

A Global Review:

**UNDP Support to Institutional and Legislative Systems for
Disaster Risk Management**

- Executive Summary -



The full report will be published in 2005

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I. Introduction

The UNDP report *Reducing Disaster Risk: A Challenge for Development* has highlighted governance as a key unresolved issue in both the configuration as well as the reduction of disaster risk. Thus, the need to further strengthen institutional and legislative systems for disaster risk management remains as topical and needed as ever, if lasting and profound improvements are to be achieved in reducing the level of disaster risk to which the majority of poor and marginalized populations are still exposed to.

During the past two decades, UNDP has supported a portfolio of over 50 disaster risk reduction programmes in 63 countries, a substantial part of which were devoted to institutional capacity development as a means to tackle the dual challenges of securing development gains and promoting opportunities for continued sustainable progress.

In many instances, the call for support for national disaster management institutions followed major disasters, which revealed the shortcomings of existing response mechanisms and exposed untreated risks of vulnerable populations. Thus, disasters provided opportunities for undertaking reviews of organisational structures, policies, mechanisms and processes, strategies, laws and regulations, resources and

procedures at all levels of administration, in the light of their performance during the recent disaster. Another entry point for UNDP's engagement in the field of institutional capacity building provided the UN's Disaster Management Training Programme (DMTP), which is managed by UNDP in collaboration with twenty-five UN and International Agencies. DMTP Workshops were often catalytic in improving the understanding of each country's disaster profile and at developing a work plan for the establishment of national disaster management institutions. A third avenue for institutional capacity building support through UNDP constituted the strengthening of regional mechanism with the objective of establishing sustainable regional support structures for disaster risk management, which could cater for nationally expressed needs.

With the aim to review its role in strengthening ILS, and to direct future UNDP commitment in this area, UNDP has embarked on a global analysis which will identify important factors that have contributed to and influenced ILS. Such knowledge will not only be of interest to UNDP, but also to the international community as its findings will provide a better understanding of the global trends in ILS, and reveal areas of opportunity for more effective assistance to these countries. The analysis results will be fed back into UNDP's ongoing work in capacity building and training with a view to increasing the effectiveness of its interventions and the relevance of programme results.

II. The Global Review

The global review of Institutional and Legislative Systems (ILS) for Disaster Risk Management (DRM) was conducted over a period of 3 months in nineteen countries covering four regions - Africa, Asia and the Pacific, Europe/CIS, Latin America and the Caribbean. The review was guided by a common methodology which ensured a consistent approach to data collection and analysis.

Institutional and Legislative Systems for Disaster Risk Management are important components of "good governance" and should be guided by the same basic principles, i.e. accountability, participation, rule of law, effectiveness and sustainability to name just a few. For the purpose of this review, ILS have been broken down into five important dimensions¹:

- legal and regulatory frameworks
- policy and planning
- organizational aspects
- resources and capacities
- partnerships (international and national levels)

The report reviews these five dimensions of ILS as well as UNDP's assistance in different countries against these objectives. The report also identifies some of the most common enabling factors and constraints that have affected progress in achieving these

¹ Adapted from the ISDR/UNDP Framework to understand, guide and monitor disaster risk reduction.

objectives and the overall goal of vulnerability and risk reduction. Extensive reference is made to individual country examples to illustrate and substantiate some of the key findings. The review then proceeds to identify important “lessons learned” and ways to improve UNDP’s assistance and implementation strategies for the establishment of more effective and sustainable systems in the future. These lessons will not only be of interest to UNDP but also potentially to national governments and the international community as they reveal approaches and areas of opportunity for better targeted assistance to disaster prone countries.

