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Terms of Reference

Task:	IFRC-UNDP Country Case Studies: Implementation of Laws and Regulations in Support of Disaster Risk Reduction
Duration:	40 working days
Location:	Vanuatu

Background:

In January 2005, a UN Conference of over 4,000 representatives of governments, non-governmental organizations (NGOs), the Red Cross and Red Crescent, UN agencies, academic institutes and the private sector adopted the Hyogo Framework for Action 2005-2015 (HFA), consisting of a set of commitments and priorities to take action to reduce disaster risks. The first priority set out by the HFA was to “ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation,” notably through “policy, legislative and institutional frameworks for disaster risk reduction.”

In the years following, a significant amount of new legislation has been adopted in various parts of the world aimed at strengthening the focus on risk reduction. However, important gaps still remain, particularly with regard to follow-through at the community level. This has been confirmed in a number of reports prepared around the time of the mid-term review of the HFA and subsequently, including country case studies.¹ Communities were found not to be well enough informed, engaged or resourced to take an active part in reducing risks, and it was noted that rules to deter risky behaviors (particularly in construction and land use) often go unenforced. While legislation is certainly not the only way to address some of these issues, it can be an important part of the puzzle. In 2011, the state parties to the Geneva Conventions took up this issue at the International Conference of the Red Cross and Red Crescent. Their resolution encouraged states, with support from their National Red Cross and Red Crescent Societies, the International Federation of Red Cross and Red Crescent Societies (IFRC), the United Nations Development Programme (UNDP), and other relevant partners to review the existing legislative frameworks in light of the key gap areas identified in the IFRC report to the Conference, and to assess whether they adequately:

¹ UNDP, A Global Review: UNDP Support to Institutional and Legislative Systems for Disaster Risk Management, 2007; Global Network of Civil Society Networks for Disaster Reduction (GNDR), “Clouds but Little Rain” - Views from the Frontline: A Local Perspective of Progress Towards Implementation of the Hyogo Framework for Action, 2009; IFRC, Hyogo Framework for Action: Red Cross Red Crescent Mid-Term Review, October 2010; UNISDR, Hyogo Framework for Action: Mid-Term Review 2010-2011; GNDR “If We Do Not Join Hands,” Views from the Frontline, 2011; IFRC country case studies on Brazil, the Dominican Republic, Nepal and South Africa 2011 (available at <http://www.ifrc.org/en/what-we-do/idrl/research-tools-and-publications/disaster-law-publications/>); IFRC Disaster laws Discussion paper, International conference of RCRC, 2011 (http://www.ifrc.org/PageFiles/86597/IC31_DisasterRiskReduction_26Nov_clean_EN.pdf).



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- make disaster risk reduction (DRR) a priority for community-level action;
- promote disaster risk mapping at the community level;
- promote communities' access to information about DRR;
- promote the involvement of communities, RCRC National Societies, other civil society and the private sector in DRR activities at the community level;
- allocate adequate funding for DRR activities at the community level;
- ensure that development planning adequately takes into account local variability in hazard profiles, exposure, and vulnerability and cost-benefit analysis;
- ensure full implementation of building codes, land use regulations and other legal incentives; and promote strong accountability for results in reducing disaster risks at the community level.

Purpose of the Country Case Studies

The **country case studies** have a dual purpose, i.e. **(1)** to *provide insights* and *forward looking recommendations on law and disaster risk reduction* in the country studied; and **(2)** to assist UNDP and IFRC *in compiling a Global Synthesis Report on DRR and legislation*. The data will also be used to inform the parallel development of a Checklist for Lawmakers. The synthesis study will be available as a tool for states and international actors, including UNDP and the Red Cross and Red Crescent Movement, by providing comparative data and examples of good legislative practices and their implementation. It will also be used to develop other tools as the basis for advocacy and capacity building in DRR.

The country case studies will build on comprehensive **national law desk surveys** of the main national laws, and some provincial or local laws where relevant and available. The desk survey findings are then further analyzed by examining the laws' implementation and any gaps in the legal framework. This analysis of the effectiveness of legislation is to be based primarily on local knowledge and resources gained from an extended country visit of three weeks covering national, sub-national and local levels.

Vanuatu, an archipelago of 80 islands with a population of approximately 250,000, has been selected for this study, as it is among the most disaster-prone countries in the Pacific. It regularly experiences tsunamis, floods, volcanic eruptions, cyclones, landslides, fires and disease outbreaks. UNOCHA ranks Vanuatu twelfth in the Asia Pacific Region in terms of the frequency and severity of disasters. In the Disaster Risk Reduction and Disaster Management Plan of 2006 – 2016, “the Government has recognized that Vanuatu has limited financial and technical capacity to adequately deal with disaster risk management and ... has acknowledged the importance and relevance of continued assistance by regional organizations as well as by regional and international development partners.”



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Management Arrangements

The assignment will be implemented under short term consultancy arrangement with clearly identified number of work days, work plan and deliverables. The consultant will report directly to the UNDP BCPR's Disaster & Governance Advisor and work under the technical guidance of the UNDP BCPR Regional Disaster Risk Reduction Advisor and the Fiji based UNDP Office. At the country level, the consultant will be liaising with the UN Joint Presence Office in Port Vila as well as the relevant Ministries/Departments of the Government of Vanuatu. The duration of the consultancy will be over 40 working days and start on 5th November 2012. The field work component of the study and the draft case study report should be completed no later than 15 December 2012.

