



Disaster risk reduction legislations: Is there a move from events to processes?



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ABSTRACT

Disaster research and scholarship is now advocating a shift from focusing on the hazard event to processes that generate vulnerability and loss of resilience to disasters. Disaster legislations are among prominent instruments that can highlight the tensions as well as challenges that are being encountered towards this change in focus. Using textual analysis, this paper presents a study that investigated whether five post-2002 disaster legislations have shifted emphasis from the hazard to the vulnerability and resilience paradigms. The five examples illustrate that while there is a slight change, at least in rhetoric, from response to a prevention focus, disaster legislations largely promote a centralised institutional framework, with inadequate resource commitments and limited participation from vulnerable communities. Consequently, while generalisations simply cannot be made without a wider analysis of many more examples from different countries, the five disaster legislations appear to re-emphasise the response focus with less attention on the processes that reduce vulnerability and enhance resilience. The conclusion is that while the rhetoric has changed, the disaster legislations have not significantly moved from the hazard to vulnerability and resilience focus suggesting that reduction of losses and damages to disasters remains a big challenge

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1. Introduction

Disasters have become a policy problem of global and local concern requiring effective legislative frameworks. Between 1961 and 2010, disasters triggered by natural hazards claimed about 99,000 lives and affected 129.6 million people on average annually (Guha-Sapir and Hoyois, 2013). Also, over the past three decades (1981–2011) total direct economic losses in 40 low- and middle-income countries amount to US\$305 billion, of which 30 percent of the losses were not internationally reported (UNISDR, 2013). These disaster impacts are partly to be blamed on the weak legislative frameworks in setting standards and objectives as well as assigning mandates and responsibilities to different actors (UNDP, 2007). The question is: to what extent do the disaster risk reduction legislations (disaster legislations) that are associated with the much publicised Hyogo Framework for Action 2005–2015 (Hyogo Framework) have, though not in a prescriptive way, shifted

the focus from the hazard event to processes that reduce vulnerability and loss of resilience? In addressing this question, the paper is based on examples of disaster legislations from five countries, whose findings may have resonance across the world.

In our analysis, we use the Hyogo Framework, which we consider to be highly novel and rare. Djalante et al. (2012) justify the use of the Hyogo Framework as a tool of analysis on the basis that (1) the Hyogo Framework is an internationally agreed framework for disaster risk reduction to increase the resilience of nations and communities, and (2) the Hyogo Framework has been well received and well adopted in order to enable a comprehensive analysis on how countries implement various disaster risk reduction activities. However, that the Hyogo Framework initiated a strategic and systematic approach to building disaster resilience has rarely received critical analyses.

Nonetheless, the expected outcome of the Hyogo Framework is the 'substantial reduction of disaster losses, in lives and in the social, economic and environmental assets of communities and countries' (UNISDR, 2007, p. 5). To this end, disaster risk reduction efforts 'must be systematically integrated into policies, plans and programmes for sustainable development and poverty reduction'. In many ways, the Hyogo Framework recognises that there is a link between disasters and development which has become a familiar view (Collins, 2009; Cuny, 1983; Manyena, 2012; McEntire, 2004).

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Table 1
HFA priorities and actions.

Priority	Action
1. Governance	Ensure that DRR is a national and local priority with a strong institutional basis for implementation
2. Risk assessment	Identify, assess and monitor disaster risks and enhance early warning
3. Knowledge and education	Use knowledge, innovation and education to build a culture of safety and resilience at all levels
4. Risk management and vulnerability reduction	Reduce the underlying risk factors
5. Disaster preparedness and response	Strengthen disaster preparedness for effective response at all levels

Source: UNISDR (2005), Twigg (2007), Civil Contingencies Secretariat (2013b) and O'Keefe et al. (1976).

Middleton and O'Keefe (1998, p. 158) state that 'it is impossible to separate the disaster from issues of development with any meaningful political and economic sense'. Often, disasters are indicators of 'unsolved development problems' (Wijkman and Timberlake, 1984) if not 'failed development' (Anderson, 1985), which increases the vulnerability of people to natural hazards (Twigg, 2004). Thus, governments should develop policy, legislative and institutional frameworks for disaster risk reduction that have a 'people focus' by increasing community capacity to manage risks and to achieve widespread consensus for engagement in compliance with disaster risk reduction measures across all sectors of society (UNISDR, 2005).