III. Governance for Disaster Risk Management: A Conceptual Framework

Institutional and Legislative Systems for DRM aim at the following specific objectives that reflect the principles of “good governance”:

Elevating disaster risk management as a policy priority: National policies provide firm commitments of the state to address development priorities at hand and give a clear mandate to decision-makers, planners, practitioners as well as the civil society. Elevating the importance of risk management at the policy level may follow two kinds of approaches, namely (1) drafting a specific disaster/risk management policy, and (2) mainstreaming disaster risk management and reduction into development policy and planning. Mainstreaming risk reduction into the on-going development process will avoid the creation of parallel structures and ensures that development does not construct new risks. Good policy statements will refer to the importance of disaster reduction in achieving sustainable human development, and set out the broad goals and strategic objectives for reducing disaster vulnerability and risks, as well as for strengthening key capacities.

Generating political commitment: Good governance will provide an enabling environment for disaster risk management, which will translate into political commitment of decision-makers. Possible indicators of political commitment may be the launching of reform processes or the formulation of legislation on risk reduction issues. Such change processes within a framework of good governance are imbedded in society and carried out in a participatory and consultative manner.

Promoting disaster risk management as a multi-sector responsibility: Disaster Risk Management is not a separate discipline but a cross-cutting issue that needs to be considered in many areas and sectors and at all levels of polity, society and economy. This requires inter-disciplinary and multi-sectoral approaches which depend upon institutionalization and the creation of appropriate mechanisms to stimulate and further inter-agency and inter-sectoral cooperation at all levels of administration.

Assigning accountability for disaster losses and impacts: Good governance in disaster risk management facilitates transparency and accountability, and thus reduces opportunities for corruption at the government and as well as civil society level. Decisions about the allocation of scarce development resources or emergency relief are

frequently influenced by political considerations rather than based on the real need of marginalized populations. Governance in disaster risk management will limit these opportunities for corruption and thus strengthen the legitimacy of responsible actors.

Allocating necessary resources for disaster risk reduction: Amongst the most telling indicators of political commitment for disaster risk management is the level of resources allocated to risk reduction by governments, civil society and private sectors. Whilst these may be specifically allocated for risk reduction and emergency relief and recovery, the scarcity of resources suggests that mainstreaming disaster risk into development processes and budgets will increase effective resources utilization.

Enforcing the implementation of disaster risk management: Ultimately, only the application of risk management principles, good practices and tools will bring about the desired change at all levels of intervention and reduce vulnerabilities in the long-term. These include risk and impact assessments, early warning systems, public awareness, education and training, information management and research as much as environmental and natural resource management, social and economic development practices, physical and technical measures and lastly preparedness and emergency management.

Facilitating participation from civil society and the private sector: Whilst it is recognized that the state has important responsibilities in disaster risk management, the roles of civil society and the private sector are crucial for success. Participatory processes ensure that the needs and priorities of the most vulnerable and marginalized populations are met. Also, it has been established that local knowledge of hazards, vulnerabilities and coping capacities in combination with technical and scientific solutions provide the best basis for lasting improvements. Participation also empowers, and ensures that the most basic levels of society, especially the level of local government and community-based governance shape the decision-making processes. Consequently this will also impact on resource allocation and negotiations on acceptable levels of risk a society may be exposed to. Decentralization is an important vehicle for the sharing of responsibilities between central, regional and local levels and for fostering participation. However, it is not an end in itself, but only valuable if it ensures that adequate government interventions in disaster reduction reach communities more effectively.

The approach of UNDP to the promotion of governance to risk management must also be guided by the reviewed principles and processes of democracy and combined with/ applied to the institutions and processes of governance which within the framework of this analysis have been termed “Institutional and Legislative Systems”. UNDP’s goal in DRM is risk reduction, and thus its governance for DRM thrust is aimed at good governance in support of the reduction of risk and, ultimately, poverty.

IV. Status of Institutional and Legislative Systems

The review of nineteen countries finds that progress has been made in generating political commitment to DRM and elevating DRM as a policy priority. Many countries have gone through time-consuming processes to create or update legislation, policies and plans sometimes with active support and participation of highly positioned political figures. The follow-up to such processes i.e. the implementation of laws and plans, however, is still an ongoing task in many countries. Follow-up has been negatively affected by waning political support and engagement, a lack of consultation and participation of local level actors and a lack of information to and awareness of the general public. In some cases processes have been interrupted by political instability and/ or internal conflict. Sustained commitment and follow up has usually been contingent upon a tradition and capacity in decentralized governance, a well informed public and the engagement of key actors, such as mayors of bigger municipalities that have taken the DRM agenda on board and push it in their jurisdictions.

