



Power of humanity

**34th International Conference
of the Red Cross and Red Crescent**

28–31 October 2024, Geneva

Strengthening disaster risk governance through comprehensive disaster laws

DRAFT ELEMENTS OF RESOLUTION

November 2023

EN

Original: English

Document prepared by the International Federation of Red Cross and Red Crescent Societies (IFRC)

DRAFT ELEMENTS OF RESOLUTION

Strengthening disaster risk governance through comprehensive disaster laws

BACKGROUND

The draft elements of the proposed resolution “Strengthening Disaster Risk Governance through Comprehensive Disaster Laws” seek to provide an outline of the possible substance of individual paragraphs, without providing a definitive draft text. Each paragraph is followed by a rationale explaining why it would be useful to include such a paragraph in the resolution.

This document is being shared for consultation with the members of the International Conference of the Red Cross and Red Crescent (the International Conference) in order to gather a first round of comments and feedback and to gain an initial understanding of whether the proposed approach would be acceptable and garner consensus.

When providing comments and feedback on this document, please consider the following questions:

- Do you agree with the proposed elements for the preambular and operative paragraphs of the proposed resolution?
- Are there any elements that are missing or should be included in the resolution?

Detailed comments on the wording of the draft elements of this resolution are not expected at this stage. There will be an opportunity to comment on specific wording at a later stage, once the zero draft of the resolution is available.

INTRODUCTION

In the context of a changing climate and a recent pandemic, it is clear that much more needs to be done to manage disasters and disaster risks of all kinds. This includes strengthening disaster risk governance¹ through comprehensive laws, policies and plans.

In its 20-year history, IFRC Disaster Law has produced key guidance documents addressing different aspects of the domestic regulation of disasters. Three of these guidance documents have been endorsed by resolutions of the International Conference.² Past resolutions of the International Conference have also mandated and requested continued support from the IFRC and National Societies in the field of disaster law, including through the development of guidance, ongoing research, the sharing of experiences and best practices between countries and the provision of advice and support to public authorities for the development and implementation of strong legal and policy frameworks for disaster risk management (DRM) at all levels.

This resolution proposes to encourage States to strengthen disaster risk governance as an indispensable element for effectively managing disasters and disaster risk. It also proposes to endorse new state-of-the-art recommendations – the ***Guidelines on Disaster Risk Governance: Strengthening Laws, Policies and Plans for Comprehensive Disaster Risk Management***. These Guidelines consolidate the IFRC’s 20 years of research and experience in disaster law into

¹ “Disaster risk governance” refers to 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: [Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction](#), p. 15.

² [Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance](#) (commonly known as the IDRL Guidelines) adopted by Resolution 4 of the 30th International Conference in 2007; the [Checklist on Law and Disaster Risk Reduction](#) endorsed by Resolution 6 of the 32nd International Conference in 2015; and the [Checklist on Law and Disaster Preparedness and Response](#) endorsed by Resolution 7 of the 33rd International Conference in 2019.

a single benchmarking tool. They also draw on extensive work undertaken during the last four years to review experiences, best practices, relevant literature, regional and global research, consultations and comparative analysis of domestic legislation.

PREAMBULAR PARAGRAPHS (PP)

PP 1 could express concern about how climate change is driving increasingly frequent and severe disasters with large-scale humanitarian impacts. This paragraph could also recognize the importance of strong and well-implemented laws, policies and plans in preventing and reducing disaster impacts.

PP 2 could recall that, as early as 1973, the International Conference expressed concerns about the degradation of the environment and its negative consequences on humanity. It could note, in particular, Resolution XVII of the 23rd International Conference (1973) and Resolution 1 of the 30th International Conference (2007).

PP 3 could recall previous resolutions of the International Conference where domestic disaster legislation was discussed, namely Final Goal 3.2 of the 28th International Conference (2003), Resolution 4 of the 30th International Conference (2007), Resolution 7 of the 31st International Conference (2011), Resolution 6 of the 32nd International Conference (2015) and Resolution 7 of the 33rd International Conference (2019). It could also note the important and ongoing role of the International Conference as one of the key international forums for continued dialogue on strengthening disaster laws, policies and plans.

