**Centre International de Droit Comparé de l’Environnement - CIDCE**

**Comments on the Zero draft of the Post-2015 framework for disaster risk reduction**

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| **Paragraph n° (1,2,3,...), page** | **Comments**  |
| A. Preambule - **5.** – page 5 | 5. There has to be a broader and a more **preventive and** **human rights based approach** to disaster risk. **To reinforce this new approach the ongoing works of the International Law Commission on the Protection of Persons in the Event of Disasters can be considered as an useful guideline for future action.** Enhanced work to address exposure and vulnerability and ensure accountability for risk creation is required at all levels. More dedicated action needs to be focused on tackling underlying risk drivers and compounding factors, such as demographic change, the consequences of poverty and inequality, weak governance, inadequate and non-risk informed policies, limited capacity especially at the local level, poorly managed urban and rural development, declining ecosystems, climate change and variability, **nuclear accidents** and conflict situations. Such risk drivers condition the resilience of households, communities, businesses and the public sector. Moreover, it is necessary to continue increasing preparedness for response and reconstruction and use post-disaster reconstruction and recovery to reduce future disaster risk. |
| A. Preambule - **7.** – page 5 | 7. Global, regional and transboundary cooperation remains pivotal in supporting States, local authorities, communities and businesses to reduce disaster risk. **In particular considering the risks for global and long distance contamination in nuclear power plants disasters.** Existing mechanisms require further strengthening. Developing countries, in particular small island developing States, landlocked developing countries, least developed countries and Africa need special attention and support through bilateral and multilateral channels for capacitybuilding, financial and technical assistance, and technology transfer. |
| B. Expected outcome and goal – **12.** – page 6 | 12. The prevention of disaster risk creation and the reduction of the existing disaster risk through economic, social, cultural, and environmental measures which address exposure and vulnerability, and thus strengthen resilience. **And requires a human rights approach to favour people’s resilience.** |
| B. Expected outcome and goal – **14.** – page 6 | 14. The present framework applies to the risk of small scale and large scale, frequent and infrequent, and slow onset disasters caused by natural hazards and related environmental and technological hazards and risks **including nuclear disaster** **as specific disasters** and aims to guide the multi-hazard management of disaster risk in development at local, national, regional and global levels. |
| C. Guiding principles – **15. b)** – page 6 | 15. b) Managing the risk of disasters should be aimed at protecting persons, their property, livelihoods and productive assets, while respecting their human rights **based on relevant international and regional human rights conventions.****15. b) bis) Public emergencies related to natural or manmade disaster situations should not be a reason to depart from international human rights conventions.** |
| C. Guiding principles – **15. g)** – page 7 | **15. g) Bis) As disasters lead to internal or external displacement of people, States and all the stakeholders should adopt all necessary measures to prevent the displacement and take care of the displaced persons, consistent with the rules and principles of human rights, cooperation and solidarity.** |
| C. Guiding principles – **15. i)** – page 7 | 15. Drawing from the principles contained in the Yokohama Strategy4 and the HFA, the implementation of the present framework will be guided by the following principles:i) The development, revision and implementation of relevant national and international policies, **legal frameworks**, plans, practices and mechanisms needs to aim at coherence and mutual reinforcement across sustainable development and growth, climate change and variability, environmental management**, human rights** and disaster risk reduction agendas. Disaster risk reduction mainstreaming is critical to the sustainability of development. |
| C. Guiding principles – **15. j)** – page 7 | 15. j) The post-disaster recovery and reconstruction phase is critical to reduce disaster risk and for public education and awareness on disaster risk **particularly through human rights enforcement**. |
| D. Priorities for action – General considerations – **18.** – page 8 | 18. The promotion of a culture of prevention, including through the mobilization of adequate resources for disaster risk reduction, is an investment for the future with substantial returns **as well as a factor of resilience**. |
| D. Priorities for action – **19.** – page 8 | 19. Taking into account the experience gained through the implementation of the HFA, and in pursuit of the expected outcome and goal, there is a need for focused action **within a human rights based approach** across sectors by States at local, national, regional and global levels in the following priority areas: |
| D. Priorities for action – Priority 1: Understanding disaster risk – **21.** – page 8 | 21. Policies, **laws** and practices for disaster risk management should be based on an understanding of risk in all its dimensions of vulnerability, capacity and exposure of persons and assets and hazards characteristics. This requires an all-states and all stakeholders effort on a number of areas for action, such as collection, analysis and dissemination of information and data, advancement of research, and the development and sharing of open-source risk models, as well as continuous monitoring and exchange of practices and learning. |
| D. Priorities for action – Priority 1: Understanding disaster risk – National and local levels – **22. b)** – page 8 | 22. It is important to:b) Systematically survey, record and publicly account for all disaster losses and the economic, social, **environmental** and health impacts; |