Funding of course is the ultimate litmus test of government commitment to DRM. Funding was found to be low in most countries and allocations to preparedness and response outweigh allocations to risk reduction considerably even in countries that have a more risk-reduction oriented agenda and institutional set-up. Factors include the low visibility of risk reduction and a lack of wider awareness that spending tax money on risk reduction measures might be a good investment. The fact that international donors provide comparatively generous funding for disaster response but funding for DRM programs remains low certainly does not help to reinforce the disaster reduction message. However analysis of the relative and absolute investment in DRM is currently complicated by the fact that few governments can track the allocation of funds to DRM by individual Ministries and agencies. Apart from the poorest countries several agencies may eventually take “disaster risk management” or “disaster reduction” initiatives but these initiatives are currently not labeled that way and consequently not registered as such.

This gap of central information systems is indicative of a need to further strengthen multi sector approaches and coordination. There is no doubt that most governments understand the multi sector nature of DRM which is manifest in any disaster response operation. Much depends however on the “institutional machinery” that stimulates or discourages communication and cooperation across individual organizations and agencies. In many countries this seems more likely to happen if the coordination of DRM is ultimately overseen at the highest level of executive power i.e. the Prime Minister or President. National DRM offices attached to PM offices find it generally easier to take initiatives vis-à-vis Line Ministries than their colleagues operating at the sub-ministerial level who might face administrative bottlenecks even to communicate with peer agencies. The promotion of multi-sectoral approaches also depends upon the identification of clear tasks that actually require several agencies to come together and that create interest in cooperation. This in turn requires funding mechanisms for joint activities of ministries and agencies.

Accountability for disaster losses and the enforcement of DRM has made progress in some countries but is generally still weak. Legal accountability depends upon the strength and accessibility of a well functioning judicial system, which is still deficient in many countries. The public's ability to monitor and put pressure on the providers of goods and services is amongst other factors correlated with the availability of information and levels of income and education. Accountability for DRM seems more advanced where there is public "demand" for a minimally safe environment and public security and where therefore public and legal accountability is grounded in popular awareness and participation that exercises pressure on the bearers of political mandates.

Enforcement requires local capacity for implementation at the local level, which is particularly deficient outside the bigger urban conglomerations. In addition governments find it increasingly harder to address risks that are conditioned by the informality of housing and livelihood patterns. NGOs are amongst the most active to establish a dialogue with at-risk-communities over options to harmonize social and economic requirements with risk management or risk reduction objectives. However, these initiatives remain mostly scattered and small scale and often bypass local and national governments. On their side most governments are interested to work with Civil Society and also the private sector, but many lack the tools and skills to do so effectively.

V. Major Lessons Learned

The major lessons identified from the review of DRM projects and the status of ILS in the selected countries can be summarized as follows.

The eventual creation of strong and resilient national Institutional and Legislative Systems for DRM including a real capacity to work at sub-national and local levels requires sustained engagement of governments, agencies and donors. In the documented case of Colombia it has taken roughly two decades to arrive at the current level of capability and performance and even here the system has had its ups and downs and today is probably considerably less proficient than prior to 1996.

The development of institutions and systems does not follow a linear path and there are no recipes or blueprints for their creation. Every country and context requires a specific solution adapted to its individual profile of risks, capacities and its historical, geographical, political, social and economic characteristics. However contexts and planning parameters change and require flexibility in the way that programs are managed in order to adapt to priorities and take advantage of opportunities.