Objectives and Deliverables

The objective of this assignment is to prepare a comprehensive study on the **Implementation of Law and Regulations in Support of Disaster Risk Reduction in Vanuatu**. The specific deliverables of the assignment include:

1. Analysis of findings in the National Law Desk Survey Report and review of other relevant laws and regulations at national level² as required. Then, based on independent research and advice from interviewees, analyse the relevant laws and regulations and their implementation at (a) national level, (b) within one province outside the capital (Port Vila), and (c) at the local Wards/Area Council level within the same province.
2. Identification at national, provincial, local and community level of:
 - a. Good Practices enabled or mandated by legislation that provide the basis for effective reduction of natural hazard risks, including good examples of wording/drafting, institutional structures, coordination and planning between sectors, and involvement of civil society and communities, and
 - b. Gaps in the legal, institutional and resources framework for DRR, and the views of stakeholders about what forms of regulation or implementation would be effective in closing these gaps, especially at the community level.
3. Preparation of a comprehensive **Report on Implementation of Law and Regulations in Support of Disaster Risk Reduction in [country name]** that is based on the analysis of findings of the desk survey, and series of interviews conducted.

² Including the Vanuatu Meteorology & Geo-hazard Act and the National Disaster Management (NDMO) Act.



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The main outputs expected from this assignment are:

- Country Case Study Report: Implementation of Law and Regulations in Support of Disaster Risk Reduction (35-45 pages not including annexes, structured according to the terms of reference).

Methodology and Scope

Each **national law desk survey** will use original or translated legislation of the subject country (primarily laws available online and in libraries), and some published secondary sources.

The **National Law Desk Survey Report** will be analyzed, and then followed by in-country interviews with key stakeholders at national, state/provincial, local and community level, for the purpose of obtaining additional laws not included in the survey, and, most importantly, gaining an understanding of issues in implementation of the laws and regulations, and any identified gaps. A detailed questionnaire to guide the interview is attached in Appendix: Research Questions for Country Case Studies. The table of contents for the report can be found in Appendix: Outline of Country Case Study Report.

The scope of legislation relevant to DRR at country level is much wider than disaster risk management or civil protection laws. In addition to the immediate prevention and mitigation measures often included in such laws, one of the main roles of legislation in support of DRR is establishing long-term risk reduction through public planning and regulation in areas relevant to the risks and hazards in each country, and in each state/province and local area within each country.

Therefore, for the purposes of this study, the terms 'legislation', 'law' and 'regulation' refer to laws, regulations, decrees or similar, as well as their implementing policies and guidelines, at all levels of government. Relevant laws may include matters such as building and construction regulation against fire and earthquake risks, regulation of emergency and transitional shelter, land use planning to avoid development on high risk land, fire regulations and services, management of rivers and forests to prevent flooding and landslides, improved communications infrastructure to support early warning systems in remote areas, or community involvement in information exchange in the identification and management of emerging hazards and risks.

These laws may be administered by a number of different government authorities, at national, provincial or local levels, and this requires clear institutional mandates, resources and coordination mechanisms which are also often defined in legislation. The extent to which these levels of government regulation are implemented, coordinated and resourced, impacts greatly at the community level. Hence, it is important also to understand how communities perceive such regulation and its effects or effectiveness in assisting community level resilience against natural disasters. Communities may also have their own customary law or traditions concerning management and sharing of natural resources such as communal rivers and forests, or models/



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standards of building, and these may be an important part of the community's risk reduction strategies in the face of natural disasters.

Indicative Work Plan

- Analysis of the National Law Desk Survey Report and preparation for country visit (3 days)
- An extended country visit (20 days), during which the consultant will undertake meetings/interviews with key stakeholders based on the research questions set out in the terms of reference:
 - a. at national level (government ministries and committees, national and international NGOs, international organizations, Red Cross and Red Crescent);
 - b. within 2-3 communities outside the capital;
 - c. with local government officials in the same area as the communities visited;
 - d. with state/provincial level officials and other organizations operating in the area, including civil society in the same region as the community and local government visits.
- Drafting of Country Case Study Report (15 days)
- Finalizing report based on comments received (2 days)

Qualifications

The following qualifications and experience are required for consultants for this assignment:

- A Master's degree or equivalent experience in one or more of the following:
 - law, obtained in the Vanuatu, or in another country with a similar legal structure;
 - international and/or comparative law;
 - International development or other discipline relevant to disaster management or disaster risk reduction, such as public administration, governance and similar.
- A minimum of 7 years of professional experience in one or more of: legal practice; legal research; supporting governments in development, governance, disaster management or disaster risk reduction.
- Excellent legal research and analytical skills, including a proven capacity to undertake research on national legislation and to analyze regulatory regimes.
- Demonstrated knowledge and understanding of institutional and legislative frameworks in the field of disaster risk management.
- Proven high-level policy skills and capacity to involve decision-makers, UN organizations and civil society.



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- Demonstrated capacity to write clear and well-structured reports in accordance with agreed terms of reference and within specified time constraints.
- Ability to work independently towards reaching the expected objectives.
- Proven communication skills. Experience in interviewing stakeholders and/or in group facilitation or focus groups is desirable.
- Fluency in English with ability to convey ideas clearly in writing and orally.

Applications close on 31 October 2012.