Disaster Risk Governance Guidelines

Strengthening Laws, Policies and Plans for Comprehensive Disaster Risk Management

IFRC

Disaster Law

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Terminology

On 2 February 2017, the United Nations General Assembly (**UNGA**) endorsed a set of definitions developed by an open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction (the **Expert Working Group**).[1] These definitions were set out in a report prepared by the Expert Working Group and transmitted to the UNGA in December 2016 (the Expert Working Group's Report).[2] These Guidelines adopt the Expert Working Group's definitions of key disaster-related terms. The Guidelines also use several terms which were not defined by the Expert Working Group. This includes several disaster law terms defined by the IFRC such as 'legal facilities' and 'legal preparedness'. It also includes several umbrella terms used by the IFRC such as 'disaster authorities' and 'sectoral authorities'. All key terms used in these Guidelines are defined below.

Anticipatory action: Acting ahead of predicted hazardous events to prevent or reduce acute humanitarian impacts before they fully unfold.[3] Some examples of anticipatory action are evacuation, distributing emergency supplies and cash grants, and reinforcing housing and infrastructure.

Climate change adaptation: In human systems, climate change adaptation is the process of adjustment to actual or expected climate and its effects, in order to moderate harm or exploit beneficial opportunities. In natural systems, climate change adaptation is the process of adjustment to actual climate and its effects, noting that human intervention may facilitate adjustment to expected climate and its effects.[4]

Disaster: A serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts.[5]

Disaster authorities: An umbrella term for government departments, agencies and other bodies or structures whose main function is to supervise, coordinate and/or implement disaster risk management activities. In many countries, this will include a National Disaster Management Office or Civil Protection Department.

Disaster displacement: Situations where people are forced or obliged to leave their homes or places of habitual residence as a result of a disaster or in order to avoid the impact of an immediate and foreseeable natural hazard.[6]

Disaster instruments: An umbrella term for any kind of official government document, whether legally binding or not, whose main subject is disasters or a disaster-related issue. This includes laws, regulations, decrees, ordinances, policies, strategies, plans and standard operating procedures.

Disaster mitigation: The lessening or minimising of the adverse impacts of a hazardous event.[7]

Disaster prevention: Activities and measures to avoid existing and new disaster risks.[8]

Disaster preparedness: The knowledge and capacities developed by governments, response and recovery organisations, communities and individuals to effectively anticipate, respond to and recover from the impacts of likely, imminent or current disasters.[9]

Disaster recovery: The restoring or improving of livelihoods and health, as well as economic, physical, social, cultural and environmental assets, systems and activities, of a disaster-affected community or society, aligning with the principles of sustainable development and 'build back better', to avoid or reduce future disaster risk.[10]

Disaster response: Actions taken directly 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.[11]

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.[12]

Disaster risk management (DRM): The application of policies, strategies and other measures to prevent new disaster risk, reduce existing disaster risk and manage residual risk (through disaster preparedness, response and recovery), contributing to the strengthening of resilience and reduction of disaster losses.[13]

Disaster risk management actors (DRM actors): An umbrella term for any actor that plays a role in implementing disaster prevention and mitigation, preparedness, anticipatory action, response and recovery activities. This encompasses a very broad range of government and non-government actors including disaster authorities, sectoral departments or agencies (e.g., health, housing, education), the National Red Cross or Red Crescent Society, civil society, community groups, the private sector and academic institutions.

Disaster risk reduction (DRR): The policy objective of disaster risk management. It aims at preventing new and reducing existing disaster risk and managing residual risk, all of which contribute to strengthening resilience and therefore to the achievement of sustainable development.[14]

Early warning system: An integrated system of hazard monitoring, forecasting and prediction, disaster risk assessment, communication and preparedness activities systems and processes that enables individuals, communities, governments, businesses and others to take timely action to reduce disaster risks in advance of hazardous events.[15]

Hazard: A process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation.[16]

Legal facilities: Special legal rights that are provided to an organisation (or a category of organisations) to enable it (or them) to conduct operations efficiently and effectively. Legal facilities often take the form of exemptions from a law or legal requirement that would otherwise apply or access to simplified and expedited regulatory processes.[17]

Marginalised and at-risk groups: An umbrella term to refer to people who may be disproportionately impacted by disasters due to pre-existing social and economic marginalisation, greater exposure to hazards and/or higher vulnerability to the impacts of hazards. Groups which often (but do not always) fall into this category include women and girls, children, older people, people with a disability or chronic illness, migrants (especially migrants with an irregular status), displaced people, racial and ethnic minorities, indigenous groups and sexual and gender minorities.

Public health emergency: An occurrence or imminent threat of an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or a novel and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant number of human fatalities or incidents or permanent or long-term disability. Public health emergencies are a type of disaster; they fall within the definition of 'disaster' above.[18]

Sectoral authorities: An umbrella term to refer to all government departments and agencies other than disaster authorities (see the definition of 'disaster authorities' above). This includes, for example,

departments and agencies responsible for health, education, housing, the environment and foreign affairs.

Sexual and gender-based violence (SGBV): A composite term used within the International Red Cross and Red Crescent Movement to refer to two distinct but overlapping phenomena: (i) sexual violence; and (ii) gender-based violence. Sexual violence refers to acts of a sexual nature committed against any person by force, threat of force or coercion. Gender-based violence refers to any harmful act that results in, or is likely to result in, physical, sexual or psychological harm or suffering to a woman, man, girl or boy on the basis of their gender.[19]

Technological disaster: A disaster caused by the occurrence or manifestation of a technological hazard.

Technological hazard: A hazard originating from technological or industrial conditions, dangerous procedures, infrastructure failures or specific human activities. Examples include industrial pollution, nuclear radiation, toxic waste, dam failures, transport accidents, factory explosions, fires and chemical spills. Technological hazards also may arise directly as a result of the impacts of a natural hazard event.[20]

Introduction

In the context of climate change, a commonly accepted narrative is that increasingly frequent and severe disasters are unavoidable. This narrative insinuates, incorrectly, that communities and societies are largely powerless in the face of unpredictable and inevitable forces beyond their control. To the contrary, disaster risk and disaster impacts depend heavily on physical, social, economic and environmental factors that are within our control.

While the pernicious narrative of human frailty in the face of disasters remains widely accepted, governments around the world are increasingly recognising that there is much they can do to strengthen disaster risk management (DRM). At the international level, this is evident from the adoption of the Sendai Framework for Disaster Risk Reduction 2015-2030 (Sendai Framework) and its predecessors,[21] the ongoing deliberations on the future of the International Law Commission's Draft Articles on the Protection of Persons in the Event of Disasters and the numerous references to DRM in the Sustainable Development Goals and the New Urban Agenda. Equally, it is evidenced by the international community's ongoing efforts to revise the International Health Regulations (2005) and to negotiate a new international pandemic instrument. Governments are also increasingly recognising the overlap between DRM and climate change adaptation (CCA) and, therefore, the role of effective DRM in achieving the global goal on adaptation established by the Paris Agreement.

Momentum has also been growing at the regional level. During the past two decades, regional organisations in the Americas, Asia Pacific, the Caribbean and Europe have adopted agreements establishing regional disaster assistance mechanisms and an array of regional policies on DRM. At the domestic level, there has been strong growth in domestic law and policy reform, with many governments enacting modern, comprehensive disaster legislation and adopting national disaster risk reduction strategies. Governments are increasingly moving towards a multi-hazard approach and scaling up investment in prevention, mitigation, preparedness and anticipatory action. While significant progress has already been made at the domestic level, there remains more to do. Indeed, the recent Mid-Term Review of the Sendai Framework finds that progress towards strengthening disaster risk governance has been varied and that there is a continued need to enhance legal frameworks.[22]

The International Federation of Red Cross and Red Crescent Societies (IFRC) has been active in disaster law for over 20 years. During this period, it has developed leading research and recommendations on how domestic instruments — laws, regulations, policies, plans and standard operating procedures — can provide the foundation for a comprehensive DRM system. These Guidelines represent the culmination of IFRC's two decades of work in disaster law, consolidating an extensive body of research and recommendations into a single document. The Guidelines are designed to support states in their efforts to strengthen disaster risk governance and become legally prepared for disasters. They are a benchmarking tool that can be used to guide the development and review of domestic instruments, with the ultimate aim of keeping people safe from the impacts of disasters and climate change.

Key Background Information

Disaster Risk Reduction and Management

Disaster risk reduction and disaster risk management are closely related concepts which are sometimes used interchangeably. Disaster risk reduction (DRR) is the *policy objective* of preventing new disaster risk, reducing existing disaster risk and managing residual risk.[23] The term disaster risk management (DRM) refers to the *actions* implemented to achieve DRR.[24] There are several types of activities and measures that fall within the scope of DRM.

- Disaster prevention refers to activities and measures to avoid existing and new disaster risks.[25] It expresses the concept and intention to completely avoid potential adverse impacts of hazardous events. Prevention aims to reduce vulnerability and exposure to hazards through measures such as dams or embankments that eliminate flood risks, land use regulations that prohibit settlement in high-risk zones, or seismic engineering designs that ensure the survival and functioning of a critical building in any likely earthquake.[26]
- Disaster mitigation is a closely related concept to prevention. It refers to lessening or minimising the adverse impacts of a hazardous event, rather than avoiding them completely.[27] Mitigation measures include engineering techniques and hazard-resistant construction as well as improved environmental and social policies and public awareness.[28] It should be noted that, in climate change policy, 'mitigation' is defined differently; it is the term for human interventions to reduce the sources or enhance the sinks of greenhouse gases.[29]
- Disaster preparedness is the knowledge and capacities developed by governments, response and recovery organisations, communities and individuals to effectively anticipate, respond to and recover from the impacts of likely, imminent or current disasters.[30] It includes activities such as contingency planning, stockpiling equipment and supplies, developing coordination arrangements, evacuation and public information, and associated training and field exercises.[31]
- Anticipatory action refers to acting ahead of predicted hazardous events to prevent or reduce acute humanitarian impacts before they fully unfold.[32] Anticipatory action often refers to mechanisms incorporating pre-agreed and predictable financing for pre-agreed plans, to be released when an agreed trigger point is reached. However, in some cases the term describes more informal approaches, where action is taken in anticipation of a crisis or disaster on the basis of a forecast.
- Disaster response refers to actions taken directly 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.[33] Disaster response may also be referred to as disaster relief.
- Disaster recovery is the restoring or improving of livelihoods and health, as well as economic, physical, social, cultural and environmental assets, systems and activities, of a disaster-affected community or society, aligning with the principles of sustainable development and 'build back better', to avoid or reduce future disaster risk.[34]

The relationship between the above types of activities is shown in the diagram below. While these types of activities are often called 'phases', these Guidelines refer to them as 'components' of DRM. This is because they do not necessarily occur in a neat sequential or linear order. For example, even once the

primary impacts of a disaster have materialised, it may be necessary to implement activities to prepare for and anticipate secondary impacts. As another example, prevention and mitigation measures need to be integrated into recovery in order to achieve the principle of 'building back better'.

At the international level, the main instrument relating to DRR and DRM is the Sendai Framework for Disaster Risk Reduction 2015-2030 (Sendai Framework). The Sendai Framework has seven global targets and is structured around four priorities for action: (1) understanding disaster risk; (2) strengthening disaster risk governance to manage disaster risk; (3) investing in disaster risk reduction for resilience; and (4) enhancing disaster preparedness for effective response and to 'Build Back Better' in recovery, rehabilitation and reconstruction.[35] Each of the four priorities for action has a set of actions to be implemented at two levels: global and regional; and national and local.

Climate change adaptation (CCA) is the process of adjustment to actual or expected climate and its effects, in order to moderate harm or exploit beneficial opportunities.[36] There is a large overlap between DRM and CCA: these fields converge on the management of weather and climate-related hazards such as cyclones, floods, drought and heatwaves. Both sectors share the goals of reducing vulnerability to, and losses caused by, these types of hazards. The overlap between DRM and CCA means that there is a need for coherence between the instruments adopted and the activities implemented in the DRM and CCA sectors, in order to fully realise synergies while also avoiding conflict, duplication and gaps. This issue is discussed in Section 1E below. Another important point is that DRM activities and measures need to be designed with climate change in mind, rather than by reference to historic or current climatic conditions. More specifically, DRM measures need to be designed using scientific modelling about how potential climate change scenarios will impact exposure to weather and climate-related hazards. This is discussed in Section 2A below.

At the international level, the main instrument relating to CCA (and climate change mitigation) is the Paris Agreement. The Paris Agreement establishes the 'global goal on adaptation' of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change, with a view to contributing to sustainable development.[37] The Paris Agreement does not refer to disasters, DRR or DRM. In practice, however, strengthening DRM is critical to adapting to climate change. There is, therefore, significant overlap between the practical actions needed to achieve the Paris Agreement's global goal on adaptation and the Sendai Framework's targets and priorities.

IFRC Disaster Law

Since 2007, successive resolutions of the International Conference of the Red Cross and Red Crescent (International Conference) — which convenes the states parties to the Geneva Conventions, the 191 National Red Cross and Red Crescent Societies (National Societies), the International Committee of the Red Cross (ICRC) and the IFRC — have mandated the IFRC to provide advice and support to states on disaster law.[38] This mandate has two pillars: first, to conduct research and advocacy, including the development of models, tools and guidelines for practical use; and secondly, to support states to strengthen their disaster laws. This mandate is shared with National Societies, with whom the IFRC jointly implements advocacy projects and supports domestic law reform initiatives.

The unit within IFRC that is responsible for implementing IFRC's disaster law mandate is known as IFRC Disaster Law. Under the first pillar of its mandate, IFRC has produced four key guidance documents.

1. The Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (commonly known as the **IDRL Guidelines**) address how governments can legally prepare to receive international disaster assistance.[39] The IDRL Guidelines were adopted by Resolution 4 of the 30th International Conference in 2007 and, subsequently, have been endorsed by several resolutions of the United Nations General Assembly.[40] The IDRL Guidelines have also been released in the form of an IDRL Checklist.[41] IFRC has developed tools to support the domestic implementation of the IDRL Guidelines including: a Model Act developed in collaboration with UN OCHA and the Inter-Parliamentary Union;[42] and a Model Emergency Decree developed in collaboration with UN OCHA.[43]

2. The Checklist on Law and Disaster Risk Reduction (**Checklist on Law and DRR**) was developed by IFRC and the United Nations Development Programme (**UNDP**) to provide guidance on how domestic laws, policies and plans can support DRR. It was also conceptualised as a tool to support domestic implementation of existing international standards, in particular the Sendai Framework and its priority action of strengthening disaster risk governance.[44] The Checklist on Law and DRR was endorsed by Resolution 6 of the 32nd International Conference in 2015[45] and is accompanied by a Handbook on Law and Disaster Risk Reduction.[46]

3. The Checklist on Law and Disaster Preparedness and Response (**Checklist on Law and DPR**) was developed by IFRC to provide guidance on how domestic laws, policies and plans can best support disaster preparedness and response. It addresses a wide range of key issues in disaster preparedness and response including contingency planning, early warning systems, training and education, drills, institutional frameworks, the declaration of states of disaster or emergency, and financing. The Checklist on Law and DPR was endorsed by Resolution 7 of the 33rd International Conference in 2019.[47]

4. The Guidance on Law and Public Health Emergency Preparedness and Response was published by IFRC in 2022 to provide guidance on how domestic laws, policies and plans can support effective preparedness and response to public health emergencies. The Guidance addresses topics such as institutional frameworks, contingency planning, early warning, states of emergencies and compliance with the International Health Regulations (2005).

In addition to the above, IFRC has researched and developed recommendations on disaster recovery,[48] on integration and coherence between DRM and CCA policy,[49] on child protection in disasters,[50] and on gender equality and protection against sexual and gender-based violence in disasters.[51]

Under the second pillar of its mandate — to support states to strengthen their disaster laws — IFRC conducts domestic legislative advocacy around the world in partnership with National Societies. For example, National Societies and IFRC have supported the implementation of the IDRL Guidelines in domestic instruments in 38 countries, with several countries adopting more than one instrument reflecting the recommendations of the IDRL Guidelines.[52] In addition to this domestic activity, IFRC and National Societies jointly engage with regional bodies to influence the development of regional DRM instruments, arrangements and tools. IFRC and National Societies have, for example, influenced the development of regional provisions consistent with the IDRL Guidelines in the Andean countries, Central America, Europe and South-East Asia.[53]

About the Guidelines

Purpose and scope of the Guidelines

These Guidelines are a tool to support states in their efforts to strengthen disaster risk governance and become legally prepared for disasters. Their intended audience is domestic law and policy makers, as well as other DRM actors and stakeholders.

> 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.[54]

A key aim of these Guidelines is to consolidate IFRC's existing body of recommendations into a single document that can serve as a benchmark for assessing domestic instruments. The Guidelines also aim to provide guidance on the implementation of relevant international instruments, most notably the Sendai Framework and the International Health Regulations (2005). The Guidelines adopt a holistic approach, identifying how different types of instruments — laws, regulations, policies, plans and Standard Operating Procedures (SOPs) — can collectively provide a comprehensive framework for effective DRM.

The Guidelines address the key topics that need to be addressed in domestic disaster instruments. They commence with a section on the foundations of an effective DRM system (Section 1), which addresses institutional arrangements, funding, monitoring and evaluation, and prevention of fraud and corruption. Subsequently, they address disaster prevention and mitigation (Section 2); disaster preparedness, anticipatory action and response (Section 3); and disaster recovery (Section 4). The Guidelines also have dedicated sections on specific types of disaster (Section 5); international disaster assistance (Section 6); legal facilities for DRM actors (Section 7); the protection and inclusion of marginalised and at-risk groups (Section 8); mental health and psychosocial support (Section 9); and disaster displacement (Section 10). Although these Guidelines are designed to be comprehensive, there is a small number of topics which are not included and which may be added to future editions once detailed research has been completed. Notably, this includes the role of social protection systems in reducing the impacts of disasters, particularly on marginalised and at-risk groups.[55]

> Legal preparedness for disasters and emergencies refers both to an outcome and a process.
>
> As an outcome, legal preparedness refers to the state of being legally prepared, meaning having in place well-designed, well-understood and well-implemented laws, regulations, procedures and plans relating to disasters and emergencies.
>
> As a process, legal preparedness refers to reviewing and strengthening legal instruments to ensure they: (i) provide an enabling environment for effective and efficient DRM; and (ii) mitigate the common legal problems that arise during disasters and emergencies. It also includes implementing existing legal arrangements through developing operational procedures and plans, training actors (especially concerning their roles and responsibilities), and dissemination and awareness raising for the general public.

As indicated in the Terminology section above, these Guidelines adopt the internationally accepted definition of a disaster as "[a] serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one

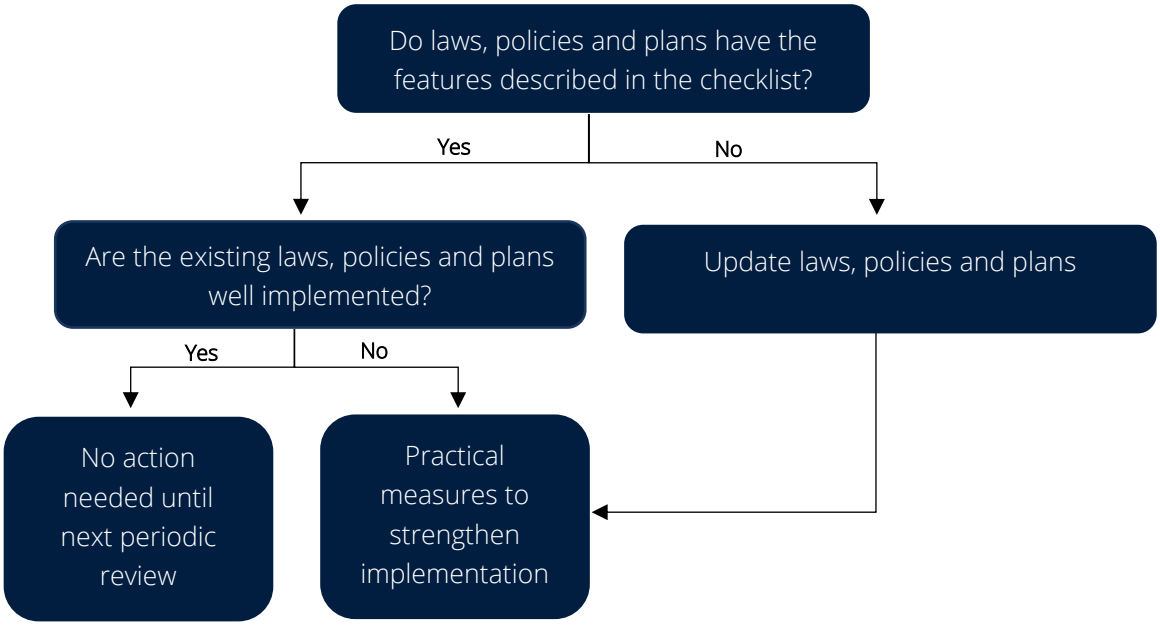
or more of the following: human, material, economic and environmental losses and impacts".[56] This definition does *not* include armed conflicts and other situations of social instability or tension.[57] Therefore, these Guidelines apply to all types of disasters and emergencies, except armed conflicts and other situations of social instability or tension. It should be noted that this includes public health emergencies and technological disasters (discussed in Section 5).

Another important point is that these Guidelines are not designed to be used to support disaster law and policy reform in fragile, conflict-affected and vulnerable (FCV) settings. To the contrary, the Guidelines have been designed to be used in settings where there is a moderate-to-high level of compliance with the rule of law, as evidenced by factors such as open government, regulatory enforcement, low corruption, fundamental rights, order and security.[58] IFRC Disaster Law's existing body of research and recommendations does not address how to strengthen disaster risk governance in FCV settings. This is a significant gap which warrants thorough research and analysis. Indeed, existing IFRC experience and case studies highlight the complexity of DRM in FCV settings, suggesting there may be a need for a tailored set of recommendations on disaster risk governance in these contexts.

When and how to use the Guidelines

For each topic addressed in these Guidelines, there is a description of key legal and practical issues. This is followed by a short checklist identifying the types of legal, policy and planning provisions that generally need to be in place. These topic checklists are designed to serve as a benchmark for assessing domestic instruments and identifying strengths, weaknesses and gaps. They can be used to identify areas for improvement and the types of provisions that may need to be enacted. These Guidelines may be used to support a broad or wholesale review of a country's disaster laws, policies and plans. In this situation, IFRC recommends following the order of the Guidelines, by methodically considering each topic and checklist in turn. The Guidelines can also support more targeted law or policy reform focusing on a specific aspect of DRM and using only the relevant section(s) or sub-section(s) of the Guidelines.

Disaster laws, policies and plans can only be effective if they are well implemented. Therefore, IFRC recommends following a three-step process when using the topic checklists in these Guidelines. The first step is to assess existing laws, policies and plans. If appropriate provisions are already in place, then the second and third steps are to assess whether they are well implemented and, if not, to identify practical measures to strengthen implementation. Some key practical measures for strengthening implementation are to improve the knowledge and capacities of DRM actors (e.g., through training, drills, simulation exercises), to enhance their working relationships with one another, and to increase the funding and other resources available to them. This three-step process is shown in the diagram on the following page.


Do laws, policies and plans have the features described in the checklist?
Yes
No
Are the existing laws, policies and plans well implemented?
Update laws, policies and plans
Yes
No
No action needed until next periodic review
Practical measures to strengthen implementation

1. The Foundations of an Effective DRM System

A. Disaster instruments

At the domestic level, DRM is underpinned by a network of laws, policies, plans and procedures. Each of these types of instruments can play an important role. Laws can provide the architecture for the DRM system by creating disaster authorities, outlining the mandates, roles and responsibilities of these authorities and other actors, establishing coordination mechanisms, requiring regular budget allocations and establishing guiding principles or objectives. Laws can also mandate and allocate responsibility for key DRM tasks (e.g., risk assessment, early warning, evacuation), facilitate DRM activities by creating exceptions from normal rules (i.e., removing 'red tape') and enable the declaration of a state of emergency or disaster. While policies and plans can perform *some* of the foregoing functions, the benefit of laws is their binding nature, which means they can create enforceable rights and duties.

