



International Federation
of Red Cross and Red Crescent Societies

Evaluation of the IFRC's Disaster Law Programme (2020)

Final Report

Evaluation Team

Abigail HANSEN (Team Leader), External Consultant

Pradiip ALVAREZ, IFRC Americas Regional Office

Christine SOUTH, IFRC Geneva

Fiona TARPEY, Australian Red Cross

Acknowledgements

The Evaluation Team would like to thank all those individuals and organisations who provided their support to the evaluation process by making their time available to have discussions.

Thanks also to the IFRC DLP staff and to the Red Cross and Red Crescent National Societies who facilitated access to key stakeholders in their countries and regions.

A full list of those who were interviewed as part of the evaluation can be found in Annexe 5.

Contents

-	Acronyms	3
1	Executive Summary	4
2	Introduction and Background	9
3	Objectives and Scope of the Evaluation	11
4	Evaluation Methodology	12
5	Main Findings	14
6	Conclusions	37
7	Recommendations	38
-	Annexe 1 – Terms of Reference	41
-	Annexe 2 – Evaluation Framework	48
-	Annexe 3 – Interview Guide	51
-	Annexe 4 – Documents Reviewed	54
-	Annexe 5 – Key Informants	56
-	Annexe 6 – Country Mission Reports	60

- Acronyms

CCA	Climate Change Adaptation
DL	Disaster Law
DLP	IFRC Disaster Law Programme
DRM	Disaster Risk Management
DRR	Disaster Risk Reduction
EMT	Evaluation Management Team
EQs	Evaluation Questions of the current Evaluation
Evaluation	Evaluation of IFRC's Disaster Law Programme
Evaluators	Evaluators conducting the Evaluation of the IFRC's Disaster Law Programme
HRBA	Human Rights-Based Approach
IDRL	International Disaster Response Laws, Rules and Principles
IFRC	International Federation of Red Cross and Red Crescent Societies
IHL	International Humanitarian Law
KII	Key Informant Interviews
M&E	Monitoring and Evaluation
Movement	International Red Cross and Red Crescent Movement
NS	National Red Cross and Red Crescent Societies
National Societies	National Red Cross and Red Crescent Societies
SD	Sustainable Development
Team	Team of evaluators conducting the current Evaluation
TL	Team Leader of the current Evaluation
ToR	Terms of Reference of the current Evaluation

1 Executive Summary

1.1 Introduction and Background

The Disaster Law Programme operates according to an international mandate provided by the State Parties to the Geneva Conventions and the components of the Red Cross and Red Crescent Movement, and contributes to more effective disaster preparedness and response. The main themes encompassed by the DLP are law and domestic preparedness and response, disaster and climate laws that leave no one behind, law and disaster risk reduction, legal preparedness for international disaster assistance (known as “international disaster response law” or ‘IDRL’), and the recognition of National Red Cross and Red Crescent Societies’ (National Societies’) auxiliary role in sectoral laws and policies. The major areas of activity of the DLP are the provision of technical assistance; capacity strengthening; and advocacy, dissemination and research.

The current Evaluation aims to understand the perceptions of stakeholders regarding the DLP’s past performance and relevance; assess the relevance of the DLP’s work; and provide recommendations to improve the future impact of the DLP. It serves as a follow-up to a 2013 evaluation; however, some findings encompass the DLP’s inception in 2001 to the present.

A set of Evaluation Questions guided data collection and the structure of this Report. These are centred around three main “Pillars”: Strategic Effectiveness; Operational Effectiveness; and Overall Impact. The Evaluation was carried out by an external consultant, with support from three team members who are members of the wider International Federation of Red Cross and Red Crescent Societies. The Evaluators conducted key informant interviews in Geneva, the Regional Offices and in three field locations, and undertook approximately 75 interviews. The Evaluation was carried out according to an Inception Phase, a Data Collection Phase, and a Synthesis Phase, with field missions conducted in Malawi, Honduras and Fiji.

1.2 Findings

The key findings of the current Report are summarised below, in line with the Pillars and Evaluation Questions described above.

1.2.1 Pillar I: Strategic Effectiveness

Coherence of the DLP with IFRC mandate and policies

- The Disaster Law Programme is entirely coherent with the IFRC’s mandate, providing direct support to disaster response and preparedness, and working to strengthen the capacities of National Societies.
- It is consistent with IFRC Strategies, and has been supported by successive resolutions of the IFRC International Conference.

Coherence of the DLP with other initiatives

- The DLP has strong coherence with international and regional policy frameworks, strategies and initiatives relative to disaster law and links to programmes and operations, but needs more work to deepen this engagement.

Response of DLP to needs and expectations of stakeholders

- Interlocutors consider that DLP support responds to their needs and expectations.
- The DLP’s relevance is highest in regions with a high risk of disaster, but greater engagement with European National Societies is needed, in particular in Central and Eastern Europe.

1.2.2 Pillar I: Operational Effectiveness

Effectiveness of DLP support

Disaster Law Frameworks

- The DLP has provided extensive support to the development of disaster laws, and policies and strategies, however some governments still require support to develop relevant regulations.

- Stakeholders praised the DLP's high level of technical expertise and commitment to excellence.
- The DLP has played an important role in the international normative sphere.

National Societies' Auxiliary Role

- The DLP has contributed to strengthening National Societies' auxiliary role and their relationships with governments and institutions, and to enhancing their credibility and visibility.
- However, National Societies' capacity to engage with authorities needs to be strengthened, through for example more sustained support to their advocacy efforts.

Advocacy

- The DLP has provided strong contributions to advocacy efforts of National Societies, which have not only helped strengthen the disaster law regulatory framework, but also provided skills to advocate in other areas of their work.

Tools and Learning

- The DLP has developed a number of highly adaptable tools, however some tools are considered too complex, and should be made more user-friendly.
- Peer-to-peer exchanges are particularly valued by National Societies who have benefited from these.

Awareness-raising and Dissemination

- The DLP disseminates and raises awareness of its own tools, the Programme, and disaster law issues, however it does not adequately promote its own success stories.
- Disaster law has experienced considerable difficulty gaining traction and acceptance in general, both at the national institutional level, and within the IFRC and National Societies themselves.

Approaches

- Working with civil society, academia and UN agencies are important elements of the DLP's approach, and should be maintained and strengthened, particularly around engagement in DRR and cross-cutting issues.
- The fuller engagement of DLP expertise and knowledge in IFRC disaster or crisis response operations, including the rapid deployment of DLP personnel to these situations, would provide significant added value to the work of operational teams, and would reinforce the relevance and sustainability of the DLP programme.

Challenges

- Implementation of disaster law frameworks remains a significant challenge, and additional tools and capacity-building activities are required to support this.
- Addressing disaster law issues is highly sensitive in some countries, and low political will or engagement can threaten the DLP's effectiveness and sustainability.

Management structure

- Lack of awareness of disaster law and the DLP's contributions, including amongst IFRC management, has impacts on the thematic and organisational positioning of the Programme within the IFRC at Headquarters level, despite the IFRC's own prioritisation of disaster law.
- IFRC leadership should support DLP's efforts to nurture and develop links with the various operational departments at the Geneva level, and the DLP should endeavour to build these links more widely across the IFRC Secretariat.
- The presence of an IFRC office, or of dedicated regional or national focal points, provide exceptional added value; however, this is not structured in a standard or consistent manner.
- The Programme's staff is universally considered to be its greatest asset, and their technical inputs are considered exceptional. However, increased demands, combined with resource constraints mean that the Programme risks becoming a 'victim of its own success', and diluting its thematic focus.
- Programme reporting is regular and comprehensive, but is mainly at the outcome level, and does not track impacts, or highlight its own "success stories".

Complementarity, Added value, Coordination etc.

- The DLP exhibits strong complementarities and joint efforts with other IFRC initiatives across a range of themes, and engagement has been strong with regional (policy and technical) organisations.
- The DLP has developed a number of strategic partnerships, and has contributed to many external initiatives, with strong elements of complementarity and synergy.
- The DLP demonstrates considerable added value, and is establishing itself as the partner of first choice in the field of disaster law, particularly with external partners.

Coordination mechanisms

- There exist no formal coordination mechanisms relative to disaster law issues.
- While there is some coordination amongst government and other actors at the country level, this is not structured or systemised, and the IFRC could play a role facilitating such coordination in some contexts.

Cross-cutting issues

- The DLP has addressed issues of human rights, climate change and vulnerability, however this has not been in a structured or systematic manner, and broader, relevant human rights issues have not been integrated in Programme strategy and implementation.
- However, DRR, climate change, and a range of cross-cutting issues are increasingly becoming a focus at the national, regional and international levels, and the DLP has a strong opportunity to engage in related legislative, advocacy and programming shifts.

1.2.3 Pillar I: Impact and Sustainability

Impact

- There is strong evidence of impacts to which the DLP has undoubtedly contributed, although many of these are of an indirect or qualitative nature.
- Impacts have included significant changes to disaster policy and the legislative, regulatory and operational framework in many countries and at the sub-regional and regional level; enhanced visibility and reputation of the IFRC and individual National Societies; enhanced auxiliary role of National Societies; and contribution to the development of disaster law as a distinct discipline.

Sustainability

- The DLP is an essential actor in the development of disaster law as a separate discipline, and this will represent the Programme's most lasting legacy.
- The sustainability of DLP's results is linked to overall challenges, such as resource constraints and political will.
- The DLP has achieved momentum in certain contexts and regions, which should support the sustainability of its results, however this is highly variable.
- Reform of disaster law frameworks will likely remain in the long-term, and the high degree of ownership that the DLP helped to create means that these results will enjoy sustainability in the mid- to long-term. Processes and procedures introduced at the country level have shown strong sustainability.
- The sustainability of the contributions to National Societies' auxiliary role is highly variable, however the Red Cross volunteer base helps to provide the stability necessary to sustain and amplify the Programme's results at National Society level.
- Skill-sets developed with the DLP's support are not only being used in ongoing efforts, but are also being adapted and applied to other areas of humanitarian work; training modules, guidelines, model laws and other tools also show strong sustainability. The sustainability of the results of training and other capacity-building is however highly uneven.
- The DLP's financial sustainability is linked to awareness of disaster law and the Programme's own achievements, since these are critical to donor interest and commitment.
- Internal allocation of funds to the DLP is at alarming odds with the value placed on its contributions by donors themselves, and the priority given to disaster law in successive resolutions of the IFRC International Conference.

1.3 Main Conclusions

The DLP is fully coherent with IFRC mandate, policies and strategies, and has been embedded as a priority for more than fifteen years. Disaster law has emerged as an important cross-cutting issue; it is highly relevant to IFRC policy and operations, and responds to needs and expectations.

The DLP shows high levels of expertise and a strong commitment to excellence. It has provided support to: the development of disaster law frameworks; advocacy and tools; the auxiliary role and capacity-building of National Societies; and awareness-raising of disaster law. Working with civil society and academia is an important component of the DLP's approach. Dedicated disaster law support through focal points at the sub-regional or national level provides exceptional added value. DLP has integrated a range of cross-cutting issues, and strong global, regional and national interest in DDR, climate change and other cross-cutting issues presents a number of opportunities.

However, some challenges are observed. The DLP does not adequately promote its own success stories nor its wider engagement with internal IFRC teams at Headquarters level, and its integration of cross-cutting issues is highly uneven. The creation of a DLP rapid deployment facility to respond to disaster situations would also provide significant added value.

Disaster law has difficulty gaining traction and acceptance, particularly with wider IFRC Secretariat teams and leadership, especially at Headquarters, and while the DLP has responded to this challenge, difficulties persist. The development of an advocacy and communication strategy would help raise internal and external awareness. In addition, lack of IFRC awareness of disaster law and DLP contributions, particularly at Headquarters, and the DLP's placement in the IFRC structure, "buries" the Programme. The DLP is struggling to respond to existing and increasing demands, and greater financial support and management engagement is urgently required.

There is strong evidence of DLP contribution to impacts, including on disaster law frameworks, the visibility and reputation of the IFRC, the auxiliary role of National Societies. Processes, procedures, capacities and tools have shown strong sustainability, and are being applied to other disaster-related issues.

The DLP is an essential actor in the development of disaster law as a separate discipline, and this will represent the Programme's most lasting legacy. However, internal allocation of funds to the Programme does not correspond to the mandate and priority accorded to it by successive IFRC resolutions and external interest.

1.4 Recommendations

Recommendation 1: Increase engagement in under-served areas, such as Europe

The DLP should increase its engagement in under-served areas, such as Central and Eastern Europe, in the latter case by working in close collaboration with the IFRC Regional Office for Europe (ROE) in Budapest, the Red Cross EU Office in Brussels, and National Societies, and focusing on strengthening countries' own domestic disaster law framework.

Recommendation 2: Development of a communication strategy

The DLP should develop an internal advocacy and communication strategy, in collaboration with the IFRC Communications Department, in order to increase internal understanding, including that of IFRC senior management, of disaster law and the DLP's work.

Recommendation 3: Strengthen approaches to human rights and other cross-cutting issues

The DLP should consider opening discussions as to how the Programme can address human rights more directly in its work, including for example the development of a human rights-based approach for the Programme. It should also strengthen its role in legislative and advocacy engagement relative to DRR, climate change and other relevant programming areas, such as migration.

Recommendation 4: Increased support to specific Programme areas and approaches

The DLP should increase support in several specific Programme areas, including *inter alia* working with academia; development of disaster law regulations; additional tools and capacity-building activities relating specifically to implementation issues; follow-up support on the use of tools; peer-to-peer exchanges; strengthening National Society and civil society engagement with authorities; and strengthening coordination at the national level.

Recommendation 5: Identification, tracking and dissemination of success stories and impacts

Success stories should be identified, and incorporated into communication efforts, learning tools and resource mobilisation. Support could also be provided by the production of short videos. FedNet and other internal and external platforms, including social media, should be regularly updated so that National Societies and the general public can have access to the latest disaster law information.

The DLP should undertake more assiduous tracking of its impacts, and feed this into more strategic results-oriented reporting, communication and resource mobilisation.

Recommendation 6: Strengthening Rapid Response Capacities

The DLP should engage proactively with the disaster response teams at Headquarters and in the Regions to ensure rapid engagement. This could include strengthening rapid response capacity and associated protocols, technical support and resourcing, in close coordination with the existing global surge system, in order to become involved in disaster and crisis response operations at the earliest opportunity.

Recommendation 7: Increased IFRC support of the DLP

IFRC leadership should provide significantly greater institutional recognition of the DLP's contributions, in particular to nurture and develop links with the various operational departments at the Geneva level.

IFRC leadership should urgently revise its allocation of funding to the DLP, in order to support the fulfilment of its mandate, in line with established IFRC priorities relative to disaster law.

Increased efforts should be made to source DLP funding from outside the traditional donor pool, including, for example, the private sector.

2 Introduction and Background

2.1 Introduction to the Disaster Law Programme

Legal gaps in disaster risk reduction can have a significant impact on the resilience of communities to disasters. Similarly, experience shows that, without the appropriate legal instruments to deal with disaster response, authorities can be overwhelmed by relief operations and vital aid can be delayed.

The Disaster Law Programme operates on an international mandate provided by State Parties to the Geneva Conventions and the components of the Movement, and contributes to more effective disaster preparedness and providing more rapid relief to vulnerable people. The International Disaster Response Laws, Rules and Principles (IDRL) Programme was created in 2001 by a resolution of the Red Cross and Red Crescent Council of Delegates in order to explore the role of law in the response to disasters, particularly international disaster relief.¹

The Programme changed its name in early 2012 to the "Disaster Law Programme", in response to a request by National Societies to address key concerns related to disaster law beyond the area of international response, including issues related to disaster risk reduction and recovery. The IFRC had also received requests from its members and key partners, such as UN OCHA and UNDP, to provide broader advice on disaster law issues.²

In 2003, the 28th International Conference of the Red Cross and Red Crescent welcomed the IDRL Programme's work, and called on the IFRC and National Red Cross and Red Crescent Societies to identify and share key legal instruments, lead efforts to identify gap areas, and make recommendations to address these.³

In 2007, on the basis of the IFRC's recommendation, the 30th International Conference adopted a new set of "Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance".⁴ It also invited the IFRC and National Societies to continue their research and advocacy efforts. In addition, the Conference encouraged them to develop new tools and models to improve their legal preparedness for disasters.

In 2011, the 31st International Conference welcomed the important progress made in implementing the IDRL Guidelines, and furthermore called on States to examine and strengthen their national legal frameworks and consider making use of the IDRL Guidelines.⁶ The International Conference also welcomed efforts to develop the "Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance" to assist States in incorporating the recommendations of the IDRL Guidelines into their national law.⁷ It also encouraged States, in cooperation with National Societies, the IFRC and other relevant partners, to review their national legislation in order to assess whether they adequately address a number of listed issues regarding disaster risk reduction at the community level and regulatory barriers to shelter after natural disasters.

In 2015, the 32nd International Conference passed Resolution 6 on strengthening legal frameworks for disaster risk management. Furthermore, the IFRC 33rd International Conference in December 2019 adopted Resolution 4 on disaster laws and policies that leave no one behind (*see Strategic Effectiveness 5.1.1 below*).

2.2 Work of the Disaster Law Programme

The main themes encompassed by the DLP are:

¹ <https://www.ifrc.org/PageFiles/139513/idrl-cod-2001s.pdf>

² <https://www.ifrc.org/PageFiles/139513/name%20change%20announcementFINAL%20LATEST%2002.02.2012.pdf>

³ <https://www.ifrc.org/PageFiles/139513/idrlmandate.pdf>

⁴ <https://www.ifrc.org/PageFiles/139513/resolution4-en.pdf>

⁵ <https://www.ifrc.org/en/what-we-do/idrl/idri-guidelines/>

⁶ <https://www.ifrc.org/PageFiles/139513/31ICR7disaster%20lawsadopted12DeccleanEN.pdf>

⁷ <https://www.ifrc.org/en/what-we-do/idrl/model-act-on-idrl/>

- *Domestic Preparedness and Response*: Integrated legal frameworks for DRM that adequately address domestic preparedness and response, such as institutional and procedural arrangements, disaster risk financing, as well as planned approaches to regulatory issues in post-disaster shelter, and disaster-related human mobility.
- *Disaster and climate laws that leave no one behind*: Support to governments in strengthening their legal and policy frameworks for disaster risk management to ensure they are gender and diversity responsive, protective and inclusive, and reflect international standards, including human rights standards.
- *Law and Disaster Risk Reduction*: Modern legal frameworks that have integrated disaster risk reduction and climate change adaptation into disaster risk management and sectoral laws and policies, in line with key international and regional commitments.
- *Legal Preparedness for International Disaster Assistance ('IDRL')*: Procedures for international disaster relief that support domestic authorities to establish a legislative framework, reduce barriers, costs and quality problems, and uphold humanitarian principles when accepting international assistance.
- *Auxiliary Role*: Recognizing the critical role of National Societies, as auxiliaries to their public authorities in the humanitarian field with a unique community outreach, to ensure community voices and engagement with national level policy development and planning processes.

The major areas of activity of the DLP are:

- *Technical Assistance*: collaborating with National Societies and other partners to assist governments in strengthening their domestic legal preparedness for disasters;
- *Capacity Strengthening*: strengthening the capacity of National Red Cross and Red Crescent Societies to advise their governments on the development of disaster management law; and
- *Advocacy, dissemination and research*: building partnerships at the international and regional level on legal preparedness, disseminating the IDRL Guidelines and other DLP products, and fostering new and innovative research.

The DLP assists National Societies to support their authorities in developing and applying disaster-related legislation, policies and procedures in accordance with international standards, in order to make communities safer, to ensure timely and effective disaster relief, and to improve the protection of the most vulnerable when faced with a disaster or crisis, or when managing future disaster risk. By harnessing their auxiliary role, National Societies working with the DLP have developed new disaster laws and policies in close to 100 countries since 2007.

The basis of the technical advice of the IFRC programme on disaster law to date has been centred on literature review, and on regional and global evidence-based research and consultations, together with comparative analysis of the legislation in place in various countries. Primary guidance and tools have been developed by the IFRC in the area of disaster law, and include:

- A new *Checklist on Law and Disaster Preparedness and Response*⁸;
- The *Checklist on Law and Disaster Risk Reduction*⁹, and its accompanying Handbook¹⁰;
- The *Guidelines for the domestic facilitation and regulation of international disaster assistance and initial recovery assistance* (known as the "IDRL Guidelines"), and its accompanying *Model Act, Model Decree and Checklist*¹¹;
- Recommendations on *Effective Law and Policy on Gender Equality and Protection from Sexual and Gender-Based Violence in Disasters*¹² (developed by the DLP and the IFRC Inclusion, Protection and Engagement Unit); and
- Recommendations on *Minimum Elements for Community-Based Land Mapping Approaches in Post Disaster Contexts* and *Rapid Tenure Assessment Guidelines for Post-Disaster Response Planning* (developed by the IFRC Shelter Team with DLP support).¹³

⁸ The new Checklist was presented at the International Conference of the Red Cross and Red Crescent in December 2019, and validation by states parties to the Geneva Conventions.

⁹

<https://www.ifrc.org/Global/Publications/IDRL/Publications/The%20Checklist%20on%20law%20and%20DRR%20Oct2015%20EN%20v4.pdf>

¹⁰ <https://www.ifrc.org/Global/Photos/Secretariat/201511/Handbook%20on%20law%20and%20DRR%20LR.pdf>

¹¹ [http://www.ifrc.org/PageFiles/41203/1205600-IDRL%20Guidelines-EN-LR%20\(2\).pdf](http://www.ifrc.org/PageFiles/41203/1205600-IDRL%20Guidelines-EN-LR%20(2).pdf)

¹² http://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2017/10/Gender-SGBV-Report_-_Global-report.pdf

¹³ http://www.ifrc.org/Global/Documents/Secretariat/Shelter/Rapid-Tenure-Assessment-Guidelines_EN.pdf and http://www.ifrc.org/Global/Documents/Secretariat/Shelter/1301400_Community%20Land%20Mapping_En_LR.PDF

With the adoption of the *Sendai Framework for Disaster Risk Reduction*¹⁴ in 2015, and the entry into force of the *Paris Agreement*¹⁵ in 2016, the IFRC's Disaster Law Programme has received an increasing number of requests from States to provide recommendations to facilitate integration between wider governance arrangements in legal frameworks. As such, in 2018 IFRC embarked on a global research project to develop non-binding guidance for law and policy-makers in order to ensure the strengthening of laws and policies include applicable climate-smart DRM provisions.

3 Objectives and Scope of the Evaluation

3.1 Objectives

The Evaluation aims to:

- Understand the prevailing perceptions of DLP's key stakeholders on its past performance and relevance;
- Assess the relevance of the new areas of work of the IFRC DLP for Governments and National Societies; and
- Provide recommendations to improve the overall impact of the DLP in the future.

The Evaluation findings, conclusions and recommendations are intended to inform future strategic thinking about the DLP by the IFRC and National Societies, and future operational planning by DLP staff.

3.2 Scope

3.2.1 Substantive scope

The Evaluation has gathered representative stakeholder views concerning the following areas of DLP's work:

- **Capacity strengthening** for National Societies and key partners in disaster law, including:
 - o Views of participants in past training workshops about their quality and impact.
- **Country-level technical assistance and dissemination** on the DLP recommendations, including:
 - o National Society and partner views about utility and impact at the country level to date; and
 - o Specific attention to technical assistance projects in three countries (Honduras, Malawi and Fiji).
- **Advocacy** at regional and global forums, including views of relevant stakeholders about the quality and impact of IFRC's advocacy initiatives.
- **Coordination** with internal and external stakeholders.
- **Research** and other products, including:
 - o Views of relevant stakeholders about the quality of past research products;
 - o The relevance of current research topics, and any new research areas the DLP should address (e.g. DRR, cross-cutting issues, migration etc).
- **Overall impact and value added**, including
 - o Views of stakeholders on DLP's impact on policy and relief operations; and
 - o Views of National Societies about the degree to which the DLP adds value to the IFRC-wide network.
- **Longer-term sustainability and vision.**

3.2.2 Temporal scope

The Evaluation serves as a follow-up evaluation to one that took place in 2013; the Evaluation Team therefore focused on the period 2013 to date. Some findings relate to the entirety of the DLP, from its inception in 2001 to the present, however most findings concern work over the last five years.

