

The checklist on law and disaster risk reduction

Pilot Version, March 2015



About the IFRC Disaster Law Programme

The IFRC's Disaster Law Programme seeks to reduce human vulnerability by promoting effective legal frameworks for disaster risk reduction and legal preparedness for disasters. It works in three main areas: collaboration with National Red Cross and Red Crescent Societies and other partners to offer technical assistance to governments on disaster law issues; building the capacity of National Societies and other stakeholders on disaster law; and dissemination, advocacy and research. E-mail: disaster.law@ifrc.org.



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The checklist on law and disaster risk reduction (pilot version – march 2015)

-  Do you have a dedicated law for disaster risk management that prioritises risk reduction and is tailored to your country context?
-  Do your laws establish clear roles and responsibilities related to risk reduction for all relevant institutions from national to local level?
-  Do your key sectoral laws incorporate provisions to increase safety and reduce vulnerability?
-  Do your laws ensure that sufficient resources are budgeted for disaster risk reduction?
-  Do your laws establish clear procedures and responsibilities for risk assessments and ensure risk information is considered in development processes?
-  Do your laws establish clear procedures and responsibilities for early warning?
-  Do your laws require education, training and awareness-raising to promote a whole of society approach to disaster risk reduction?
-  Do your laws ensure the engagement of civil society, the private sector, scientific institutions and communities in risk reduction decisions and activities?
-  Do your laws adequately address gender considerations and the special needs of particularly vulnerable categories of persons?
-  Do your laws include adequate mechanisms to ensure that responsibilities are fulfilled and rights are protected?

1. Introduction

Despite being preventable, disasters caused by natural hazards represent one of the biggest threats to sustainable development and human safety today. The number of deaths caused by disasters per year in the last decade has been, on average, 97,954 globally. In 2013 alone, disasters cost US\$ 118.6 billion, yet it was still one of the lowest records of the decade.¹

It is clear that much more can be done to ensure that natural hazards do not turn into disasters, in particular, by reducing risks and strengthening the resilience of those exposed to natural hazards. Laws and regulations serve as a foundation for building such resilience. They are essential to creating an enabling environment for reducing risks posed by natural hazards, preventing new risks from arising and making communities safer.

Since the adoption of the *Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters* (HFA), 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 by adopting new laws for disaster risk management (DRM laws). 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.

To address this gap, in 2012, the *International Federation of Red Cross and Red Crescent Societies* (IFRC) and the *United Nations Development Programme* (UNDP) embarked in a joint initiative aimed at supporting the strengthening of domestic legislation for disaster risk reduction (DRR).³ The project envisaged the development of two products:

- a multi-country report on the DRR-related legislation of 31 countries, and
- a ten-point *Checklist on Law and Disaster Risk Reduction*.

A synthesis report of the largest comparative study of legislation for disaster risk reduction undertaken to date, titled ***Effective law and regulation for disaster risk reduction: a multi-country report*** (IFRC, UNDP 2014), was launched in June 2014,⁴ along with most of the country case studies on which it was based. The findings of the synthesis report and case studies, together with the opinions and experiences of stakeholders gathered through ten consultations held around the world, were then used to develop the *Checklist on Law and Disaster Risk Reduction*. (the Checklist).

1 See World Disaster Report 2014, 213.

2 For the purposes of this document, DRM law means a country's national law (or identified ensemble of laws) that establishes responsibilities, priorities and institutional frameworks specifically for disaster risk management, regardless of the exact terminology used in the law's title, or its translation. Disaster risk management (DRM) refers to the systematic process of using administrative directives, organizations, and operational skills and capacities to implement strategies, policies and improved coping capacities in order to lessen the adverse impacts of hazards and the possibility of disaster. This term is an extension of the more general term 'risk management' to address the specific issue of disaster risks. DRM aims to avoid, lessen or transfer the adverse effects of hazards through activities and measures for prevention, mitigation and preparedness

3 Disaster risk reduction (DRR) refers to the concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events

4 See www.drr-law.org

2. Purpose of the Checklist

The Checklist provides a prioritized and succinct list of ten key questions that lawmakers, implementing officials, 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 DRM laws but also other sectoral laws and regulations that are critical for building safety and resilience, as well as the environment, land and natural resource management.

