

Global Platform for Disaster Risk Reduction  
Agenda item 4.1: Workshop on National Mechanisms  
*“Disaster Risk Reduction as a National Priority: Exchange of Experience among  
Countries and Organizations on Different Institutional Options and Processes that Lead  
to Change”*

**Background paper for working group 4.1.2**  
**Policy and Legislative systems for Sustainable Disaster Risk Reduction**

### **1. Introduction**

Disaster risk reduction (DRR) plays an important contribution to securing development gains and promoting opportunities for continued sustainable progress. Good governance and sustainable institutional structures are important prerequisite for the long-term success of national disaster risk reduction efforts. The development and promotion of sound policy and legislative systems for disaster risk management are an integral part of this. Despite considerable progress achieved to date, in many countries this area remains a critical challenge.

Disaster-related policy, legislation and regulatory frameworks are important elements for the creation of an enabling environment for sustainable approaches to disaster risk management at the national level. They serve to set out both the legal rights of citizens as well as the duties of the state and other stakeholders in giving them protection. Policy setting is often undermined by lack of legal backing. Equally, accountability is more easily reinforced when appropriate legislation is in place. The effectiveness of legislation depends upon national administrative capacity and the acceptance and awareness of rules and norms by the populace. The success of both policy and legislation is ultimately dependent upon the ability to articulate them at the local level.

The Hyogo Framework for Action (2005-2015) calls upon nations to *“Ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation”*. It identifies legislation as a critical component in moving towards a comprehensive and mainstreamed DRR approach, calling upon member states to *“adopt, or modify where necessary, legislation to support disaster risk reduction, including regulations and mechanisms that encourage compliance and that promote incentives for understanding risk reduction and mitigation activities”*<sup>1</sup>.

Reviewing progress of legislative policy reform contributes to the identification of capacities and gaps and is a critical first step in moving towards wider reform and renewal of the existing structures and approaches. Equally, national level reforms and revised policy frameworks should inform local government in pursuing complementary processes of reform and development of their own disaster risk reduction policies, strategies and plans.

In part as a result of recent disasters, several countries have reviewed their policy, institutional and legislative structures for disaster risk reduction. This session will seek to draw upon the experiences of countries from a range of regions. Country case studies will help to demonstrate the progress achieved in building sustainable institutions for disaster risk reduction as well as the contribution made by legislative and policy reforms.

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<sup>1</sup> UN, The Hyogo Framework for Action 2005-2015 [www.unisdr.org/eng/haf/.htm](http://www.unisdr.org/eng/haf/.htm)

The case studies will identify key processes and milestones to achieving sound policies and legislation. They seek to highlight the processes and incentives that led to change and identify key stakeholders involved. Particular attention will be paid to how DRR practitioners at the national level coped with obstacles and setbacks and devised effective strategies that led to institutional change and concrete achievements. They will also attempt to focus on the issue of financial and material resources required for successful legislative reform, as well as the issue of enforcement and implementation of legislation.

## **2. Status of Progress**

Many countries have or are in the process of creating or updating legislation, policies and plans. A key prerequisite to this is achieving the active commitment of policy makers. Incentives behind these processes vary – in many instances a central dynamic is the impact of a major disaster. Experience has shown that policy and legislative reform should not be rushed – it is a long-term process that requires effective planning and consultation, including participation of local level actors and the wider general public. A challenge is how to ensure that policies and plans maintain political commitment throughout their development and implementation.

The United Nations Development Programme (UNDP), together with a number of other operational agencies and donors, has provided extensive programmatic and financial support to strengthening institutional structures and legislative systems for disaster risk reduction.