¹⁴ <https://www.unisdr.org/we/coordinate/sendai-framework>

¹⁵ <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

3.2.3 Evaluation questions

The Evaluation ToR (see Annexe 1) proposed a series of Evaluation Questions intended to guide data collection, and around which the Evaluation Report was to be structured. During the Inception Phase, the Evaluation Team expanded the Questions, to include, *inter alia*, a more direct examination of internal (IFRC) coherence, added value, sustainability, and cross-cutting issues. The final Evaluation Questions, with related judgement criteria and related tools, methods and information sources are provided in the *Evaluation Framework* (Annexe 2).

The responses to the Evaluation Questions support the Evaluation's findings, conclusions and recommendations, in order to achieve the Evaluation's objectives. They are centred around three main "Pillars": Strategic effectiveness; Operational effectiveness; and Overall impact.

4 Evaluation Methodology

4.1 Overview

The Evaluation was carried out by an external consultant (Ms Abigail HANSEN) with support from three team members (Mr Pradiip ALVAREZ, Ms Christine SOUTH, Ms Fiona TARPEY), who are members of the International Red Cross and Red Crescent Movement. The Evaluators conducted key informant interviews (KII) in Geneva and three field locations, and undertook approximately 75 interviews, using an agreed list of standard guiding questions. The Evaluation was divided into three principal Phases:

- Phase I – Inception
- Phase 2 – Data Collection
- Phase 3 – Synthesis

4.2 Inception Phase

The inception phase of the Evaluation ran from 23 September to 1 October 2019, and laid the foundation for the remainder of the Evaluation by clarifying the purpose, scope, evaluation framework, methodology, and work-plan of the Evaluation. A desk-based document review was conducted, the evaluation team was mobilised, and preparations were made for the Data Collection Phase. The Inception Report was finalised in early October.

4.3 Data Collection Phase

Data collection was conducted through continuing document collection and review, and key informant interviews. Interviews were of a semi-structured nature, using an interview guide, and adapting questions according to the specific informant.

Key informants included leadership and operational personnel of the IFRC and National Societies at the national, regional and international level; government stakeholders involved in DLP projects; international and regional agencies; and other stakeholders concerned with disaster law and related issues, including members of civil society, academia etc.

Field missions were conducted in three locations: Malawi, Honduras and Fiji, which were selected by the EMT in consultation with DLP regional coordinators. Mission reports are provided in Annexe 6. Meetings were also conducted in Geneva with key IFRC personnel. The Evaluation missions were conducted from 3 October to end-November. In addition to the field missions, over 30 telephone/ virtual interviews were conducted, focusing on informants in other countries, in order to obtain a balanced representation of DLP outreach and activities. The following table provides an outline of the nature of these interviews:

Interview	Number ¹⁶
Modality	

¹⁶ Effective as of 21 December 2019

In person	43
Remote	30
Field Missions	
Malawi	9
Fiji	11
Honduras	8
Informant type	
IFRC Geneva	13
IFRC Field	17
National Society	17
Government (Ministry/ Institution)	11
Partner	13
Other (civil society, etc.)	2

4.4 Synthesis Phase

Following the Data Collection Phase, a Draft Report was submitted to the EMT on 17 December 2019 for their initial feedback to the TL. The Draft Final Report was then circulated by the EMT amongst key stakeholders, for their review and clarifications, for a two-week period. Prior to acceptance by IFRC of the Final Report, a Virtual Conference was conducted on 24 January 2020, in order to present and disseminate the Evaluation and discuss the Evaluation's Recommendations. The adjusted Final Report was submitted in early February 2020.

4.5 Evaluation Management

IFRC Geneva appointed an Evaluation Management Team (EMT), comprised of Isabelle GRANGER (Legislative advocacy coordinator (DLP), IFRC Geneva), and Ms Miki TSUKAMOTO (Monitoring and evaluation coordinator, IFRC Geneva). The EMT supported the Evaluation Team prior to and during the Evaluation, provided the interface with IFRC offices in the regions and countries under direct consideration, and guided the Evaluation and approval of the deliverables.

This Evaluation is commissioned by IFRC in Geneva, through Mr David FISHER, Manager, Policy, Research and Diplomacy, IFRC Geneva,

4.6 Evaluation constraints

The Evaluation experienced no serious constraints. The primary constraint of the current Evaluation was the tight time-frame, since, in order to capitalise on the International Conference being held in Geneva in December 2019, meetings were held during the week of 2 December to discuss the Programme and key findings, conclusions and potential recommendations. The Team Leader had some availability limitations, and was only able to participate in the field mission to Honduras. The field mission to Malawi occurred during a week where there was a public holiday; this meant that the National Society was unable to organise a confirmed interview programme, and which contributed to a limited number of interviews.

5 Main Findings

5.1 Pillar I – Strategic Effectiveness

5.1.1 To what extent is the DLP coherent with the overall mandate and strategic direction of the IFRC?

The IFRC vision is “*to inspire, encourage, facilitate and promote at all times all forms of humanitarian activities by National Societies, with a view to preventing and alleviating human suffering, and thereby contributing to the maintenance and promotion of human dignity and peace in the world*”.¹⁷ In pursuit of this vision, the IFRC carries out response operations to assist those affected by disasters and crises, and combines this with development work to strengthen the capacities of its member National Societies and of disaster-related stakeholders.

The Disaster Law Programme is **entirely coherent with the IFRC's overall vision and role**, in that it provides direct support to disaster response and preparedness, including at the operational level, and works to strengthen the capacities of its member National Societies. It also provides cross-cutting support to promoting humanitarian values, and health and community care.

The IFRC Strategy 2020, published in 2010, presents “*the collective determination of the IFRC to move forward in tackling the major challenges that will confront humanity in the next decade*”. It consolidates previous policies and strategies, and provides direction to the Secretariat in setting its operational priorities in support of National Societies. Strategy 2020 also provides the basis for the strategic plans of National Societies.

Strategy 2020 Strategic Aim 1 is to “*save lives, protect livelihoods, and strengthen recovery from disasters and crises*”. It emphasises that, in order to fulfil this objective, “*appropriate laws are crucial to ensure the speed and effectiveness of humanitarian assistance*”. The strategy emphasises the importance of national legal preparedness and international legal cooperation through the development and promotion of disaster laws, principles and rules.¹⁸ The DLP is fully aligned with the terms of Strategic Aim 1 in that it seeks to reduce operational barriers, and strengthen the role of communities to ensure that relief and recovery measures are carried out efficiently in a manner that is respectful of the dignity and rights of affected people.

The First Draft of Strategy 2030 (May 2019) further underscores the importance of disaster laws, stating that “*we will continue to [...] expand research, thought leadership and advocacy into global standards and laws governing disaster and crisis response, both domestically and globally*”.¹⁹ The DLP is also aligned with the 2030 Strategy in that research, advocacy and engagement with high-level decision-makers has become essential components of their approach.

The IFRC Updated Plan and Budget 2016 – 2020 in its priorities for 2018 to 2020 identifies four strategies for implementation. Under *Strategy for Implementation 3: Influence others as leading strategic partners*, the IFRC undertakes to:

- Support at least 25 National Societies to advise their governments in formal technical assistance projects on disaster law, launch new checklists on law and disaster response and recovery, and launch a new global index on disaster law; and
- Support at least 25 National Societies to build their advocacy skills and strategies and to advance the formalisation of their auxiliary role in relevant ways (including Red Cross and Red Crescent laws, provisions in sectoral laws and policies, etc.).

The DLP, as outlined in Operational Effectiveness below, has therefore also been aligned with Implementation Strategy 3, having focussed its support to National Societies on technical assistance on disaster law, and their advocacy efforts.

¹⁷ Article 4 (General object), Constitution (2007)

¹⁸ Strategy 2020, p. 13

¹⁹ 39th Session of the Governing Board Geneva, Switzerland, 30 April–3 May 2019 *Development of Strategy 2030 – Reviewing the First Draft*, p. 14

Successive resolutions of the IFRC International Conference have also emphasised, both directly and indirectly, the importance and imperativeness of IFRC support to disaster laws. These include:

- 28th International Conference, Final Goal 3.2 (enhance international disaster response through support for the compilation and application of the laws, rules and principles applicable to international disaster response);
- 30th International Conference, Resolution 4 on the adoption of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance;
- 31st International Conference, Resolution 7 on strengthening normative frameworks and addressing regulatory barriers concerning disaster mitigation, response and recovery; and
- 32nd International Conference, Resolution 6 on strengthening legal frameworks for disaster risk management and Resolution 3 on sexual and gender-based violence.

Furthermore, the IFRC 33rd International Conference in December 2019 adopted Resolution 4 on disaster laws and policies that leave no one behind.

It is therefore evident that the DLP is not only fully coherent with IFRC mandate, policies and strategies, but has also been deeply embedded as a priority area for more than fifteen years. As indicated below however, the institutional support provided to the Programme is currently at considerable variance with its objective priority status.

In addition, as highlighted repeatedly throughout the current Evaluation, in particular in Pillar II (Operational Effectiveness), disaster law is emerging as a powerful cross-cutting issue, that touches on all aspects of IFRC strategy and operations, and as such is fully coherent with the IFRC's other priorities and programmes. Despite this cross-cutting role, this also remains in considerable contrast to the support that is currently provided to the Programme.

5.1.2 To what extent is the DLP coherent with other initiatives relative to disaster law, and related issues?

The DLP has also demonstrated **strong coherence with numerous international and regional resolutions**, strategies and initiatives relative to disaster law. Key amongst these is the Sendai Framework for Disaster Risk Reduction²⁰, which highlights the importance of national and local frameworks of laws, regulations and public policies in strengthening disaster risk governance, and the important role and tasks of community representatives in supporting the development and implementation of such laws and regulations.

The DLP has made **important technical, policy and operational contributions** in this area to the work of many other actors, including the World Meteorological Organization, the World Bank, the United National Development Programme, the United Nations Office for Disaster Risk Reduction, the Climate Risk and Early Warning Systems (CREWS) initiative and the Platform on Disaster Displacement.

In addition, the relevance and coherence of the DLP's work has been **recognised in the international sphere**, for example 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 (IDRL Guidelines).

The IDRL Guidelines have also served as a **key reference for a number of intergovernmental initiatives** at the bilateral, regional and global level, such as the 2018 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 Economic Community of West African States (ECOWAS) Humanitarian Policy (2018–2022) and the East Asia Summit Rapid Disaster Response Toolkit.

The coherence of the DLP with others' work is amply demonstrated by its alignment, complementarity and added value relative to other initiatives outlined at 5.2.3 below, and in the Mission Reports attached in Annexe 6.

²⁰ https://www.unisdr.org/files/43291_sendaiframeworkfordrren.pdf

5.1.3 To what extent does the DLP respond to real needs and expectations at the institutional, regional and national level?

Interlocutors fully agreed that the support provided by DLP **responds to their needs and expectations**, as the following selection of eloquent comments demonstrates, and which confirms the views expressed across all regions:

“Disaster law underpins everything we do; it is cross-cutting and facilitates our work” (National Society)

“The DLP is really taking into account the needs and expectations of National Societies, as a starting point for different projects. It has taken into account the needs [and realities] of National Societies with its participative processes” (UN agency)

“There have been lots of needs for regulations and rules regarding disaster management law. The DLP actually helped us to inform and support our national emergency management agency” (National Society)

“The support helped give us momentum, and helped bring the agenda forward. [In this country] it is not helpful to put National Societies in the forefront, so we really needed a neutral institution to be the facilitator with the government. There were lines we could not cross” (National Society)

The relevance of the DLP is **most acutely appreciated in regions and countries with a high exposure to disaster, or where there has been recent international assistance in response to a disaster or crisis**. Even in countries that have already developed disaster laws, there remains ongoing need to maintain the integrity and operationality of institutions, and to push through with implementation of the disaster law framework.

Several interlocutors indicated however that **greater engagement with European National Societies is needed**, with one IFRC representative stating that *“we are not putting priority on Europe. There is not great momentum in Europe, and we could do more. EU member states are more prepared for giving rather than receiving international assistance. [In addition] European National Societies, even those with resources, are struggling to translate disaster law into a format for their governments”*. Another interlocutor remarked that National Societies in Central and Eastern Europe are lagging behind, and could benefit from greater involvement, particularly since they are more disaster-prone. This is however being addressed, with the recent appointment of a Disaster Law Coordinator in Almaty, to provide coverage for the Central Asian region.

5.2 Pillar II – Operational Effectiveness

5.2.1 How effective have the DLP's interventions and support been?

5.2.1.1 Disaster Law Frameworks

The DLP has **provided extensive support to National Societies, governments and institutions in the development of a broad range of laws, policies and strategies**. This support aims to converge in a holistic and complementary manner to create a country's legal, regulatory, administrative and strategic platform for disaster risk reduction and management.

This support has taken the form of **legal technical assistance relative to laws and regulations**, which touch upon a number of disparate issues, including *inter alia* customs, taxation, immigration, organisation registration, health, and the environment.

The **auxiliary status** is part of the legal foundation of every National Society, and is included in a country's domestic law (by statute or decree) on the basis of the 1949 Geneva Conventions, as a voluntary aid society, auxiliary to public authorities in the humanitarian field. Highly important support to the auxiliary status of National Societies (see 5.2.1.3 below) has been provided through technical assistance in the updating of National Society laws.

“The DLP helped us revise the NGO Act to facilitate the registration of aid worker and humanitarian organisations” (National Society)

“They helped with the Red Cross Law, the issue of tax exemption, the issue of facilitation of assistance into the country, and dealing with migration officials. It was an important achievement” (National Society)

In tandem with legislative reform, complementary support has also been provided for the **development of associated regulations**, in order to complete the overall legal framework, although it is noted that in several of the contexts observed, governments were still struggling to develop the broader regulatory framework. This represents an area where additional attention should be directed.

Such DLP support has been generally preceded by a **careful analysis of the existing local laws**, to identify relevant gaps, with one National Society stating that, as a result of this preliminary exercise, *“some of the recommendations were incorporated directly into our DRRM Act”*. However, some national interlocutors considered that deeper analysis of the country's political, social, and economic context (generally referred to as political economy analysis), incorporating community perceptions of the National Society, should be conducted, to ensure that institutional and political entry-points and obstacles are identified before an intervention is conducted in a particular context.

Technical assistance has been provided in some contexts to developing **institutional guidelines and other tools**, for example *“DLP helped to build a framework that guides the specific functions of each entity [which] allows us to work in technical committees to coordinate”* (National Society). Support provided by the DLP helped one National Society to *“localise the IDRL checklist and other DRR guidelines”*.

Considerable support has also been provided to the development of **disaster-related policy and strategy**, both at the national level, and the internal strategic plans of National Societies themselves. One National Society stated that the Programme provided them with technical support for the finalisation of the country's DRR Strategy, which was sent to them by the Ministry of Humanitarian Affairs for review and for comments. This in turn *“helped to ensure that the National Society was well-positioned in the strategy itself”*, and hence represented a tangible and durable form of support to its auxiliary role.

Stakeholders praised the **DLP's high level of expertise and commitment to excellence**, not only relative to legal and technical elements, but also parsed through into all other activities. Their external status is particularly valued at the local level, with one National Society stating that *“if you involve someone from abroad, who is clearly an expert, they are much more respected”*. This level of expertise is also respected by partners and other actors.

UN agencies and other international actors stressed the **important role that the DLP has played in the international normative sphere**. The IDRL Guidelines became a key reference point of the UN's International Law Commission (ILC) in discussions and analysis surrounding the development of a treaty for the Protection of Persons in the Event of Disasters²¹. The IFRC made a formal submission for the 60th session of the ILC, which provided guidance, support and substantive inputs that were formally recognised by the Commission, and made other considerable and direct contributions to the work of the Special Rapporteur.²²

“We did interact with other entities, but no others had that kind of impact” (UN representative)

5.2.1.2 National Societies' Auxiliary Role

The **Red Cross Movement enjoys a high level of trust and credibility** in many regions in the world, often surpassing that of governments or religious institutions. This trust has been established over decades through the National Societies' visible day-to-day work, and the effectiveness of their responses in times of need. It is also anchored in their auxiliary status and role.

²¹ See generally: https://legal.un.org/ilc/guide/6_3.shtml

²² *“The Commission also endorsed the intention of the Special Rapporteur to seek any relevant information from the [...] the International Federation of Red Cross and Red Crescent Societies”* <https://legal.un.org/ilc/sessions/60/>

The *auxiliary role* is the embodiment of a National Society's auxiliary status, since it “helps to define the relationship between a government and a National Society, and provides opportunities for regular contact at all levels”. The auxiliary role also refers to “a set of agreed responsibilities and activities defined by a government and a National Society together”.²³ In addition to supporting National Societies' auxiliary status, interlocutors were of the strong view that the **DLP has made a substantial contribution to their auxiliary role, as well as strengthening their broader relationships with governments and institutions, and enhancing their credibility and visibility, including with the three National Societies visited.**

The National Societies' auxiliary role, and the exceptionally high levels of trust that the Movement enjoys, have provided fertile ground upon which the DLP has been able to embed their significant technical and operational contributions, and will also provide powerful entry points and opportunities out into the future.

“We [were] already part of the decisions and responses in the country, however the Federation has given us ways to influence authorities even more [and] strengthen our presence. They helped with the creation of a high-level technical committee for advocacy, which discusses legislative influence and also includes our auxiliary role” (National Society)

In one country, following from the interventions of the DLP, the Ministry of Health seconded a member of staff to the National Society, in order to increase their capacity relative to infection control. Whilst not directly related to disaster law, this was viewed as an indication that the authority's understanding of their auxiliary role had been substantially increased and broadened.

Some views were more nuanced, with one IFRC interlocutor stating that, while National Societies felt they had developed a strong auxiliary role and good relationship with government, “*this depended on which government is in place*” (see also *Political Will* below).

Many interlocutors considered that DLP support has contributed to improving National Societies' relationships with governments in general, supported legislative advocacy, and increased the credibility and visibility of the Red Cross .

“Sometimes maybe we are not so visible, perhaps not so present in the cluster meetings; collaboration with other organisations, especially the UN, is very sensitive, and we work in our own world. So these kinds of initiatives really help bring visibility” (National Society)

It is considered to have **opened doors for National Societies to position themselves for strategic dialogue with authorities**. This is of considerable importance, since, as one Geneva-based IFRC interlocutor stated “*we take for granted the relationship between National Societies and government, but this is often quite weak, or depends on the themes [being addressed]*”.

DLP support has helped governments understand National Societies' roles, relevance, mandate, and overall disaster-related activities. This has in turn **lifted confidence in operational areas**. Specific support to legislative advocacy was also highly appreciated; one regional IFRC representative stated that “*we were looking to build a strategy for humanitarian diplomacy in other fields, but had not done this in a strategic way. So this will really influence our strategies for humanitarian diplomacy as a whole*”. National Societies also reported that support had **improved their relationships with a range of government stakeholders**, for example customs, quarantine, and immigration; they reported being “*able to access ministries [they] couldn't before, and able to discuss topics [they] couldn't promote before*”.

There is also strong evidence that the DLP has **contributed to enhancing inter-ministerial and inter-agency cooperation**. One official stated that “*in our disaster law course [...] we were able to connect with the Office of Civil Defence Policy Unit [and] we were able to strengthen that partnership*”. One national disaster management agency also noted that it allowed them to be “*a more visible coordinator across the Government and with other actors*”.

An important lesson learnt however is that improved relationships are strongest when interventions are made by individuals who have already worked with the government. Other interlocutors have observed that they “*rarely see a systematic way of National Societies engaging, it is a bit ad hoc*”; this may be an area where the DLP can provide support on structuring and systemising engagement with authorities.

²³ *Guide to the Auxiliary Role of Red Cross and Red Crescent National Societies*, IFRC 2015, p. 6

Supporting deeper localisation is another area where the DLP could provide an indirect contribution. Several interlocutors pointed out that National Societies also need to work with local authorities, “*to be both vertical and horizontal, [they need] to go out, away from just higher decision-makers*” (IFRC), in particular given that governments are moving more and more towards decentralisation. While not suggesting that the DLP itself should work at the local level, some consideration could be given to building national capacity relative to *inter alia* localised advocacy, in particular relative to implementation of the disaster law framework (see *Implementation Gap* below).

5.2.1.3 Advocacy

Providing support to advocacy efforts by National Societies is essential to ensure momentum for the uptake of the technical and other assistance provided by the Programme, in particular relative to the passing and faithful implementation of disaster-related laws and frameworks. While certain governments are open and receptive to change, this cannot always be assumed for all governments, or for all issues, at all times, and hence support to advocacy is of particular relevance where political sensitivities exist (see also *Political Will* below).

Interlocutors have highlighted the **important contribution of the Programme in this regard**. One National Society stated that the Programme gave “*practical examples of how to get involved in policy-making and influencing laws and policies. [Here] it can be bit difficult to be involved*”. In one country, the Ministry of Humanitarian Affairs also participated in advocacy-related activities, which provided support to their own engagement efforts with other national and international agencies, diplomatic missions, and donors. Some National Societies commented however that they lack the time to engage in advocacy activities, in addition to their core work.

Recipients of this support emphasised that this has also provided **useful skills outside the disaster law context, and in their other areas of work**, for example regarding IHL and other disaster-related concerns, which has provided “*a cross-benefit from one programme to another*”. DLP management states that this was a conscious strategy: “*We kept the toolkit deliberately very broad. It can be used for health, for migration, and so serves them for other advocacy purposes*”.

5.2.1.4 Tools and Learning

As described at 5.2.1.3 above, the DLP has **developed a number of important tools** that are used for implementation of the Programme, and/or by National Societies and authorities in the development of their own disaster law initiatives.

These tools and products are a **unique contribution of the DLP**, with the latest Checklist bringing together a comprehensive set of recommendations, incorporating elements from a number of different operational sectors, which can then be used or adapted by governments according to country needs, in a tailored manner.

“*They have some fantastic tools, which have worked very well. The Guidelines and other tools provide contextual policy and legal advice to respond to requests from governments*”. (Academic)

A DLP stakeholder highlighted that “*there are a range of activities we can do; there is a support manual, on who is to be involved, who does what, and how to best participate in dialogue*”. The processes adopted in using the tools are also considered very important, since “*they learn through working together*” (IFRC).

Other DLP stakeholders emphasise that they **appreciate tools that are practical and based on local situations**: “*we really need tools that are easily accessible, and not in the language of the international field, but the domestic field*”. Case-studies were consistently mentioned as being of particular value. The Programme has seen a gradual shift in their focus of methodological support, with tools now being centred less on law, and more on advocacy and other “soft” skills. There is **strong evidence of National Society ownership of tools and related training**, with one indicating that they had hired a consultant to further adapt one module, and another using the tools to provide ongoing training to governmental staff.

One challenge arises however relative to National Societies being able to fully sustain the use of the tools in the future, since capacities vary widely. On a related point, several interlocutors remarked that the very comprehensiveness of the Checklist makes it highly daunting in some contexts. One response could be to

increase learning and follow-up support on the use of tools, and also to develop differing or layered versions of the tools, to increase accessibility, and facilitate buy-in.

