



LEGAL GOVERNANCE OF DISASTER RISKS UNDER NEPAD: Establishing Contractual Responsibility for Resilience and Sustainable Development in Africa

Khedidja Ziani 

Ph.D in Political Science, University of Batna 1, Algeria

 khedidja.ziani@univ-batna.dz

Hichem Makhoulf 

Ph.D in Private Law, University Center of Barika, Algeria

 Hichem.makhoulf@cu-barika.dz

Mohammed Halim Limam 

*Ph.D in Political Science and International Relations,
University of Algiers 3, Algeria*

 limam.halim@gmail.com

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ABSTRACT

This paper examines the strategy of the New Partnership for Africa's Development (NEPAD) for disaster risk reduction and aims to analyze the initiative's approach to overcoming obstacles that hinder sustainable development, particularly the poor management of major disasters and the limited effectiveness of national risk reduction plans. The study is guided by a central research question: How does NEPAD's strategic approach to disaster risk reduction contribute to enhancing the resilience of African countries in the face of major disasters, and to what extent does this strategy establish a genuine legal, as distinct from merely political, responsibility on the part of African States for its implementation?

The findings indicate that the successful implementation of a disaster risk governance strategy to improve the prepared-

ness and resilience of African nations against various crises depends on several key factors. These include strong political commitment from governments to disaster risk reduction, the development of national institutions and observatories to enhance risk identification and assessment mechanisms, and the establishment of effective early warning systems. Additionally, the study finds that NEPAD does not, of itself, establish a contractual responsibility in the strict sense of treaty law; it establishes a conditional responsibility that hardens into a binding legal obligation only as African States progressively transpose continental commitments into national legislation. The study further highlights the importance of integrating disaster risk governance into development plans and programs, as well as strengthening coordination among African governments to ensure a more comprehensive and effective response.

INTRODUCTION

African countries face enormous challenges in the field of disaster risk management, ranging from natural disasters such as floods, droughts, and hurricanes, to human-induced disasters. These risks do not recognize political borders and require a coordinated, integrated response that goes beyond the individual capacities of states. Regional and international cooperation thus becomes an inevitable necessity to strengthen governance systems and enhance the ability to mitigate the impacts of disasters, prepare for them, respond to them, and recover from them. This is what the African Union and the New Partnership for Africa's Development (NEPAD) realized when they announced the regional strategy for disaster risk reduction, aimed at achieving a set of objectives through a package of strategies that address weaknesses in existing policies and structures in the field of disaster risk reduction, and lay the foundations of governance capable of strengthening countries' resilience in the face of disasters. Africa's share of global disasters has risen, and their impacts have

become an obstacle to achieving sustainable development in its countries.

NEPAD's interest in the issue of disaster risk governance has arisen within a broader global concern with disaster management, and with the shift established by many international initiatives within the framework of what is known as disaster risk management. Therefore, this research paper will seek to identify the key features of NEPAD's strategy for disaster risk governance, starting from the following problem: How does the strategic approach adopted by the NEPAD initiative in the field of disaster risk reduction contribute to strengthening the resilience of African countries in the face of major disasters?

The existing literature on disaster risk in Africa has largely approached the subject from developmental, institutional, or governance-oriented perspectives, emphasizing capacity-building, early warning, and coordination among stakeholders.¹ At the same time, the

1 Pelling, M., Wisner, B. (2012). *Disaster risk reduction: Cases from urban Africa*. Routledge; Tierney, K. (2012). *Disaster governance: Social, political, and economic dimensions*. *Annual review of Environment and*

broader field of international disaster response law has been mapped comprehensively at the universal and regional (mainly European) levels,² but without a sustained, dedicated legal reading of the African Union/NEPAD architecture specifically. This paper seeks to fill that gap: it offers what is, to the authors' knowledge, the first systematic legal assessment of whether NEPAD's disaster-risk commitments generate a genuine responsibility on the part of African States, and it traces the conditions under which a non-binding continental strategy may progressively harden into binding domestic and international obligations.

Relying on the inductive method, this article will attempt to identify one of the most important issues facing the countries of the African continent: the increasing severity of natural and non-natural disasters, the impacts and costs arising from them, and from poor responses to them. This paper seeks to identify the strategic approach adopted by the African Union in the field of disaster risk reduction through the New Partnership for Africa's Development.

METHODOLOGY

This study adopts the inductive method as its principal research strategy. The choice is dictated by the nature of the inquiry: rather than testing a single pre-formulated legal hypothesis against a closed body of rules, the research proceeds from the systematic observation of a wide range of particular instances – documented disaster episodes across several African States, the specific commitments contained in NEPAD's regional strategy, and the institutional practice of the African Union – to draw general conclusions on the adequacy and legal character of the continent's disaster-risk governance architecture. This bottom-up movement from

the particular to the general is recognized in the legal-research methodology literature as the mode of reasoning best suited to studies that seek to map an evolving and only partially codified regulatory field.

The analysis draws on two complementary categories of sources. The first consists of primary legal and institutional instruments: the Constitutive Act of the African Union (2000); the founding document of the New Partnership for Africa's Development (2001); the Africa Regional Strategy for Disaster Risk Reduction (2004) and its Programme of Action for the Implementation of the Sendai Framework in Africa; the Sendai Framework for Disaster Risk Reduction 2015–2030; and the African Union Climate Change and Resilient Development Strategy and Action Plan (2022–2032). The second category comprises the secondary scholarly literature on disaster risk governance and international disaster response law, together with recent institutional monitoring reports issued by the African Union Commission and the United Nations Office for Disaster Risk Reduction (UNDRR).

Methodologically, each primary instrument is read doctrinally to determine its legal nature (binding treaty, soft-law declaration, or programmatic strategy) and is then cross-referenced against the empirical record of disasters and against continental reporting on implementation between 2004 and 2025. This cross-referencing makes it possible to test whether NEPAD's institutional commitments correspond to enforceable legal obligations capable of generating responsibility, or whether they remain, at this stage, essentially political and programmatic in character.

In order to understand the African strategy, the paper will first address the concept and dimensions of disaster risk governance, global and regional efforts in confronting major disasters, and what the NEPAD initiative has introduced in terms of disaster risk reduction for sustainable development, specifically the regional strategy.

To appreciate its importance, the paper will outline the most significant disasters that some

Resources, 37(1), 341-363; Adelekan, I. (1970). *Disaster risk and its reduction: An agenda for urban Africa*. Liverpool University Press.

2 De Guttery, A., Gestri, M., Venturini, G. (2012). *International disaster response law* (1-774). The Hague: TMC Asser Press.

countries have faced, the risks confronting the “black continent”, and the main challenges its countries encounter in dealing with them.

Finally, the last section will touch on the details of that strategy and how to implement it in order to govern disaster risks effectively.

The issue will be analyzed by dividing the article as follows:

FINDINGS AND DISCUSSION

1. THE NATURE OF DISASTER RISK GOVERNANCE AND ITS DEFINITION WITHIN THE FRAMEWORK OF THE NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT INITIATIVE

Among the priorities established within global efforts aimed at reducing disasters is understanding their risks by formulating policies to mitigate them, based on recognizing their dimensions, the extent of vulnerability to them, and the capacity to confront them. This priority leads to achieving a second priority, namely strengthening disaster risk governance and working to coordinate the risk management process at all levels and tiers, and to integrate it into development plans and efforts.

Before reviewing what the NEPAD initiative has introduced in the field of disaster management, we will first present a theoretical framework for the study by defining the concept of disaster risk governance and identifying the most important global initiatives on this subject.

1. 1. The Concept and Dimensions of Disaster Risk Governance

Disaster risk management is understood as the way in which public authorities, civil servants, the media, the private sector, and civil society cooperate at community, national, and regional levels to manage disasters and climate-related risks and reduce them. This means

ensuring that adequate levels of capacity and resources are available to prevent, prepare for, manage, and recover from disasters.