PP 4 could note that the United Nations General Assembly (UNGA) has, through resolutions such as 72/132 and 72/133 of 2017, repeatedly emphasized the importance of States strengthening their regulatory frameworks for international disaster assistance. It could further note that these resolutions have highlighted the IFRC's IDRL Guidelines and the technical support available to States from the International Red Cross and Red Crescent Movement.

PP 5 could note UNGA Resolution 76/119 establishing a working group of the Sixth Committee to examine the prospect of developing a treaty based on the International Law Commission's Draft Articles on the Protection of Persons in the Event of Disasters.

PP 6 could note that strengthening disaster risk governance is one of the four priorities for action of the Sendai Framework for Disaster Risk Reduction, reflecting the international community's recognition of the importance of effective laws, regulations, policies and institutions for DRM. PP 6 could further note that the Midterm Review of the Sendai Framework highlighted that progress towards achieving this priority has been varied.

PP 7 could note Resolution 3 of the 33rd International Conference (2019) on tackling pandemics and epidemics. It could highlight the importance of coherence and alignment between national DRM frameworks and those related to emergency and disaster risk management for health, as emphasized by the Bangkok Principles for the Implementation of the Health Aspects of the Sendai Framework.

PP 8 could note the important role of domestic disaster instruments in achieving the Sustainable Development Goals and the Paris Agreement's global goal on adaptation of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change.

Rationale for preambular paragraphs: It is proposed that the preambular paragraphs focus on the main international instruments that are relevant to strengthening domestic disaster instruments (laws, policies and plans). The proposed preambular paragraphs seek to establish the current humanitarian context and situate the proposed resolution in relation to previous commitments undertaken by States in United Nations forums and at the International Conference. They focus on the relevance of the topic for Movement components and States and on the unique contribution that the International Conference makes to the development of disaster law.

OPERATIVE PARAGRAPHS (OP)

OP 1 could focus on the importance of improving legal preparedness for disasters and emergencies at the domestic level to reduce disaster impacts. It could encourage States to ensure that they have up-to-date and comprehensive domestic disaster instruments (laws, policies and plans) in place to anticipate and reduce risks and to manage disasters and emergencies of all kinds.³ To support the achievement of this goal, OP 1 could urge States to create: (1) an interministerial commission on disaster laws at national level to focus on improving domestic laws; and (2) an intergovernmental commission on disaster laws to facilitate knowledge sharing between governments.

Rationale for OP 1: Our world is becoming increasingly hazardous. In 2022, 387 natural hazard-related disasters were recorded worldwide, resulting in the loss of 30,704 lives and affecting 185 million individuals.⁴ Economic losses totalled around USD 223.8 billion.⁵ Much of the increase in disaster losses is driven by the rise in climate- and weather-related disasters, such as hurricanes and floods. Alongside this, the 21st century has seen many disease outbreaks, of which COVID-19 is just one, albeit the largest. This increasingly hazard-prone world calls for a global effort to help communities become more resilient in order to reduce the burden of suffering and mortality.

While significant progress has been made towards strengthening domestic disaster instruments, many countries have much more to do to improve their legal frameworks to effectively manage disasters and disaster risks. Indeed, the recent Midterm Review of the Sendai Framework finds that a lack of legal frameworks is hampering implementation.⁶ Furthermore, the COVID-19 pandemic has highlighted the importance of legal preparedness for emergencies. The States party to the Geneva Conventions and the components of the Movement should therefore work towards strengthening legal preparedness for disasters of all kinds.

Being legally prepared means having well-designed, well-understood and well-implemented laws, policies and plans relating to disasters and emergencies. Legal preparedness is a process that involves reviewing and strengthening legal instruments to ensure they provide an enabling environment for DRM and mitigate the common legal problems associated with disasters. Legal preparedness also involves implementing existing legal arrangements by developing operating procedures and plans, training DRM actors (especially on their roles and responsibilities) and supporting dissemination and awareness raising for the general public.

