

THE IMPACT OF THE SENDAI LEGAL FRAMEWORK ON THE DISASTER RISK REDUCTION AND EMERGENCY MANAGEMENT SYSTEM IN THE REPUBLIC OF SERBIA

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Abstract: *The Sendai Legal Framework was adopted in 2015, at the Third World Conference on Disaster Risk Reduction, for the period from 2015 to 2030. In the Sendai legal framework, special emphasis is placed on disaster risk management, disaster risk reduction as an expected outcome, and more. In addition to the above, the Sendai framework defines legal norms, by which countries are bound in processes for disaster risk reduction.*

Guided by these principles of the Sendai framework, the Republic of Serbia adopted the Law on Disaster Risk Reduction and Emergency Management in 2018. This law regulates prevention, strengthening resilience, management of emergency situations and other issues of importance in this area. In this paper, apart from the analysis of the mentioned terms, the focus is also on determining the impact of the Sendai legal framework on the Disaster Risk Reduction and Emergency Management System in the Republic of Serbia.

Key words: *Sendai legal framework, Disaster risk reduction, Disaster, Prevention*

1. INTRODUCTION

Disaster risk could be defined as a set of potential accidents that can threaten the life and health of people, animals, the environment, property, material and cultural assets. This type of risk represents a constant threat that often has no announcement of action, regardless of whether it is a natural or technical-technological disaster. In order to reduce the risk of disasters, at the end of the 20th century joint action on a global level began. The goal of these United Nations (hereinafter referred to as the UN) conferences was to approach the issue of disaster risk at the world level with a detailed presentation and definition of goals, tasks and legal frameworks

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that the participating countries will adhere to in the next agreed time interval, i.e. until the next international conference. The third UN international conference in the field of disaster risk reduction defined a new legal framework in Sendai in 2015 (Osamu and Hiroko, 2016).

This legal framework represent a continuation of the Hyogo framework and was adopted for the period from 2015 to 2030 by 187 UN member states. Among other things, in order to reduce the risk of disasters, the shortcomings of the Hyogo framework and points of improvement, the seven global goals, and the problem of adaptation to climate applications were defined. In addition to the above, the Sendai Framework recognizes state institutions as primary actors in disaster risk reduction. Accordingly, each of the member countries that signed the legal framework were obliged to adapt their code in the domain of disaster risk reduction within a certain period in accordance with the given provisions (Osamu and Hiroko, 2016).

The Law on Disaster Risk Reduction was adopted in 2018 and defines the Disaster Risk Reduction System. The aforementioned system forms part of the national security system and represents an integrated form of management and organization of the subjects of this system aimed at implementing preventive and operational measures and carrying out the tasks of protecting and rescuing people and material goods from the consequences of disasters, including recovery measures from those consequences (Official Gazette of the RS No. 87/2018).

In this paper, the theme of the international conferences that preceded the Sendai framework was first discussed, then the focus was given on all the principles, provisions and goals that were defined during this international conference. In the second part of the paper, the details of the Law on Disaster Risk Reduction are dealt with in detail, with a special focus on the analysis of the impact of the Sendai Framework on the Disaster Risk Reduction System in the Republic of Serbia.

2. SENDAI LEGAL FRAMEWORK CONCEPT

Legal frameworks represents the key to understanding targeted action, especially at the global level. In order to understand the Sendai legal framework, it is first necessary to outline its genesis, through its chronological development. In support of this, in this part of the work, the emphasis is on the development of the aforementioned legal framework, while after that an overview of the impact of the Sendai legal framework on the regulations of the Republic of Serbia in the domain of disaster risk reduction is provided.

2.1. Genesis of the Sendai Legal Framework

At the end of the 20th century, active work on the development of global awareness in the field of disasters began. In order to share experiences gained during the action of previous natural and technical-technological disasters, numerous workshops and other types of gatherings were organized. The first major summit was organized in 1989 under the name of the International Framework of Action for the Decade for Natural Disaster Risk Reduction. In support of this, in 1994 the Yokohama Strategy for a Safe World was adopted through a set of specific guidelines for prevention, preparedness and mitigation of the consequences of disasters and the development of action plans (Poterie and Baudoin, 2015).