With more than 20 years of experience in disaster risk reduction and in providing practical advice on democratic governance and development to national governments in low- and middle-income countries, the United Nations Development Programme (UNDP) has advanced practical and conceptual work on disaster risk management and its mainstreaming since 2010. Since then, UNDP has been supporting disaster risk reduction policy, disaster risk governance, and advocacy in more than 20 countries.³

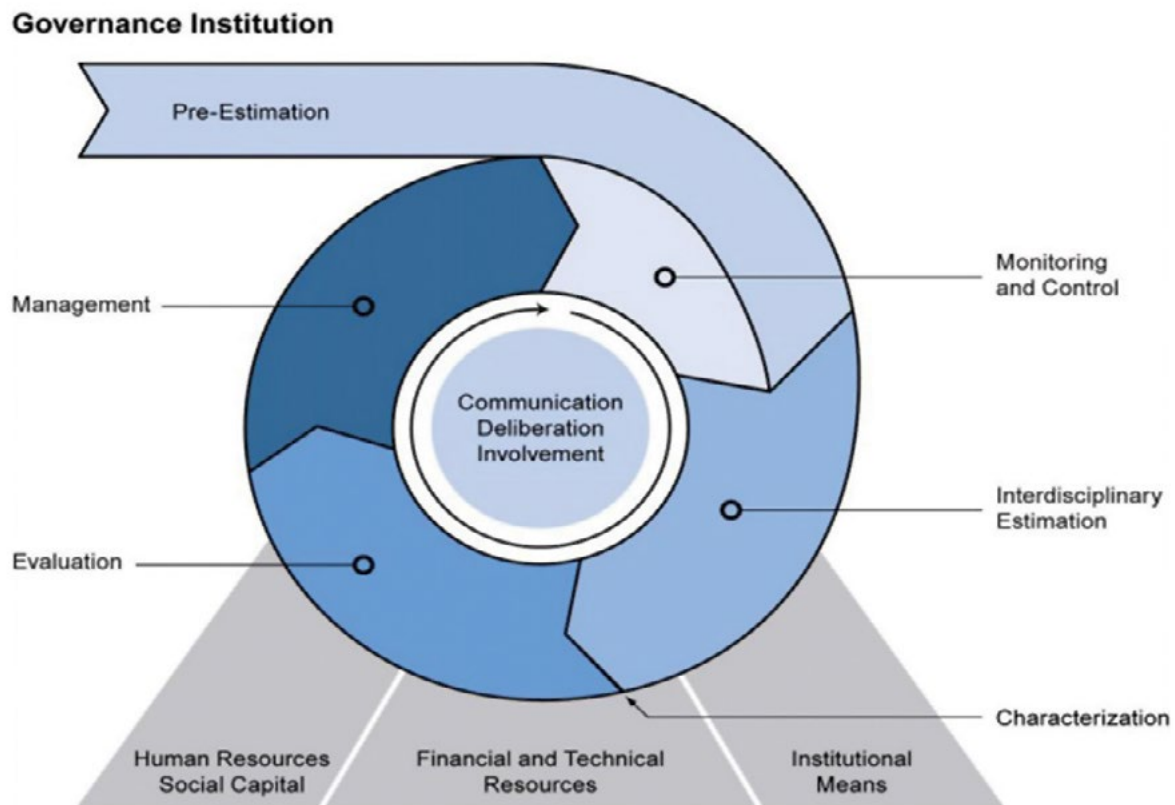
Disaster planning and preparedness must be mainstreamed into development planning in order to avoid unnecessary routine, allow for the effective allocation and use of resources, and maximize national capacities to deal with changing environmental conditions. Since the lives of the majority of people in every country are affected by major disasters such as tsunamis and climate change, the planning process must involve broad participation and representation, and this is only possible if planning becomes more decentralized.⁴

The quality of policymaking requires several characteristics that can be classified under four dimensions of governance, which achieve predictability, transparency, participation, and accountability. The better these principles are realized in a country's governance structure, the better prepared the government will be to ensure sound management of public resources, a favorable environment for emerging private-sector activities, and productive information exchange between the public and private sectors.⁵

3 Alam, E., Ray-Bennett, N. S. (2021). Disaster risk governance for district-level landslide risk management in Bangladesh. *International Journal of Disaster Risk Reduction*, 59, 10, 2220, 2.

4 Waheed, M., Shakoob, H. A. (2014). The Impact of the Indian Ocean Tsunami on Maldives. In *Natural Disaster Management in the Asia-Pacific: Policy and Governance*. Springer, 67.

5 Ahrens, J., Rudolph, P. M. (2006). The importance of governance in risk reduction and disaster management. *Journal of Contingencies and Crisis Management*.

FIGURE 1: Risk Governance Concept

Source: Klinke, A., Renn, O., *op cit*, 548.

Comprehensive risk governance goes beyond traditional risk analysis to include the participation of various stakeholders, as well as consideration of the broader legal, political, economic, and social contexts in which risks are assessed and managed. This approach focuses on the democratic foundations of risk governance as an inclusive and participatory activity that integrates the perspectives of different stakeholders, engages in the co-production of practical knowledge, and resolves emergencies by developing distinct scenarios that translate different negotiable concerns and positions.⁶

The new concept of the risk governance framework (Figure 1) includes central integrative and adaptive capacities, meaning the ability and authority to design and implement a col-

lective, systematic approach to organizational and political learning in institutional environments that help solve cognitive, evaluative, and normative problems related to risks. Its governance becomes a dynamic process of continuous and gradual learning and adjustment that allows risks to be managed wisely and sustainably. It encompasses a wide range of institutional and procedural means and mechanisms for using resources more effectively. These resources include:

- Institutional and financial means as well as social capital (for example, robust institutional mechanisms and configurations, transparent decision-making, allocation of decision-making authority, formal and informal networks that enhance collective handling of risks, and education);
- Technical resources (for example, databases, computer software and hardware, etc.);

ment, 14(4), 212.

6 Schweizer, P.-J. (2021). Systemic risks—concepts and challenges for risk governance. *Journal of Risk Research*, 24(1), 84.

- And human resources (such as skills, knowledge, experience, capacity, people's voluntary engagement, and their willingness to participate). (See Fig.1)⁷

The Sendai Framework divides the response to a disaster event into five phases: preparedness, emergency, rehabilitation, recovery, and reconstruction. We divide the response to an individual disaster event into three phases: before the disaster, during the disaster, and after the disaster. These three phases cover the stages of preparedness, emergency response, recovery, and reconstruction, which together constitute the functional system of integrated disaster risk governance.⁸

In the field of emergency management, it is widely accepted that an effective response to a large-scale disaster relies primarily on cooperation among the public sector, the private sector, and nonprofit organizations. First, we live in what is called a “risk society”. Systemic risks are increasing due to the interaction between social structure, demographics, technological innovation, and environmental changes. Second, the participation of the private sector and nonprofit organizations can provide diverse resources to meet the different needs of various groups affected by disasters. As a result, emergency response must depend on the collective efforts of the public sector, the private sector, and nonprofit organizations. Third, natural disasters are complex social phenomena; as an emerging component of emergency response, the participation of the private sector and nonprofit organizations can greatly enhance the potential for adaptive self-organization or improvisation in the response.⁹

The topic of risk governance highlights the shift from the traditional organizational decision-making approach to risk—based on state-centered command and control, hierarchical orders, or private self-regulation—to a new governance approach referred to as post-normal risk governance, which involves peer communities, stakeholders, the general public, and the distribution of responsibility. Postnormal risk governance is a deliberate democratic advancement through the differentiation and distribution of risk-related responsibilities. It is a more inclusive form of self-governance, where deliberation and the involvement of those who hold substantive authority are crucial in risk-related decision-making. It differs from traditional risk regulation led by government agencies or private corporations in that epistemic, collective, and public deliberation becomes the democratic source of legitimacy and effectiveness in risk management.¹⁰

From a strictly legal standpoint, however, disaster risk governance cannot be reduced to its administrative or managerial dimension. A meaningful distinction must be drawn between, on the one hand, binding legal instruments — treaties that States negotiate, sign, and ratify, and which generate obligations enforceable through the ordinary mechanisms of State responsibility — and, on the other hand, non-binding or “soft-law” instruments such as strategies, declarations, and programmes of action, which express political commitment but do not, by themselves, give rise to responsibility under international law. The Constitutive Act of the African Union, adopted at Lomé on 11 July 2000 and in force since 26 May 2001, belongs to the first category: it is a treaty properly so called, ratified by all Member States, and it commits them, among other objectives, to solidarity and cooperation for the achievement of a better life for the peoples of Africa.¹¹ By contrast, NEPAD's

7 Klinker, A., Renn, O. (2021). The coming of age of risk governance. *Risk Analysis*, 41(3), 55.

8 Shi, P., et al. (2020). Disaster risk science: A geographical perspective and a research framework. *International Journal of Disaster Risk Science*, 11(4), 434.

