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Enhancing DRR Legislation

Using the Health & Safety model to incorporate Disaster Reduction for an enhanced legislature and DRR compliance platform

H&SDR/ DRH&S

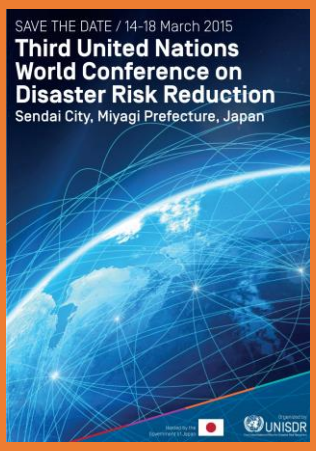


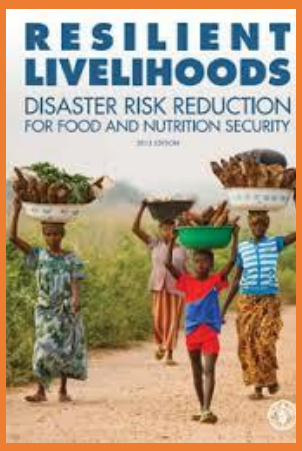
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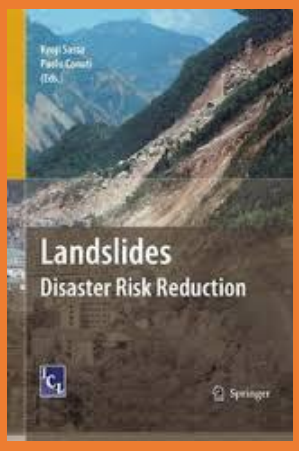
ALWAYS!
HEALTH
AND
SAFETY
FIRST

HEALTH & SAFETY
DISASTER
REDUCTION
CREATING PROTECTION
FOR THE INDIVIDUAL
AT HOME OR WORK
IN TRAVEL OR PLAY
IN SCHOOL

2018









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Health & Safety Disaster Reduction
Combining H&SDR / DRH&S as a Comprehensive Legislated Strategy

Concept introduction

The Challenge is understanding the options of creating totally disparate parallel sets of legislation to strengthen DR as a separate identity OR identify existing 'vehicles' of legislation, compliance models and public acceptance tools within society that can be expanded, adapted and added to that which already have the penetration in to the home and workplace and already hold and are capable of holding the individual, company bosses and administration to account, which already use legislation and the powerful carrot stick of insurance. This is the sector of Health & Safety. It makes sense to at least review this whole sector; it very name suggests protection of the individual, the two words hardly need clarifying in the individual mind and most in the industrial world, from bosses to employees realise that they all have a responsibility to contribute for their own good, for the good of their workmates, employees, their company and their families.

Whereas H&S is not directly enforceable within the home, its education of safe practice starts from within the workplace for 'everyone' for everyone's benefit, including safe practices, safe machinery, safe environment. That is the crucial term...'safe environment'. This is where we can hinge DR, absorbing the other aspects of H&S, with training and awareness within the office, factory floor, Hospital and school. The mechanism already exists where is can be reinforced through the courts, where insurance companies already review compliance favourably with discounted premiums and administrations realise their responsibility to ensure the whole sector is adhered to, developed and administered.

Author Resume

During the 80 the author's company team developed the modern 'modular' training system for the UK Government Manpower Services Dept. Then for the next 21 years the author worked within both the Corporate security industry pioneering many aspects of modern thinking for physical Risk Management, studying a Security and Risk Management MSC at the Scarman Centre Leicester University and within H&S Industry, designing and writing and delivering bespoke training courses and delivering into a wide array of industry.

During the last few years as honorary chair of the Global Task Force for Building Codes within UNESCO, the GTFBC has been profiling the fundamental approach from within the UN to address the Construction industry legislature, standards and compliance needs for codes, retrofit, maintenance, repair and transitional shelter design and implementation with specific concentration upon schools and health facilities.

However within DRR it is seemingly only the built environment that benefits from legislature. This has been the opinion and concern of many working within DRR during the 1st ten years of HFA.

So Concurrently several of us have been supporting the IFRC and UNDP in developing their Law and Disaster Risk Reduction Consultative Initiative along with creating a DRR Checklist for legislators.

The Challenge

Whereas it has identified a wish list and some key areas where legislature may strengthen the practice and implementation of DRR, the study continues to struggle to create or identify a legal framework to which DRR may hang its 'rights issue'.

'Rights' work both ways. The 'functioning body' has a responsibility to inform, train and offer protection in various guises, including physical, moral in the form of Duty of Care and legal.

BUT importantly the individual also has a responsibility to conform and comply, with a responsibility to him herself and to those around them and to those setting the standards or procedures, allowing the stated policy and regulation to be allowed the opportunity to operate.

Attached is both the IFRC project reports at from the inaugural meeting in 2012 in Geneva and from the regional meeting in Kuala Lumpur in 2013, which review the challenges and potential opportunities existing that may support strengthening of DRR by use of legislature.

Existing Frameworks

Surprisingly a frame work and all that is addressed here is already being practiced within a parallel world of 'workers' rights' through 'safety within the workplace' implementation and enforcement strategy, commonly known as 'Health & Safety' .

Author: Garry de la Pomerai. Independent DRR Consultant garry@soluzionsystems.com
Tel: UK +44 07845529211 & UAE +971 505767302 Fax: +442076919470

It has become apparent, that the necessary framework models already exist within Health and Safety, along with bespoke aspects existing within the Construction, Road, Ferry, Air, Rail, Health, Education and Food industries. But it is the H&S Industry that offers us the most probable comprehensive model framework to absorb DRR sector requirements.

The Rights of People..... the basis of H&S and DRR

- In order to provide the 'rights' to people we need a legal frame work that supports those 'rights'.
- This legal framework infers a 'duty of care' either by the state or by a corporate entity
- The 'duty of care' infers a responsibility
- If one is responsible then there must be an agenda of requirements for raising awareness, training and practice.
- This infers that there are to be the tools to carry out these three sets of duties
- With these duties must come compliance
- Compliance can only be enforced through a legal framework
- Compliance can also be achieved through a 'safety culture' development, whether through the state, a corporate entity or through the individual.