In 2000, the Economic and Social Council of the General Assembly of the United Nations adopted the International Strategy for Disaster Reduction (ISDR) in order to identify the causes of human and material damage and to formulate optimal guidelines for building disaster resistant communities. The establishment of ISDR, the first world conference on disaster risk reduction, reflects a significant conceptual shift from a traditional approach, in which disaster

response plays a leading role, to an approach that entails total disaster reduction. With the establishment of ISDR, it follows that natural hazards do not lead to disasters by themselves, but also that disasters occur as a consequence of natural hazards on vulnerable social systems. In other words, disasters can, under certain circumstances, be prevented by conscious human action aimed at reducing vulnerability (Poterie and Baudoin, 2015). As the main body within the United Nations system responsible for preparing strategies and policies for disaster reduction, ISDR has the following fundamental objectives (Poterie and Baudoin, 2015):

- enable communities to become resilient to the consequences of natural and technological disasters and environmental disasters, thereby reducing the risk for social and economic vulnerabilities in modern societies and
- transition from risk protection to risk management, transforming risk prevention strategies into sustainable development actions.

After the International Strategy for Disaster Risk Reduction, the decision of the UN General Assembly convened the Second World Conference on Disaster Risk Reduction in the Japanese city of Hyogo (January 18 to 25, 2005), where a legal framework for action for a period of 10 years was adopted. (from 2005 to 2015). The overall goal of this conference was to develop the resilience of nations and communities to disasters. In order to achieve the expected result, the Conference is determined to adopt the following strategic goals (Wanner, 2020): more effective integration of disaster risk aspects within the sustainable development strategy, planning and programming at all levels with a special focus on prevention, mitigation, preparedness and disaster vulnerability reduction; development and strengthening of institutions, mechanisms and capacities at all levels, especially at the local level, which is able to systematically contribute to the creation of resistance to hazards and systematic inclusion of risk reduction methods in the creation and implementation of sudden hazard preparedness, hazard response and recovery programs in the reconstruction of affected communities.

Since the adoption of the Hyogo Framework for Action in 2005, progress has been made in disaster risk reduction at the local, national, regional and global levels, leading to a reduction in mortality from certain hazards. Accordingly, the Hyogo legal framework is an important instrument for raising public and institutional awareness. However, in the same ten-year time period, disasters continued to cause large losses, which adversely affected the well-being and security of individuals, communities and countries as a whole. Over 700 thousand people lost their lives, more than 1.4 million were injured, and about 23 million people were left homeless as a result of the disasters. In total, more than 1.5 billion people are affected by disasters in various ways. The total economic loss was over US\$1.3 trillion (Wanner, 2020).

In response to the above, the Third UN World Conference on Disaster Risk Reduction was held from March 14 to 18, 2015 in Sendai, Japan. This conference represented the continuity of the Hyogo framework that was in force until then, along with a series of innovations that were initiated during the consultations and negotiations. The Sendai legal framework, among other things, gave the signatory states a unique opportunity to (Chmutina and al, 2021):

- adopt a concise, focused framework for disaster risk reduction after 2015, which is oriented towards future action;
- complete the assessment and review of the Hyogo legal framework;
- take into account the experience gained through regional and national disaster risk reduction strategies and plans from the previous period and
- identify cooperation modalities based on commitments to implement the disaster risk reduction framework after 2015.

The Sendai Framework also defined the following: the need for an improved understanding of disaster risk in all its dimensions of exposure, vulnerability and hazard properties, strengthening disaster risk management, implementing the principle of “*Build Back Better*”, resilience of all types of critical infrastructure, strengthening international cooperation and global partnership and others (Poterie and Baudoin, 2015).

2.2. Guiding principles and priorities for the operation of the Sendai legal framework

The Sendai legal framework defined certain legalities in the domain of disaster risk reduction at the global level, which countries were obliged to respect in the following period. Among the 187 UN countries, the Republic of Serbia was also a signatory to this legal framework. Accordingly, in the Republic of Serbia, the process of building the Disaster Risk Reduction System began in the same year. Some of the guiding principles that have been adopted, which refer specifically to the signatory countries, are (Wisner, 2020): each country has the primary responsibility for prevention and reduction of the risk of disasters, including through international, regional and bilateral cooperation; disaster risk reduction requires the division of responsibilities between central authorities and appropriate state authorities, sectors in accordance with national circumstances and management systems; disaster reduction depends on coordination mechanisms within and between sectors, with relevant stakeholders at all levels, which requires the full engagement of all executive and legislative institutions at state and local levels; although the role of state and other higher levels of government in enabling and coordinating the process of disaster risk reduction is of particular importance, it is necessary to empower local authorities in that process, among other things, through resources, incentives and responsibility when making decisions and in the phase of post-disaster recovery, reconstruction and rehabilitation, it is crucial to prevent the re-creation of disaster risks, but also by improving education and raising public awareness of disaster risks.

