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**Title of the Session:** Do laws make a difference? What is the role of legal frameworks for disaster risk reduction?

**Date:** 09/02/2015 to 15/02/2015

## **Summary**

The importance of law for disaster risk reduction (DRR) is reflected in the Hyogo Framework for Action, which identifies effective legislation as a key aspect of its first priority of making DRR a “national and a local priority with a strong institutional basis for implementation.” However, although a great deal has been written about the “governance” of DRR in a broad sense, very little is known about the specific role of legislation. Do better laws lead to safer communities? If so, are the right laws in place? What can be done to overcome implementation challenges? As we draw closer to the adoption of the HFA’s successor agreement, how can we promote stronger national legal frameworks at the international level?

## **Context**

### **Do laws help to reduce disaster risk?**

Since the adoption of the Hyogo Framework for Action, and following the devastating effects of recent large-scale disasters, many countries have sought to revise and improve their legal frameworks for disaster risk reduction (DRR), especially through adopting new laws on disaster risk management. During this process, many governments have been asking “what works? How can we learn from other countries going through the same process?” At the same time, numerous reports relating to HFA implementation have indicated slow progress in reducing disaster risk at the community level, and a lack of clear information and analysis on the role of legislation.

It was with this background, and pursuant to resolution 7 of the 31st International Conference of the Red Cross and Red Crescent, that the International Federation of Red Cross and Red Crescent Societies (IFRC) partnered with the United Nations Development Programme (UNDP) to undertake the largest ever comparative study on law and regulation for DRR. Launched in June 2014, [‘Effective law and regulation for disaster risk reduction a multi-country report’](#) is based upon extensive desk reviews, case studies and high-level consultations analysing the legal frameworks for DRR in 31 different countries. It identifies good practice in legislative approaches and common gaps across countries which still need to be addressed. Key findings of the study include:

- **Disaster risk management laws are an enabler for DRR**

Over-arching disaster risk management (DRM) laws, as well as emergency management or civil protection laws, have been essential for providing an enabling environment for key elements of disaster risk management. Firstly, they are crucial for establishing institutions and roles and responsibilities for risk reduction – at the national as well as the local level.

Secondly, many of these laws have promoted better awareness and education on disaster risk reduction. However, the study also concluded that many gaps still remain in terms of implementation of these laws and translating their aspirational statements and principles into concrete actions.

- **Sectoral laws on safety are just as important**

The management and reduction of disasters cannot be compartmentalized into one department or one law. One of the most significant findings of the study was that broader laws about human safety – on buildings, fires, land zoning and environmental management – are just as important to reducing the underlying risk of the most vulnerable people as DRM laws. Looking at how these regulatory frameworks address natural hazards, and how they coordinate with disaster risk management systems is essential for building resilience.

- **Specific funding streams are essential**

One of the biggest gaps identified in the research was in ensuring sufficient funding for DRR, particularly to allow local governments to fulfil their responsibilities assigned under the law. In many countries, funds for disaster risk management are often spent entirely on response, leaving next to nothing for risk reduction measures. To address this challenge, laws can establish proper funding streams from national to local level.

- **Good intentions for community participation are not enough**

While many laws include statements or principles for encouraging community participation, as well as engaging women and other vulnerable social groups in decision-making processes, the research indicated that general aspirations are not enough. To enhance community-wide representation and participation in DRR, roles and responsibilities need to be more clearly defined in relevant laws.

- **Accountability and monitoring mechanisms can promote better implementation**

The best law on paper won't have any impact unless it is properly implemented, and effective implementation was identified as one of the biggest challenges in the study. To improve implementation, a greater focus should be placed on establishing accountability mechanisms, such as public reporting and parliamentary oversight challenging, and appropriate legal and/or administrative sanctions.

While the study revealed a number of important findings as well as examples of good practice, further research and discussion needs to continue on a range of questions, such as:

- Does legal liability in either civil or criminal law promote better DRR practice?
- How can we better use existing environmental law and policy for DRR?
- What are the most effective national mechanisms for resource allocation for DRR in both legal and policy frameworks?
- How can laws and regulations better address gender considerations in DRR?

- How can we promote better implementation of legal frameworks in informal settlements?

### **Next steps: A Checklist on Law and Disaster Risk Reduction**

Drawing from the findings of the Multi-Country Study, the IFRC and UNDP are currently in the process of developing a new tool: [a Checklist on Law and Disaster Risk Reduction](#). The Checklist is designed to support parliamentarians, governments, National Red Cross and Red Crescent Societies, UNDP country offices and other advocates to strengthen their national legal frameworks for reducing disaster risk. The final version of the Checklist is expected to be launched at the International Conference of the Red Cross and Red Crescent in December 2015. Feedback on the checklist is currently being sought. Please send any comments or suggestions to [disaster.law@ifrc.org](mailto:disaster.law@ifrc.org).