9 Zhang, H. (2014). Collaboration in emergency response in China: Evolution from the Wenchuan earthquake, May 12, 2008 to the Lushan earthquake, April 20, 2013. In *Natural Disaster Management in the Asia-Pacific: Policy and Governance* (69–84). Springer, 71.

10 Klinker, A., Renn, O., op.cit, 550, 551.

11 African Union. (2000). Constitutive act of the African Union, adopted 11 July 2000, Lomé, Togo, entered into force 26 May 2001, 2158 UNTS 3, Preamble. and Art. 3. <https://au.int/sites/default/files/pages/34873-file-constitutiveact_en.pdf>.

own founding document and its Africa Regional Strategy for Disaster Risk Reduction (2004) were adopted as programmatic instruments of the Assembly rather than negotiated as treaties, and therefore lack, in themselves, independent binding force.

This distinction matters because it determines which secondary rules apply in the event of non-compliance. Where a legal obligation exists – whether directly under a treaty or indirectly through domestic legislation adopted to implement a continental strategy – a breach may engage the general international-law regime on State responsibility, in particular the rules on attribution, breach, and reparation codified by the International Law Commission.¹² Where, however, the instrument in question is purely programmatic, non-compliance carries political rather than legal consequences. Reading NEPAD's disaster-risk governance strategy through this lens – rather than treating “governance” as a synonym for good administration – is essential to assessing, in the third section of this study, whether and to what extent a genuine legal or contractual responsibility can be said to arise from it.

1.2. Enhancing Capacity for Disaster Risk Reduction: Global Initiatives

The third millennium has witnessed the international community moving towards early warning to enable timely action before hazardous events occur. This resulted from the severe impact of the El Niño phenomenon and climate change affecting the tropical Pacific region and beyond, with the aim of reviewing the Yokohama Strategy and identifying gaps and challenges. The early warning system movement was strengthened with the establishment of the

International Strategy for Disaster Reduction (ISDR) and a focus on shifting from Disaster Risk Management (DRM) to Disaster Risk Reduction (DRR), along with efforts to integrate the Johannesburg Plan of Implementation agreed upon at the World Summit on Sustainable Development (WSSD).

The International Strategy for Disaster Reduction adopted the “Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters”, which was endorsed by the World Conference on Disaster Reduction held in Kobe, Hyogo, Japan, to facilitate the inclusion of disaster reduction strategies in national plans. The fourth priority of the Hyogo Framework focuses on reducing disaster losses and calls for “reducing underlying risk factors”.¹³

Recent intergovernmental declarations, including the Addis Ababa Action Agenda, the Paris Agreement on climate change, the New Urban Agenda, and the 2030 Agenda, have incorporated disaster risk reduction and resilience-building as essential components and prerequisites for sustainable development. Strengthening disaster risk reduction and community resilience is a cross-cutting issue that affects progress toward achieving the Sustainable Development Goals. Disaster risk reduction and resilience building have been explicitly mentioned; for example, Goal 1.5 (the first Sustainable Development Goal) includes the core resilience goal of building “the resilience of the poor and those living in fragile situations, and reducing their exposure and vulnerability to extreme climate-related events and other economic, social and environmental shocks and disasters”.¹⁴

In the Asia-Pacific region, the ten member states of the Association of Southeast Asian Nations (ASEAN) ratified the ASEAN Agreement on

12 International Law Commission. (2001). Draft Articles on Responsibility of States for Internationally Wrongful Acts. Annexed to UN General Assembly Resolution 56/83 (December 12, 2001), UN Doc. And corrected by document A/56/49(Vol. I), /Corr. 4, Arts. 1–2 and 31.

13 Etinay, N., Egbu, C., Murray, V. (2018). Building urban resilience for disaster risk management and disaster risk reduction. *Procedia Engineering*, 212, 578.

14 Imperiale, A. J., Vanclay, F. (2021). Conceptualizing community resilience and the social dimensions of risk to overcome barriers to disaster risk reduction and sustainable development. *Sustainable Development*, 29(5), 897.

Disaster Management and Emergency Response (AADMER) for the period 2010–2015, a legally binding agreement to cooperate more closely in disaster preparedness and relief. However, these countries differ in the roles played by the government and civil society. The 2013 assessment report issued by the AADMER Partnership Group indicated that many civil society organizations are increasingly involved in advocacy work on disaster risk reduction (DRR) laws in various Southeast Asian countries, such as Cambodia, Laos, Indonesia, Thailand, and the Philippines. In contrast, other high-risk countries such as Myanmar have highly centralized disaster management systems that leave little room for non-governmental actors.¹⁵

The Global Platform for Disaster Risk Reduction (GPDRR) in Cancún, Mexico, aims to support government efforts to reduce disaster risks by disseminating information on disaster risk reduction to their audiences. These broadcasting organizations believe they play an important role in implementing the Sendai Framework by informing, alerting, and educating populations. Other media outlets in the African region, such as Malawi Television and Radio Nigeria, have endorsed this movement. They also pledged to act proactively by producing creative, high-quality media coverage of efforts to mitigate risks. They further acknowledged that this movement requires multiple sectors and disciplines to ensure professional, accurate, timely, and persuasive risk messaging.¹⁶

The launch of the Philippine Disaster Risk Reduction and Management Act (DRRM Act) in 2010 represented a qualitative shift in disaster management in the Philippines, from a narrow focus on disaster response to a much broader focus on preparedness, response, prevention,

mitigation, rehabilitation, and recovery. The Act replaces the National Disaster Coordinating Council (NDCC) with the National Disaster Risk Reduction and Management Council (NDRRMC) and gives this new body many wideranging responsibilities, including advising the President on disaster preparedness, prevention, mitigation, response, and rehabilitation operations, as well as coordinating and managing resources for disaster risk reduction and management. It is supported by a set of implementing rules and regulations, and the National Disaster Risk Reduction and Management Plan (NDRRM Plan).¹⁷

The concept of collaborative governance in the management of natural disasters refers to the processes and structures of decisionmaking and management in the field of public policy that constructively engage people across the boundaries of public agencies, levels of government, and/or the public, private, and civil spheres to achieve a public purpose that could not otherwise be achieved. Crossboundary decisionmaking and management is precisely what has been happening since the 11 March disaster in Japan.¹⁸

In the Australian state of Victoria, which experienced devastating fires in 2009, the two governments moved quickly to establish a number of mechanisms to implement what would become the largest recovery program ever carried out in Victoria. They partnered with the Australian Red Cross to launch an appeal fund to support those affected by the bushfires and established a central agency, the Victorian Bushfire Reconstruction and Recovery Authority (VBRRA), to lead and coordinate a wide range of recoveryrelated tasks.¹⁹

15 Brassard, C., Howitt, A. M., Giles, D. W. (2014). Confronting disaster: Recent lessons from the Asia-Pacific. In *Natural Disaster Management in the Asia-Pacific: Policy and Governance*. Springer, 26-27.

16 Kunguma, O. (2020). *South African Disaster Management Framework: Assessing the Status and Dynamics of Establishing Information Management and Communication Systems in Provinces*. University of the Free State, 65.

17 Barber, R. (2014). Localising the humanitarian toolkit: Lessons from recent Philippines disasters. In *Natural Disaster Management in the Asia-Pacific: Policy and Governance*. Springer, 20.