The Checklist is designed to:

- Serve as an assessment tool to guide a review process of national and local level laws and regulations that can enhance DRR;
- Provide guidance on how to bring national legal frameworks in line with existing international standards, in particular, the Post-2015 Framework for Disaster Risk Reduction.

The Checklist also aims to foster a more integrated approach to disaster risk reduction by taking into account climate change and sustainable development considerations within the review of legislation.

3. Background and next steps

This initiative is founded in both the Hyogo Framework for Action 2005-2015⁵ and a specific mandate from states at the 31st International Conference of the Red Cross and Red Crescent in November 2011 (Resolution 7). This resolution encouraged states, with support from their National Red Cross and Red Crescent Societies, the IFRC, UNDP, and other relevant partners to review existing legislative frameworks in light of the key gap areas related to DRR identified in an IFRC report to the Conference. The resolution called for states to assess whether their laws made DRR a priority (including through resource allocation and accountability), involved communities, civil society and the private sector, and facilitated the implementation of land use planning and building codes.

Following two years of subsequent research, in June 2014, the IFRC and UNDP launched the results of the above mentioned study on legislation for disaster risk reduction. Based on the study's findings and recommendations the Checklist was developed.

The ten consultations on the content and structure of the Checklist started in 2012, are listed below:

- Session at an "International Disaster Law Workshop for West African Stakeholders", September 2012
- Expert "Inception" Workshop, Geneva, October 2012
- Permanent Missions Consultative Group, Geneva, May 2013
- Session at the Annual National Red Cross and Red Crescent Societies Legal Advisers Meeting, Geneva, June 2013
- Expert Workshop, Panama, October 2013 (considering a "zero draft")
- Expert Workshop, Kuala Lumpur, February 2014 (considering "draft 1")

5 In particular, priority 1 'Ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation'.

- Pre-conference Consultation at 5th Africa Regional Platform on Disaster Risk Reduction, “Consultation on DRR Legislation – Towards a Checklist for Lawmakers” (considering “draft 2”), Abuja, May 2014
- Regional Consultation Meeting on Law and Disaster Risk Reduction, Dakar, October 2014
- Regional Consultation Meeting on Law and Disaster Risk Reduction, Nairobi, November 2014
- Regional Consultative Meeting on Law and Disasters, Toluca, Mexico, November 2014

A pilot version of the Checklist is now available for the World Conference on Disaster Risk Reduction (WCDRR) in March 2015. The Checklist will then be piloted for use in three to four countries from different regions. The pilot process is expected to involve trainings, legal mapping exercises, and multi-stakeholder dialogues that will result in the identification of key priority issues and potential follow up activities for the pilot country. During this process further feedback on the Checklist will be sought and incorporated, in time for the finalisation and launch of the Checklist at the 32nd International Conference of the Red Cross and Red Crescent in December 2015.

During the Pilot Process, a more detailed handbook will be developed to provide additional detail and guidance on how to use the Checklist and what issues should be considered when responding to the Checklist questions. The handbook will also provide the rationale for each Checklist question, examples of good practice from different countries as well as a suggested methodology for using the Checklist for an in-country assessment. The handbook will also provide guidance as to how to organize country context assessments and how to identify and overcome implementation challenges, including by looking at whether laws and regulations set realistic standards in light of local capacity, resources and culture.

4. Why use the Checklist on law and disaster risk reduction?

The role of legal frameworks in providing the enabling framework for disaster risk reduction was recognized by 168 UN member states in 2005 when they adopted the HFA, and is also acknowledged in the current draft of the successor agreement, the Post-2015 Framework for Disaster Risk Reduction.

The current draft of the Post-2015 Framework for DRR lists ‘strengthening governance and institutions to manage disaster risk’ as one of the 4 Priorities for Action. A clear first step to promoting stronger governance for disaster risk reduction is improving relevant laws and regulations as well as strengthening their implementation. The Post-2015 Framework thus calls for a number of important actions to strengthen legal frameworks as depicted in the box below.

The Checklist will not only support implementation of commitments made under the Post-2015 Framework for DRR, it will allow countries to benefit from over two years of comprehensive research through one practical assessment process.