DRR doesn't have, to date, a comprehensive legislated framework.

We recommend that a review and development of the well established HSE frameworks [the UK has the classic example] which provides all of the tools from shop floor [potentially including home floor] to high court, from initiation to proficient. Providing not only the requirement 'to provide' awareness, training and but also the requirement to be responsible and 'to comply' and ensure compliance. The strategy is about a DRH&S Culture Development package.

A 'Health and Safety' Framework

Here we review as an introduction, the core values and tools of H&S, comparing on how it potentially could absorb, enhance and develop legislation in support of DRR.

Aims and Objectives [The UK H&S Example]

The Health and Safety Executive's (HSE's) aims are to protect the health, safety and welfare of people at work, and to safeguard others, mainly members of the public, who may be exposed to risks from the way work is carried out or from the 'work stations' where they work, which is a fundamental key term for DRR, 'Work Stations'

The HSE's statutory functions include:

- proposing new or updated laws and standards,
- conducting research,
- providing information and advice, and
- making adequate arrangements for the enforcement of health and safety law in relation to specified work activities.

Local Authorities also enforce health and safety law in workplaces allocated to them – including:

- offices,
- shops,
- retail and
- wholesale distribution centres,
- leisure,
- hotel and
- catering premises.*

Health and safety relating to the operation of railways is enforced by the Office of Rail Regulation (ORR) in accordance with its own enforcement policy.

The Enforcement Policy Statement is in accordance with the Regulators' Compliance Code and the regulatory principles required under the UK's Legislative and Regulatory Reform Act 2006.

- It sets out the general principles and approach which the health and safety enforcing authorities (mainly HSE and local authorities) are expected to follow.
- All local authority and HSE staff who take enforcement decisions are required to follow HSE's Enforcement Policy Statement. In general, those staff will be inspectors, so this policy refers to inspectors for simplicity.

The appropriate use of enforcement powers, including prosecution, is important, both to secure compliance with the law and to ensure that those who have duties under it may be held to account for failures to safeguard health, safety and welfare.

In allocating resources, enforcing authorities should have regard to the principles set out, the objectives published in the HSE Business Plan, and the need to maintain a balance between enforcement and other activities, including inspection.

A comparative review of a H&S model and incorporating DR into a similar framework

1.H&S

The Health and Safety Executive's (HSE's) aims are to protect the health, safety and welfare of people at work, and to safeguard others, mainly members of the public, who may be exposed to risks from the way work is carried out.

1.DRR

This type of Executive is ideal for the DR input also. Health Safety and welfare is their priority, simply needs to go beyond the workplace. In fact all buildings are potential work places for a variety type of workers. So actually all buildings do already get risk assessed within this system, not just the factories and offices. Hospitals and schools will already have strict H&S regulations, which would need to be taken to the next level of DR... for the bigger event.

2.H&S

HSE's statutory functions include proposing new or updated laws and standards, conducting research, providing information and advice, and making adequate arrangements for the enforcement of health and safety law in relation to specified work activities. Local authorities also enforce health and safety law in workplaces allocated to them – including offices, shops, retail and wholesale distribution centres, leisure, hotel and catering premises.* Health and safety relating to the operation of a railway† is enforced by the Office of Rail Regulation (ORR) in accordance with its own enforcement policy.

2.DRR

An advisory board with direct links into legislature is the ideal tool. This also acts as the compliance tool. Exactly what we within DRR are needing.

It will be necessary to join forces with other inspectorates and existing regulation bodies such as the construction industry inspectorates to address the built environment, Health Industry for Hospitals and Health Care Facilities and the Food Industry for food outlets.Also we can include the Transport Industry inspectorate for motor vehicles , especially public service and passenger carry vehicles.

Also the Ferry / Shipping Industry. Passenger Ferries are hot topics. This must become part of the platform for H&SDR strategy. [pointless teaching them for 10years then killing them either in an earthquake or indeed on a Ferry.]

The Rail Industry has inspectorate also and We can learn a lot from the Airline industry, rules and regulation procedures and compliance strategies.

This will create a platform of compliance bodies for a comprehensive H&SDR strategy.

3.H&S

The Enforcement Policy Statement is in accordance with the Regulators' Compliance Code and the regulatory principles required under the Legislative and Regulatory Reform Act 2006. It sets out the general principles and approach which the health and safety enforcing authorities (mainly HSE and local authorities) are expected to follow. All local authority and HSE staff who take enforcement decisions are required to follow HSE's Enforcement Policy Statement. In general, those staff will be inspectors, so this policy refers to inspectors for simplicity.

3.DRR

This process gives the strategy teeth, supported by legislature. Obviously the inspectors need to be regulated so to maintain standards and to avoid corruption. The Construction Industry and Health/ Food industry, Road Rail Air Ferry industries all will contribute to the learning exercise.

4.H&S

The appropriate use of enforcement powers, including prosecution, is important, both to secure compliance with the law and to ensure that those who have duties under it may be held to account for failures to safeguard health, safety and welfare.

4.DRR

legislature itself must contribute on how we within DR combine H&SDR as a platform approach. Essentially it is the Legislature that provide the ultimate teeth.

They already do this within existing multiple Industry Sectors.

5.H&S

In allocating resources, enforcing authorities should have regard to the principles set out below, the objectives published in the HSE Business Plan, and the need to maintain a balance between enforcement and other activities, including inspection.

5.DRR

It is a question of getting a balance, between stick and carrot, between information, awareness and training, exactly as the H&S industry already undertake. along with other Industry compliance sectors. It is the Training that is essential.

There are already Industry induction days within specific industries, before you start work, or indeed before you even work on site as a sub contractor or as a plain visitor. All of these approaches can be absorbed to include the wider culture of DRR.

They already explain fire drills, so why not another five minutes about DRR Awareness and procedures such as for earthquake, flash flood or tornado.

There are already numerous DRR training packages globally for specific events addressing awareness and event preparedness and reactive procedures. Within specific Hazard zones, key core modules could be taught at any opportunity tagged into any other training or awareness programmes for work, with further 'take home' modules being distributed at the same time. In conjunction with schools which would also empower the children to disseminate critical modules and awareness information and simple preparedness and procedures.