In this paper, we are guided by Hyogo Framework's priority 1 (Hyogo Framework 1), which tends to be more relevant to disaster legislations as compared with the other four priorities (Table 1). To some extent, Hyogo Framework 1 provides a legal basis for achieving the other priorities that focus on information and early warning systems, disaster education, reduce underlying risk factors and disaster preparedness and response. Under Hyogo Framework 1, there are three tenets we consider to be among the key features, as well as the basis for analysis, of an effective disaster legislation: national institutional framework, community participation and allocation of resources (UNISDR, 2005).

Although numerous studies have examined shifts from the hazard paradigm through vulnerability to resilience, there has been limited debate on disaster risk reduction legislations. The exception has been the International Federation of the Red Cross' recent focus on disaster legislations in relation to response rather than the holistic disaster risk reduction laws. This paper addresses this gap. We start by reflecting on the hazards, vulnerability and resilience literature and their linkages with disaster legislations. We then discuss the institutional framework, community participation and availability of resources. We consider these to be key aspects that should be contained in most disaster legislations but which need critical reflection. Further, we analyse five examples of adopted or modified disaster legislations since 2000 from India, South Africa, the Philippines, the United Kingdom and Zimbabwe to identify tensions and challenges in shifting from the hazard to vulnerability and resilience in these countries.

We conclude that although there have been changes in rhetoric, disaster legislations from these countries tend to largely promote centralised institutional frameworks with limited community participation and inadequate resource allocations. Thus, on the basis of the five examples and supplementary material, we conclude that the disaster legislations have continued, though sometimes implicitly, to emphasise the hazard event focus rather than processes that reduce vulnerability and loss of resilience to disasters.

2. Methodology

This study is based on textual analysis of five disaster legislations from India, South Africa, the Philippines, the United Kingdom and Zimbabwe to determine the extent to which they addressed institutional frameworks, community participation and

resource mobilisation in shifting from the hazard event to vulnerability and resilience lens. Where available, secondary legislation such as the decrees, statutory instruments and policy guidelines were also analysed. However, our results need to be interpreted with caution, mainly in two respects. Firstly, that our study was based on textual analysis could lead us to fail to identify critical evidence of the extent to which the disaster legislations have facilitated or have been obstacles to disaster risk reduction progress. With limited textual data, field consultations could have improved the results. Secondly, we noted difficulties in making generalisations based solely on the five examples without a wider analysis of more examples from different countries. To improve the generalisation and applicability of the findings, the material from these five examples was supplemented by the findings from reviews and critiques including the Hyogo Framework mid-Term Review (UNISDR, 2011) and United Nations International Strategy for Disaster Reduction global platform reports. Even though the impartiality of the United Nations documents may be questionable as they are sometimes subject to negotiations by United Nations member states, they are regularly cited by scholars, an indicator of their credibility as sources of research.

3. Disaster theory and disaster legislation

3.1. Overview of disaster theory and disaster legislations

The disaster legislations have not been evolving in a vacuum. They have been, to some extent, shaped by shifts in the disaster paradigms, characterised by a constellation of values, assumptions, methods and exemplars (Gregory et al., 2011) shared by disaster risk reduction communities. Strong institutional frameworks, community participation and availability of resources, despite being contested terms, are some of the Hyogo Framework's key assumptions and indicators of shifts from the hazard event towards vulnerability reduction and resilience building.

Historically, disaster paradigms have gone through three important phases: *Acts of God*, *Acts of Nature* and *Acts of Men and Women* (Furedi, 2007). From time immemorial disasters were perceived to be caused by supernatural forces as *Acts of God* and were unpreventable. However, the rise of Enlightenment secularism and development of science as the new source of knowledge altered people's perception of disasters from viewing them as *Acts of God* to *Acts of Nature* (Furedi, 2007; Wijkman and Timberlake, 1984). Hazards were disasters per se. As a result, disaster legal frameworks were based on technical solutions such as the construction of levees and flood defences to help communities resist disasters.

Meanwhile, the hazard paradigm coincided with the civil defence of the Cold War (1948–1989) where contingency plans, based on vulnerability maps and scenarios, were made to relocate large civilian populations in the event of an unpredictable nuclear attack. Civil defence adopted a command-and-control model derived from a militaristic system, which is a top-down approach of disaster response with increased clarity of responsibility at the national level but less clarity at the local levels. Such legal

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