The Checklist will help to countries to identify:

The **strengths** in the legal framework

Where greater focus is needed on **implementation**

If **drafting** or revising legislation is needed

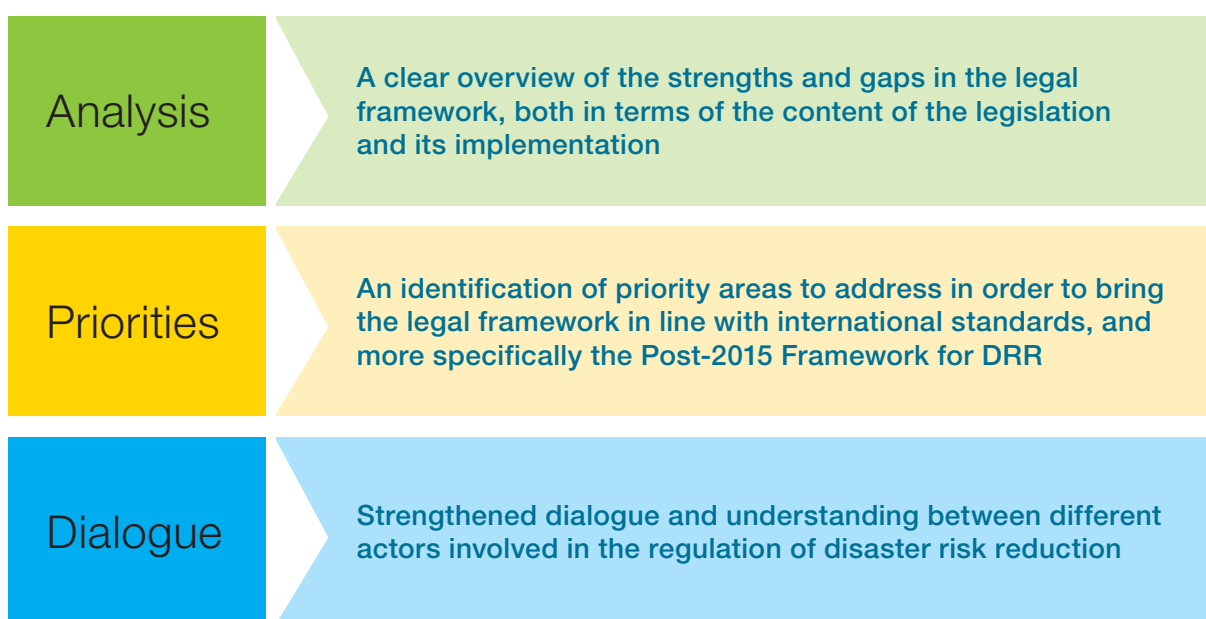
What does the post-2015 framework for disaster risk reduction say about legal frameworks?

- Review and promote the coherence and further development, as appropriate, of national and local frameworks of laws, regulations and public policies
- Assign, as appropriate, clear roles and tasks to community representatives within disaster risk management institutions and processes and decision-making through relevant legal frameworks. Undertake comprehensive public and community consultations during the development of such laws and regulations to support their implementation
- Encourage the establishment of necessary mechanisms and incentives to ensure high levels of compliance with existing safety-enhancing provisions of sectoral laws and regulations, including those addressing land use and urban planning, building codes, environmental and resource management, and health and safety standards, and update them, where needed, to ensure an adequate focus on disaster risk management
- Parliamentarians are encouraged to support the implementation of disaster risk reduction through developing new or amending relevant legislation and set adequate national and local budget allocations
- Review and strengthen national laws and procedures on international cooperation, based on the Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance

Draft text of the post-2015 framework for DRR (negotiated as of 28 January 2015)

The process by which the Checklist questions are discussed and agreed upon may be as important as the content of the answers themselves. Given the multi-sectoral and inter-disciplinary nature of disaster risk reduction, responding to the Checklist questions will require the engagement and contribution of a range of stakeholders from national to local levels, including government, civil society and community representatives. It is expected that the process of bringing these stakeholders together in a common dialogue to respond to the Checklist questions will be an additional benefit of the process.

The expected outputs of using the Checklist are:



5. How and when to use the Checklist

The Checklist is intended to ensure that risk reduction and resilience are well integrated into and supported by legal systems. It is not designed to comprehensively address all issues related to law and disaster management. It does not specifically address disaster preparedness, response or recovery, though plans are underway to develop similar tools for these areas. Similarly, the Checklist is not a model DRM law. The guidance provided in this Checklist is designed to help prioritize DRR in dedicated DRM laws on one hand, and sectoral laws on the other. Both areas of legislation are equally as important, and as highlighted in the Checklist questions, no single law is able to completely address all aspects of DRR.