While most countries have a dedicated disaster law, the degree of detail included in this law varies. One factor that influences the level of detail is the type of legal system in place. In some legal systems, the law provides broad outlines and the detail is found in implementing regulations or decrees. In these systems, provisions in the main disaster law may not become operational until implementing regulations or decrees are developed. In contrast, in other legal systems, the law itself descends into a high level of detail and is operational as soon as it enters into force. During the past two decades, many governments have developed a multi-hazard disaster law that addresses prevention and mitigation, preparedness, response and recovery. IFRC generally recommends this approach because it can provide an overarching framework, within which more specific instruments can be developed.

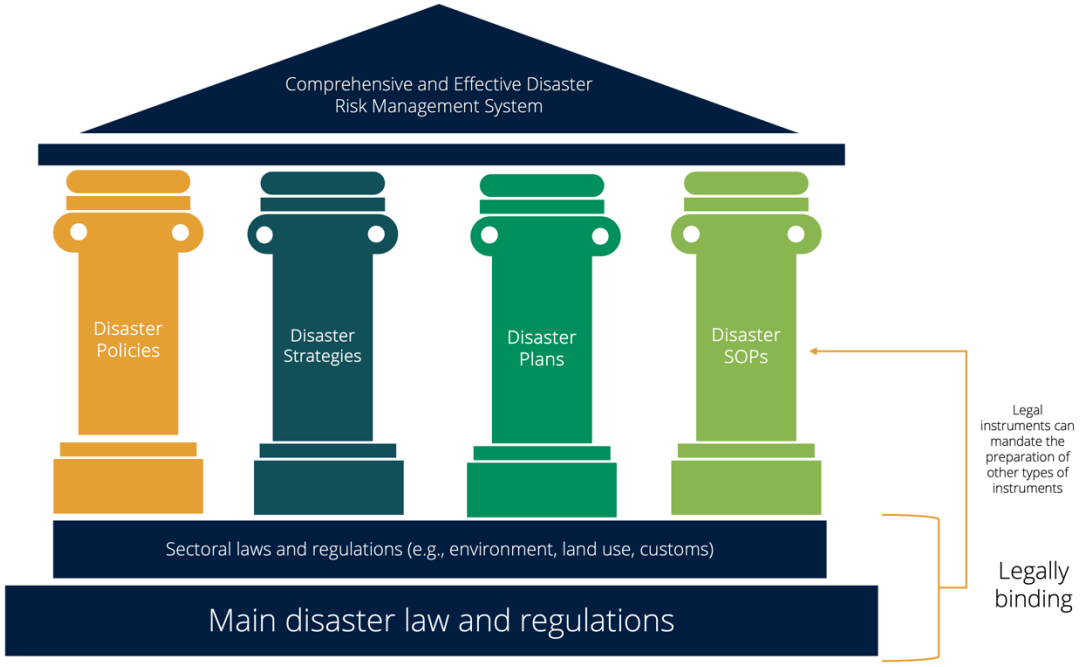
Policies, strategies, plans and procedures also play a key role in DRM. The general roles of these instruments are outlined below.

- The role of policies is to establish a vision for DRM (or a specific aspect of DRM). Policies can achieve this by defining key terms and identifying the principles, objectives, goals and priorities for DRM. Policies may also identify key activities or projects that will be implemented and describe different actors' roles and responsibilities. However, policies usually describe these matters in a general or high-level manner, with greater detail appearing in other instruments (usually legal instruments or plans).
- The role of plans is to create clarity about the 'who', 'what', 'when', 'where' and 'how' of DRM (or a specific aspect of DRM). Plans typically identify the activities that will be implemented in each sector and assign roles and responsibilities for these activities. They also typically outline coordination and information-sharing mechanisms. While laws and policies may also address these matters, plans generally descend into a much higher level of operational detail. Contingency plans for disaster response are common, however plans also need to be prepared for other components of DRM.
- Strategies are a common type of disaster instrument. Some strategies resemble policies, while others have a hybrid nature, combining elements typically seen in policies and plans. Many states have developed national and sub-national DRR strategies as part of fulfilling their commitments under the Sendai Framework, whose seven global targets include substantially increasing the number of countries with national and local disaster risk reduction strategies.[59]

- The role of standard operating procedures (SoPs) is to provide a set of step-by-step instructions to guide DRM actors in performing routine or key tasks. SOPs can promote efficiency, quality and uniformity, while also reducing error or failure to comply with applicable standards.

Policies, plans and procedures are often developed for specific hazards, functions or activities. This can create a risk of fragmentation. It is important that different disaster instruments — and the practical arrangements they create — are consistent with one another and avoid unnecessary duplication. Moreover, it is important to avoid gaps. The various disaster instruments in place need to collectively address all hazards, all geographical areas and all components of DRM. Having a comprehensive, multi-hazard disaster law can mitigate the risk of inconsistency, duplication or gaps by providing an overarching framework under which more specific policies, plans and procedures can be developed. Indeed, the main disaster law can require instruments for specific hazards, functions or activities to be prepared and periodically updated.

The term 'sectoral laws' refers to any law that relates to a particular sector of activity (e.g., health, education, housing, the environment) and that is *not* a disaster law. Many different sectoral laws and regulations can play an important role in DRM. For example, sectoral laws relating to the environment, land use and construction can play an important role in reducing exposure and vulnerability to hazards (see Section 2 below). Sectoral laws relating to tax, migration and customs (among others) can play an important role in facilitating international disaster assistance (see Section 7 below). Thus, it is important not only to have strong disaster instruments in place, but also to mainstream or integrate disaster-related provisions into a wide range of sectoral laws and regulations. The diagram below depicts how all the different types of instruments discussed in this section can work together to support a comprehensive and effective DRM system.



As stated above, laws and policies can identify guiding principles, objectives and approaches to DRM. Many principles, objectives and approaches are widely recognised at the international level and in the DRM and humanitarian sectors.[60] These include providing special protection and assistance to marginalised and at-

risk groups; implementing an all-of-society and all-of-state approach; empowering local authorities and local communities; adopting a multi-hazard approach; greater investment in prevention, mitigation, preparedness and anticipatory action; and realising the synergies between DRM, climate change adaptation and sustainable development. Countries that are reviewing their disaster laws and policies should consider incorporating these guiding principles, objectives and approaches and adapting them to the local context.

Checklist: Disaster Instruments

- ☐ There is a main disaster law which provides the foundations for the DRM system.
- ☐ The main disaster law adopts a multi-hazard approach. It addresses disaster prevention and mitigation, preparedness, anticipatory action, response and recovery.
- ☐ There is a DRM policy (or, alternatively, a set of policies) which provides a vision for DRM by identifying guiding principles, objectives and approaches to DRM as well as key domains and types of activities.
- ☐ There is a DRM plan (or, alternatively, a set of DRM plans) which identifies in detail the key activities that will be implemented and clarifies roles, responsibilities and coordination mechanisms for these activities.
- ☐ The disaster laws, policies and plans identified above — and the practical arrangements they create — are consistent with one another and avoid unnecessary duplication.
- ☐ The disaster laws, policies and plans identified above are comprehensive in the sense that they address:
    - disaster prevention and mitigation, anticipatory action, preparedness, response and recovery;
    - all types of hazards that are prevalent in the country; and
    - all geographical areas in the country.
- ☐ Disaster laws, policies and plans adopt guiding principles, objectives and approaches to DRM including some or all of the following:
    - providing special protection and assistance to marginalised and at-risk groups;
    - implementing an all-of-society and all-of-state approach;
    - empowering local authorities and local communities;
    - adopting a multi-hazard approach;
    - greater investment in prevention, mitigation, preparedness and anticipatory action; and
    - realising the synergies between DRM, climate change adaptation and sustainable development.

B. Institutional arrangements

Effective DRM requires an 'all-of-state' and 'all-of-society' approach which harnesses the knowledge, capacities and resources of a broad range of government and non-government actors. This requires

strong and inclusive institutional arrangements which clearly define different actors' roles and responsibilities and establish appropriate coordination mechanisms. In practice, inadequate coordination and confusion about roles and responsibilities are persistent challenges in DRM. This can lead to delays, duplication and gaps in DRM activities. The following subsections identify how laws, policies and plans can contribute to solving these challenges by establishing strong institutional arrangements. The subsections address four key topics: (i) lead responsibility for DRM; (ii) the roles and responsibilities of all other actors; (iii) the role of local governments and communities; and (iv) coordination mechanisms.

Lead responsibility for DRM

There are many different ways to allocate responsibility for DRM between government actors. The allocation of responsibility has two main dimensions: vertical and horizontal.

- Vertical allocation refers to how responsibility is divided between national, provincial and local (i.e., municipal) governments. This largely depends on a country's constitutional and political system. In many countries, the national government has primary responsibility for DRM and there is a national DRM agency or department which has branches or offices in the country's provinces. In federal countries, state governments may have primary responsibility for DRM and have their own DRM agencies or departments.
- Horizontal allocation refers to the allocation of responsibility between different government actors at the same level (or between different divisions within the same department or agency). Responsibility for DRM can be allocated according to hazard, function or type of activity. For example, there may be a national recovery agency or a national nuclear safety agency. This kind of horizontal division of responsibility can also take place at lower levels of government.

In the past two decades, many governments have created a national agency or department with a comprehensive mandate for DRM in relation to most (if not all) hazards. This agency or department typically has divisions dedicated to specific components of DRM (e.g., response, recovery) and/or specific types of hazard or disaster. IFRC generally recommends this approach because it creates a single government authority with lead responsibility for DRM, thereby reducing the risk of having different authorities with overlapping or conflicting mandates.

Even when a country has a national DRM agency, some degree of fragmentation in institutional arrangements is almost inevitable. Certain areas of DRM — for example, the management of nuclear hazards — are typically managed by specialised agencies. Where this is the case, it is critical that the respective mandates, roles and responsibilities of the different authorities are clear and that there is no inconsistency or unnecessary duplication. Further, it is critical that the division of responsibilities does not result in gaps — the mandates, roles and responsibilities of the different authorities need to collectively encompass all hazards, all geographical areas and all components of DRM.

Checklist: Lead responsibility for DRM

- ☐ The law creates a national agency or department which has a comprehensive mandate for DRM in relation to most (if not all) hazards.
- ☐ The law clearly identifies which government authorities are responsible for DRM at provincial and local levels.
- ☐ Laws, policies and plans provide disaster authorities at all levels of government clear and comprehensive mandates, roles and responsibilities.
- ☐ The mandates, roles and responsibilities of disaster authorities collectively address:
    - disaster prevention, mitigation, preparedness, anticipatory action, response and recovery;
    - all types of hazards;
    - all geographical areas in the country; and
    - all types of function (e.g., policy, operations, monitoring, evaluation).
- ☐ If there is more than one DRM authority or department (e.g., at different levels of government; for different hazards; for different components of DRM), their respective mandates, roles and responsibilities are clear. There is no inconsistency, unnecessary duplication or confusion about mandates, roles and responsibilities.

Roles and responsibilities of other actors

In addition to disaster authorities, a wide range of government and non-government actors play a critical role in DRM. Many sectoral departments and agencies (e.g., health, housing, education, social services) are responsible for providing essential services during disaster response and recovery. These departments and agencies need to be prepared to respond to a surge in demand for their services, to provide services through alternative modalities and to meet specific needs created by disasters. Many non-government actors such as the private sector, civil society organisations and community groups also play an important role. Often, these types of actors directly implement DRM activities, in some cases using government funding and other resources.

It is critical that laws, policies and plans clearly specify the roles and responsibilities of all government and non-government actors involved in DRM, not only the roles and responsibilities of disaster authorities. Roles and responsibilities should be commensurate with each actor's capacities and resources. Laws and policies can be used to outline roles and responsibilities at a high level, while disaster plans should descend into more technical and operational detail by providing more precise descriptions of the 'who', 'what', 'when', 'where' and 'how'. To achieve clarity, plans should: provide clear and precise descriptions of each actors' roles and responsibilities; indicate which actors play lead and supporting roles for different activities; and specify how roles and responsibilities differ for different components of DRM (e.g., response vs recovery).

National Red Cross and Red Crescent Societies (National Societies) have a unique legal status as auxiliary to the public authorities in the humanitarian field.[61] The auxiliary role means that National Societies supplement the activities of their public authorities in the humanitarian field, including in DRM. National Societies typically implement community-based DRM activities. They also participate in disaster response

operations as first responders. Disaster laws, policies and plans should recognise the auxiliary role of the relevant National Society in DRM and clearly outline its roles and responsibilities.

Checklist: Roles and responsibilities of other actors

- ☐ Disaster laws, policies and plans clearly outline the roles and responsibilities of all government and non-government actors in DRM including:
  - different levels of government;
  - sectoral departments and agencies;
  - civil society organisations;
  - the private sector; and
  - community groups.
- ☐ Disaster laws, policies and plans recognise the auxiliary role of the National Society in DRM and clearly outline its roles and responsibilities.
- ☐ Disaster plans:
  - provide clear and precise descriptions of each actors' roles and responsibilities;
  - indicate which actors play lead and supporting roles for different activities; and
  - specify how roles and responsibilities differ for different components of DRM (e.g., response vs recovery).
- ☐ The roles and responsibilities allocated to different actors are commensurate with their capacities and resources.

Local governments and communities

Local governments have a continuous presence before, during and after a disaster, in contrast to national and international actors who may come and go. They are often knowledgeable about disaster risk in the local area (i.e., which areas or assets have the highest exposure and vulnerability) and experienced in responding to and recovering from disasters. Further, compared to other levels of government, they may have stronger and more trusting relationships with communities. In light of these factors, it is essential for laws, policies and plans to support the role of local governments by clarifying their roles and responsibilities in disaster prevention and mitigation, preparedness, anticipatory action, response and recovery. It is also vital that local governments have adequate and reliable funding to implement these responsibilities, which can be achieved through mechanisms such as regular budget allocations. Further, it is important to establish DRM committees and/or coordination mechanisms at local government level and for these to include community representatives. In many countries, there is large variation in disaster risk levels between different local government areas. This warrants mechanisms or programs for providing additional funding and technical support to local governments that face elevated disaster risk levels.

The importance of a community-centred approach to DRM is widely recognised. Longstanding community members are often very knowledgeable about disaster risk in the local area and the weaknesses in previous disaster response and recovery operations. They can identify what types of support the

community needs to reduce disaster risk and to prepare, respond and recover from disasters more effectively. Further, it is ultimately community members themselves who are responsible for implementing many of the key actions necessary to protect themselves, their housing and their livelihoods. It follows that a community-centred approach, which involves meaningful community participation and ongoing consultation on the design and implementation of DRM activities, has the potential to better identify and meet community needs. In many cases, communities take an active role in DRM by, for example, forming groups or committees and implementing their own local projects. Disaster authorities and local governments should provide a range of supports (e.g., financial, technical, legal) to community groups that wish to take on this active role.

Checklist: Local governments and affected communities

- ☐ Laws, policies and plans clearly identify the roles and responsibilities of local governments in disaster prevention and mitigation, preparedness, anticipatory action, response and recovery.
- ☐ The law provides local governments with adequate and reliable funding to implement their DRM responsibilities through mechanisms such as regular budget allocations.
- ☐ There are mechanisms or programs in place for national and provincial governments to provide additional funding and technical support to local governments that face high levels of disaster risk.
- ☐ Laws and policies recognise the importance of a community-centred approach to DRM which integrates meaningful community participation into programs and activities.
- ☐ The law requires DRM actors to conduct ongoing community consultation on the design and implementation of DRM activities.
- ☐ The law provides for the establishment of DRM committees and/or coordination mechanisms at local government level, which include community representatives.
- ☐ There are mechanisms or programs in place for disaster authorities and local governments to provide a range of supports (e.g., financial, technical, legal) to community groups that wish to design and implement their own local DRM projects.

Coordination mechanisms

Effective DRM requires coordination *vertically* between different levels of government and *horizontally* between different government actors at the same level of government. Equally, it requires coordination between government and non-government actors. In practice, this requires developing a range of inclusive coordination mechanisms at different levels and for different components of DRM. It is not possible to prescribe a universal coordination model that is appropriate for all countries. Based on IFRC's research, however, there are some general considerations which should guide the design of coordination mechanisms.

- Coordination mechanisms should not be limited to disaster response but should also be created for disaster prevention and mitigation, preparedness, anticipatory action, recovery and international assistance.

- If the same coordination mechanism is used for different components of DRM (e.g., for both response and recovery), it is important to clarify if, how and when the leadership and participation in the coordination mechanism changes.
- Coordination mechanisms need to be inclusive, allowing for the full range of government and non-government actors to participate. Non-government actors that have DRM roles and responsibilities need to be included in operational coordination mechanisms, not only consultative groups or forums.

Checklist: Coordination mechanisms

- ☐ Laws, policies and plans:
  - establish a range of coordination mechanisms at different levels of government and for different components of DRM;
  - clearly specify which actors will lead and participate in each coordination mechanism;
  - provide for non-government actors that have DRM roles and responsibilities to participate in operational coordination mechanisms;
  - enable the government to include additional actors in coordination mechanisms on an ad hoc basis as needed (e.g., to respond to changing circumstances); and
  - specify if, how and when the leadership and participation in coordination mechanisms changes (e.g., when transitioning from response to recovery).
- ☐ There are coordination mechanisms for disaster prevention and mitigation, preparedness, anticipatory action, response, recovery and international assistance.

C. Funding

There are many different types of funding mechanisms for DRM.[62] The most common funding mechanisms are budget allocations, contingency budget lines and disaster funds. Regular budget allocations for disaster authorities are critical for providing a predictable and reliable stream of funding for core operations. In addition to regular budget allocations, many countries have contingency budget lines which can provide a rapid source of funding when a disaster occurs. Contingency budget lines may be general in nature (i.e., applicable to any kind of unforeseen financial need regardless of its exact cause) or specifically designed for emergency or disaster situations. Many countries also have a dedicated disaster or emergency fund which can be used for disaster response and may, additionally, also be used for other components of DRM.

Legal instruments are critical in creating these common funding mechanisms. The law can mandate regular budget allocations for disaster authorities at national, provincial and local levels. Disaster funds generally need to be established by law and/or regulations. Key matters that need to be specified in the relevant law and/or regulations include: the sources of contributions to the fund; the criteria for disbursements from the fund; the maximum amount that may be disbursed per event or per year; how the fund is invested (if at all); the administration and auditing of the fund; and the governance structure for the fund (i.e., establishment of a management committee or other structure for making investment and disbursement decisions).

When a disaster occurs, it typically causes a spike in funding needs which can last many years. While disaster funds and contingency budget lines can provide a rapid source of funding in disaster situations, they are generally only sufficient for higher frequency events that cause a lower level of damage. As the severity of damage increases, it becomes less likely that disaster funds or contingency budget lines will be sufficient. For this reason, IFRC recommends developing a disaster funding strategy which adopts a 'risk layering' approach characterised by combining different types of funding mechanisms to address disasters of differing frequency and severity.[63] Funding mechanisms that can be implemented in advance for less frequent but more severe disasters include the following:

- Contingent credit lines: Governments may be able to access contingent credit lines from international financial institutions. These credit lines are agreed during 'normal times' and funds are disbursed when a disaster occurs. Contingent credit lines allow governments to access funds quickly after a disaster, when rapid funding is needed but liquidity constraints are high.
- Insurance: Traditional insurance (also called indemnity insurance) can be used to cover losses caused by a disaster. Another type of insurance is parametric insurance which provides a pre-defined payout when a pre-defined event occurs (e.g., an earthquake of a specified magnitude). Governments may take out insurance for themselves. Equally, they may establish public insurance schemes to allow private individuals to obtain affordable insurance for their assets (e.g., housing, agricultural assets etc.).
- Catastrophe-linked securities: Catastrophe-linked securities provide a mechanism to transfer disaster risk to capital markets. The most common type of catastrophe-linked security is a catastrophe bond (CAT bond). CAT bonds are securities that pay the issuer when a pre-defined disaster risk materialises, such as a wildfire causing $500 million in losses or an earthquake reaching a magnitude of 6.0.[64] While insurance companies make up the largest group of CAT bond issuers, governments can also issue CAT bonds.[65]

Disaster funding mechanisms have varying costs. Therefore, in deciding which mechanisms to include in a disaster funding strategy, it is important to consider whether the projected long-term benefits justify the ongoing costs, such as interest payments or insurance premiums.

When designing a disaster funding strategy, it is critical to carefully consider the proportion of resources allocated to different components of DRM. Investing in measures that reduce disaster impacts (i.e., prevention, mitigation, preparedness and anticipatory action) is financially efficient because it ultimately reduces the costs of responding to and recovering from disasters. However, these components of DRM require much greater investment.[66] Recent IFRC research has identified that funding for *long-term* recovery is also a major challenge, with funding often being exhausted by response and early recovery activities.[67] One way to address these funding challenges is to earmark funds within a general disaster fund. Another option is to create separate funds such as a prevention and mitigation fund or a recovery fund. Additionally, it may be possible to structure funding mechanisms — such as disaster funds, loans or even insurance — to provide regular payments or disbursements over a multi-year period after a disaster, in order to ensure adequate and reliable funding for long-term recovery.

Another important consideration when designing a disaster funding strategy is ensuring adequate funding for DRM at all levels of government. The sources and allocation of funding will vary significantly depending on a country's political and constitutional system. In many countries, it will be appropriate for the law to

require the national government to provide regular budget allocations for DRM to provincial and local governments. In federal countries, it may be appropriate for provincial/state laws to require regular budget allocations for DRM. This is because provincial/state governments in federal countries are likely to have their own tax revenue and budgetary autonomy. Even where this is the case, provincial/state governments may still rely on federal government funding for DRM, in which case the federal government may use cost sharing or matching arrangements to maximise DRM investment. The federal government may also play a role in mobilising or coordinating funding from various sources (e.g., different levels of government, private sector, non-governmental organisations).

Although the importance of anticipatory action is now widely recognised, domestic disaster funding mechanisms are often designed to release funding *after* a disaster occurs. A downside of this approach is that it means the funding is not available for anticipatory action. Forecast Based Financing (FbF) is a concept developed by the humanitarian sector which refers to using forecasts as a trigger to release funding. It is increasingly reflected in humanitarian agencies' funding mechanisms.[68] Governments can introduce FbF either by integrating the concept into existing funding mechanisms or developing new mechanisms. For example, if a country already has a disaster fund, the criteria for using the fund could be amended so that funding can be released when a hazardous event is forecasted. The criteria need to define exactly what type and scale of event needs to be forecast in order for funds to be released. Further, there needs to be an expedited procedure for approving and releasing funds in this situation.

Checklist: Funding

- ☐ There is a disaster funding strategy which combines a variety of funding mechanisms to address disasters of differing frequency and severity including some or all of the following mechanisms:
    - regular budget allocations;
    - contingency budget lines;
    - government disaster funds;
    - multi-donor trust funds;
    - contingent credit lines;
    - traditional and parametric insurance; and
    - catastrophe-linked securities.
- ☐ The disaster funding strategy reflects the risk layering and forecast-based financing approaches.
- ☐ The disaster funding strategy achieves an efficient balance between funding: (i) measures to reduce disaster impacts (i.e., prevention, mitigation, preparedness and anticipatory action): and (ii) measures to respond to and overcome disaster impacts (i.e., disaster response and recovery).
- ☐ The disaster funding strategy provides adequate funding for prevention and mitigation, preparedness, anticipatory action and long-term recovery through mechanisms such as:
    - earmarking funds within the disaster fund for these components of DRM; and/or
    - creating dedicated funds for these components of DRM.

