



# Case study summary - Brazil

Legislation and disaster risk reduction at the community level



View of the favela Rocinha in Rio

The forthcoming full report was commissioned by the IFRC and prepared by Karen Costa, legal consultant. It is one of several case studies the IFRC is undertaking to learn about how legislation can support (or impede) disaster risk reduction, particularly at the community level. For more information about the project and various case studies as they become available, please visit our website at <http://www.ifrc.org/idrl>.

## Risk profile

Brazil has seen a considerable increase in disasters in recent decades. Weather-related triggers account for most of its disasters, frequently including floods (both gradual and sudden) and landslides. Many of its cities also have substantial slum areas, where residents tend to be more vulnerable to these hazards.

## Snapshot of the legislative framework

The legislative framework most directly addressing disaster management relates mainly to civil defence and, in this area, legislation has been frequently

amended in recent years to better respond to ongoing disasters. Similarly, recent legislation on urbanization, construction and land regulation has also addressed the promotion of disaster risk reduction (DRR) practices.

While there are many laws relating directly or indirectly to DRR, some are disregarded in practice, both by authorities and the general population. Moreover, previous efforts have been largely focused on disaster response rather than prevention. However, stakeholders indicated that the federal government appears genuinely committed to the promotion of DRR, as the adoption of new initiatives has recently shown.

## Selected best practices

- The 2001 Statute of the Cities, and the Ministry of Cities it established, are considered landmark developments in improving the living conditions of the urban poor. Pursuant to the Statute, municipalities are called upon to designate "Special Social Interest Zones" with the goal of progressively "legalizing" homes built outside of land management rules, including with measures to mitigate their disaster risks. This represents a significant shift in policy; previously, illegal settlements would not have been eligible for federal funds for these kinds of projects.
- Although municipalities are not legally required to undertake disaster risk mapping, they may now apply to the Ministry of Cities for funding for this purpose and some have begun to do so.

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- Councils for Food Security and Nutrition and for Health have been established at the national, state/provincial and municipal levels, integrating government and civil society actors in order to foster more community participation in decision-making in this area.
- Legislation has established several insurance schemes for family farmers to help defray the costs of floods and other disasters, collectively covering 500,000 families.

## Key remaining gaps

- There is not yet a comprehensive national law covering disaster risk reduction and there is a consequent ambiguity of roles among the various levels of government concerning specific DRR activities. Moreover much remains to be done in regard to the identification of disaster risk areas throughout the country and the development of criteria for the allocation of resources.
- There is a gap in legal mandates for community-level participation in DRR and in legal remedies to hold authorities accountable.
- There is currently no legislation clearly providing for early warning or public education on disaster risk reduction.



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