| D. Priorities for action – Priority 1: Understanding disaster risk – National and local levels – **22. c)** – page 8 | 22. c) Make non-sensitive risk, disasters and loss information free, openly available, and accessible, and ensure its dissemination, at all levels, taking into account the needs of different categories of users, **as well as the impartiality of regulation authorities, the independence and the continuous excellence of early warning systems**. It is important to ensure real-time access to reliable data, and use ICT innovations to enhance collection, analysis and dissemination of data; |
| D. Priorities for action – Priority 1: Understanding disaster risk – National and local levels – **22. d)** – page 8 | 22. d) Build the capacity of local government officials, public servants, communities and volunteers through sharing of experience, training and learning programmes on disaster risk reduction, targeting specific sectors to ensure consistent collection, analysis and use of risk assessment, and implementation of disaster-risk related policies, **laws** and plans; |
| D. Priorities for action – Priority 1: Understanding disaster risk – National and local levels – **22. e)** – page 9 | 22. e) Promote and improve dialogue and cooperation among scientific communities, including social, **legal,** health, economic and environmental sciences, practitioners, businesses, people at risk and policymakers; |
| D. Priorities for action – Priority 1: Understanding disaster risk – National and local levels – **22. j)** – page 9 | 22. It is important to:j) Promote national strategies to strengthen **risk communication,** public education and awareness of risk information and knowledge through campaigns, social media, community mobilization and other available means, taking into account specific audiences and their needs. |
| D. Priorities for action – Priority 2: Strengthening governance and institutions to manage disaster risk – National and local levels - **25. a)** – page 10 | It is important to:25. a) Promote the coherence of, and further develop as appropriate, national and local frameworks of law, regulation and public policy, including for development, poverty reduction, climate change adaptation and environmental management, **as well as access to all relevant information**, which through defining roles and responsibilities guide the public sector in: (i) addressing disaster risk in publically owned, managed or regulated services and infrastructure, and (ii) regulate and provide incentives for actions by persons, households, communities and businesses; |
| D. Priorities for action – Priority 2: Strengthening governance and institutions to manage disaster risk – National and local levels - **25. b)** – page 10 | **25. b) Bis) Adoption and implementation of specific legal and institutional frameworks on disaster risk reduction taking into account human rights protection.** |
| D. Priorities for action – Priority 2: Strengthening governance and institutions to manage disaster risk – National and local levels - **25. c)** – page 10 | **25. c) Bis) States should adopt a specific legal status for external displaced persons who are victims of a disaster, comprising their immigration policies and law. States should as well incorporate the 1998 UN Guiding Principles on Internal Displacement.** |
| D. Priorities for action – Priority 2: Strengthening governance and institutions to manage disaster risk – National and local levels - **25. d)** – page 10 | 25. d) Enhance, as appropriate, relevant normative frameworks and mechanisms to strengthen disclosure of and, accountability for, disaster risk**, including the liability of States, their agencies and scientific experts concerning early risk warning.** |
| D. Priorities for action – Priority 2: Strengthening governance and institutions to manage disaster risk – Global and regional levels – **26. a)** – page 11 | **New. 26. a) Adopt global and / or regional agreements on disaster risk reduction integrating human rights concerns.** |
| D. Priorities for action – Priority 2: Strengthening governance and institutions to manage disaster risk – Global and regional levels – **26. b)** – page 11 | 26. It is important to:b) Foster collaboration and partnership across mechanisms and institutions for the implementation of instruments relevant to disaster risk, **such as for human rights**, climate change, sustainable development, environment, health, **humanitarian assistance** and others, as appropriate; |
| D. Priorities for action – Priority 2: Strengthening governance and institutions to manage disaster risk – Global and regional levels – **26. d)** – page 11 | 26. d) Continue to strengthen capacities, mechanisms **and specific legal frameworks**, such as hazard-focused disaster risk reduction forums, to reduce transboundary disaster risk, including displacement risk **through the future development of a legal status for displaced persons setting forth their fundamental human rights.** |
| D. Priorities for action – Priority 3: Investing in economic, social, cultural, and environmental resilience – **27.** – page 11 | 27. Investing in risk prevention and reduction through structural and non-structural measures is essential to enhance the economic, social, cultural resilience of persons, communities, countries and their assets as well as the environment. Such measures are cost-effective and instrumental to save lives and prevent and reduce losses. A continued integrated focus on **human rights and** key development areas, such as health, education, agriculture, **nutrition**, water, ecosystem management, housing, cultural heritage, public awareness, financial and risk transfer mechanisms, is required. |
| D. Priorities for action – Priority 3: Investing in economic, social, cultural, and environmental resilience – National and local levels - **28. a)** – page 12 | **New 28. a) Reinforce human rights protection as a critical tool for social, economic and environmental resilience and ensure that response to disasters take place in accordance with the principles of humanity, neutrality and impartiality, and on the basis of non-discrimination, while taking into account the needs of the particularly vulnerable [NB quoted from Art. 7 of the International Law Commission Draft Articles].****Bis - Endeavor to ensure that programmes and legal status for displaced persons take human rights into account and do not increase their vulnerability.** |