OP 2 could adopt the new *Guidelines on Disaster Risk Governance: Strengthening Laws, Policies and Plans for Comprehensive Disaster Risk Management*⁷ as a non-binding but important benchmarking tool to support legal preparedness for disasters. States could be encouraged to use the Guidelines to review their domestic disaster instruments and to identify strengths, weaknesses, gaps, areas for improvement and, when applicable, the types of provisions that may need to be enacted to strengthen disaster risk governance.

Rationale for OP 2: In 2023, the IFRC produced a pilot version of a new guidance document: *Guidelines on Disaster Risk Governance: Strengthening Laws, Policies and Plans for Comprehensive Disaster Risk Management*. The Guidelines are designed to serve as a benchmarking tool to support ongoing domestic efforts to strengthen disaster risk governance through domestic disaster instruments, with the fundamental aim of keeping people safe from the impacts of disasters. They represent the culmination of the IFRC's two decades of work in disaster

³ This element of the proposed operative provision is consistent with the findings and recommendations of: IFRC, *World Disasters Report 2022, Trust, equity and local action: Lessons from the COVID-19 pandemic to avert the next global crisis*, Chapter 6; IFRC, *Law and public health emergency preparedness and response: Lessons from the COVID-19 pandemic* (2021); and World Health Organization (WHO), *Report of the International Health Regulations Review Committee* (2021).

⁴ Emergency Event Database EM-DAT, *2022 Disasters in Numbers*.

⁵ *Ibid.*

⁶ United Nations Office for Disaster Risk Reduction (UNDRR), *Report of the Midterm Review of the Sendai Framework 2015–2030* (2023), pp. 41–43.

⁷ Document currently in translation. It will be published on the document webpage of the 34th International Conference [Documents – 34th International Conference – Statutory Meetings \(rcrcconference.org\)](#) on 12 November 2023

law, consolidating an extensive body of research and recommendations⁸ into a single, comprehensive and accessible document.

The Guidelines address the foundations of an effective DRM system, including institutional arrangements, funding, monitoring and evaluation, and prevention of fraud and corruption. They cover the key components of DRM, namely prevention, mitigation, preparedness, anticipatory action, response and recovery. They contain dedicated recommendations on public health emergencies, international disaster assistance, legal facilities for DRM actors, the protection and inclusion of marginalized and at-risk groups, mental health and psychosocial support, and disaster displacement. The Guidelines also address the synergies between DRM and climate change adaptation.

OP 3 could request States to strengthen their **institutional arrangements for DRM**, including for disaster prevention, mitigation, preparedness, anticipatory action, response and recovery and in relation to all hazards. This operative paragraph could have sub-paragraphs addressing specific issues, including in regard to roles and responsibilities and coordination mechanisms for DRM.⁹

Rationale for OP 3: Effective DRM requires an “all-of-State” and “all-of-society” approach which harnesses the capacities and resources of a very broad range of government and non-government actors. Further, it requires the definition of institutional arrangements and the duties of local actors to enable locally-led action that contributes to building the resilience of communities. In order to implement this approach, it is necessary to identify the lead government authority responsible for DRM and provide it with a clear and comprehensive mandate, clearly define the roles and responsibilities of all other government and non-government actors and establish a range of inclusive coordination mechanisms at different levels and for all aspects of DRM. Institutional arrangements should also include the establishment of a national coordination body which should meet regularly, including when there is no active disaster response in progress.

As exemplified by the response to the COVID-19 pandemic, the management of certain hazards requires the involvement of multiple government agencies. This is generally the case for climate-related hazards, biological hazards and technological disasters. It is important to avoid institutional disconnect and resolve inconsistencies, ensuring that there is no unnecessary duplication or confusion about different agencies’ mandates, roles and responsibilities. Further, it is critical that the mandates, roles and responsibilities of the authorities collectively encompass all phases, all hazards, all geographical areas and all DRM functions.