Examples of when to use the Checklist include:

- ✓ When determining next steps for the implementation of the Post-2015 Framework for DRR
- ✓ When embarking on a review of existing laws, plans and policies in the aftermath of a disaster
- ✓ Following the adoption of a new policy or strategy that aims to make disaster risk reduction a national priority
- ✓ Prior to drafting a new law or policy for disaster risk management
- ✓ When reviewing legislation for environmental management, natural resource/water/forest management and climate change
- ✓ As an initiative of a National Disaster Risk Reduction Platform to increase dialogue and multi-stakeholder engagement

The methodology for using the Checklist should be tailored to each country context and their respective needs. Though one individual or organisation may initiate the process for using the Checklist, comprehensively answering the Checklist questions will require a thorough analysis and consultative process involving a range of stakeholders. In some cases, existing mechanisms such as a national DRR platform may choose to undertake this review, allowing different members to take part in the research and analysis. Disaster risk management committees, project teams, and programmes targeting resilience may also choose to incorporate the use Checklist as part of their activities.

6. How to answer the Checklist questions?

This section provides a short explanation and additional guidance on how to answer each Checklist question, including guidance on which laws should be reviewed. Further explanation and examples will be provided in the handbook still to be developed.

1. Do you have a dedicated law for disaster risk management that prioritises risk reduction and is tailored to your country context?

Dedicated national DRM laws (also sometimes an ensemble of several laws) are important for setting out key DRR principles and priorities, promoting a multi-hazard approach, recognising rights of indi-

⁶ With regard to the regulation of international disaster assistance, see the “Guideline for the domestic facilitation and regulation of international disaster relief and initial recovery assistance” at www.ifrc.org/dl. Plans have also been made to prepare checklists for law and response as well as recovery following the finalisation of the Checklist on Law and Disaster Risk Reduction.

viduals, and clearly assigning responsibilities from national to local level. In some countries, it may be equally important to have laws of this kind also at the provincial level. When developing or revising a DRM law, consideration should be given to the country risk profile, existing risk governance capacity, and how the laws relate to and supports the implementation of other relevant sectoral laws.

a. Guiding questions:

- Does your DRM law set out key principles and priorities guiding the country's approach to disaster risk reduction? Are these principles reflected throughout the text of the act?
- Does your DRM law create links with any legislation and institutions related to climate change adaptation?
- Does your DRM law establish links with any key sectoral laws?
- Does your DRM law include ways to measure success and implementation?

b. Check laws and regulations on:

- *Disaster risk management/ emergency management/ civil defence law (as applicable)*
- *Specific hazards (such as law on storms and floods, seismic protection/earthquake, fire, drought)*

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

To be effective, laws must clearly assign tasks and responsibilities to all relevant ministries and levels of government for their implementation. Experience has also shown that the institution assigned to be the focal point agency for disaster risk management should be situated at a high enough level to effectively coordinate and promote disaster risk reduction activities with different departments or ministries. Relevant institutions from national to local level should also be consistently assigned the necessary authority and resources to carry out their mandates and responsibilities, with special attention given to elected bodies at sub-national level and community representative institutions. Focus should also be placed on developing DRR institutional capacities, and establishing coordination mechanisms/platforms for inter-departmental/agency collaboration on risk management issues.

a. Guiding questions:

- Do your laws mandate a national focal point agency for disaster risk reduction with sufficient institutional authority to exercise effective leadership?
- Do your laws ensure cooperation and information exchange between relevant ministries and levels government with the national focal point agency?
- Do your laws appoint a national inter-ministerial/multi-sectoral committee with a clear mandate for disaster risk reduction and ensure that it meets frequently enough to be effective (i.e. not just in the aftermath of a disaster)?
- Are institutions from national to local level consistently assigned the necessary authority and resources to carry out their mandates and responsibilities?
- Is the division of responsibilities made sufficiently clear between different ministries and levels of government?

b. Check laws and regulations on:

- Disaster risk management/emergency management/civil defence at the national, provincial and local levels (as applicable)
- local government and decentralization
- Specific hazards (such as law on storms and floods, earthquake, fire, drought)