Over the last five years a number of useful reviews have taken place that are relevant to this area. The 2007 ISDR report on implementation of the Hyogo Framework for Action for Asia and Latin America and the Caribbean, confirms significant progress across the both regions in the development of sustainable national institutional and legislative frameworks. However, whilst the need to dedicate appropriate resources is recognised DRM often faces competition from other national priorities. This is particularly the case in the least developed countries (LDCs) where resources and capacities are particularly constrained. Considerable numbers of countries in the Latin America and the Caribbean have been involved in reshaping its regional policies and frameworks during 2006-2007. However changes of government in several countries means that the dialogue on disaster risk reduction has to be nurtured again<sup>2</sup>.

Two reviews were carried out by UNDP during 2004-2006, to capture the knowledge and lessons learned from UNDP's support to the development of national Institutional and Legislative Systems for Disaster Reduction (ILS) and of Local Level Risk Management systems<sup>3</sup> across the world. The reviews identified the five key components of "good governance": legal and regulatory frameworks; policy and planning; organizational structures; resources and capacities; and partnerships. The ILS Review also identified

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<sup>2</sup> ISDR, Report on Implementation of the Hyogo Framework for Action, Asia, 25 May 2007 and ISDR, Report on Implementation of the Hyogo Framework for Action, Latin America and the Caribbean, 25 May 2007

<sup>3</sup> UNDP, Global Analysis Report UNDP's support to Institutional and Legal Systems for Disaster Risk Management, 2005 and UNDP, Lessons learned and Approaches to Managing and Reducing Disaster Risk at the Local Level, Draft, July 2006

some of the most common enabling factors and constraints that have affected progress in achieving these objectives and the overall goal of vulnerability and risk reduction.

Some of the critical factors and lessons learnt are as follows:

a) Ensuring National Ownership & Long-term Engagement

- The development of institutions and systems cannot follow a strictly linear path and there is no blueprint which will suit all contexts. Each country requires a strategy adapted to circumstances.
- External actors can facilitate process of reform. However for implementation to work it must be led by national stakeholders.
- Achieving real progress takes time; institutions cannot be built up overnight.

b) Engaging Champions of Policy

- Effective reform requires leadership by policy champions with high political or administrative office<sup>4</sup>. Whilst disasters themselves may create pressure for change unless there is a champion who takes up the cause the political commitment for reform can wane in light of other priorities or changing political circumstances.

c) Process and planning cycles

- The process of policy formulation can offer opportunities to build ownership among stakeholders and foster learning and cooperation. Participatory processes are as important as the final product and may lead to a greater impact in the longer term. In order to develop policies and legislation which adequately meet the needs of the poor and excluded, governments need to find ways of ensuring that the vulnerable participate in decision making processes.
- Disaster Risk Management requires the participation of a range of stakeholders, operating at different administrative levels and across a variety of sectors. Outside interventions and projects can provide important impetus for collaboration.
- As far as possible, legislation should fit into existing government planning cycles and procedures for implementation and monitoring. Pre-existing sectoral policies and activities relevant to DRR must be taken into account in any reform agenda. This avoids DRR legislation and its implementation being perceived as a costly add-on and reduces the likelihood of competition over resources<sup>5</sup>.

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<sup>4</sup> TEARFUND, Legislation for mainstreaming disaster risk reduction, October 2006, p12

<sup>5</sup> Ibid, p30

d) Sustained engagement

- Sustained engagement of governments, donors and other stakeholder agencies is required, to reach strong national Institutional and Legislative Systems for DRM and a real capacity to work at sub-national and local level.

e) Implementation

- Effective implementation is as often one of the most challenging areas. Implementation requires political support, financial resources and the engagement of all stakeholders concerned. An important aspect of making legislation work is the clear identification of responsibility for action across the sectors and from national to local levels. Failure to take local capacity into account often leads to plans and policies that are not viable.
- Implementation can be made more achievable by linking risk reduction aims to existing policy concerns such as those related to the MDGs and PRSPs. PRSPs offer a potential mechanism for raising the profile of DRR policy to reinforce the need for implementation.
- Many countries have specific codes and provisions that regulate construction and urban and rural planning. However the enforcement of these codes is often weak. Factors include lack of clear assignment of responsibilities for the enforcement of legislation as well as the lack of incentives to promote the application of DRM and reduction measures.
- It is important to assess the feasibility of imposing codes and plans on poor and vulnerable communities, this is particularly the case given potential resource implications and the burden that may place on those targeted.

