

Information Note on Disaster Risk Reduction in advance of the Second Meeting of the Working Group on the Protection of Persons in the Event of Disasters

This note provides a background on the disaster risk reduction (DRR) elements of the Draft Articles on the Protection of Persons in the Event of Disasters (PPED), explains the differences between the Sendai Framework and a possible future Convention, discusses the progress made so far by countries, and offers examples of recent national legislation.

1. Background

Currently under consideration by the Sixth Committee of the United Nations General Assembly, the Draft Articles on PPED¹ developed by the International Law Commission, including language on DRR as outlined in Draft Articles 2 and 9, could form the starting point for the elaboration of a convention on the topic.

Article 2

Purpose

The purpose of the present draft articles is to facilitate the adequate and effective response to disasters, and reduction of the risk of disasters, so as to meet the essential needs of the persons concerned, with full respect for their rights.

Article 9

Reduction of the risk of disasters

1. Each State shall reduce the risk of disasters by taking appropriate measures, including through legislation and regulations, to prevent, mitigate, and prepare for disasters.
2. Disaster risk reduction measures include the conduct of risk assessments, the collection and dissemination of risk and past loss information, and the installation and operation of early warning systems.

2. The relation between the Sendai Framework and the Draft Articles on PPED

The Sendai Framework for Disaster Risk Reduction 2015-2030 establishes principles, guidelines, and objectives for international cooperation on disaster risk reduction. Preceded by the Hyogo Framework for Action 2005-2015 and the Yokohama Strategy for a Safer World (1994), it is a non-binding, time-bound soft law instrument endorsed by the

¹ https://legal.un.org/ilc/texts/instruments/english/draft_articles/6_3_2016.pdf

General Assembly (A/RES/69/283). Compliance is voluntary and there are no enforcement mechanisms. It is not pre-determined that the Sendai Framework will be extended beyond 2030 or superseded by a new framework.

Incorporating DRR into a Convention would reinforce the commitment shown by Member States through the Sendai Framework, the Hyogo Framework and the Yokohama Strategy, enshrining the duty to prevent new and reduce existing disaster risk in international law. A Convention would thus complement, not duplicate, the Sendai Framework. While a Convention would define the *what*, soft law instruments such as the Sendai Framework are more apt and useful to articulate the *how*, and thus able to integrate the learnings from science and practice moving ahead.

3. Taking appropriate measures to reduce the risk of disasters, including through legislation and regulations

Governments have made remarkable progress on DRR governance, with the number of countries implementing national DRR strategies more than doubling from 57 in 2015 to 129 in 2023 (Global Target E of the Sendai Framework). These strategies identify national priorities to guide action towards DRR. However, while being a crucial element for the reduction of disaster risk, national DRR strategies are not necessarily binding and do not always translate into concrete action at the national level. In this context, the Political Declaration on the Midterm Review of the Implementation of the Sendai Framework (A/RES/77/289, 26c) calls for disaster risk governance that is supported by legal and regulatory frameworks, policies and plans at all levels that reflect responsibility to reduce disaster risk.

A hard law instrument requiring States to reduce disaster risk by taking appropriate measures, including through legislation and regulations, can elevate the importance of resilience in the face of rapidly rising disaster and climate risks by establishing an overarching legal basis for DRR initiatives. Annexes or subsequent protocols, similar to those in the Geneva Conventions, could further articulate the broad parameters set out in the Convention.

4. Examples of legislation and regulation to reduce the risk of disasters

The inclusion of a provision in an international legal instrument to implement effective measures for DRR could facilitate the establishment of comprehensive national legislation and regulations, which serve as the foundation for robust national efforts to enhance resilience against disasters.

Globally, there have been numerous notable instances of effective legal and regulatory frameworks in disaster risk reduction, some of which are listed below. These examples can inspire countries to cultivate a global culture centered on disaster prevention and resilience.

The Government of **TONGA** enacted the Disaster Risk Management (DRM) Act 2021 with the goal of enhancing the legal, institutional and regulatory framework for disaster management. The Act 2021 replaces the Emergency Management Act 2007 and reinforces an inclusive and whole-of-society approach that improves disaster risk management governance, coordination and institutional systems. Under the new Act, the National Emergency Management Office was restructured to National DRM Office, assuming broader responsibilities in disaster risk management, administration and financing, policy advice and operations. The Act also clarified the roles and responsibilities when declaring a state of emergency and established multi-hazard early warning systems for the Kingdom of Tonga. Local DRM committees are expected to have representation of women, young people, people with disabilities, and other vulnerable groups.

In the **UNITED ARAB EMIRATES**, a law was passed in 2015 to establish the National Centre for Emergency, Crisis and Disaster Management as an independent commission with an independent budget in charge of all measures related to disasters, crises and emergencies. The articles of the law set the goals and actions against the full DRR cycle, from prevention to mitigation, preparedness, response and recovery. In its risk-communication related articles, the Centre communicates risk information to the public, considering their awareness level, language, disability and other special needs. The law also requires all relevant governmental entities to second focal points to the operations centre for coordination, communication and information provision purposes.

ECUADOR enacted in January 2024 the Organic Law for Comprehensive Disaster Risk Management, providing a legal framework for the National Decentralized Risk Management System with a focus on disaster prevention and mitigation. The law mandates the leading risk management entity, in coordination with the national planning authority and other actors, to develop a long-term national policy for comprehensive disaster risk management. It establishes national and decentralized governance structures, including a National Risk Reduction Committee and Territorial Committees, as well as the integration of Risk Management in territorial planning. The law also includes provisions for early warning systems, regulates alert state declarations and enhances coordination and functionality of the Emergency Operations Committees.

In **ITALY**, the Legislative Decree No. 1 of January 2, 2018, within the Civil Protection Code, underscores the country's commitment to protecting individuals during disasters. Enacted to reorganize the National Civil Protection Service, it prioritizes the safety, physical integrity, and well-being of persons in the face of natural or human-made calamities. This legislation aligns closely with European Union standards and integrates key principles of the Sendai Framework for Disaster Risk Reduction. In fact, by promoting proactive measures like integrated planning and community resilience, this Legislative Decree echoes the Sendai Framework's goals of reducing disaster risk and enhancing disaster preparedness at the national level.

SIERRA LEONE passed the National Disaster Management Agency Act of 2020 (Act No. 3 of 2020) to establish an institutional framework for managing disasters and emergencies at all levels of the country. The law creates the National Disaster Management Agency (NDMA) tasked with overseeing efforts related to reducing risks being prepared for disasters responding to emergencies and aiding in recovery efforts. The Act clearly defines the roles and duties of parties involved such as government bodies, local authorities and communities. It also establishes the National Platform for Disaster Risk Reduction as the governing body in charge of the agency's management and supervision. The focus is on integrating disaster risk reduction into development strategies, implementing warning systems and carrying out public awareness campaigns to enhance community resilience.