3. Do your relevant sectoral laws include provisions to increase safety and reduce vulnerability?

No single law can fully address disaster risk reduction. Sectoral laws, especially those for development planning, construction, building, land use, environmental protection and resource management, climate change, social welfare and education (whether at national, provincial or local levels), should also include provisions to reduce risk and make people safer, based on up-to-date country risk profiles and assessments. Care should be taken to avoid duplication and improve coordination between sectoral ministries and different levels of government (for instance, between climate change and disaster related laws, or between national authorities and city governments). At the same time, provisions should facilitate the implementation of these laws, particularly where they affect human safety.

a. Guiding questions:

- Are there provisions that address DRR in relevant sectoral laws and regulations (see list below)?
- Is there any duplication or conflicting provisions between these laws?
- Are sufficient financial resources allocated for implementation of the DRR mandates of sectoral legislation?

Special considerations for different areas of law:

Environment:

- Do your laws related to the environment require environmental impact assessments for planned developments that include DRR criteria (taking into account a changing climate)?
- Do your environmental laws address natural hazards and the safety of people, their property and livelihoods?
- Do your environmental laws promote the use of eco-system approaches to disaster risk reduction?

Natural resource management

- Do your water resource management laws include provisions aiming to reduce the risk of floods and droughts?
- Do your forest or land management laws address risk of forest fires?

Land use planning, urban development and building

- Do your laws and regulations on development, planning and construction promote coordination with disaster risk management institutions and mechanisms?
- Do your building codes and land use planning regulations cover your entire territory and ensure that priority is given to schools, hospitals and other public buildings?

- Do your laws and regulations include legal sanctions, where appropriate, in cases of non-compliance leading to unsafe buildings or developments?
- Do you have laws related to land use planning or urban development provide improvements in the safety of people living in informal settlements, consistent with their human rights?

Climate change

- If you have legislation on climate change, does it promote coordination and integration with disaster risk management institutions and systems?

b. Check laws and regulations on:

- *Environmental management and protection*
- *Natural resource management*
- *Water resource management*
- *Forest management*
- *Construction*
- *Land use planning*
- *Urban development planning*
- *Building*
- *Environmental impact assessments*
- *Climate change adaptation and mitigation*
- *Social welfare*
- *Insurance*
- *Education*

4. Do your laws ensure that sufficient resources are budgeted for disaster risk reduction?

Risk reduction often comes up as the loser in budgeting processes. This might be addressed by requiring integration of risk reduction into development plans, earmarking percentages in annual budgets, mandating budget line items, establishing dedicated funds, and even requiring contributions from the private sector in certain circumstances. Particular attention should be paid to ensuring that any responsibilities that are decentralized to local authorities are properly resourced, including to develop local risk governance capacity, and that budgets are not only assigned but accounted for. Insurance or similar risk-sharing mechanisms also need to encourage a risk reduction approach rather than subsidising risky behaviours.

a. Guiding questions:

- Do your laws ensure sufficient resource allocation for DRR, through mechanism such as:
 - Development plans?
 - Earmarking percentages in annual budgets?
 - Mandating budget line items?
 - Establishing dedicated funds?

- If your laws decentralise responsibilities to sub-national authorities, are there provisions that ensure a commensurate allocation or other means to generate resources for these authorities to fulfil their responsibilities (such as capacity building initiatives or national/local co-funding incentives)?
- Are there measures or provisions in place to reduce implementation challenges for DRR financing, such as ensuring a sustained resource base and reducing competition with response funds?
- Do your laws promote disaster insurance and/or other risk finance mechanisms?

b. Check laws and regulations on:

- *Disaster risk management/emergency response/civil defence*
- *Local government*
- *Development planning*
- *National budgetary policies and processes*
- *Insurance*
- *Taxation*
- *Investment*
- *Private sector*

5. Do your laws establish clear procedures and responsibilities for risk assessments and ensure risk information is considered in development processes?