Capacity strengthening of National Societies, authorities and other relevant actors is also a highly effective contribution of the DLP. The activities are also **tailored, and the content localised and often multifaceted**: *“our internal capacity was enhanced, intensively, to advocate and draft legislation, and so to deal with the government, and they capacitated us to strengthen our auxiliary role”* (National Society). In addition to soft skills, however, there is also strong emphasis on more technical skills, such as disaster law content.

Training is a key vehicle of DLP capacity-building and, depending on content, often includes a broad range of participants, including high-ranking government officials, academics, and other DRM agencies. A parallel training agenda is the opportunity this provides for participants to meet and network. Handbooks and methodologies are designed to be adaptable to the specific context, and, where possible, to be used for training purposes on other themes. Academic institutions that have partnered or collaborated with the DLP (see also *Academia* below) have conducted training using DLP approaches and checklists.

“Our Centre is very practitioner oriented, but we need to take the Geneva side and bring it to those working on an operational level [...] I go in nervously with the use of “law”, so I pose it in terms of challenges they are facing, and then bring it in. They go nuts! They had no idea of its relevance to what they do!” (academic institution)

Exchanges have proven to be a highly popular and effective means of capacity-building, learning and dissemination, and have contributed to the creation of informal networks in which participants can continue to share technical and other knowledge, and practical experiences. These have occurred at the national, regional, cross-regional, and international levels, and have been described as “eye-opening”. The advantage of such exchanges resides not only in information-sharing, and development of interpersonal contacts, but also that official and other protocols are reduced when participants are “out of country”, allowing for freer, more open discussion.

Highly enthusiastic feedback was received concerning a November 2019 exchange between groups from the Caribbean and West Africa, which stimulated discussion of the possibility of future collaboration, and paves the way for other cross-regional events. Examples of intra-regional events have included events in the Association of Southeast Asian Nations (ASEAN) in Bangkok, and a highly fruitful and appreciated exchange between agencies in Bangladesh and Nepal. Training events have also occurred for EU institutions.

Peer-to-peer exchanges have proven particularly valuable, with one IFRC representative stating that *“peer to peer support is one of the most powerful tools we have, and we don’t use it enough”*; this is therefore an area where an increased focus should be considered. Countries that have more advanced disaster law frameworks demonstrated real pride in sharing their practices; is therefore considered that there could be significant benefit in partnering countries with differing levels of capacity, as a form of “mentoring”.

5.2.1.5 Awareness-raising and Dissemination

i. External Awareness and Dissemination

The DLP **invests considerable effort in disseminating and raising awareness** of their own tools, of the support they are able to provide, and of disaster law issues in general. There are numerous publications available on the IFRC website, the Programme has started to create accessible factsheets, and there are plans to transform existing reports into practical “two-pagers”. The IFRC Policy and Diplomacy Unit in Geneva has actively supported efforts to disseminate awareness of disaster law, and routinely includes these issues in their diplomatic and external speaking points.

As indicated above, case-studies are considered to be vital learning tools, but it is observed that the Programme does not systematically promote its own operational success stories. It is suggested that such examples should be identified, and incorporated into existing or specially-developed communications, and learning tools.

Workshops have provided their own opportunities for awareness-raising, given the breadth of participant groups. Replication of training as described above has also increased awareness of disaster law within governments, out into the local level, and towards other interest groups. Larger conferences have provided a vehicle for awareness-raising and dissemination, and also convey **high visibility to the IFRC, the DLP, and National Societies**. As one example, Societies have been able to include disaster law issues at the meetings of senior law officials within the Commonwealth, where Member States are specifically encouraged to work with the IFRC on disaster law issues. Reports prepared in the context of individual national projects are generally published online. Legislative reform efforts also provide powerful opportunities for dissemination and awareness-raising, since *“the moment you have a bill going through Parliament, this then involves the entire population”* (NS).

Other publications and research have been prepared in partnership with external institutions, notably academia. This has included the first volume of the *Yearbook of International Disaster Law* (Vol. I 2018, with Vol. II currently underway) that was prepared with the support of the DLP, and which has helped ensure **global high-level reach regarding disaster law issues**.

The DLP has provided a **significant contribution to National Societies' awareness of disaster law**: it is routinely placed on the agenda of National Society conferences, and stakeholders describe a growing knowledge base amongst National Societies, in particular through such peer-to-peer events.

“I have the impression that the level of comfort is very good now, much stronger, there is less anxiety about these issues”. (IFRC)

At the national level, it was felt that further support could be provided as follows:

- The production of short videos with government senior officials, elaborating on the advances in disaster law in their respective countries; and
- Ensuring that FedNet and other internal and external media platforms are updated so that National Societies have access to the latest disaster law documentation.

ii. Internal Awareness and Dissemination

The Programme is acutely aware that it still faces **challenges in awareness-raising and marketing of its own services, in particular within the IFRC itself**, and in large part due to the nature of disaster law itself.

Disaster law as an evolving discipline has experienced considerable difficulty gaining traction and acceptance, both within the IFRC Headquarters, and more generally within the DRM community. It is perceived as being esoteric, complex, requiring specialised legal knowledge, and removed from operational concerns. By way of contrast, such reticence and nervousness are not generally observed relative to IHL, which has been gradually mainstreamed in humanitarian approaches over the decades.

That said, once such awareness is raised, and stakeholders (including IFRC staff) understand the value of disaster law and hence the DLP to their own work, it becomes the subject of unwavering, even fervent, support. The key to engendering this support appears to be **ensuring that disaster law is not perceived as stand-alone, but marketed as a cross-cutting concern**, relevant to all DRM themes and operations.

For the most part, the DLP has responded appropriately to this challenge, and has expanded its focus from primarily legislative change, towards greater engagement with governments and National Societies, and an increased emphasis on support to advocacy; however, **disaster law still remains a difficult product to sell**.

For many of the inherent reasons outlined above, **internal awareness-raising also remains problematic**. While the Programme is working proactively to achieve buy-in from governments, this does not appear to be occurring in a systematic and strategic manner in-house, to ensure that understanding of the operationality of disaster law is mainstreamed. Internal awareness constraints prevent, to some extent, the Programme from achieving its fullest potential, at both the policy and operational level.

“There is a perception at HQ level that disaster law is better understood amongst external actors than internally [...] It is hard to keep on everyone's radar” (IFRC interlocutor)

Hence, disaster law – and consequently the DLP – **struggle with their own existential “branding”**; several interlocutors suggested that even the word ‘law’ itself created difficulties. Countering such

perceptions therefore remains highly challenging. However, this is by no means impossible, and would **require the development of an internal advocacy and communication strategy**, and associated action plan. This could be developed in collaboration with the Communications Department at IFRC Headquarters, in order to drive understanding throughout the IFRC, both horizontally and vertically, including towards the highest levels of management. This issue is also relevant to the positioning of the DLP within the IFRC organigramme, as discussed at 5.2.2.1 below.

5.2.1.6 General Approaches

i. Rapid deployment in response to disasters

Stakeholders pointed to the enormous potential for **significant contributions that could be provided by rapid deployment in response to disaster situations**, along with operational teams, in order to provide critical hands-on support when most needed. As one DLP interlocutor stated *"it would be good to be in the capital in real time, looking at these issues, and not later"*.

Mozambique is a notable example where, in the wake of Tropical Cyclone Idai (March 2019), the DLP team was able to provide expert advice to operational teams to facilitate in a matter of hours the provision of customs exemption letters, and thus considerably accelerate the importation of relief. A further success story was in Nepal, in the wake of the 2015 earthquake, when the DLP provided support to the country team, advocating customs clearances, and importing shelter materials tax-free for three months, and which was considered to have been *"a success for the humanitarian community as a whole"* (IFRC).

The fuller engagement of DLP expertise and knowledge in IFRC disaster or crisis response operations, including the rapid deployment of DLP personnel in response to these situations, would provide significant added value to the work of operational teams and would reinforce the relevance and sustainability of the DLP programme.

It is observed that the DLP has been involved in the development of the new IFRC SURGE framework, and an IDRL profile was created. It is considered that support is required to develop a pool of IDRL experts, to support the existing framework **and provide a de facto "rapid response facility"**, with associated training, protocols, technical support and resourcing.

ii. Working with civil society

Working with civil society has been an important component of the DLP's approach in many of its interventions, and in all regions. Workshops have generally included civil society, who are thereby given an opportunity to work directly alongside government officials and international agencies. This in turn has the effect of **legitimising their role as key actors in disaster-related issues**, which is particularly important in contexts where their role has become politicised. Awareness-raising of civil society allows for greater resonance through their own existing networks, often across multiple sectors, and facilitates the inclusion of key cross-cutting issues in discussions, and thereby into disaster law frameworks (*see also 5.2.5 below*).

Stakeholders were generally of the view, however, that civil society engagement in the Programme could be strengthened, with their more routine inclusion in events and initiatives at the national, regional and international levels.

iii. Working with leadership

Stakeholders have stressed the **importance and effectiveness of working directly with the leadership** of National Societies, disaster agencies, and governmental authorities, to ensure ownership of disaster law initiatives. For example, the DLP worked directly with the National Emergency Management Agency (NEMA) in Mongolia, with the head of NEMA visiting external workshops to learn from other agencies and national societies. These are approaches that should be maintained and prioritised.

iv. Leveraging academia

Academic institutions enjoy high status and credibility in most parts of the world. They provide a focus on rigorous research and the pursuit of excellence, which are essential for developing and driving sound policy. Many academic institutions working on disaster law also have an increasingly operational focus, concerned with researching not only law and policy, but also their practical implementation, the identification and amplification of best practices, and the development of related tools. They are also a driving force in the development of disaster law as a separate and distinct legal discipline.

Furthermore, they are **generally perceived as neutral actors**, which means that their research and policy advice is effectively “de-politicised”, thereby facilitating legislative and policy reform, in particular in more fraught contexts, where civil society – including Red Cross and Red Crescent Societies – does not always benefit from governmental trust. Such neutrality is also compatible with, and helps foster and support of, the Movement’s own fundamental principles. For example, an academic institution in Nepal was engaged by the government to advise on international disaster law and IHL; this has provided considerable leverage to the activities of the DLP. Stakeholders were unequivocal about the **added value of DLP engaging, and ideally partnering, with academic institutions**. The DLP should therefore continue and where possible leverage support and partnership with academic institutions, in particular those with a focus on the operationalisation of disaster law.

5.2.1.7 General Challenges

i. Implementation Gap

Whilst the contribution to the development of disaster law and policy framework at the country level has been significant and unequivocal, there still remain **significant challenges regarding its implementation**, with one IFRC interlocutor stating that “*the application of laws in practice is a real challenge for National Societies, because the political context is often quite complex. National Societies have joined forces with civil society organisations on certain issues, so this provides a variety of approaches*”. This however can bring its own challenges in such contexts, since such partnerships in turn “*sometimes create nervousness*” on the part of governments.

Lags in implementation are often the result of a lack of political will (*see Political Will below*), or general resource constraints, and highlight the need for governments to invest in planning and budgeting for implementation, and ensuring the prioritisation of implementation.

Such difficulties are to some extent already addressed through leveraging of the existing Red Cross Red Crescent volunteer network, and by directly engaging with National Societies. DLP management agree that “[*they*] can go much further there, since it makes more sense to invest at the local level”.

Here, the DLP should be focusing on **more strategic efforts at the very earliest stages of their interventions**, in particular relative to the development of policy, laws and regulations, to ensure that there exists firm commitment from governments regarding prioritisation and allocation of resources for their subsequent implementation. Without suggesting that DLP should impose conditionalities *per se*, it is felt by some IFRC interlocutors that that it is nevertheless important “*to stress to [authorities] that if you don’t implement, we are not going to help*”. Early political economy analysis, as described above, can also help highlight the degree of political will in this regard, and where entry points and allies can be found.

A further significant challenge regarding implementation is, however, providing support to governments relative to implementation over the mid- to long-term; clearly the DLP is unable to provide this level of support, which should logically fall to National Societies. The knowledge and expertise required for this is however often lacking, and hence additional tools and capacity-building activities (in particular relative to advocacy), relating specifically to implementation issues, are required.

ii. Addressing Political Will

Despite generally robust support of disaster law in most countries, addressing disaster management in a proactive manner in certain contexts **touches upon a range of highly sensitive political issues**, including sovereignty, international cooperation, even national identity. In addition, it risks highlighting general government weaknesses and lack of accountability, and exacerbating existing internal political and social tensions.

Political will – at the local, regional and international level – therefore represents a significant **challenge to the effectiveness, and ultimately the sustainability, of the DLP’s work**. In certain contexts, even National Societies can be perceived by authorities as heavily politicised. Here again, however, the IFRC’s principles of independence, impartiality and neutrality are its greatest ally, with the DLP’s international, external status and technical inputs far more readily accepted by authorities and institutions, which in turn helps improve relationships with National Societies. The DLP’s support to advocacy, as described above, and its significant cooperation and coordination efforts, as described at length below, also have an essential role in ensuring enabling environments for disaster law and policy reform. This should also be

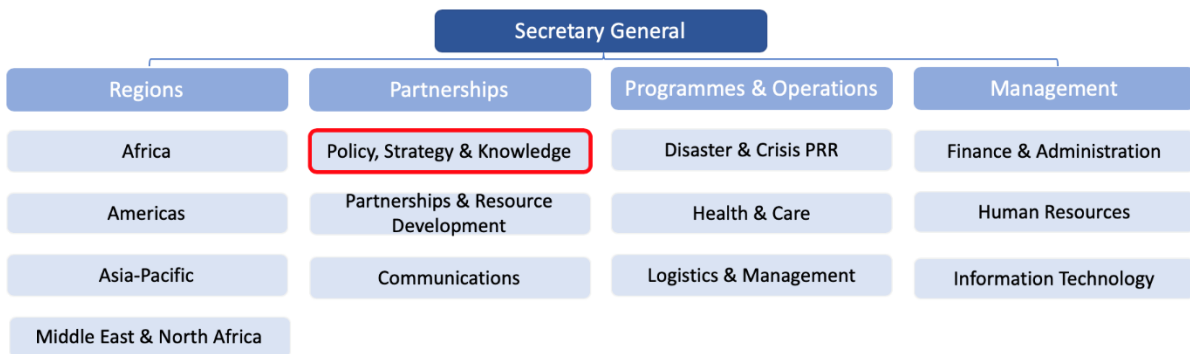
complemented by IFRC and the Programme's other broader efforts, including humanitarian diplomacy, and engagement with international partners, including the United Nations and Member States.

5.2.2 To what extent are the DLP management and operational structure conducive to its overall operational effectiveness?

5.2.2.1 Structural Placement of the DLP

As indicated at 5.2.1.7 above, a general challenge arises from perceptions and understanding of disaster law, and hence of the role of the DLP, including within the IFRC itself, in particular relative to its cross-cutting role, which is far from being a "niche" or esoteric concern. This has considerable impacts on the **positioning of the Programme within the IFRC, and the full implementation of the strong prioritisation that has been accorded to disaster law in successive resolutions of the International Conference**, as evidenced at 5.1.1 above. Numerous IFRC interlocutors highlighted that this is problematic even at the highest level, and results in difficulties "*getting senior management to better see the Programme as the success it is*".

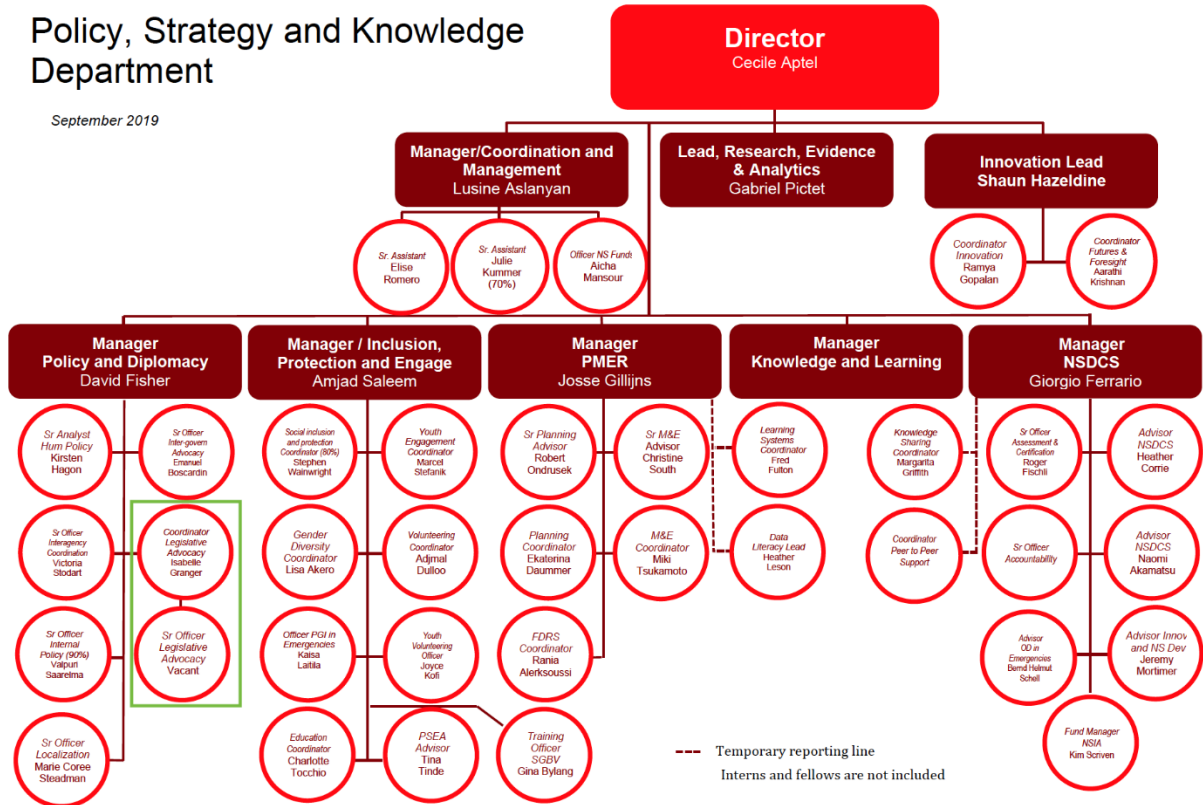
Certain interlocutors consider that the **hierarchical positioning of the Programme within the IFRC may contribute to these difficulties**. DLP central management is stationed at IFRC Headquarters in Geneva, and is situated within the Policy, Strategy and Knowledge (PSK) Department, as indicated in red in the general IFRC organigramme below:



The PSK Department is itself structured as follows, with the DLP indicated in green:

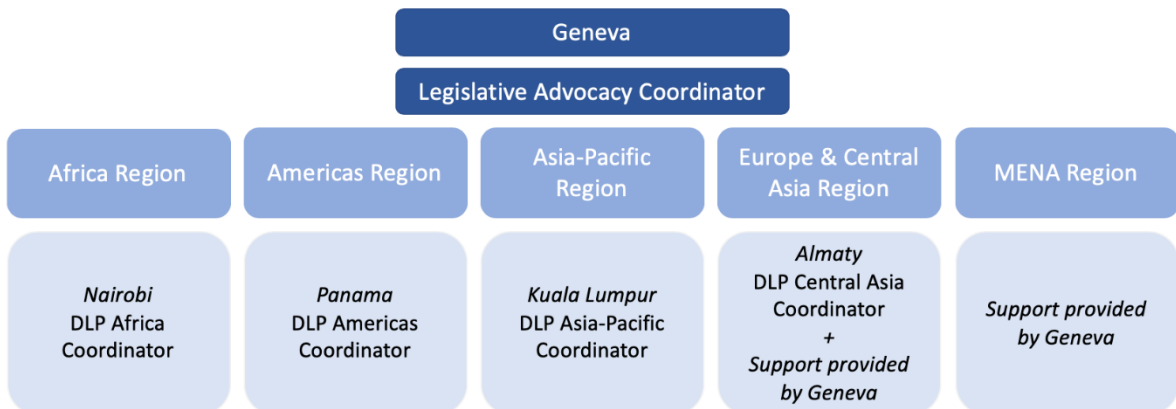
Policy, Strategy and Knowledge Department

September 2019



Four DLP regional offices exist, in Nairobi (African Region), Kuala Lumpur (Asia-Pacific region), Panama City (Americas) and Almaty (Central Asian region). These are in large part responsible (although not exclusively) for the operationalisation of the Programme at the regional and country level, and – in strong contrast to Geneva, where the DLP is embedded within the Partnerships division – are generally placed within the Disaster and Crisis Unit of each regional office.

The overall DLP structure is therefore as follows:



IFRC interlocutors report that “in the regions, people there understand the added value [of the Programme], but in Geneva they don’t understand the impact”. There is a concern that the **existing management hierarchy “buries” the Programme within the Headquarters structure**, and keeps it firmly within a purely policy perspective, with some IFRC interlocutors considering that it would be best-placed within the Operations division: “It is operational, we implement, we develop content”. There is also a concern that its current positioning within the IFRC structure makes it somehow less attractive to donors, who are more likely to understand and respond to the DLP more ‘understandable’ operational aspect (see also *Financial Sustainability* below).

A central challenge of the DLP is therefore not only bridging these divides in perception, but also structuring the Programme in a manner that consolidates and optimises its policy and operational roles.

Two potential approaches to improve this structure were examined by the Evaluators, as follows:

Creation of a separate Disaster Law department or other structure: Some IFRC interlocutors have floated the idea of creating a **separate disaster law department**. This is not unreasonable in principle, given that, while still in its relative genesis when compared with international humanitarian law, disaster law is itself emerging as a separate body of international law. By way of comparison, the ICRC has an entire legal division devoted to International Humanitarian Law (IHL), operating at the same hierarchical level as their protection, assistance and humanitarian diplomacy divisions; this amply demonstrates the cross-cutting emphasis placed on IHL by the organisation.

However, this would still present difficulties: whilst it may bring greater credibility and visibility to the Programme and disaster law itself, it is highly unlikely that disaster law would be placed in a separate hierarchical pillar on par with other IFRC departments – at least not at this point in time.

Placement of DLP within the Operations division: Given that the creation of a separate disaster law department is unlikely, **separation from the Partnerships division** could represent a one option, however the Programme would then still need to “fit” within one of the existing core departments, which would not in and of itself bridge the policy-operations divide. There is also considered to be an additional risk that, even within the Operations division, the DLP would not be seen as “operational enough”.

It is the Evaluators' firm view that the current structure of DLP within the Partnerships division at the Headquarters level clearly leads to a reduction in its visibility, which in turn prevents the full capitalisation of its contributions as outlined above.

However, bearing in mind the possibilities that are described above, and their clear limitations, the Evaluators consider on balance that the **DLP should remain within the PSK of the Partnerships division**. If disaster law is to continue being developed – as it likely will, as indicated at *Sustainability* below – and if the DLP is to maintain its global position as its primary champion, it is **essential that it continues to maintain its strategy, policy and political profile**, and foster quality relationships on the international stage.

Furthermore, it is considered that this placement will also ensure that cross-cutting issues, relative to protection, gender and human rights, which require additional support as discussed further below, are further mainstreamed, not only in the DLP's own direct work but also across into the broader policy, strategy and operational levels.

At the same time, increased efforts should be made – not just by DLP but also by upper IFRC management – to **substantially increase understanding and visibility within IFRC of its operational role** and particularly at the Headquarters level (*see also 5.2.1.7 above*). In addition, **IFRC leadership should directly support DLP's efforts to nurture and develop links with the various operational departments** at the Geneva level. Furthermore, DLP should continue to work with the Partnerships and Resource Mobilization and Communications department, to **consolidate and mainstream messaging regarding the disaster law policy-operations nexus** (*this is also relevant to Financial Sustainability below*).