- ☐ The disaster funding strategy includes funding mechanisms that provide regular payments or disbursements over a multi-year period after a disaster.
- ☐ The law mandates regular budget allocations for national, provincial and local disaster authorities. The law also establishes a contingency budget line which can be used for disaster response and recovery.
- ☐ The law establishes a disaster fund. The law clearly identifies:
    - the sources of contributions to the fund;
    - the criteria for disbursements;
    - the maximum amount that may be disbursed per year and/or per event;
    - the amount or proportion of funding that is earmarked for specific components of DRM;
    - the administration and auditing of the fund;
    - how the fund is invested (if at all); and
    - the governance structure for the fund.
- ☐ The law enables funding to be released from the disaster fund when there is a forecast of a specified nature and scale. The law:
    - clearly outlines the criteria for releasing funding (i.e., nature and scale of the forecast event);
    - identifies the types of activities that can be funded; and
    - establishes an expedited procedure for approving and releasing the funding.

D. Quality and accountability

Minimum standards

Although disasters can create extremely challenging conditions, all actors involved in providing disaster assistance should strive and, importantly, plan to provide quality assistance. To support this objective, domestic decision-makers should develop minimum standards for disaster assistance. The Sphere Minimum Standards are the humanitarian sector's leading standards for providing food, shelter, healthcare, water, sanitation and hygiene to crisis-affected populations. Although originally developed by and for humanitarian actors, the Sphere Minimum Standards can provide a helpful reference point for developing domestic standards. Indeed, several countries have either adopted the Sphere Minimum Standards or have adapted them to their local context.[69] Moreover, the current edition of the Sphere Handbook, which sets out the standards in full, has been designed to be more accessible to different users, including national disaster authorities and other domestic government actors. As discussed in Section 7 below, compliance with minimum standards should be a condition for DRM actors to receive legal facilities, meaning special legal rights and exemptions (e.g., tax exemption, priority customs processing).

Checklist: Minimum standards

- ☐ Laws, policies and/or plans establish minimum standards for disaster assistance or, alternatively, adopt existing international minimum standards.
- ☐ The standards address all key aspects of disaster assistance including, at a minimum, the provision of food, shelter, healthcare, water, sanitation and hygiene to disaster-affected populations.
- ☐ The law requires all actors involved in providing disaster assistance (both government and non-government) to adhere to the minimum standards.
- ☐ The law requires disaster authorities to use the minimum standards as a benchmark for: (a) developing disaster plans; and (b) monitoring and evaluation.

Monitoring and evaluation

Monitoring and evaluation are broad concepts which can take many different forms. Monitoring is the routine collection and analysis of information (qualitative and/or quantitative), usually in order to track and report progress against plans, objectives and standards.[70] Evaluation involves using information to make an assessment, usually about the effectiveness, efficiency, or appropriateness of activities.[71] Monitoring and evaluation can promote transparency and accountability regarding the impacts and results of DRM activities. They can also support improvements in policy and practice by identifying learnings from past experience. Evaluations can differ in many ways:

- Scale: Evaluations may differ in scale, ranging from activity-focused to agency-focused to system-wide evaluations.
- Timing: Evaluations may differ in timing, with some evaluations being conducted at regular intervals during implementation (intra-action review) and others being conducted afterwards (after-action review).
- Aims: Some types of evaluation are predominantly learning-oriented, while others are predominantly accountability-oriented.

In relation to the last point above, accountability-oriented evaluations generally place greater emphasis on objectivity and independence and adopt a more investigative style, seeking to attribute responsibility for both successes and failures. They are typically conducted by an external evaluator and the results are made publicly available. More learning-oriented evaluations may be conducted by an internal evaluator who may provide participants with an opportunity to communicate confidentially about difficulties and, perhaps, mistakes. While accountability-oriented evaluations often seek to engender swift and systemic change, learning-oriented evaluations may support gradual, incremental change in relation to a particular activity or actor. These different types of evaluation therefore perform different yet complementary functions.

IFRC recommends developing a range of complementary monitoring and evaluation mechanisms for DRM. Disaster authorities should develop and periodically update a monitoring and evaluation framework which applies to all DRM actors (both government and non-government). This should provide the basis for ongoing monitoring and evaluation of DRM programs and activities. Additionally, system-wide evaluations should be conducted periodically (e.g., once every five years) and after major disasters. These

evaluations should encompass an assessment of existing laws, policies and plans, in order to identify whether there is a need to strengthen the content or implementation of these instruments. Consistent with the community-centred approach discussed in Section 1B above, both types of monitoring and evaluation should also provide opportunities for disaster-affected communities to share feedback on DRM programs and activities. Some jurisdictions have appointed a dedicated office or official to monitor and evaluate DRM activities (e.g., Inspector General for DRM). This provides a mechanism to embed monitoring and evaluation into the DRM system and ensure that it takes place on a regular, rather than ad hoc, basis.

Checklist: Monitoring and evaluation

- ☐ The law requires disaster authorities to develop a monitoring and evaluation framework that applies to all DRM actors (both government and non-government).
- ☐ The law requires DRM actors to conduct ongoing monitoring and evaluation of their programs and activities. As part of this process, DRM actors are required to collect and consider feedback from participants in their programs and activities.
- ☐ The law requires system-wide evaluations to be conducted periodically (e.g., once every five years) and after major disasters. This process is required to:
    - include an assessment of existing disaster laws, policies and plans;
    - provide opportunities for disaster-affected communities to make submissions; and
    - result in a public report containing findings and recommendations.
- ☐ There is a dedicated office or official mandated to oversee monitoring and evaluation of DRM activities.

Prevention of fraud and corruption

Fraud and corruption can be a serious challenge in DRM, reducing the amount and quality of assistance available to disaster-affected people. To address this issue, it is important for disaster authorities to implement measures to foster organisational resilience to fraud and corruption. Some of the key measures to promote organisational resilience to fraud and corruption include:

- developing a code of conduct that defines, prohibits and mandates reporting of fraud and corruption;
- establishing a confidential and culturally appropriate whistleblowing mechanism for staff and volunteers to report fraud and corruption;
- investigating allegations of fraud or corruption and taking proportionate disciplinary action (including dismissal and referral to the police) when an investigation reveals fraud or corruption; and
- requiring all new staff and volunteers to sign the codes of conduct and to complete training modules.

In addition to the above, anti-fraud and anti-corruption controls need to be implemented in areas such as finance, human resources, procurement, asset management and transport. The types of controls required depend on the specific functional area but often involve record keeping, separating duties so that a single person does not control an entire process, requiring decision-making or approvals by more than one person, using pre-determined criteria for decision-making and regular audits (internal and external). For example, in relation to finance, some of the key controls are establishing a financial threshold

for expenditures requiring two approvals, requiring all financial transaction documentation to be kept and filed, and conducting regular internal and external audits.

In order to prevent fraud and corruption, disaster authorities should be legally required to implement the types of anti-fraud and anti-corruption measures identified above. To achieve this, decision-makers should consider introducing provisions to this effect in the main disaster law. Decision-makers should also consider whether similar legal requirements should apply to non-government actors. At a minimum, such requirements should apply to the government-funded activities of non-government actors. Further, implementing anti-fraud and anti-corruption measures should be a requirement for receiving the types of legal facilities discussed in Section 7 below.

While fraud and corruption can affect any aspect of DRM, disaster response in particular can create opportunities for unscrupulous individuals to commit fraud or corruption. To reduce this risk, it is important to take steps to minimise the need for rapid hiring and procurement approvals during a disaster. The need for rapid hiring can be minimised by developing a roster of qualified and vetted professionals that can be recruited and deployed at short notice. The need for rapid procurement approvals can be minimised by creating lists of pre-approved suppliers. Even if these measures are implemented, it may be necessary to conduct rapid hiring and procurement during an emergency. Law and/or policy should therefore enable disaster authorities to develop simplified, expedited procurement and hiring procedures to be used during the disaster response and early recovery period.

Checklist: Prevention of fraud and corruption

- ☐ The law requires disaster authorities to adopt measures to promote institutional resilience to fraud and corruption such as:
    - developing a code of conduct;
    - establishing a whistleblowing mechanism;
    - investigating allegations and taking proportionate disciplinary action; and
    - training for all new staff and volunteers.
- ☐ The law requires disaster authorities to implement controls to prevent fraud and corruption in finance, human resources, procurement, asset management and transport.
- ☐ The law requires or enables disaster authorities to develop simplified, expedited procurement and hiring processes. It restricts the use of these processes to the disaster response and early recovery period.
- ☐ Disaster authorities have:
    - a roster of qualified and vetted professionals that can be recruited and deployed at short notice during a disaster; and
    - a list of pre-approved suppliers for procurement of goods during a disaster.

E. Coherence between DRM and CCA

As discussed in the Background section, there is a large overlap between DRM and CCA. In practice, however, DRM often falls within the mandate of disaster authorities, while CCA falls within the mandate of the department of environment or climate change. Further, DRM and CCA may be addressed in separate laws, policies and plans. For example, a common situation is for a country to have both: a National DRR Strategy developed to implement the Sendai Framework; and a National Adaptation Plan (NAP) and/or National Adaptation Programme of Action (NAPA) developed under the auspices of the United Nations Framework Convention on Climate Change.[72] This gives rise to a practical question about how to ensure coherence between the instruments and activities in each field, in order to fully realise synergies while also avoiding conflict, duplication and gaps.

While it is generally unnecessary to develop a single government body or framework for managing CCA *and* DRM, it is important to promote alignment between these sectors. DRM and CCA policies and plans should include cross-references to one another and recognise the linkages and synergies between the two sectors. At a more practical level, greater alignment can be promoted by developing, reviewing and updating DRM and CCA instruments on the same timeframe; adopting some shared goals and related performance indicators (where appropriate); and using the same timeframes for implementation and reporting. It is also essential to have strong collaboration and coordination between the authorities responsible for DRM and CCA. This can be supported by ongoing coordination mechanisms at both leadership and implementation levels, as well as joint planning and implementation for projects requiring expertise from both sectors.

Checklist: Coherence between DRM and CCA

- ☐ DRM and CCA policies and plans are coherent and aligned with one another. This includes (if applicable) the National DRR Strategy, the National Adaptation Plan and/or the National Adaptation Programme of Action.
- ☐ Policies and plans relating to DRM and CCA:
    - include cross-references to one another;
    - recognise the linkages and synergies between DRM and CCA;
    - are developed, reviewed and updated on the same timeframe;
    - adopt some shared goals and related performance indicators; and/or
    - use the same timeframes for implementation and reporting.
- ☐ There is strong collaboration and coordination between the authorities responsible for DRM and CCA including:
    - ongoing coordination mechanisms at both leadership and implementation levels; and
    - joint planning and implementation of projects requiring expertise from both sectors.

2. Prevention and Mitigation

Disaster prevention refers to activities and measures to avoid existing and new disaster risks.[73] It expresses the concept and intention to completely avoid potential adverse impacts of hazardous events.[74] Prevention aims to reduce vulnerability and exposure to hazards through measures such as dams or embankments that eliminate flood risks, land use regulations that do not permit settlement in high-risk zones, or seismic engineering designs that ensure the survival and function of a critical building in any likely earthquake.[75] **Disaster mitigation** is a closely related concept which refers to lessening or minimising the adverse impacts of a hazardous event, rather than avoiding them completely.[76] It should be noted that, in climate change policy, 'mitigation' is defined differently, and is the term for human interventions to reduce the sources or enhance the sinks of greenhouse gases.[77] This section provides concrete guidance about how domestic laws, policies and plans can best support disaster prevention and mitigation. It should be noted that Section 1 above has already discussed the foundations of an effective DRM system such as institutional arrangements and funding. This section is dedicated to the following more specific topics: (a) disaster risk knowledge; (b) planning prevention and mitigation measures; (c) land use and construction laws; and (d) environmental laws and nature-based solutions.

A. Disaster risk knowledge

Disaster risk is a function of four factors: (1) a **hazard**, meaning a process, phenomenon or human activity that may cause damage; (2) **exposure**, meaning people, infrastructure and housing being located in hazard-prone areas; (3) **vulnerability**, meaning conditions which increase the susceptibility of an individual, a community, assets or systems to the impacts of hazards; and (4) **capacity**, meaning the strengths, attributes and resources available within an organisation, community or society to manage and reduce disaster risks and strengthen resilience.[78] These four factors can be illustrated by refence to an example: a city built in an earthquake-prone area, which has an effective early warning system but has low levels of earthquake-resistant construction. In this example, earthquakes are the hazard; the city's location in an earthquake-prone area creates a high level of exposure; a lack of earthquake-resistant construction is a factor that increases vulnerability; and the effective early warning system is a factor that increases capacity.

Effective disaster risk management depends on an accurate understanding of disaster risk, which is often referred to as **disaster risk knowledge**. Developing disaster risk knowledge has two key components. The first component is systematically collecting and analysing **disaster risk information**, meaning information about hazards, exposure, vulnerability and capacity. This includes preparing hazard maps which depict geographical areas that are exposed to hazards. The second component is using disaster risk information to assess disaster risk levels, a process known as **disaster risk assessment**. Hazard mapping and risk assessments need to be multi-hazard, meaning that they address multiple major hazards. Further, disaster risk assessments should not only be based on scientific knowledge, but should also use traditional, indigenous and local knowledge.[79] In the context of climate change, it is important for hazard maps and risk assessments to be informed by scientific modelling about how potential climate change scenarios will likely impact exposure to weather and climate-related hazards in future. This is necessary to enable the design of prevention and mitigation measures that will remain effective in the context of new climatic conditions.

Laws can support the development of disaster risk knowledge by mandating and allocating responsibility for collecting and analysing disaster risk information, preparing hazard maps and conducting risk

assessments. Laws should also require hazard maps and risk assessments to be published in order to provide the general public with accurate information about disaster risk. In practice, developing disaster risk knowledge typically involves the expertise of a wide range of actors such as meteorological, seismological, environmental and disaster authorities. IFRC therefore recommends legally mandating one of these authorities to coordinate the development of disaster risk knowledge and to develop a plan and/or standard procedures to be followed by all actors involved. The plan and/or standard procedures should identify: the roles and responsibilities of different actors; protocols for sharing information between actors; and methodologies for collecting and analysing disaster risk information, preparing hazard maps and conducting risk assessments.

Checklist: Disaster risk knowledge

- ☐ The law mandates and allocates responsibility for the following tasks:
  - collecting and analysing information about hazards, exposure, vulnerability and capacity;
  - preparing multi-hazard maps; and
  - conducting multi-hazard risk assessments.
- ☐ The law requires hazard maps and risk assessments to be published.
- ☐ The law identifies which government authority is responsible for coordinating and overseeing the development of disaster risk knowledge. It requires this entity to develop a plan and/or standard procedures for developing disaster risk knowledge.
- ☐ There is a plan and/or standard procedures for developing disaster risk knowledge which addresses in detail:
  - the roles and responsibilities of different actors;
  - protocols for sharing information between actors; and
  - methodologies for collecting and analysing disaster risk information, preparing hazard maps and conducting risk assessments.
- ☐ The methodologies referred to above require:
  - risk assessments to be prepared using traditional, indigenous and local knowledge in addition to scientific information; and
  - hazard maps and risk assessments to be prepared using the best available information about how potential climate change scenarios will likely impact exposure to weather and climate-related hazards in future.

B. Planning prevention and mitigation measures

Like other components of DRM, effective disaster prevention and mitigation requires detailed planning. Planning for prevention and mitigation may occur as part of a broader planning process which also encompasses other components of DRM. Alternatively, a dedicated plan for prevention and mitigation may be prepared. An additional point to note is that plans may be prepared at national, provincial and/or local levels (depending on a country's political and governance structure).

Planning for prevention and mitigation needs to be multi-hazard and multi-sectoral, clearly identifying roles, responsibilities and coordination mechanisms for a wide range of sectoral actors. This is because disaster prevention and mitigation depend on integrating measures across a range of sectors including land use, construction, infrastructure, the environment, natural resource management, health and education. Legal provisions can play a role in ensuring that planning occurs by mandating the preparation and periodic updating of a plan. While one actor should be designated to lead this planning process, the law should also provide for sectoral departments and agencies to participate.

The law should also require the actor(s) responsible for preparing plans to consider the most recent and high-quality risk assessments. Specifically, risk assessments should be used: (1) to identify the most severe disaster risks (e.g., in terms of potential loss of life, damage to critical infrastructure, economic losses etc.); and (2) to design prevention and mitigation measures that are appropriate and adapted to those risks.

Checklist: Planning prevention and mitigation measures

- ☐ The law mandates planning for disaster prevention and mitigation. Note: This may occur through a dedicated plan for prevention and mitigation, or a broader planning process that also addresses other components of DRM.
- ☐ The law identifies which actor will lead planning for prevention and mitigation. It also identifies which other actors will be involved. This includes departments or agencies responsible for land use, construction, infrastructure, the environment and natural resource management.
- ☐ The law requires the actors responsible for prevention and mitigation planning to consider the most recent, high-quality risk assessments when developing plans.
- ☐ There is a plan that addresses disaster prevention and mitigation. The plan:
    - is multi-hazard — it addresses multiple major hazards;
    - is multi-sectoral — it identifies measures to be implemented across a wide range of sectors including land use, construction, infrastructure, the environment and natural resource management; and
    - clearly identifies roles, responsibilities and coordination mechanisms for all actors, including sectoral departments and agencies.

C. Land use laws and building codes

Exposure and vulnerability to hydrometeorological and geophysical hazards depends heavily on decisions about where and how to build housing and infrastructure. These decisions can have long-lasting consequences, potentially locking in high disaster risk levels for decades. It is, therefore, critical to integrate provisions designed to prevent and reduce disaster risk into sectoral laws relating to land use and construction.

- Land use laws and plans (also referred to as urban planning) generally regulate what can be built where. Typically, land use laws and plans use 'zoning' to designate areas where specified controls apply, such as restrictions on the types of buildings that can be constructed and design requirements. Land use laws and plans can reduce disaster risk by identifying high-risk zones where new construction is prohibited or heavily restricted. Further, they may establish disaster resilient design

requirements for buildings in high-risk and medium-risk zones. As discussed in Section 2D below, land use laws should also be used to prohibit (or strictly control) the use of areas containing ecosystems that promote DRR and CCA.

- Building codes (also known as construction codes) set standards for constructing buildings with the fundamental aims of ensuring structural integrity and safety. Building codes typically address site preparation, structural design and construction methods and materials. Building codes can reduce disaster risk by mandating structural designs and construction materials that increase resilience to natural hazards. For example, they may require houses in flood-prone areas to be elevated and houses in wildfire-prone areas to be constructed using steel frames. Building codes may also specify stricter standards for critical infrastructure — for example, requiring a higher degree of disaster resilient design and construction for hospitals and schools.

In addition to the above types of laws, many countries have a procedure for assessing and approving major infrastructure projects. These procedures should incorporate a multi-hazard risk assessment which considers the exposure and vulnerability of the proposed infrastructure to hazards. Further, these procedures should only permit approval of projects that have an acceptable level of risk or that integrate structural and non-structural measures to adequately reduce the level of risk.

Risk reduction measures in land use laws and building codes need to be based on — and periodically updated to reflect — the most recent risk assessments and hazard maps. Moreover, they need to be fully implemented. In many countries, local governments are responsible for administering land use laws and building codes. A lack of resources and capacity at this level can hamper implementation, while corruption can also be a significant challenge.[80] It may, therefore, be necessary not only to include appropriate legal provisions in land use laws and building codes, but also to implement practical measures to strengthen capacity and reduce corruption.

Constructing or retrofitting housing to be disaster resilient can be costly. Therefore, rather than simply mandating disaster resilient construction, laws should also introduce financial incentives (e.g., tax concessions) and direct financial support (e.g., grants) for households. Additionally, governments should consider developing land swap or buy-back mechanisms to assist people to relocate away from very high-risk areas. These types of mechanisms are particularly appropriate for high-risk areas where retrofitting housing cannot reduce risk to an acceptable level or would be prohibitively expensive.

Checklist: Land use laws and building codes

- ☐ Land use laws and plans identify 'high risk' zones which are highly exposed to hydrometeorological and geophysical hazards. They prohibit or heavily restrict new construction in these zones.
- ☐ The building code requires housing and critical infrastructure (e.g., hospitals, schools) to be built using disaster resilient designs and materials. Note: This requirement may be restricted to high- or medium-risk zones, as identified in land use laws and plans.
- ☐ There is a legal requirement for land use laws and the building code to be periodically updated based on the most recent hazard maps and risk assessments.
- ☐ The procedure for assessing and approving major infrastructure projects involves a multi-hazard risk assessment. It establishes that projects can only be approved if they have an acceptable level

of risk and/or integrate risk reduction measures (structural and non-structural) to adequately reduce the level of risk.

- The laws, plans and procedures identified above are well implemented. To the extent that there are weaknesses in implementation, practical measures are being implemented to strengthen implementation such as capacity building, increased funding and anti-corruption measures.
- The law provides financial incentives (e.g., tax concessions) and direct financial support (e.g., grants) for households to construct and/or retrofit housing using disaster resilient designs and materials.
- There are land swap or buy-back mechanisms to assist people to relocate away from high-risk areas.

D. Environmental laws and nature-based solutions

The Sendai Framework recognises the importance of the environment and its ecosystems, such as forests and wetlands, in DRR. Under Priority 3, it urges national governments to implement integrated environmental and natural resource management approaches that incorporate DRR, and to preserve ecosystem functions that help to reduce risks. The role of ecosystems in addressing societal challenges such as disaster risk, climate change, or food and water security is encapsulated in the concept of 'nature-based solutions' (NbS). NbS can promote CCA *and* DRR by providing protection against some extreme hydrometeorological events, such as storms, floods or landslides, and also by reducing vulnerability to climatic changes. For example, conserving mangrove ecosystems can protect against floods and coastal erosion by absorbing wave energy and storm surges and stabilising shorelines from erosion. As a further example, increasing tree cover in cities can reduce the urban heat island effect, thereby reducing vulnerability to increasing temperatures.

NbS generally involve three main types of action: conserving and sustainably managing ecosystems; restoring ecosystems; and creating new green or hybrid infrastructure. Many decisions about conserving and managing ecosystems are typically regulated by domestic laws relating to environmental protection, natural resource management and land use. These laws can therefore provide an existing mechanism for promoting NbS, however it may be necessary to strengthen their content and/or implementation. It is essential to mainstream climate and disaster risk considerations into these types of laws to ensure that they promote the conservation and sustainable management of ecosystems that contribute to DRR and CCA. The following types of legal provisions can be used or adapted to promote NbS:

- General environmental protection obligations: Environmental laws often establish a general prohibition on causing environmental damage and associated penalties. They may also establish obligations for people and corporations to remediate environmental damage they have caused. These obligations should be applicable to ecosystems that contribute to DRR and CCA.
- Environmental impact assessments: Environmental laws often mandate environmental impact assessments (EIAs) for new construction or development. A satisfactory EIA is generally a requirement for receiving an approval. To receive a satisfactory EIA, the applicant may need to show that they will implement measures to reduce the environmental impacts of construction. Environmental laws should provide for EIAs to include an assessment of whether the proposed construction or development would increase climate and/or disaster risks by negatively impacting ecosystems that promote DRR and CCA.

- Permit systems for natural resources: Natural resource management laws often establish permit systems for using or extracting natural resources (e.g., forests, fish stocks, minerals). They may also prohibit extractive activity in specific areas and/or for specific natural resources. Natural resource management laws should prohibit or heavily restrict the exploitation of ecosystems that promote DRR and CCA. If permits can be granted to use or extract resources from these ecosystems, there should be strict limits on the quantity and types of permits granted.
- Protected ecosystem zones: Land use laws and plans often use 'zoning' to designate areas where specified controls apply. They may prohibit or restrict construction and other types of activity (e.g., industrial activity, agriculture etc.) in these zones. Land use laws and plans should identify protected ecosystem zones where strict controls apply. These zones should include areas containing ecosystems that promote DRR and CCA.

