

Power of humanity

33rd International Conference
of the Red Cross and Red Crescent
9-12 December 2019, Geneva



EN

33IC/19/12.5DR Rev1
Original: English
For decision

**33rd INTERNATIONAL CONFERENCE
OF THE RED CROSS AND RED CRESCENT**

Geneva, Switzerland
9–12 December 2019

Disaster laws and policies that leave no one behind

DRAFT RESOLUTION

**Document prepared by
the International Federation of Red Cross and Red Crescent Societies**

Geneva, December 2019

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Disaster laws and policies that leave no one behind

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

recalling its prior resolutions focused on disaster laws, in particular Final Goal 3.2 of the 28th International Conference of the Red Cross and Red Crescent (International Conference), Resolution 4 of the 30th International Conference, Resolution 7 of the 31st International Conference and Resolution 6 of the 32nd International Conference on strengthening legal frameworks for disaster risk management, Resolution 3 of the 32nd International Conference on sexual and gender-based violence, and Resolution 1 and the “Declaration: Together for Humanity” of the 30th International Conference in regard to the humanitarian consequences of environmental degradation and climate change,

recalling the United Nations General Assembly resolution 46/182 of 19 December 1991, and other subsequent resolutions on these matters, as well as all UNGA resolutions on international cooperation on humanitarian assistance in the field of natural disasters,

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

welcoming the progress that many States have made in strengthening their disaster laws since the 32nd International Conference, drawing, *inter alia*, on advice and support from their National Societies, and *commending* the States and National Societies that have made productive use of the Checklist on Law and Disaster Risk Reduction, as a reference tool, as recognized in Resolution 6 of the 32nd International Conference,

noting the research completed by the International Federation of Red Cross and Red Crescent Societies (IFRC) in the area of disaster law since the 32nd International Conference, including the findings of its 2017 report *Effective law and policy on gender equality and protection from sexual and gender-based violence in disasters* and the *Law and Disaster Preparedness and Response Multi-Country Synthesis Report* of 2019,

noting that the Intergovernmental Panel on Climate Change (IPCC) special report on the impacts of global warming of 1.5 °C,

noting that, in the 2030 Agenda for Sustainable Development, the Heads of State and Government and High Representatives pledged “that no one will be left behind”, stated that they would “endeavour to reach the furthest behind first”, and included targets in the Sustainable Development Goals related to resilience to disasters and climate change,

noting that the Sendai Framework for Disaster Risk Reduction highlighted the importance of promoting “the coherence and further development, as appropriate, of national and local frameworks of laws, regulations and public policies” and of assigning “as appropriate, clear roles and tasks to community representatives with disaster risk management institutions and processes and decision-making through relevant legal frameworks”,

acknowledging that the United Nations Framework Convention on Climate Change is the primary international, intergovernmental forum for negotiating the global response to climate change,

noting that the objectives of the Paris Agreement include, *inter alia*, “increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production”, and that the agreement states that its parties “shall, as appropriate, engage in adaptation planning processes and the implementation of actions, including the development or enhancement of relevant plans, policies and/or contributions”,

noting the potential 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 resilience and adaptation at the 2019 UN Climate Summit, the Global Commission on Adaptation’s “Preventing Disasters” Action Track and the establishment of the Risk-Informed Early Action Partnership,

noting the initiative of the IFRC, together with academic partners, to undertake research on best practice in the effective integration of disaster risk management and adaptation to climate change,

also noting the existing work of the IFRC and National Societies to support their States with their disaster laws, disaster response and recovery and adaptation to climate change,

noting important contributions in this area by many other actors, including governments, 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, among others,

stressing the importance of resources and capacity building for developing countries and National Societies for the development and implementation of laws and policies, as appropriate.