A clear and current understanding of the specific hazards and vulnerabilities facing your country is indispensable, both to government authorities as well as to the private sector, communities and individuals. Legislation should provide for regularly updated risk mapping including both disaster and climate risks (i.e both historical and projected risks), and involving at risk communities in the assessment process, as well as putting in place measures to improve technical and institutional capacities at all levels. It should also require that risk information is disseminated appropriately and informs all investment decisions in development planning and construction.

a. Guiding questions:

- Do your laws require the undertaking of regular hazard and vulnerability mapping and risk assessments, including both disaster and climate risks, and clearly assign these tasks to appropriate authorities?
- Do your laws or policies provide for at-risk communities to be involved in the risk assessment process?
- Do your laws require risk information to be considered in development planning and construction?

b. Check laws and regulations on:

- *Disaster risk management/emergency response/civil defence*
- *Land use planning*
- *Building and construction*
- *Water management*

⁷ The expression “end-to-end warning system” is used to emphasize that warning systems need to span all steps from hazard detection through to community response knowledge of the risks; i.e. from monitoring, analysis and forecasting of the hazards; communication or dissemination of alerts and warnings; and local capabilities to respond to the warnings received.

- *Climate change*
- *Environmental impact assessment*

6. Do your laws establish clear procedures and responsibilities for early warning?

Laws and procedures addressing early warning should clearly establish roles and responsibilities, not only for technical ministries but also communities, local authorities, private media companies, scientific institutions and civil society organizations. This can be done by, for example, integrating community-based early warning systems (EWS) with official/national EWS and assigning community representatives with maintenance or oversight responsibilities. Legislation should foster end-to-end⁷ and multi-hazard early warning systems that can also foster stronger partnerships and inter-institutional cooperation in information dissemination and the management of EWS, ensuring that early warnings are accessible and understood by all those at risk. Additionally, consideration should be given to including accountability mechanisms within legislation for failure to fulfil responsibilities or for misuse of early warning systems.

a. Guiding questions:

- Do your laws clearly assign responsibilities for all steps of the early warning process from assessing the hazard to making decisions to issue warnings?
- Do your laws address the roles of technical ministries as well as communities, local authorities, scientific institutions, private media companies and civil society organizations in early warning systems?
- Do your laws require EWS for the most frequent and serious hazards?

b. Check laws and regulations on:

- *Disaster risk management/emergency response/civil defence*
- *Disaster management and response plans*
- *Contingency plans*
- *Climate change*

7. Do your laws require education, training and awareness-raising to promote a whole of society approach to DRR?

To be resilient, communities must be informed about and engaged in reducing their own risks. Legislation should establish or promote special training facilities and education through various means and for public sector workers and professionals, mandate training on disaster risk reduction and response in school curricula, and require disaster preparedness drills in high risk areas. Provisions relating to public awareness and understanding of DRR should include specific guidance for implementation. Where relevant, attention should also be paid to building upon or formally recognising existing customary laws that promote community understanding and ownership of DRR initiatives.

a. Guiding questions:

- Do your laws or codes mandate training on disaster risk reduction in the school curricula?
- Do your laws establish or promote training for public officials and relevant professionals on DRR?

- Do your laws include provisions on promoting public awareness and understanding of DRR with specific guidance for implementation?

b. Check laws and regulations on:

- *Disaster risk management/emergency response/civil defence*
- *Education*
- *Local government*

8. Do your laws ensure the engagement of all relevant stakeholders, including civil society, the private sector, scientific institutions and communities in risk reduction decisions and activities?

Most governmental officials readily acknowledge that they cannot prevent disasters alone. However, good intentions to collaborate with civil society and, private sector actors, and to seek better representation of communities, women and vulnerable groups, have often proven insufficient to ensure their sustained engagement in decision-making processes and in the implementation of risk reduction activities. Legislation should guarantee this engagement. Specific provisions may be needed to ensure meaningful engagement of women, minorities, people with disabilities and older persons.

a. Guiding questions:

- Do your laws require community representation in DRR decision-making bodies and processes?
- Do your laws require representation of civil society organisations and your National Red Cross/Red Crescent Society in decision-making institutions and processes?
- Are civil society organisations and National Red Cross/Red Crescent Societies given specific roles or duties within your DRR laws?
- Are there legal provisions which ensure meaningful engagement and representation of women, minorities, people with disabilities and older persons?
- Do your laws address the participation of private sector actors in both decision-making bodies as well as DRR activities?
- Do your laws ensure that the best available scientific resources and analysis inform development and DRR decisions?

b. Check laws and regulations on:

- *Disaster risk management/emergency response/civil defence*
- *National Red Cross/Red Crescent Society*
- *National Disaster Risk Reduction Platform*
- *Civil Society and NGOs*
- *Local government*
- *Insurance*
- *Taxation*
- *Investment*

9. Do your laws adequately address gender considerations and the special needs of particularly vulnerable categories of persons?