The establishment of a national institutional and legislative system for DRM is not a narrowly "technical" task but requires the creation of political interest and careful facilitation of a process whereby multiple actors get involved and committed to the objectives of DRM. The relevance of a process that appeals to the institutional interests and priorities of various actors is often more important than the outputs. A risk

assessment or a national disaster reduction strategy, however brilliant in terms of underlying research and analysis, will often remain theory if it has not considered the individual views, interests and capacities of those that are expected to act on it.

Political commitment can be generated but is typically short-lived and requires “maintenance” on the part of national and international proponents of DRM. Therefore the signing of project documents and even the passing of legislation are only steps in an ongoing process. Legal and institutional reforms can easily be undone and while they are necessary they are not sufficient to effect lasting change. Political commitment will be easier to maintain if DRM is framed as a subject of public discourse and if citizens start to demand public security and regard themselves entitled to a minimum level of environmental safety.

DRM is the result of the engagement, actions and cooperation of many actors operating at different administrative levels and in various sectors. Outside interventions and projects can provide important incentives for various organizations and actors to take a keener interest in the subject work together and act upon their specific responsibilities. Concentrating all resources at only one level and working with only one organization can undermine the prospects to construct multi-sector engagement and coordination mechanisms.

Long-term engagement at intermediate (i.e. provincial or departmental) and local (municipal in particular) levels sometimes produces tangible results that have proven to be more resilient to political fluctuations than investments at the national level. Within the parameters of this analysis such cases have been documented in countries with a relatively long tradition of decentralization and in municipalities with a significant population, tax-base and resource generation capacity. However, as most countries have committed themselves to decentralize, the investment in intermediary and municipal systems ensures that scarce resources still reach a significant population. In general there is no doubt that DRM needs to reach out to and be appropriated by local actors to be effective. Programs that concentrate on national level activities only risk remaining isolated as knowledge and involvement remains with a handful of actors and no visible benefit from program investments can be created. The value of “real” tangible projects to demonstrate successes of risk management cannot be underestimated.

In many countries and areas there are considerable restrictions on the effectiveness of legislation and formal interventions of government in DRM. Most importantly these are limited by the fact that risks are often constructed outside the immediate control of government, be it because of restricted government presence outside the capital or major urban centres and limited government capacity and/ or the increased informality of housing and livelihood parameters including economic production and the use of common resources and property. Alternative and more informal strategies can help to promote DRM amongst communities and seek a direct dialogue over options to harmonize social and economic requirements with risk-reduction objectives. While NGOs have been working in this field for decades there is currently a communication

gap between these small scale and scattered projects at the local level and national governments and few lessons are drawn for policy making and planning.

Increasingly risk management and reduction is mentioned in governmental development policies, plans and strategies but often it forms a separate chapter or section that links into development but it is not treated as a truly “transversal” concern. The same observation can be made about UNDP’s Country Cooperation Frameworks (CCFs) and the United Nations’ UNDAFs. Amongst other factors this may be related to a lack of tools to practically integrate disaster risk management and reduction into development.

In most countries reviewed the “paradigm shift” from disaster management to risk management or reduction has not yet been acted upon in a consistent fashion. Truly permanent and active inter-ministerial or –agency mechanisms to devise strategies, plan and coordinate risk reduction measures exist only in a few countries. That said some disaster reduction initiatives are constantly taken by actors that spend little effort on conceptualizing their activities as part of “risk reduction”. Individual agencies such as the providers of utilities (electricity, water, communication) or government departments in charge of roads and coastlines are eager to protect their systems against external shocks and will often take independent action that remains relatively invisible to non-specialists.

Disaster events can be used proactively to further interest and commitment to DRM but also to improve already ongoing programs. Disaster experience can reinforce the message that disaster risk reduction and sustainable development are linked and assessments of the economic losses can be effectively used to sensitize decision-makers about the real and high costs of disasters and the need to invest in disaster reduction. Reviewing the performance of partner organizations before, during and after a disaster can identify important gaps that a program may want to address. Finally disasters provide fundraising opportunities for necessary but yet uncovered program components.