Effective disaster laws, policies, strategies and plans that address climate change

1. *encourages* States to assess whether their existing domestic disaster laws, policies, strategies and plans provide guidance to prepare for and address the evolving risks of weather-related disasters, ensure an integrated approach to disaster risk management and adaptation to climate change and promote gender-responsive approaches and community- engagement in risk analysis, planning and decision-making;
2. *further encourages* States that have not already done so, to consider, as appropriate, the integration of innovative approaches to disaster risk management in their laws, policies, strategies and plans, such as the use of:
 - a. anticipatory finance, including forecast-based triggers for the early and timely release of response funding to rapidly mitigate the impact of disasters
 - b. various risk transfer mechanisms
 - c. social protection programmes and mechanisms to strengthen resilience to disasters, channel assistance and restore livelihoods, as needed, after disaster events

- d. cash and vouchers programmes to assist affected people
 - e. preventive measures to reduce existing risks and avoid the creation of new risks
 - f. risk-informed pre-disaster financing to improve the resilience of community infrastructure;
3. *recognizes* the new Checklist on law and disaster preparedness and response (the new Checklist) 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;
 4. *invites* States to use the new 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, scientific and research institutions 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 disaster risk reduction at the national, provincial and local level;

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

6. *recognizes* the humanitarian consequences of climate change and environmental degradation, which contribute to poverty, displacement and health risks and may exacerbate violence and conflict, as well as their disproportionate impact on the most vulnerable and the unique challenges faced by small island developing States, among others;
7. *recognizes* the role of existing laws, policies, strategies and plans on disaster risk management in ensuring the adequate protection and inclusion of all people, and *calls* on States to ensure that they include a focus on the most vulnerable and promote their meaningful participation;
8. *encourages* States to consider, as appropriate, whether the disaster laws, policies, strategies and plans and climate change adaptation plans, policies and contributions:
 - a. guard against all forms of discrimination
 - b. address the rights and specific needs of people who might be overlooked, and the most vulnerable.
 - c. ensure the collection and protection of sex-, age- and disability-disaggregated data
 - d. ensure the prior and informed consent, where possible, with regards to the collection of data
 - e. promote gender equality and encourage women and girls in leadership and decision-making roles
 - 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

- g. promote access to essential health services and medical support, including mental health and psychosocial support, as an element of disaster response and recovery
 - h. promote access to services to restore family links for persons separated by disasters;
9. *recognizes* the important contribution of young people in community-based volunteering and awareness-raising of climate-sensitive disaster preparedness and response initiatives, including early warning systems, and encourages all members of the International Conference to continue to engage with them;

Extending support and research

10. *encourages* National Societies, as auxiliaries to their public authorities in the humanitarian field, to continue to provide advice and support to their governments in the development and implementation of effective legal and policy frameworks relevant to disaster risk management and to climate change adaptation;
11. *requests* the IFRC to continue to support National Societies and States in the field of disaster laws, 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, techniques and best practices among countries;
12. *welcomes* the efforts of National Societies to cooperate with States and other actors, particularly young people and youth volunteers, in meeting the humanitarian needs of persons affected by disasters and in promoting disaster risk reduction and climate change adaptation action at the community level, including nature-based solutions, *encourages* them to scale up their efforts in light of the evolving risks related to climate change, and *encourages* States to contribute resources to enable them to do so;
13. *encourages* cooperation between States, regional organizations, National Societies and the IFRC in strengthening links between humanitarian, development and climate change adaptation efforts to reduce disaster and climate risk and enhance resilience;

Ensuring dissemination and review

14. *reaffirms* the important and continuing contributions of the International Conference as one of the key international fora for continued dialogue on the strengthening of disaster laws, rules and policies and, additionally, *welcomes* its contribution to dialogue on domestic legal and policy frameworks for adaptation to climate change ;
15. *invites* States, National Societies and the IFRC, working in coordination with National Societies, to disseminate this resolution to appropriate stakeholders, including by bringing it to the attention of relevant international and regional organizations;
16. *requests* the IFRC, in consultation with National Societies, to submit a progress report on the implementation of this resolution to the 34th International Conference.