5.2.2.2 National and Regional Presence

As indicated at 5.2.2.1 above, the regional offices shoulder the primary responsibility for driving the Programme through to the national level, and maintaining relationships and momentum with regional mechanisms and initiatives (*this is discussed more fully at 5.2.2.3 below*).

Interlocutors continuously emphasised, however, the **exceptional added value of having disaster law support provided at the sub-regional or national level**, with one Central Asian National Society describing in detail the challenges experienced when such support was not present, but that “*since there has been a disaster law delegate in Almaty, the DLP has become much more active*”.

Specialised regional focal points, and country focal points embedded within National Societies, have made substantial contributions to the development of disaster laws, but their **ongoing support is crucial if implementation of the legal and regulatory framework is to be achieved** (*see 5.2.1.1 above*). One

National Society lamented the departure of their own focal point, which they described as an irreplaceable loss of expertise.

The Programme has also considerably benefited from the **movement of IFRC colleagues working on disaster law-related issues at the regional, operational level, to higher-level coordination and management roles** at Headquarters (*see also 5.2.3.2 below*).

It is observed, however, that national and regional **support is not linked to a structured and consistent framework**, which some interlocutors consider would provide greater consistency and predictability. Given the evident added value of specialised local support, various suggestions have been made to institutionalise these approaches, including the creation of permanent Cluster and sub-regional focal points, however resource constraints would naturally limit their reach. Another suggestion has been the creation of a platform of rostered lawyers, to provide surge support, but again, resource limitations would also result in a limited pool of expertise, and would likely raise unrealistic expectations.

Given the DLP's current resource limitations, there would appear to be no magical solutions. It is considered that a more formalised approach to sub-regional and national focal points is required, which should include, for example, better-defining their roles, and developing local 'champions' to take on these roles, with trouble-shooting being provided at the regional and global level.

5.2.2.3 Programme Management

The **Programme's staff is universally considered to be its greatest asset** (*"they are phenomenal"; "highly committed"; "they are easy to work with"*), and their technical inputs are considered to be *"exceptional"*. They are observed to have worked well as a global team, and evenly across the regions.

The Programme is however **hampered by serious resource constraints**, which, as awareness of the Programme's contributions grows, must nevertheless respond to rapidly increasing demand. In a sense, therefore, **the Programme risks becoming a 'victim of its own success'**. Programme management concedes that it is *"no longer keeping up with demand, there are so many requests for support"*.

A related resource **challenge is the Programme maintaining its thematic focus, and strong expertise base**. As one IFRC interlocutor stated *"they started with IDRL, which is a niche issue. But now, as they move to broader issues, even if they stay niche, they still have to stay up-to-date with all those issues, and need to cultivate internal partnerships across all those themes"*. This therefore presents a qualitative risk, with the DLP having to spread itself ever more thinly, even in purely technical terms.

In addition, it is the Evaluators' firm view that the enormous and increasing demands and expectations of the Programme by National Societies and DLP partners have fallen squarely on DLP staff – they bear the principal burden of delivery, and of maintaining thematic and operational reach, innovation and quality. If the DLP continues to try to meet these demands, this will be **unsustainable, both humanly and operationally**, if there is not a corresponding increase in available human resources. **This would risk their individual health and wellbeing**, which could have concomitant impacts on the accrued expertise and commitment that have already been proven essential for the Programme's success.

Internal coordination is strong, and makes use of various communication protocols and tools, with global coordination calls with the regional hubs on a fortnightly basis, the development of a disaster law mailing-list, and the regular use of "Podio" team software. Programme tools and presentations are routinely standardised *"so that we do not reinvent the wheel"*, and uploaded in their dedicated database, to be adapted to each country context. Each year, Programme staff come together to conduct joint planning, *"which doesn't always happen with other teams"* (IFRC).

Other flows of information elsewhere within the IFRC, however, are reported by IFRC interlocutors to be *"typical to the IFRC. It is very personalised, and there are no channels or mechanisms for exchanging information, except around resolutions and checklists of disaster law for Statutory Meetings"*. While this is undoubtedly correct, there have nevertheless been no observable impacts of these constraints on the Programme's results.

One UN interlocutor observed that *"the high general turnover on the part of the IFRC, has reduced the effectiveness of our relationship"*, however it is accepted that this is in no way a concern relative to the DLP

itself, which reports very low turnover “*because the work is so interesting, and because we work as a global team, with a strong team spirit*”. This provides evidence that the Programme has demonstrated not only an ability to build, consolidate and utilise its own expertise, but also to retain it.

The **DLP reports regularly and comprehensively on its results**, and produces mid-year and other internal reports, and Annual Reports and related brochures, which are broadly distributed, with annual achievements carefully tracked. It also provides detailed reports of individual events. Mapping exercises at the national level produce strong baselines that are used in a strategic manner, for example to influence the drafting of legal documents, and engage with ministries. Reporting however remains somewhat limited to the outcome level, and **does not provide retroactive tracking of impacts, or adequately highlight the Programmes own “success stories”** (see 5.2.2.1 above).

5.2.3 To what extent does the DLP complement, add value to, facilitate coordination or create synergies, both internally and with stakeholder institutions?

The DLP has **powerfully outward-looking reflexes, and is highly alert to opportunities** where it can add value, provide complementarity, or contribute to national, regional or international coordination efforts. It has also demonstrated considerable complementarity and synergy with the strategies and activities of other IFRC departments, both at Headquarters and in the regions.

5.2.3.1 Complementarity with IFRC Initiatives

IFRC interlocutors described strong complementarities and joint efforts with the DLP, across a range of themes. This has included for example working with the migration and displacement unit on HLP issues, which included two technical deployments, one in Indonesia with the housing cluster, and another in Bangladesh, examining riverbank collapse, from a disaster law, advocacy and displacement perspective.

The DLP has also worked on a forthcoming IFRC child protection study, also from a disaster law perspective, contributing case-studies and lessons learnt. Discussions have been held on future partnering in this domain, including with UNICEF, since “*they see disaster law as a gap in their work, and is something they want to work more on*”.

Other fruitful collaborations have been developed relative to health, and water, sanitation and hygiene promotion (WASH), and the IFRC Shelter Cluster has indicated their own need for disaster law advisors. The DLP has provided contributions and comments on studies relative to risk and vulnerability, with support related to climate legislation reportedly providing huge potential for future collaboration (see *also Cross-Cutting issues below*).

5.2.3.2 Complementarity with External Initiatives

The DLP has **developed a number of strategic partnerships, and has contributed to an impressive number of external initiatives**, all of which demonstrate strong elements of complementarity and synergy. One example is DLP support to a June 2019 workshop for legislative drafters and policy makers, held under the auspices of Pacific Islands Forum, with the support of the Commonwealth Secretariat and the British Red Cross. The DLP has also facilitated the creation of strategic alliances, and a closer relationship with regional actors, for example the *Centro de Coordinación para la Prevención de los Desastres Naturales en América Central* (CEPREDENAC) and the *Sistema de Integración Centroamericana* (SICA) in the Americas. The DLP also provides regional actors with support for developing disaster risk management policies and procedures. For example, the DLP provides support each year during the annual update of the regional-level disaster policy in Central America (*Mecanismo Regional de Ayuda Mutua*).

The DLP **intends to work more with UN agencies**, as a result of increased demand. In addition to previous and anticipated work with UNICEF, there has also been engagement with the United Nations Office for Disaster Risk Reduction (UNDRR), which indicated that it highly values the Programme's legal expertise, and has commenced discussion regarding linkages between disaster law and climate change adaptation. The World Food Programme (WFP) has also shown enormous interest, and is seeking to establish a Memorandum of Understanding with the Programme. The DLP collaborated with the United Nations Development Programme (UNDP) in 2015 regarding the further systemisation of disaster law and risk

reduction, however interlocutors consider that there are “*future opportunities [to work with UNDP] that haven't [been] fully exploited*”.

An IFRC staff-member who had worked directly with DLP on HLP legal issues at the regional level, and who is now in Headquarters (see above) working on Inter-agency Coordination within the policy and diplomacy team, has provided considerable parallel leverage for the Programme to engage externally, and increase awareness-raising of disaster law in general, both within the IFRC and towards the external community. This demonstrates the effectiveness of the broader operational engagement the DLP has been able to undertake at the regional level.

5.2.3.3 Engagement with Regional Mechanisms

Engagement has also been strong with regional organisations, which are seen as providing powerful spheres of influence. There are many examples of such engagement. This has included collaboration with ASEAN, which has been strong and sustained; for example, the Programme contributed a legal review to a joint research project with the association, and partnered with them on a call for abstracts.

“At the global level, governments are not working on disaster law, because it is too political. However, regional organisations are increasingly ambitious about their own role” (IFRC interlocutor)

There has also some engagement in dialogue with the African Union, and considerable collaboration with ECOWAS, which has also served to strengthen bilateral cooperation between Member states on disaster law issues. ECOWAS considers however that there is “*a need to go beyond the technical approach, and go to the regional policy level, to have greater buy-in*”. Recent engagement with the African Union has included its presentation of the DLPs work at a recent conference, and is felt that further engagement could occur, for example in the development of an African Union disaster management treaty.

5.2.3.4 Added Value

The Programme has shown significant evidence of added value, and is rapidly establishing itself as **the partner of first choice in the field of disaster law**. Governments and national institutions quickly grasp the added value that the Programme's expertise can bring to their disaster management frameworks, with one disaster management agency stating that: “*they bring a legal and operational perspective that our legal tradition doesn't otherwise bring, and make us look good as an institution*”. National Society representatives are also highly appreciative of the Programme's added value.

“They are sharing existing tools, they are identifying opportunities, they are bringing different actors, they are fostering integration, ownership, dialogue and analysis, none of which we could have achieved alone” (National Society)

5.2.4 What are the coordination mechanisms between agencies relative to DL and related issues? Are they effective?

There exist **no formal coordination mechanisms** relative to disaster law issues, and as IFRC interlocutor indicated “*existing initiatives are ad hoc, and personality driven*”. However, the African Disaster Risk Reduction Working Group meets twice yearly, to which regional actors and the IFRC contribute, and in which disaster law has a natural platform for discussion, and other regional DRR initiatives also provide space for exchange and coordination.

While there is some coordination among agencies, civil society and National Societies at the country level, this is **not structured or systemised**, and in some contexts is seen as ‘erratic’, with duplication often observed. It is felt by some interlocutors that the IFRC can play a facilitating role in contexts where such structures are weak. DLP management indicated that they are planning an inter-agency meeting in early 2020 where such coordination issues will be specifically discussed.

5.2.5 To what extent are cross-cutting issues incorporated in the DLP's design and implementation?

The Programme's **integration of cross-cutting issues, including gender, human rights, the environment and climate change, and 'No One Left Behind' is highly uneven** – while gender and climate change have been mainstreamed into Programme strategies and operations, human rights concerns related to disaster law have lagged considerably behind.

Furthermore, DRR, climate change, and a range of other cross-cutting issues, such as migration, are increasingly becoming a focus for action at the national, regional and international levels, and DLP has a relevant and timely role to engage in the legislative and advocative elements of this shift in approach. It presents an opportunity to bring strength and depth to local governments and international bodies on these issues, and also to strengthen the DLP's role by becoming engaged in these emerging programming trends.

5.2.5.1 Gender

The *IFRC Strategic Framework on Gender and Diversity Issues 2013 – 2020*²⁴ provides direction to IFRC and all National Red Cross and Red Crescent Societies to ensure that all of its actions promote gender equality and respect for diversity, and are non-discriminatory towards people of all ages and backgrounds.

Gender issues have been wholly embraced and strongly mainstreamed within the Programme. The DLP's principal recommendations on gender are contained in the new Checklist on law and disaster preparedness and response. Specific recommendations are also contained in the IDRL Guidelines, which encompass gender representation, and legislative frameworks promote equal representation, and inclusion and participation in all processes. They also contain a set of recommendations concerning sexual and gender-based violence. Gender issues are systematically integrated, consolidated and promoted in recommendations to governments. Programme activities also strive to ensure equal gender representation, with women serving in panels, as part of consultative groups, and within other high-level events.

Engagement in gender-related initiatives is also widespread; for example, with UN Women in many contexts, and with parliamentary committees and civil society organisations that address gender issues at the national level.

The Programme's gender mainstreaming approach has helped bring such issues more strongly into dialogue at the national level, however there remain limits to what the Programme is reasonably able to achieve. One institution noted that *"it remains a challenge to get women involved actively in disaster law processes"*; another stated that while gender was an important part of disaster law discussions, *"the issue is still a bit young. Women are quite active and present on the government side, and other parts where they are not"*.

5.2.5.2 Human Rights

The IFRC does not have a specific policy on human rights, and instead generally states that, as a needs-driven organisation, its **"assessment of needs is informed by rights"**. Human rights do however serve to guide the IFRC more broadly in much of its work.

National Societies are aware of the relevance and importance of integrating rights concerns, with one emphasising that *"knowing these rights allows us to know how to refer appropriately regarding their problems, especially regarding migrants. We don't take a stand, but this gives us information about what the government should provide"*.

Human rights issues are integrated to some extent in DLP's activities and approaches; gender, as described above is a very important example. The Programme has also been working consistently on HLP rights, and child protection and disability issues are also becoming mainstreamed. However, a number of

²⁴

<https://www.ifrc.org/Global/Documents/Secretariat/201412/IFRC%20Strategic%20Framework%20on%20Gender%20and%20Diversity%20Issues-English.pdf>

IFRC interlocutors, and some National Societies and members of academia consider that these activities and approaches should be strengthened.

Some of the **DLP and its partners have undertaken research on rights and disaster law**²⁵; however, there is also increasing understanding of the importance of adopting rights-based approaches to disaster risk reduction and management. One UN agency stated that *“this is an important agenda that can be pursued; there is a lot to be done regarding human rights-based DRR. It is important for the IFRC to see this as important to their programme mandate; for us, we cannot exist as an agency unless we are looking at the root causes of problems”*.

It is the Evaluators' view that the **DLP should open discussions as to how the Programme can address human rights more directly in its work**, including for example the development of a human rights-based approach for the Programme.

5.2.5.3 Climate Change

The IFRC Framework for Climate Action aims to articulate the role of the IFRC and National Societies in the climate change agenda, identify key policy priorities, and guide the IFRC and National Societies on how to integrate climate within their programmes and operations.²⁶ Climate issues are also repeatedly **highlighted in resolutions, publications, communiqués and integrated in its work**, in particular relative to disaster risk reduction and management. The IFRC supports the Red Cross/ Red Crescent Climate Centre in the Netherlands, which aims to help the Movement and its partners reduce the impacts of climate change and extreme-weather events on vulnerable people.

As indicated at 5.1.1 above, the 33rd International Conference adopted Resolution 4 on disaster laws and policies that leave no one behind, which is a measure of the organisation's commitment to these issues.

Climate change and other environmental issues have however **long been prioritised for the DLP**, which has integrated these concerns into its approaches and work, despite this having been an emerging area of law and policy in many areas of the world. The Evaluators observe that the strong interest in disaster law that has been demonstrated in the Asia-Pacific region is being driven in significant part by states most vulnerable to climate-related disasters.

The DLP's engagement with climate and environmental issues has included collaboration with Headquarters units, and specific activities with National Societies and partners. Interlocutors stressed the **numerous opportunities to expand this work further**, with one IFRC representative emphasising that *“there are terrible needs that have been unearthed around these issues, and there is a lot of opportunity to strengthen disaster law with climate elements”*. There are, for example, considerable opportunities to raise awareness, with one National Society stating that *“we use [climate change issues] as a tool to showcase ourselves, and raise awareness of the government, but there is quite a bit of work to be done”*. Another referred to the Risk-Informed Early Action Partnership²⁷, which is partly focused on the climate crisis, which was cited as an example of a potential Programme partnership.

One interlocutor suggested that further opportunities for the IFRC include working with the UNDRR, the Climate Change Collaboratory ('Triple-C'), on national adaptation plans under the Cancun Adaptation Framework, and action plans under the Paris Agreement, *“in order to bring law and policy together in a coherent package, with advice and support to governments. The DLP should be looking for new partnerships around that, rather than looking at climate issues too narrowly”*.

The Evaluators encourage the DLP to continue to seize and build upon such opportunities.

²⁵ See for example: <http://disaster-law.ucc.ie/human-rights-disasters/>

²⁶ <https://www.climatecentre.org/downloads/files/CLIMATE%20FRAMEWORK%20FULL.pdf>

²⁷ <http://www.globalresiliencepartnership.org/wp-content/uploads/2019/09/REAP-two-pager-230819.pdf>

5.2.5.4 No One Left Behind

The *2030 Agenda for Sustainable Development*²⁸, which has been fully endorsed by the IFRC, pledges to 'leave no one behind', meaning that the specific needs of vulnerable countries and persons must be addressed if they are to be able to enjoy sustained and inclusive economic growth and social progress.

While the IFRC has not developed a specific policy regarding this objective, the *IFRC 2018 World Disasters Report*²⁹ focuses exclusively on this issue, identifying five mistakes that can lead to international humanitarian actors inadvertently leaving people behind, and including recommendations to overcome such structural problems.

The DLP has addressed issues of vulnerability, however this has not been in a structured or systematic manner, and results have been on a more indirect basis. For example, support provided to National Societies is often brought down to the village and community-based level, which in turn means that awareness is being brought to vulnerable and remote populations. An opportunity therefore exists for the DLP to address these issues more frontally, in parallel with the human rights issues discussed above, since addressing vulnerability and ensuring participation and inclusiveness are at the core of such approaches.

²⁸ <https://sustainabledevelopment.un.org/post2015/transformingourworld>

²⁹ <https://media.ifrc.org/ifrc/world-disaster-report-2018/>

Building for Success – An Example from the Pacific region

The following factors were observed by the Evaluators as having contributed to the considerable success of the DLP's efforts in the Pacific region, and confirm some of the findings that are presented above. More information is provided in the Fiji Mission Report (Annexe 7).

- There has been **long term, predictable and consistent engagement** on disaster law issues in the Pacific. The Programme was allowed to establish over a long period of time, without excessive pressure to achieve short-term outputs.
- **Regular and stable donor funding** supported this long engagement.
- These enabled **strong partnership development and relationships** to establish at the national and regional level, both within the Movement and externally with governments and other agencies.
 - These strong foundations, contacts and visibility facilitated scale-up in later years in response to increased demand.
 - Earlier investments in training, peer exchanges and workshops were remembered by key people in Government.
- **Flexibility of programme management arrangements** are very important in the region, to adjust to opportunities as they arose. It meant that Programme inputs could be targeted to meet demand across the region. The Programme was highly regarded by Government and other stakeholders for its ability to respond to demand.
 - Allowing the technical assistance to be deployed into response operations helped to demonstrate the value of disaster law work real-time – as well as long term. This role was highly visible in the middle of the response to Tropical Cyclone Pam.
 - Allowing the Programme to adjust or slow down, and adjust to political changes during the election in Fiji.
- **Very highly regarded technical assistance**, initially an international and now localised position.
- The region is highly disaster prone – with 7 of the most at-risk 15 countries in the world located in the Pacific. Governments are increasingly looking to strengthen internal capacity, and are very aware of the **Sendai Framework and Paris Agreement**.
- Disaster Management is an increasingly strong focus of donor funding and activity, and has a high profile as a policy priority. Within this, **DLP has invested strongly in partnerships** and therefore has a strong donor profile.
- There is **strong regional Pacific political and technical governance architecture** that supports the sharing of policy and knowledge – this has helped experience from one country be shared with others on disaster law work.
- The **regional policy agenda** has moved strongly to embrace climate smart risk reduction – and through the DLP – facilitated by strong Red Cross engagement. This is mutual: strong regional engagement has also raised the profile of disaster law.
- The **high profile of the localisation agenda** from the World Humanitarian Summit means that national governments want more autonomy and control in humanitarian response – disaster law is very clear example of doing this.
- Related to the above, national governments felt that they had little control over the coordination of international agencies in the aftermath of Tropical Cyclone Pam, and see **disaster law as a key to coordination issues**. They want to drive change on this issue.
- The Programme **invested strongly in stakeholder engagement**, one-to-ones and regular workshops. They brought in women's groups, disability groups, LGBTQ – which raised the profile of the process – and these stakeholders have become very strong advocates.

5.3 Pillar III – Impact and Sustainability

5.3.1 What has been, or likely to be, the impact of the DLP's work for the IFRC as a whole, and on disaster management, humanitarian and development policy, and on the development of disaster law as a “field” of law?

There is **strong evidence of impacts to which the Disaster Law Programme has undoubtedly contributed**, although many of these are of an indirect or qualitative nature, and thus difficult to measure or confirm. For this reason, impacts have been ascertained anecdotally or by reasonable inference, rather than by quantitative measurement, and many logically flow from the elements of effectiveness already outlined in Pillar II above. The key impacts observed can be grouped generally as follows:

5.3.1.1 Significant changes to disaster policy and the legislative, regulatory and operational framework in many countries and at the sub-regional and regional levels

As indicated at 5.2.1.1 above, the Programme has **contributed to the development or reform of numerous strategies, policies, laws and regulations** at the national, sub-regional and regional levels relative to disaster issues. These have contributed in many cases not only to legislative, structural and administrative impacts in the immediate term, but in the longer term will potentially have dramatic impacts in the aftermath of disaster – possibly saving untold numbers of lives, and allowing for more rapid, effective and lasting recovery.

Furthermore, these contributions have stressed the qualitative aspect of disaster risk reduction and management; as a result, *“the idea of the quality of assistance is something that is now taken much more seriously, and the idea of implementing national regulatory frameworks and being emergency-prepared as a component of risk reduction, is now more common and accepted. This is an impact of the work and its sensitisation. They really have been trailblazers”* (UN agency).

5.3.1.2 Enhanced visibility and reputation of the IFRC

The exceptional quality, commitment, scope and reach of the Programme has made it an important actor in the field of disaster risk reduction and management, and has helped build coherence between policy and delivery at the national levels. It has also contributed significantly to the **IFRC's visibility and reputation at the global, regional and national level**, amongst a broad range of stakeholders, and to some degree the general public.

It has also contributed to a vision of the IFRC that goes beyond its generally-perceived role as a ‘first responder’, but as also contributing to prevention, providing sustained, complex, technical inputs at multiple levels, and interacting in a proactive manner.

5.3.1.3 Enhanced auxiliary role and credibility of National Societies

As a result of these contributions, and of capacity-building and other support, **National Societies in many countries have seen their auxiliary status and role strengthened, and their credibility and visibility improved**. This in turn will likely produce significant secondary impacts, by facilitating their work on disaster-related concerns, and also more generally in other areas of their mandate.

This has been achieved not only through specific contributions or inputs, but by the sustained commitment shown by the Programme, often over many years, which has helped to build the trust, awareness and motivation that are necessary prerequisites for change.

These changes have allowed National Societies – and other actors – to develop their own momentum and confidence, in order to move forward, including into other areas.

“This was really a great opportunity, and gave us a springboard into the next steps” (National Society)

5.3.1.4 Contribution to the development of disaster law as a distinct discipline

Disaster law is a relatively embryonic field of international and national law, unlike IHL which has been evolving under the auspices of the ICRC and the international humanitarian community for over 150 years. Whilst there is increasing interest in this field by UN agencies, including the International Law Commission and also more “operational” branches, and academia, **the IFRC, and more precisely the DLP, has established itself – in a little more than a decade – as its primary incubator, custodian and advocate.**

Importantly, the development of disaster law has also occurred within the IFRC: as described earlier at 5.2.1.7, far from being automatically and universally understood in-house, the discipline has needed time to take root, precisely since its precepts, approach and applicability have needed to be anchored in learning and doing.