Some of the poorest and extremely vulnerable countries are at a risk of falling further behind sometimes lacking even the most basic tools to put early warning systems into place, which could save lives, livelihoods and assets. Information and knowledge management remain big challenges in these countries however resources currently provided are not adequate to address urgent needs.

There is no doubt that entrenching DRM as a corporate UNDP priority requires a lot more work. DRM has much to gain from joining forces with flagship programs of UNDP in particular decentralization, poverty reduction and environment programs. In turn these programs can also benefit tremendously and become more relevant where communities face substantial risks from natural disasters and local governments need to act. This need not result in faceless “mainstreaming” but in specific DRM services and activities that can support a local governance or poverty reduction program or vice versa. As long as UNDP does not truly integrate development and DRM in its own

country program, advocating with governments to include risk reduction in development strategies will not show the desired effect.

Program planning phases and preparatory assistance projects provide major opportunities for UNDP to anchor a project in the realities of a country and devise a program that will both satisfy priority needs of national governments as well as raise awareness for certain requirements and development objectives a national government may initially not be aware or even disapprove of. Rushed planning often leads to unrealistic and ambitious projects loaded with objectives that say “all the right things” but identify no specific entry points for implementation and leave national counterparts alienated or to programs that have been formulated around government “wish-lists” without a clear developmental change objective.

In some countries United Nations Disaster Management Teams (UNDMTs) have proven an asset to generate and sustain interest in DRM amongst key agencies, identify opportunities for partnerships and facilitate a dialogue with the government. This is usually the case where the UNDMTs received active support from the Resident Coordinator and opened up to the participation of external agencies, including key government partners, donors and NGOs.

The review found that institutional memory in most UNDP country offices needs further strengthening. Also, project exits strategies and follow-up actions need to be enhanced, such as for example advocacy for the adoption of critical legal documents, which have been prepared with UNDP support. Quite often legal and institutional reform initiatives have often not yet been adopted when projects are «over» and such critical outputs should be supported until they have eventually been institutionalized and transformed into outcomes.

UNDP’s role in supporting national institutional and legal systems for DRM and the expectations of many governments exceeds its financial possibilities. Compared with regional and intergovernmental banks UNDP is financially small player but in terms of impact, returns on investment have been astonishingly high in several countries. UNDP has a major role to play as an advocate of DRM and trusted partner of governments and needs to use its limited funding astutely to produce “best practice” and examples of innovation that can be the picked up, used and scaled up by other, financially more resourceful players.

VI. Recommendations to UNDP

The report highlights a number of recommendations to UNDP about the future directions to take when supporting ILS - a few are listed below:

- UNDP should further develop the linkages between governance, DRM and development through practical measures of integrating DRM with development initiatives in UNDP country programs.

- Advocacy and lobbying for strong Institutional and Legislative Systems at the highest political levels must become an on-going element of UNDP's strategy for disaster risk reduction.
- UNDP has a role not only in assisting policy development for disaster risk management in program countries. In addition, the organization should engage more in redefining benchmarks at the regional, national and sub-national level and identifying mechanisms to ensure the monitoring of progress and implementation of risk reduction measures.
- UNDP is a trusted partner of governments, and also has a major role in assisting NGOs and community based organizations in establishing better links between their often small-scale and scattered, but effective community-level projects and the local and national governments; and vice-versa.
- UNDP should explore how a rights-based approach to the promotion of risk management and risk reduction could be strengthened. Experience has shown that ILS have been most sustainable where a large part of the population saw the provision of a minimally safe environment and public safety as a basic entitlement.
- In highly disaster prone countries, UNDP's capacity must be boosted to be able to provide the required professional services in an on-going and process-oriented manner. UNDP has already committed itself to place 20 or more full time disaster reduction specialists into these countries. They will be sufficiently senior to act as permanent counterparts for government, identify opportunities for DRM initiatives, assist with the formulation of relevant initiatives and advise on linkages with UNDP programs.

These recommendations will be addressed in the coming months and integrated into UNDP's policy and implementation guidelines, as well as training modules on participatory design, implementation and monitoring of ILS programmes.