18 Aoki, N. (2014). Collaborative manpower support for restoring hope in the aftermath of the March 11 disasters in Japan. In *Natural Disaster Management in the Asia-Pacific: Policy and Governance*. Springer, 103.

19 O'Neill, K. (2014). Communities at the heart of recovery: Reflections on the government-community partnership for recovery after the 2009 Black Saturday bushfires in Victoria, Australia. In *Natural Disaster*

VBRRRA prepared its work program within an internationally recognized disaster recovery framework that includes four key pillars of recovery: people (prioritizing the safety, health, and well-being of affected individuals); reconstruction (aimed at facilitating the rebuilding of destroyed and damaged infrastructure, including residential, commercial, rural, and public properties); environment (based on biodiversity, ecosystems, amenities, and the management of waste, pollution, and natural resources); and economy (intended to support the renewal of businesses, agriculture, and tourism). In cooperation with the responsible government agencies, VBRRRA established a number of different bodies to facilitate the planning and implementation of bushfire recovery activities across governmental and non-governmental agencies.

The shift from disaster management to risk management was linked to the launch of the Sendai Framework. Evidence from the 2015 Global Assessment Report on Disaster Risk Reduction indicates that most resources are still being invested in building the necessary capacities, and that success in applying policies, rules, and regulations to manage disaster risk across development sectors has been limited. This highlights the importance of distinguishing between tools and mechanisms for disaster risk reduction and risk management to address their underlying drivers, rather than focusing only on alleviating challenges during the post-disaster recovery phase.²⁰

The Global Facility for Disaster Reduction and Recovery (GFDRR) operates along three tracks: global and regional partnerships; a program for mainstreaming disaster risk reduction into development, which includes a focus on climate change adaptation and disaster risk reduction in the context of development activities; and a recovery financing facility that assists countries affected by disasters. The Fund's work focuses primarily on disaster-prone developing countries, including least developed countries

and small island developing states; its South-South Cooperation Initiative seeks to promote cooperation among developing countries in the Global South. The Global Fund for Disaster Risk Reduction pays particular attention to disaster economics and risk insurance.²¹

There are many mechanisms at the national level that support the bottomup transformation of disaster risk management. Chief among them is the United Nations system, through its country team, which produces the United Nations Development Assistance Framework (UNDAF). The UNDAF document for development assistance contains implementable and fundable national development priorities. Since disaster risk reduction tends to be linked to development, the bulk of disasterrelated activities falls under the supervision of the United Nations Development Programme, through its thematic trust fund for crisis prevention and recovery, funded by national disaster management organizations to support disaster risk reduction governance at both the national and regional levels.²²

Regional development banks sponsor a wide range of disaster risk reduction activities. The AsiaPacific region is particularly exposed to disasters, and the Asian Development Bank provides support for both predisaster programs—such as education, preparedness, and capacitybuilding—and postdisaster assistance for affected countries.²³

The Asian Disaster Preparedness Center (ADPC) is a regional organization that seeks to develop and serve disaster management institutions in the AsiaPacific region. The focal areas of the Abu Dhabi disaster management program include communitybased disaster risk management; the development of decisionsupport tools for risk reduction; and assisting citizens with risk and vulnerability assessments, modeling, and the provision of other technical

Management in the Asia-Pacific: Policy and Governance. Springer, 121.

20 Etinay, N., et al., op.cit, 578.

21 Tierney, K. (2012). Disaster governance: Social, political, and economic dimensions. *Annual Review of Environment and Resources*, 37(1), 353-354.

22 Jones, S., Manyena, B., Walsh, S. (2015). Disaster risk governance: Evolution and influences. In *Hazards, Risks, and Disasters in Society*, 49.

23 Tierney, K. op.cit, 354.

guidance. It has been active in a number of initiatives, including the Asian ministerial conferences concerned with disaster issues, the Asian Disaster Reduction Platform, and the International Strategy for Disaster Reduction. In the aftermath of the 2004 Indian Ocean earthquake and tsunami, the Abu Dhabi Police Center facilitated the development of the Regional Integrated MultiHazard Early Warning System for Africa and Asia (RIMES).²⁴

1.3. Disaster Risk Governance for Sustainable Development within the Framework of the “NEPAD” Initiative

It is essential that governments ensure effective and vigilant governance of disaster risks, rather than falling into reactive policies and adopting ad hoc political measures. While preventive measures are costly, addressing the consequences of risks in terms of human cost is far more important. One way to achieve improved efforts in this field is to adopt a comprehensive, multi-sectoral approach, in which governments play an active role in bringing together donor organizations, civil society, non-governmental organizations, and other stakeholders under a single umbrella.²⁵

There are some qualifications that are best made regarding this shift in dynamics between national and international actors. First, with the expected increase in the intensity of climate-related disasters, national capacities will remain strained. In such cases, the task of national governments will be much easier where there are strong policies and procedures for managing international assistance. Second, although national capacities for disaster management have increased, vulnerable groups still, in many cases, remain left behind, which requires a targeted response when resources are depleted. Third, a large proportion of the population across the region is affected not

only by natural disasters but also by conflict. While national governments bear the primary responsibility for protecting their populations, the international community has a residual responsibility—the humanitarian imperative—to provide humanitarian assistance to populations affected by conflicts and disasters where national governments do not meet the needs.²⁶

External assistance from higher levels of government or non-profit organizations is crucial for response and recovery when the scale of a disaster exceeds local capacities. Reliance on such assistance is of critical importance for risk reduction and preparedness, and both external aid and local capacities are more effective than mere response in reducing disaster-related losses.²⁷

There has been much discussion of the New Partnership for Africa’s Development (NEPAD) as the economic framework for sustainable development on the continent. This initiative has been conceived as a development strategy led by the private sector, one that would herald economic growth, with foreign investors playing an important role in guiding the continent toward its promised economic treasure. Nevertheless, what the initiative has succeeded in achieving is bringing together the entire continent. The African Union and NEPAD recognize that strengthening disaster risk reduction as an integral part of development represents a major challenge. In fact, simply reinforcing and expanding existing disaster management practices and mechanisms will not adequately address the problem of disaster risk in Africa; what is required is a transformation in the mindset and core practices of national authorities, the disaster management community, the public, and development partners in relation to disaster risk reduction.²⁸

Recent evidence-based research reinforces the need to understand disaster risk in Africa

²⁴ Ibid, 355.

²⁵ Brassard, C., et al., op.cit, 2.

²⁶ Barber, R., op.cit, 19-20.

²⁷ Zhang, H. op.cit, 71.

²⁸ The African Union (AU) and New Partnership for Africa’s Development (NEPAD). (2004). Disaster Risk Reduction for Sustainable Development in Africa: Africa Regional Strategy for Disaster Risk Reduction, 4.

as the product of interacting hazards, vulnerability, and limited coping capacity. Eze and Siegmund state that “physical exposure to floods, epidemics, and violent conflicts are hazard drivers of DR in Africa” and that other important drivers are associated with “vulnerable groups and poor infrastructural coping capacities”.²⁹ Their continent-wide analysis further identifies regional differences in disaster risk and highlights the need for targeted policies, resilience-building measures, vulnerability reduction, and sustainability-oriented solutions. These findings support the interpretation adopted in this study: NEPAD’s disaster-risk agenda should be assessed not only through emergency-response measures, but also through the legal, institutional, infrastructural, and developmental capacities that determine whether States can prevent and manage risk effectively.

Most governance systems in Africa lack institutional effectiveness, legal authority, staff, and political support, and operate with limited budgets. As a result, they fail to address regional imbalances in the management of the global environment. The national environmental agenda is not given the priority it deserves, which explains why many countries fail to fully integrate the principles of sustainable development into their national strategies. It is also noticeable that most institutions involved in service delivery are not held accountable for their failures and are more vulnerable to interference from industrialized countries. Most economies face the challenge of developing in a way that creates wealth, good health, education, and other social services, while in most cases growth has been confined to extractive industries. Climate change further increases the vulnerability of African countries to natural disasters that threaten economic growth and social development.³⁰

In a resilient society, when a crisis or disaster occurs, activating social learning and transformation processes will always mean that external actors, together with local communities, will learn from the crisis and the past failures that led to it, and will undergo a positive transformation. This mutual transformation will be directed towards: (a) reducing local vulnerabilities, risks, impacts, and the social conditions that precede disasters; and (b) enhancing community well-being and local capacities to reduce risks and build resilience to future disasters. These two goal-oriented processes together can be considered a “transformation towards sustainability”. Social learning and transformation towards sustainability can be activated in each of the eight dimensions of community well-being.