| D. Priorities for action – Priority 3: Investing in economic, social, cultural, and environmental resilience – National and local levels - **28. c)** – page 12 | 28. c) Protect or support the protection of museums and other sites of historical, **environmental,** cultural and religious interest, as well as of work places; |
| D. Priorities for action – Priority 3: Investing in economic, social, cultural, and environmental resilience – National and local levels - **28. d)** – page 12 | 28. d) Give land-use policy development and implementation, **including the integration of environmental concerns,** urban **form and** planning, informal and non-permanent housing, special attention due to their direct impact on risk exposure, **as well as** **the reallocation of risk-exposed populations, whenever it is possible**; |
| D. Priorities for action – Priority 3: Investing in economic, social, cultural, and environmental resilience – National and local levels - **28. g)** – page 12 | 28. g) Enhance the resilience of health systems by integrating disaster risk reduction into primary health care on **a governmental** and at local level developing the capacity of health **professionals** in understanding risk, applying and implementing disaster risk reduction approaches in health work, and supporting and training community health groups in disaster risk reduction approaches **taking particularly into account the specificity and urgency of ionizing radiation risk management after nuclear power plant accidents.**  |
| D. Priorities for action – Priority 3: Investing in economic, social, cultural, and environmental resilience – National and local levels - **28. k)** – page 12 | 28. k) Strengthen the sustainable use and management of **cities and** ecosystems and implement integrated environmental and natural resource management approaches that incorporate disaster risk reduction. |
| D. Priorities for action – Priority 3: Investing in economic, social, cultural, and environmental resilience – Global and regional levels – **29. a) and b)** – page 13 | 29. It is important to:a) Mainstream disaster risk reduction measures appropriately into multilateral and bilateral development assistance programmes including those related to poverty reduction, natural resource management, **environmental protection**, urban development and adaptation to climate change.b) Recognizing the different multilateral processes, work through the United Nations and other relevant institutions and processes, as appropriate, to promote coherence at all levels and across sustainable development, climate change**, human rights** and disaster risk reduction policies, **legal frameworks,** plans and programs; |
| D. Priorities for action – Priority 4: Enhancing preparedness for effective response, and building back better in recovery and reconstruction – **30.** – page 13 | 30. The steady growth of disaster risk, including **nuclear disaster and** the increase of people and assets exposure, combined with the learning from past disasters, indicate the need to further strengthen preparedness for response at all levels. **Bearing in mind that international and regional human rights conventions apply even in the event of disasters.**Disasters have demonstrated that the recovery and reconstruction phase needs to be planned ahead of the disaster and is critical to building back better and making nations and communities more resilient to disasters. |
| D. Priorities for action – Priority 4: Enhancing preparedness for effective response, and building back better in recovery and reconstruction – National and local levels – **31. b)** – page 13 | 31. b) Continue to further strengthen early warning systems and tailor them to the needs of users, including social and cultural requirements. **It’s also necessary to adopt a systemic conception of warning, which integrates early and immediate warning, as well as the regulation of informal warning.** |
| D. Priorities for action – Priority 4: Enhancing preparedness for effective response, and building back better in recovery and reconstruction – National and local levels – **31. e)** – page 13 | 31. e) Adopt public policies and establish coordination and funding mechanisms and procedures to plan and prepare for post-disaster recovery and reconstruction **particularly for nuclear disasters as regards to their unlimited effects in time and space.** |
| D. Priorities for action – Priority 4: Enhancing preparedness for effective response, and building back better in recovery and reconstruction – Global and regional levels – **32. a)** – page 14 | 32. a) Strengthen and, when necessary, develop coordinated regional approaches, regional policies, operational mechanisms, **on a human rights based approach,** making use of best technology and innovation, which may include the use of business facilities and services and military assets upon request, as well as plans and communication systems to prepare for and ensure rapid and effective disaster response in situations that exceed national coping capacities; |
| D. Priorities for action – Priority 4: Enhancing preparedness for effective response, and building back better in recovery and reconstruction – Global and regional levels – **32. b)** – page 14 | 32. It is important to:b) Promote the further development of standards, codes and other **legal** and guidance instruments to support preparedness and response, and contribute to the lessons learned for policy practice and reconstruction programmes; |
| D. Priorities for action – Priority 4: Enhancing preparedness for effective response, and building back better in recovery and reconstruction – Global and regional levels – **32. f) new** – page 14 | **NEW 32. f) Promote specific policies, procedures, mechanisms and plans to ensure that nuclear specific risk take into account human rights protection.** |