OP 4 could encourage States to use domestic disaster instruments and other relevant sectoral instruments to avoid and reduce the **humanitarian impacts of disasters and climate change**. This operative paragraph could have sub-paragraphs addressing specific issues, including in regard to specific measures that should be adopted in domestic legal frameworks to reduce disaster risk, protect the environment, promote coherence and integration between DRM and climate change adaptation, establish effective multi-hazard early warning systems and reduce disaster displacement risk.¹⁰

⁸ Provided in the [Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance](#) (adopted by Resolution 4 of the 30th International Conference in 2007), the [Checklist on Law and Disaster Risk Reduction](#) (endorsed by Resolution 6 of the 32nd International Conference in 2015), the [Checklist on Law and Disaster Preparedness and Response](#) (endorsed by Resolution 7 of the 33rd International Conference in 2019), the [Guidance on Law and Public Health Emergency Preparedness and Response](#) (published by the IFRC in 2022) and recommendations on [law and recovery](#) (2023), [integration and coherence between disaster risk reduction and climate change adaptation policy](#) (2021), [child protection in disasters](#) (2020) and [gender equality and protection against sexual and gender-based violence in disasters](#) (2017).

⁹ The proposed operative provision is consistent with the findings and recommendations of: UNDRR, [Report of the Midterm Review of the Sendai Framework 2015–2030](#) (2023); IFRC, *World Disasters Report 2022*, [Trust, equity and local action: Lessons from the COVID-19 pandemic to avert the next global crisis](#), Chapter 6; IFRC/University College Cork, [Global Synthesis Report on Law and Policies for Climate Resilience](#) (2021); IFRC, *World Disasters Report 2020*, [Come Heat or High Water](#), Chapter 6; IFRC, [Law and public health emergency preparedness and response: Lessons from the COVID-19 pandemic](#) (2021); WHO, [Report of the International Health Regulations Review Committee](#) (2021); and IFRC, [Law and Disaster Preparedness and Response: Multi-Country Synthesis Report](#) (2019).

¹⁰ The proposed operative paragraph is consistent with the findings and recommendations of: IFRC/University College Cork, [Global Synthesis Report on Law and Policies for Climate Resilience](#) (2021); IFRC, *World Disasters Report 2020*, [Come Heat or High Water](#), Chapter 6; and IFRC/UNDP, [Effective law and regulation for disaster risk reduction: a multi-country report](#) (2014).

Rationale for OP 4: The climate crisis is already a humanitarian crisis. In the past ten years, 83% of all disasters triggered by natural hazards were caused by extreme weather or climate-related events, such as floods, storms and heatwaves, impacting 1.7 billion people.¹¹ OP 4 identifies key legal measures that are needed to avoid and reduce the humanitarian impacts of disasters and climate change.

It is critical for disaster risk reduction measures to be integrated into sectoral instruments relating to climate change, the environment, natural resource management, land use planning and construction. This is because exposure and vulnerability to 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 and ultimately driving disaster displacement. Moreover, a degraded environment increases the vulnerability of people and ecosystems, while protecting, sustainably managing and restoring ecosystems can increase the resilience of communities to climate-related disasters, including by sustaining their livelihoods and reducing displacement risk.

Furthermore, an effective multi-hazard early warning system is a fundamental component of DRM and critical to enabling anticipatory action ahead of extreme weather and climate-related events. Domestic disaster instruments should therefore clearly define and allocate responsibilities for establishing, coordinating and overseeing an effective early warning system that leads to anticipatory action, including the following four key components: (1) developing disaster risk knowledge, including community and local knowledge; (2) detecting, monitoring, analysing and forecasting hazards; (3) disseminating authoritative, timely, accurate and actionable warnings; and (4) ensuring preparedness at all levels (contingency planning, pre-positioning of stocks, training and drills) to respond to the warnings received by taking anticipatory action that will reduce disaster impacts.

OP 5 could encourage States to **prepare for recovery** in advance of disasters and enact detailed legal provisions to create the architecture for an effective domestic recovery system.¹²

Rationale for OP 5: Recent research published by the IFRC finds that recovery has been overlooked in domestic disaster instruments compared to other aspects of DRM. Such instruments often contain relatively few provisions on disaster recovery. An IFRC survey of 100 countries revealed that only 16% of them had a main disaster law containing detailed provisions on disaster recovery. By contrast, the percentage was 54% for risk reduction, 75% for preparedness and 75% for response.¹³ There is, therefore, scope for most countries to enact much more detailed legal provisions to guide domestic recovery. Preparation is vital to ensuring timely and appropriate recovery assistance, the availability of adequate resources and effective coordination of a multitude of government and non-government actors. Laws, policies, plans and institutional arrangements can be developed in advance of disasters to underpin a comprehensive recovery system ensuring readiness for recovery.

