framework for Action (2005)	Commonly found in countries with • high exposure to hazards , and • DRM law passed after Hyogo Framework for Action (2005)	Commonly found in countries with • high exposure to hazards , and • Well-developed disaster risk governance capacity
Ex:	Ex:	Ex: Philippines, Vietnam	Ex: Japan, New Zealand

CHECKLIST ON LAW & DRR

The Checklist on Law and DRR

The checklist on law and disaster risk reduction
Pilot Version, March 2015

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UNDP United Nations Development Programme

- A succinct and easy to use assessment tool to support the strengthening of legal frameworks for DRR

- Handbook has been developed to provide more detailed guidance and examples

- It will help to identify:

| The **strengths** in the legal framework | Where greater focus is needed on **implementation** | If **drafting** or revising legislation is needed |

Question :

Which points below are key factors to consider when reviewing legislation for disaster risk reduction?

- A) Whether it ensures that community members can participate or contribute to decision making for DRR
- B) Whether it takes into account the different needs of groups who are most vulnerable to disasters
- C) Whether it clearly assigns roles and responsibilities from national to local level, and to all relevant institutions across different sectors
- D) Whether outlines the exact procedure for funding a response to a disaster

Answer : All of them !

The Checklist on Law and DRR Questions..

1. Does your country have a dedicated law for disaster risk management that prioritises disaster risk reduction and is tailored to your country context?

2. Do your country's laws establish clear roles and responsibilities related to risk reduction for all relevant institutions from national to local level?

3. Do your country's laws ensure that adequate resources are budgeted for disaster risk reduction?

4. Do your country's relevant sectoral laws include provisions to reduce existing risks and prevent the creation of new risks?

5. Do your country's laws establish clear procedures and responsibilities for conducting risk assessments and ensure risk information is considered in development processes?

The Checklist on Law and DRR Questions..

6 Do your country's laws establish clear procedures and responsibilities for early warning?

7 Do your country's laws require education, training and awareness-raising to promote a whole-of-society approach to disaster risk reduction?

8 Do your country's laws ensure the engagement of all relevant stakeholders, including civil society, the private sector, scientific institutions and communities, in risk reduction decisions and activities?

9 Do your country's laws adequately address gender considerations and the special needs of particularly vulnerable categories of persons?

10 Do your country's laws include adequate mechanisms to ensure that responsibilities are fulfilled and rights are protected?

IDRL

What is International Disaster Response Law? (IDRL)

The laws, rules and procedures that **facilitate** and **regulate** incoming **international disaster assistance**, in disaster relief operations.

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Why do we need IDRL? Legal preparedness for international disaster response is important because…

More frequent and larger natural disasters
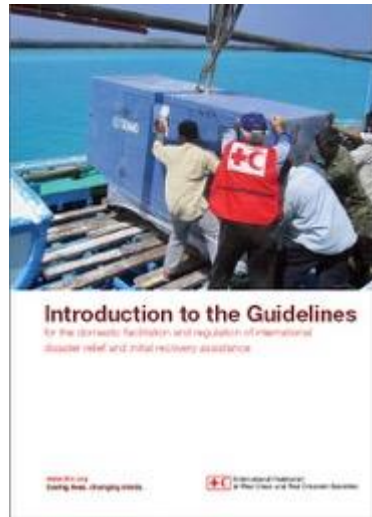
More different international responders

Absence of laws and procedures to regulate an increasingly complex context

IDRL Guidelines, "Model Act", IDRL Checklist

- Recommendations to governments on how to prepare domestic laws and procedures for international assistance
- Draw upon existing international norms and best practice

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IDRL Guidelines : Core Ideas

Domestic Actors have the primary role

International Actors have responsibilities

International Actors need legal facilities

Some facilities are conditional

The IDRL Checklist Questions…

1. Does your country have a clear legal framework for disaster risk management which includes procedures relating to international disaster assistance?

2. Do your country's laws and regulations clearly set out a focal point for coordinating international disaster assistance?

3. Do your country's laws and regulations outline the roles and responsibilities of different institutions relating to international disaster assistance?

4. Do your country's laws and regulations outline a process for requesting/welcoming offers of international disaster assistance, and for terminating international assistance?

5. Do your country's laws and regulations provide for necessary legal facilities to be provided to international assisting actors?

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The IDRL Checklist Questions…

6 Do your country's laws and regulations set out quality standards for international assisting actors?

7 Do your country's laws and regulations set out eligibility requirements for international assisting actors to receive legal facilities?

8 Do your country's laws and regulations establish a specialized unit for expediting the entry of international disaster assistance?

