

Power of humanity

33rd International Conference
of the Red Cross and Red Crescent
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OF THE RED CROSS AND RED CRESCENT**

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Climate-smart disaster laws and policies that leave no one behind

DRAFT ZERO RESOLUTION

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The 33rd International Conference of the Red Cross and Red Crescent,

recalling Final Goal 3.2 of the 28th International Conference, Resolution 4 of the 30th International Conference, Resolution 7 of the 31st International Conference, Resolution 3 on strengthening legal frameworks for disaster risk management and Resolution 6 on sexual and gender-based violence of the 32nd International Conference, Resolution 1 of the 30th International Conference and the “Declaration: Together for Humanity” of the same Conference, specifically in regard to the humanitarian consequences of environmental degradation and climate change,

recalling UN General Assembly Resolution 73/139 of 2018 which encouraged States to strengthen their regulatory frameworks for international disaster assistance, taking into account the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (known as the “IDRL Guidelines”),

noting with satisfaction that 37 States have adopted new laws, rules or procedures drawing on the IDRL Guidelines since 2007 and that at least 10 more have bills or draft rules currently pending adoption,

noting that the IDRL Guidelines have served as a reference for a number of intergovernmental initiatives at the bilateral, regional and global level, such as the 2015 Trans-border Agreement between Panama and Costa Rica, the 2017 SICA Special Customs Procedures for Relief Goods, the African Union’s Humanitarian Framework Policy, the Plan of Action of ECOWAS’ Humanitarian Policy (2018–2022) and the East Asia Summit Rapid Disaster Response Toolkit,

noting the completion of the “Model Emergency Decree on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance” by the International Federation of Red Cross and Red Crescent Societies (IFRC) and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in 2017,

noting that four States have adopted new laws, rules and procedures drawing on the Checklist on law and disaster risk reduction since 2015, and at least four more have bills or draft rules pending adoption,

noting that the Special Report of the Intergovernmental Panel on Climate Change (IPCC) on the impacts of global warming estimated that the global temperature rise is likely to reach at least 1.5 °C above pre-industrial levels between 2030 and 2052 if climate change trends continue at the current rate and identified a high risk of severe and widespread impacts from extreme weather events after that level is reached,

noting the research completed by the IFRC in the area of disaster law since the 32nd International Conference, which has highlighted that legal preparedness is critical to continuing to build the resilience of communities, including the findings of the global

report on “The role of law and policy in addressing gender inequality in disaster risk management and protection against sexual and gender-based violence in disasters” of 2017 and the “Global synthesis report on law and disaster preparedness and response” of 2019,

noting that, in the 2030 Agenda for Sustainable Development, the Heads of State and Government and High Representatives have pledged that no one will be left behind in the effort to achieve the Sustainable Development Goals, which include targets related to resilience to disasters and climate-related extreme events,

noting that the Sendai Framework for Disaster Risk Reduction highlighted the importance of national and local frameworks of laws, regulations and public policies in strengthening disaster risk governance to manage disaster risks, and the important role and tasks of community representatives in supporting the development and implementation of such laws and regulations,

noting that the Paris Agreement on Climate Change aims to foster climate resilience and reduce vulnerability to climate change by requiring all parties to engage in adaptation planning and implementation,

noting that the Chair’s Summary of the Sixth Session of the Global Platform for Disaster Risk Reduction in 2019 called for recognition of the interplay between disasters, climate change, environmental degradation and fragility, the catalytic role of disaster risk reduction in scaling up action on climate adaptation and the critical role of disaster risk reduction in the achievement of the Sustainable Development Goals,

noting the focus on adaptation and resilience the 2018 UN Climate Summit and the Global Commission on Adaptation’s Action Track on ‘Preventing Disasters’,

noting the initiative of the IFRC, together with academic partners, to undertake research on best practice in the effective integration of disaster risk reduction and climate change adaptation through relevant laws and policies and to develop recommendations in this area,

noting important contributions in this area by many other actors, including the World Meteorological Organization, the World Bank, the United Nations Office for Disaster Risk Reduction, the Climate Risk and Early Warning Systems (CREWS) initiative and the Platform on Disaster Displacement,

welcoming the IFRC’s growing number of partnerships in this area, particularly with regional organizations;