OP 6 could encourage States to accelerate efforts to **strengthen their legal frameworks for international disaster assistance** consistent with established norms of international disaster response law. Further, OP 6 could emphasize the continuing relevance of the IDRL Guidelines as a non-binding but important tool that States can use to strengthen their domestic laws and regulations in this area.

Rationale for OP 6: Since 2003, a core part of the IFRC and National Societies' work in the area of disaster law has been to support States in strengthening their legal framework for international disaster assistance in order to mitigate the common legal problems that afflict international disaster response operations.

From 2004 to 2007, the IFRC worked with States to develop global guidelines on how to regulate and facilitate international disaster relief. The [Guidelines for the Domestic Facilitation and](#)

¹¹ *World Disasters Report 2020, Come Heat or High Water*, p. 2.

¹² IFRC, [Laws, Policies and Plans for Disaster Recovery: Multi-Country Synthesis Report](#) (2023).

¹³ *Ibid.*, pp. 6–7.

[Regulation of International Disaster Relief and Initial Recovery Assistance](#) (commonly known as the IDRL Guidelines) were developed with input from approximately 100 States, over 120 National Red Cross and Red Crescent Societies and over 40 international organizations.

They compile the main norms and principles relating to international disaster response and set out recommendations concerning the facilitation and regulation of relief, with the aim of ensuring that the right aid is delivered at the right time. They were adopted by the States party to the Geneva Conventions at the International Conference in 2007 and have been cited by at least 22 UNGA resolutions. They have also influenced the substance of the International Law Commission's Draft Articles on the Protection of Persons in the Event of Disasters. The recommendations of the IDRL Guidelines are incorporated into the IFRC's new Disaster Risk Governance Guidelines.

At the domestic level, the IFRC and National Societies 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 they provide.¹⁴ The IFRC and National Societies have also influenced the development of regional provisions consistent with the IDRL Guidelines, including in Central America, Europe and South-East Asia.¹⁵

Notwithstanding this significant progress, in the IFRC's experience, most States are still not legally prepared to receive international assistance in the event of a disaster that exceeds their domestic response capacity. Therefore, it is proposed to include an operative paragraph urging States to continue to make progress in this area using the IDRL Guidelines as a helpful (albeit non-binding) tool. The operative paragraph could also encourage States to have regard to the IDRL Guidelines during the ongoing discussions on the prospect of a new treaty or other instrument concerning the protection of people in the event of disasters.

OP 7 could welcome the **significant contribution of the IFRC and National Societies** in the field of disaster law.

Rationale for OP 7: Since 2001, the IFRC has led efforts to research the most common legal issues in disasters and to compile best practices in solving them, and National Societies have supported public officials in the development of climate-smart domestic disaster instruments.¹⁶ This mandate has been conferred on the IFRC and National Societies by the States party to the Geneva Conventions in five previous [resolutions](#)¹⁷ of the International Conference.

Over the last two decades, the IFRC and National Societies have worked in collaboration with over 95 governments and with over a dozen intergovernmental organizations on developing and implementing strong legal and policy instruments to manage disasters around the world. As we face more frequent and intense disasters, compounded by the impacts of climate change, the need for strong disaster risk governance is greater than ever before. The IFRC and National Societies remain committed to continuing to lead on disaster law and work in close collaboration with States on strengthening legal and policy frameworks in order to be better prepared to face disasters and save lives.

¹⁴ 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, Thailand, Turkmenistan, Vanuatu and Vietnam.

¹⁵ 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), pp. 8, 9 and 11; IFRC, [Progress in the implementation of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance](#) (October 2011), p. 9.

¹⁶ For more information, visit <https://disasterlaw.ifrc.org/>.

¹⁷ For details of the resolutions, see [IFRC Disaster Law – International Conference of the Red Cross and Red Crescent](#).