One academic institution pointed out, however, that there is a risk that “*disaster law can become its own silo, so the big question is how it integrates other fields*”, that is, into other sectors, laws, and processes. In this respect, the DLP has understood that the key to understanding and appropriation of disaster law resides in emphasising its cross-cutting and multisectoral nature, its operational relevance, and how it ‘fits’ within a specific country context.

5.3.2 To what extent are the DLP's results/ impact to date sustainable?

For the purposes of the current evaluation, sustainability has been divided into the sustainability of the Programme's results, and the Programme's own financial sustainability.

5.3.2.1 Sustainability of Programme Results

In general terms, the sustainability of the Programme's results is linked to the overall challenges outlined at 5.2.1.7 above. The Programme has achieved **considerable momentum in certain contexts and regions**, which should support the sustainability of the results, **however this is highly variable**. For example, in Asia, National Societies, national institutions and regional initiatives are generally stable and well resourced, with strong capacity at the management level, whereas the African region experiences greater resource and capacity constraints.

Sustainability was consistently raised as a concern at the national level, with one National Society stating that “*this is the absolute question – a need, a challenge, a signature issue*”. Interlocutors suggested that strategic support from DLP would be welcome in this regard, in particular through fostering greater buy-in from National Society leadership.

i) Disaster Law Frameworks

Sustainability of disaster law frameworks is strongly linked to the institutional and political challenges and ‘implementation gaps’ referred to at 5.2.1.7. Even where legislative and policy frameworks are strengthened, **strong commitment of all relevant actors is required**, not only for implementation, but also to ensure that these frameworks themselves are retained and maintained. As one IFRC representative stated “*a lot of countries are not respecting the law. There is still a lot of work after the law has been put in place*”. A UN agency also noted that “*in the first five years, a country can sort out their problems of customs, importation, and arrival, and then we stay away from it. But we have to continue to remain relevant. These regions are very diverse, often with very small countries, and context matters*”.

While a country's strategies, policies, laws and regulations can in theory be reversed or amended at any time, in general there are usually powerful political and other disincentives to do so. **The DLP's contributions in this regard have been highly appreciated** by governments, institutions, National Societies, civil society and other relevant actors, and have been attained through generally consultative and inclusive processes, as described in Pillar II above. This degree of ownership is a strong indicator that these results will enjoy considerable sustainability in the mid- to long-term.

Processes and procedures introduced at the country level have shown strong sustainability, and also help mitigate institutional and political volatility; as one IFRC representative stated “*even if people change, the procedures will remain*”.

Furthermore, the **contributions in one country has had 'inspiring effects' in others**, particular within the same region, as models of not only what can be achieved in the technical and structural sense, but how these processes bring stakeholders together in a collaborative effort. In this sense, support to disaster law frameworks has had natural cross-jurisdictional multiplier effects, and supports the findings above relative to the effectiveness of peer-to-peer approaches and similar exchanges.

ii) National Societies' Auxiliary Role

The sustainability of the contributions to National Societies' auxiliary role is **highly variable**, and again dependent on a range of complex factors on the ground. Some contexts experience high levels of volatility – of governments and institutions, and even within National Societies themselves.

However, an **important factor of stability that has been highlighted is the Red Cross volunteer base**. The Evaluators observed that volunteers have been very active in supporting the DLP efforts at the country level, and in many cases have been providing expert legal and other services for many years, even while the National Society leadership has shifted around them. This commitment, accumulation of expertise and relationships, and institutional memory means that any gains in the Societies' auxiliary role, credibility and visibility are highly likely to be captured, consolidated and further leveraged.

iii) Advocacy, Tools & Learning

Advocacy can generally be considered as providing a strategic means to a specific result. However, as observed at 5.2.1.3 above, the DLP's support to advocacy efforts and the development of capacities in this regard has resulted in the **development of skill-sets for National Societies and other actors**, which can not only be used in ongoing efforts to push for implementation of disaster law frameworks, but which are also already being adapted and applied in other areas of disaster-related work.

The **training modules, guidelines, model laws and multiple other tools** developed by the DLP have also shown strong sustainability. Modules have been designed to be highly adaptable and replicable, and have been used by National Societies and other actors in their own internal training. As one National Society stated *"if the DLP support stopped, at least we have training modules, which we can offer to our Chapters if need be"*. The Guidelines and model laws are adapted and applied in each country of operation, and are capable of being updated and refined, and hence demonstrate considerable inherent sustainability and replicability.

The sustainability of the **results of training and other capacity-building itself is however highly uneven**, and is linked to general challenges arising at the national level, including resource constraints, and high levels of turnover within ministries, institutions, and organisations.

"We haven't seen that the capacity is there with National Societies without the continual engagement of the disaster law team". (IFRC interlocutor)

This underscores the need for – and effectiveness of – the long-term commitment that the DLP has been providing to date, and planning for a sustainable future.

iv) Disaster Law as an Emerging Discipline

As indicated at 5.2.1.4, there is **strong momentum in the development of disaster law** as a field in its own right, which is supported by a groundswell of highly credible academic, United Nations and other institutions. **The DLP is an essential actor in this important and truly historic process.**

It is uncertain whether this development will inevitably continue, whether the momentum already created would survive the disappearance of any one of these champions. The Evaluators consider that, in the current dynamic, not only would the development of disaster law continue, but also that, as indicated at 5.1.2 above, the relevance of disaster law will (unfortunately) only increase, as the world is forced to confront the emerging challenges of climate change.

"The contribution to disaster law itself will be the lasting legacy of the Programme" (Academic)

5.3.2.2 Financial Sustainability

The Programme's financial sustainability is **linked to some extent to the issues relative to awareness of the operability of disaster law and of the Programme's own achievements**, as described at 5.2.1.7 above, since these are critical to donors' interest and long-term commitment.

It has been observed that, once donors have experienced a 'eureka moment' – where the cross-cutting nature of disaster law becomes evident – support has been generous and sustained. The Swiss government has shown strong interest in disaster law since 2012, and provided considerable direct funding, however this funding has been provided un-earmarked to IFRC since 2017 and is no longer provided to the DLP itself.

More recently, the German government (via BMZ) has committed 815,000 euros for the current year, and 4,5 million euros over the following three years.

The Evaluators accept that this is entirely in line with the principles of The Grand Bargain³⁰, which commits donors and aid organisations to providing more un-earmarked money, and increased multi-year funding, to ensure greater predictability and continuity in disaster response, among other commitments.

However, they are also of the view that this allocation demonstrates an **alarming discrepancy between the high value accorded to the Programme's contributions by donors and National Societies, and the significantly lower value and prioritisation that appears to be accorded by the IFRC itself** – and this despite the clear priority and mandate given to supporting disaster law in successive International Conference resolutions, as described at 5.1.1 above.

The Norwegian Red Cross and Swedish government have also shown interest, but expressed concerns regarding measurable impact, whereas, as indicated above, such impacts are for the most part indirect, qualitative, and anchored in exceptionally long timeframes. The Swedish government also indicated that their priority is 'saving lives'. This further demonstrates that ensuring the Programme's financial sustainability is inextricably linked to the communication and raising awareness of the Programme's legal-operational nexus, and the subtle forms of impact that can be reasonably expected.

Programme management is confident however that "*sometimes it is enough that one donor is interested*", since support can have its own multiplier effect, and build confidence amongst the donor community. Interlocutors gave examples of where funding could be sought from outside the traditional donor pool, for example increased engagement with private foundations, or leveraging the interest that has been shown by e-commerce actors and the private sector.

6 Conclusions

6.1 Strategic Effectiveness

The DLP is fully coherent with IFRC mandate, policies and strategies, and has been embedded as a priority concern for more than fifteen years. During this time, disaster law has emerged as an important cross-cutting issue, which is highly relevant to all of IFRC's policies and operations, and responds to real needs and expectations.

6.2 Operational Effectiveness

The DLP has shown high levels of expertise and a strong commitment to excellence, and its staff is considered to be its greatest asset. It has provided extensive support to the development of national disaster law frameworks; advocacy and practical tools; the auxiliary status and capacity-building of National Societies; and awareness-raising of disaster law. It is outward-looking in its approach and has shown strong complementarity and synergy with other initiatives and operations.

Working with civil society and academia are an important component of the DLP's approach, and while authorities' political will represents a significant challenge, support to advocacy has played a key role in

³⁰ <https://interagencystandingcommittee.org/grand-bargain-hosted-iasc/>

addressing this. Dedicated disaster law support through focal points at the sub-regional or national level provides exceptional added value. DLP has been integrating DRR, gender, human rights, climate change, and a range of cross-cutting issues, and strong interest in these areas presents the DLP with emerging opportunities to engage in related legislative, advocacy and programming initiatives.

However, some challenges have been observed. The DLP does not adequately promote its own success stories, and its integration of cross-cutting issues is highly uneven. The creation of a DLP rapid deployment facility to respond to disaster situations would also provide significant added value.

Disaster law has difficulty gaining traction and acceptance, including within the IFRC, however once awareness is raised, it is strongly supported. While the DLP has responded to this challenge, difficulties persist, and the development of an advocacy and communication strategy would help raise internal and external awareness.

In addition, the lack of IFRC awareness of disaster law and the DLP's contributions, and the placement of the Programme in the IFRC structure, 'buries' the Programme at the Headquarters level. In addition, the Programme itself is under threat as a result of inadequate funding to respond to existing and increasing demands. The DLP needs IFRC leadership to provide significantly greater financial support and recognition of its achievements.

6.3 Impact and Sustainability

There is strong evidence of the Programme's contribution to impacts, including disaster law frameworks, the visibility and reputation of the IFRC, the auxiliary role and credibility of National Societies and the development of disaster law as a distinct discipline. High levels of ownership by National Societies and authorities, and the stable support of National Society staff, volunteers and the DLP team will help ensure sustainability. Dissemination and advocacy are also strong determining factors in assuring sustainability. Processes, procedures, capacities and tools have shown strong sustainability, and are being applied to other disaster-related issues, but the sustainability of capacity-building is uneven.

The DLP is an essential actor in the development of disaster law as a separate discipline, and this will represent the Programme's most lasting legacy. However, allocation of funds to the Programme does not correspond to the interest shown by donors, nor the mandate and priority accorded to it by successive IFRC resolutions.

7 Recommendations

7.1 Strategic Effectiveness

Recommendation 1: Increase of Engagement in Europe

<i>Main responsibility: DLP Headquarters, in collaboration with IFRC Headquarters (Partnerships and Operations), IFRC Regional Office for Europe (Budapest), Red Cross EU Office in Brussels, National Societies</i>	Priority³¹: 3
--	---------------------------------

The DLP should increase its engagement in Europe, working in close collaboration with the IFRC European Regional Office in Budapest, the Red Cross EU Office in Brussels, and National Societies, particularly those in Central and Eastern Europe, and focusing on strengthening countries' own domestic disaster law framework.

³¹ Priority: 1 = high, 5 = low

7.2 Operational Effectiveness

Recommendation 2: Development of a communication strategy

<i>Main responsibility: DLP Headquarters, IFRC Communications Dept. Headquarters, in collaboration with IFRC Headquarters (Partnerships and Operations)</i>	Priority: 1
The DLP should develop an internal advocacy and communication strategy, in collaboration with the IFRC Communications Department, in order to increase internal understanding, including that of IFRC upper management, of disaster law and the DLP's work.	

Recommendation 3: Strengthen approaches to human rights and other cross-cutting issues

<i>Main responsibility: DLP Headquarters, in collaboration with IFRC Headquarters (DSK)</i>	Priority: 3
The DLP should consider opening discussions as to how the Programme can address human rights more directly in its work, including for example the development of a human rights-based approach for the Programme. The DLP should also strengthen its role in legislative and advocacy engagement relative to DRR, climate change and other cross-cutting areas, such as migration.	

Recommendation 4: Increased support to specific Programme areas and approaches

<i>Main responsibility: DLP Headquarters, in collaboration with DLP Regional Offices</i>	Priority: below
The DLP should increase support to the following specific Programme areas:	
Continue working with academia, and where possible leverage support and partnership with institutions, in particular those with an operational focus.	Priority: 2
Support the development of disaster law regulations, to complement support already provided to disaster laws themselves.	Priority: 3
Develop additional tools and capacity-building activities relating specifically to implementation issues, in particular relative to advocacy.	Priority: 3
Increase follow-up support on the use of tools, and develop simplified versions of some tools, in order to make them more user-friendly and sustainable.	Priority: 3
Prioritise peer-to-peer exchanges, and partnering countries with differing levels of capacity as a form of "mentoring".	Priority: 3
Strengthen civil society engagement in the Programme, with a more routine inclusion in events and initiatives at the national, regional and international levels.	Priority: 3
Ensure routine political economy analysis of the local context, in particular, to identify institutional and political entry-points and obstacles, and the degree of political will of governments to enact and support the implementation of disaster law frameworks.	Priority: 3
Assist with the structuring and systemising of National Societies' engagement with authorities and advocating authorities at the local level.	Priority: 4
Help strengthen coordination at the national level in contexts where such structures are weak. The forthcoming inter-agency meeting presents an opportunity to identify appropriate responses.	Priority: 4
Develop a more structured approach to sub-regional and national focal points, which should include, for example, better-defining their roles, and developing local 'champions' to take on these roles, with trouble-shooting being provided at the regional and global level.	Priority: 4

Recommendation 5: Identification, tracking and dissemination of success stories and impacts

<i>Main responsibility: DLP Headquarters, in collaboration with DLP Regional Offices and IFRC Communications Dept.</i>	Priority: 2
Success stories should be identified, and incorporated into communication efforts, learning tools and resource mobilisation. Support could also be provided by the production of short videos. FedNet and other internal and external platforms, including social media, should be regularly updated so that National Societies and the general public can have access to the latest disaster law information.	
The DLP should undertake more assiduous tracking of its impacts, and feed this into more strategic results-oriented reporting, communication and resource mobilisation.	

Recommendation 6: Establishment of a Rapid Response Facility

<i>Main responsibility: DLP Headquarters, in collaboration with DLP Regions, IFRC Headquarters (DSK & Operations), and IFRC Headquarters and Regions (Operations)</i>	Priority: 1
The DLP should engage proactively with the disaster response teams at Headquarters and in the Regions to build engagement with operations from the outset. This could include strengthening rapid response capacity and associated protocols, technical support and resourcing, in close coordination with the existing global surge system, in order to become involved in disaster and crisis response operations at the earliest opportunity.	


7.3 Impact and Sustainability

Recommendation 7: Increased IFRC support of the DLP

<i>Main responsibility: Senior Management, IFRC Headquarters, in collaboration with DLP Headquarters</i>	Priority: 1
IFRC leadership should provide significantly greater institutional recognition of the DLP's contributions, in particular, to nurture and develop links with the various operational departments at the Geneva level.	
IFRC leadership should urgently revise its allocation of funding to the DLP, in order to support the fulfilment of its mandate, in line with established IFRC priorities.	
Increased efforts should be made to source DLP funding from outside the traditional donor pool, including, for example, the private sector.	

- Annexe 1 – Terms of Reference

www.ifrc.org
Saving lives, changing minds.

 International Federation
of Red Cross and Red Crescent Societies

Terms of Reference (TOR) for: "Evaluation of the IFRC's Disaster Law Programme"



1. Summary




- **Purpose:** The purpose of this evaluation is to evaluate the progress, effectiveness and efficiency of the International Federation of Red Cross and Red Crescent Societies' (IFRC) Disaster Law Programme (DLP).
- **Audience:** The intended audiences are: (1) current DLP management; (2) senior management of the IFRC secretariat in Geneva and the regional offices; (3) National Societies interested in the programme, (4) governments involved in a legislative review process supported by the DLP, and (5) past and future donors to the DLP.
- **Commissioners:** This evaluation is being commissioned by the IFRC DLP
- **Evaluator:** A consultant with experience in programme evaluation will be engaged to lead the evaluation, supported by 1 or 2 team members from the Red Cross and Red Crescent Movement. All members of the team will currently not be involved and/or have managed any aspects of the DLP programme.
- **Reports to:** The evaluators will report to the Evaluation Management Team.
- **Duration:** Up to 30 days.
- **Timeframe:** The consultant's work will take place from September to November 2019.
- **Methodology summary:** The methodology will include: (1) review of background documents, (2) face-to-face stakeholder interviews in three countries to be selected, (3) stakeholder interviews via telephone. See 5. Evaluation Methodology for further information.
- **Location:** Home based with travel to Geneva (3 days) and selected countries (4 days estimated in each selected location as per division of labour amongst team members).

2. Background

The IFRC's Disaster Law Programme assists National Red Cross and Red Crescent Societies to support their authorities in developing and applying disaster-related legislation, policies and procedures in accordance with international standards, in order to make communities safer, to ensure timely and effective humanitarian relief, and to improve the protection of the most vulnerable when faced with crisis.

IFRC's DLP operates on an international mandate provided by all state parties to the Geneva Conventions, providing technical advice based on over fifteen years of global research and consultations. By harnessing their unique auxiliary role, National Societies working with the IFRC's DLP have successfully strengthened new disaster laws and policies in [37 countries](#) since 2007. Its main themes include:

	<p>Domestic Preparedness and Response (New!): Integrated legal frameworks for DRM that adequately address domestic preparedness and response, such as institutional and procedural arrangements, disaster risk financing, as well as planned approaches to regulatory issues in post-disaster shelter, and disaster-related human mobility.</p>
	<p>Disasters and climate laws that leave no one behind (New!): Support to governments in strengthening their legal and policy frameworks for disaster risk management to ensure they are gender and diversity responsive, protective and inclusive, and reflect international standards.</p>

	<p>Law and Disaster Risk Reduction: Modern legal frameworks that have integrated disaster risk reduction and climate change adaptation into disaster risk management and sectoral laws and policies, in line with key international and regional commitments.</p>
	<p>Legal Preparedness for International Disaster Assistance ('IDRL'): Procedures for international disaster relief that put domestic authorities in the driver's seat, reduce barriers, costs and quality problems, and uphold humanitarian principles.</p>
	<p>Auxiliary Role: Recognizing the critical role of National Societies, as auxiliaries to their public authorities in the humanitarian field with a unique community outreach, to ensure community voices and engagement with national level policy development and planning processes.</p>

The basis for the technical advice of the IFRC programme on disaster law to date is based on the review of the literature and on regional and global evidence-based research and consultations, together with comparative analysis of the legislation in place in various countries. Primary guidance and tools developed by the IFRC in the area of disaster law include :

- A new *Checklist on Law and Disaster Preparedness and Response*¹.
- The *Checklist on Law and Disaster Risk Reduction*, and its accompanying Handbook.²
- The *Guidelines for the domestic facilitation and regulation of international disaster assistance and initial recovery assistance* (known as the "IDRL Guidelines"), and its accompanying Model Act, Model Decree and Checklist.³
- Recommendations on *Effective Law and Policy on Gender Equality and Protection from Sexual and Gender-Based Violence in Disasters*⁴.
- Recommendations on *Minimum Elements for Community-Based Land Mapping Approaches in Post Disaster Contexts* and *Rapid Tenure Assessment Guidelines for Post-Disaster Response Planning*⁵.

Likewise, with the adoption of the Sendai Framework for DRR in 2015, and in view of the entry into force of the Paris Agreement in 2020, the IFRC's Disaster Law Programme has received an increasing number of requests from States⁶ to provide recommendations to facilitate integration between wider governance arrangements in legal frameworks, e.g. the National Adaptation Plan (NAP) processes of the Paris Agreement and the risk reduction strategy process of the Sendai Framework (Target E). As such, in 2018, IFRC has embarked into a global research project to develop non-binding guidance for law and policy-makers in order to ensure the strengthening of laws and policies include applicable climate-smart DRM provisions, including in existing sectoral laws.

The major areas of activities of the IFRC's DLP are (1) building disaster law capacity, (2) strengthening domestic law and policy, (3) fostering partnerships and advocacy at the regional and global levels, and (4) pursuing high-quality research that informs legislative advocacy.

1 The new Checklist will be presented at the International Conference of the Red Cross and Red Crescent (the 'International Conference') in December 2019 for validation by states parties to the GVA Conventions and RCRC components.

2 IFRC, UNDP, [Checklist on Law and Disaster Risk Reduction](#) (Geneva, New York: IFRC, UNDP, 2014); and IFRC, UNDP, [Handbook on Law and Disaster Risk Reduction](#) (Geneva, New York: IFRC, UNDP, 2014).

3 IFRC, [Introduction to the Guidelines for domestic facilitation and regulation of international disaster and initial recovery assistance](#), ('the IDRL Guidelines'), (Geneva: IFRC, 2007, rev. 2011).

4 http://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2017/10/Gender-SGBV-Report_Global-report.pdf

5 http://www.ifrc.org/Global/Documents/Secretariat/Shelter/Rapid-Tenure-Assessment-Guidelines_EN.pdf and http://www.ifrc.org/Global/Documents/Secretariat/Shelter/1301400_Community%20Land%20Mapping_En_LR.PDF

6 These calls were voiced in two regional conferences held on the theme 'Legislating for Climate Smart Disaster Risk Management' in the Pacific and in Latin America respectively which took place in 2018. The events brought together National Societies, as well as government representatives from national disaster management agencies and regional inter-governmental organizations.

3. Evaluation Objectives and Scope

Objectives

The evaluation seeks to: understand the prevailing perceptions of DLP's key stakeholders on its past performance and relevance, assess the relevance of the new areas of work of the IFRC DLP for Governments and National Societies, and provide recommendations to improve the overall impact of the DLP in the future. The evaluation findings and recommendations will help inform future strategic thinking about the DLP by the IFRC and National Societies, and as well as future operational planning by DLP staff.

Scope

The evaluation will gather representative stakeholder views concerning the following areas of DLP's work:

- Capacity building for National Societies and key partners in disaster law, including
 - Views of participants in past training workshops about their quality and impact;
- Country-level technical assistance and dissemination on the DLP recommendations, including
 - National Society and partner views about impact at the country level to date; and
 - Specific attention to technical assistance projects in the following proposed three countries (Honduras, Malawi and Fiji).
- Advocacy at regional and global forums, including
 - Views of relevant stakeholders about the quality and impact of IFRC's advocacy initiatives.
- Research and other products, including
 - Views of relevant stakeholders about the quality of past research products (e.g. Desk Study, Model Decree), the relevance of current research topics (e.g., disaster preparedness and response legislation, integrating CCA and DRR in laws and policies), and any new research areas the DLP should address.
- Overall impact and value added, including
 - Views of stakeholders on DLP's impact on humanitarian policy and relief operations; and
 - Views of National Societies about the degree to which the DLP adds value to the Movement.

Furthermore, the evaluation will serve as a follow-up evaluation to the one which took place in 2013, and recommendations should be provided in regard to process since the last evaluation.

As appropriate to the various topics above, responses may be accepted with regard to the full time period of the DLP, from its inception in 2001 to the present, but it is presumed that most responses will concern recent work over the last five years.

4. Evaluation Questions

The evaluation will examine the following general questions. It is understood that not every question will be addressed with each stakeholder interviewed.

1. Strategic effectiveness

- Do stakeholders feel that they receive the support they expect from the IFRC DLP programme according to its international mandate?
- Are the DLP's programme goals supported by National Societies and external partners (including relevant humanitarian agencies)?
- How do stakeholders feel that the DLP might improve its strategic effectiveness in the future?

