



Disaster Preparedness and Response Law Checklist

Gaps in national legal frameworks

Laws, policies and institutional arrangements have a crucial role to play in supporting disaster preparedness and response (DPR).

Despite recent improvements, there are still many gaps in existing legal frameworks and regulatory barriers that prevent effective preparedness and response.

What is the DPR Checklist?

The DPR Checklist is a list of ten key questions which aim to provide:

- ▶ clarity on key legislative issues impacting the timeliness and effectiveness of DPR activities;
- ▶ a framework for review of national and local level laws and policies for enhancing DPR; and
- ▶ guidance for improvement of national legal and policy frameworks and bring them in line with existing international standards, including the Sendai Framework.

Who is it for?

The DPR Checklist is a useful guide for:

- ▶ lawmakers and government officials, at all levels, responsible for the development and implementation of legal frameworks for DPR; and
- ▶ national Red Cross/Red Crescent Societies and other organisations that support or advocate for the development of legal framework for DPR activities.

How was it developed?

The IFRC Disaster Law Program conducted an extensive review of global literature and commissioned 20 national desktop reviews which examined legislative practice from a representative range of countries spanning all regions and levels of development.

What does it cover?

Different types of laws

- ▶ Constitutional and institutional laws
- ▶ Disaster risk management laws
- ▶ Sectoral laws

Institutional arrangements

- ▶ National and local government
- ▶ Civil society, including National Red Cross/Red Crescent Societies
- ▶ International organisations
- ▶ Local organisations

DPR activities

- ▶ Finance mechanisms
- ▶ Early warning/early action
- ▶ Contingency planning, training and education
- ▶ Response and recovery activities across different sectors eg. shelter assistance and forced displacement
- ▶ Protection of vulnerable and marginalized groups

Key legal and policy issues

- ▶ Facilities for volunteers
- ▶ Liability and privacy issues
- ▶ Fraud and corruption
- ▶ Housing, land and property
- ▶ And many others

10 Key Questions of the DPR Checklist:

1 Do your country's laws establish a strong institutional framework for disaster preparedness and response?



2 Do your country's laws support the implementation of an effective disaster risk financing strategy?



3 Do your country's laws provide clear mandates and resources to undertake contingency planning and awareness through training, education and drills?



4 Do your country's laws facilitate effective early warning and early action to reduce the impacts of disasters?



5 Do your country's laws establish 'states of emergency' and 'states of disaster' that are tailored and proportionate to differing degrees and types of risk?



6 Do your country's laws provide appropriate legal facilities for disaster preparedness and response?



7 Do your country's laws establish a comprehensive framework for addressing disaster displacement and planned relocation?



8 Do your country's laws contain measures to address common problems that arise in the context of shelter assistance in relation to housing, land and property rights?



9 Do your country's laws contain measures to ensure that vulnerable groups are included in, and protected by, disaster preparedness and response activities?



10 Do your country's laws contain measures to promote quality and accountability, and to prevent fraud and corruption, in disaster preparedness and response?



Using the DPR Checklist

Each Key Question has a series of guiding sub-questions which provide further guidance on good practice and the identification of potential gap areas to address.

When considering these questions as part of a legal review process, the following issues should be considered:

Do provisions of **relevant laws** address this issue adequately?

If not, does a **non-legal document** (eg. policy/strategy/plan) address this so well that legal provisions are unnecessary?

Are the relevant provisions (whether in law or policy) adequately **implemented in practice**?

A legal review process should also include consultations with a range of stakeholders including through:

- ▶ national and local government ministries and departments;
- ▶ national platforms for disaster management, risk reduction or climate change; and
- ▶ local and international organisations and civil society interest groups and experts.

Further information and resources are available from the IFRC Disaster Law Program website www.ifrc.org/what-we-do/disaster-law/