In order to “institutionalize” disaster risk reduction, it must be integrated into all organizational structures and public policy processes of the state. Policy integration must occur horizontally across sectors and vertically within sectors. For the government, this means expanding the disaster risk reduction agenda so that all planning in distinct departments such as health, transport, and natural resource management incorporates disaster risk reduction in both policy and practice. A central coordinating body that can compel ministries and departments to enact policy integration is an important element in mainstreaming.³¹

2. AFRICA IN THE FACE OF MAJOR DISASTER RISKS: THE NATURE OF THE RISKS AND THEIR COSTS

2.1. Disaster Risks in Africa

It is widely acknowledged that urban residents in low – and middle-income countries are exposed to many risks arising from extreme weather events, and to a number of infectious

29 Eze, E., Siegmund, A. (2024). Identifying disaster risk factors and hotspots in Africa from spatiotemporal decadal analyses using INFORM data for risk reduction and sustainable development. *Sustainable Development*, 32(4), 4020. <https://doi.org/10.1002/sd.2886>.

30 Okoh, A. I. S. (2014). The challenge of entropic society and sustainable development governance in Africa.

ca. *International Journal of Public Administration and Management Research*, 2(3), 169.

31 Imperiale, A. J., Vanclay, F., op.cit, 896.

and parasitic diseases and accidents, including fires and road traffic accidents, all of which are highly prevalent in Africa. Although disasters are considered exceptional events that cause major losses in lives and property, the cumulative impacts of such everyday risks are in fact greater than those resulting from what can be termed major disasters.³²

In most West African countries, despite the establishment of management plans to deal with floods, the effectiveness of interventions still poses a major challenge. In 2007, heavy rains caused severe flooding that affected more than 1.5 million people in West Africa. In 2012, floods resulted in the deaths of 81 and 137 people in Niger and Nigeria, respectively, and displaced more than 600,000 people. In Ghana, flooding has been a chronic annual experience since 1990, with consequences for lives, infrastructure, and the environment, causing the deaths of more than 150 people and severe damage to homes in Accra. Similarly, in Mali, especially in Yelimane in the Kayes region, large areas along riverbanks and lakes are flooded every year, leading to the destruction of agricultural crops.

Despite the scarcity of information about floods in Togo, the few available reports on floods show that in 2007, flooding affected more than 127,880 people, with 13,764 individuals displaced and 12 deaths. In 2017, floods severely affected more than 602 households from villages near the Mono River in Togo. In Côte d'Ivoire, projections confirmed a significant increase in rainfall intensity along with heavy precipitation. Eight out of thirteen municipalities in Abidjan are at risk of flooding; furthermore, during the rainy season in June 2020, deadly floods occurred in many slums and residential areas in Abidjan.³³

Maputo in Mozambique suffered from large-scale floods in the year 2000, as did other smaller coastal cities located further north along the Indian Ocean coast. The country has a very long shoreline, about 2,000 km in length, and is crossed by 93 permanent and intermittent rivers, most of which originate outside its national borders at high altitudes on the African plateau. This complicates extreme weather phenomena, such as the heavy rainfall that accompanies cyclones; it also concerns land-use practices and even water engineering over which Mozambique has no control. Thus, the decision to release water from the Kariba Dam in Zimbabwe without prior warning made it necessary for the management of the Cahora Bassa Dam, located downstream along the Zambezi River, to release water in emergency situations, without sufficient warning to Mozambicans living downstream and at the river mouth.³⁴

The risks of earthquakes and tsunamis are also not unknown in Africa. Somalia, Kenya, and Tanzania were affected by the Asian tsunami in 2004, when the energy released by a major earthquake near Indonesia spread across the Indian Ocean. It resulted in the deaths of an estimated 150 people, the displacement of 5,000 people, and damage to another 44,000 in the northeastern coastal region of Somalia. Seismic activity has become common; between 1980 and 2002, the sub-Saharan African region experienced fifty serious earthquakes, which killed 23,000 people. The authorities in Addis Ababa were sufficiently concerned about the seismic risks in this large highland city that they included it as one of the eight key cities in the United Nations RADIUS program for the reduction of natural disasters during the last three years of the International Decade for Natural Disaster Reduction (1990–1999).³⁵

In North Africa, the coasts of Algeria experience the highest levels of earthquake risk, having experienced many earthquakes since the beginning of the millennium, the most devas-

32 Adelekan, I., Johnson, C., Manda, M., Matyas, D., Mberu, B., Parnell, S., Pelling, M., Satterthwaite, D., Vivekananda, J. (2015). Disaster risk and its reduction: An agenda for urban Africa. *International Development Planning Review*, 37(1), 34.

33 Kouamé, P. K., et al. (2022). Assessing institutional stakeholders' perception and limitations on coping strategies in flooding risk management in West Africa. *International Journal of Environmental Research and*

Public Health, 19(11), 1-2.

34 Pelling, M., Wisner, B. (2012). *Op. cit.*, 28-29.

35 *Ibid.*

tating of which was the Boumerdès earthquake in May 2003.

In turn, the phenomenon of volcanic activity is among the most dangerous threats facing many countries on the continent. There are dormant and even active volcanoes stretching from Ethiopia, through Kenya and Tanzania, all the way to Malawi. In 2002, the city of Goma in the Democratic Republic of the Congo was split in two by rapidly flowing lava from Mount Nyiragongo. Studies indicate that Nyiragongo's violent activity continues; it is a volcano that produces the fastest-flowing lava ever recorded. It is also possible that carbon dioxide gas trapped in the depths of Lake Kivu near Goma could be released as a deadly cloud due to a violent eruption and the accompanying earthquakes. Given the proximity of developing cities such as Arusha to volcanoes, volcanic eruption emergencies cannot be ruled out. Even in the absence of the risk of lava flows, the accumulation of ash can be devastating and harmful to human respiratory health.³⁶

Read together, these episodes – the recurrent West and Central African floods, the 2004 tsunami's impact on the Horn of Africa coastline, the Boumerdès earthquake, and the volcanic threat around Lake Kivu – do not simply illustrate the physical exposure of the continent to disaster; they also expose a persistent gap between the existence of a continental policy framework and the presence, at the national level, of binding legal instruments capable of translating that framework into enforceable obligations.

A multi-country legal survey conducted jointly by the International Federation of Red Cross and Red Crescent Societies and the United Nations Development Programme found that, although disaster risk reduction is increasingly reflected as a principle in national disaster management laws, considerable gaps persist in the allocation of dedicated resources and in the clear establishment of the responsibility and accountability of the relevant national actors.³⁷

At the regional level, the report confirms a gap between the development of legal and institutional frameworks for disaster risk reduction and their actual implementation in Africa. The Midterm Review of the Implementation of the Sendai³⁸ Framework shows that a number of countries have enacted legislation, strategies, action plans, and governance mechanisms aligned to varying degrees with the Sendai Framework, yet implementation has remained uneven, with continued heavy practical reliance on post-disaster response compared to systematic investment in prevention, risk reduction, and preparedness.

2.2. Efforts of African Countries to Reduce Disaster Risks

Disaster risk reduction practice in Africa has focused on trying to reduce the impacts of disasters on development through emergency management. Large amounts of humanitarian aid flow into Africa, partly to provide relief assistance in emergencies. However, despite the relatively long history of emergency response management in relation to disaster risk reduction and the large volume of humanitarian assistance, disaster response activities remain largely separate from the main development activities in Africa. Relief agencies often focus on urgent emergency needs, with an emphasis on distributing food aid. They focus less on bridging the gap between relief and rehabilitation or investing in developing people's capaci-

cent Societies (IFRC) & United Nations Development Programme (UNDP). (2014). *Effective Law and Regulation for Disaster Risk Reduction: A Multi-Country Report*. New York: IFRC & UNDP, 7-10. https://www.undp.org/sites/g/files/zskgke326/files/publications/UNDP_CPR_DRR_fullreport2013.pdf.