2. Operational effectiveness

- How effective do stakeholders feel the DLP's methodology for country-based technical assistance has been?
 - In particular, for designated sample countries:
 - Has the DLP-supported project influenced DL law or policy?
 - Has the DLP-supported project changed the level of awareness on DL issues?
 - How has the DLP-supported project affected the National Society's relationship with its Government?
 - How has the DLP-supported project influenced the National Society's auxiliary role?
- How effective do stakeholders feel the DLP has been in its advocacy with regional and global forums (such as UN meetings, regional organizations and conferences)?
- How effective do participants feel that the DLP's training workshops, methodologies, dissemination products, tools, and online learning have been?
- How effective do stakeholders feel that the DLP has been in disseminating information about disaster law?
- How effective do National Societies feel the DLP has been in supporting them to build their own knowledge and capacity to advocate on disaster law issues? Are there ways in which it might be more responsive to their needs?
- How do stakeholders feel that the DLP improve its operational effectiveness in the future?

3. Overall impact

- What impact do stakeholders see from the DLP's work on disaster management, and humanitarian and development policy to date?
- What impact do stakeholders see from the DLP's work with regard to the development of disaster law as "fields" of law, to date?
- How do stakeholders feel that the DLP might improve its overall impact in the future?

5. Evaluation Methodology

The evaluation will be carried out by an external consultant with support from its team members. These evaluators will be asked to carry out key stakeholder interviews in different assigned field locations, and undertake a certain number of telephone interviews using a list of standard guiding questions as previously agreed.

The methodology of the study will consist of the following:

- Review of background DLP documents (including plans, reports, products, dissemination material, etc.)
- Key stakeholder interviews of IFRC, NS and Government stakeholders involved in DLP projects in selected locations.
- Targeted (telephone) interviews of at least 45 stakeholders of the IFRC, NS, and governments involved in the DLP projects in additional countries (targets to be mutually determined by DLP and the consultant).

6. Deliverables

The consultant will be expected to produce the following deliverables:

- A 2-3 page **inception report** consistent with these terms of reference detailing scheduling and major activities, including as an annex, interview guide and proposed outline/questions for the targeted interviews.

- A **draft report** (approximately 20-25 page) in English summarizing findings and recommendations from the document reviews and interviews, structured so as to answer the questions in the three aspects of the DLP's work identified in section 4 above. The report will include an executive summary with key recommendations and, as annexes (not included in the page count above): (1) a list of documents reviewed, (2) a list of persons interviewed, including name, title, organization and contact information, (3) interview guide, (4) interview questions and any other document determined to be relevant to the report.
- A **final report** (approximately 20 to 25) pages in English with the same contents and structure as the draft report (but including changes/corrections as requested by the IFRC).

7. Expected Consultancy Timeline

Consultants' Activities	Due dates	Deliverables
Desk review	Mid September	Desk review
Develop inception report	End September	Inception report
Data collection	Beg to Mid October	KIIs, Telephone Interviews,
Findings workshops at the end of each field visit	Mid to End October	Findings workshop
Draft report with annexes	Beg November	Draft report
Final report with annexes	Mid November	Final report
Virtual conference with key DLP stakeholders on the final report	End November	Final global presentation

8. Evaluation Quality & Ethical Standards

The consultant should take all reasonable steps to ensure that the evaluation is designed and conducted to respect and protect the rights and welfare of all persons involved, and to ensure that the evaluation is technically accurate, reliable, and legitimate, conducted in a transparent and impartial manner, and contributes to organizational learning and accountability. Therefore, the evaluation team should adhere to the evaluation standards and specific, applicable process outlined in the [IFRC Framework for Evaluation](#). The **IFRC Evaluation Standards** are:

1. **Utility:** Evaluations must be useful and used.
2. **Feasibility:** Evaluations must be realistic, diplomatic, and managed in a sensible, cost effective manner.
3. **Ethics & Legality:** Evaluations must be conducted in an ethical and legal manner, with particular regard for the welfare of those involved in and affected by the evaluation.
4. **Impartiality & Independence:** Evaluations should be impartial, providing a comprehensive and unbiased assessment that takes into account the views of all stakeholders.
5. **Transparency:** Evaluation activities should reflect an attitude of openness and transparency.
6. **Accuracy:** Evaluations should be technical accurate, providing sufficient information about the data collection, analysis, and interpretation methods so that its worth or merit can be determined.
7. **Participation:** Stakeholders should be consulted and meaningfully involved in the evaluation process when feasible and appropriate.
8. **Collaboration:** Collaboration between key operating partners in the evaluation process improves the legitimacy and utility of the evaluation.

It is also expected that the evaluation will respect the seven **Fundamental Principles of the Red Cross and Red Crescent**: 1) humanity, 2) impartiality, 3) neutrality, 4) independence, 5) voluntary service, 6) unity, and 7) universality. Further information can be obtained about these principles at:

www.ifrc.org/what/values/principles/index.asp

9. Qualifications

Team Leader qualifications

Required:

- Masters and or higher degree in a field of study relevant to humanitarian relief, development and disaster management.
- Demonstrated experience planning and implementing project evaluations in the development or humanitarian policy context.
- Strong analytical skills and ability to clearly synthesize and present findings, as well as draw practical conclusions.
- Minimum of 10 years in humanitarian or development work
- Good understanding of the International Red Cross and Red Crescent Movement.
- Excellent written and spoken English skills required

Preferred:

- Legal education
- Experienced in evaluating the performance of advocacy programmes of International Organizations
- Good understanding of current developments in law and humanitarian affairs
- Good understanding of global and regional organizations active in disaster management
- Fluency in Spanish and/or French

Team member qualifications

Required:

- University degree in a field of study relevant to humanitarian relief, development and disaster management.
- At least 5 years experience in monitoring and evaluation of projects in the development or humanitarian context.
- Good communication skills and experience in carrying out telephone and/or face to face interviews.
- Strong analytical skills and familiarity with data analysis software.
- Good understanding of the International Red Cross and Red Crescent Movement.

Preferred:

- Good understanding of current developments in humanitarian affairs
- Good understanding of global and regional organizations active in disaster management
- Past experience working in disaster law.
- Fluency in Spanish and/or French.
- Based in Asia or the Americas.

www.ifrc.org
Saving lives, changing minds.

 International Federation
of Red Cross and Red Crescent Societies

10. Team Leader Application Procedures

Interested candidates should submit their application material **by Wednesday, 4 September 2019 Geneva time** to: disaster.law@ifrc.org. Please include **Team Leader Application for the Evaluation of IFRC's Disaster Law Programme** in the subject heading.

Application materials should include:

Curricula Vitae (CV) for all members of the team applying for consideration.

1. **Cover letter** clearly summarizing your experience as it pertains to this assignment, your daily rate in CHF, and three professional references.
2. One example of an **evaluation report** the candidate has prepared in the past.

Application material is non-returnable, and we thank you in advance for understanding that only short-listed candidates will be contacted for the next step in the application process.

- Annexe 2 – Evaluation Framework

Evaluation Questions	Judgement criteria	Evaluation tools/ methods/ sources
Pillar 1: Strategic Effectiveness		
1.1 To what extent is the DLP coherent with the overall mandate, strategic direction and other programmes of the IFRC?	<ul style="list-style-type: none"> ● DLP is aligned with IFRC objectives and strategy, relative to existing institutional documentation and as perceived by key stakeholders. ● DLP is aligned with other IFRC programmes and activities, relative to existing institutional documentation and as perceived by key stakeholders. ● DLP is aligned with the mandate given by the International Conference to the IFRC 	<ul style="list-style-type: none"> ● Documentary analysis, in particular review of Resolutions of the International Conference, relevant IFRC strategy and planning documents, and internal and external reports. ● Interviews with key informants, in particular IFRC personnel
1.2 To what extent is the DLP coherent with other initiatives relative to disaster law, and related issues?	<ul style="list-style-type: none"> ● DLP is coherent with the policies, strategies, and interventions of other agencies and donors working on or supporting disaster law, and related issues including DRM, DRR, CCA and SD. 	<ul style="list-style-type: none"> ● Documentary analysis. ● Interviews with key informants, in particular IFRC personnel, donors, and international, regional and national agencies.
1.3 To what extent does the DLP respond to real needs and expectations at the institutional, regional and national level?	<ul style="list-style-type: none"> ● DLP interventions are generally aligned and relevant to regional and national contexts and institutions, as perceived by key stakeholders. ● DLP interventions respond to institutional, regional and national needs, as perceived by key stakeholders. ● DLP interventions respond to institutional, regional and national expectations, as perceived by key stakeholders. ● Stakeholders consider that they were adequately consulted and involved in DLP design. ● Stakeholders consider that their inputs were adequately incorporated in DLP programming and interventions. ● NS and external partners are aware of DLP goals. ● NS and external partners support and intend to continue 	<ul style="list-style-type: none"> ● Analysis of DLP and partner documentation. ● Interviews with key informants, in particular IFRC personnel, NS, partner institutions, and direct beneficiaries of DLP support.

	supporting those goals.	
1.4 How can DLP improve its strategic effectiveness in future?	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • All key informants.
Pillar 2: Operational Effectiveness		
2.1 How effective have the DLP's interventions and support been?	<ul style="list-style-type: none"> • The DLP's has contributed to: <ul style="list-style-type: none"> - Influencing DL or policy; - Increasing levels of awareness of DL issues; - Improving NS relationships with Governments; - Enhancing NS' auxiliary role ; - Enhancing coordination and advocacy with regional and global forums; - Capacity building through training workshops, methodologies, dissemination products, tools, and online learning; - Disseminating information about DL; - Building NS knowledge and capacity to advocate on DL issues, as perceived by key stakeholders. 	<ul style="list-style-type: none"> • Analysis of DLP and partner documentation • Interviews with key informants, in particular IFRC operational personnel, NS, partner institutions, and direct beneficiaries
2.2 To what extent are the DLP management and operational structure conducive to its overall operational effectiveness?	<ul style="list-style-type: none"> • DLP management and operational structure contribute to the programme's operational effectiveness, as perceived by key stakeholders, and in particular relative to: <ul style="list-style-type: none"> - Hierarchical placement of DLP at Secretariat and regional level; - Appropriateness and effectiveness of overall management and governance; - Quality of regional and in-country management; - Appropriateness of staffing; - Existence and implementation of M&E strategy; 	<ul style="list-style-type: none"> • Analysis of DLP documentation • Interviews with key informants, in particular IFRC personnel and NS

	<ul style="list-style-type: none"> - Overall quality of programme management. 	
2.3 To what extent does the DLP complement, add value to, facilitate coordination or create synergies, both internally and with stakeholder institutions?	<ul style="list-style-type: none"> • DLP complements, adds value to, facilitates coordination, and creates synergies with and between other IFRC thematic programmes and operations. • DLP complements, adds value to and creates synergies with other agencies or initiatives working on DL and related issues. 	<ul style="list-style-type: none"> • Analysis of IFRC and other agencies' documentation • Interviews with key informants, in particular IFRC personnel and other agencies working on DL and related issues
2.4 What are the coordination mechanisms between agencies relative to DL and related issues? Are they effective?	<ul style="list-style-type: none"> • Coordination mechanisms relative to DL and related issues are identified. • Such mechanisms are making an effective contribution to DL and related issues. 	<ul style="list-style-type: none"> • Interviews with key informants, in particular IFRC personnel and other agencies working on DL and related issues
2.5 To what extent are cross-cutting issues incorporated in the DLP's design and implementation?	<ul style="list-style-type: none"> • Cross-cutting issues (gender, human rights, diversity, no person left behind, environment & climate change...) were directly incorporated in the DLP's design • Cross-cutting issues are being directly addressed in the implementation of the DLP. 	<ul style="list-style-type: none"> • Analysis of DLP documentation • Interviews with key informants, in line with their specific involvement in the programme.
2.6 How can the DLP improve its operational effectiveness in future?	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • All key informants.
Pillar 3: Impact & Sustainability		
3.1 What has been, or likely to be, the impact of the DLP's work for the IFRC as a whole, and on disaster management, and humanitarian and development policy, and on the development of disaster law as a "field" of law?	<ul style="list-style-type: none"> • DLP has had/ is likely to have quantitative and qualitative impacts on: <ul style="list-style-type: none"> - Disaster management; - humanitarian and development policy; and - The development of disaster law as a "field" of law, as perceived by stakeholders. 	<ul style="list-style-type: none"> • Analysis of DLP documentation • Interviews with key informants, in line with their specific involvement in the programme.
3.2 To what extent are the DLP's results/ impact to date sustainable?	<ul style="list-style-type: none"> • DLP's results and impacts are, or are likely to be, sustainable, as perceived by stakeholders. 	<ul style="list-style-type: none"> • Analysis of DLP documentation • Interviews with key informants, in line with their specific involvement in the programme.
3.3 How can the DLP improve its impact and sustainability in future?	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • All key informants.

- Annexe 3 – Interview Guide

Evaluation Questions	Guidance Notes
1. Strategic effectiveness	
Describe briefly your role , and your involvement with the DLP.	All KII
In your view, to what extent is the DLP coherent with the overall mandate, strategic direction and other programmes of the IFRC?	To assess internal relevance & strategic effectiveness. This will be mostly answered by the TL through an in-depth analysis of IFRC documentation, and KII in Geneva.
To what extent is the DLP coherent with other initiatives relative to disaster law, and related issues including DRM, DRR, CCA and Development DRM, CCA, or SD?	To assess relevance & strategic effectiveness relative to other initiatives. This will be mostly answered by the TL through an in-depth analysis of documentation relative to other initiatives, and KII in Geneva, and with donors and other agencies, but certain interlocutors in the field may well wish to comment on these points.
Do you think the DLP is responding to real needs and expectations at the international, regional and national level?	To assess relevance and strategic effectiveness “on the ground”
To what extent have you been consulted/ involved in DLP design & activities ? To what extent do you consider that other agencies/ services have been consulted/ involved in DLP design?	This is to establish what steps have been taken to ensure strategic relevance and buy-in – internally and with other agencies/ stakeholders
To what extent do you feel that the DLP’s programme goals are supported by National Societies and external partners (including relevant humanitarian and development agencies)?	This is to determine the degree of buy-in, how they see the relevance/ strategic effectiveness at the national level, with other agencies
How do you feel that the DLP might improve its strategic effectiveness in the future?	This is aimed at moving forward, developing recommendations, etc. It should be routinely asked of all key informants – it can be bundled into a single question towards the end of a discussion.
2. Operational effectiveness	
How effective do you feel the DLP’s methodology for country-based technical assistance has been? <ul style="list-style-type: none"> - Did it influence DL or policy? - Has it changed the level of awareness on DL issues? - Has it affected NS relationships with Governments? - Has it influenced National Societies’ auxiliary role? 	<p>These questions will be focussed on stakeholders with direct knowledge of or involvement with DLP activities.</p> <ul style="list-style-type: none"> - These questions will mainly be answered during the missions, but some Geneva interviewees may have sufficient exposure to the programme to be able to provide inputs. - Prior consideration must be given to the exact involvement of the interlocutors. - The qualitative perceptions of informants will be of considerable importance in the context of this Evaluation.

<p>How effective do you feel the DLP has been in its coordination and advocacy with regional and global forums?</p>	<ul style="list-style-type: none"> - It will be very important to explore in some detail how and where effectiveness relative to each of these elements has been achieved
<p>How effective do you feel the DLP's training workshops, methodologies, dissemination products, tools, and online learning have been?</p>	
<p>How effective do you feel that the DLP has been in disseminating information about disaster law?</p>	
<p>Do you think DLP has built NS knowledge and capacity to advocate on disaster law issues? Are there ways in which it might be more responsive to their needs?</p>	
<p>To what extent are the DLP management and operational structure conducive to its overall operational effectiveness?</p>	<p>This is an important question to ask of those working at the operational level in Geneva, and in the regional offices.</p> <p>Key elements to address are:</p> <ul style="list-style-type: none"> - Hierarchical placement of DLP at Secretariat and regional level; - Appropriateness and effectiveness of overall management and governance; - Quality of regional and in-country management; - Appropriateness of staffing; - Existence and implementation of M&E strategy; - Overall quality of programme management.
<p>IFRC interlocutors: In your view, to what extent does the DLP complement/ add value to, or provide synergies with, or facilitate coordination between your own or other services/ activities?</p>	<p>This is focussed on how the DLP provides complementarity & added value <u>within the IFRC</u>, at the global, regional and national level, since DLP is not a “stand-alone” initiative, but is intended to contribute directly or indirectly to other IFRC operations.</p> <p>There are early indications of challenges relative to the internal visibility/ awareness of the DLP. it would be useful to explore what are the barriers to this, and how they can be overcome.</p>
<p>In your view, to what own does the DLP complement/ add value to/ provide synergies with your institution's programmes or activities, or those of other agencies?</p>	<p>This is focussed on how the DLP provides complementarity & added value etc. relative to <u>other</u> disaster preparedness & response initiatives.</p>
<p>What are the coordination mechanisms between agencies and governments relative to disaster law and related issues including DRM, DRR, CCA and SD? Are they effective?</p>	<p>This is linked to the above question – how is this complementarity achieved & maintained, duplication avoided, etc.</p>
<p>To what extent are cross-cutting issues incorporated in DLP design and</p>	<p>This is a key question for all KII, but will need to be adapted/ rephrased, according to the exact informant. As this appears</p>

implementation? (gender, human rights, diversity, no person left behind, environment & climate change...)	to be an ongoing challenge, it will be important to explore why difficulties arise, and ways that this can be overcome
How do you think the DLP can improve its operational effectiveness in the future?	See the guidance given in Pillar 1 above.
3. Overall impact	
What impact do you see from the DLP's work for the IFRC as a whole, and on disaster management, and humanitarian and development policy to date? Are any future impacts likely?	This is an important global question, intended to establish what has changed, in practical and policy terms (globally, institutionally (including within IFRC), laws, practices, relationships, attitudes, etc.). The "likely" or "potential" impacts should also be raised, according to the informant.
What impact do you see from the DLP's work with regard to the development of disaster law as a "field" of law , to date? Are any future impacts likely?	This is to assess the overall development of disaster law in and of itself.
To what extent do you consider that the results/ impact to date are sustainable ? Why?	This should be focussed at the strategic/ global level – the DLP as a whole – but also at the regional & national level.
How do you feel that the DLP might improve its overall impact and sustainability in the future?	See the guidance given in Pillar 1 above.

- Annexe 4 – Documents Reviewed

Global

- GCA AT Disaster Prevention Concept Note
- REAP Concept
- REAP Revised
- REAP Two-Pager
- PSK Marketing
- PSK Organisational Chart
- IFRC Management
- Budget Analysis Total
- IFRC Plan & Budget 2016 – 2020
- IFRC Strategy 2020
- Development of Strategy 2030
- Evaluation of Disaster Law Programme 2013
- Legislative Advocacy Toolkit – Presentation
- Legislative Advocacy Toolkit –Facilitators' Guide
- Legislative Advocacy Toolkit – List
- Legislative Advocacy Toolkit – Participants
- International Conference – Checklist on Law & DPR
- International Conference – Checklist on Law & DPR: Briefing Paper
- International Conference – Disaster Law Draft Resolution
- International Conference – Disaster Law Draft Resolution: Background Report
- DLP Activity Plan 2020
- DLP – Goals
- DLP 4-Year Plan 2019 – 2022
- Disaster Law in 2019 Brochure
- Disaster Law Global Operational Plan 2018
- Disaster Law Global Operational Plan 2017
- DLP Activity Plan 2019
- Disaster Law in 2018 – Brochure
- Snapshot 2017
- DLP Annual Report 2018
- DLP Annual Report 2017
- DLP Annual Report 2016
- DLP Annual Report 2015
- Snapshot 2018
- Mid-Year Narrative Report 201
- Statistics on Achievements 2015 - 2017
- Crisis – Vulnerable States and Certification
- IFRC M&E Guide 2011
- IFRC Framework for Evaluation

Americas – Regional

- DLP Annual Report
- Workshop Agenda
- Workshop Report
- Auxiliary Role Guide - Americas

Jamaica

- Draft Proposal on DLP
- Meeting Minutes

Honduras

- Project Grant Agreement (and Annexes)
- Summary of DLP Projects with Honduras Red Cross

Guatemala

- Project Grant Agreement (and Annexes)

Malawi

- Operational Guidelines
- IDRL Report
- Inception Report
- Case Studies
- Draft DRM Bill
- Disaster Law Case-Study
- Chronology of Disaster Law Project in Malawi

South Sudan

- Workshop Report
- Strategic Plan MHADM
- South Sudan National DRR Strategy
- Newsletters South Sudan
- Draft DRM Policy
- Chronology of Disaster Law Activities in South Sudan
- Report – Workshop: Building Sustainable Disaster Law Frameworks in South Sudan

Asia Pacific

- Asia-Pacific Disaster Law Snapshot
- Solomon Islands Disaster Law Snapshot
- Vanuatu Disaster Law Snapshot
- RCRC ALCDRR Report 2018
- Vietnam Disaster Law Snapshot
- PIFS Disaster Law Snapshot
- Tonga Disaster Law Snapshot
- Mongolia – Concept Note
- Myanmar IDRL Snapshot
- AMCDRR 2016 Outcome Report Final
- AMCDRR Case-Study – Disaster Law
- Disaster Law in South East Asia – Case-Studies
- Fiji Disaster Law Snapshot
- Indonesia Disaster Law Snapshot
- IDRL Advocacy Brochure
- AEAN 2019 Snapshot
- Know Your Rights in Disaster 3Rs – Vietnam Concept 2017
- Links to ASEAN Disaster Law Platform & Reports
- Legislation for Climate Smart DRM in the Pacific Region
- Pacific Guidelines on International Assistance
- Report - AP Disaster Law Field school 2017
- Strengthening Legal Frameworks for Disasters in the Pacific
- Asia Pacific Disaster Law Reporting Fiji DRM 2016 – 2019
- Asia Pacific Disaster Law Reporting 2018 – 2019 ARC
- Asia Pacific Disaster Law Reporting 2015 – 2016 ARC
- Asia Pacific Disaster Law Reporting 2017 – 2018 ARC
- Asia Pacific Disaster Law Reporting 2014 – 2015 NZRC

- Annexe 5 – Key Informants

Geneva

Cécile Aptel	Director Policy, Strategy and Knowledge Dept, IFRC
David Fisher	Manager Policy and Diplomacy, IFRC
Isabelle Granger	Legislative Advocacy Coordinator, Disaster Law Programme, IFRC
Ela Serdaroglu	Shelter Lead, Global Shelter Cluster Co-Lead, IFRC
Florent DelPinto	Head of Emergency Operations, IFRC
Sylvie Chevalley	Senior Officer, Partnerships and Resource Development Department, IFRC
Victoria Stodard	Senior Officer, Inter-Agency Coordination, Policy, Strategy and Knowledge Department Partnerships, IFRC
Tessa Kelly	Climate Change Coordinator, Disaster and Crisis (Prevention, Response and Recovery) Department, IFRC
Bruno Haghebaert/	Risk and Vulnerability Lead, Disaster and Crisis Prevention, Response and Recovery (DCPRR), IFRC
Juan Galvez	Team Lead, Global Logistics, Procurement and Supply Chain Excellence, IFRC
Giorgio Ferrario	Manager, National Society Development Coordination and Support (NSDCS) unit, IFRC
Bernd Schell	Adviser, NSD, OD in Emergencies
Zeke Simperingham	Team Lead, Migration and Displacement, IFRC

Regional Coordinators

Sophie Teysser	Coordinator for the Americas, Disaster Law and Legislative Advocacy, IFRC
Gabrielle Emery	Coordinator for the Asia Pacific Region, Disaster Law and Legislative Advocacy, IFRC
Maria Martinez	Coordinator for the African Region, Disaster Law and Legislative Advocacy, IFRC

Malawi

McBain L. Kanongodza	Secretary General, MRCS
Prisca Chisala	Director of Programmes & Development, MRCS
Sothini Nyirenda	UNDP
Samuel Gama	Principal Mitigation Officer,