Many innovative NbS for DRR and CCA involve creating new green infrastructure (e.g., constructing new wetlands to reduce flood risk) or creating new hybrid infrastructure that combines green and grey infrastructure (e.g., growing coral or oyster reefs on concrete structures to protect against storm surges and coastal erosion). Compared to traditional disaster prevention and mitigation infrastructure, these types of NbS may be more cost effective and have additional benefits such as supporting local wildlife and vegetation. For example, an artificial coral reef may reduce disaster risk to the same extent as a concrete seawall, but may also provide a habitat for endangered marine species. In light of the foregoing, DRM policies and plans should recognise the role of NbS and identify specific NbS projects that will be implemented to reduce disaster risk and adapt to climate change. Moreover, when developing DRM policies and plans, decision-makers should think beyond traditional grey infrastructure, and consider all options, including innovative green and hybrid infrastructure options that provide additional benefits.

Checklist: Environmental laws and nature-based solutions

- ☐ DRM policies and plans recognise the role of NbS in reducing disaster risk and adapting to climate change. They identify specific NbS projects that will be implemented to reduce climate and disaster risk.
- ☐ Environmental laws establish a general prohibition on causing environmental damage and establish associated penalties. They require people and corporations to remediate environmental damage they have caused. These obligations are applicable to ecosystems that promote DRR and CCA.
- ☐ Environmental laws require environmental impact assessments (EIAs) for major new construction or development projects. The EIA process requires an assessment of whether the proposed construction or development would increase climate and/or disaster risk by negatively impacting ecosystems that promote DRR and CCA.
- ☐ Natural resource management laws prohibit or heavily restrict the exploitation of ecosystems that promote DRR and CCA. If permits can be granted to use or extract resources from these ecosystems, there are strict limits on the quantity and types of permits granted.
- ☐ Land use laws and plans prohibit (or strictly control) the use of areas containing ecosystems that promote DRR and CCA. They do not permit any development or use of these areas that would increase climate and/or disaster risk.

3. Preparedness, Anticipatory Action and Response

This section addresses how laws, policies and plans can support effective disaster preparedness, anticipatory action and response.

- Disaster preparedness is the knowledge and capacities developed by governments, response and recovery organisations, communities and individuals to effectively anticipate, respond to and recover from the impacts of likely, imminent or current disasters.[81] It includes activities such as contingency planning, stockpiling equipment and supplies, developing arrangements for coordination, evacuation and public information, and associated training and field exercises.[82]
- Anticipatory action refers to acting ahead of predicted hazardous events to prevent or reduce acute humanitarian impacts before they fully unfold.[83] The term 'anticipatory action' is often used to refer specifically to mechanisms incorporating pre-agreed financing for pre-agreed plans, to be released when an agreed trigger point is reached.[84] However, the term is also used in a more general sense to refer to taking action in anticipation of a crisis or disaster based on a forecast.[85]
- Disaster response refers to actions taken directly 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.[86] Disaster response may also be referred to as disaster relief.

This section comprises six subsections addressing the following topics: (a) developing a multi-hazard early warning system; (b) planning for anticipatory action and response; (c) education, training, drills and simulation exercises; (d) evacuation of people and animals; (e) emergency shelter assistance; and (f) states of exception.

A. Developing a multi-hazard early warning system

An effective, multi-hazard early warning system is a fundamental element of DRM. An early warning system has four key components: (1) developing disaster risk knowledge; (2) detecting, monitoring, analysing and forecasting hazards; (3) disseminating authoritative, timely, accurate and actionable warnings; and (4) ensuring preparedness at all levels to respond to the warnings received.[87] Each of the four components of an early warning system is vital: a failure in relation to any element can lead to failure of the system as a whole. The first component of an early warning system — developing disaster risk knowledge — is addressed in Section 2A above. This section 3A focuses on the second and third components of an early warning system. The fourth component (i.e., preparedness to respond to warnings) requires education, training and drills (discussed in Section 3C below) and detailed planning (discussed in Section 3B below).

The second component of an early warning system requires: well-trained personnel; high quality technical equipment that generates data in real time (or near real time); timely processing and analysis of data, including modelling and forecasting using accepted scientific methodologies; and routine maintenance and upgrading of all software and hardware. The third component of an EWS requires carefully planning both the *content* and *dissemination* of warnings. In terms of content, warnings need to be clear and consistent. Instead of only containing technical information (e.g., 'winds with gusts of 140 km/h'), warnings should also include information about the expected impact (e.g., 'winds strong enough to bring down trees and power lines').[88] Warnings should also provide clear guidance about what actions people need to take (e.g., 'shelter in place until further notice'). Warnings need to be translated into local languages, including languages spoken by minority racial and ethnic groups. Finally, they should include not only text but also

colour-coding and graphics. In order to achieve the foregoing, it is important to develop clear standards for the content of warnings in advance of disaster. This should be done in consultation with civil society and community groups.

In terms of dissemination, there are several critical factors to consider. Warnings should be issued by a recognised, authoritative source using a wide variety of communications channels (e.g., cell broadcast, radio, television, social media, smartphone application) and mediums (e.g., text, audio). IFRC recommends issuing alerts using the Common Alerting Protocol, an XML-based data format that allows a consistent warning message to be disseminated simultaneously over many warning systems to many applications.[89] Another important aspect of dissemination is developing feedback mechanisms to verify that warnings have been received and acted on. Equally, it is critical to identify which population groups may be hardest to reach (e.g., communities in remote locations, culturally and linguistically diverse communities) and to develop plans to reach them. Finally, it is essential to maintain and upgrade the system used to disseminate and receive warnings and to build in redundancy in case one aspect of the system fails.

Early warning systems usually require the expertise of a wide range of actors such as meteorological, seismological, environmental, health and disaster authorities. Laws can support early warning systems by clearly specifying which of these actors is responsible for: (a) monitoring and forecasting different hazards; and (b) generating and issuing warnings for different types of disaster. IFRC generally recommends that a single national authority (e.g., the National Disaster Management Office or Civil Protection Department) be responsible for generating and issuing early warnings, with hazard information and technical advice being provided by the various agencies that monitor and forecast different hazards. Laws can further support early warning systems by mandating the preparation of standard procedures for monitoring and forecasting hazards and generating and issuing early warnings. The checklist box below identifies the key issues that should be addressed in these standard procedures.

In addition to the foregoing, the law should allocate sufficient funding to monitoring and forecasting agencies to enable them to: purchase and maintain high quality software and hardware; and recruit and retain highly qualified staff. Further, it should mandate private telecommunications companies to disseminate warnings upon request and at no charge.

Checklist: Developing a multi-hazard early warning system

Monitoring and forecasting hazards

- ☐ The law mandates relevant actors (e.g., meteorological, seismological, health authorities etc.) to:
  - monitor and forecast hazards;
  - develop and implement standard procedures for monitoring and forecasting which reflect accepted scientific methodologies; and
  - share information and provide technical advice to the government entity responsible for generating and issuing early warnings.
- ☐ The law allocates adequate funding to the actors responsible for monitoring and forecasting to enable them to: purchase and maintain high quality software and hardware; and recruit and retain highly qualified staff.

Generating and issuing warnings

- The law identifies which government actor is responsible for generating and issuing early warnings. It requires this actor to develop and implement standard procedures for early warning.
- There are standard procedures for generating and issuing early warnings. The standard procedures address:
  - roles and responsibilities of different actors;
  - coordination mechanisms and information sharing between actors;
  - standards for the content and dissemination of warnings including:
    - use of the Common Alerting Protocol;
    - use of a wide range of communications channels and mediums;
    - colour-coding and graphics;
    - translation into local languages;
    - inclusion of actionable guidance about what to do;
  - feedback mechanisms to ensure warnings are received;
  - back-up dissemination methods in case of hardware or other failure; and
  - dissemination methods for populations that are hard to reach.
- The law requires private telecommunications companies to disseminate warnings upon request and at no charge.

B. Planning for anticipatory action and response

It is essential for governments to conduct detailed planning for anticipatory action and response. This process is often referred to as 'contingency planning'. Strong contingency plans provide clear and precise descriptions of the roles and responsibilities of all actors (both government and non-government) and outline which actors will lead and support each activity. Further, they identify the coordination, information-sharing and funding mechanisms that will be activated. The law can ensure that appropriate contingency planning occurs by requiring disaster authorities to develop and periodically update plans for anticipatory action and response. Further, it can specify the minimum contents of these plans.

In terms of anticipatory action, planning needs to focus on: (1) the trigger for anticipatory actions (e.g., a forecast of a specified type of event); (2) the funding and other resources that will be released; and (3) the types of anticipatory actions that will be implemented. Regarding the third point, anticipatory actions may include (but are not limited to) evacuation, distributing emergency supplies and cash grants, and reinforcing housing and infrastructure. In terms of response, planning needs to focus on the activities that will be implemented to respond to hazardous events once they begin to unfold. This includes (but is not limited to) actions to combat or contain the hazard, search and rescue, emergency healthcare, dead body management and emergency food, water and shelter.

In addition to the foregoing, contingency planning needs to address how a wide range of sectoral departments and agencies will provide continuity of essential services (e.g., healthcare, education) to

disaster-affected people and meet new needs created by the disaster (e.g., housing and financial assistance). As discussed in Section 8 below, it is also necessary to plan to meet the specific needs of marginalised and at-risk groups and to address child protection risks and sexual and gender-based violence. While these types of activities need to be addressed in the main contingency plan(s), it is generally advisable for relevant sectoral departments and agencies (e.g., education, health, housing, social services) to develop their own detailed plans. The law can ensure this occurs by requiring relevant sectoral departments and agencies to develop and periodically update contingency plans and by prescribing the minimum contents of these plans.

Checklist: Planning for anticipatory action and response

- ☐ The law requires disaster authorities to develop and periodically update a detailed plan (or plans) for anticipating and responding to hazardous events.
- ☐ The law requires the plan(s) to address:
    - the types of anticipatory actions that may be implemented;
    - the trigger for anticipatory actions (e.g., a forecast of a specified nature);
    - the types of actions that may be implemented to respond to an unfolding event, including:
        - actions to combat or contain the hazard;
        - search and rescue;
        - emergency healthcare;
        - dead body management;
        - emergency food, water and shelter;
    - the roles and responsibilities of all actors (both government and non-government) in anticipatory action and response; and
    - the coordination, information-sharing and funding mechanisms that will be activated for anticipatory action and response.
- ☐ The law requires sectoral departments/agencies (e.g., health, education, housing, social services) to develop and periodically update contingency plans. The law requires the plans to address how sectoral departments/agencies will:
    - provide continuity of essential services to disaster-affected populations; and
    - meet new needs created by the disaster.

C. Education, training, drills and simulation exercises

As discussed in Section 3A above, the fourth component of an effective early warning system is preparedness at all levels to respond to the warnings received. In practice, this requires education and emergency drills for the general public. Laws and policies should identify which actors are responsible for providing public education on disasters, including about how to respond to warnings. To the extent that non-government actors have this role, they should receive government financial support to ensure that they can perform the role well and reach a broad cross-section of the population. Further, the law should

require that disaster education is incorporated into the school curriculum. Laws and policies should also identify which actors are responsible for running emergency drills for the general public. At a minimum, facilities or institutions which accommodate large numbers of people (e.g., schools, stadiums, care homes, prisons, hospitals, workplaces) should be legally required to conduct regular emergency drills.

Regular training, drills and simulation exercises are essential for disaster responders. A simulation exercise involves simulating a real emergency situation as closely as possible. Simulation exercises allow actors to test their abilities to perform their roles and responsibilities and to coordinate effectively with one another. Equally, they provide an opportunity to identify gaps or problems with planned arrangements. While training and simulation exercises typically focus on operational issues, it is also important to use them as an opportunity to ensure actors understand key elements of the applicable legal framework and to identify potential legal issues that may arise during a disaster. The law can ensure that there are regular trainings, drills and simulation exercises for disaster responders by mandating disaster authorities to organise, run and report on these activities. Reports on drills and simulation exercises should assess capacities, identify areas for improvement and list key actions to support improvements.

Checklist: Education, training, drills and simulation exercises

- ☐ The law requires disaster authorities to organise and report on regular training, drills and simulation exercises for disaster responders (both government and non-government).
- ☐ Laws and policies identify which actors are responsible for public disaster education (including about how to respond to warnings) and for organising emergency drills for the general public.
- ☐ The law requires disaster education (including about how to respond to warnings) to be incorporated into the school curriculum.
- ☐ The law requires facilities or institutions that accommodate large numbers of people (e.g., schools, stadiums, care homes, prisons, hospitals, workplaces) to conduct regular emergency drills.

D. Evacuation of people and animals

Evacuation is often the most effective way to get people out of danger and save lives. Evacuation is a key type of anticipatory action, but it can also take place during or immediately after a disaster. In general, free consent should be obtained before evacuation. However, forced evacuation is permissible under international human rights law if: (i) it is provided for by law; (ii) it is absolutely necessary under the circumstances to respond to a serious and imminent threat to the person's life or health, and less intrusive measures would be insufficient to avert the threat; and (iii) to the extent possible, it is carried out after the people concerned have been informed and consulted.[90] Noting the possibility that some people will be unwilling to evacuate even when they are facing imminent danger, domestic law should provide disaster authorities with powers to order mandatory evacuations in the limited circumstances permitted under international human rights law.

Effective evacuation requires detailed preparation and planning. Evacuation planning can be included in disaster contingency plans (see Section 3B above). Alternatively, separate evacuation plans can be prepared. The key matters that need to be identified in plans include evacuation routes, modes of transport for evacuees, the location of evacuation shelters or designated safe areas, how evacuation instructions will be communicated, and the roles and responsibilities of actors involved in evacuation.

Within each population there will be people who cannot evacuate independently and require assistance, including people with restricted mobility or a lack of access to private transport. It is, therefore, important to plan in advance how to assist these people to evacuate. Further, institutions and facilities which host large numbers of people (e.g., schools, stadiums, care homes, prisons, hospitals, workplaces) should develop their own evacuation plans.

An issue which generally does not receive sufficient attention is evacuating animals. Many people are unwilling or reluctant to evacuate without their domestic animals, leading them to refuse or delay evacuation. For the safety of both people and their domestic animals, it is important to plan 'pet friendly' emergency shelters or, alternatively, plan separate arrangements for evacuating and sheltering domestic animals during an emergency. Evacuating livestock can pose enormous logistical challenges due to the size and quantity of animals that may need to be moved. The stakes involved in evacuating livestock are also high, due not only to the welfare of the animals involved, but also the fact that they are often critical to the livelihoods of local communities. It is, therefore, important to develop detailed livestock evacuation plans. The law can play an important role in supporting evacuation planning for domestic animals and livestock. It can mandate and allocate responsibility for this task and prescribe the minimum contents of plans.

Checklist: Evacuation of people and animals

- ☐ The law permits disaster authorities to order mandatory evacuations if:
  - it is absolutely necessary under the circumstances to respond to a serious and imminent threat to the person's life or health, and less intrusive measures would be insufficient to avert that threat; and
  - to the extent possible in the circumstances, the people concerned have been informed and consulted.
- ☐ The law requires disaster authorities to develop and periodically update evacuation plans for people and domestic animals. Note: This may be done as part of general disaster contingency planning (see Section 3B above).
- ☐ The law requires institutions and facilities which host large numbers of people (e.g., schools, stadiums, care homes, prisons, hospitals, workplaces) to develop and periodically update evacuation plans.
- ☐ The law prescribes the minimum content of evacuation plans including:
  - evacuation routes;
  - modes of transport for evacuees;
  - the location of evacuation shelters or designated safe areas;
  - evacuation assistance for people with restricted mobility;
  - evacuation assistance for people without access to private transport;
  - the evacuation and sheltering of domestic animals; and
  - the roles and responsibilities of all actors involved in evacuation.

- ☐ The law requires relevant government authorities (e.g., Department of Agriculture) to develop and periodically update livestock evacuation plans.
- ☐ There are clear, comprehensive and up-to-date plans for evacuating people and animals in the event of disaster.

E. Emergency shelter assistance

'Emergency shelter assistance' is an umbrella term for any activities designed to assist disaster-affected people to access safe and dignified shelter in the immediate aftermath of a disaster. It includes the provision of cash grants, tools, materials and technical support for repairs or reconstruction. It also includes access to evacuation centres, rental assistance and host family programs. It is essential for DRM and housing authorities to carefully plan emergency shelter assistance. A key part of planning emergency shelter assistance is to identify existing buildings that can serve as emergency shelters and/or locations where shelters can be rapidly assembled. In terms of selecting buildings and locations for shelter, there are at least four key considerations.

- First, it is essential to select buildings and locations that will not expose the affected population to further danger.
- Secondly, where possible, it is important to select locations that are close to the affected population's livelihoods and community.
- Thirdly, it is important to select locations and buildings that are accessible for older people and people with disabilities, meaning places and facilities that these groups can reach, enter, circulate in and use.
- Fourthly, it is critical to minimise the use of schools as shelters in order to promote continuity (or rapid resumption) of education.

Regarding the fourth point above, using schools as shelters may have adverse impacts on children's psychosocial wellbeing because, in addition to providing education, schools can provide children with stability and protect them from risks they might face at home or in public (e.g., abuse, exploitation, trafficking).

In terms of the design of emergency shelters, there are several measures which need to be implemented to mitigate the risk of sexual and gender-based violence (SGBV) and to promote accessibility for people with disabilities. In terms of SGBV, key measures include lockable sex-segregated toilets and showers, bright lighting in communal areas, partitioned family and sex-segregated sleeping areas, and safe spaces for women and children. In terms of accessibility for people with disabilities, some key measures include installing ramps and handrails, and making doorways wide enough for wheelchairs to go through. However, as the time and cost involved in adapting a building to be accessible can be significant, it is generally better to select accessible buildings in the first place. As detailed in the checklist box below, laws, policies and plans can play an important role in supporting appropriate planning for emergency shelter.

In the aftermath of a disaster, it can be challenging for governments to find land or buildings that can be used for emergency shelter. In general, and if permitted by constitutional law, governments should have a legal power to temporarily requisition private property for emergency shelter in situations where insufficient public property is available. In order to minimise interference with private property rights, the law should stipulate a maximum period for temporary requisition and should also clearly specify other

key aspects of the power including (but not limited to): the criteria for determining when the power may be exercised; the process for notifying the property owner of the requisition; the minimum notice period; the property owner's rights to challenge the requisition; and a duty for the government to return the property to the owner in its original state. The checklist box below provides a complete list of matters which need to be addressed.

As stated above, emergency shelter assistance includes providing disaster-affected people with funds, materials and/or technical support to repair or reconstruct their housing. Before providing these types of assistance, government and non-government actors may require formal proof of 'secure' tenure, often in the form of freehold title or other land title documents. In many contexts (e.g., where customary land law applies, or land registration is not widely accessible) requiring formal proof of secure tenure is impractical and inequitable. IFRC therefore recommends that law and policy should provide for emergency shelter assistance to be provided to disaster-affected people on the basis of need, rather than tenure status. Where there is a need to verify tenure, IFRC recommends using a 'due diligence' approach focused on achieving as much certainty about land rights as is feasible in the circumstances. This can involve using community verification and community-based land mapping processes to verify ownership or use rights, instead of relying on formal tenure documentation. It can also involve expanding the types of documentation that will be accepted as proof of tenure. More generally, it is important for governments to develop programs to regularise undocumented or informal land tenure during normal times, as well as expedited procedures to regularise land tenure in disaster-affected communities.

Checklist: Emergency shelter assistance

- ☐ The law requires disaster contingency plans to address emergency shelter including:
  - the roles and responsibilities of the actors involved in opening, operating and closing emergency shelters;
  - which buildings and/or locations will be used for emergency shelter;
  - how existing buildings will be rapidly adapted to serve as emergency shelters; and
  - measures that will be implemented to mitigate the risk of sexual and gender-based violence in shelters.
- ☐ The law establishes guiding principles and considerations for shelter planning including:
  - minimising exposure to hazards;
  - minimising the use of schools as shelter;
  - mitigating the risk of sexual and gender-based violence;
  - ensuring accessibility for all regardless of age or disability; and
  - proximity to livelihoods and communities.
- ☐ If permitted by constitutional law, the law permits the government to temporarily requisition private property for emergency shelter in situations where insufficient public property is available.
- ☐ The law stipulates a maximum period for temporary requisitions and provides the temporary occupiers (i.e., those who have been displaced) with documentation to prove their right to reside in the property.

- The law specifies the following details:
  - the criteria for determining when the power may be exercised;
  - the types of property that may be requisitioned;
  - the process for notifying the property owner of the requisition;
  - the minimum notice period;
  - the property owner's rights to challenge the requisition;
  - the grounds on which a property owner may challenge the requisition;
  - the amount of compensation to be paid to the property owner for the period of use;
  - the mechanism for enforcing the requisition (if necessary);
  - the process for returning the property to the owner;
  - the mechanism for enforcing the return of the property (if necessary); and
  - a duty for the government to return the property to the owner in its original state.
- If laws and policies require proof of tenure as a criterion for receiving assistance to repair or reconstruct housing, they also provide that:
  - 'reasonably secure' tenure is sufficient;
  - tenure can be established using a broad range of documentation, not only land title documents; and
  - tenure can be established through community verification and community-based land mapping.
- There are government programs to regularise undocumented or informal land tenure. There are also simplified and expedited procedures to regularise land tenure in disaster-affected communities.

F. Declaring a state of disaster or emergency

A 'state of disaster' or 'state of emergency' is a legal mechanism used to respond to crises, disasters and emergencies of many different kinds. IFRC refers to these mechanisms collectively as 'states of exception'. Declaring a state of exception causes a switch to an emergency legal modality, in which the executive branch of government typically has special emergency powers. Emergency powers fall into two broad categories: (1) emergency law-making powers (i.e., powers to make laws, decrees, orders or regulations to address the situation); and (2) pre-determined emergency powers such as powers to order evacuations, expropriate property, or restrict movement. Declaring a state of exception may also trigger special governance arrangements or the release of funds and other resources.

States of exception may have significant impacts on the rule of law and human rights. To minimise these impacts, it is important for emergency powers to be proportionate and tailored to the threat faced. One way to achieve this is to develop a scalable system of state of exception mechanisms for different situations — that is, for disasters of different types, scales and severity. This approach is already adopted to some degree in many countries. Indeed, it is relatively common for a country to have a constitutional

state of exception mechanism designed to give a president or prime minister broad emergency powers to manage extreme situations that pose a grave or existential threat to the country, while also having lower-level state of exception mechanisms which provide disaster authorities or sub-national governments much more narrowly defined emergency powers.

For a state of exception mechanism to help rather than hinder disaster response, three key aspects need to be clearly identified in the law: (1) which person is authorised to make a declaration; (2) the criteria for making a declaration; and (3) the nature of the emergency powers that are enlivened by a declaration. In relation to the first aspect, the law should clearly specify not only the person who is authorised to make a declaration, but also a hierarchy of officials authorised to make the declaration if the named official is unavailable. In relation to the second aspect, in order to facilitate anticipatory action, the criteria should enable a declaration to be made pre-emptively where, for example, a hazard is sufficiently serious, likely to materialise and proximate (temporally and geographically). In relation to third aspect, it is generally preferable for laws to include a pre-determined, precise and exhaustive list of emergency powers, although wider powers may be necessary for very severe disasters.

