The Handbook on Law and Disaster Risk Reduction

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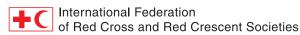
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Empowered lives.
Resilient nations.

About the International Federation of Red Cross and Red Crescent Societies

The International Federation of Red Cross and Red Crescent Societies (IFRC) is the world's largest volunteer-based humanitarian network. With our 189 member National Red Cross and Red Crescent Societies worldwide, we are in every community reaching 160.7 million people annually through long-term services and development programmes, as well as 110 million people through disaster response and early recovery programmes. We act before, during and after disasters and health emergencies to meet the needs and improve the lives of vulnerable people. We do so with impartiality as to nationality, race, gender, religious beliefs, class and political opinions.

Guided by *Strategy 2020* – our collective plan of action to tackle the major humanitarian and development challenges of this decade – we are committed to saving lives and changing minds.

Our strength lies in our volunteer network, our community-based expertise and our independence and neutrality.We work to improve humanitarian standards, as partners in development, and in response to disasters. We persuade decision-makers to act at all times in the interests of vulnerable people. The result: we enable healthy and safe communities, reduce vulnerabilities, strengthen resilience and foster a culture of peace around the world.

International Federation
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About the United Nations Development Programme

The United Nations Development Programme (UNDP) partners with people at all levels of society to help build nations that can withstand crisis, and drive and sustain the kind of growth that improves the quality of life for everyone. On the ground in more than 170 countries and territories, we offer global perspective and local insight to help empower lives and build resilient nations. For more information, please visit *www.undp.org.* You can also connect with us on *Facebook, Flickr, Instagram, LinkedIn, Twitter, Pinterest* and *YouTube.*

*Empowered lives.
Resilient nations.*

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Cover photograph: The town of Chautara in the Sindhupalchok province of Nepal was hit by the first earthquake on 25th April but dealt a double blow by the May 12th earthquake as the epicentre was very close by. Mithila Jariwala/IFRC

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Acknowledgements

Foreword

We will look back on 2015 as a milestone year in securing global commitments to address the risks and vulnerabilities that the poor and marginalized face. The adoption of the *Sendai Framework for Disaster Risk Reduction*, the launch of the Sustainable Development Goals, and a new global agreement on climate change, expected to be signed in December 2015, will have a profound and far-reaching impact on our ability to reduce disaster risk. Looking ahead, our shared challenge is to translate these developments and global consensus into meaningful actions, as the only true measure of success is the impact it generates at the local level, in the affected communities around the world.

To achieve these ambitions, countries will need effective governance arrangements from the national to the local level that are able to proactively anticipate new risks, manage and eventually reduce a complex spread of existing risks. This is a central point in the *Sendai Framework for Disaster Risk Reduction*, which prioritizes governance for disaster risk management and calls on countries to review and improve their national legal frameworks to ensure that disaster risk reduction (DRR) is integrated across all sectors.

The International Federation of Red Cross and Red Crescent Societies (IFRC) and the United Nations Development Programme (UNDP) have jointly developed the *Checklist on Law and Disaster Risk Reduction* (the Checklist), and this accompanying Handbook. These tools are aimed at providing practical guidance to lawmakers, officials, and practitioners on how to review and improve laws and regulations to ensure DRR is prioritized in all sectors and at all levels with clear mandates and accountability frameworks. Both the Checklist and Handbook are the result of more than three years of rigorous research on best practices and lessons learned in developing and implementing legislation for DRR globally.

We believe that strong legal frameworks to manage and reduce risks will underpin efforts to tackle the challenges that lie ahead. A risk-informed legal framework can make the difference between a strong building left standing and one reduced to rubble when a natural hazard strikes. It can mean the difference between the safety of one neighbourhood and the devastating flooding of another, or a child able to protect herself when a disaster strikes, and one who does not know how to get to safety.

We look forward to continuing to work in partnership with governments and all other stakeholders to support efforts to strengthen legislation and reduce the risks that too many people still face.