The UK's Health Executive make it all very easy to follow the strategy for the Site Owner to the individual to Compliance enforcement authorities. Its not only about training, but equally about PPE personal protection equipment and about the provision within the workplace of the correct equipment and facilities, including regulated facilities for 'smokers' away from the general workplace. This has all be legislated within certain countries and yet many remain challenged to incorporate specific legislated practices for DRR.

Responsibilities

Here is some more general advice in this next section, because its not all a one way responsibility, it's not only the employer, the land or building owner, but also about you as the individual being responsible for your own actions and for those of your work mates and family. It is about a comprehensive H&SDR 'culture' development strategy.

These notes can be developed to broaden responsibilities to include basic DR Awareness, Procedures and training requirements.

What you need to know about H&S responsibilities:

All workers have a right to work in places where risks to their health and safety are properly controlled. Health and safety is about stopping you getting hurt at work or ill through work. Your employer is responsible for health and safety, but you are responsible to contribute.

What employers must do for you [this should already incorporate DRR within point 1]

1 Decide what could harm you in your job and the precautions to stop it. This is part of risk assessment.
2 In a way you can understand, explain how risks will be controlled and tell you who is responsible for this.
3 Consult and work with you and your health and safety representatives in protecting everyone from harm in the workplace.
4 Free of charge, give you the health and safety training you need to do your job.
5 Free of charge, provide you with any equipment and protective clothing you need, and ensure it is properly looked after.
6 Provide toilets, washing facilities and drinking water.
7 Provide adequate first-aid facilities.
8 Report major injuries and fatalities at work to our Incident Contact Centre: **0845 300 9923**. Report other injuries, diseases and dangerous incidents online at **www.hse.gov.uk**.
9 Have insurance that covers you in case you get hurt at work or ill through work. Display a hard copy or electronic copy of the current insurance certificate where you can easily read it.
10 Work with any other employers or contractors sharing the workplace or providing employees (such as agency workers), so that everyone's health and safety is protected.

What you must do as an individual
[Personal Responsibility....this could be extended to the home under point2]

1 Follow the training you have received when using any work items your employer has given you.
2 Take reasonable care of your own and other people's health and safety.
3 Co-operate with your employer on health and safety.
4 Tell someone (your employer, supervisor, or health and safety representative) if you think the work or inadequate precautions are putting anyone's health and safety at serious risk.**Health and Safety Executive** Published by the Health and Safety Executive 09/12 Page 2 of 2

If you identify a problem:
[A crucial opportunity to 'red flag' poor practice, inadequate facilities or limited preparedness]

1 If you are worried about health and safety in your workplace, talk to your employer, supervisor, or health and safety representative.
2 You can also look at our website for general information about health and safety at work.
3 If, after talking with your employer, you are still worried, you can find the address of your local enforcing authority for health and safety and the Employment Medical Advisory Service

This is an introduction to the project concept of combining existing strategies of Health and Safety with Disaster Risk Reduction.
It is a work in progress.
Legislators i suspect will find it far easier to support broadening existing legislature to include wider requirements within an existing model already supported by all sectors through awareness training, compliance tools and a culture of acceptance, rather than try to create a whole new legal profile. And for those within countries that have no H&S framework or DRR, then taking an existing successful framework which is common to all of industry, it potentially the best option forward.

This is only a beginning.

Below are the excellent briefs derived from the recent IFRC UNDP Collaborative meetings reviewing DRR Legislature since 2012.

Author: Garry de la Pomerai. Independent DRR Consultant garry@soluzionsystems.com
Tel: UK +44 07845529211 & UAE +971 505767302 Fax: +442076919470

[This document is an attachment and is for information in support of the subject of DRR Legislation and in no way infers that either the IFRC or UNDP or individuals attending the meeting support or agree with the authors briefing on DRH&S]

International Federation of Red Cross and Red Crescent Societies

UNDP Empowered lives. Resilient nations.

Expert Meeting on Law and Disaster Risk Reduction

Kuala Lumpur, 25-26 February 2014

Meeting Report



BACKGROUND AND OBJECTIVES OF THE MEETING

Today, it is well accepted that human actions can make all the difference between a natural hazard and a disaster. We may not be able to stop the earth from shaking, or storms from striking, but our choices – as individuals, communities and nations – can determine the extent of death and damage they cause.

In 2005, the importance of good legislation to support disaster risk reduction (DRR) was recognised by states through the adoption of the *Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters* (HFA). HFA's first priority was to "ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation," notably through "policy, legislative and institutional frameworks for disaster risk reduction." These priorities remain so today, as the international community gears up towards the development of a post-2015 framework.

Although significant action has been taken by various countries to strengthen the focus on DRR, recent studies have indicated that national commitments to DRR as expressed in the HFA and other high-level agreements are not necessarily being translated into effective action, particularly at the community level. In order to address these gaps, the International Federation of Red Cross and Red Crescent Societies (IFRC) in partnership with the United Nations Development Programme (UNDP) embarked on a global research project aiming to promote effective domestic legislation for DRR.

The primary output of the project is a global synthesis study which compiles the findings of 31 country desk surveys and 10 comprehensive case studies which analyse the application and

effectiveness of DRR-related legislation, especially at the local and community level. The study identifies best practice in legislation for DRR and its implementation, as well as common gaps or issues that need additional focus. The findings from the study will be used to develop a checklist to assist lawmakers in reviewing and improving their national legal frameworks in relation to DRR.
Held in Kuala Lumpur in February 2014, the IFRC's 'Expert Meeting on Law and DRR' brought together 29 participants from the Asia Pacific region including National Red Cross and Red Crescent Societies, UN agencies, government, regional organisations and international non-governmental organisations (INGOs).
The meeting was held over the course of one and a half days, with the following objectives:
1. To share and discuss the findings of the IFRC-UNDP global synthesis study with partners and stakeholders within the humanitarian community

2. To invite ideas and suggestions on the development of the checklist, which will serve as a reference for policymakers to ensure that comprehensive DRR laws are established and implemented at national and local levels