Emergency powers and measures implemented during a state of exception may have significant human rights impacts. Any limitation or derogation from human rights should be consistent with international human rights law and applicable regional human rights treaties. It is also critical that safeguards and transparency measures are in place during a state of exception to maintain the rule of law and promote government accountability. There are five key types of safeguards that can be implemented.

- Judicial supervision: The judiciary can be empowered to supervise a state of exception. In practice, this entails the courts having jurisdiction to review the legality of the declaration or extension of a state of exception and government actions during a state of exception. It also entails courts having the power to make orders to redress unlawful actions.
- Parliamentary supervision: Parliament can also be empowered to supervise a state of exception. This can take the form of parliament being required to ratify the declaration of a state of exception and to approve or ratify its extension. Parliament may also be empowered to amend or terminate a state of exception (including power to amend details such as the geographical scope, time period and emergency measures in force).
- Consultation and advice: The person who is authorised to make a declaration of a state of exception may be required to consult with, or act on the advice of, other key government officials or bodies (e.g., ministers, heads of sub-national governments, health or disaster authorities). A requirement to consult or act on advice may also apply to a decision to introduce emergency measures.
- Time limits: A time limit can be imposed on a state of exception. This can be expressed as an overall time limit or a limit on the number and length of extensions.
- Publication: To promote transparency, the government may be legally required to publish declarations of states of exception, any emergency decrees or regulations that have been adopted and the details of emergency measures that have been introduced.

Checklist: States of exception

- ☐ The law establishes a range of state of exception mechanisms that are proportionate and tailored to the different types and magnitude of disaster that may occur.
- ☐ For each state of exception mechanism:
    - The law clearly identifies the person who has the authority to declare a state of exception. It also establishes a hierarchy of officials authorised to make a declaration if the named official is unavailable.
    - The law clearly identifies the criteria for declaring a state of exception. The criteria enable a declaration to be made pre-emptively where a hazard is sufficiently serious, likely to materialise and proximate (temporally and geographically).
    - The law clearly specifies the emergency powers that arise once a declaration is made. The emergency powers are pre-determined, precise and exhaustive.
- ☐ A range of safeguards apply during a state of exception including some or all of the following.
    - Judicial supervision: The law empowers the judiciary (i.e., the courts) to review the legality of the declaration or extension of a state of exception and action taken during a state of exception. It empowers the judiciary to redress action that is unlawful.
    - Parliamentary supervision: The law requires parliament to ratify the declaration of a state of exception and to approve or ratify its extension. It also enables parliament to amend or terminate a state of exception (including power to amend details such as the geographical scope, time period and emergency measures in force).
    - Consultation and advice: The law requires the person who is authorised to make a declaration of a state of exception to consult with or act on the advice of other key government officials or bodies. A requirement to consult or act on advice may also apply in relation to introducing emergency measures.
    - Time limits: The law creates a limit on the period that a state of exception may remain in force, whether expressed as an overall time limit or a limit on the number and length of extensions.
    - Publication: The law requires the following to be published: declarations of a state of exception; emergency decrees or regulations; and the details of emergency measures.

4. Recovery

Disaster recovery refers to restoring or improving the livelihoods and health, as well as the economic, physical, social, cultural and environmental assets, systems and activities, of a disaster-affected community or society.[91] Recovery has two key components. First, there is an initial period focused on meeting affected people's basic needs after a disaster and restoring a minimum level of functioning across key sectors and essential services (e.g., housing, education, healthcare, transport). This component of recovery may be referred to as 'early recovery' or 'rehabilitation' and overlaps with disaster response.[92] Second, there is a medium- to long-term process of fully rebuilding and restoring functionality across all sectors and aspects of society. This may be referred to as 'reconstruction' or 'long-term recovery'.[93] These Guidelines use the term recovery to refer to both of these components of the recovery process. This section of the Guidelines provides concrete guidance about how domestic laws, policies and plans can best support disaster recovery. It focuses on the following specific topics: (a) readiness for recovery; (b) planning, assessment, monitoring and evaluation; (c) building back better; and (d) green recovery.

A. Readiness for recovery

While the precise impacts of a disaster cannot be known in advance, it is possible to anticipate and design many aspects of recovery during 'normal times'. Indeed, it is important to draw on the experience of past disasters to get ready for recovery by developing appropriate laws, policies, plans and institutional arrangements. IFRC research has found that there is often insufficient pre-planning and preparedness for recovery, with arrangements being improvised when major disasters occur.[94] Disaster laws often contain fewer provisions on disaster recovery compared to other components of DRM. A recent IFRC survey of 100 countries identified that only 16% of the countries had a main disaster law containing detailed provisions on disaster recovery.[95] By contrast, the percentage was 75% for preparedness, 75% for response and 54% for prevention and mitigation.[96]

In light of the foregoing, there is scope for most countries to enact much more detailed legal, policy and planning provisions to guide recovery. The starting point is to address the foundational elements discussed in Section 1 by developing laws, policies and plans which:

- provide a vision for recovery by identifying objectives, guiding principles, and approaches;
- clarify which government authority is responsible for coordinating recovery;
- outline the roles and responsibilities of this authority and other actors (both government and non-government) across the full range of sectors and activities involved in recovery;
- establish a range of inclusive coordination mechanisms for disaster recovery at different levels;
- provide reliable and adequate funding for recovery; and
- require ongoing monitoring and evaluation of recovery activities.

In relation to the second point above, IFRC generally recommends that there be a *standing* government entity that is responsible for recovery, whether in the form of a recovery division within a national DRM agency or a dedicated recovery agency. A key benefit of having a standing recovery entity, as opposed to creating ad hoc recovery agencies for specific disasters, is that it can focus on developing recovery readiness during 'normal times'. For example, a standing recovery entity can cultivate strong working

relationships with stakeholders, design recovery programs and assistance measures, and recruit and maintain a specialised recovery workforce.

IFRC research has also identified that legal, policy and planning instruments — and the practical arrangements they create — focus predominantly on early recovery and rarely address long-term recovery.[97] This challenge is especially evident in relation to coordination mechanisms and funding. It is, therefore, important for laws, policies and plans to outline coordination mechanisms for long-term recovery in order to enable the broad range of government and non-government actors involved in recovery to communicate with one another and align their activities. Similarly, it is important to design funding mechanisms to provide a reliable and predictable stream of funding for short-, medium- and long-term recovery — for example, by structuring funding mechanisms to provide regular payments or disbursements over a multi-year period after a disaster.

Checklist: Readiness for recovery

- ☐ Laws and policies create a vision for disaster recovery by clearly identifying the objectives, guiding principles and approaches to recovery.
- ☐ The law clearly identifies which government entity is responsible for coordinating disaster recovery. Note: This may be a recovery division within a national DRM agency/department or a dedicated recovery agency.
- ☐ The entity responsible for coordinating recovery exists on an ongoing basis. Its mandate includes developing recovery readiness during 'normal times' and coordinating long-term recovery efforts.
- ☐ Laws, policies and plans clearly outline the roles and responsibilities of all relevant actors (government and non-government) in disaster recovery. This includes a wide range of sectoral departments and agencies including those responsible for health, education, housing, social services and the environment.
- ☐ Laws, policies and plans establish a range of inclusive coordination mechanisms for disaster recovery at different levels. This includes coordination mechanisms that continue to operate throughout long-term recovery.
- ☐ The disaster funding strategy includes a variety of funding mechanisms for recovery such as regular budget allocations, earmarking of funds within a disaster fund, a dedicated disaster recovery fund, insurance and/or contingent credit lines.
- ☐ Recovery funding mechanisms are designed to provide a reliable stream of adequate funding over the short, medium and long term through regular payments or disbursements over a multi-year period after a disaster.

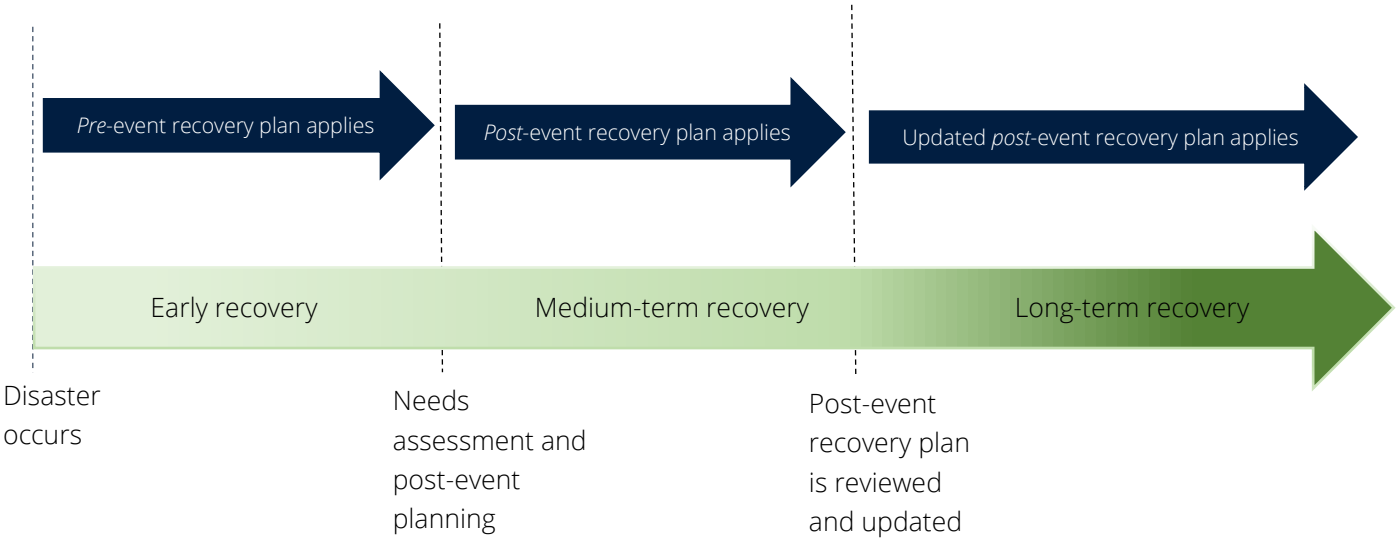
B. Planning, assessment, monitoring and evaluation

Planning, assessment, monitoring and evaluation are critical elements of disaster recovery. There are two main types of recovery plans: (a) pre-event recovery plans; and (b) post-event recovery plans.

- Pre-event recovery plans outline standard arrangements for disaster recovery including the key activities that may be implemented, the roles and responsibilities of different actors, and coordination mechanisms. Pre-event recovery plans typically focus on early recovery.

- Post-event recovery plans are tailored to a specific disaster, outlining the projects and activities that will be implemented across sectors to recover from the disaster based on needs assessments. Post-event recovery plans generally focus on a multi-year period after a disaster.

Pre- and post-event recovery planning are complementary. Pre-event recovery plans can enable recovery to commence immediately after a disaster by clarifying in advance who will do what, where and when. Pre-event recovery plans can guide actions until a basic level of functioning is restored and needs assessments have been undertaken. At this point, post-event recovery plans can be developed to provide a tailored framework for recovering from the specific disaster based on assessed needs. The relationship between pre- and post-event recovery planning is depicted in the diagram below.



In order to ensure that pre-event and post-event recovery planning occurs, legal provisions should mandate and allocate responsibility for both types of planning. It is important that recovery plans are multi-sectoral, encompassing the many different sectors involved in recovery. Key sectors and activities that typically need to be addressed include (but are not limited to) housing, infrastructure, education, the environment, social protection and healthcare. It is also important to plan to provide mental health and psychosocial support to the disaster-affected population, as well as protection and assistance for marginalised and at-risk groups. Recovery plans should clearly outline the roles and responsibilities of all actors (both government and non-government) across this broad range of sectors and activities. IFRC recommends that plans identify the specific tasks that will be implemented in each sector and assign lead and supporting actors for each task. In addition to the foregoing, it is important for *post*-event recovery plans to address long-term recovery (not only short or medium-term recovery) and to be periodically updated based on the results of ongoing monitoring and evaluation.

A prerequisite to preparing a multisectoral post-event recovery plan is to accurately assess impacts and needs across all sectors. Due to the complex and time sensitive nature of post-disaster assessment, it is preferable to plan and prepare for post-disaster assessment during 'normal times', rather than improvising when a disaster occurs. Key preparatory steps include identifying which actor will lead and oversee post-disaster assessment, developing an assessment methodology, gathering baseline data and training people on how to use the methodology. It is also important to clarify how other actors (e.g.,

sectoral departments, other levels of government) will contribute to post-disaster assessment — for example, by sharing information or conducting their own assessments. The most widely used international standard for post-disaster assessment is the Post-Disaster Needs Assessment (PDNA), developed by the European Commission, the United Nations Development Programme and the World Bank. The PDNA Guidelines are a helpful reference point for countries that are developing their own assessment methodology.

It is essential for DRM actors to conduct ongoing monitoring and evaluation of their recovery activities. This should be done in accordance with any monitoring and evaluation framework that is already in place (see Section 1D above). If no such framework is in place, disaster authorities should rapidly develop a monitoring and evaluation framework for the recovery process. Importantly, monitoring and evaluation should include collecting and considering feedback from participants in recovery programs and activities. Post-event recovery plans should be periodically updated based on the results of this ongoing monitoring and evaluation, as shown in the diagram above.

Checklist: Planning, assessment, monitoring and evaluation

- ☐ The law mandates and allocates responsibility for preparing a multisectoral *pre*-event recovery plan.
- ☐ There is a multisectoral pre-event recovery plan which:
  - addresses the full range of sectors and activities involved in recovery;
  - outlines roles and responsibilities, including lead and supporting roles; and
  - allocates roles and responsibilities to both government and non-government actors.
- ☐ The law mandates and allocates responsibility for preparing long-term, multisectoral post-event recovery plans. It requires post-event recovery plans to be periodically updated based on the results of ongoing monitoring and evaluation.
- ☐ The law requires disaster authorities and other relevant actors (both government and non-government) to conduct ongoing monitoring and evaluation of their recovery programs and activities.
- ☐ The law mandates and allocates responsibility for post-disaster needs assessment.
- ☐ The law includes provisions guiding post-disaster needs assessment, such as provisions requiring:
  - the development of an assessment methodology;
  - the collection of baseline data; and
  - sectoral departments and agencies to share relevant information and/or conduct their own assessments.

C. Building back better

'Building back better' is one of the seven guiding principles of the Sendai Framework. This principle encapsulates the idea that recovery presents a golden opportunity to reduce — rather than recreate — disaster risk. Relatedly, recovery can also be an opportunity to adapt to climate change by implementing measures that reduce exposure and vulnerability to evolving climate and weather-related hazards. This

requires risk reduction measures to be designed using the best available information about how potential climate change scenarios will likely impact exposure to weather and climate-related hazards in future. To achieve the overlapping aims of DRR and CCA during recovery, it may be helpful to introduce legal provisions requiring that post-event recovery plans identify measures to reduce disaster risk and adapt to climate change across sectors.

A key component of building back better is to make risk-informed decisions about where and how to rebuild housing and infrastructure. Accordingly, the Sendai Framework specifically identifies the importance of land use planning and structural standards in building back better. During recovery, governments should consider reviewing and updating land use laws and building codes to ensure they impose appropriate controls on construction and development in high and medium-risk areas. Section 2C above contains more information about the types of controls that are necessary to reduce disaster risk. If land use laws and building codes already contain appropriate controls, it is essential that they are fully implemented during recovery. This may require practical measures to strengthen capacities and resources at local government level.

Cost is a major barrier to disaster resilient reconstruction. Governments should therefore consider developing programs to assist or incentivise households to make risk-informed decisions about how to repair or reconstruct their housing. Some options to be considered include economic incentives (e.g., tax concessions) and direct financial or technical assistance for resilient reconstruction. In some geographical areas, the degree of risk will remain high even if the highest standards of resilient reconstruction are implemented. Further, the costs of resilient reconstruction may be prohibitive or disproportionate to the benefit obtained. Governments should therefore consider developing land swap or buy back mechanisms for households in these areas to assist and incentivise them to relocate to safer areas.

During recovery, a spike in the number of applications for building approvals can result in bottlenecks and delays, ultimately slowing down reconstruction. To address this challenge, fast-track approval processes can be designed in advance of disaster. Fast-track processes can be implemented through priority processing and by increasing processing capacity (for example, by redeploying staff from other municipalities or government departments). Fast-track processes can also involve simplifying or waiving procedural and substantive requirements. For example, for applications to rebuild residential properties of a similar size and in the same location, procedural requirements to advertise the proposed construction or to notify neighbours may be waived. However, substantive requirements designed to achieve disaster resilience, promote sustainability and protect the environment should continue to apply.

Checklist: Building back better

- ☐ Laws, policies and plans identify building back better, reducing disaster risk and adapting to climate change as key objectives of disaster recovery.
- ☐ The law requires that post-event recovery plans identify the measures that will be implemented across sectors to reduce disaster risk and adapt to climate change.
- ☐ Land use laws and building codes contain appropriate controls to reduce disaster risk. These controls apply to the reconstruction of housing and infrastructure after a disaster. Note: See Section 2D for more guidance on the types of controls that are necessary.

- ☐ Laws and policies establish initiatives to assist or incentivise households to make risk-informed decisions about how and where to rebuild after a disaster. This includes measures such as economic incentives for resilient reconstruction (e.g., tax concessions), direct financial or technical assistance, and land swaps or buy backs.
- ☐ The law establishes a fast-track process for approving disaster reconstruction. Substantive requirements designed to ensure disaster resilience, promote sustainability and protect the environment continue to apply to fast-tracked applications.

D. Green recovery

There are three key environmental dimensions to disaster recovery. First, it is important to plan and execute actions to remediate the environmental damage caused by disasters. Secondly, it is critical to implement safeguards and monitoring to avoid causing additional environmental damage during recovery. This is because the recovery process itself poses many environmental risks. The management of disaster waste can cause significant environmental degradation, including soil and groundwater contamination. Moreover, reconstruction can intensify unsustainable logging and mining activities in adjacent areas or degrade ecosystems that sustain livelihoods and provide natural buffers against natural hazards. Thirdly, it is important to capitalise on recovery as an opportunity to accelerate progress towards reducing emissions by reconstructing housing and infrastructure using designs which will use substantially less greenhouse gases to operate in future.

Laws, policies and plans have an important role to play in supporting these environmental dimensions of recovery. The law can mandate and allocate responsibility for: assessing environmental damage caused by disasters; ongoing monitoring of the environmental impacts of recovery activities; and developing and implementing a disaster waste management plan. Further, the law can require pre-event and post-event recovery plans (see Section 4B above) to identify the specific measures that will be implemented to: (1) remediate environmental damage caused by disaster; (2) safeguard against further environmental damage during recovery; and (3) use recovery as an opportunity to strengthen environmental practices.

While the enforcement of environmental laws and regulations is key to mitigating environmental risks during recovery, satisfying the requirements of these instruments can involve complex and time-consuming approval processes. It is generally advisable to develop a fast-track environmental impact assessment (EIA) process in advance of disaster to ensure that environmental protections continue to apply during recovery but do not slow down reconstruction. Similar to fast-track processes for building approvals (see Section 4C above), fast-track EIA processes should not suspend substantive requirements designed to protect the environment. Instead, they should focus on other measures to expedite approvals, such as priority processing or simplifying procedural requirements.

Checklist: Green recovery

- ☐ The law mandates and assigns responsibility for the following key tasks:
  - assessing environmental damage caused by disasters;
  - developing and implementing the environmental components of pre-event and post-event recovery plans;

- ongoing monitoring of the environmental impacts of recovery activities; and
- developing and implementing a disaster waste management plan.

- The law requires pre-event recovery plans and post-event recovery plans to identify the measures that will be implemented to:
  - remediate environmental damage caused by disaster;
  - safeguard against further environmental damage during recovery; and
  - use recovery as an opportunity to strengthen environmental practices.
- The law establishes a fast-track environmental impact assessment (EIA) process to ensure environmental protections continue to apply during recovery but do not slow down reconstruction.

5. Specific types of disasters

A. Public health emergencies

The term 'disaster' means a serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts.[98] This definition encompasses public health emergencies (**PHEs**) and, in general, the contents of these Guidelines are equally applicable to PHEs as to other types of disaster. There are, however, some notable differences between PHEs and other types of disaster, which have legal and policy implications.

First, there is an international instrument relating to PHEs that is binding on 196 countries: the International Health Regulations (2005) (**IHR**).[99] The IHR establish a set of rights and obligations relating to public health risks and public health emergencies of international concern (**PHEICs**). They require states parties to develop, strengthen and maintain the domestic capacities: to detect, assess, notify and report 'events', meaning the manifestation of disease or an occurrence that creates potential for disease; and to respond promptly and effectively to public health risks and PHEICs.[100] These capacities are commonly known as the IHR 'core capacities'. The IHR also establish a detailed information-sharing regime to ensure the sharing of information regarding events that may constitute a PHEIC between the World Health Organization (**WHO**), the affected state and other states parties.[101] This information-sharing regime hinges on a National IHR Focal Point, meaning the national centre that gathers information from domestic authorities and communicates it to the WHO, and which also disseminates information from the WHO to domestic authorities. Unfortunately, there have been widespread deficiencies in states' implementation of the IHR, especially the core capacities described above.[102] As identified in the checklist box below, laws, policies and plans can play an important role in domestic implementation of the IHR.

Secondly, PHEs are usually governed by a *combination* of general DRM and PHE-specific instruments. Where this is the case, it is critical that the DRM and PHE instruments are coherent and integrated with one another, rather than creating contradictory or duplicative arrangements. The importance of integration is recognised by the Bangkok Principles for the Implementation of the Health Aspects of the Sendai Framework (**Bangkok Principles**), which call for coherence and alignment between national DRM frameworks and those related to emergency and disaster risk management for health. Whilst there is an identified need for coherence and integration, there is a lack of practical guidance about what exactly this means. Based on its research, IFRC considers that DRM and PHE instruments are coherent and integrated with one another when certain key features are present.[103] These features are identified in the checklist box below.

In addition to the above two points, IFRC has developed several more specific and targeted recommendations on legal and policy measures for PHEs. These recommendations are included, where relevant, throughout these Guidelines. For example, Section 7 on legal facilities discusses expedited regulatory approvals for health countermeasures, while Section 8 on marginalised and at-risk groups discusses the protection of people who are particularly susceptible to health hazards.

Checklist: Public health emergencies

- ☐ Laws, policies and plans implement the provisions of the International Health Regulations (2005) (IHR) relating to the National IHR Focal Point. Laws, policies and plans:
    - designate the National IHR Focal Point;
    - outline the National IHR Focal Point's roles, responsibilities and powers;
    - provide the National IHR Focal Point with sufficient authority and powers to perform its functions, including authority to collect and disclose information that may otherwise be subject to confidentiality or data protection laws; and
    - require relevant actors to provide the National IHR Focal Point with the information the Focal Point needs to determine whether and when to notify the WHO of an event that may constitute a PHEIC.
- ☐ Laws, policies and plans implement the IHR core capacities to:
    - detect, assess, notify and report the manifestation of disease or an occurrence that creates potential for disease; and
    - respond promptly and effectively to public health risks and public health emergencies of international concern.
- ☐ Laws and/or policies clearly identify who is responsible for overseeing IHR implementation and monitoring ongoing compliance.

Note: For further guidance on implementing the IHR in domestic law, see the guidance documents developed by the World Health Organization listed in the Additional Resources section.

- ☐ To the extent that there are different instruments and institutional arrangements for PHEs and other types of disasters, these instruments and arrangements are coherent and integrated with one another.
    - The mandates, roles and responsibilities of health and DRM actors in PHEs and non-PHE disasters are clear. There are no conflicts, duplication or gaps.
    - The leadership arrangements in PHEs and non-PHE disasters are clear. There are no conflicts or duplication in leadership arrangements.
    - If there is a legal definition of 'public health emergency', the definition indicates precisely which types of hazards and emergencies the term encompasses.
- ☐ If different coordination mechanisms are used for PHEs and non-PHE disasters, health and disaster authorities are included in both types of coordination mechanism.