Taking into account the experience gained from the ten-year implementation of the Hyogo framework for action, at the International Conference held in Sendai, four priorities for the action of states in order to reduce the risk of disasters were defined (Wisner, 2020): understanding disaster risk; strengthening disaster risk management; investment in disaster risk reduction and strengthening disaster preparedness for effective response and for improving and rebuilding during recovery, rehabilitation and reconstruction, especially in developing countries.

When determining specific roles and responsibilities, the signatory states of the Sendai legal framework have the obligation, among other things, to (Chmutina, Sandovai and al, 2021):

1. Civil societies, volunteers, organizations that promote volunteer work must be included in disaster risk reduction processes:

- women and their participation are key to effective disaster risk management, designing and implementing gender-sensitive policies, plans and programs;
- persons with disabilities and their organizations are key in disaster risk assessment and in designing and implementing plans adapted to specific requirements and
- older people have long-standing knowledge, skills and wisdom, qualities that are invaluable for disaster risk reduction, and they should be included in shaping policies, plans and mechanisms.

2. The academic community, scientific and research institutions should conduct research for regional, national and local application, research into factors that influence disaster risk reduction, but also support the interaction between policy and science in decision-making;

3. It is necessary to take measures to actively involve the media at the local, national and global level in contributing to raising public awareness and distributing accurate information about the risks of disasters, including small-scale disasters, in a simple, transparent, easily understandable and accessible way.

3. DISASTER RISK REDUCTION AND EMERGENCY MANAGEMENT SYSTEM

In 2009, the Republic of Serbia passed the Law on Emergency Situations. This law was largely determined according to the guidelines of the Hyogo legal framework, which was largely in force (2005-2015) (Komazec et al., 2016). After the adoption of the Sendai Framework in 2015, there was also a change in laws and by-laws in the Republic of Serbia in the domain of disaster risk reduction (Klikovac et al., 2017).

3.1. Law on Disaster Risk Reduction with Provisions in the Republic of Serbia

The Law on Disaster Risk Reduction and Emergency Management was adopted in 2018. This law regulates disaster risk reduction, prevention, strengthening of resilience and readiness of individuals and communities to respond to the consequences of disasters, protection and rescue of people, material, cultural and other assets, rights and obligations of citizens, associations, legal entities, bodies of local self-government units, autonomous provinces and the Republic of Serbia, management of emergency situations, functioning of civil protection, early warning, notification and warning and other issues of importance for the organization and functioning of the Disaster Risk Reduction and Emergency Management System (Klikovac et al., 2017).

The disaster risk reduction and emergency management system is of particular interest to the Republic of Serbia and is part of the national security system. The Republic of Serbia ensures the construction of a unique Disaster Risk Reduction and Emergency Management System in accordance with the law and other regulations, as well as programs, plans and other documents related to protection and rescue, as well as civil protection. Therefore, the Disaster Risk Reduction and Emergency Management System is one of the security systems, but it is civilian in nature. Reducing the risk of disasters, among other things, implies (Official Gazette of RS No. 87/2018):

1. Precise identification, regular assessment and monitoring of disaster risks for their control;
2. Reducing the impact of factors that cause or increase the risks of disasters through responsible and appropriate management of the environment, land, water and other natural resources, planned land use and undertaking appropriate technical and other measures;
3. Mitigating harmful consequences based on a more complete understanding of their risks, planning their prevention and increasing readiness for reaction and effective response;
4. Reconstruction after a disaster in accordance with the principle of building a better system, which will make the infrastructure and society as a whole more resistant to future disasters;
5. Building a culture of safety and resilience of individuals and communities to disasters;
6. Intensive mutual cooperation of all competent institutions at all levels of government, as well as partnership with private and public companies, other legal entities, entrepreneurs, civil society organizations and all interested citizens who can contribute to disaster risk reduction and
7. Establishing precise procedures for the exchange of information and experience on the importance of risk reduction and for the effective provision and receipt of international

operational and humanitarian assistance for the elimination of the consequences of disasters and the initial reconstruction of the affected areas.