3. To facilitate a dialogue among humanitarian actors, governments and the private sector through the sharing of good practice, experiences and challenges in DRR

4. To generate suggestions for next steps to be taken by countries to further strengthen DRR-related frameworks and legislation

3 | Page Expert Meeting on Law and Disaster Risk Reduction Kuala Lumpur, 25-26 February 2014

INTRODUCTION and PRELIMINARY RESULTS OF THE IFRC-UNDP RESEARCH PROJECT:

The meeting began with an outline of the preliminary results of the IFRC-UNDP global research project on how laws can support DRR. Angelika Planitz, Disasters and Governance Advisor from the UNDP Bureau for Crisis Prevention and Recovery, delivered an introductory presentation on the key legal issues related to DRR, drawing from the findings of the global study. In her presentation, she highlighted that legislation is a key enabler for strengthening DRR. She explained that there are two main categories of legislation; specific disaster risk management (DRM) legislation and related sectoral laws and regulations. She noted that while there have been consistent improvements in legal and regulatory systems for DRM across the world, these have not always been translated into effective actions that address underlying risk. This could be due to various challenges which result in inadequate implementation, such as inflexible or unrealistic provisions, insufficient resources and capacities especially at the local level, a culture of non-compliance and multiple conflicting laws. She went on to outline examples of good practice within the legislative frameworks of the countries involved in the study. These include assigning clear roles and responsibilities, allocating national budgets or funds for DRR activities, providing targeted training to strengthen national and local capacities, and holding education and awareness raising programmes.
Following this, David Fisher, Global Coordinator of the Disaster Law Programme (DLP), presented the key issues related to sectoral laws and accountability in DRR. He emphasised the role of building codes and land use regulations for DRR, stating that effective enforcement is not only dependent on adequate resources at local levels, but also a 'compliance culture' and sufficient flexibility and priority setting to ensure these regulations are suitably adapted to different contexts. During his presentation, he also highlighted best practice at the country level, where DRR has been incorporated into environmental impact assessment requirements, climate change adaptation, river basin management, education, and legislation relating to informal settlements. Lastly, he stressed that there is an urgent need to create a better sense of responsibility and accountability for DRR, and highlighted the option of legal recourse for officials or authorities who fail to act in accordance with what has been stipulated in the law.
During the discussion session, participants were divided into four groups and invited to provide their feedback on the findings of the study, and to discuss and rank the 10 key priorities for DRR legislation identified in the executive summary. The groups unanimously agreed that the priorities outlined in the study will differ according to country context, culture, risks and hazards faced, and resources available. There was also consensus among the groups that some of the key priorities identified were mutually reinforcing and should be merged as they can serve to complement each other.
The groups also raised a number of additional issues regarding the implementation of DRR. These include:

- The influence of political will and the notion of 'buy-in' from key stakeholders to ensure effective implementation of DRR legislation
- The different approaches for civil society organisations (CSOs). For example, in some countries the involvement of CSOs is seen as important and is a welcome initiative. In other countries, however, there is a desire to maintain government control over DRR implementation and not engage civil society actors.
- The application of science and technology is also important for strengthening the assessment of risks and identifying solutions to address those risks
- The importance of river basin management laws in supporting the sustainability of rivers, and in mitigating the impact of floods and drought
- The need for education, awareness and information on DRR to be mandated in the law in order to give it more prominence and priority.

SESSION 1:

MAKING GOVERNMENTAL INSTITUTIONS WORK FOR DRR

During this session, presentations and plenary discussions focused on the following key questions:

1. What aspects of institutional roles, responsibilities need to be included in legislation to work?

2. One of the most frequently cited barriers to effective DRR is lack of resources. What, if anything, should be done about this through laws?

3. Where authority is decentralized, is it inevitable that some communities will be safe and others will not?

Congressman Rufus Rodriguez from the government of the Philippines commenced this session by providing a comprehensive overview on the legislative framework for DRR in the Philippines. He introduced the country's landmark disaster management law, Republic Act 10121 (or the 'Disaster Risk Reduction and Management (DRRM) Act of 2010'), which focuses on addressing root causes of vulnerability, strengthening institutional capacity for disaster risk reduction and management, and building community resilience. The Act requires the mainstreaming of DRR and CCA into development processes and policies across all sectors, and also clearly establishes the powers and functions of national and local DRRM councils. He reiterated that while legislation should have a positive impact on political will, in reality, national efforts remain focused on disaster response with insufficient emphasis placed on risk reduction and mitigation. This challenge can be seen in the lack of funding for DRR activities, as well as inadequate knowledge and training for local government officials on the concept and application of DRR. In order to address these issues, he proposed the enactment of a separate 'Disaster Resilient Development Law', which will focus mainly on managing and integrating DRR aspects into development planning and practices. Further efforts are also underway to file new bills that would include DRR in long-term national development plans, make investments in DRR a priority, and set up an academy specialising in training officials and communities on DRR and CCA.

During this session, **Fine Tu'itupou-Arnold,** Advocacy and Policy Advisor from Cook Islands Red Cross Society, presented on the implementation of DRR frameworks in the Pacific region

She explained that the region is seeing a shift towards a more integrated policy approach encompassing DRR, CCA and development. She emphasised that policies should not be merely aspirational statements, but require legal backing to guarantee accountability and effective actions. A solution to this is to put into place strong institutional arrangements to achieve DRR policies and regulations. She outlined three components of institutional arrangements and highlighted key issues using examples from the Cook Islands and New Zealand:

1. **Relevant stakeholders with recognised roles and responsibilities in DRR**

There is currently inadequate disaster risk information available to DRR practitioners. In order to obtain buy-in and cooperation from stakeholders, decision makers and communities must have a solid understanding of disaster risks. Also, given the diverse cultures among Pacific Island states, community engagement and partnerships are equally important.

2. **Coordination mechanisms, communication and information exchange**

In the Cook Islands, weaknesses in horizontal coordination mean that central DRM agencies often do not work closely together with environmental or climate agencies. In order to achieve effective implementation, there is a need for strong horizontal as well as vertical coordination, with decisions made at top level informed by participation from communities to ensure relevance.