9 Do your country's laws and regulations provide adequate transparency, safeguards and accountability mechanisms governing international disaster relief and initial recovery assistance?

10 Do your country's laws and regulations outline procedures for international disaster assistance sent from, and transiting through your country?

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AADMER
Mapping Report

ASEAN Disaster Law Mapping Report

- Outputs: Regional mapping report and compiled DL country profiles on regional and domestic preparedness and response provisions as provided in AADMER. These come with an updateable [online resource platform](#) hosted by IFRC Resilience Library.
  - Regional report contains recommendations for peer learning
  - Online resource platform contains: country profiles, thematic analysis, regional snapshot, & legal resources
- Reports and website officially launched on 02 May 2018

	DRM System Type	Law / System Description	Where / when type used	AMS
A	Generic emergency powers – no DRM system	No special legal or institutional framework for managing disasters. Generic emergency powers under the Constitution or state of emergency law.	This has now become uncommon globally except in very low hazard countries.	None amongst AMS
B	Administrative DRM system + generic emergency powers	No special legal framework, but a DRM system established by policy and / or administrative procedures, which may also rely on generic emergency powers for crises.	This approach remains a common model in Africa, although that is now changing there, and globally, as countries undertake national reviews and opt for legislation.	None amongst AMS
C	Disaster emergency management law	A specific law on disasters, focused on emergency preparedness and response to natural hazards, some technological hazards; and may have elements of early warning and recovery.	These laws tend to be found in countries (i) with low hazard exposure, or (ii) with higher exposure but effective risk governance through sectoral laws, or (iii) with higher exposure but limited law-making and institutional capacity due to poverty and / or conflict.	Brunei Malaysia Singapore
D	Broad DRM system law(s)	Covers the full spectrum of disaster risk management: some elements of DRR, prevention, preparedness, early warning, mitigation, emergency management / response, and early recovery. Establishes specialist national institutions for DRM coordination and at least some local structures or roles.	This is the most common type of DRM law found amongst countries with medium to high exposure to hazards that have adopted DRM laws since the mid-1990s. It is not necessarily based on a single law, but may be a mix of laws, regulations and assigned ministerial roles under executive government powers.	Cambodia Indonesia Laos Myanmar Thailand Viet Nam

Disaster Laws

	DRM System Type	Law / System Description	Where / when type used	AMS
E	High DRR priority law with Broad DRM system	Broad DRM focus, with permanent DRM system, but gives DRR an especially high priority. Aims to establish a whole-of-society approach to disaster risk governance, using the DRM system as the main vehicle. Has a high degree of detail and a broad DRR mandate for the DRM institutions, across sectors, with sub-national governments, civil society and the private sector.	Most of these laws post-date the 2005 HFA and Indian Ocean Tsunami, and tend to be found in medium and high exposure countries that have not had a long tradition of risk governance through sectoral laws and local government. Hence, when seeking a major shift towards risk reduction, the DRM system is used as the main vehicle for awareness-raising and implementing change.	Philippines
F	High DRR priority law with framework DRM system	The law gives clear priority to DRR, establishes DRM institutions, but does not make them responsible for implementation of risk governance that is covered by other laws and sectors (e.g. local government, building codes).	Found in some higher income countries with a well-developed system and culture of disaster risk governance across relevant sectors and in all levels of government. The role of the DRM law is more one of coordination and leadership.	None amongst AMS

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DRAFT RESEARCH TEMPLATE & METHODOLOGY FOR LEGISLATIVE REVIEW

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Draft Research Template and Methodology

IFRC Disaster Risk Management Legislative Review Research Template and Methodology

- Used in assisting Fiji's DM law review (2018)
- Template on:

  - Literature review

  - Key legal and policy documents to review

  - Key issues identified for review and inclusion in DRM law

  - Key stakeholders for interview and consultation

  - Proposed consultation process / roadmap

  - Guide questions template for recommendations and options paper, based on DL tools

Good Examples of DRM Laws in ASEAN

What is the right DRM law for your country?

• Different country contexts call for different kinds of DRM laws. Things to consider:

- *Disaster risk context of the country*

  - Low, medium, high risk?

  - Which underlying factor of risk is the most serious ? (vulnerability , exposure , hazard , capacity)

  - What are common hazards faced?

- *Disaster risk governance capacity (sectoral)*

  - Are the rights, roles, responsibilities of government institutions in related sectors already strong?

  - Are other sectoral laws (related to risk context) already established ? Are they implemented properly?