B. Technological disasters

Technological hazards originate from technological or industrial conditions, dangerous procedures, infrastructure failures or specific human activities.[104] Some examples of technological hazards include industrial pollution, nuclear radiation, toxic waste, dam failures, transport accidents, factory explosions, fires and chemical spills.[105] There are many international agreements that address specific types of

technological hazard and technological disaster. Two types of technological disaster in particular are the subject of several international agreements: oil spills and nuclear accidents.

- The International Convention on Oil Pollution Preparedness, Response and Co-operation requires states parties to establish measures for preparing for and responding to oil pollution incidents, either nationally or in co-operation with other countries. In addition to this Convention, there are several other agreements relating to oil spills and sea pollution more generally. These agreements typically relate to specific seas or bodies of water — for example, the Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic and the Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and other Harmful Substances.
- There are four key treaties relating to nuclear safety. The Convention on Early Notification of a Nuclear Accident establishes a notification system for nuclear accidents which have the potential for international transboundary release. The Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency sets out an international framework for co-operation among states and with the International Atomic Energy Agency to facilitate prompt assistance and support in the event of nuclear accidents or radiological emergencies. The Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management commit states to fundamental safety principles for managing land-based civil nuclear power plants, spent fuel and radioactive waste.

To the extent that a country is a party to international agreements governing technological hazards or disasters, it should ensure that it has fully implemented the agreements in its domestic laws. Key matters that need to be addressed to ensure full implementation are roles and responsibilities, coordination mechanisms and funding. If the country has committed to providing notification of an incident or to coordinating with other countries and/or an international agency, the law should clearly identify which government agency or department is responsible for these tasks.

Checklist: Technological disasters

- If there is a legal definition of 'disaster', the definition is broad enough to encompass disasters caused by technological hazards.
- If the country is a party to international agreements relating to technological disasters (e.g., nuclear accidents, oil spills), the law fully implements the provisions of those agreements.
- The law identifies roles and responsibilities, coordination mechanisms and funding for implementing the key components of the agreement(s).
- If the agreement(s) require the country to provide notification of an incident or to coordinate with other countries and/or an international agency, the law clearly identifies which government agency or department is responsible for these tasks.

6. International Disaster Assistance

International assistance can be essential to meeting the needs of people affected by disasters in a timely manner. However, international disaster assistance operations often encounter a set of recurring problems. The application of 'situation normal' regulations in areas such as customs, immigration and tax can slow the entry of relief goods, equipment and personnel, creating bottlenecks and delays. Another key challenge is that not all international assistance is appropriate to the needs of the affected population or of high quality. It can also be challenging for the government of the affected state to coordinate a multitude of incoming international actors.

During the past two decades, international disaster response law (IDRL) has emerged as a distinct branch of international law concerned with addressing the regulation and facilitation of international assistance. There are now several international instruments that contain provisions relevant to international assistance as well as regional IDRL agreements or guidelines (see Box 1 and Box 2 below). States which are parties to these instruments should ensure that they are fully implemented through domestic law. In IFRC's experience, however, implementing these instruments is generally not sufficient to achieve legal preparedness for international disaster assistance. This is because many of the existing instruments only apply to specific types of disasters or specific forms of assistance and do not address all key aspects of managing international assistance.

During the past 20 years, IFRC has developed comprehensive recommendations and tools to support states to be legally prepared to receive international disaster assistance. The foundational guidance document in this area is the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (commonly known as the IDRL Guidelines). The IDRL Guidelines address: the initiation and termination of international assistance; the responsibilities of affected states and assisting actors; and the cross-border movement of relief goods, equipment and personnel. In 2007, the IDRL Guidelines were adopted by the 30th International Conference of the Red Cross and Red Crescent. The IDRL Guidelines have also been released in the form of an IDRL Checklist. Further, IFRC has developed tools to support their domestic implementation including: a Model Act and a Model Emergency Decree. The IDRL Guidelines have been influential at international level, having been endorsed by several resolutions of the United Nations General Assembly and the United Nations Economic and Social Council.[106] They have also been influential at regional and domestic levels, with IFRC and National Societies having supported the implementation of the IDRL Guidelines in several regional instruments[107] and in domestic instruments in 38 countries.[108]

Despite significant progress in recent decades, most states remain unprepared to receive international disaster assistance. A critical first step to prepare for international disaster assistance is to clarify roles and responsibilities. In IFRC's experience, national disaster authorities are usually responsible for coordinating international assistance, while the Ministry of Foreign Affairs is usually responsible for initiating and terminating international assistance. A range of other government actors are also typically involved including (but not limited to) customs, tax, immigration and transport authorities. To create clarity about roles and responsibilities, there needs to be detailed regulations and/or standard procedures for managing international disaster assistance which are published and periodically updated. The regulations and/or standard procedures need to address the following matters.

- Initiating international disaster assistance: It is important to outline in detail the process for requesting or accepting assistance. This should include consultation and communication with disaster authorities regarding what type of assistance is required based on initial needs assessments.
- Facilitating international disaster assistance: It is important to identify the steps that customs, tax, immigration and transport authorities (and other relevant sectoral departments or agencies) will implement to facilitate the entry of goods, equipment and personnel. IFRC recommends establishing a 'One Stop Shop' for international actors, meaning a government unit which acts as a centralised source of information and administrative processes (e.g., relating to visas, customs, tax, registration etc.).
- Coordinating international disaster assistance: In addition to identifying which actor will coordinate international assistance, it is important to identify how exactly they will do this. For example, it is important to identify what types of coordination mechanisms will be activated and modalities for two-way information sharing between government and international actors.
- Terminating international disaster assistance: It is important to identify the circumstances in which international disaster assistance will be terminated and how notice will be provided to international assisting actors.

When preparing to receive international assistance, it is critical to consider which international and regional coordination and assistance mechanisms are likely to be activated. This needs to be factored into the design of the coordination and facilitation measures identified above. The following international and regional coordination and assistance mechanisms may be activated.

- International humanitarian coordination system: When a new emergency occurs or an existing humanitarian situation worsens, the United Nations Emergency Relief Coordinator can appoint a Humanitarian Coordinator. The Humanitarian Coordinator establishes and leads the Humanitarian Country Team (HCT), which comprises representatives from the UN, the Red Cross/Red Crescent Movement and international NGOs. In addition to the HCT, there is a 'cluster coordination system'. A cluster is a group of humanitarian organisations working in a specific sector (e.g., health, shelter, logistics). There are 11 clusters in total. Clusters can be activated at national or sub-national level in response to an emergency. This occurs in consultation with the government of the affected state.
- Regional coordination and assistance mechanisms: Several regional and sub-regional organisations around the world have developed mechanisms for member countries to assist one another in the event of disaster. This assistance may be coordinated by a regional DRM entity. For example, in the Caribbean, the Caribbean Disaster Emergency Management Agency (CDEMA) coordinates the Regional Response Mechanism. In Southeast Asia, the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) facilitates cooperation and coordination among ASEAN Member States for disaster management and emergency response.
- IFRC Network: The IFRC network comprises the IFRC and the 191 National Red Cross and Red Crescent Societies (National Societies). In the event of disaster, a National Society may receive assistance from the IFRC and/or other National Societies, including financial support, personnel, goods and equipment. The provision of assistance within the IFRC Network is governed by the Principles and Rules for Red Cross and Red Crescent Humanitarian Assistance.

In addition to the above, it is critical to consider the potential for foreign military and civil defence assets to form part of international disaster assistance. IFRC recommends that, when developing legal provisions on this topic, states should have regard to the Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief (commonly known as the **Oslo Guidelines**). Consistent with the Oslo Guidelines, law and policy should establish the principle that the use of foreign military and civil defence assets should be a measure of last resort in circumstances where there is no comparable civilian alternative and only the use of foreign military or civil defence assets can meet a critical humanitarian need.[109] Moreover, legal provisions need to address civil-military coordination in order to protect and promote humanitarian principles, avoid competition, minimise inconsistency and, when appropriate, pursue common goals.[110]

As discussed above, a key challenge is that not all international assistance is of high quality and appropriate to the needs of the affected population. In order to address this challenge, IFRC recommends that all international actors should be required to: respect domestic law; coordinate with domestic authorities; adhere to the humanitarian principles of humanity, neutrality and impartiality; and comply with minimum quality standards (see Section 1D above). In addition, IFRC recommends that domestic law should create a category of actors which are entitled to facilitation measures (e.g., priority customs clearance, expedited visas). This recommendation is discussed in detail in Section 7 below. The core of this recommendation is that governments should expedite the entry of goods, equipment and personnel from actors which, based on their track record, can be trusted to provide appropriate and high-quality assistance.

Checklist: International disaster assistance

- ☐ If the country has signed or adopted any of the agreements or guidelines listed in **Box 1** and **Box 2** below, the law fully implements these instruments.
- ☐ The law clearly specifies which government actor is responsible for coordinating international disaster assistance and for receiving and disbursing international donations made to the government. It requires that actor to develop, publish and periodically update regulations and/or standard procedures for managing international disaster assistance.
- ☐ Detailed regulations and/or standard procedures for managing international disaster assistance have been developed and published.
- ☐ The regulations and/or procedures address the **initiation of international disaster assistance** including:
    - which government actor is responsible for requesting or accepting assistance;
    - consultation and communication between this actor and disaster authorities regarding what type of assistance is required based on needs assessments;
    - the circumstances in which requests for assistance will be issued;
    - the type of information the government will include in requests for assistance;
    - the type of information international actors should include in offers of assistance; and
    - the circumstances in which offers of assistance will be accepted or rejected.

- The regulations and/or procedures address the **coordination of international disaster assistance**. In addition to identifying which government actor is responsible for coordinating international assistance, they outline:
    - what types of coordination mechanisms will be activated and modalities for two-way information sharing between government and international actors; and
    - civil-military coordination in situations where foreign military and civil defence assets have been accepted.
- The regulations and/or procedures address the **facilitation of international disaster assistance** including:
    - the steps that customs, tax, immigration and transport authorities (and other relevant sectoral departments or agencies) will implement to facilitate the entry of goods, equipment and personnel (see Section 7 below on legal facilities); and
    - the procedure for establishing a 'One Stop Shop' for international actors, meaning a government unit which acts as a centralised source of information and administrative processes.
- The regulations or procedures address the **termination of international disaster assistance**. They identify the circumstances in which international disaster assistance will be terminated and how notice will be provided to international actors.
- The law requires international actors to:
    - respect domestic law;
    - coordinate with domestic authorities;
    - adhere to the humanitarian principles of humanity, neutrality and impartiality; and
    - comply with minimum quality standards (see Section 1D above).
- The law establishes that the use of foreign military and civil defence assets should be a measure of last resort.

Box 1 – International agreements

- Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (1986)
- Convention on Temporary Admission (1990) (Annex B9)
- Convention on Maritime Traffic (1965) (Annex 1, Sections 5.11-5.12)
- Convention on International Civil Aviation (1944) (Annex 9)
- Food Assistance Convention (2012)
- Framework Convention on Civil Defense Assistance (2000)
- International Convention on the Simplification and Harmonization of Customs Procedures (As Amended) (1999) (Specific Annex J5)

- Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations (1998)

Box 2 – Examples of regional agreements and guidelines

- Agreement Establishing the Caribbean Disaster Emergency Management Agency (2008)
- Arab Cooperation Agreement on Regulating and Facilitating Relief Operations (1987)
- ASEAN Agreement on Disaster Management and Emergency Response (2005)
- ASEAN Standard Operating Procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations (Version 3, February 2022)
- Central American Uniform Customs Code (CAUCA) and its Regulations (RECAUCA) (2008)
- Council Decision of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions
- Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (Text with EEA relevance)
- European Union Host Nation Support Guidelines (2012)
- Inter-American Convention to Facilitate Disaster Assistance (1991)
- Operational Guidelines for Mutual Disaster Assistance in the Event of Disasters in the Member Countries of the Andean Community (2013)
- Resolution No. 386-2017 (COMIECO EX), Annex: Central American Procedure for the Facilitation of Land Transit of Relief Shipments (2017)
- SAARC Agreement on Rapid Response to Natural Disasters (2011)

7. Legal Facilities

The term 'legal facilities' refers to special legal rights that are provided to DRM actors to enable them to conduct their activities efficiently and effectively. Legal facilities may take the form of positive rights or entitlements (i.e., to do or to have a specific thing). They also often take the form of exemptions from a law that would normally apply or access to simplified and expedited regulatory approvals. There are two main categories of legal facilities.

- First, there are legal facilities related to moving relief goods, equipment and personnel across international borders for disaster response and early recovery (cross-border legal facilities). It is widely recognised that international actors require these types of legal facilities. However, domestic actors may also need these types of legal facilities to import relief goods and equipment or hire foreign personnel.
- Secondly, there are legal facilities for operations in the affected country (domestic legal facilities). This category encompasses a broad range of facilities that both domestic and international actors require to be able to operate effectively in country. Some of these legal facilities apply specifically to disaster response and early recovery, while others are more generally applicable.

There are several rationales for providing legal facilities to DRM actors. In relation to legal facilities for response and early recovery, a key rationale is that the urgency of these activities necessitates and justifies deviating from 'situation normal' rules in order to provide assistance as quickly as possible. Moreover, the risks associated with deviating from normal rules are outweighed by the benefits of providing rapid assistance. For financial legal facilities, a key rationale is that DRM actors should be supported to stretch scarce resources as far as possible, thereby maximising their impact and the amount of assistance available to disaster-affected people. Legal facilities relating to staff and volunteers are justified by the need to incentivise and protect people who implement DRM activities, many of whom take on significant risks to their personal health and safety.

While legal facilities can provide a solution to many of the common regulatory challenges in DRM, they should not be provided to *all* actors. This is because not all actors have the resources and capacities to provide quality assistance which meets the needs of the affected population. IFRC recommends that states create a category of actors which are eligible to receive legal facilities. This category, known as 'eligible actors', should comprise the actors that can be trusted to provide high quality and appropriate assistance.

The concept of eligible actors provides an important mechanism to enable states to facilitate DRM activities, while also maintaining control over the quality of activities. IFRC recommends that the category of 'eligible actors' should always include assisting states, the UN, the IFRC, the ICRC and the National Society of the affected state. It further recommends that states develop criteria and an assessment process to determine which other actors are eligible to receive legal facilities. The criteria should include a demonstrated capacity and track record of: respect for domestic law; adherence to the humanitarian principles of humanity, neutrality and impartiality; and compliance with minimum quality standards (see Section 1D above).

A. Cross-border legal facilities

States generally have detailed laws and regulations governing the entry of people and goods into their territory. When international assistance is needed, the application of these laws and regulations can slow or even prevent the entry of relief goods, equipment and personnel. Some of the common regulatory problems are summarised below.

- Personnel: It may not be possible for relief personnel to enter the affected state quickly and begin working on the response due to lengthy procedures for obtaining visas and work permits. Relief personnel may also be ineligible to receive a visa and/or work permit. Foreign professionals, such as doctors and nurses, may be unable to practice in the affected state due to their qualifications or licenses not being recognised.
- Goods and equipment: A lack of priority processing for relief consignments and/or a lack of simplified customs requirements (e.g., in relation to documentation and inspection) may lead to bottlenecks and delays in customs clearance. Assisting actors may be unable to import the goods they require due to import restrictions and/or controls on certain types of goods (e.g., strict regulatory standards for food, medical equipment, medication). Assisting actors may also be required to pay large amounts in customs duties, tariffs or fees. Finally, at the end of the response, they may not be permitted to re-export goods and equipment that are no longer required.
- Telecommunications: Assisting actors may face restrictions on importing telecommunications equipment and delays in obtaining licenses for operating the equipment. They may also be unable to satisfy legal requirements for obtaining telecommunications licenses. Further, they may face difficulties accessing bandwidth, frequencies and satellite used for telecommunications and data transfer.
- Transport: Assisting actors may face delays in obtaining landing or overflight permission for aircraft and docking permission for boats. Further, they may face delays in registering imported vehicles.
- Financial: Assisting actors may face restrictions on transferring cash and/or foreign currencies into the country. They may face legal barriers to opening bank accounts, although in many cases this can be resolved by registering or incorporating in the country (as discussed further below).

As stated above, *both* international and domestic actors may face these challenges. This is because domestic actors may need to import relief goods or hire foreign personnel to support their operations. This is especially true for domestic actors which are part of an international network or federation. Another important point is that the above challenges can arise not only in relation to the *entry* of relief goods, equipment and personnel, but also in relation to their *transit* through a country en route to the affected country.

For each of the challenges identified above, a legal facility can provide a solution. The entry of relief goods, equipment and personnel can be facilitated through exemptions from normal laws and regulations or, alternatively, through simplified and expedited regulatory approvals. As discussed in Section 6 above, IFRC recommends establishing a 'One Stop Shop', meaning a government unit which acts as a centralised source of information and regulatory processes for incoming international actors. The checklist box below provides a comprehensive list of legal facilities for the cross-border movement of relief goods, equipment and personnel. IFRC recommends developing these legal facilities in advance of disaster in order to avoid

bottlenecks and delays when a disaster occurs. However, legal arrangements also need to be sufficiently flexible to enable legal facilities to be introduced after a disaster (e.g., through emergency powers or emergency decrees).

In practice, a more fundamental challenge faced by international actors can be an inability to become registered or incorporated in a country. Without being registered or incorporated, foreign organisations may lack legal personality and, therefore, be unable to perform basic tasks such as opening a bank account or signing a contract. In addition to the above legal facilities, the law should, therefore, permit international assisting actors to obtain legal personality in the country by becoming registered or incorporated.

Checklist: Cross-border legal facilities

- ☐ The law deems that assisting states, the United Nations, the IFRC, the ICRC and the National Society are 'eligible actors'.
- ☐ The law outlines the criteria that other actors must fulfil in order to be recognised as an 'eligible actor'.
- ☐ There is a detailed procedure for determining (in advance of disaster) whether an actor meets the criteria and is, therefore, granted the status of 'eligible actor'. There is also an expedited procedure for determining eligibility which can be used in the event of a disaster.
- ☐ The law permits international assisting actors to obtain legal personality in the country by becoming registered or incorporated.

The law provides the following legal facilities to 'eligible actors'. The legal facilities apply to both the *entry* and *transit* of international assistance. They are available during the disaster response and early recovery period.

Personnel

- ☐ Exemption from visa requirements for relief personnel or, alternatively, access to an expedited process to obtain visas.
- ☐ Exemption from work permit requirements for relief personnel or, alternatively, access to an expedited process to obtain work permits.
- ☐ Automatic or expedited recognition of foreign professional qualifications or licenses.

Customs

- ☐ Access to simplified and expedited customs clearance including:
    - simplified customs documentation;
    - priority customs clearance;
    - waived or reduced inspection requirements;
    - inspection and release outside business hours; and
    - inspection and release at a place other than a customs office.
- ☐ Exemption from export and import restrictions.
- ☐ Reduced regulatory controls for the importation of food, medication and medical equipment.
- ☐ Exemption from customs duties, tariffs or fees.
- ☐ Access to an expedited process for claiming exemption from duties, tariffs or fees.
- ☐ Permission to re-export goods and equipment not used during a response operation.

Telecommunications

- Exemption from licensing requirements for telecommunications equipment or, alternatively, access to an expedited process to obtain a license.
- Priority access to bandwidth, frequencies and satellite used for telecommunications and data transfer.

Transport

- Priority landing and overflight permission for aircraft and priority docking permission for boats.
- Exemption from registration requirements for vehicles or, alternatively, access to an expedited process to register vehicles.

Financial

- Exemption from any restrictions on transferring cash and/or foreign currencies into the country.
- Exemption from any restrictions on foreign entities opening bank accounts in the country.

B. Domestic legal facilities

There are many types of legal facilities which domestic and international actors may require in order to operate efficiently and effectively in country. These are summarised below. Like the legal facilities discussed in Section 7A above, the legal facilities discussed below should only be provided to eligible actors.

- Access to affected populations/freedom of movement: During disasters, public authorities may introduce emergency measures which restrict freedom of movement. For example, the general public may be restricted from entering designated geographical areas which are at risk of, or severely impacted by, disaster. During public health emergencies, restrictions on freedom of movement may be introduced to reduce the spread of a virus or other pathogen. To access and assist affected populations, domestic and international actors involved in disaster response often need exemptions from these types of restrictions. The law should, therefore, guarantee eligible actors access to disaster-affected populations, including in situations where limitations on freedom of movement have been imposed on the general public. This legal facility may, alternatively, be framed as a right to freedom of movement at all times, including during disasters or emergencies.
- Personnel: Staff and volunteers of DRM actors often take on significant risks. Their personal health and safety may be endangered and they may also face legal risks associated with providing assistance. There is, therefore, a strong argument that DRM actors that qualify as 'eligible actors' should benefit from a range of legal facilities to protect and incentivise their staff and volunteers. Key legal facilities in this domain include:
    - legal rights to government-funded medical care, compensation and/or insurance for illness, injury or death sustained in the course of working or volunteering;
    - limited legal liability for acts or omissions committed in good faith during the period of a declared disaster, including providing first aid;

- a right to volunteer for an eligible actor in the field of DRM for a specified period in lieu of paid employment and/or in lieu of military service; and/or
- tax concessions for staff (e.g., income tax concessions for salary) and for volunteers (e.g., tax exemption for volunteering allowances or stipends).

In addition to the above legal facilities, there may be a need for legal provisions that provide automatic or expedited recognition of professional qualifications (e.g., for doctors, engineers) across sub-national borders in the event of an emergency. This is most likely to be relevant in federal states.

- Tax: Many non-government DRM actors are not-for-profit entities which rely on donations, government funding and/or the work of volunteers. To stretch these limited resources as far as possible, not-for-profit DRM actors that qualify as 'eligible actors' should be provided with a broad range of tax exemptions, both for the actor itself and for donations made to it. The checklist box below provides a comprehensive list of the types of tax exemptions which should be provided.

In addition to the above legal facilities, there are some legal facilities which are specific to government actors. This includes the following:

- a right to use simplified and/or expedited procurement and hiring processes during the response and early recovery period;
- for health authorities, a simplified and/or expedited process for approving health countermeasures (e.g., vaccines, medications and other treatments) during a public health emergency; and
- for disaster authorities, powers to obtain disaster-related information from other government departments or agencies.

Regarding the first legal facility listed above, as discussed in Section 1D above, government should minimise reliance on fast-track hiring and procurement processes by: (a) developing a roster of qualified and vetted professionals that can be recruited and deployed at short notice; and (b) creating lists of pre-approved suppliers selected by trained procurement teams.

Checklist: Domestic facilities

The law provides the following legal facilities to DRM actors that qualify as 'eligible actors'.

Access to affected populations/freedom of movement

- ☐ The law guarantees eligible actors access to disaster-affected populations, including in situations where limitations on freedom of movement have been imposed on the general population.
- ☐ Alternatively, the law provides eligible actors a right to freedom of movement at all times, including during disasters or emergencies.

Personnel

- ☐ The law provides eligible actors with a range of legal facilities to protect and incentivise their staff and volunteers, including:
    - legal rights to government-funded medical care, compensation and/or insurance for illness, injury or death sustained in the course of working or volunteering;

- limited legal liability for acts or omissions committed in good faith during the period of a declared disaster, including providing first aid;
- a right to volunteer for an eligible actor in the field of DRM for a specified period in lieu of paid employment and/or in lieu of military service; and/or
- tax concessions for staff (e.g., income tax concessions for salary) and for volunteers (e.g., tax exemption for volunteering allowances or stipends).

☐ The law provides for automatic or expedited recognition of professional qualifications (e.g., for doctors, engineers) across sub-national borders in the event of an emergency. Note: This is most likely to be relevant in federal states.