Effective and climate-smart disaster laws, policies, strategies and plans

1. *encourages* States to assess whether their existing domestic disaster laws, policies, strategies and plans are climate-smart in the sense that they provide the necessary guidance to prepare for and address the evolving risks of weather-related disasters, ensure an integrated approach to disaster risk

management and climate change adaptation and promote community leadership in risk analysis, planning and decision-making in light of climate-driven risks;

2. *further encourages* States that have not already done so to consider the integration of innovative approaches to disaster risk management into their laws and policies, such as the use of:
 - a. anticipatory finance, including forecast-based triggers for the early release of response funding ahead of the impact of disasters,
 - b. social security schemes to channel assistance to vulnerable people before and after disaster events,
 - c. cash and vouchers to assist affected persons;
3. *recognizes* the new “Checklist on law and disaster preparedness and response” as a non-binding but important assessment tool to help States, when applicable, to review domestic legal frameworks for preparedness and response at the national, provincial and local level and *notes* its utility to States in carrying out related commitments set out in the Sendai Framework, the Paris Agreement on Climate Change, and the Sustainable Development Goals;
4. *invites* States to use the Checklist to evaluate and improve, as needed, the content and implementation of their laws, regulations and policies related to preparedness and response, with support from National Societies, the IFRC, relevant UN agencies, local civil society, the private sector, academia and other partners;
5. *reiterates* the importance of strong laws and policies on the facilitation and regulation of international disaster relief and on domestic risk reduction, and the usefulness of the IDRL Guidelines and the Checklist on law and disaster risk reduction as non-binding assessment tools to help States, when applicable, to review domestic legal frameworks for, respectively, the management of international assistance and for disaster risk reduction at the national, provincial and local level;

Leaving no one behind in disaster and climate change adaptation laws, policies, strategies and plans

6. *recognizes* the role of disaster and climate change adaptation laws, policies, strategies and plans in ensuring the adequate protection and inclusion of vulnerable people and *calls* on States to ensure that they include a focus on the groups that are most vulnerable;
7. *encourages* States to assess whether their disaster and climate change adaptation laws, policies, strategies and plans:
 - a. guard against discrimination,
 - b. address the rights and specific needs of persons with disabilities, older persons, persons living in informal and unmapped settlements, irregular

- migrants, refugees and stateless persons, and others who may be overlooked,
- c. ensure the collection of sex-, age- and disability-disaggregated data,
 - d. ensure efforts are made to promote the participation of marginalized groups in decision-making,
 - e. promote gender equality,
 - f. ensure contingency planning for sexual and gender-based violence, protection from sexual exploitation and abuse, child protection and the care of unaccompanied and separated children, and
 - g. promote access to mental health and psychosocial support as an element of disaster response;

Extending support and research

8. *encourages* National Societies, as auxiliaries to their public authorities in the humanitarian field, to continue to provide advice and support to their governments for the development and implementation of effective legal and policy frameworks relevant to disaster risk management and also to climate change adaptation;
9. *requests* the IFRC to continue to support National Societies and States in the field of disaster law, including with respect to the areas of concern mentioned in this resolution, through technical assistance, capacity building, the development of tools, models and guidelines, advocacy, ongoing research and promotion of the sharing of experiences and best practices among countries;
10. *encourages* cooperation between States and National Societies to link humanitarian, development and climate change adaptation efforts over short, medium and long timescales;

Ensuring dissemination and review

11. *reaffirms* the role of the International Conference of the Red Cross and Red Crescent as one of the key international fora for continued dialogue on the strengthening of disaster laws and on recovery action in synergy with actions conducted by States and international organizations and additionally *welcomes* its contribution to dialogue on domestic legal and policy frameworks for climate change adaptation;
12. *invites* States, the IFRC and National Societies to disseminate this resolution to appropriate stakeholders, including by bringing it to the attention of relevant international and regional organizations;
13. *requests* the IFRC, in consultation with National Societies, to submit a progress report on the implementation of this resolution to the 34th International Conference of the Red Cross and Red Crescent.