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31st International Conference of the Red Cross Red Crescent
Geneva, 28 November–1 December – For humanity



Strengthening Disaster Laws

(4th Plenary Meeting)

Concept note and guiding questions

Objectives

The thematic plenary on disaster laws will focus on three issues:

1. *Legal preparedness for international disaster response (IDRL)*
2. *Enhancing disaster risk reduction, particularly at the community level, through legislation*
3. *Regulatory issues impacting the provision of emergency and transitional shelter after natural disasters*

These three sub-themes each touch on core humanitarian concerns, and each represents an area of special interest to the Red Cross Red Crescent. With regard to all three, the primary focus is on domestic law, policy and procedure. The objective of the plenary meeting is to exchange ideas on best practice in these areas, and to consider how states, with support from the International Red Cross and Red Crescent Movement and other partners, can proactively address common regulatory problems and gaps to facilitate more effective disaster risk reduction and response.

Rationale

The International Federation and its members have been studying the strengths and weaknesses of disaster laws world-wide for more than ten years. They have found that, while recent decades have seen advances in the strength and coherence of disaster laws in many countries, there are still widespread gaps that can and should be addressed.

The International Conference of the Red Cross and Red Crescent has already begun to play an important role as a forum for focused dialogue about the normative frameworks for disaster response. In 2003, for example, the 28th International Conference affirmed the importance of strengthening building codes, land use planning and other tools for disaster risk reduction. More recently, in 2007, the 30th International Conference adopted the 'Guidelines for the domestic facilitation and regulation of international relief and early recovery assistance' (also known as the IDRL Guidelines), which set out recommendations to governments as to how to prepare their laws and procedures to solve the most common regulatory issues in international response operations.

The thematic plenary on strengthening disaster laws will provide an opportunity to build on this progress. Through presentations by featured expert speakers and open debate, Conference participants will take stock of progress and renew momentum in the implementation of the IDRL Guidelines as well as consider challenges and best practice in the areas of disaster risk reduction and post-disaster shelter.

Guiding questions

These guiding questions are intended to assist participants in preparing their statements. As the time available for individual interventions is limited (3 minutes for individual statements, and 5 minutes for statements on behalf of a group), it is not expected that delegates will

address every question posed here. Rather, the guiding questions should be seen as a menu of ideas and current issues in the three sub-themes addressed under the heading 'Strengthening disaster laws'.

Strengthening legal preparedness for international disaster response

As the events of recent years have shown, any country, rich or poor, may someday need international support to respond effectively to a massive disasters. In 2007, the members of the 30th International Conference adopted the Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance (IDRL Guidelines) to provide guidance to states on how to prepare to prepare their systems to expedite and oversee international assistance. Since then, there has been good progress in implementation of the IDRL Guidelines in a number of countries, but much more remains to be done.

1. What progress has there been in your country and/or region in enhancing preparedness for international disaster response? What more can be done to accelerate the use of the IDRL Guidelines?
2. What lessons might be drawn from recent international disaster response operations as regards the regulation of international disaster assistance?
3. How might efforts to strengthen regulatory frameworks for disaster cooperation at the national, regional and international levels be better aligned and more mutually reinforcing?

Enhancing disaster risk reduction at the community level through legislation

Disasters are experienced most acutely at the local level – by communities, families, businesses and individuals. However, it is at the local level that disaster risk reduction impacts are lagging most behind. Legislation can be an important tool in this respect. It can clarify responsibilities for risk management, ensure the deployment of adequate resources, address underlying vulnerability factors, and empower communities to take an active role in reducing their exposure to disaster risks.

4. What positive examples have you seen of law being used as a tool to enhance disaster risk reduction at the community level? What lessons or guidance might be drawn from these examples?
5. Many disaster management experts complain that laws related to disaster risk reduction at the community level are often not adequately implemented. How can the implementation of such laws be improved?
6. The Hyogo Framework for Action encourages governments to decentralize authority for disaster risk reduction to the local level, however, in practice, decentralization has not always led to real improvements. How can legislation address this?

Addressing regulatory barriers to the rapid and equitable provision of emergency and transitional shelter after disasters

Securing adequate shelter is among the first priority needs of a population displaced by a natural disaster. Indeed, without safe shelter, health and security are compromised – as is a family's ability to quickly restore its livelihood. While rehabilitation and reconstruction of permanent shelters takes time, there is a need for speedy emergency and transitional solutions. Unfortunately, regulatory barriers, including the ambiguity of land and property ownership, the application of unsuited building codes, often stand in the way of rapid and equitable solutions.

7. In your experience, how have regulatory issues impacted upon the provision of emergency or transitional shelter? What lessons might be drawn for future disaster contexts?
8. How can governments prepare in advance to avoid regulatory barriers to the provision of emergency and transitional shelter in the event of a disaster?
9. How can we ensure equity in the shelter assistance provided to populations displaced by natural disasters (for example, as between land owners, renters and squatters, and between men and women) ?

General question

10. How might governments, National Red Cross and Red Crescent Societies and other partners strengthen their partnerships in the promotion of strong disaster laws?

Practical details

The thematic plenary on disaster laws is provisionally scheduled to begin at 13.30 on Wednesday 30 November. It will be chaired by Dr. Fernando José Cardenas Guerrero, President, Colombian Red Cross.

The meeting will begin with an overview of the session by the Chair and an introduction to the three sub-themes by the International Federation. A number of featured speakers have been invited to present on each of the three sub-themes. Alternating with these presentations, the Chair will open the floor for statements by Conference participants. Delegates are invited to limit their statements to three minutes. At the conclusion of the debate, the Chair will summarise the discussion and formally close the meeting. The meeting is provisionally scheduled to end at 18:00.

Reference to official working documents

Background report on progress in the implementation of the Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance, October 2011, 31IC/11/5.5.1

Background report on law and disaster risk reduction at the community level, October 2011, 31IC/11/5.5.2

Background report on addressing regulatory barriers to providing emergency and transitional shelter in a rapid and equitable manner after natural disasters, October 2011, 31IC/11/5.5.3

Draft resolution on strengthening normative frameworks and addressing regulatory barriers concerning disaster mitigation, response and recovery, October 2011, 31IC/11/5.5DR