	DoDMA, GoM
Dr Stern Kita	Chief Mitigation Officer, DoDMA, GoM
Kelvin Sentala	DLP Consultant, IFRC / MRCS
Love Kholoviko Ngalande, ,	Chief Road Traffic Officer, Road Traffic Dir, GoM
Rutherford Kanunkha and Robert Nkosi	Chief Aeronaut Telecomm Engineer and Snr Aeronautic Info Officer, Dept of Civil Aviation, GoM

Fiji

Adith Durjoy	Acting Head of Office, IFRC Suva Office
Filipe Nainoca	Outgoing Director General, Fiji Red Cross
Vani Catanasiga	Executive Director, Fiji Counsel of Social Services
Litiana Bainimarama	National Disaster Management Office, Acting Director
Sunia Ratulevu	National Disaster Management Office, Team leader Fiji Review Technical Working Group
Daniell Cowley	Acting Director General, Fiji Red Cross
Teea Tira	Pacific Resilience Partnership Coordinator, Pacific Island Forum Secretariat
Filimon Manoni	PIFS International Legal Advisor, Pacific Island Forum Secretariat
Ann Colhoun	Head of Office, UNOCHA
Luisa Mana	DRR Officer, Fiji Disabled Peoples Federation
Noah Takalevu	Disaster Risk Management Officer, SPC

Honduras

Nolvía Almendarez	Legal Advisor Finance Secretariat of the Republic of Honduras
Nelson Aly Rodríguez	Head of Central America Country Cluster Support Team IFRC
Jono Anzalone	Head of Disaster and Crisis, Prevention, Response, and Recovery, Americas Regional Office IFRC
José Juan Castro	President Honduran Red Cross
Oscar Fernández	Head Legal Advisor Honduran Red Cross
Abner Laitano	Volunteer Legal Advisor Honduran Red Cross
Raúl Matamoros	Secretary General Comisión Permanente de Contingencias (COPECO)

Vladimir Pineda Department of Telecommunications Quality of Service
Comisión Nacional de Telecomunicaciones (CONATEL)

Telephone/ Skype

Wendy Ward	Sr. Advocacy & Policy Program Officer, International Services, American Red Cross
Jean-Pierre Taschereau	Senior Advisor, Emergency Management Conseiller principal, gestion des urgencies, Canadian Red Cross
Don Glauco Quesada	Presidente, Costa Rica Red Cross
Brandon McFarlane	Emergency Services Manager, Jamaican Red Cross
Lily Bowman	Director General, Belize Red Cross
Hugo Cahueñas	Volunteer ERC/Consultant/Law Professor
Kirsten Bookmiller	Professor, Department of Government and Political Affairs and International Studies Program, Project Lead, Thematic Working Groups for Teams and Personnel/Supplies and Equipment North American Humanitarian Response Initiative Center for Disaster Research and Education and American Red Cross
John Lobor	South Sudan Secretary General South Sudan RC
Lotta Paulson	National Society Development Delegate IFRC country office for South Sudan
Papemussa Tall	IFRC Country Coordinator for South Sudan IFRC
Diana Mosquera	Programme Management Officer UNDRR
Alozie Amaechi Godfrey	Humanitarian and Social Affairs Division ECOWAS
Dr. Dug Cubie	Lecturer University College Cork of Ireland, Codification Division
Arnold Pronto	Principal Legal Officer, Office of Legal Affairs, United Nations
Salla Himberg	Head of Unit – International Red Cross EU Office
Nurlan Derbishaliev	Head of Disaster Management Department, Kyrgyzstan Red Crescent Society
Kaisa Laitila	Officer, Protection, Gender and Inclusion, IFRC
Gurvinder Singh	Advisor, Violence Prevention, Principles & Values Department, IFRC
Munguntuya Sharavnyambuu	Head of DM,
Bijay Dahal	Legal Advisor, Nepal Red cross Society

Ana Mariquina	DMS-Preparedness and Response Unit Head, Philippines Red Cross
Necephor Megendi	Head of DCPRR, APRO, IFRC
Juja Kim	Head of Nepal Office, IFRC
Herve Gazeau	Nepal Programme Coordinator, IFRC
Michael Meyer	Head of IHL, British Red Cross
Dr Ram Thapaliya	Head of School, Institute for Crisis Management Studies
Sanny Jegillos	Regional DRM Lead, UNDP
Michael Charles	Head of the IFRC Southern Africa Cluster, IFRC
Sendy VEERABADREN	Head of Delegation Regional Intervention Platform for the Americas and the Caribbean French Red Cross
Alasan Senghore	Secretary General The Gambia Red Cross Society

- Annexe 6 – Country Mission Reports

Malawi Mission Report

Methodology

- Fiona Tarpey, Australian Red Cross and Christine South, IFRC
- 14 – 17 October 2019
- The mission was organised by Maria Martinez, the DLP focal point in the Regional Office, Nairobi and facilitated on the ground by Roster Kufandiko and Cecilia Kayange, from the Programmes Team in the Malawi Red Cross Society (MRCS) and we thank them for their work in organising it.
- The mission was organised at short notice and during a period where there was a public holiday. This meant that the NS was not able to organise a confirmed interview programme according to the original list of KIIs provided.
- This led to limited number of KIIs, mainly from the MRCS and Department for Disaster Management (DoDMA), with only limited contact with other Government Ministries or partner organisations.

Context

Malawi is subject to many disasters ranging from drought to floods and has had issues in the past with the reception of international assistance (reference was made to this in relation to a major disaster response in 2015).

MRCS was selected because it is the only country in Africa to have undergone a full disaster law or IDRL process from beginning to end – from initial consultations in 2013 to the drafting of a DRM Policy, Regulations and draft Bill, which is due to be passed into law in early 2020.

MRCS is auxiliary to the Government of Malawi. It has an important role in disaster preparedness, response and recovery in Malawi, recently responding to Tropical Cyclone Idai, and is increasingly moving towards engagement in wider disaster risk reduction (DRR) and climate change (CC). They also provide community health and first aid in disasters. MRCS has taken a key role in the disaster law process from the outset, with the strong support of the IFRC Regional Office DLP focal point and the global DLP team, including financial, technical and advocacy engagement. The Regional DLP has also participated in regional, Africa-wide meetings (e.g. with the African Union), which has promoted the DLP work in Africa, including in Malawi.

Findings

Pillar 1: Strategic Effectiveness

1.1 To what extent is the DLP coherent with the overall mandate, strategic direction and other programmes of the IFRC?

This was less relevant in the discussions in-country in Malawi, which focused on the IDRL contribution to the wider DLP with the Government of Malawi and the impact this had in-country and on MRCS. However, it was clear that the work on the DR Law had helped position the MRCS and advance its mandate, as it was the only organisation mentioned in the law other than the Government.

1.2 To what extent is the DLP coherent with other initiatives relative to disaster law, and related issues?

The DLP is very coherent with the focus of the Government and other partners on reviewing and updating the legislation in Malawi around disaster response and the coordination of international assistance. The process was “demand driven” by the Government and aims to establish clear roles and responsibilities for all actors, stable coordination mechanisms and a wider focus of disaster risk management, including disaster risk reduction and climate change adaptation. There has been a strong focus within that on IDRL and the acceptance / reception of international assistance by

Government ministries and partners. The draft DR Bill, when finally passed, will hopefully provide a platform for active coordination around disasters and for international assistance.

The IFRC and MRCS has played an important role in this process, contributing technical expertise, funds and international standards / perspective to the in-country process and providing key inputs to the coordination / consultation with Government and other actors and to key points in the process (the drafting of the Policy, Regulations and draft Bill).

1.3 To what extent does the DLP respond to real needs and expectations at the institutional, regional and national level?

As mentioned above, the DLP of the IFRC has provided timely and appropriate support over the course of this process, from 2013 to the present day, through and with the MRCS. At the outset, this was in the form of the provision of technical support (a consultant) and tools (the Model Act etc), which were provided at the outset to support the new draft Policy and to link the MRCS into the process. This timeliness continued with the provision of similar technical and financial support in 2018 for the drafting of the Regulations and the draft Bill for Parliament and has continued to provide support during wider consultations with communities, partners, government ministries and parliamentarians. This has been appreciated by the Government (DoDMA) and has been seen to have stimulated engagement around disaster response coordination.

The DLP has also met the needs and expectations of the MRCS, helping them to strengthen their engagement with Government and other partners and to position themselves as the key national actor in the coordination of disaster response and in future disaster response implementation and funding modalities. It has strengthened their role as auxiliary to their government.

1.4 How can DLP improve its strategic effectiveness in future?

In future, the DLP programme would have to look at ways to support the next phase or roll-out of this programme, which, if the Bill becomes law, will require support for the roll-out and dissemination of the new law across national, regional, local and community levels of government and civil society. This would need more strategic support in the areas of advocacy and resource mobilisation to support implementation of the law's requirements in future responses and to help the promotion of DRR / CC actions, particularly at community level.

Pillar 2: Operational Effectiveness

2.1 How effective have the DLP's interventions and support been?

Overall, the DLP's interventions and support have been effective in Malawi. The support was relevant and timely, being provided at important points in the process, when it was needed. This included the IFRC's initial stakeholder consultation, technical input mainly focused on the provision of tools (e.g the Model Act), workshops and technical advice to meet international and domestic law standards, through to the MRCS's engagement across the whole process and network with communities and domestic disaster response partners. The timely provision of the consultant's input, particularly to include all aspects of IDRL in the Regulations, was highlighted by the Government.

There were comments however, that the process has been very long and resource heavy and now needs to move to practical implementation, which will be challenging and need new type of support.

2.2 To what extent are the DLP management and operational structure conducive to its overall operational effectiveness?

The structure was seen as generally effective, with the support, funds and technical knowledge being appropriately provided by the IFRC Regional Office and Global Team when necessary, and the in-country network, connections and activities managed by the MRCS's management and focal point for the DLP, who had followed the whole process until recently, when he left the NS. It was stated that the RC had helped "streamline" the process, due to their "*global perspective, experience and management*". This, and the quality of the consultants, made it easy for the Government to take on board the recommendations, to improve operational guidance e.g. on taxation. However, there were

questions around how the effectiveness of the contributions are being monitored and much of the feedback was seen to be quite informal and anecdotal.

2.3 To what extent does the DLP complement, add value to, facilitate coordination or create synergies, both internally and with stakeholder institutions?

The DLP process worked for both the Government (the Department of Disaster Management – DoDMA) and MRCS, as well as for other key actors, such as UNDP. It helped DoDMA to be “a more visible coordinator across the Government and other actors” and supported MRCS “*to have a visible and strong role in disaster response*”. One interviewee, who had been involved in other government legal processes, said it was the “*most effective coordination process [he had] experienced*”.

The DLP coordination had also brought together wider government and non-government actors to discuss the disaster response modalities in-country and had created good channels of communication and cooperation between partners, which had not previously been there, including with the UN (UNDP, UN Women), the World Bank, Oxfam and local groups, including those representing women and PLWHIV. Today there is still active coordination meetings to finalize communications around the Bill, brief parliamentarians and advocate for the passing of the draft Bill into law.

2.4 What are the coordination mechanisms between agencies relative to DL and related issues? Are they effective?

Coordination mechanisms have been in place since the initial consultations and stakeholder mapping in 2013 and the setting up of the original task force or working group. Regular coordination meetings have continued at each stage between DoDMA, MRCS, the UN and other actors across the six years of the process, right through to this year's coordination with Parliament in the lead up to discussion and, hopefully, passing of the draft Bill. Overall, the coordination mechanisms were seen as inclusive and effective and it was noted that it was important for coordination that DoDMA sits under the office of the Vice-President of the country. MRCS was seen to have a key role in coordinating “bottom up” engagement with communities. There was also good work to extend consultation to local areas and communities, with the DRM Policy translated into the local language and shared widely.

While coordination mechanisms were generally seen as effective, it was noted they had also been erratic, with different Government Ministries included at different points and at different levels and with some actors, such as UNDP, feeling that coordination and communication was not always fully consistent or inclusive. There was also a sense that the process had gone on too long. The draft Bill was initiated in 2014, but was slow to move, and even with the push of real-time experience of trying to apply some of it in responses in 2015 and 2019, it has still taken a long time to get to a final vote on the draft Bill and to improve coordination across all Government Departments and partners.

2.5 To what extent are cross-cutting issues incorporated in the DLP's design and implementation?

All participants agreed that the work on the draft Bill had gone some way to improving the focus on “DRM thinking in Malawi”, with both DRR and CC stressed in the document. The Government of Malawi approved a DRM Policy in 2015 and this has been included in the draft legislation. This will strengthen focus on resilience and will make DRR and CC an important focus for all partners involved in the process, including MRCS. It will also support the provision of committees and funding to support the coordination of DRR and CC work, from community level upwards. However, interviewees stressed that it would take effort, time, resources and new expertise to turn this focus into effective implementation on the ground.

Regarding cross-cutting issues, such as protection, gender, diversity and inclusion, most of the work had been done late in the process, following a gender research study commissioned by the DLP. There was little inclusion of these areas in the original draft of the Policy or Bill and elements were subsequently added by the consultants into the Operational Guidance. This resulted in consultations with groups, such as the UN Women, the Gender Ministry, the Women's Parliamentary Caucus, and groups living with HIV. However, most interviewees agreed that more needed to be done to truly

include and represent the needs of various under-represented groups and to ensure effective coverage of protection and human rights issues.

2.6 How can the DLP improve its operational effectiveness in future?

As with 1.4, the main comment was the need to focus on effective roll-out and delivery, from community level up to national level, in the future, with MRCS having a key future role around the engagement with grass-roots communities. There is also a need for MRCS to more fully engage in DRR and CC, and one Government representative recommended that the NS "*made a paradigm shift towards investing in climate smart DRM*" to remain relevant and effective in future.

One interviewee also noted that the setting up of IDRL procedures and standards established a more formal framework for dealing with international assistance and against which to measure the performance of the Government and the other actors (including MRCS) and hold them to account.

Pillar 3: Impact & Sustainability

3.1 What has been, or is likely to be, the impact of the DLP's work for the IFRC as a whole, and on disaster management, humanitarian and development policy, and on the development of disaster law as a "field" of law?

There was less information on impact on the IFRC's work, although the Government representatives said that the significant support from the IFRC regional DLP focal point helped to define the roles of the different actors in the process (e.g. the Departments of Revenue and Immigration, whom we did not meet) and to ensure the appropriate legal process and standards were met, particularly for IDRL. There does seem to be relevant learning to be gleaned from this extensive and thorough process in IDRL terms and it may be worth documenting it as a good practice example for Africa to support other NS engaging in a similar process.

The DLP programme has, however, had real impact for MRCS, in terms of raising the NS's profile and position as auxiliary to the Government, its engagement with Government and external actors, its capacities for coordination and resource mobilisation around the DLP engagement, and its commitment to and capacities for DRM and CC engagement (see below).

3.2 To what extent are the DLP's results/ impact to date sustainable?

Most interviewees saw challenges around behaviour change when the Law was passed and said it would take work to ensure that all Government Ministries, MRCS and other actors started to work differently, to coordinate and to focus on DRM / CC priorities across national, regional and local levels. There was a recognition that sustainable change would take time, hard work and sustained resources.

However, there was confidence that engagement around DLP was sustainable for several reasons:

- The new Act will give DoDMA authority to ensure coordination across all levels and, as DoDMA sits in the Office of the Vice-President and the President chairs the National Disaster Committee, it will have strong support for this from leadership. The new Act will be "*the first time that Malawi will have a formal process and clear procedures to call for and deal with international assistance*", which will make it more sustainable.
- Some Government departments are already using elements of the Operational Guidance and draft Bill in their work and DoDMA has already seen improvements in coordination and engagement with international assistance during 2019
- There are already existing Government and MRCS structures on the ground, from local to national levels, which will be able to continue the work to disseminate and roll-out the key elements of the new Law at a practical level.
- DoDMA noted that MRCS's volunteer network is also now in the draft Bill and will be a vital entry point to roll-out and sustain the elements of the new law.
- It is hoped that the Government will set up a fund for DRM and that MRCS will be able to access this.
- MRCS has strengthened its overall position as auxiliary to Government. This was previously not enshrined in national law and now will be, enabling MRCS to be present in DRM structures at all

levels and to strengthen its position in future. MRCS is now seen as “*the partner of choice by government*” in its auxiliary role.

- MRCS has also built capacity in coordination, contact with other actors in country and a commitment to DRR and CC, which will support its future work and is already leading to further potential resource mobilisation (e.g. via Government and the UN).

3.3 How can the DLP improve its impact and sustainability in future?

All were clear that the Bill would eventually be passed into law by the new Parliament and that the next phase will focus strongly on dissemination, roll-out, implementation and advocacy with Government, local actors and communities. The investment in dissemination and advocacy around the key elements of the new law will also have to include an element of monitoring to see how well all actors comply.

There is a strong role here for the MRCS to include the pillars of the new law in its future planning and programming, particularly around DRR and CC and to take a lead in rolling this out at community level. However, any sustainable future will require the investment of further human and financial resources to support coordination and DRM / CC. It is hoped that the Government will set up a fund for DRM investment and that MRCS will be able to benefit from this.

Finally, the Government interviewees felt that there was an opportunity to use Malawi's experience, not just to share within the RCRC network, but also to share with other governments in Southern Africa, through peers in SADDC or the African Union

Good Practice and Lessons Learnt

The process in Malawi is a solid disaster law/IDRL process that has been completed over many years. There are therefore some good practice examples around the use of the appropriate global and regional DLP tools and support at the right time in the process and in the consistent commitment of all the relevant actors to the evolving process and to improving coordination practice and networks in parallel to the legislative work. The sustained commitment of both DoDMA and MRCS to the extended process and to maintaining engagement with multiple actors across all levels, is a good role model for other NSs in Africa – although there would hopefully be the possibility for it to be done more quickly.

The good and timely work done by the IFRC/MRCS-hired consultant(s) and its pick-up by the Government proved to be a positive addition to this process and a model to be replicated in other countries. Also, the positive steps taken by MRCS to clearly carve out their auxiliary role in the new legislation and their use of this to improve their positioning (and potentially resourcing) in-country is also a positive model for other African NSs.

Recommendations

Given the above, it would be useful to draw up a more thorough case study of the MRCS experience across this process and the link to the technical support and inputs from the DLP. It is also important that MRCS continues to work closely with DoDMA and to support the next steps around the dissemination and roll-out of the process once the law has been approved and accesses Government and other funds to support their role at community level in developing a more climate-smart DRM approach on the ground. It would also be worth IFRC supporting a short after-action review as part of the next major disaster response operation to include international assistance, to see how well the new legislation is being implemented by the Government, MRCS and the other UN and NGO actors.

Fiji Mission Report

Methodology

Evaluator: Fiona Tarpey

Mission dates: 28 October 2019 to 1 October 2019
 Mission organisation: Schedule organised by IFRC office in Suva
 Observations: Some limited time and access to respondents, given other large DM related meetings in the region.
 A variety of interlocutors were met from the National Society, government, and regional policy and technical organisations.

Context

Fiji is ranked number 10 out of 172 countries as most at risk to disasters in the 2018 World Risk Index, and extreme weather events regularly impact the country. In 2016, Tropical Cyclone Winston, the strongest cyclone to make landfall in the South Pacific, hit Fiji in 2017. It killed 44 people, and directly impacted 40% of the population. In the wake of TC Winston, the Government of Fiji requested the technical and financial support of the IFRC DLP to review its National Disaster Risk Management Law and National Disaster Risk Management Plan. The intention was to ensure that the new act responded to present and future risks, including the role of climate change. With the strong technical support of the IFRC and National Society, the National Disaster Risk Policy was adopted in December 2019. The draft National Disaster Risk Management Plan and Bill are expected to be submitted through formal government processes in early 2020. This case study focusses on leanings from this highly consultative process together with data collected on broader country level and regional DLP work.

Fiji Red Cross Society (FRCS) is a well-respected organisation nationally, with proven performance, particularly in disaster response and community-based health. It has extensive coverage across the Fijian Islands and is a regular and reliable partner in disaster management to the Fijian Government. Fiji Red Cross is auxiliary to public authorities, and a permanent member of the Disaster Management Taskforce, a role that is being formalised in the new National Disaster Risk Management Act.

Findings

Pillar 1: Strategic Effectiveness

To what extent is the DLP coherent with the overall mandate, strategic direction and other programmes of the IFRC?

Stakeholders both internal and external to the Red Cross movement identified that DLP has been strategically aligned to the broader policy and institutional work of the Fiji Red Cross and IFRC. It has reinforced the role of the National Society and IFRC, whilst also increasing its relevance and visibility. A document review confirmed strong alignment with IFRC Resolutions. The strong alignment between DLP and work on National Society Development (NSD) also reinforced its overall coherence.

To what extent is the DLP coherent with other initiatives relative to disaster law, and related issues?

DLP is very coherent with other national and regional initiatives, and DLP tools are embedded in regional Pacific governance agreements. For example, the 43rd annual meeting of the Pacific Islands Forum Leaders Meeting specifically identified and recommended the use of IDRL guidelines to its member states. More recently, the regional IDRL guidelines were being used to develop draft regional guidelines for International Disaster Assistance and Cooperation in the Pacific, based on commitments made at the Pacific Forum.

DLP is seen as influencing other legal frameworks and initiatives. For example, it held consultations with the Attorney General's office to ensure coherence between the new Disaster Act and a new Climate change Bill. Several stakeholders commented on the contribution of DLP to the localisation agenda in Fiji, recognising that the process has grounded Disaster Management more strongly within national management systems.

To what extent does the DLP respond to real needs and expectations at the institutional, regional and national level?

DLPs technical assistance addressed a critical need. Although Fiji is prone to natural disasters, its Disaster Law Act had not been updated since 1998, with the Government's approach to managing a

response largely based on “informal approaches”. The review of the legislation was undertaken in a highly consultative manner, which brought in perspectives from a wide range of stakeholders, helping to ensure that review and new legislation is fully owned and fit for purpose in Fiji. The review also introduced legal considerations beyond a focus on response to addressing issues around preparedness and DRR.

The focus of the review in bringing in sub national and district level stakeholders and perspectives was highly appreciated, as the more local levels are a key part of Disaster Management in Fiji. This issue was raised frequently by stakeholders – and was identified as a key way to respond to real needs at community level.

Pillar 2: Operational Effectiveness

2.1 How effective have the DLP's interventions and support been?

DLP is recognised as having leveraged IFRC into the climate and DRR policy conversations associated with the implementation of the *Pacific Regional Framework for Resilient Development (FRDP)*. It has increased IFRC credibility and access to the Pacific regional governance dialogues, supporting IFRC to take on a leadership policy role in key regional governance processes, such as the *Pacific Resilient Partnership*. DLP has already moved to support regional training on Climate Smart Risk Governance through these relationships.

DLP has provided timely and well-targeted technical and financial support in Fiji. It has facilitated good cooperation and learning between countries. Earlier advocacy work was effective, and the foundational training was identified as key in promoting the value of Disaster Law. For example, several key informants identified how the IDRL training in Italy and the Disaster Law Field School in Sydney in 2017 influenced the Government of the need for the legislation and the selection of the IFRC as the lead. The quality of training in Fiji was also identified positively:

"The DLP workshop brought in past practitioners and staff of NDMOS – so that we could get institutional memory of how things worked in emergencies. It was not just theoretical knowledge."

The technical advice provided by the DLP adviser based in Suva is highly regarded, as was the participatory manner in which the process brought in a wide range of stakeholders. The methods were appropriate, and standard DLP tools were utilised.