Good examples of DRR provisions

- **Some examples can be taken from PHILIPPINES and VIET NAM DRM laws:**
  - DRM laws with focus on DRR; two different DRM law types

  - Philippines
    - High DRR priority law with broad DRM system. See answers to all Questions in DRR and Law Checklist
    - high disaster risk, medium disaster risk governance capacity

  - Viet Nam - Broad DRM system law
    - Broad DRM system law
    - Many similarities in government structure and governance style. See highlight on Question 2 in DRR and Law Checklist

DRR - PHILIPPINES: *National Disaster Risk Reduction and Management Act (2010)*

Highlights:

- All DRM thematic areas; focus on DRR

- National and local institutions for DRM through inter-agency coordination

- Establishes national and local DRM funding, with priority for DRR (70%)

- Enables disaster risk transfer mechanisms

- Strong legal provisions on whole-of-society approach to DRM, civil society engagement

QUESTION 1. Does your country have a dedicated law for disaster risk management that prioritizes risk reduction and is tailored to your country's context?

- Covers all thematic areas of disaster risk management.

- Priority is long-term Disaster Risk Reduction (prevention and control of risk)
  - Mainstreaming in national and local sectoral plans, budgets, governance
  - Integration of DRR and climate change
  - Develop vertical and horizontal coordination mechanism for effective implementation of DRR (national / local, sectoral)
  - Larger share (70%) of National / Local DRM fund is allocated for disaster prevention, mitigation, preparedness; only 30% can be used for response and early recovery

- QUESTION 2. Do your country's laws establish clear roles and responsibilities related to risk reduction for all relevant institutions from the national to the local level?

- **National**

(a) National DRRM Council - policy-making, coordination, integration, supervision, monitoring and evaluation,

(b) Office of Civil Defense – standing body / secretariat ; "administering" civil defense and DRRM through strategies that reduce vulnerability and risk to hazards and manage disaster impacts

- **Local**

(a) Local DRRM Councils

(b) Local DRRM Offices

- **Inter-agency roles**

- National DRRM Plan identifies the lead government agencies for each activity

- Challenges:
  - level of authority of standing body
  - Insufficient budget and manpower

DRR - PHILIPPINES: *National Disaster Risk Reduction and Management Act (2010)*

QUESTION 3: Do your country's laws ensure that adequate resources are budgeted for disaster risk reduction?

- **National:** national DRRM fund
- **Local:** local DRRM fund (minimum 5% of local government funds <u>must</u> be allocated yearly)
- **Others:** funds for large scale recovery, when needed (e.g. Typhoon Haiyan)

QUESTION 4: Do your country's relevant sectoral laws include provisions to reduce existing risks and prevent the creation of new risks?

- **National:** Responsibility to develop risk transfer mechanisms that will ensure social & economic protection, increase resilience
- **Local:** can access calamity insurance (Local DRRM fund)

DRR - PHILIPPINES: *National Disaster Risk Reduction and Management Act (2010)*

QUESTION 5: Do your country's laws establish clear procedures and responsibilities for conducting risk assessments and ensuring risk information is considered in development processes?

- Responsibility of DRM council to develop climate-sensitive disaster risk assessment tools

- Requires local-level risk assessment

QUESTION 6: Do your country's laws establish clear procedures and responsibilities for early warning?

- Adopts internationally accepted definition of "early warning system" – 4 components

DRR - PHILIPPINES: *National Disaster Risk Reduction and Management Act (2010)*

QUESTION 7: Do your country's laws require education, training and awareness-raising to promote a whole-of-society approach to disaster risk reduction?

- Establishes "Disaster Risk Reduction and Management Training Institutes" – still needs to be implemented due to lack of funding

- Basic DRR included in educational curriculum

QUESTION 8: Do your country's laws ensure the engagement of all relevant stakeholders, including civil society, the private sector, scientific institutions and communities, in risk reduction decisions and activities?

- Enabling environment for participation of civil society organizations (CSOs), private sector and volunteers in the government's DRR programs

- Seat at the table: civil society is represented in the national and local DRM councils (academe, faith-based organizations, people's organizations, non-government organizations)

- Ensure a multi-stakeholder participation in the development, updating, and sharing of disaster risk information

DRR - PHILIPPINES: *National Disaster Risk Reduction and Management Act (2010)*

QUESTION 9: Do your country's laws adequately address gender considerations and the special needs of particularly vulnerable categories of persons?

- Defines **who are vulnerable and marginalized groups -** those that face higher exposure to disaster risk and poverty including, but not limited to, women, children, elderly, differently-abled people, and ethnic minorities.