38 United Nations Office for Disaster Risk Reduction. (2023). *Report of the Midterm Review of the Implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030: Africa Regional Summary*. <https://sendaiframework-mtr.undrr.org/2023mtr-sf-submissions-and-reports>.

36 Ibid, pp. 28-29.

37 International Federation of Red Cross and Red Cres-

ties to cope with future disasters.³⁹

Risk reduction begins with identifying and assessing risks, including early warning. However, risk identification practice is limited in Africa. Parts of subregional early warning systems exist, covering food security, drought, and climatic factors, along with the development of desertification monitoring systems. A small number of countries have completed vulnerability and capacity assessments, but these were intended to support food aid and social protection management. The continued focus on emergency response in Africa leads to greater emphasis on post-disaster loss assessment than on proactive risk assessment. Most risk planning processes carried out are top-down, with little participation by communities or self-assessment of risks. However, the growing practice of holding consultations with stakeholders in climate outlook forums and community-based assessments of vulnerability to volcanic eruptions are examples of progress in scaling up participatory risk assessment in Africa.⁴⁰

There are governmental and cooperative platforms for dealing with flood events and risk management in Côte d'Ivoire and Togo. For example, in Côte d'Ivoire, discussions during stakeholder workshops revealed the existence of formal collaboration between ministries, government agencies, and municipalities to address flood problems. The Ministry of Health works in cooperation with the Ministry of Environment and Sustainable Development through the National Sanitation Office (ONAD), in collaboration with other government institutions, the National Petroleum Office, and the municipal authorities in Abidjan; there is a legal framework for cooperation between these institutions. This cooperation mainly concerns the provision of climate data and information on weather variability by the government agency SODEXAM. This agency provides scientists and decision-makers with all relevant climate and weather information in order to design

awareness messages to prevent floods, and to disseminate awareness messages broadcast by government agencies and the technical services of local governments.⁴¹

Across Africa, governments have begun integrating disaster risk reduction into development planning. The Disaster Management Act of South Africa (2003) is considered one of the most comprehensive national frameworks for disaster risk reduction worldwide. The Act specifies clear responsibilities for municipal government in mitigating and reducing risks.⁴² In Togo, a similar cooperation framework has been observed for addressing flood risks among different institutions. There is an official platform for floods and disaster risk management.

It was observed in the Republic of Togo that, according to the majority of organizations (ANPC, ANASAP, the Platform of Disasters, and ANC), there is a coordinating body in the Constitution of 14 October 1992, which forms a legal and institutional framework for protecting the rights of vulnerable populations in the event of floods. There is cooperation between ministries and government agencies, technical services, local government, international organizations, and non-governmental organizations. COUSP monitors drainage routes, collects data, and facilitates the exchange of climate information among members of the national platform for disaster risk reduction.⁴³

Policy integration is also taking place in Africa. There is a success story in Malawi: through a partnership with an international non-governmental organization called Tearfund, a national non-governmental organization—the Evangelical Association of Malawi (EAM), which has experience in disaster risk reduction—was invited to participate in drafting the national social protection policy. Before that, civil society representation did not include an organization with expertise in disaster risk reduction. The invitation arose from a research project in which Tearfund and EAM worked with the Government

39 The African Union (AU) and New Partnership for Africa's Development (NEPAD). (2004). *Op.cit*, 8.

40 *Ibid*, 6.

41 Kouamé, P. K., et al., *op.cit*, 10.

42 Pelling, M., Wisner, B., *op.cit*, 46-47.

43 Kouamé, P. K., et al., *op.cit*, 10.

of Malawi to assess national capacities. The government also included EAM in a group of stakeholders who met with the government to monitor the progress it had made in addressing and contributing to climate change.⁴⁴

South Africa adopted Agenda 21 and embarked on a national strategy to achieve sustainable development for South Africa. Success in these initiatives was supported by another legislative instrument that provides prominent guidance on disaster risk reduction and its impacts, called “Yokohama Strategy for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness and Mitigation”, whose Plan of Action was adopted in 1994. The Yokohama Strategy was reviewed, and one of the gaps identified—later used to inform the development of the “Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters (HFA)” —was governance: “institutional, legal and policy frameworks”.⁴⁵

Burundi implemented a national platform for disaster risk reduction that brings together a number of ministries and stakeholders, and it also established a national policy for disaster risk reduction. However, there are doubts among civil society organizations as to whether that platform is actually functioning. Mozambique was one of the first Southern African Development Community countries to formalize its disaster risk reduction structures at both national and local levels, through the National Institute for Disaster Management. Similarly, South Africa, Nigeria, Swaziland and Kenya established national platforms for disaster risk reduction.⁴⁶

Reporting in Kenya indicates growth in civil society participation in disaster risk reduction at the national level, with a particular focus on the participation of women’s groups. Kenya also recognizes the importance of integrating disas-

ter risk reduction into development and poverty reduction activities. At the national level, the government has established a National Disaster Trust Fund, and at the local government level, local emergency funds have been created.

Furthermore, disaster risk reduction in Mozambique is addressed in the National Adaptation Programme of Action (NAPA). Disaster risk reduction is also being mainstreamed at the local level through development plans.

Clear progress is evident in Nigeria in terms of integrating development and disaster risk reduction; through ongoing advocacy by various civil society groups and government departments such as NEMA and State Emergency Management Agencies (SEMAs), capacity development for disaster risk reduction and climate change adaptation is in place.⁴⁷

The thematic areas of the New Partnership for Africa’s Development include agriculture, food security, and nutrition. The Comprehensive Africa Agriculture Development Programme (CAADP), which is an integral part of NEPAD, constitutes Africa’s policy framework for agricultural transformation, wealth creation, food security and nutrition, economic growth, and prosperity for all African peoples.

The CAADP Implementation Support Programme aims to stimulate the transformation of agricultural systems and to promote an increase in sustainable agricultural performance in the member states as a means of achieving economic growth and inclusive development.

CAADP provides a comprehensive African framework to help countries critically review their situations and identify investment opportunities with optimal impact and returns. It offers an evidence-based planning process with knowledge as a key primary input and human resource development and partnership as a central factor.⁴⁸

South Africa’s Disaster Management Act,⁴⁹

44 Pelling, M., Wisner, B., op.cit, 47.

45 Kunguma, O., op.cit, 63.

46 van Niekerk, D. (2014). Retrospective Assessment of Progress in Disaster Risk Governance. University of North-West, 35.

47 Ibid, 36.

48 Tadesse, T. (August, 2016). Strategic framework for drought management and enhancing resilience in Africa. In African Drought Conference, 11-12.

49 Government of South Africa. (2002). Disaster Management Act, No. 57. <https://www.cogta.gov.za/>

assented to on 30 December 2002 and brought into force in 2004, is a binding statute of general application: it creates a National Disaster Management Centre with defined statutory powers, imposes specific duties on national, provincial and municipal organs of state, and establishes a compulsory national disaster management framework. This places it in a markedly different legal category from Togo's arrangement, which is based primarily on the Framework Law on the Environment (2008) – whose Section 13 addresses natural disasters and major industrial and technological hazards⁵⁰ and on subsequent national strategies and ministerial decisions establishing a national platform for disaster risk reduction, rather than on a dedicated, comprehensive disaster-risk statute that defines specific institutional powers and sanctions in the manner of South Africa's Act.

Burundi's national platform illustrates a further, and analytically distinct, difficulty; the platform was formally established and brings together several ministries and stakeholders, yet civil society organizations themselves have expressed doubt as to whether it is actually functioning. This is a textbook illustration of the classical distinction, in legal sociology, between "law in the books and law in action";⁵¹ the formal existence of an institutional or legal instrument is not, by itself, evidence of its effective legal or practical operation. The same caution should be extended to several of the other national platforms mentioned in this section (Mozambique's National Institute for Disaster Management, and the platforms of South Africa, Nigeria, Eswatini and Kenya), their mere establishment does not, without independent verification of their operative capacity, establish that they discharge binding legal functions rather than symbolic or purely coordinating ones.