It is now widely acknowledged that natural disasters predictably have disproportionate impacts on certain categories of persons, either due to special vulnerabilities and/or the influence of social structures and practices. These categories may vary between countries and localities, but they commonly include women, the very poor, older persons, children and people with disabilities, among others. Laws can ensure an adequately disaggregated analysis to detect groups facing increased risk and require that certain measures be undertaken to increase their safety and resilience. For example, legislation may require that evacuation centres are made accessible to people with disabilities, or that gender differences are taken into account when developing DRR strategies or contingency plans.

a. Guiding questions:

- Do your laws ensure a proper analysis as to which categories of persons may be most vulnerable or exposed to disaster risks (taking into account the global experience showing that groups such as women, older people, persons with disability and the very poor are especially likely candidates)?
- Are specific responsibilities assigned to institutions to take the needs of these groups into account?
- Do your laws ensure that gender specific needs or considerations are taken into account?
- Do your laws ensure that the specific needs of other groups with particular vulnerabilities are taken into account?

b. Check laws and regulations on:

- Disaster risk management/emergency response/civil defence
- Disaster management and response plans
- Disability
- Human rights and equal opportunity
- Health
- Social welfare
- Family law
- Constitution

10. Do you have adequate mechanisms to ensure that responsibilities are fulfilled and rights are protected?

Legislation can set out enforceable incentives and disincentives to ensure that officials fulfil their responsibilities related to DRR and to dissuade individuals and the private sector from putting themselves or others at unacceptable risk. Such accountability mechanisms include financial incentives, parliamentary oversight and transparency requirements, anti-corruption measures as well as legal and/or administrative sanctions for particularly egregious failures to fulfil responsibilities. Legislation can also set out pertinent rights, including the right to disaster information and the right to a safe and healthy environment, and provide necessary and accessible mechanisms for their protection and fulfilment. Awareness raising and dissemination initiatives should be conducted to improve understanding and implementation of these rights, obligations, incentives and disincentives and to build a culture of respect for them.

a. Guiding questions:

- Do your laws establish public reporting or parliamentary oversight mechanisms for government agencies tasked with DRR responsibilities? Is this information required to be publicly available in an accessible format, such as through open websites?
- Is there a mandated role of the judiciary in enhancing accountability for DRR?
- Do your laws include incentives for compliance with laws and regulations for DRR?
- Do your laws establish rights relevant to DRR, including the right to disaster information, and include detail on how they will be enforced?
- Do your laws establish legal and/or administrative sanctions (as appropriate) for public officials, individuals and businesses for a gross failure to fulfil their duties?

b. Check laws and regulations on:

- *Constitution*
- *Disaster risk management/emergency response/civil defence*
- *Criminal law*
- *Civil liability*
- *Tort law/negligence*
- *Administrative law*
- *Human rights*

7. Follow-up Actions

No legal framework is perfect, and it is inevitable that there will be gaps or improvements needed in the implementation of at least some laws in every country. Using the Checklist will enable an identification of existing strengths and gaps, prompting a consideration of whether changes in law or practice are warranted and which issues are a priority within individual country contexts. In developing proposed activities to address key gaps or weaknesses, it may be helpful to consider the following activities:

- More in-depth research into a particular issue or area of law
- Wider consultation with stakeholders, particularly at local levels
- Awareness raising activities to address implementation challenges, such as public information sessions, trainings, development of communication products, and events or performances
- Amendments to existing laws or regulations to address DRR concerns or to reduce overlap or conflict with other laws
- Introduction of new laws or regulations in areas not currently covered by existing legislation

If legislative reform is needed, there are a number of factors to take into account to enhance its implementation. Legislation related to disaster risk reduction should be developed through an inclusive process, with active participation of all relevant ministries and levels of government, subject matter experts as well as civil society organizations, the private sector, academics and individuals, including women. While major disasters often create a political opportunity to improve legislation rapidly, consultations should not be neglected. Additionally, implementation of legislation can be enhanced through the development of an implementation plan that identifies resources to be used, trainings to be conducted, key milestones and timeframes. Responsibilities should be clearly identified, and progress reports required in order to keep track of implementation challenges and achievements.

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