3. **Human resources, funding, leadership and effectiveness**
Resources for DRR are limited as immediate disaster response remains a top priority for small Pacific Island states. It is therefore important for legislation to match resources available in order to be practical and effective.
During the plenary discussion session, the dialogue among participants focused on the following key topics:

Role of civil society organisations
Several participants suggested that it would be useful for CSOs to petition governments to fulfil their national commitments to DRR. However, it was also highlighted that this approach would need to be context sensitive, as otherwise it could lead to a negative reaction by governments. As advocacy for DRR is a major cross-cutting issue, it is imperative that CSOs and other stakeholders develop methods to narrow the focus, prioritise issues, choose the best entry point and deliver their messages in an effective way.

Allocation of resources
Regarding resource allocation for DRR, some participants noted that while most countries have sufficient resources available, it is often a matter of politics as to where these resources are channelled. They acknowledged the difficulty of quantifying the benefits of investing in DRR measures for which there are no immediate, tangible results. A question was raised regarding the practicality of including DRR initiatives within laws if there is no matching resource allocation. On the flipside, an argument was put forward that designating DRR activities in the law could also promote the allocation of resources.

Regional cooperation through multi-country initiatives
It was recognised that regional organisations have a lot of impact and influence over the development of DRR frameworks. Participants emphasised the role of regional organisations in helping to advocate for strong legal arrangements and implementation of frameworks. One participant also stressed the need to consider moving beyond single-country initiatives, as disasters often affect more than one country. He pointed out that there are legislative processes combining the laws of countries within a region such as the 'ASEAN Agreement on Disaster Management and Emergency Response' (AADMER), and called for the adoption of a unified law or agreement for other states or sub-regions, such as the Mekong region.

Education and awareness-raising
One participant highlighted the importance of having a good "lead-in" or consultation phase for a new law. Implementation issues often arise if a law 'sneaks in' as civil society and commercial industries are unaware of its existence and as a result, are not adequately prepared or equipped to comply with the new regulations or requirements. He maintained that education prior to the introduction of a law is key to solving the problem, and training and informing different actors in society can ensure more effective implementation of DRR measures.

Decentralisation and the role of local governments
There was general consensus among participants on the importance of decentralisation of authority. They stressed the need to place training and resources on the frontlines, by building the capacities of local governments and channelling funding down from national to local levels. One participant provided an example of challenges faced by local governments in South Asia. She suggested that a weakness among local governments was that they are given the legal mandate but have little authority in practice to carry out that mandate. Furthermore, there is often an inadequate or no allocation of resources to carry out this mandate. As a result, they are not fully engaged in the response to large-scale disasters and are bypassed by CSOs and NGOs during operations, creating separate cells working directly with communities.

SESSION 2:

EMPOWERMENT AND ACCOUNTABILITY FOR DRR

During this session, presentations and plenary discussions focused on the following key questions:
1. Do individuals, families or communities need to be empowered to have effective DRR? If so, what role should law play?

2. How should law establish accountability for DRR? What kinds of incentives and disincentives should it create?

3. *What lessons, if any, should we draw from the legal approach taken to man-made (i.e. environmental) disasters, for example with regard to rules on transparency, citizen participation in decision-making, environmental impact assessments, liability?*

Shalini Jain, Senior Manager for the Asian Disaster Reduction and Response Network (ADRRN) spoke on the progress of strengthening risk governance and accountability in DRR. She highlighted that, according to the UN International Strategy for Disaster Reduction's (UNISDR) Global Assessment Report on DRR (2009) and a mid-term review of the HFA, governance arrangements for DRM in many countries do not effectively facilitate the integration of risk considerations into development. She stressed the importance of accountable, participatory and efficient governance structures in creating an enabling environment where DRM can be institutionalised. She also emphasised the need for strong community involvement in DRR initiatives to ensure local ownership, uptake and improved programme outcomes. She outlined three levels of community interaction, with the highest level involving the formation of community and local government partnerships. This can be achieved through participatory spaces which allow communities to actively engage in dialogue and planning processes, giving them a role in shaping policies to improve the relevance and effectiveness of local DRR regulation. Lastly, she highlighted key factors in driving governance and accountability, including: the alignment of national policies with local needs; a clear delineation of responsibilities; the establishment of indicators and benchmarks to measure outcomes; building community networks; and transparency in communications.

Bobby Garcia, Training and Knowledge Management Systems Advisor for AADMER delivered a presentation on the importance of empowerment for effective DRR. He explained how Typhoon Haiyan had underscored the urgent need to scale up emergency preparedness efforts and adopt a whole-society approach to analysing disaster risk and addressing the causes of vulnerability. He stressed that national legislation and international agreements must be continuously updated and improved to remain relevant and applicable to the constantly changing disaster context. These policies must also be informed and connected at the community level, he pointed out, in order to give attention to specific needs and priorities and enable the empowerment of communities. Bobby focused particularly on vulnerable sectors such as the elderly, individuals with disabilities, women and children, and the importance of their differentiated needs to be incorporated within DRR and emergency response mechanisms. While it is crucial that there are champions who can represent these vulnerable groups and voice their concerns, a bigger challenge lies in creating opportunities for vulnerable groups themselves to take part and bring their own needs and interests to the table.

During the plenary discussion session, participants discussed how communities themselves are an important tool to promote better implementation of DRR legislation. One way to empower communities to do so is through information. However, while provisions in most laws require the dissemination of information to the public, there is often a lack of detailed communications plans on how to distribute information at the national and local levels, and ensure proper implementation. Without these procedures outlining the sharing of information, communities cannot be empowered as they lack knowledge and understanding of what is written in the law. Participants also discussed the effectiveness of imposing penalties and providing incentives for DRR. Some examples were given, such as in the Philippines, where penal provisions are included in the DRRM Act of 2010. Another example can be seen in India, where monitoring and accountability mechanisms have led to the imprisonment of officials who failed to fulfil their duties with regard to health and education. **8 |** Page Expert Meeting on Law and Disaster Risk Reduction Kuala Lumpur, 25-26 February 2014

SESSION 3:

IMPACT AND IMPLEMENTATION OF LAWS FOR DRR

During this session, the presentations and group discussions focused on the following key topics:

1. The 'practical' impact that laws can have on DRR

2. Methods for improving implementation of laws

Sano Akhteruzzaman, Management Advisor for Save the Earth Cambodia delivered a presentation on how laws can achieve practical impacts in DRR. He explained that limitations in the application of laws – such as fragmented approaches, weak implementing mechanisms, limited engagement with beneficiaries and limited capacities – can result in different impacts when it comes to reducing disaster risks. He referred to a number of key processes which a strong DRM law can provide for, including policy and strategy formulation (including community participation), monitoring of implementation mechanisms, and finally the evaluation of efforts to determine whether such approaches are adequate or need further improvements. He also provided some examples from Cambodia, where DRR policies have led to increased collaboration between communities and local government in incorporating DRR actions into annual development plans. The policies also support gender and disability mainstreaming by ensuring the inclusion of

vulnerable groups in decision making processes at household and community levels. Sano went on to emphasize that without a strong legal basis, policies, strategies and procedures for DRR cannot be institutionalised.

Garry de la Pomerai, Chairman of the Global Task Force on Building Codes, spoke about the importance of building codes and stressed the need to develop the right tools for guidance and training for compliance. He specifically highlighted the importance of the occupational health and safety sector, noting that it is an important parallel structure to DRR, although not accorded high priority in many countries. He suggested identifying existing 'vehicles' of legislation, compliance models and tools within society – some of which are already prominent in homes and workplaces, and provide mechanisms for holding individuals and corporations accountable for their actions – and suggested expanding these to DRR frameworks. In that regard, he explained the concept of a 'safe environment', which includes education on safe practice, training and awareness within offices, factories, hospitals and schools, among others. He also provided examples from the United Kingdom, where the Health and Safety Executive is responsible for developing and updating regulations and standards, conducting research, providing information and advice, and enforcing health and safety laws in relation to specific work activities.

These presentations were followed by a group exercise, where participants were divided into four groups to discuss and document their experiences based on the two main topics of the session. Some common points on the practical impacts that laws can have on DRR are:

- **Improved awareness:** Laws can serve as a strong reminder to communities of the risks they face and the need to address these risks to protect their homes and
- Livelihoods. The process of developing laws can raise awareness and sensitise communities and stakeholders on DRR.
- **Right to information:** Laws can guarantee the dissemination of important life-saving information at local levels through information, education and communications programmes.
- **Partnerships:** Laws can promote collaboration between governments and communities in working together to achieve common DRR goals.
- **Roles and responsibilities:** Laws can outline clear roles and responsibilities for national and local government as well as rights and obligations of communities.
- **Integration of DRR into development:** Laws can mainstream DRR into local development planning to ensure all forms of development are sustainable and do not increase underlying risk.
- **Resource allocation:** Laws can create more opportunities for investments in DRR initiatives, including increasing funding for DRR and also strengthening capacities of governments in human resources and technical expertise.

Several common themes also emerged during the discussions regarding the methods for improving the implementation of DRR laws, for example:

 Increase awareness: Sensitize and educate communities and stakeholders to improve knowledge and application of the law. Existing cultural practices can also be used and referenced for higher relevance among communities.

 Streamline communication: Adopt common terminology and demystify language. Translating legal jargon to simpler messaging can enhance understanding of practical application of DRR measures for local authorities and communities.

 Monitoring and evaluation: DRR activities must be subject to internal and external surveillance and reporting systems to ensure accountability. Social audits can also be conducted to ensure that activities are carried out in line with plans.

 Guidelines for implementation: Prepare an implementation plan together with communities to spell out DRR procedures in a more practical way using codes and tools adapted to their specific needs.

 Liability or incentive scheme: One participant suggested the introduction of a mechanism to provide incentives in the form of training or education to parties who fail to comply with the law, with penalties only imposed if the offense is repeated. This was an example of what had been done in Sri Lanka.

SESSION 4:

INTRODUCTION TO THE CHECKLIST PROJECT

During this session, the presentations and group discussions were focused on the following questions:

1. Is the format of the checklist appropriate?

2. Are the issues chosen the right ones (in light of the prior discussion at this meeting)?

3. What is missing from the draft checklist?

David Fisher presented an introduction to the 'Checklist for DRR Legislation', which draws on findings from the global study and input from stakeholders gathered through several consultations held around the world. He noted the complexity of this area of law and the cross-sectoral nature of DRR. The aim of the checklist is to provide a prioritised and succinct set of 10 key questions that policy and law makers can use to ensure that their laws effectively support DRR. He also highlighted that the consultative process for the checklist is equally important as the outcomes, as dialogue and conversations with stakeholders can create engagement and raise awareness on the role of laws in supporting DRR. These processes can also contribute to the lead-in to the development of the post-Hyogo framework.

During the discussion session, participants were divided into four groups and asked to provide their reactions to the draft checklist outline. A summary of the participants' feedback is provided in the table below:

Format	**Key Issues**	**Areas missing/to be added**
? Short and precise format is good/practical. □ Add 1-page introduction/explanatory note describing purpose and scope of document, who it is for and how to use it □ Include clear definitions □ Include a separate commentary with examples from other countries □ Keep the messaging general so can be used in different contexts □ Include some research studies □ Structure seems very project-driven – document should not be a prescriptive 'yes' or 'no' list, but should have open-ended questions to prompt analysis □ Could revise name to 'Guidance note for legislators/legal analysis'	□ Could add sub-points under each question to elaborate, e.g.: - *Question 1: Gender and disability* - *Question 5: Communications, media and involvement of academic and scientific community* - *Question 10: Congressional oversight and transparency* - *Question 4: Empowerment of local bodies* □ Questions 7, 8 and 9 are sector-specific, whereas the others are more cross-cutting □ More explicit emphasis on early warning □ Emphasise coordination in Question 2	□ Reference to relevant international and regional laws □ Marginalised or vulnerable groups (not just the reference to women under question 1) □ Monitoring and evaluation to assess impact and implementation □ Human resources, training and capacity building, knowledge sharing □ System or procedure for complaints or feedback □ Risk assessment or a series of considerations on what are the risks faced, status of existing legal frameworks, key issues, priorities and gaps □ Implementation plan at the start of law development process □ Issue of conflicting or overlapping laws