- Recognizes the need to "develop and **strengthen the capacities** of vulnerable and marginalized groups to mitigate, prepare for, respond to, and recover from the effects of disasters"

- Women and children's needs should be **prioritized** in disaster response

- Gender-sensitive risk assessment

DRR - PHILIPPINES: *National Disaster Risk Reduction and Management Act (2010)*

QUESTION 10: Do your country's laws include adequate mechanisms to ensure that responsibilities are fulfilled and rights are protected?

- Remedial measures during emergencies (example: control on pricing of goods, low-interest loans for affected persons)

- Declares certain acts unlawful , with corresponding penalties

- Provisions on monitoring, reporting and validation of activities (example: annual work and financial plans on DRM)

DRR - VIETNAM: *Law on Natural Disaster Prevention and Control (2013)*

HIGHLIGHTS:

- All thematic areas of disaster risk management; focus on DRR

- National institutions for DRM through inter-agency coordination; local DRM institutions through "committees" embedded in People's Committees,

- Identifies roles of international actors in disaster prevention and control

- Establishes DRR funds at national and local level (but amount is not known)

- Policy to integrate DRR and climate change impacts in risk assessment

- Clear policy to mainstream disaster prevention into national and local socio-economic development plans, and integrate with climate change

- Long term recovery ("remediation") / build back better

QUESTION 2. Do your country's laws establish clear roles and responsibilities related to risk reduction for all relevant institutions from the national to the local level?

- Mandates are inter-connected.
- Communities are the "first responders" (Four-on-the-spot Motto)
- **National:**
  - **Central Steering Committee for Natural Disaster Prevention & Control** (formerly the National Flood & Storm Control Committee)
  - Viet Nam Disaster Management Authority (formerly the Ministry of Agriculture and Rural Development)
  - Department of Community Based DM
  - **National Committee for Search and Rescue**

DRR - VIETNAM: *Law on Natural Disaster Prevention and Control (2013)*

Roles and responsibilities of key institutions:

- **Central Steering Committee**
  - Prime responsibility for formulation of response plans, in coordination with National Search and Rescue Committee
  - Interdisciplinary coordination, assist the Government and PM in directing natural disaster prevention and control nationwide
  - Summarize damage and needs assessment information (submitted by disaster committees of Ministries and People's committees)
- **Viet Nam National Disaster Management Agency**
  - Standing body of Steering committee , secretariat
  - Formulation of disaster prevention and control Strategy and Plan
  - Focal point for international cooperation on disaster prevention and control

DRR - VIETNAM: *Law on Natural Disaster Prevention and Control (2013)*

Roles and responsibilities of key institutions:

- **National Committee for Search and Rescue**
  - nationwide search and rescue and focal for international humanitarian assistance coordination
  - Works closely with Steering Committee when it comes to response efforts
  - Training of search and rescue forces nationwide
  - International cooperation on search and rescue

Good examples of preparedness & response provisions

AADMER Mapping Report (Domestic Preparedness & Response)

- **Domestic preparedness:**
  - The Philippines training institutes for DRRM

- **Domestic EWS:**
  - Myanmar's specific legal provisions on EWS

- **Domestic response:**
  - The Philippines DRRM Act provisions for both national and local DRRM funds, including funds for DRR, preparedness, recovery and quick response
  - Malaysia's approach of having a response-ready standing forces (fire and rescue, civil defense) which already has personnel, equipment and budget

Good examples of preparedness & response provisions

AADMER Mapping Report (Regional Cooperation on Preparedness & Response)

- Myanmar's inclusion of ASEAN and regional obligations

- Provisions on compliance with treaties in general: Brunei, Cambodia, and the Philippines

- Provisions on coordination of international assistance: the most detailed models for interstate cooperation as well as others are in the laws of Cambodia and Myanmar.

- Tax exemptions for humanitarian assistance are most clearly conferred in the laws of: Cambodia, Myanmar, and Viet Nam.

Summary

Summary

- Globally, there is greater focus on long-term Disaster Risk Reduction as an outcome of DRM).

- DRR, Climate Change Adaptation, and Sustainable Development are all connected. These can be legislated into one or more interconnected laws.

- The right DRM law for your country depends on your country's own context. Look at : (a) disaster risk profile and (b) disaster risk governance capacity, then check DRM law typology.

- Various IFRC Disaster Law tools are available to help in assessing DRM legal frameworks, particularly on themes of DRR, regional preparedness and response, and international disaster response law (IDRL).

THANK YOU !

FOR MORE INFORMATION, PLEASE VISIT:

http://www.ifrc.org/dl

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