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Secretary General
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of Red Cross and Red Crescent Societies

Helen Clark
Administrator
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Executive summary

Laws and regulations serve as a foundation for building community resilience. They are essential to reducing existing risks posed by natural hazards, preventing new risks from arising and making people safer. In 2005, the *Hyogo Framework for Action, Building the Resilience of Nations and Communities to Disasters 2005 – 2015* highlighted the important role legislation plays in supporting disaster risk reduction (DRR), and this emphasis was reiterated this March in the *Sendai Framework for Disaster Risk Reduction 2015-2030* (the Sendai Framework), which calls for a renewed focus on reviewing and strengthening legal frameworks. In light of this international guidance, many countries have sought to strengthen their laws and regulations for DRR. In doing so, they have asked: What should good legislation say about disaster risk reduction?

Prompted by this question, the International Federation of Red Cross and Red Crescent Societies and the United Nations Development Programme conducted over two years of in-depth research and in 2014 launched the study, *Effective law and regulation for disaster risk reduction: a multi-country report.* Using the findings of this research and insights gained from comprehensive stakeholder consultations, the International Federation of Red Cross and Red Crescent Societies and the United Nations Development Programme developed a new practical guidance tool for this area of law, the *Checklist on Law and Disaster Risk Reduction* (the Checklist).

The Checklist provides a prioritized list of 10 questions that lawmakers, officials, practitioners and those supporting them need to consider in order to ensure that their laws provide the best support for DRR. It covers not only dedicated disaster risk management (DRM) laws, but also other sectoral laws and regulations – covering issues such as the environment, land and natural resource management – that are critical for building safety and resilience.

The Checklist also aims to foster a more integrated approach to DRR by incorporating climate change and sustainable development considerations into its review of legislation. The Checklist mainly focuses on disasters caused by natural hazards, and does not include specific considerations related to industrial accidents, public health emergencies and situations of generalized violence.

The Handbook on Law and Disaster Risk Reduction (the Handbook) has been developed to provide guidance on how to use the Checklist and conduct related legislative reviews and reform processes. While the methodology for using the Checklist needs to be tailored to each country's context and respective needs, the Handbook is intended to provide general guidance on key steps to consider. Part 6 explains how the Checklist could be used during an in-depth legislative reform process, and uses lessons learned from a range of countries to inform its recommendations. The Checklist may, however, be used in a variety of platforms, workshops and initiatives, and can also be used to determine whether a fully-fledged legislative review process is needed in the first place. DRM committees, project teams and programmes targeting DRR and resilience may also choose to use the Checklist as part of their activities.

Part 7 provides guidance on how to use the Checklist when researching and analyzing relevant domestic laws and regulations. It provides additional detailed explanations and issues to consider, a suggested process for answering the questions, examples of good practice, and references to standards set by the Sendai Framework. A list of further reading material for each question is provided in Annex 1.

The Handbook and Checklist aim to support countries to identify the DRR-related strengths and gaps in their current legal frameworks, identify where greater focus may be needed on implementation and enforcement, and identify whether drafting or amending legislation is necessary. Additionally, it is expected that the process of convening a range of stakeholders in a common dialogue to respond to the Checklist questions will contribute to the improved implementation of a sound legal framework for DRR.

The Checklist on Law and Disaster Risk Reduction

1 Does your country have a dedicated law for disaster risk management that prioritizes risk reduction and is tailored to your country's context?

2 Do your country's laws establish clear roles and responsibilities related to risk reduction for all relevant institutions from the national to the local level?

3 Do your country's laws ensure that adequate resources are budgeted for disaster risk reduction?

4 Do your country's relevant sectoral laws include provisions to reduce existing risks and prevent the creation of new risks?

5 Do your country's laws establish clear procedures and responsibilities for conducting risk assessments and ensuring risk information is considered in development processes?

6 Do your country's laws establish clear procedures and responsibilities for early warning?

7 Do your country's laws require education, training and awareness-raising to promote a whole-of-society approach to disaster risk reduction?

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