



**PANEL DISCUSSION ON DEVELOPMENT IN DANGER: FILLING LEGISLATIVE GAPS  
TO COMBAT TOMORROW'S NATURAL DISASTERS**

24 March 2013 (2.30 – 5.30 p.m.)  
San Francisco Convention Centre, Quito  
Salón Landábuero, level -2

Concept note

Disasters and the devastation that follow in their path are on the rise around the world, in part due to the effects of climate change. In 2012 alone, they affected over 100 million people and caused over US \$44 billion in damage. Large-scale disasters, such as the earthquakes that have struck Haiti, Japan and Pakistan in recent years, Typhoon Bopha (Pablo) in the Philippines and Hurricane Sandy in the United States, seem to be ever more often in the news, even as hundreds of smaller disasters collectively wreak even greater havoc in terms of human and material cost. In addition to threatening lives around the world, these disasters are increasingly seen as one of the greatest threats to sustainable development gains, sometimes wiping out in minutes efforts that have taken decades to build. Moreover, the poorest and most vulnerable populations are invariably the hardest hit and face the most daunting challenges to recovery.

It is widely accepted that legislation is one of the most important tools that nations have at their disposal to organize and formulate an effective defence to disasters. Indeed, in recent years, parliaments around the world have been updating and strengthening their disaster management legislation. This has led to innovative approaches and successes, as has been seen in the Dominican Republic, Indonesia, Mozambique and the Philippines, where new laws have already demonstrated improvements in the management of recent crises. Nevertheless, wide gaps remain. Some countries still lack national disaster management laws while others have not yet expanded and organized their legal frameworks to effectively address disaster management in all its aspects.

This first part of the session will provide an opportunity to launch the "Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance" developed by the International Federation of the Red Cross and Red Crescent Societies (IFRC), the IPU and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and to discuss the role of legislation in disaster relief. The second part will take a broader look at the role of legislation in disaster-risk management at the domestic level, with a special focus on disaster-risk reduction. It will also address the issue of mainstreaming disaster-risk reduction, especially within the context of discussions on the post-2015 development agenda.

**Part 1: Legal preparedness for international disaster assistance: launch of the Model Act**  
(2.30 – 4 p.m.)

For large-scale catastrophes, international assistance often makes the difference between life and death, dignity and misery. In today's world, global solidarity is more important than ever and is often forthcoming. Unfortunately, however, few governments have clear rules in place for managing incoming international assistance operations. These operations are becoming more and more complex as the number and variety of international responders continues to grow. Unintentional legal barriers, such as those related to visas, customs clearance, taxation, registration, and transport permissions routinely snarl relief efforts, creating unnecessary restrictions, delays and costs at crucial moments when urgent help is most needed. At the same time, the lack of oversight mechanisms often hampers coordination, fosters poor-quality relief and undermines the authority and capacity of domestic responders.

In 2007, the State Parties to the Geneva Conventions adopted a set of "Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance" to help States develop their own laws and rules on these questions. To date, 11 States have adopted new rules or laws drawing on these Guidelines and about a dozen more have pending legislation.

In response to a high number of requests from lawmakers, in 2010, the IFRC, OCHA and the IPU partnered to develop model legislation to assist States implementing the recommendations of the Guidelines into their domestic laws.

Drawing on the experience of disaster management practitioners and pro bono legal support from international law firms, the partners published a pilot "Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance" in 2011. After a year of field testing and additional consultations, the final version of the Model Act will be officially launched at this event.

**Part 2: Effective disaster-risk management**  
(4 – 5.30 p.m.)

Driven in part by their international commitments under the Hyogo Framework for Action 2005-2015, many States have been adapting their legal frameworks to place a greater emphasis on the prevention of disasters. In 2008, the host country of this Assembly, Ecuador, became one of the first countries to include provisions on disaster-risk reduction directly into its Constitution. However, reviews of progress on the Hyogo Framework for Action in 2011 found that most disaster management laws remain primarily focused on response and little clarity was available on the extent to which risk reduction and climate change adaptation principles had been mainstreamed into the various areas governed by law. Resulting problems include lack of funding for key programmes, absence of clear lines of accountability, failure to fully engage and inform communities, civil society and the private sector, and major implementation gaps with regard to key rules, such as those related to land use and construction.

This session will address how issues related to domestic legislation on disaster-risk management might be fed into debates on the post-2015 development agenda, including with regard to the successors of the MDGs, the Hyogo Framework for Action and the Kyoto Protocol to the UN Framework Convention on Climate Change.