"One of the big things is that Government of Fiji trusted IFRC and its expertise on Disaster Law. It trusted the capacity and technical support. The Government was already aware of i work from other countries and the other templates and guidelines".

The policy work of DLP is also well-aligned with the operational work of the National Societies. Stakeholders noted that DLP has strategically aligned and strengthened the NSD work of Fiji Red Cross. There is strong evidence that DLP has strengthened knowledge and capacity of the Fiji Red Cross, and the National Society is well placed to continue its advocacy on disaster law issues.

2.2 To what extent are the DLP management and operational structure conducive to its overall operational effectiveness?

Relationships between country level and regional level have adjusted over time to meet country level need. Reporting relationships are now more of a matrix management approach between Fiji and the IFRC regional office. This gives the country level more ability to manage according to country context whilst the regional office has oversight. This appears to be working well.

A notable aspect of DLP operations in Fiji has not only been its flexibility, but also that it is embedded in IFRC planning processes. It was clear that the programme is integrated into the broader work of the IFRC and does not sit off to the side. DLP outputs are captured in regular IFRC planning and inform other programme work. It strongly aligns with and reinforces the work on National Society Development by supporting work on governance, National Society constitutional development and advocacy.

At the broader programme level, a key feature was the adaptive nature of the programme. It meant that programme inputs could be adjusted to deal with delays brought about by Government changes

following the election in Fiji in 2018. The ability of the programme to be flexible and respond to change was highlighted by both Government and other stakeholders.

2.3 To what extent does the DLP complement, add value to, facilitate coordination or create synergies, both internally and with stakeholder institutions?

The work of DLP was seen as improving the contact and coordination between National Societies, the Government and IFRC. With the support of the relationships brokered by DLP, Red Cross actors are working constructively with Government on a broader range of issues related to preparedness and DRR. It was evident that there is a high degree of trust between the National Society, IFRC and the Government on DLP and broader DM issues.

2.4 What are the coordination mechanisms between agencies relative to DL and related issues? Are they effective?

In Fiji, a technical working group (TWG) was established to review the Disaster Management Act and Plan. This TWG demonstrated strong partnership between the IFRC, the National Society and Government – and worked collectively in collecting data to inform decisions. The coordination mechanisms worked well, and were able to adapt to delays, such as changes in staffing and structure to the NDMO following the election in 2019.

The NDMO undertook all of the consultations alongside the RC - all face to face consultations as well as broader consultations. This shows very strong commitment and partnership between the Government and Red Cross.

2.5 To what extent are cross-cutting issues incorporated in the DLP's design and implementation?

The dedicated focus on integrating cross-cutting issues into the review of the DRM Act is a striking feature of the DLP in Fiji. Specific consultations were held with local community groups; women's groups; disability organisations; LBQTI representatives and with youth groups, with stakeholders commenting that "*consultation was done in a meaningful way.*" Protection issues were addressed throughout. At the time of writing, the draft legislation also included the Humanitarian Principles, an important inclusion. Child protection was being written in the Standard Operating Procedures.

"It has been an elaborate consultation process, but it should be. It is important and consultation with community is important. The legal process is the legal process, but disasters are about community."

2.6 How can the DLP improve its operational effectiveness in future?

In the Pacific, DLP would benefit from a 5-10 year qualitatively focussed Monitoring and Evaluation Plan that is able to capture the long-term outcomes and behaviour change. IFRC reporting processes tend to focus on annual and short-term outputs. Incorporating narrative methods would help tell the bigger picture of DLP, which gets somewhat lost in the many short-term reports.

Related to this, the programme would benefit from a strategic communications and stakeholder engagement plan. It is a busy and successful programme, but not always an easy story to capture. There are also many levels of change and many stakeholders in the Pacific; knowing how and when to provide strategic communications would elevate the visibility and profile of the programme.

Pillar 3: Impact & Sustainability

3.1 What has been, or likely to be, the impact of the DLP's work for the IFRC as a whole, and on disaster management, and humanitarian and development policy, and on the development of disaster law as a "field" of law?

A key impact of DLP in Fiji has been clearly establishing the auxiliary role of the National Society. Fiji Red Cross is named in the new legislation, and its reputation has been strongly enhanced by the DLP process.

At programme level, the results in Fiji are sustainable – as they are built into the legislative process. Many stakeholders commented on the long-term impact this will have on improving coordination and

effectiveness, both at the national and sub-national level. There is already evidence of increased collaboration between stakeholders, and greater clarity about the role of District authorities. The new legislation is also paving the way for increased domestic funding to disaster response.

3.2 To what extent are the DLP's results/ impact to date sustainable?

Whilst stakeholders are happy with current arrangements, there is also recognition that as demand for DLP grows, the model will need to adjust:

“Our reputation is growing – but are we able to keep up with increased need? We need to know how to multiply in other ways, and build up broader networks across the Pacific.”

Suggestions included bringing in other actors to “replicate” DLP in other settings. In Fiji, this could include embedding DL within the curriculum at the University of the South Pacific and/or the regional technical organisations such as SPC. Formalising the role of volunteer legal advisers was also recommended.

3.3 How can the DLP improve its impact and sustainability in future?

The long-term investment in DL in Fiji and the Pacific has laid the ground work for increasing demand from states and National Societies. To support long term sustainability, suggestions were made to systematise DLP knowledge, and have it taught at universities; socialise more to parliamentarians; utilise more law students as volunteers. There were also suggestions that DLP needs to take its knowledge more out to the public and encourage other actors to use and disseminate – to start holding over the knowledge to others. In other words, the Red Cross can no longer be the ones to hold onto Disaster Law.

Several stakeholders commented on the strategic opportunity to align DLP with the emerging climate frameworks in the Pacific, which will provide entry to future funding and governance work. At the same time, engaging in the climate arena will stretch the programme further, and require developing relationships with a different and wider group of stakeholders. These are significant issues for the programme to consider in terms of forward impact and sustainability.

Additional Observations

It was evident that the Red Cross holds a great and unique body of knowledge on DRM and Disaster Law in the Pacific, which no other organisation possesses. It would be of great benefit to synthesise this knowledge; package it in different ways; and find more ways to communicate to other stakeholders. There is a key question on how to make this knowledge more open to the public and other stakeholders.

Good Practice and Lessons Learnt

The DRM work in Fiji provides an excellent example of how to embed inclusion and protection in national DRM legislation. DLP actively brought in women's actors and disability groups very early, and handed decision making to them on the most appropriate forms of engagement in the process. Protection now has a high profile in the draft DRM legislation. This process was also important in that it brought in issues around child protection and practical steps to address disability.

The DLP in Fiji and the Pacific is seen as a good model to support advocacy and legislative change. It has had substantial time to grow and adapt and get its approach right in the Pacific. Technical assistance is now highly localised and is drawing in support from local legal volunteer groups.

Also, good flexible support from donors - thanks to Australian Government and other donors - they have committed to a long engagement and it has brought real results.

Recommendations

- With many new forms of risk and disaster financing, several stakeholders suggested that there is a role for DLP to develop and/or align its regulatory work with these new forms of international funding.
- The role of DLP in supporting a regional DM coordination mechanism in the Pacific, similar to the AHA Centre, was suggested.
- Stronger guidance on the role of military within Disaster Response and how better to coordinate with National Societies. And to help all stakeholders work with the military to define what their area of responsibility is. Potential for greater linkages in the Pacific with the IFRC Civil/Military Work.

Honduran Mission Report

Methodology

The Evaluation Team Leader (Ms. Abigail Hansen) and the team member based in the Americas (Mr. Pradiip Alvarez) travelled to Tegucigalpa, Honduras on 19-22 November to carry out in-person interviews. Meetings were held with key stakeholders from the Honduran Red Cross, National Disaster Risk Management organisation (COPECO), National Telecommunications Organization (CONATEL) and Secretariat of Finance of the Republic of Honduras. Additionally, representatives from the IFRC Americas Regional Office and Central America Country Cluster Support Team were interviewed to complement the national findings with a broader sub-regional and regional perspective. The mission was organized by the Honduran Red Cross, in coordination with the Head of the Central American Cluster and the Disaster Law and Legislative Advocacy Coordinator for the Americas. It proceeded without any major constraints.

Country Context

The Republic of Honduras is located in Central America. It borders on the north and east with the Caribbean Sea, on the southeast with the Republic of Nicaragua, on the south with the Gulf of Fonseca and the Republic of El Salvador, and on the west with the Republic of Guatemala. It has a surface area of 112,492 km² and it is divided into 18 departments and 298 municipalities. According to the XVII Population Census (2015), Honduras has a population of 8.6 million, 54% of which live in urban areas.³²

Honduras is considered to be among the five most vulnerable countries in the world³³. Its wide variations in annual temperatures, high levels of precipitation, geographic position with access to both oceans, among other factors contribute to its high vulnerability to disasters³⁴, especially hydrometeorological events such as hurricanes, floods, tropical storms and mudslides. 27% of Honduras' municipalities are highly vulnerable to disasters, with its capital, Tegucigalpa, ranked as the third most vulnerable city in the world.³⁵

In the last 45 years, multiple major disasters have devastated the country. In 1974 Hurricane Fifi caused over 8,000 deaths, 80% of land transport infrastructure destroyed, and material losses of about USD 900 million. In 1997 the "El Niño" phenomenon, caused devastating fires that affected about 90% of the national territory. And most recently, in 1999 Hurricane Mitch affected about 1.5 million people, causing 5,657 deaths, with 8,058 missing, and 12,272 injured people. In addition, 285,000 people lost their homes, forcing them to take refuge in temporary shelters. Hurricane Mitch caused materials losses estimated in USD 3,800 million.³⁶

Honduran Red Cross

The Honduran Red Cross (HRC) is divided into four regions, with 52 branches that provide response within their territories based on the needs generated by crises, their installed capacity, and the technical, logistical and financial support received from HRC Regional Offices and Headquarters. The National Society counts with 306 paid staff and 4,061 active volunteers, including 140 National Intervention Team (NIT) members.

³² www.ine.gob.hn

³³ Desastres Riesgo y Desarrollo en Honduras, 2012, PNUD

³⁴ Informe Sobre Gestión Integral del Riesgo de Desastres en Honduras, DIPECHO 2013.

³⁵ Evaluación de la Capacidad Nacional para la Respuesta a Desastres, Honduras página 13 y 14, UNDAC.

³⁶ Amenaza Hidrometeorológica Honduras FAO/UN HABITAT Unidad de Tenencia y Manejo de Tierras.

There are several Partner National Societies present in Honduras, including Switzerland, Spain, Norway, Italy, United States and Germany, with which HRC maintains bilateral cooperation. In turn, HRC implements multilateral cooperation funds through IFRC. HRC receives technical support in all areas from IFRC's Americas Regional Office (ARO) in Panama, which guides and supports National Societies' actions according to their needs and requirements. In addition, the head of IFRC's Central American Country Cluster is based in Honduras.

The Honduran Red Cross disaster risk management activities have integrated disaster risk analysis, disaster risk reduction, recovery, development and sustainability; based on global trends and approaches to risk management, linked to resilience, and taking into account the experience accumulated over time by the International Red Cross and Red Crescent Movement, adapted to the country context.³⁷

Disaster Law Programme

In order to ensure an effective and timely response during major emergencies, the IFRC Disaster Law Programme aims to assist National Red Cross Societies in supporting public officials on the development and implementation of laws, policies and procedures relating to disaster preparedness, reduction, response, recovery and reconstruction.

Since the adoption of the "Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance" (also known as the "IDRL Guidelines"), the IFRC has trained and empowered National Societies around the world in Disaster Law, to enable them, as pioneers in this new branch of law, to directly support their States on the review and update of their disaster management regulatory frameworks.³⁸

Some of the most recent interventions by the DLP in Honduras include the provision of technical support to the Honduran Red Cross while it engaged with the government in the revision of the CCAH/CATAI Guidelines to incorporate the SICA/CEPRENAC 2013 Protocol and 2017 Landmark Procedure on the facilitation of the shipment, transit and receipt by land of international disaster relief within the SICA region, instruments that have been greatly informed by the IDRL recommendations.

Additionally, in 2019 an IDRL country case study was completed in Honduras with support of the DLP, with the aim of analyzing the normative and institutional framework of Honduras related to international humanitarian assistance in cases of large-scale disasters that exceed national response capacities. The study counts with important contributions from the Working Group to strengthen legal preparations in cases of international disaster relief in Honduras (IDRL Working Group), presided by the Permanent Commission of Contingencies (COPECO) and integrated by the Finance Secretariat, Foreign Affairs and International Cooperation Secretariat, Health Secretariat, National Commission of Telecommunications (CONATEL), Human Rights, Justice, Governance and Decentralization Secretariat, Pastoral Social Caritas de Honduras, National Institute of Migration, Adjunct Direction of Customs Revenue, World Food Programme, Humanitarian Information Network for Latin America and the Caribbean (Redhum), Grupo Esfera, the UN Office for Coordination of Humanitarian Affairs (OCHA) and the Honduran Red Cross.

Most recently, the IDRL Working Group, with the support of the DLP developed a law proposal based on the Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance ("IDRL Model Act"). The law proposal is currently being discussed by the National Congress and, if approved, would become the first law based on the IDRL Model Act in Latin America.

Findings

Pillar 1: Strategic Effectiveness

1.5 To what extent is the DLP coherent with the overall mandate, strategic direction and other programmes of the IFRC?

- The DLP is well-aligned with the overall mandate and strategic direction of the IFRC. For example, the DLP has strengthened the auxiliary role of the Honduran Red Cross by

³⁷ <http://www.cruzroja.org.hn/gestion-de-riesgo/>

³⁸ *Impact of Disaster Law Activities in Ecuador and Honduras and the role of National Red Cross Societies in the process.* IFRC

facilitating spaces of open dialogue with key stakeholders in government and providing the HRC with relevant knowledge and tools to advocate about disaster law and create alliances with a variety of actors in the country.

1.6 To what extent is the DLP coherent with other initiatives relative to disaster law, and related issues?

1.7 To what extent does the DLP respond to real needs and expectations at the institutional, regional and national level?

- According to the HRC, the support provided by the DLP has been clearly aligned with national and local needs.
- Honduras has suffered many disasters, both natural and human-made, in recent history. In 1974 and 1999 Hurricanes Fifi and Mitch respectively devastated the country. In both cases, the country suffered greatly because of lack of proper measures regulating humanitarian response. The Honduran Red Cross and authorities recognize the need to have adequate regulations in place and to adopt the IDRL guidelines. The IDRL guidelines are also seen as a tool to strengthen the dignity of aid provided.

1.8 How can DLP improve its strategic effectiveness in future?

- Awareness of disaster law issues needs to be strengthened in the region because there is tremendous demand for the DLP from National Societies and governments, but not always awareness. This can be done through:
 - Continue lobbying about the importance of the auxiliary role, through the IFRC observer status at the UN General Assembly in New York
 - The production of short videos from government senior officials, elaborating on the advances in disaster law in their respective countries
 - Highlighting stories of success; cases in which IDRL has made a visible difference in disaster response
 - Keeping FedNet updated so that National Societies have access to the latest disaster law documentation
- At a national level, the participation of the Honduran Red Cross in interinstitutional spaces has allowed it to advocate on the importance of strengthening normative frameworks in the country, given the country's high vulnerability to disasters. However, increasing advocacy is seen as priority, given the fact that a law proposal is being discussed in Congress.
- More decision-makers and policy makers should be involved to accompany IDRL processes.
- An analysis of the country's political, social, and economic context and the reputation of the National Society should be carried to determine if the minimum conditions are satisfied before conducting an IDRL country case study
- National Societies should review their foundational documents to make sure they clearly state their auxiliary role and mandate.
- More efforts should be done by the Federation to empower volunteers and provide them with the tools to be more self-sufficient.
- Young people should be more involved in disaster law, for example through symposiums and other activities that promote interest in the field.

Pillar 2: Operational Effectiveness

2.1 How effective have the DLP's interventions and support been?

- The effectiveness of the DLP's interventions in the Americas varies widely depending on the country. In the case of Honduras, the Programme has been very successful.
- Thanks to the efforts of the DLP Americas team and Head of Central American Country Cluster there is a clearer understanding about disaster law issues in the National Society
- The HRC manifests that it is a stronger member of the Red Cross Movement thanks to the efforts of the DLP
- Thanks to the DLP support and tools, the Honduran Red Cross has been able to sensitize the Honduras disaster risk management organization (COPECO) as well as other key stakeholders in the country about disaster law

- Thanks to the DLP efforts to strengthen the auxiliary role of National Societies, the Federation has been more effective in the delivery of aid, for example during the response to the Venezuela health emergency and Hurricane Dorian in Bahamas.
- All the actors interviewed in Honduras manifested that the biggest result from the DLP support is to have presented a law proposal to Congress, based on the IDRL model law.
- In Central America, institutions in the region have changed their perception of the National Societies. They used to be seen as just providers of "volunteers, ambulances and blood", but now they are seen as part of a global organization and as an opportunity for the government to create alliances and discuss subjects such as shelter, customs, training of specialized personnel, and research.
- The DLP has also allowed the Federation to work more closely with the National Societies.

2.2 To what extent are the DLP management and operational structure conducive to its overall operational effectiveness?

- In general, the DLP works very well as a global team and it is well-organized, however building disaster law capacities at the Cluster and national level is a priority in order to make more efficient use of funds. Significant efforts have been invested, especially in the past 18 months, in creating a structure that empowers the clusters to make the DLP structure less centralized.
- The DLP team in the Americas is not funded through the IFRC regular resources or "Core", but via projects and operations. Additionally, the DLP in the Americas does not have one large donor, as in other regions, but several small or medium donors, each with different reporting requirements and timeframes. Consequently, the DLP team in the Americas must spend a substantial amount of time developing project proposals and strategies for donors in order to mobilize resources.

2.3 To what extent does the DLP complement, add value to, facilitate coordination or create synergies, both internally and with stakeholder institutions?

- The DLP has facilitated the creation of strategic alliances and a closer relationship with regional actors, including CEPREDENAC and SICA (Sistema de Integración Centroamericana).
- The DLP provides regional actors with support for developing disaster risk management policies and procedures. For example, the DLP provides support each year during the annual update of the regional-level policy in case of a disaster in Central America (Mecanismo Regional de Ayuda Mutua, Mec-Reg).
- The process of drafting the Honduras IDRL case study has allowed the HRC to sit with key actors in the country, such as representatives from Migration, Customs, COPECO, among others. Through the IDRL activities, it has also created synergies with the United Nations, GOAL, the evangelical and catholic churches, and other organizations. It has been especially important to work with religious organizations to ensure that the aid provided by them also complies with minimum standards.
- With the support of the DLP, the HRC has been able to study the legal framework of other countries and adopt lessons learned.
- The HRC have had the opportunity to share experiences and lessons learned with other National Societies of Latin America and Africa, including a recent workshop in Nigeria with the participation of various National Societies of the Americas.
- IFRC has disseminated the IDRL checklist, the humanitarian diplomacy toolkit, and other disaster law tools at regional fora with representatives of CEPREDENAC, civil protection agencies, governments, National Societies, civil society and other key actors. For example:
 - The Federation has socialized relevant documents and tools with the humanitarian network of Guatemala, Honduras, El Salvador, Panama and Costa Rica.
 - During the regional simulation carried out in Nicaragua in November 2019, the IDRL guidelines were shared with civil protection representatives from the Central American countries, Chile, Dominican Republic and Colombia as well as with the World Bank and Swiss Cooperation.

<ul style="list-style-type: none"> ○ The Federation participated at FAHUM 2018 as observers of the IDRL guidelines. FAHUM is a simulation to strengthen the capacity of a country to respond to major disasters.
<p>2.4 What are the coordination mechanisms between agencies relative to DL and related issues? Are they effective?</p> <ul style="list-style-type: none"> • The Honduran Red Cross and IFRC are part of local, national and regional spaces of dialogue where input is provided on disaster law issues. For example, the gathering of Ministers of Honduras at the national level and the consultative forum of CEPREDENAC and regional simulations at the regional level.
<p>2.5 To what extent are cross-cutting issues incorporated in the DLP's design and implementation? 2.6</p> <ul style="list-style-type: none"> • Various people interviewed commented that cross-cutting issues are included in the IDRL checklist and IDRL Guidelines, however it is not clear how they are applied by the DLP in practice.
<p>2.7 How can the DLP improve its operational effectiveness in future? 2.8</p> <ul style="list-style-type: none"> • To ensure continuity of disaster law developments achieved at the national level, efforts should be done to build local capacities and increase awareness of disaster law issues within the National Society. In order to achieve this, it is ideal to have dedicated disaster law staff at the Cluster level and a disaster law focal point at the National Society level. • To ensure ownership and continuity, the government, NGOs, private sector, and other relevant organizations should be involved in the development of IDRL country case studies. These must not be done by a single person. The IDRL working group formed by the Honduran Red Cross is an example to follow. • A national simulation should be carried out to see how the IDRL regulations developed work in practice and what the main practical gaps are. • CONATEL suggested that national regulations should be developed in Honduras so that vulnerable people have access to data during emergencies. The Federation can support this area by developing mobile applications to gather useful information during emergencies.
<p>Pillar 3: Impact & Sustainability</p>
<p>3.1 What has been, or likely to be, the impact of the DLP's work for the IFRC as a whole, and on disaster management, and humanitarian and development policy, and on the development of disaster law as a "field" of law?</p>
<p>3.2 To what extent are the DLP's results/ impact to date sustainable?</p> <ul style="list-style-type: none"> • Funding for the Disaster Law Programme needs to be prioritized to ensure its sustainability because strengthening the auxiliary role of National Societies is fundamental. • One of the key informants explained that the biggest risk to the disaster law developments in Honduras would be a change in the national administration because that would mean a transformation of the personnel and priorities. The interviewee elaborated that The Red Cross is the foundation that could support this process because even if the government changes, the vision of the Red Cross remains the same. • The sustainability of the results depends greatly on the support of the Congress and, so far, the support from Congress has been extraordinary.
<p>3.3 How can the DLP improve its impact and sustainability in future?</p> <ul style="list-style-type: none"> • There is a need for greater internal advocacy in the region. National Societies should be more involved in IDRL country case studies because otherwise no actions will be taken after the studies are complete. • Along these lines, the IDRL capacity-building teams in each National Society need to be strengthened so that they can have a stronger impact within their NSs, with the governments and with civil society.

- To ensure sustainability there must be a close follow up from the Federation to monitor if the tools are effective and key players are committed.
- Stronger support from the Federation is needed (logistics, financial and other resources).

Additional Observations

IDRL issues have been very well received by key stakeholders in Honduras and the DLP has been very successful in the country, achieving major results, such as introducing a law proposal in Congress based on the IDRL model law. Key informants have identified the following factors contributing to the success of the programme:

- The high credibility of the Honduran Red Cross in the eyes of Honduran authorities and society as a whole, and the trust that it has built with key stakeholders providing a space for open dialogue. The National Society is seen as a leader that works with integrity and honesty.
- The high vulnerability of the country to disasters
- The high interest and commitment shown by key actors and their general understanding of the need to work in favour of the most vulnerable people
- The close follow up provided by the Honduran Red Cross and the IFRC to disaster law developments in the country

Recommendations

- To replicate the IDRL Working Group formed in Honduras in other countries, involving representatives of government, NGOs, the private sector and other relevant organisations in the development of IDRL country case studies.
- To continue promoting spaces for interaction between National Societies to discuss disaster law advances, challenges and lessons learned in their respective countries
- To create and strengthen IDRL teams in National Societies so that they can build disaster law capacities at a national and local level
- To redouble advocacy efforts at a national level, to secure the approval of the law proposal in Congress
- To continue participating in regional fora and other spaces of dialogue about disaster law issues, generating more awareness about the relevance and impact of the DLP