3.2. Analysis of the impact of the Sendai legal framework on the Disaster Risk Reduction and Emergency Management System in the Republic of Serbia

The Sendai legal framework defines, as mentioned, certain measures that act to direct the signatory countries in the direction of global disaster risk reduction, but also in the direction of the way of acting at the national, regional and local level. With the Disaster Risk Reduction System, the Republic of Serbia largely defined legal and sub-legal provisions that are in accordance with the guidelines of the Sendai Framework. The disaster risk reduction system has seven action priorities aimed at reducing the risk of disasters, through which the mentioned impact can be concluded, and they are (Official Gazette of RS No. 87/2018):

1. Principle of priority - disaster risk reduction and emergency management is a national and local priority. Everyone has the right to be protected from the consequences of disasters without any discrimination, and the protection and saving of human lives has priority over all other protective and rescue activities;
2. The principle of integrated action and intersectoral cooperation - risk assessments and preventive measures and activities undertaken to prevent and reduce the risk of disasters are integrated into sectoral development plans and programs in all areas of state administration;
3. The principle of the primary role of local communities - local self-government units have a primary role in disaster risk management and this role is supported by all competent state and provincial institutions;
4. Principle of gradual use of forces and means - in protection and rescue, forces and means from the territory of the local self-government unit are first used, and when those forces and means are not sufficient, the competent authority ensures the use of other forces and means from the territory of the Republic of Serbia, including the police and the Serbian Army when necessary;
5. Principle of equality and protection of human rights - subjects of the Disaster Risk Reduction and Emergency Management System take particular care to implement the principle of gender equality and especially take care that no decision, measure or action encourages or leads to a less favorable position of women and their equal participation in the Disaster Risk Reduction and Emergency Management System;
6. The principle of participation and solidarity - the right of vulnerable citizens to participate in designing the content and implementation of disaster risk reduction activities, as well as the right to participate in proposing, undertaking and executing certain measures, tasks and activities in protection and rescue and express their needs in means of aid;
7. The principle of informing the public - competent authorities inform the public in a timely and complete manner about the risks of disasters, relevant data and measures for protection against their consequences, as well as about other measures taken to manage the risk of disasters.

From the attached it can be seen that the Sendai legal framework is of great importance for the Disaster Risk Reduction and Emergency Management System. Apart from the formation of the basic structure of the system in the Republic of Serbia, the Sendai legal framework provided the starting point for the entire system of protection and rescue from disasters. In accordance with the above, the Republic of Serbia fully complied with the guidelines for action aimed at reducing the risk of disasters.

4. CONCLUSION

The Sendai Legal Framework represents a milestone in global disaster risk reduction for the 21st century. It eliminated the shortcomings of the previous Hyogo framework, but also provided new approaches and perspectives with the aim of more effective disaster prevention. The Sendai legal framework emphasizes, among other things, understanding disaster risk, strengthening disaster risk management, investing in disaster risk reduction, but also strengthening community disaster preparedness. In addition to the above, the guiding principles of the Sendai legal framework refer primarily to the priority of the actions of the signatory countries on their territory in the processes of prevention and reduction of the risk of disasters, primarily starting from the local level, to the actions of volunteers, informing the public, the inclusion of all population groups in the processes of protection and rescue, but also on recovery after the disaster, with the prevention of the recurrence of the disaster.

The disaster risk reduction system was adopted in the Republic of Serbia as a response to the guidelines of the Sendai legal framework. Among other things, the principles adopted within the aforementioned system are the principle of priority, the principle of the primary role of local communities, the principle of informing the public, the principle of equality and protection of human rights, and others. From the attached paper, it can be concluded that the principles of the Disaster Risk Reduction System are in accordance with the guidelines of the Sendai legal framework, and that the Sendai legal framework has greatly influenced and continues to influence the Disaster Risk Reduction System in the Republic of Serbia.

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