Tax

☐ The law provides eligible actors with tax exempt status. Eligible actors are not required to pay taxes on:

- goods and services (e.g., Value Added Tax, Goods and Services Tax);
- imports of goods across national or sub-national borders (e.g., customs duties, tariffs or taxes);
- income or revenue (e.g., income tax, corporate tax); or
- property (e.g., stamp duty, land tax, tax on rental income or capital gains).

- The law provides that donations made to eligible actors are tax exempt. The tax exemption applies to donations made by individuals and organisations. It applies to donations made by living persons and to bequests made in wills.

Note: The above tax exemptions should only be provided to eligible actors which are not-for-profit.

In addition to the above legal facilities, the law provides relevant government authorities with the following legal facilities:

☐ A right to use simplified and/or expedited procurement and hiring processes during the disaster response and early recovery period.

☐ For health authorities, a simplified and/or expedited process for approving health countermeasures during a public health emergency.

☐ For disaster authorities, powers to obtain disaster-related information from other government actors.

8. Protection and inclusion of marginalised and at-risk groups

Disasters have varying impacts on different groups within society. People that may be disproportionately impacted by disasters (depending on the circumstances) include women and girls, children, older people, people with a disability or chronic illness, migrants, racial and ethnic minorities, indigenous groups, and sexual and gender minorities. These Guidelines collectively refer to these groups as 'marginalised and at-risk groups'. During disasters, marginalised and at-risk groups may experience higher levels of death, injury, displacement and loss of livelihoods or housing. They may face barriers to accessing assistance due to direct or indirect discrimination. Further, disasters can disrupt healthcare, social care, schooling and other essential services for these groups, with serious impacts on their physical health and mental and psychosocial wellbeing. In light of these disproportionate impacts, it is vital that disaster laws, policies and plans are designed with the protection and inclusion of marginalised and at-risk groups as a core consideration.

IFRC's existing body of research and recommendations identifies a suite of legal and policy measures for promoting the protection and inclusion of marginalised and at-risk groups in DRM. These measures include: prohibiting discrimination; collecting sex-, age- and disability-disaggregated data (e.g., for risk assessments, needs assessments etc.); removing informal barriers to accessing assistance (e.g., physical, linguistic, sensory or cultural barriers); promoting the representation and participation of marginalised and at-risk groups in DRM; and training for DRM actors about the specific needs and risks faced by different groups during disasters. The checklist box below provides a more detailed and comprehensive list of these measures. A critical part of protecting marginalised and at-risk groups is meeting their specific needs and providing them with continuity of essential services such as healthcare, social care and education. As discussed in Section 3B, laws should therefore require relevant sectoral departments and agencies (e.g., health, social services, education, housing) to prepare detailed disaster contingency plans that identify modalities for ensuring continuity of essential services during disasters. Additionally, these plans should identify how sectoral agencies will meet the specific needs of marginalised and at-risk groups during and after disasters. The table below identifies some of the key needs of marginalised and at-risk groups that require detailed pre-planning.

Marginalised and at-risk groups may be at heightened risk of various forms of violence and other harmful behaviour that commonly increase following a disaster. Women and girls may be at heightened risk of sexual and gender-based violence (SGBV). Child protection risks include (but are not limited to): abduction, trafficking, sale and illegal adoption; exploitation, including child labour; sexual and gender-based violence, including child prostitution, child marriage and female genital mutilation; physical violence; and neglect. The law should, therefore, require the authorities responsible for SGBV and child protection to develop disaster contingency plans aimed at ensuring continuity of prevention, monitoring and response services during disasters.[111] These plans should address how authorities will scale up services to meet spiking demand during disasters and the measures they will implement to address the specific risks that arise in disaster contexts.[112] Further, all government actors involved in DRM — including sectoral departments and agencies, the military and the police — should be required to participate in training about SGBV and child protection risks in disasters.[113]

In a public health emergency, there may be an additional group that requires special protection or assistance: those who are especially susceptible to the relevant health hazard. History illustrates that this may vary from one public health emergency to another — young adults were especially vulnerable to the H1N1 virus that caused the 1918 influenza pandemic, pregnant women and their unborn children are especially vulnerable to the Zika virus, while older people and people with certain underlying health conditions are especially vulnerable to COVID-19. Thus, plans for public health emergencies need to identify measures that will be implemented to protect those who are most vulnerable to the relevant health hazard, such as shielding and priority access to medical countermeasures (e.g., diagnostics, personal protective equipment, vaccines, treatment).

Checklist: Protection and inclusion of marginalised and at-risk groups

General measures

- ☐ The main disaster law includes a prohibition on discrimination on the basis of race, sex, age, disability, political opinion, sexual orientation or gender identity. Note: This may alternatively be provided by constitutional or human rights laws.
- ☐ Laws, policies and plans promote the equitable representation and participation of marginalised and at-risk groups in DRM by:
    - mandating representation in key coordination and decision-making bodies;
    - promoting the recruitment of members of marginalised and at-risk groups to disaster authorities; and
    - mandating consultation in relation to the design and implementation of activities.
- ☐ Disaster laws mandate the collection and analysis of sex-, age- and disability-disaggregated data in risk assessments, needs assessments and distribution of disaster assistance, as well as in relation to disaster impacts (including mortality).
- ☐ The law mandates all government actors involved in DRM — including sectoral departments/agencies, the military and the police — to participate in training about the specific needs of, and risks faced by, different groups during disasters including sexual and gender-based violence and child protection risks.

Contingency planning

- ☐ The law mandates disaster authorities and relevant sectoral agencies (e.g., education, health, housing, social services) to prepare detailed disaster contingency plans that address the specific needs of marginalised and at-risk groups and identify modalities for ensuring continuity of essential services for these groups during disasters.
- ☐ There are detailed disaster contingency plans in place which address the specific needs of marginalised and at-risk groups. These plans address the following:
    - healthcare and social care for older people and people with disabilities or chronic illnesses;
    - sexual and reproductive healthcare for women and girls;
    - menstrual hygiene management for women and girls;
    - nutrition for pregnant and lactating women, infants, children, older people and people with disabilities or chronic illness;
    - continuity of education for school age children;

- continuity of shelters, spaces and protections for survivors of domestic and sexual abuse;
- evacuation assistance for people with disabilities and older people; and
- the use of a wide range of communication channels, mediums and languages in disaster preparedness and response activities including for warnings.

- The law requires plans for public health emergencies to identify measures to protect those who may be especially susceptible to the relevant health hazard.

Sexual and gender-based violence

- The law requires the government actors responsible for preventing and responding to sexual and gender-based violence (SGBV) to develop detailed disaster contingency plans.
- It requires the plans to address: continuity of prevention, monitoring and response activities during disasters; and rapidly scaling up services to meet spiking demand.
- The law allocates these actors adequate funding to implement comprehensive prevention, monitoring and response activities for SGBV during disasters.
- The law requires disaster contingency plans to identify the design measures that will be implemented to mitigate the risk of SGBV in emergency shelters.
- Criminal laws relating to sexual violence, abuse and exploitation continue to apply during disasters. Criminal law explicitly prohibits providers of disaster assistance from engaging in the sexual abuse or exploitation of people seeking, or in need of, assistance.

Child protection

- The law requires the government actors responsible for child protection to develop detailed disaster contingency plans. It requires the plans to address:
  - continuity of prevention, monitoring and response activities during disasters;
  - rapidly scaling up services to meet spiking demand;
  - measures to address the specific child protection risks that arise in disaster contexts; and
  - the protection of unaccompanied and separated children.

Specific needs of marginalised and at-risk groups

Women and girls	• Sexual and reproductive healthcare • Nutritional support for pregnant and lactating women • Menstrual hygiene management • Scaling up prevention, monitoring and response to SGBV risks • Access to sex-segregated sleeping areas • Access to well-lit and lockable toilets and showers
Children	• Continuity of education • Continuity of birth registration • Scaling up of prevention, monitoring and response to child protection risks • Access to child-friendly spaces • Nutritional support (e.g., supplements, fortified foods)

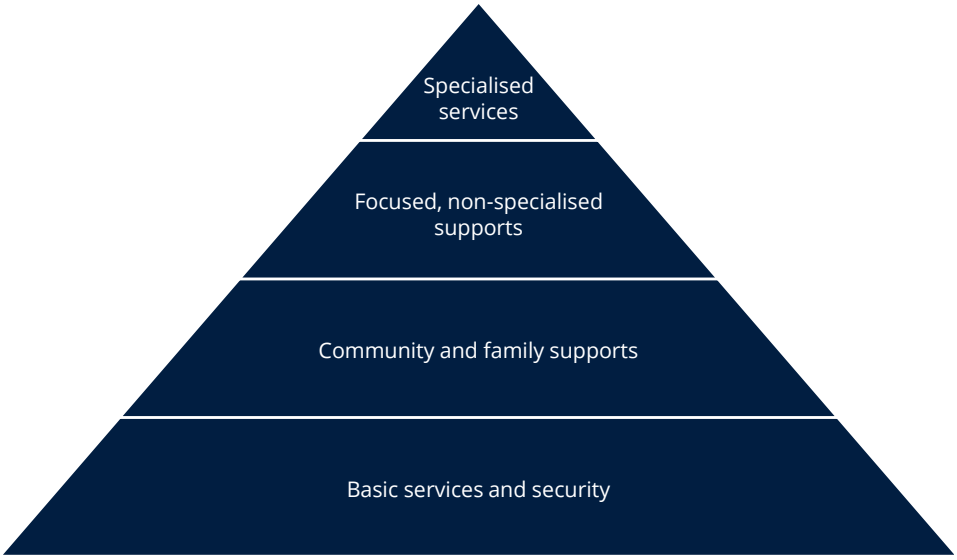
Older people and people with disabilities	• Continuity of healthcare and social care • Nutritional support (e.g., supplements, fortified foods) • Accessible information (e.g., using braille, audio, sign language, large font) • Physically accessible structures and distribution points (e.g., ramps, handrails) • Service delivery through home visits
Migrants and racial and ethnic minorities	• Accessible information (e.g., diverse languages, formats, communication channels) • Service delivery in partnership with community leaders and community organisations
Sexual and gender minorities (SGM)	• Assistance to find alternative arrangements where communal facilities are not safe or appropriate • Continuity of healthcare and private/discrete provision of sexual and reproductive healthcare and menstrual hygiene management

9. Mental health and psychosocial support

During and following a disaster, it is essential to provide mental health services and psychosocial support to affected communities. The term mental health services generally refers to clinical services provided by professionals with the aim of diagnosing and treating mental illness. Psychosocial support is a broad concept which encompasses various non-clinical services designed to meet the overlapping psychological and social needs of individuals, families and communities. In the context of a disaster, psychosocial support can include (amongst other things) psychological first aid, support groups, education about normal reactions to stressful events and healthy coping mechanisms, creating child-friendly spaces, and supporting the continuation of community social and cultural life. The composite term mental health and psychosocial support (MHPSS) refers jointly to mental health services and psychosocial support, reflecting the complementary and interconnected nature of these types of interventions.

The IASC Guideline on Mental Health and Psychosocial Support in Emergency Settings (IASC MHPSS Guideline) is widely recognised as an authoritative source on best practice for MHPSS in emergencies. A central concept of the IASC MHPSS Guideline is a pyramid model, which represents "a layered system of complementary supports that meets the needs of different groups".[114] As shown in the diagram below, the MHPSS pyramid has four layers of intervention, with the bottom level being required by the entire emergency-affected population and each subsequent layer being required by a progressively smaller segment of the population.

- At the bottom of the pyramid is basic services and security, which refers to promoting the well-being of all people by (re)establishing security, adequate governance and services that address basic physical needs (i.e., food, shelter, water, basic health care).[115]
- The second layer of the pyramid is community and family support, which encompasses a broad range of activities that facilitate the role of family and community networks and activities in enhancing individual mental health and psychosocial wellbeing. Some examples of activities in this category include family tracing and reunification, assisted mourning and communal healing ceremonies, mass communication on constructive coping methods, and the activation of social networks.[116]
- The third layer of the pyramid is focused, non-specialised supports. This encompasses more focused individual, family or group interventions. This includes basic mental health care by primary health care workers but also psychological first aid and other interventions delivered by non-health specialists.[117]
- The fourth and final layer of the pyramid is specialised services, which refers to psychological or psychiatric supports for people with mental health illnesses whose needs exceed the capacities of existing primary/general health services.[118]



Intervention pyramid for MHPSS in emergencies, reproduced from the IASC MHPSS Guideline

As stated above, the third layer of the MHPSS pyramid is focused, non-specialised support including psychological first aid. At its core, psychological first aid entails providing humane and compassionate support to a person affected by a traumatic event. Psychological first aid is not a set of pre-determined actions. Instead, it entails listening carefully to the needs of affected people and linking them with information and practical support, with an emphasis on interacting with them in a way that instils hope and promotes feelings of safety, calmness, connectedness and self-efficacy.[119] In addition to psychological first aid, focused and non-specialised support may include more structured interventions designed to assist people to navigate common difficulties following an emergency or other traumatic event. There are several programs that have been developed for this purpose, including: PM+ (Problem management plus), developed by the World Health Organization;[120] Skills for Psychological Recovery, developed by the National Center for PTSD and the National Child Traumatic Stress Network in the US;[121] and SOLAR (Skills fOr Life Adjustment and Resilience), developed through an international collaboration between disaster and mental health experts led by Phoenix Australia – Centre for Posttraumatic Mental Health at the University of Melbourne.[122]

Implementing interventions at lower levels of the MHPSS pyramid can reduce the need for interventions at higher levels by alleviating distress and preventing it from progressing into a diagnosable mental health disorder. Indeed, for many people impacted by disasters, timely lower-level interventions can be an appropriate and effective way to support their mental health and psychosocial wellbeing. For example, facilitating family and community supports — through measures such as family reunification and resumption of community social life — can alleviate distress and promote mental and psychosocial wellbeing by providing social connection, restoring a sense of normalcy, and rebuilding a feeling of community and connectedness to place. In addition to reducing the need for higher-level interventions, there are at least two other benefits of lower-level interventions. First, many lower level MHPSS interventions can be implemented by trained lay people. This permits task shifting from mental health professionals to trained lay people, which can reduce strain on healthcare systems. Secondly, the actors delivering interventions at the lower levels of the pyramid can play an important role in identifying and referring people who require higher-level interventions.

Disaster-affected populations typically require MHPSS for many years after a disaster because the impacts of disasters on mental health and psychosocial wellbeing can be long lasting.[123] These impacts may emerge or be exacerbated during the years after a disaster, in some cases due to the cumulative impact of subsequent disasters or additional stressors. IFRC research has identified that MHPSS is, however, a key gap in legal, policy and planning frameworks for disaster recovery.[124] There is, therefore, a need to develop much more detailed provisions in this area. This may be supported by legal provisions requiring disaster contingency plans and recovery plans to address MHPSS. A dedicated policy on MHPSS in disasters may also play an important role by outlining a clear vision, approach and objectives in this domain. Importantly, legal, policy and planning provisions should address not only clinical mental health services but also a broad range of lower-level MHPSS interventions, consistent with the IASC pyramid model. Further, it is important for there to be adequate, long-term funding for government and non-government actors providing MHPSS to disaster-affected populations.

Checklist: Mental health and psychosocial support (MHPSS)

- ☐ There is a dedicated policy on MHPSS in disasters, which outlines a clear vision, approach and objectives in this domain.
- ☐ The policy is consistent with the MHPSS pyramid model. It recognises the importance of a broad range of lower-level MHPSS interventions including:
    - facilitating community and family support;
    - psychological first aid; and
    - more targeted and structured interventions (e.g., PM+, SOLAR).
- ☐ The law requires disaster contingency plans and disaster recovery plans to address MHPSS, including:
    - the MHPSS interventions that will be implemented;
    - clear roles and responsibilities for all actors involved in delivering the interventions; and
    - coordination mechanisms for delivering MHPSS.
- ☐ Disaster contingency plans and disaster recovery plans contain clear and detailed provisions on MHPSS. The plans address not only clinical mental health services but also a broad range of lower-level MHPSS interventions.
- ☐ There is adequate, long-term funding for the government and non-government actors responsible for providing MHPSS to disaster-affected populations.

10. Disaster displacement

Disaster displacement refers to people being forced to leave their homes or places of habitual residence as a result of a disaster or in order to avoid the impact of an immediate and foreseeable hazard.[125] While some people cross international borders in order to reach safety, most people displaced by disasters remain within the same country. This section therefore focuses mainly on internal disaster displacement. The vast majority of disaster displacement is triggered by weather-related hazards such as floods, storms and wildfires.[126] Climate change is driving increased disaster displacement because it exacerbates weather-related hazards.

A key aspect of managing disaster displacement is to develop a law and/or policy on internal displacement which applies to people displaced by disasters (as well as other emergencies or crises). This should be consistent with relevant international standards, including the Guiding Principles on Internal Displacement. Additionally, managing disaster displacement should be integrated into DRM through disaster laws, policies and plans. There are four key components of managing disaster displacement: (a) implementing measures to reduce the risk of displacement; (b) preparing to respond to unavoidable displacement; (c) responding to displacement when it occurs by assisting and protecting those who have been displaced; and (d) supporting displaced people to achieve durable solutions, whether in the form of return, local integration or resettlement. These components of managing disaster displacement can be integrated into disaster instruments as follows.

- Disaster prevention and mitigation: Disaster risk assessments (discussed in Section 2A above) can include an analysis of displacement risk and identify geographical areas where displacement risk is highest. In turn, planning for disaster prevention and mitigation (discussed in Section 2B above) can identify measures that will reduce disaster displacement risk including: structural measures such as building or reinforcing protective infrastructure (e.g., sea walls, dams) and strengthening the resilience of housing; and non-structural measures such as diversifying livelihoods and improving food security. Another potential measure is planned relocation which, as discussed below, should be considered a last resort where disaster risk cannot be reduced to an acceptable level.
- Preparedness, anticipatory action and response: Disaster contingency plans should identify the risks and possible scale of displacement, which actor will coordinate the response to displacement, the roles and responsibilities of other actors, anticipatory actions to reduce displacement, and the types of assistance that will be provided to displaced people. In terms of assistance, plans need to identify how basic shelter and housing, essential food and potable water, appropriate clothing, and essential medical services and sanitation will be provided to displaced people. To account for the possibility that displaced people may be unable to return home quickly (or at all), plans should not only identify modalities for providing services for a short period in emergency shelters. They should also identify how to meet needs over the medium to long term, including through interim solutions such as using modular or demountable structures for housing, schooling and healthcare while reconstruction is ongoing.
- Disaster recovery: As discussed in Section 4B above, two key steps in disaster recovery are to accurately assess needs and develop a multi-sectoral recovery plan. Post-disaster needs assessments can include an analysis of the scale of displacement and the needs of displaced people, including both immediate assistance needs and the types of support they will require to find durable solutions. In

turn, recovery plans can outline the modalities for meeting these needs, including identifying a lead actor and the roles and responsibilities of other actors. Provisions relating to durable solutions should be guided by the IASC Framework on Durable Solutions to Disaster Displacement. As discussed below, planned relocation may be a durable solution to disaster displacement in situations where conditions are too unsafe to permit return.

Importantly, all of the activities above should be designed to enable meaningful consultation and participation by displaced people. Further, assistance should be provided to all displaced people regardless of citizenship or migration status.

As indicated above, planned relocation can be a measure to reduce displacement risk, a durable solution to displacement or, in some contexts, both. Planned relocation refers to a planned process in which people are assisted to move away from their homes or places of temporary residence to settle in a new location. Planned relocation is widely considered a measure of last resort. In order to lead to successful outcomes for people, planned relocation needs to be much more than 'a new house in a safe place' — it needs to provide the relocated community with the means to rebuild their lives through access to livelihoods, public services and social networks. Legal and policy provisions on planned relocation should be adopted to ensure that affected people have legal protections, agency and the means to rebuild their lives. The Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation identifies the types of legal and policy provisions which need to be in place.

This section has mainly focused on internal disaster displacement, which accounts for most disaster displacement. Cross-border disaster displacement poses complex legal and humanitarian challenges because people who have crossed international borders in response to a disaster generally do not meet the definition of 'refugee' in the Convention Relating to the Status of Refugees. While international human rights law may, in specific contexts, prohibit cross-border disaster displaced people from being returned to their country of origin, it does not grant such people a positive right to be admitted to and stay in another country. On this topic, the IFRC recommends that domestic law and policy should support the 'effective practices' identified in the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (commonly known as the Nansen Protection Agenda). Law and policy should (amongst other things): grant temporary entry and stay for cross-border disaster-displaced people; provide for them to enjoy full respect of their human rights and receive assistance to meet their basic needs during the period of their stay; establish criteria for the return of cross-border disaster-displaced persons (such criteria being consistent with international law); and allow cross-border disaster-displaced persons to apply for renewed or permanent residency, or resettlement to a third country when conditions causing the displacement persist for an extended period of time or become permanent.[127]

While it is widely recognised that disasters are a major driver of displacement, the COVID-19 pandemic has demonstrated that public health emergencies can affect human mobility in quite different ways. Restrictions imposed to reduce the spread of disease can create the opposite of forced displacement: forced immobility. Border and travel restrictions can result in people becoming stranded overseas without access to livelihoods or healthcare. They can also be detrimental to people who need to travel for urgent personal reasons, such as to access life-saving medical care that is not available in their usual place of residence. Border and travel restrictions may have very severe — potentially even life-threatening consequences — for refugees, asylum seekers and other people fleeing irreparable harm. Border and travel restrictions should, therefore, generally be subject to clear exceptions for: refugees, asylum seekers

and others fleeing irreparable harm; migrants and foreign citizens wishing to be repatriated; and people needing to travel for urgent personal reasons.

Checklist: Disaster displacement

Disaster prevention and mitigation

- ☐ The law requires that disaster risk assessments include an analysis of displacement risk and identify geographical areas where displacement risk is highest.
- ☐ The law requires disaster prevention and mitigation plans to include structural and non-structural measures to reduce displacement risk.
- ☐ Current disaster prevention and mitigation plans clearly identify measures to reduce displacement risk in high-risk areas including both structural and non-structural measures.

Disaster preparedness, anticipatory action and response

- ☐ The law clearly identifies which government actor is responsible for coordinating assistance for people displaced by disasters.
- ☐ The law requires disaster contingency plans to address displacement including:
  - provision of basic shelter and housing, essential food and potable water, appropriate clothing, and essential medical services and sanitation to displaced people; and
  - the roles and responsibilities of different actors (government and non-government) in providing the above protection and assistance.
- ☐ Current disaster contingency plans contain clear and detailed provisions on assistance and protection for disaster-displaced people. They address not only short-term assistance in emergency shelters, but also assistance for longer periods using interim solutions/modalities for providing essential services.

Disaster recovery

- ☐ The law requires post-disaster needs assessments to include an analysis of the scale of displacement and the needs of displaced people.
- ☐ The law clearly identifies which government actor is responsible for coordinating efforts to assist displaced people during disaster recovery.
- ☐ The law requires recovery plans to address displacement including:
  - the types of ongoing protection and assistance that will be provided to displaced people until they find durable solutions;
  - the types of support that will be provided to displaced people to return home, integrate locally or resettle; and
  - the roles and responsibilities of different actors (government and non-government) in supporting return, local integration and/or resettlement.

Dedicated instruments on displacement and relocation

- ☐ There is a detailed law and/or policy on internal displacement which encompasses people displaced by disasters (as well as other crises or emergencies). The policy is informed by and consistent with the Guiding Principles on Internal Displacement.

- There is a law and/or policy on planned relocation which provides a detailed framework for conducting planned relocation in anticipation of and in response to disaster. The law and/or policy is consistent with the Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation.