[cgta_2016/wp-content/uploads/2016/06/DISASTER-MANAGEMENT-ACT.pdf](https://cgta-2016/wp-content/uploads/2016/06/DISASTER-MANAGEMENT-ACT.pdf).

50 République Togolaise. (2008). *Loi n° 2008-005 du 30 mai 2008 portant loi-cadre sur l'environnement*. <https://bwciimplementation.org/sites/default/files/resource/TG_Loi_Cadre_Environnement.pdf>.

51 Pound, R. (1910). Law in books and law in action. *American Law Review*, 44(1), 12-36.

Read against the analytical framework proposed in this study, these examples confirm that legal responsibility for disaster risk governance in Africa is generated overwhelmingly at the domestic level, through instruments of highly uneven legal quality – ranging from comprehensive binding statutes such as South Africa's, to constitutionally-derived general mandates, to platforms whose operative status remains contested. NEPAD's own regional strategy neither requires nor guarantees this level of legal rigor; it merely encourages Member States to adopt "institutional, legal and policy frameworks", leaving the choice of legal form, and consequently the intensity of any resulting responsibility, entirely to each State.

2.3. The Challenges Facing Disaster Risk Management in Africa

It has become clear that achieving the collective ambition of meeting the targets of the Sendai Framework and contributing to the 2030 Agenda for Sustainable Development can only be realized in a way that "leaves no one behind", by jointly focusing on how to achieve disaster risk reduction in such contexts, as explained above.⁵²

Proactive investment in disaster risk reduction, rather than relying solely on reactive response, will reduce the costs of damages and of operating effective management systems. Although it is difficult to determine precise figures, the key message from international organizations such as the United Nations Office for Disaster Risk Reduction is that governments must recognize that the reasonable and cost-effective way to deal with disasters is to invest in prevention before they occur.

More importantly, the link between disaster risk reduction and the joint country assessment should be prioritized in terms of investments.

52 Mena, R., Hilhorst, D., Peters, K. (2019). *Disaster Risk Reduction and Protracted Violent Conflict*. London: Overseas Development Institute, 17.

It is therefore no coincidence that the third priority of the Sendai Framework is entitled “Investing in disaster risk reduction for resilience”. However, worldwide, financing remains low when compared with funding for response.⁵³

The financing dimension provides further evidence of the gap between continental commitments and effective implementation. Coetzee et al. report that interventions aimed at reducing social and economic vulnerability and investing in long-term mitigation activities are often few, poorly funded, and insignificant in comparison with money spent on humanitarian assistance, disaster relief, and post-disaster reconstruction. The authors further find that disaster-risk reduction is inadequately funded in the SADC member states examined when compared with funding allocated to disaster response. Their discussion of the budget process shows that budgets constitute the institutional means through which resources are allocated to plans, policies, and departments.⁵⁴ From a legal perspective, these findings support the argument that policy commitments to disaster-risk reduction require supporting budgetary rules, clearly assigned institutional duties, and accountability mechanisms if they are to produce enforceable and measurable results.

According to the Climate Prediction and Applications Center (ICPAC) of the Intergovernmental Authority on Development (IGAD), experience in the Horn of Africa indicates that most governments have not given appropriate priority to drought risk management, instead relying on crisis management approaches. In addition, governments and donors provide more resources for response activities than for long-term

development activities that deal with planning, mitigation, and disaster preparedness throughout the Horn of Africa.

The situation is similar in many other African countries; due to the urgency and the lack of adequate time for planning during a drought crisis, emergency response is often ineffective. More importantly, countries rarely learn from previous droughts, resulting in little to no reduction in response time and risks.⁵⁵

There is a saying that “disasters do not discriminate”, but this is not correct in theory or in practice. Disasters are neither natural nor conflict-neutral; when disaster risk is constructed, there are differentiated vulnerabilities and differentiated risks. Strengthening disaster risk reduction in contexts of fragility, conflict, and violence has the potential to enhance the way we think and act regarding disaster risks, as well as to provide opportunities and possibilities to reinforce disaster risk reduction in such contexts to support those most vulnerable to disasters.⁵⁶

Most African countries adopt decentralized implementation of disaster risk reduction interventions, but the delegation of authority to lower administrative levels has been limited. This is partly due to the fact that most disaster risk reduction systems are agency-centric and top-down, have insufficient competencies and resources to meet decentralized responsibilities, and lack adequate partnerships with communities.⁵⁷

The two structural challenges identified in this section – chronic underinvestment in prevention relative to response, and the limited delegation of authority to lower administrative levels – are, on closer legal analysis, symptoms of the same underlying deficiency: the absence, in most African States, of binding legal instruments that convert continental policy priorities into enforceable domestic obligations. The Sendai Framework’s third priority, “Investing in disaster risk reduction for resilience”, is not

53 Albris, K., Lauta, K. C., Raju, E. (2020). Strengthening governance for disaster prevention: The enhancing risk management capabilities guidelines. *International Journal of Disaster Risk Reduction*, 47, 6.

54 Coetzee, C., Khoza, S., Nemaconde, L. D., Shoroma, L. B., Wentink, G. W., Nyirenda, M., Van Niekerk, D. (2023). Financing Disaster Risk Reduction: Exploring the Opportunities, Challenges, and Threats Within the Southern African Development Community Region: Coetzee et al. *Financing Disaster Risk Reduction*. *International Journal of Disaster Risk Science*, 14(3), 398-399. <https://doi.org/10.1007/s13753-023-00499-6>.

55 Tadesse, T., op.cit, 17.

56 Mena, R., et al., op.cit, 17-18.

57 The African Union (AU) and New Partnership for Africa’s Development (NEPAD). (2004). Op.cit, 7.

accompanied, at the continental level, by any binding rule requiring Member States to allocate a minimum share of public expenditure to prevention; in the absence of such a rule, or of its domestic transposition through binding budgetary legislation, the priority remains, as this section itself observes, aspirational rather than enforceable.

Similarly, the limited delegation of authority to lower administrative levels described in this section is best understood as a problem of domestic administrative law rather than of continental policy design: decentralization requires not merely a political statement of intent, but a specific legal instrument – typically a decentralization statute or municipal-competency law – that transfers defined powers, together with the corresponding financial and human resources, from central to local government. Where, as this section notes, disaster risk reduction systems remain “agency-centric and top-down” despite a formal policy commitment to decentralization, the most probable explanation is precisely such a gap between the legal instrument (where one exists) and its practical implementation, again illustrating the law-in-books/law-in-action distinction identified above. Both challenges therefore reinforce, from a different angle, the central finding of this study: without domestic legal transposition bearing real institutional and budgetary consequences, NEPAD’s continental commitments on disaster risk reduction remain unable, by themselves, to generate the responsibility that effective governance requires.

3. NEPAD AND DISASTER RISK GOVERNANCE: STRATEGIES, OPPORTUNITIES, AND REQUIREMENTS

Regional and international cooperation has become an imperative necessity to strengthen governance systems and develop capacities to mitigate the effects of disasters, and to prepare for, respond to, and recover from them.

This falls within the framework of enhancing countries’ ability to reduce major disaster risks, which remains modest in light of the increasing impacts of disasters in most African countries.

The question is whether NEPAD’s disaster-risk governance strategy creates contractual responsibility for African States or remains a political commitment. NEPAD was adopted in 2001 by the OAU Assembly as a programme, not a treaty.⁵⁸ Its Africa Regional Strategy for Disaster Risk Reduction (2004) was likewise adopted as a strategic programme, not negotiated or ratified as a treaty. It therefore lacks the constitutive requirements of binding international agreements under treaty law.⁵⁹ NEPAD’s commitments thus resemble “soft law”: policy direction without generating enforceable obligations.

