



LAW AND POLICIES THAT PROTECT THE MOST VULNERABLE AGAINST CLIMATE-RELATED DISASTER RISKS

Findings and Lessons Learned
from Pacific Island Countries

Executive Summary

The International Federation of Red Cross and Red Crescent Societies (IFRC) is the world's largest volunteer-based humanitarian network. With our 189 member National Red Cross and Red Crescent Societies worldwide, we are in every community reaching 160.7 million people annually through long-term services and development programmes, as well as 110 million people through disaster response and early recovery programmes. We act before, during and after disasters and health emergencies to meet the needs and improve the lives of vulnerable people. We do so with impartiality as to nationality, race, gender, religious beliefs, class and political opinions.

Guided by Strategy 2030—our collective plan of action to tackle the major humanitarian and development challenges of this decade—we are committed to saving lives and changing minds.

Our strength lies in our volunteer network, our community-based expertise and our independence and neutrality. We work to improve humanitarian standards, as partners in development, and in response to disasters. We persuade decision-makers to act at all times in the interests of vulnerable people. The result: we enable healthy and safe communities, reduce vulnerabilities, strengthen resilience and foster a culture of peace around the world.

© International Federation of Red Cross and Red Crescent Societies,
Geneva, 2020

Copies of all or part of this document may be made for non-commercial use, providing the source is acknowledged. The International Federation of Red Cross and Red Crescent Societies would appreciate receiving details of its use. Requests for commercial reproduction should be directed to the International Federation at disaster.law@ifrc.org.

The opinions and recommendations expressed in this study do not necessarily represent the official policy of the IFRC. The designations used do not imply the expression of any opinion on the concerning the legal status of a territory or of its authorities.

Front cover photo: ©Rob Few / IFRC

International Federation of Red
Cross and Red Crescent Societies
P.O. Box 303
CH-1211 Geneva 19 Switzerland
Telephone: +41 22 730 42 2

Law and Policies that Protect the Most Vulnerable Against Climate-Related Disaster Risks:

Findings and Lessons Learned from
Pacific Island Countries

Executive Summary

May 2020

ACKNOWLEDGEMENTS

The study this executive summary refers to was undertaken by IRC-MSCA CAROLINE Research fellow Dr Tommaso Natoli (UCC-IFRC) in the course of his secondment to the IFRC Disaster Law Programme. It is part of the Research Project “Leave No One Behind—Developing Climate-Smart/Disaster Risk Management Laws that Protect People in Vulnerable Situations for a Comprehensive Implementation of the UN Agenda 2030”. As such, it does not necessarily represent the official policy of the IFRC or the view of IFRC members.

Technical and scientific advice, as well as editing support, were provided by Dr Dug Cubie (University College Cork, School of Law) and Isabelle Granger (IFRC, Global Coordinator, Legislative Advocacy). The author also wishes to thank David Fisher (IFRC, Manager, Policy Research & Diplomacy), Gabrielle Emery (IFRC, Disaster Law Programme Coordinator for Asia-Pacific), Prof John Hay (University of the South Pacific), and Prof John Hopkins (University of Canterbury) for their valuable comments and suggestions.

Project implementing partners



This project has received funding from the Irish Research Council and the European Union’s Horizon 2020 research and innovation programme under the Marie Skłodowska-Curie grant agreement No 713279.



The IFRC also wishes to thank and acknowledge the support provided by the German Government for the completion of this project.



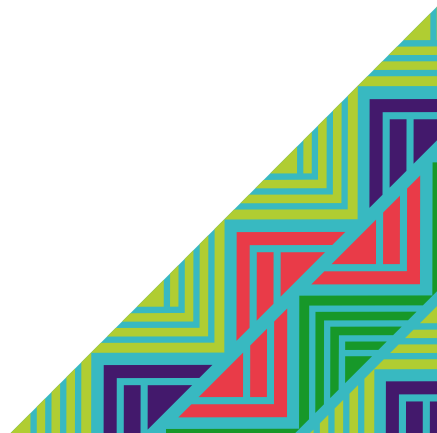
Suggested citation: Natoli T., Law and Policies that Protect the Most Vulnerable Against Climate-Related Disaster Risks: Findings and Lessons Learned from Pacific Island Countries, IFRC | UCC, Geneva (2020).



EXECUTIVE SUMMARY

As global concerns, **adaptation to a changing climate and the reduction of its destructive effects** must be simultaneously addressed at international, regional, national, and local levels. This engenders significant complexity for law and policy-makers and requires the consideration of how international instruments are reflected in both regional and domestic spheres. A recent comparative assessment of previous literature on the topic highlights that achieving an effective integration of climate change adaptation (CCA) and disaster risk reduction (DRR) measures largely depends on the existence of a favourable institutional and regulatory framework.¹ However, the lack of viable normative models and standards, and empirical research on their impact at national and sub-national levels, were also detected.