SESSION 5:

NEXT STEPS WITH CHECKLIST

During this session, participants were divided into four groups and asked to discuss their ideas and input on the next steps for rolling out and implementation of the checklist. The table below summarises some of the key ideas and suggestions from participants on where the checklist can be consulted and how it should be rolled out:

Global level	Regional level	National level
• Launched at: - *World Conference on DRR (Sendai, 2015)* - *Global Platform for DRR (2015)* - *World Humanitarian Summit (2016)* • Global Network of NGOs for Disaster Reduction (GNDR)	• Key regional conferences (subject to timeline): - *AMCDRR (Bangkok, June 2014)* - *International Disaster and Risk Conference (Davos, August 2014)* - *Asia Pacific Red Cross Red Crescent Conference (Beijing, October 2014)* • Legislative forums, eg: - *Asia Pacific Parliamentary Forum* - *National Societies' Legal Advisors' Meeting* • Parliamentary networks/bodies, eg: - *Inter-Parliamentary Union* - *UNISDR's Network of Parliamentarians* - *ASEAN Inter-Parliamentary Association (AIPO)* - *Asian Parliamentary Assembly* • Regional organisations such as SAARC, PIF, ASEAN • Other regional meetings or committees	• Government focal agencies such as national disaster management agencies, climate and meteorological departments, etc • Relevant government ministries such as Ministry of Foreign Affairs, Attorney-General's Department, etc • UN and IFRC country-based staff • Roundtables and other national platforms
• Online consultations and discussions • Identify champions to advocate at national, regional and global levels		

Participants also provided their feedback on additional background materials that would be useful to be included together with the dissemination of the checklist. Suggestions included:

- Executive summary, explanatory notes, commentary
- Detailed explanation on "how to use the checklist", including examples and recommendations
- Common terminology and clear definitions
- Existing references and tools
- Examples on existing laws from other countries
- Best practices or benchmarks
- Country-specific implementation plan
- Handbook for parliamentarians
- Country-level translations

David Fisher closed the meeting by emphasizing that the checklist should be a 'collectively owned' product – not simply a document owned and developed by IFRC and UNDP, but also by the wider international humanitarian community and UN member states. He reaffirmed that while the completion of the checklist is the end product of the global project, discussions and consultations among various partners and stakeholders throughout the entire roll-out process will be crucial to meeting the ultimate goal of strengthening laws and building safer communities.

Annex 1: List of countries involved in the IFRC-UNDP global research project

Zones	Desk Survey Countries 27	In-depth Case Study Countries 14
Africa	Angola, Ethiopia, Kenya, Madagascar, Namibia, Nigeria	Ethiopia, Madagascar, Namibia, South Africa
Americas	Ecuador, Guatemala, Mexico, Nicaragua, St. Lucia, USA (federal, Illinois, Louisiana), Uruguay	Brazil, Dominican Republic, Guatemala, Mexico, Nicaragua
Asia-Pacific	Australia (federal, Victoria, Queensland), China (PRC, Hong Kong), India (federal, Odisha, Punjab), Japan, New Zealand Philippines, Vanuatu, Vietnam	New Zealand, Nepal, Vietnam
Europe	Austria, Italy, Kyrgyz Republic, Ukraine	Kyrgyz Republic
MENA	Algeria, Iraq	Iraq

Concept Paper: Checklist on Disaster Risk Reduction (DRR) for Legislators (updated 1.10.2012)

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1. Overview

This paper sets out a proposal for advocacy on Lawmakers and Disaster Risk Reduction (DRR) in the lead-up to the May 2013 4th Global Platform on Disaster Risk Reduction and beyond. It is a joint initiative of the International Federation of Red Cross and Red Crescent Societies (IFRC) and the United Nations Development Programme (UNDP).

The advocacy and consultations around this issue will be directed towards a **DRR Checklist for Lawmakers,** a relatively brief document along the lines of the IDRL Guidelines, but less formal.[1] The Checklist will aim to identify the key issues that lawmakers, at all levels of government, need to consider to generate the best legal framework for DRR in their country. It is not intended to be prescriptive, but to serve as a commonly agreed set of criteria for good law and regulations on DRR at the national, provincial and local levels in each country. The final Checklist will probably not be concluded until after the Global Platform, as breadth and quality of consultation is more important for this advocacy process than achieving an outcome quickly. Indeed, the Global Platform is a potential forum for both high level and broad consultations on a draft Checklist.

1. Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance, 30th International Conference, RCRC, 2007. Available in multiple languages at: http://www.ifrc.org/en/what-we-do/idrl/idrl-guidelines/

The IFRC and UNDP are currently engaged in a global research project on Law & Disaster Risk Reduction (DRR), which will result in more than 25 national law desk surveys, 8-10 in-depth country case studies, and a global synthesis report of this data, which will be launched at the 4th Global Platform. This research will identify gaps and good practices in legislation at all levels of government, and aims to provide examples and ideas on how 2 legislation can better support DRR at country level. Along with the consultation process, this parallel research project will support the development of a DRR Checklist for Lawmakers.

The Checklist for Lawmakers is intended for country level lawmakers at the national, provincial and local levels of government. The intention is that the Checklist will be a rather brief document, highlighting key principles and issues rather than delving into details. It will seek wide stakeholder involvement through consultations, while also drawing on research findings

2. Note that IFRC and UNDP are separately considering the development of a handbook for lawmakers based on the results of the above-mentioned study, once it is complete. In contrast to the Checklist, which is envisaged as a consensus-based document of key principles, this potential handbook would be a more technical and detailed document.