| E. Role of stakeholders – **34. a)** – page 14 | **34. - New 34. a)** **Physicians and all medical workers are encouraged to contribute to preventive measures, preparedness for response, recovery and reconstruction. They should be able to follow independently the medical consequences of all disasters in particular nuclear ones. For that purpose physicians must promote research of geneticists, molecular biologists and epidemiologists to study somatic and genetic issue of low dose radiations effects.** |
| E. Role of stakeholders – **34. b) (post 34. a)** – page 14 | **34. - New 34 b -** Business, professional associations, private sector financial institutions, including financial regulators and accounting bodies, and philanthropic foundations **and human rights NGO** to integrate disaster risk management **in domestic legal framework** and including business continuity, in business models and practices, especially in micro, small and medium enterprises, engage in awareness-raising and training for their employees and customers, engage in and support research and innovation as well as the full use of technology in disaster risk management, share and disseminate knowledge, practices and data, actively engage with the public sector for the development of normative frameworks, quality standards, regulations, as well as policies and plans to incorporate disaster risk reduction; |
| E. Role of stakeholders – **34. c)** – page 14-15 | 34. While States, building on existing relevant international instruments, may determine more specific roles and responsibilities for all public and private stakeholders in accordance with national plans and priorities, the following actions should be encouraged:c) Social groups, **local communities**, volunteers, civil society and faith-based organizations to engage with public institutions and business to, inter alia, provide specific knowledge […] |
| F. International cooperation and global partnership – General considerations – **37.** – page 15 | 37. Disaster-prone developing countries, in particular least developed countries, small island developing States, and landlocked developing countries, and Africa, warrant particular attention in view of their higher vulnerability and risk levels, which often greatly exceed their capacity to respond to and recover from disasters. **As called for by the International Law Commission, each State should “reduce the risk of disasters by taking the necessary and appropriate measures, including through legislation and regulations, to prevent, mitigate, and prepare for disasters” (quoted from Art, 11.1 of the Draft Articles on protection of persons in the event of disasters).** Such vulnerability urgently requires the strengthening of international cooperation and ensuring genuine and durable partnerships at the regional and international levels in order to support developing countries to implement this framework in accordance with their national priorities and needs. |
| F. International cooperation and global partnership – Implementation and follow-up – **40. c)** – page 16 | 40. Support to countries in the implementation of this framework may require action on the following recommendations:c) Mainstream disaster risk reduction measures appropriately into multilateral and bilateral development assistance programmes, including those related to poverty reduction, natural resource management, **environmental protection**, urban development**, land use policy** and adaptation to climate change. |
| F. International cooperation and global partnership – Implementation and follow-up – **40. e)** – page 16 | 40. e) States and regional and international organizations should foster greater strategic coordination among the United Nations, other international organizations, including international financial institutions, regional bodies, donor agencies and nongovernmental organizations engaged in disaster risk reduction. In the coming years, consideration should be given to ensuring the implementation and strengthening of relevant international legal instruments related to disaster risk reduction, **on a human rights based approach**. |
| F. International cooperation and global partnership – Implementation and follow-up – **40. g)** – page 17 | The UNISDR, in particular, is requested to support the implementation, monitoring and review of this framework including through: preparing periodic progress reports on implementation; supporting the development of coherent global and regional monitoring mechanisms in synergy, as appropriate, with other relevant mechanisms for sustainable development**, climate change and human rights**, and updating the existing web-based HFA Monitor accordingly; generating evidence-based and practical guidance for implementation in close collaboration with, and through mobilization of, experts; reinforcing a culture of prevention in all stakeholders, through support to standards development by experts and technical organizations, advocacy initiatives, and dissemination of risk information, policies and practices i**n close cooperation with the United Nations Human Rights Council and the relevant Special Rapporteurs** **and with the International Organisation on Migrations**; supporting countries, including through the national platforms or their equivalent, in developing national plans and monitoring trends and patterns in disaster risk, loss and impacts; convening the Global Platform for Disaster Risk Reduction and supporting the organization of regional platforms for disaster risk reduction; **leading the discussions for a draft proposal for a legal status to environmentally displaced persons;** the revision of the United Nations Plan of Action on Disaster Risk Reduction for Resilience; facilitating the enhancement of, and continuing to service, the ISDR Scientific and Technical Advisory Group in mobilizing science and technical work on disaster risk reduction; leading and coordinating the update of 2009 Terminology on Disaster Risk Reduction; and maintaining the stakeholders’ commitment registry. |