### **3. Key points for Discussion**

#### **What are the outstanding issues and challenges to advance the topic of your working group?**

- How to generate the political will for reform.
- How to achieve participation in and ownership of the legislative and policy process by a wide-range of stakeholders.
- What capacities and financial resources are required for implementation at local level?

#### **What should the ISDR System consider as crucial activities and develop as priorities for the next two years?**

- Supporting the generation of political will to keep DRR as priority at highest political level.
- Generating financial resources to facilitate the reform process.
- Ensuring support for nationally driven processes.
- Promoting and building on lessons learnt from other contexts.
- Monitoring the progress of national policy and legislative process for DRR.

#### **4. Tools and Resources**

##### **Tools and guidance notes:**

UNDP/BCPR, Draft - "How to Guide" – Governance for Disaster Risk Management Projects, 2007

TEARFUND, Legislation for mainstreaming disaster risk reduction, 2006

##### **Additional Resources and information**

FAO, The role of local institutions in reducing vulnerability to recurrent natural disasters and in sustainable livelihoods development, SDAR April 2004

ISDR, Living with Risk - A global review of disaster reduction initiatives, Vols I and II, New York and Geneva 2004

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ISDR, Words Into Action: Implementing the Hyogo Framework for Action, document for consultation, Draft November 2006.

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UNDP, Global Analysis Report UNDP's support to Institutional and Legal Systems for Disaster Risk Management, 2005-6

UNDP, Analysis of Institutional and Legal Systems for Risk Management and Disaster Response in Latin America: the case of Bolivia, Nicaragua and Colombia, Regional report, 2004

UNDP, Reducing Disaster Risk - A challenge for development, New York, 2004

UNDP & ISDR, Integrating Disaster Risk Reduction into CCA and UNDAF, Draft Guidance Note, January 2006

UNDP, Reducing Disaster Risk: The Local Level Risk Management Approach, Draft, 2006

UNDP, Lessons learned and Approaches to Managing and Reducing Disaster Risk at the Local Level, Draft, July 2006

UNDP, Decentralized Governance for Development - A combined practice note on decentralization, local governance and urban/ rural development, April 2004

Action Aid, Disaster Risk Reduction: Implementing the Hvogo Framework for Action (HFA), An Action Aid International Briefing

Britton, Neil R., Getting the Foundation right: in pursuit of effective disaster legislation for the Philippines, Manila, March 2006 (paper presented at the 2<sup>nd</sup> Asian Conference on Earthquake Engineering)

Government of South Africa, Ministry for Provincial Affairs and Constitutional Development, Green Paper on Disaster Management, Pretoria, 1998

Government of South Africa, Ministry for Provincial Affairs and Constitutional Development, White Paper on Disaster Management, Pretoria, 1999

TEARFUND, Legislation for mainstreaming disaster risk reduction, October 2006

TEARFUND, Mainstreaming disaster risk reduction: a tool for development organizations, 2005

### **Websites**

[www.unisdr.org/eng/haf/.htm](http://www.unisdr.org/eng/haf/.htm)

[www.preventionweb.net/globalplatform](http://www.preventionweb.net/globalplatform)

[www.undp.org/bcpr/disred/tsunami/srilanka/reports/GOSLRoadmapDisManaqCentre.pdf](http://www.undp.org/bcpr/disred/tsunami/srilanka/reports/GOSLRoadmapDisManaqCentre.pdf)

[www.unisdr.org/wcdr/preparatory-process/Vietnam-report.pdf](http://www.unisdr.org/wcdr/preparatory-process/Vietnam-report.pdf)