3. UNDP, A Global Review: UNDP Support to Institutional and Legislative Systems for Disaster Risk Management, 2007;Global Network of Civil Society Networks for Disaster Reduction (GNDR), “Clouds but Little Rain” - Views from the Frontline: A Local Perspective

of Progress Towards Implementation of the Hyogo Framework for Action, 2009; IFRC, Hyogo Framework for Action: Red Cross Red Crescent Mid-Term Review, October 2010; UNISDR, Hyogo Framework for Action: Mid-Term Review 2010-2011; GNDR "If We Do Not Join Hands," Views from the Frontline, 2011; IFRC country case studies on Brazil, the Dominican Republic, Nepal and South Africa 2011 (available at http://www.ifrc.org/en/what-we-do/idrl/research-tools-and-publications/disaster-law-publications/); IFRC Disaster laws Discussion paper, International conference of RCRC, 2011 (http://www.ifrc.org/PageFiles/86597/IC31_DisasterRiskReduction_26Nov_clean_EN.pdf). One of the main purposes of the Checklist project is the process itself, as a conversation with stakeholders and an advocacy tool to raise awareness around the role of law in DRR at country level.

2. Background

This advocacy initiative on law and DRR is founded in both the **Hyogo Framework for Action** 2005-2015 (HFA), and a specific mandate from the 31st International Conference of the Red Cross and Red Crescent in November 2011 (comprising state parties to the Geneva Conventions, National Red Cross and Red Crescent Societies, the ICRC and the IFRC).

The first HFA priority was to "ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation," notably through "policy, legislative and institutional frameworks for disaster risk reduction." In the years following, a significant amount of new legislation has been adopted in various parts of the world aimed at strengthening the focus on risk reduction. However, **important gaps still** remain, particularly with regard to follow-through at the community level. This has been confirmed in a number of reports prepared around the time of the mid-term review of the HFA and subsequently, including country case studies.3 Communities were found not to be well enough informed, engaged or resourced to take an active part in reducing risks, and it was noted that rules to deter risky behaviours (particularly in construction and land use) often go unenforced. While legislation is certainly not the only way to address some of these issues, it can be an important part of the puzzle.

In 2011, the state parties to the Geneva Conventions took up this issue at the International Conference of the Red Cross and Red Crescent. Their resolution encouraged states, with support from their National Red Cross and Red Crescent Societies, the International Federation of Red Cross and Red Crescent Societies (IFRC), the United Nations Development Programme (UNDP), and other relevant partners to review the existing legislative. frameworks in light of the key gap areas identified in the IFRC report to the Conference, and to assess whether they adequately:

- make disaster risk reduction (DRR) a priority for community-level action;
- promote disaster risk mapping at the community level;
- promote communities' access to information about DRR;
- promote the involvement of communities, RCRC National Societies, other civil society and the private sector in DRR activities at the community level;
- allocate adequate funding for DRR activities at the community level;
- ensure that development planning adequately takes into account local variability in hazard profiles, exposure, and vulnerability and cost-benefit analysis;
- ensure full implementation of building codes, land use regulations and other legal incentives; and
- promote strong accountability for results in reducing disaster risks at the community level.

3. A Checklist for Lawmakers

In order to assist lawmakers to evaluate the strength of their legislative frameworks for DRR, this initiative seeks to collaborate with a broad cross-section of experts and stakeholders to develop a brief checklist of key issues that lawmakers should take into consideration: a Checklist for Lawmakers. This

will be based on consultations with stakeholders and experts, international norms, and global best practice. It will be designed as a starting point for discussion, in particular in the common political opportunity that often opens for legislative change in the aftermath of a major disaster.

Like the IDRL Guidelines do for international assistance, the Checklist will aim to set out the most important regulatory gaps in DRR legislation and provide suggestions on how to address them. By involving states and lawmakers at various levels of government in consultations about the Checklist, the exercise will also seek to engage them in the issues of DRR and law, and to raise their interest in the topic. The end product will be something less formal than the IDRL Guidelines.

The development process for the Checklist will begin parallel to the global study on Law & DRR described above, and will draw on its findings. The aim will be for both the IFRC-UNDP Law & DRR global synthesis report, and advanced preliminary draft version of the Checklist for Lawmakers, to be available for the 4th Global Platform on Disaster Reduction in May 2013.

4. Key Activities

4.1 Inception Workshop October 2012

Action: IFRC convene in consultation with UNDP

Timeline: October 2012

IFRC to convene in consultation with UNDP, an initial workshop of DRR and legal experts invited from amongst lawmakers at different levels of government, RCRC, civil society, UN and academia. A draft outline of ideas for a Checklist will be drafted as the basis for discussion at the inception workshop in Geneva. It will be circulated to workshop participants in advance. The purpose of the initial workshop will be to discuss the Checklist idea, to gather feedback on its format and approach, and to encourage the participation of others in the consultation process. Funding for participants will need to come from their own organisations or from donors.

4.2 Preparation of the zero draft

Action: IFRC and UNDP

Timeline: October 2012

Drawing on the discussions at the inception workshop, a zero draft of the Checklist will be drafted. This will then be shared for consultation with workshop participants and their networks.

4.3 Stakeholder consultations

Timeline: September 2012 – March 2013

Stakeholder consultations will commence with the inception workshop in September 2012. The zero draft will be circulated electronically through IFRC and UNDP websites and networks, and workshop participants/organisations will be encouraged to generate interest in providing feedback from their broader networks. Comments will also be solicited at side events or official meetings. The IFRC and UNDP will also convene a further consultation workshop in Feb-Mar 2013, which will provide feedback on the Zero Draft Checklist (as well as discuss the draft global synthesis report from the Law & DRR study).

4.4 Preparation of the Draft 1 of the Checklist and online feedback

Timeline: 3/2013-4/2013

After incorporating suggestions from the above, a 0.1 Draft of the Checklist will be prepared and made available electronically to those who have participated in zero draft consultations, encouraging them to consult their wider networks, for comment by end of March 2013.

4.5 Preparation of Draft 1 of the Checklist and Global Platform

Timeline: 4/2013

After incorporating suggestions from the above, a 1st Draft version of the Checklist will be prepared by mid April 2013. The 1st Draft Checklist will be translated and printed for consultations at the 4th Global Platform on Disaster Reduction in May 2013. (This will be coordinated with the launch of the IFRC-UNDP global synthesis report on Law & DRR).

4. 6 Subsequent consultations

These will be determined in light of consultations on Draft 1 at the Global Platform, but will most likely include regional meetings.

Author: Garry de la Pomerai. Independent DRR Consultant garry@soluzionsystems.com
Tel: UK +44 07845529211 & UAE +971 505767302 Fax: +442076919470