The **basic connections between CCA and DRR** lie in their partly overlapping goals, namely the reduction of losses due to weather and climate-related hazards (including both slow-onset and sudden events) and the improvement of community resilience (i.e. their capacity to regain equilibrium after critical system disruptions). The urgency of a greater CCA-DRR alignment has been increasingly reflected in many relevant resolutions and reports adopted at the international level in the last few years. Drawing on these findings, this report builds on the need for a more holistic approach to climate and disaster-governance, to be accomplished within the framework of the UN Agenda 2030 and its centrepiece the Sustainable Development Goals (SDGs).



Resulting from a combination of **desk-based analysis and empirical research** conducted in the region through qualitative techniques (mainly interviews with key-informants), the study represents one of the outputs of the research project “Leave No One Behind - Developing Climate-Smart/Disaster Risk Management Laws that Protect People in Vulnerable Situations for a Comprehensive Implementation of the UN Agenda 2030”.² The main aim of the report is to contribute to the advancement of thinking on achieving a sustainable alignment of CCA and DRR, by exploring the role of law and policy-making in Pacific Island Countries (PICs). This is considered through the lens of the intersecting commitments made in 2015 by the international community, with specific regards to the binding provisions of the Paris Agreement on climate change as well as political endorsement of the Sendai Framework for Disaster Risk Reduction 2015–2030.

The choice to focus on the Pacific Islands region was intentional: over the last few years, many Pacific Island Countries **have been reforming their institutional and normative systems** to pursue a more coherent approach to disaster and climate resilience. In this sense, the Pacific Islands region represents an extremely vast, rich and diverse source for research findings and examples of good practice. This is mainly due to the serious consequences that climate change is already causing across the region, which hosts five of the ten most at-risk countries in the world. Considering the accelerating climate variability, sea-level rise and weather-related natural hazards, it is not by chance that this area is generally considered “on the frontline” of the global climate crisis.

The complex, multi-faceted and **evolving concept of vulnerability** against natural hazards in PICs represents another recurrent theme of this study. **The special protection of vulnerable groups**, and their inclusion in the processes for drafting, adoption and implementation of law and policy at both national and sub-national levels, **represents one of the core elements** of the analysis. Hence, vulnerable groups are not considered merely as beneficiaries of additional normative safeguards and protection, and their effective **inclusion as proactive stakeholders and**

contributors to the development of new law and policies dealing with climate resilience is analysed.

The report first focuses on **regional policies currently adopted** in the Pacific Islands region, surveying how they address the role of law and policy-making in favouring holistic and risk-informed measures at the national and subnational levels. The second section analyses the **national practices of PICs**, with specific regards to their participation in the UNFCCC reporting systems, as well as the development of **national adaptation and DRR strategies**. The third section is dedicated to a **country case-study, the Republic of Fiji**, which underwent a particularly innovative reform process for both its CCA and DRR sectors.

Key findings from the research feed into a **consolidated list of suggested institutional, policy and legislative improvements, also considering the inclusion of vulnerable groups**, for facilitating discussion among stakeholders and for **supporting governments in the identification of good practice** and models on law and policy-making (see section below). This resource will be beneficial for other countries, both within the Pacific Islands region and elsewhere in the world – in particular for those **countries presenting PICs-like characteristics** in terms of economic development, institutional setting, demographic and social characteristics, nature and level of exposure to weather and climate-related hazards, and types of vulnerabilities.

Additionally, **this report supports the institutional and operational mandate of the** International Federation of Red Cross and Red Crescent Societies (IFRC) **Disaster Law Programme**, which is to provide evidence-based models for law and policy-makers and to advocate for new and more effective normative frameworks that protect the most vulnerable against major hazards. This mandate was reiterated and expanded at the **33rd International Conference of the Red Cross and Red Crescent Movement** (December 2019), where participating States and Red Cross and Red Crescent National Societies acknowledged the need to “**ensure an integrated approach to disaster risk management and adaptation to climate change**” in domestic disaster laws, policies, strategies and plans.