Cross-border disaster displacement

- Law and policy provide for the temporary entry and stay of cross-border disaster-displaced people.
- Law and policy provide for cross-border disaster-displaced people to enjoy full respect of their human rights and to receive assistance to meet their basic needs during the period of their stay.
- Law and policy establish criteria for the return of cross-border disaster-displaced persons (such criteria being consistent with international law).
- Law and policy allow cross-border disaster-displaced persons to apply for renewed or permanent residency, or resettlement to a third country, when the conditions causing displacement persist for an extended period or become permanent.

Additional resources

Prevention and mitigation

- Checklist on Law and Disaster Risk Reduction (IFRC and UNDP, 2015)
- Handbook on Law and Disaster Risk Reduction (IFRC and UNDP, 2015)
- Words into Action: Nature-based Solutions for Disaster Risk Reduction (UNDRR, 2021)
- Words into Action: Implementation Guide for Land Use and Urban Planning (UNDRR, 2020)
- Words into Action: Traditional and Indigenous Knowledges for Disaster Risk Reduction (UNDRR, 2022)
- Words into Action: National Disaster Risk Assessment (UNDRR, 2017)

Preparedness, anticipatory action and response

- Checklist on Law and Disaster Preparedness and Response (IFRC, 2019)
- Law and Disaster Preparedness and Response: Multi-Country Synthesis Report (IFRC, 2019)
- Management of Dead Bodies after Disasters: A Field Manual for First Responders (IFRC, WHO, PAHO and IFRC; 2nd edition, 2016)
- Multi-Hazard Early Warning Systems: A Checklist (WMO, 2018)
- Words into Action: A Guide to Multi-Hazard Early Warning Systems (UNDRR, 2023)
- Words into Action: Enhancing Disaster Preparedness for Effective Response (UNDRR, 2020)
- Words into Action: Design and Conduct of Simulation Exercises – SIMEX (UNDRR, 2020)

Recovery

- Disaster Recovery Framework Guide (GFDRR, 2020)
- Laws, Policies and Plans for Disaster Recovery: Multi-Country Synthesis Report (IFRC, 2023)
- Post-Disaster Needs Assessments Guidelines: Volume A (World Bank, European Commission and United Nations Development Group, 2013)

Quality and accountability

- The Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response (2018 edition)
- Handbook of Good Practices for Preventing Corruption in Humanitarian Operations (Transparency International, 2010)

Public health emergencies

- Guidance on Law and Public Health Emergency Preparedness and Response (IFRC, 2022)
- International Health Regulations (2005) – A Brief Introduction to Implementation in National Legislation (WHO, 2009)
- International Health Regulations (2005) – Toolkit for Implementation in National Legislation: The National IHR Focal Point (NFP) (WHO, 2009)

- International Health Regulations (2005) – Toolkit for Implementation in National Legislation: Questions and Answers, Legislative Reference and Assessment Tool and Examples of National Legislation (WHO, 2009)
- Joint External Evaluation Tool (World Health Organization, 2022, 3rd edition)

International disaster assistance

- IDRL Guidelines (IFRC, 2007)
- IDRL Checklist (IFRC, 2017)
- IDRL Model Act (IFRC, UN OCHA and Inter-Parliamentary Union, 2013)
- IDRL Model Emergency Decree (IFRC and UN OCHA, 2017)

Protection of marginalised and at-risk groups

- Field Handbook on Unaccompanied and Separated Children (Save the Children, 2016)
- Global Study: Effective Law and Policy on Gender Equality and Protection from Sexual and Gender-Based Violence in Disasters (IFRC, 2017)
- Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster (Migrants in Countries in Crisis Initiative, 2016)
- Humanitarian Inclusion Standards for Older People and People with Disabilities (Age and Disability Consortium, 2018)
- IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings (2007)
- IASC Guidelines for Gender-based Violence Interventions in Humanitarian Settings (IASC Task Force on Gender and Humanitarian Assistance, 2005)
- Inter-Agency Field Manual on Reproductive Health in Humanitarian Settings (Inter-Agency Working Group on Reproductive Health in Crises, 2018)
- Minimum Standards for Child Protection in Humanitarian Action (The Alliance for Child Protection in Humanitarian Action, 2019)
- Minimum Standards on Protection, Gender and Inclusion in Emergencies (IFRC, 2018)
- Unseen, Unheard: Gender-Based Violence in Disasters - Global Study (IFRC, 2015)
- We Need to do Better: Policy Brief for Enhancing Laws and Regulations to Protect Children in Disasters (IFRC, 2020)

Disaster displacement

- Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (Nansen Protection Agenda)
- Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation (2015, UNHCR, Brookings Institute, Georgetown University)
- IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters (2011)
- IASC Framework on Durable Solutions for Internally Displaced Persons (2010)

Endnotes

[1] UNGA Res 71/276, 'Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction' UN Doc A/RES/71/276 <https://www.preventionweb.net/files/resolutions/N1702972_en.pdf> (adopted 2 February 2017).
[2] Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction, UN Doc A/71/644 (1 December 2016) <https://www.preventionweb.net/files/50683_oiewgreportenglish.pdf> (**Expert Working Group Report**).
[3] ADAPT Initiative and Risk-informed Early Action Partnership, 'Glossary of Early Action Terms' (2022) <https://www.early-action-reap.org/sites/default/files/2022-10/REAP_Glossary%20of%20Early%20Action%20terms_2022%20edition_FINAL.pdf> 7.
[4] Adapted (with minor, non-substantive amendments) from Intergovernmental Panel on Climate Change, 'Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation' (2012) <https://www.ipcc.ch/site/assets/uploads/2018/03/SREX_Full_Report-1.pdf> 556 (in Annex II, Glossary of Terms) (**IPCC 2012 Climate Change Adaptation Report**).
[5] Expert Working Group Report, above n2, 13/41.
[6] The Nansen Initiative, 'Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change - Volume I' (December 2015) <https://disasterdisplacement.org/wp-content/uploads/2015/02/PROTECTION-AGENDA-VOLUME-1.pdf> 16 (**Nansen Protection Agenda Volume 1**).
[7] Expert Working Group Report, above n2, 20/41.
[8] Ibid 21/41.
[9] Ibid.
[10] Ibid.
[11] Ibid 22/41.
[12] Ibid 15/41.
[13] IFRC, Disaster Risk Management Policy: From Prevention to Response and Recovery (2020) <https://www.ifrc.org/sites/default/files/2022-05/20210127_IFRC-DRM-EN%5B1%5D.pdf> 3. See also Expert Working Group Report, above n2, 15/41.
[14] Expert Working Group Report, above n2, 16/41.
[15] Ibid 17/41.
[16] Ibid 18/41.
[17] IFRC, Guidance on Law and Public Health Emergency Preparedness and Response (2022) <https://disasterlaw.ifrc.org/media/3611> 6 (**IFRC Law and PHE Guidance**).
[18] This definition was previously published by the World Health Organization on a webpage entitled 'Definitions: Emergencies' with the following URL: https://www.who.int/hac/about/definitions/en/. This webpage is no longer available. The IFRC continues to use this definition as the World Health Organization has not published any other definition of the term 'public health emergency'. Moreover, there is no internationally agreed or endorsed definition of the term.
[19] ICRC and IFRC, 'Sexual and gender-based violence: joint action on prevention and response' (Background Report to the 32nd International Conference of the Red Cross and the Red Crescent, Geneva, October 2015) <https://rcrcconference.org/app//uploads/2015/04/32IC-Background-report-on-Sexual-and-gender-based-violence_EN.pdf> 1-2 (see definitions in footnote 1).
[20] Expert Working Group Report, above n2, 19/21.
[21] See Yokohama Strategy for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness and Mitigation and its Plan of Action (adopted at the World Conference on Natural Disaster Reduction, 23-27 May 1994 in Yokohama, Japan); Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters (adopted by the World Conference on Disaster Reduction, 18-22 January 2005 in Kobe City, Japan).
[22] Report of the Midterm Review of the Sendai Framework 2015–2030 (UNDRR, 2023) <https://sendaiframework-mtr.undrr.org/publication/report-midterm-review-implementation-sendai-framework-disaster-risk-reduction-2015-2030> 41-43 (**Sendai MTR Report**).
[23] Expert Working Group Report, above n2, 16/41.
[24] Expert Working Group Report, above n2, 15-16/41 (definition of 'disaster risk management'); UNDRR, 'Disaster risk reduction & disaster risk management' <https://www.preventionweb.net/understanding-disaster-risk/key-concepts/disaster-risk-reduction-disaster-risk-management>.
[25] Expert Working Group Report, above n2, 21/41.
[26] Ibid.
[27] Ibid 20/41.

[28] Ibid.
[29] IPCC 2012 Climate Change Adaptation Report, above n4, 561 (in Annex II, Glossary of Terms).
[30] Expert Working Group Report, above n2, 21/41.
[31] Ibid.
[32] ADAPT Initiative and Risk-informed Early Action Partnership, 'Glossary of Early Action Terms' (2022) <https://www.early-action-reap.org/sites/default/files/2022-10/REAP_Glossary%20of%20Early%20Action%20terms_2022%20edition_FINAL.pdf> 7.
[33] Expert Working Group Report, above n2, 22/41.
[34] Ibid 21/41.
[35] Sendai Framework for Disaster Risk Reduction 2015-2030 (adopted 18 March 2015 at the Third UN World Conference on Disaster Risk Reduction) <https://www.undrr.org/publication/sendai-framework-disaster-risk-reduction-2015-2030> [20] (**Sendai Framework**).
[36] Adapted (with minor, non-substantive amendments) from IPCC 2012 Climate Change Adaptation Report, above n4, 556 (in Annex II, Glossary of Terms).
[37] Paris Agreement (adopted 12 December 2015), article 7(1).
[38] Resolution 4 of the 30th International Conference (2007) <https://disasterlaw.ifrc.org/media/1824?language_content_entity=en> [5]; Resolution 7 of the 31st International Conference (2011) <https://disasterlaw.ifrc.org/media/133?language_content_entity=en> [14]-[15]; Resolution 6 of the 32nd International Conference (2015) <https://disasterlaw.ifrc.org/media/1820?language_content_entity=en> [16]-[17]; Resolution 7 of the 33rd International Conference (2019) <https://disasterlaw.ifrc.org/media/1822?language_content_entity=en> [10]-[11].
[39] IFRC, 'Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance' (version re-issued in 2017 with foreword from then IFRC Secretary General Elhadj As Sy) <https://disasterlaw.ifrc.org/sites/default/files/media/disaster_law/2020-09/1205600-IDRL-Guidelines-EN-LR.pdf> (**IDRL Guidelines**).
[40] Resolution 4 of the 30th International Conference (2007) <https://disasterlaw.ifrc.org/media/1824?language_content_entity=en> [1]. Some examples of UNGA resolutions endorsing the IDRL Guidelines are UNGA Resolutions 63/141, 63/139 and 63/137 of 2008, 64/251 and 64/76 of 2009, 65/264 and 65/133 of 2010, and 72/133 and 72/132 of 2017.
[41] IFRC, 'The Checklist on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance' (November 2017) <https://disasterlaw.ifrc.org/media/1325> (**IDRL Checklist**).
[42] IFRC, United Nations Office for the Coordination of Humanitarian Affairs, and Inter-Parliamentary Union, 'Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (With Commentary)' (March 2013) <https://disasterlaw.ifrc.org/sites/default/files/media/disaster_law/2021-02/IDRL%20Model%20Act%20%28English%29.pdf> (**IDRL Model Act**).
[43] IFRC and United Nations Office for the Coordination of Humanitarian Affairs, 'Model Emergency Decree for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance' (2017) <https://disasterlaw.ifrc.org/sites/default/files/media/disaster_law/2020-09/Model-Decree_EN-LR.pdf> (**IDRL Model Emergency Decree**).
[44] Sendai Framework, above n35, [20].
[45] Resolution 6 of the 32nd International Conference (2015) <https://disasterlaw.ifrc.org/media/1820?language_content_entity=en> [9].
[46] IFRC and UNDP, 'The Handbook on Law and Disaster Risk Reduction' (2015) <https://disasterlaw.ifrc.org/media/1349>.
[47] Resolution 7 of the 33rd International Conference (2019) <https://disasterlaw.ifrc.org/media/1822?language_content_entity=en> [3].
[48] IFRC, 'Laws, Policies and Plans for Disaster Recovery: Multi-Country Synthesis Report' (2023) <https://disasterlaw.ifrc.org/media/4230> (**IFRC Law and Disaster Recovery Report**).
[49] IFRC, 'Global Synthesis Report on Law and Policies for Climate Resilience: Enhancing Normative Integration between Climate Change Adaptation and Disaster Risk Reduction' (2021) <https://disasterlaw.ifrc.org/media/3268>.
[50] IFRC, 'We Need to Do Better: Policy Brief for Enhancing Laws and Regulations to Protect Children in Disasters' (2021) <https://disasterlaw.ifrc.org/media/1285>.
[51] IFRC, 'Unseen, Unheard: Gender-Based Violence in Disasters (Global Study)' (2015) <https://disasterlaw.ifrc.org/media/1785>; IFRC, 'Global study: Effective law and policy on gender equality and protection from sexual and gender-based violence in disasters' (2017) <https://disasterlaw.ifrc.org/media/1788>.
[52] The 38 countries are: Bhutan, Bosnia and Herzegovina, Burkina Faso, Cambodia, Colombia, Cook Islands, Costa Rica, Ecuador, El Salvador, Finland, Guatemala, Honduras, Indonesia, Italy, Kyrgyzstan, Maldives, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Rwanda, Samoa, Seychelles, Tajikistan, Turkmenistan, Thailand, Vanuatu, Vietnam.
[53] IFRC, 'Fourth Progress Report on the Implementation of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance' (2019) <https://disasterlaw.ifrc.org/sites/default/files/media/disaster_law/2020-09/20191120_IDRL_ONLINE_Sized.pdf> 8, 9, 11 (referring

to the Regional Mechanism for Humanitarian Assistance in the event of Disasters of the Central American Integration System (Mec-Reg/SICA), the Guidelines on International Cooperation for Humanitarian Assistance among Andean Countries (CAPRADE), the European Union Host Nation Support Guidelines, the ASEAN Agreement on DRM and Emergency Response); IFRC, 'Progress in the Implementation of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance' (October 2011) <https://disasterlaw.ifrc.org/sites/default/files/media/disaster_law/2021-02/31-int-conference-idrl-rep-11-5-5-1-en.pdf> 9 (referring to the ASEAN Standard Operating Procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations).

[54] Expert Working Group Report, above n2, 15/41.

[55] For a detailed country-level study on this topic, see German Red Cross and Red Cross Red Crescent Climate Centre, 'Feasibility study on the potential use of cash-based social protection systems for floods' (July 2022) <https://www.anticipation-hub.org/Documents/Feasibility_Study/feasibility-study-srsp-bangladesh.pdf>.

[56] Expert Working Group Report, above n2, 13/41.

[57] The Expert Working Group's definition of "disaster" hinges on the occurrence of "hazardous events". The Expert Working Group's report specifies that the term "hazard" does not include "the occurrence or risk of armed conflicts and other situations of social instability or tension". It follows that the definition of "disaster" does not include armed conflicts and other situations of social instability or tension. See Expert Working Group Report, above n2, 13, 18, 20.

[58] For information about the key components of the rule of law see: World Justice Project, 'WJP Rule of Law Index Factors' (2023) <https://worldjusticeproject.org/rule-of-law-index/factors/2023>.

[59] Sendai Framework, above n35, [18(e)].

[60] See especially the list of 'Guiding principles' in paragraph 19 of the Sendai Framework.

[61] To learn more about the auxiliary role, see IFRC Disaster Law, 'The auxiliary role' <https://disasterlaw.ifrc.org/auxiliary-role>. See also IFRC, 'Guide to Strengthening the Auxiliary Role through Law and Policy' (2021) <https://disasterlaw.ifrc.org/media/1771> 11-13.

[62] For a more detailed overview of this topic, see IFRC, 'Law and Disaster Preparedness and Response: Multi-Country Synthesis Report' (2019) <https://disasterlaw.ifrc.org/media/1302> 38-58 (DPR Synthesis Report). See also IFRC Law and Disaster Recovery Report, above n48, 44-49.

[63] For a more detailed overview of this topic, see IFRC Law and Disaster Recovery Report, above n48, 44-49.

[64] Andy Polacek, 'Catastrophe Bonds: A Primer and Retrospective' (*Chicago Fed Letter,* No. 405, 2018) <https://www.chicagofed.org/publications/chicago-fed-letter/2018/405>.

[65] Ibid.

[66] Sendai MTR Report, above n22, 44-56.

[67] IFRC Law and Disaster Recovery Report, above n48, 44-49.

[68] See, eg, the IFRC's Disaster Response Emergency Fund (DREF) and its 'Anticipatory Pillar': IFRC, 'Anticipatory Pillar of the DREF' <https://www.ifrc.org/happening-now/emergencies/anticipatory-pillar-dref>. See also the UN's Central Emergency Response Fund (CERF) and its Anticipatory Action Pilots: Central Emergency Response Fund, 'CERF Anticipatory Action' (11 November 2023) <https://cerf.un.org/sites/default/files/resources/211117%20CERF%20Anticipatory%20Action.pdf>. A further example is the FAO's Special Fund for Emergency and Rehabilitation Activities (SFERA), which now has an anticipatory action window: Food and Agriculture Organization of the United Nations, 'Special Fund for Emergency and Rehabilitation Activities (SFERA) - Annual Report 2020' (2021) <https://www.fao.org/3/cb4912en/cb4912en.pdf> 15-19.

[69] DPR Synthesis Report, above n62, 139.

[70] IFRC, 'Project/programme monitoring evaluation guide' (2011) <https://www.ifrc.org/document/projectprogramme-monitoring-and-evaluation-guide> 11, 13. See also IFRC, 'Recovery programming guidance 2012' (2012) <https://www.ifrc.org/document/recovery-programming-guidance> 15–17.

[71] Ibid.

[72] See UNFCC, 'National Adaptation Plans 2023: Progress in the Formulation and Implementation of NAPS' (2023) <https://unfccc.int/sites/default/files/resource/NAP-progress-publication-2023.pdf>.

[73] Expert Working Group Report, above n2, 21/41.

[74] Ibid.

[75] Ibid.

[76] Ibid 20/41.

[77] Intergovernmental Panel on Climate Change, 'Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation' (2012) <https://www.ipcc.ch/site/assets/uploads/2018/03/SREX_Full_Report-1.pdf> 561 (in Annex II, Glossary of Terms).

[78] Expert Working Group Report, above n2, 14/41.

[79] Sendai Framework, above n35, 24(i).

[80] For a detailed discussion of challenges in implementing land use laws and building codes, see IFRC, 'Effective Law and Regulation for Disaster Risk Reduction: A Multi-Country Report' (2014) <https://disasterlaw.ifrc.org/media/1372> 52-53, 55.

[81] Expert Working Group Report, above n2, 21/41.

[82] Ibid.
[83] ADAPT Initiative and Risk-informed Early Action Partnership, 'Glossary of Early Action Terms' (2022) <https://www.early-action-reap.org/sites/default/files/2022-10/REAP_Glossary%20of%20Early%20Action%20terms_2022%20edition_FINAL.pdf> 7.
[84] Ibid.
[85] Ibid.
[86] Expert Working Group Report, above n2, 22/41.
[87] Ibid 17/41.
[88] Example taken from: Sally Potter et al, 'The Influence of Impact-Based Severe Weather Warnings on Risk Perceptions and Intended Protective Actions' *International Journal of Disaster Risk Reduction* (Volume 30, September 2018) <https://www.sciencedirect.com/science/article/pii/S2212420918304011>.
[89] Global Disaster Preparedness Center, 'Common Alerting Protocol Implementation' <https://preparecenter.org/initiative/common-alerting-protocol-implementation/>.
[90] Guiding Principles on Internal Displacement (adopted by the Commission on Human Rights on 11 February 1998) E/CN.4/1998/53/Add.2 <https://www.internal-displacement.org/sites/default/files/publications/documents/199808-training-OCHA-guiding-principles-Eng2.pdf> Principle 6(2)(d); IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters (2011) <https://www.ohchr.org/sites/default/files/Documents/Issues/IDPersons/OperationalGuidelines_IDP.pdf> 16.
[91] Expert Working Group Report, above n2, 21/41.
[92] Ibid 22/41.
[93] Ibid.
[94] Ibid 6-7.
[95] IFRC Law and Disaster Recovery Report, above n48, 25.
[96] Ibid.
[97] Ibid.
[98] Expert Working Group, above n2, 13/41.
[99] International Health Regulations (2005), 2509 UNTS 79 (entered into force 15 June 2007) (**IHR**).
[100] Ibid arts 5(1), 13(1), Annex 1.
[101] Ibid arts 4, 6.
[102] For a discussion of this issue, see IFRC, 'Law and Public Health Emergency Preparedness and Response: Lessons from the COVID-19 Pandemic' (2021) <https://disasterlaw.ifrc.org/media/3010> 67-80.
[103] Ibid 83-86; IFRC Law and PHE Guidance, above n17, 18-19.
[104] Expert Working Group, above n2, 19/41.
[105] Ibid.
[106] Some examples of UNGA resolutions endorsing the IDRL Guidelines are UNGA Resolutions 63/141, 63/139 and 63/137 of 2008, 64/251 and 64/76 of 2009, 65/264 and 65/133 of 2010, and 72/133 and 72/132 of 2017. Some examples of ECOSOC Resolutions endorsing the IDRL Guidelines are resolution 2010/1 of 2010, 2009/3 of 2009, and 2008/36 of 2008.
[107] IFRC and National Societies have jointly influenced the development of regional provisions consistent with the IDRL Guidelines including in the following instruments: the Regional Mechanism for Humanitarian Assistance in the event of Disasters of the Central American Integration System, the Guidelines on International Cooperation for Humanitarian Assistance among Andean Countries, the European Union Host Nation Support Guidelines, the ASEAN Agreement on DRM and Emergency Response, and the ASEAN Standard Operating Procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations.
[108] The 38 countries are: Bhutan, Bosnia and Herzegovina, Burkina Faso, Cambodia, Colombia, Cook Islands, Costa Rica, Ecuador, El Salvador, Finland, Guatemala, Honduras, Indonesia, Italy, Kyrgyzstan, Maldives, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Rwanda, Samoa, Seychelles, Tajikistan, Turkmenistan, Thailand, Vanuatu, Vietnam.
[109] Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief (Rev 1.1, 2007) <https://reliefweb.int/report/world/guidelines-use-military-and-civil-defence-assets-disaster-relief-oslo-guidelines?_gl=1*1v95bwu*_ga*MTE0MTQ0MzM1NS4xNjk1OTc1MDI4*_ga_E60ZNX2F68*MTY5NjQxNzEwMi4zLjAuMTY5NjQxNzEwMi42MC4wLjA.> 4.
[110] Ibid.
[111] IFRC, 'Global study: Effective law and policy on gender equality and protection from sexual and gender-based violence in disasters' (2017) <https://disasterlaw.ifrc.org/media/1788> 10, 59 (**Effective Law and Policy on Gender Equality and SGBV Protection in Disasters**). See also IFRC, 'Unseen, Unheard: Gender-Based Violence in Disasters - Global study (2015) <https://disasterlaw.ifrc.org/media/1785> 9; IFRC, 'Ecuador country case study: Effective law and policy on gender equality and protection from sexual and gender-based violence in disasters' (2017) <https://disasterlaw.ifrc.org/media/1335> 31 (**Ecuador SGBV Case Study**); IFRC, 'Nepal Country Case Study: Effective Law and Policy on Gender Equality and Protection From Sexual and Gender-Based Violence in Disasters' (2017) <https://disasterlaw.ifrc.org/media/3093> 46.

[112] Effective Law and Policy on Gender Equality and SGBV Protection in Disasters, above n111, 10, 59.
[113] Ibid 61; Ecuador SGBV Case Study, above n111, 31.
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