Suggested Improvements for CCA-DRR Coherence in National Law and Policies

A

Institutional Improvements

- A cost-benefit assessment of centralising CCA-DRR responsibilities and implementation tasks (at both national and/or sub-national administrative level) should be carried out in view of evaluating the potential of a more coherent institutional mandate;
- The establishment of a “one-stop-shop” national authority could facilitate links with stakeholders (governmental, non-governmental and international) providing access to information and to opportunities for cooperation and support;
- A high-level governmental official could be nominated as CCA-DRR focal point. In this role he/she could advocate for internal reforms as well as represent the country in regional/international *fora*;
- All ministries should establish a focal point for CCA/DRR that should represent the entry point for inter-ministerial coordination;
- The creation of a single CCA-DRR national climate fund could be considered, thereby facilitating integrated programming and project implementation;
- Relevant ministries, departments and governmental agencies at national and sub-national levels should review their structures, organisational capacities, and adequacy of resources in order to identify gaps and training needs on technical and/or managerial skills in light of their CCA/DRR mandates;
- The Ministry of Economy/Finance should clearly identify CCA and/or DRR expenses in their budget speech and coordinate with other ministries/departments for a clear identification of respective CCA/DRR expenditures.

B

Policy Improvements

- Policies on (or with relevance for) CCA and/or DRR should refer to relevant international instruments agreed by the country (i.e. agreements, strategies, frameworks) and link with their content and principles, contributing to consistent implementation of the commitments taken at the international level.
- Both short- and longer-term climate risk-informed perspectives should be mainstreamed in any sectoral development strategy or planning document, bridging with respective budgets and/or national expenditures;
- The identification of sustainable development planning policies should be based on comprehensive and risk-informed analysis, as well as on the best available scientific knowledge on climate projections and related risks;
- Policies on (or with relevance for) CCA and/or DRR should include the review and update of related legislation favouring reciprocal synergies between the two sectors;
- Policies on (or with relevance for) CCA and/or DRR should expressly link and cross-reference one another, aligning with respective goals in order to facilitate overall consistency among different sectors;
- Policies on (or with relevance for) CCA and/or DRR should arrange for proper monitoring and evaluation mechanisms in order to ensure transparency and accountability for adaptation and disaster risk management actions.

C

Legislative Improvements³

- CCA and/or DRR legislation should refer to relevant international tools agreed by the country (i.e. agreements, strategies, frameworks) and link with its content and principles, contributing to a consistent and harmonised implementation of the commitments taken at the international level;
- CCA and/or DRR legislation should link and include reference to the monitoring and implementation of relevant CCA and or DRR related policies;
- All State entities and government departments should align their decisions, policies, programmes and activities to the principles and objectives of the CCA and/or DRR- related legislation;
- Any national or sub-national act, regulation or implementing decision that does not adequately take account of the requirements included in the CCA and/or DRR related legislation should be open to judicial review and determination of legality;
- CCA and/or DRR related legislation should comprise enforcement measures and regulate the capacity to adopt secondary legislation (i.e. regulations), standards and codes of practice - in order to guarantee the efficient implementation of primary law;
- CCA and/or DRR related legislation should regulate and ensure sufficient resources for the functioning of information and knowledge management systems and publicly accessible information platforms, including for instance 'Integrated Risk Scenarios' and projected risks over different time horizons;
- CCA and/or DRR related legislation should regulate and ensure the arrangement of training opportunities for public officials on CCA-DRR related issues and governance skills.

D

Law and Policy Improvements on the Protection and Inclusion of Vulnerable Groups

- Law and policies on CCA and/or DRR should include a definition of vulnerable groups and identify a clear and wide-ranging list of categories to include therein. This should be in line with relevant international frameworks and ensure coherence between the different tools;
- Law and policies on CCA and/or DRR should identify governance mechanisms, agencies and procedures that are specifically entrusted with the consideration of the rights and needs of vulnerable groups;
- Law and policies on CCA and/or DRR should promote gender and social inclusion as key elements for strengthening resilience to weather and climate-related hazards.
- Law and policies on CCA and/or DRR should optimise their impact by duly recognising the interconnections between different types of vulnerabilities;
- Civil society organisations, such as National Red Cross and Red Crescent Societies, associations and other entities representing vulnerable groups should be systematically included in consultations and drafting processes of new policies and laws;
- Civil society organisations, associations and other entities representing vulnerable groups should be invited to all relevant events, meetings, working groups, and technical evaluations concerning CCA and/or DRR.



ENDNOTES

- 1 Natoli T., Literature review on aligning climate change adaptation (CCA) and disaster risk reduction (DRR), IFRC | UCC (2019).
- 2 This project has received funding from the Irish Research Council and the European Union's Horizon 2020 research and innovation programme under the Marie Skłodowska-Curie grant agreement No 713279. The IFRC also wishes to thank and acknowledge the support provided by the German Government for the completion of this project. For more information, see: <https://media.ifrc.org/ifrc/what-we-do/disaster-law/leave-no-one-behind/>.
- 3 Note that all references to "legislation" include both primary and secondary legislation, as variously defined in domestic legal systems.