However, two contextual factors qualify this. First, NEPAD now operates as an AU agency; Member States remain bound by the Constitutive Act – a full treaty-committing them to solidarity, cooperation, and policy coordination. Persistent failure to implement programmes adopted under the AU framework arguably conflicts with these treaty obligations, even if NEPAD itself is not directly enforceable. Second, responsibility hardens progressively as continental commitments are domesticated into national law. African States with national DRR strategies rose from 11 in 2015 to 32 in 2024.⁶⁰ For these States, NEPAD/Sendai content has been converted into domestic law, generating legal responsibility before national courts and potentially under State responsibility rules for

58 African Union. (2001). Declaration on the New Partnership for Africa’s Development (NEPAD), AHG/Decl.1(XXXVII). <[https://archives.au.int/bitstream/handle/123456789/258/Assembly%20AU%20Decl%201%20\(I\)%20_E.PDF](https://archives.au.int/bitstream/handle/123456789/258/Assembly%20AU%20Decl%201%20(I)%20_E.PDF)>.

59 Vienna Convention on the Law of Treaties. (Opened for signature 23 May 1969, 1155 UNTS 331, entered into force 27 January 1980). Arts. 2(1)(a) and 11-14.

60 International Institute for Sustainable Development. (October 28, 2024). AfrRP Bulletin: Ninth Africa Regional Platform for Disaster Risk Reduction: 21-24 October 2024, Windhoek, Namibia. Earth Negotiations Bulletin, 17(136), 4. <<https://enb.iisd.org/sites/default/files/2024-10/afrp9.pdf>>.

internationally wrongful acts.

On this reading, NEPAD does not, of itself, establish a contractual responsibility in the strict sense associated with treaty law; it establishes, rather, a conditional or embryonic responsibility whose legal character depends on the extent of domestic implementation and on the AU's own institutional oversight, exercised in practice through the Africa Working Group on Disaster Risk Reduction and monitored at successive sessions of the Africa Regional Platform for Disaster Risk Reduction. It is this conditional and evolving responsibility, rather than a fully formed contractual liability, that the remainder of this section proposes to trace through NEPAD's specific institutional proposals.

3.1. NEPAD Proposals to Strengthen Disaster Risk Governance

Since 2003, the New Partnership for Africa's Development (NEPAD), the African Development Bank, and the United Nations Strategy for Disaster Reduction have been working together to provide guidance and direction for integrating disaster risk reduction into planning and sustainable development. In addition, the African Union, NEPAD, and the United Nations International Strategy for Disaster Reduction have developed an innovative set of guidelines for integrating disaster risk assessment. Overall, most of these efforts focus on disaster reduction and development rather than addressing the drought crisis specifically. Building a strategic framework for drought risk management and strengthening resilience would increase the focus on drought and enhance ongoing activities in Africa aimed at comprehensive agricultural, environmental, social, and economic development.⁶¹

61 Tsegai, D., Stefanski, R., Mejias Moreno, P. (Eds.). (2016). Strategic framework for drought risk management and enhancing resilience in Africa [White paper]. United Nations Convention to Combat Desertification (UNCCD), 12. [https://www.unccd.int/resources/publications/strategic-framework-drought-risk-manage-](https://www.unccd.int/resources/publications/strategic-framework-drought-risk-management-and-enhancing-resilience-africa)

Recent research on African disaster-risk governance confirms that the principal challenge is not merely the adoption of policy language, but the translation of that language into coordinated and accountable institutional practice. Okunola's comparative analysis of Kenya, Nigeria, Egypt, Namibia, and the Democratic Republic of Congo finds only partial alignment with the governance aspirations of the Sendai Framework, particularly in relation to legal reforms, multilevel planning, and stakeholder engagement. The study further identifies persistent gaps in the integration of disaster risk reduction into sectoral policies, the institutionalisation of participation, and the achievement of transparency and accountability. In the African context, local and regional governance structures are often marginalised, underfunded, or misaligned with national priorities, while subnational and transboundary arrangements may remain inconsistent and poorly coordinated. These findings reinforce the argument advanced in this article that NEPAD's programmatic commitments acquire practical legal significance only when they are translated into coordinated national and subnational institutions with defined competences, adequate resources, and effective review mechanisms.⁶²

The African regional strategy for disaster risk reduction, prepared by the African Union in cooperation with NEPAD, opens by presenting the various shortcomings in institutional frameworks. Its authors observed that national initiatives aimed at systematically developing the institutional framework for disaster risk reduction have not been implemented. Moreover, the quality of many policy frameworks needs improvement, as disaster risk management mechanisms in Africa still lack the necessary capacity to adequately help reduce disaster risks.

There are many factors that contribute to

[ment-and-enhancing-resilience-africa>.](#)

62 Okunola, O. H. (2025). Beyond institutional silos: Rethinking multilevel disaster risk governance in Africa a decade into the sendai framework implementation: OH Okunola. *International Journal of Disaster Risk Science*, 16(3), 321-323. <https://doi.org/10.1007/s13753-025-00646-1>.

the failure of national plans and programs, foremost among them weak funding and insufficient financial support.⁶³

Based on the existence of numerous gaps in the field of disaster risk management, the African regional strategy for disaster risk reduction,⁶⁴ whose core objective is to contribute to achieving sustainable development and eradicating poverty by facilitating the integration of disaster risk reduction into development, sets out a package of strategies aimed at risk reduction, through:⁶⁵

- **Increasing political commitment:** by improving governance structures and processes, and through funded strategies.
- **Improving the identification and assessment of disaster risks:** by enhancing the quality of information and data, and early warning systems.
- **Strengthening knowledge management:** by promoting the generation of information and developing distinguished academic institutions.
- **Increasing public awareness:** by enhancing the integration of disaster risk reduction into education and expanding the role of the media.
- **Improving institutional governance:** by developing national platforms, decentralization, participation, and coordination.
- **Integrating disaster risk reduction into emergency response management** and into development processes, including internationally agreed development processes such as the New Partnership for Africa's Development (NEPAD).

Recent research published in 2026 demonstrates that the effectiveness of early-warning systems in Southern Africa depends not only on technological capacity but also on institutional governance. Mangara, Dorasamy, and Muzangaza show that the legal and organisational environment, institutional mandates, financing arrangements, and coordination among responsible agencies influence whether warnings are converted into timely and effective action. Their analysis indicates that fragmented institutional responsibilities, weak inter-agency coordination, and inadequate financing can undermine the practical value of early-warning systems, even where technical infrastructure exists. This finding is directly relevant to NEPAD's regional strategy because it demonstrates that commitments to risk identification and early warning must be supported by clear legal mandates, sustainable financing, accountable institutions, and effective coordination between national, subnational, and regional actors.⁶⁶

From a legal standpoint, the six components of the African Regional Strategy for Disaster Risk Reduction set out above share a common feature; each is formulated as a policy objective ("improving", "strengthening", "increasing") rather than as a rule imposing a determinate obligation of conduct or result on a specifically identified duty-bearer. This drafting technique is characteristic of soft-law instruments and distinguishes the Strategy from the Constitutive Act of the African Union, whose Article 4 provisions on non-interference, solidarity, and collective security are formulated as binding commitments of Member States.⁶⁷ As such, failure by a Member State to pursue any of these components does not, in itself, constitute an

63 The African Union (AU) and New Partnership for Africa's Development (NEPAD). (2004). Op.cit, 5-8.

64 United Nations Office for Disaster Risk Reduction. (2023). The Report of the Midterm Review of the Implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030. Geneva, Switzerland: United Nations Office for Disaster Risk Reduction, 71. <https://sendaiframework-mtr.undrr.org/2023mtr-sf-submissions-and-reports>.

65 The African Union (AU) and New Partnership for Africa's Development (NEPAD). (2004). Op.cit, 9-14.

66 Mangara, F., Dorasamy, N., Muzangaza, R. W. (2026). Beyond technology: institutional determinants of early warning system effectiveness in Southern Africa. *Discover Hazards*, 2(1), 28. <https://doi.org/10.1007/s44475-026-00038-z>.

67 African Union. (2000). Constitutive Act of the African Union, adopted 11 July 2000, Lomé, Togo, entered into force 26 May 2001, 2158 UNTS 3, Art. 4. https://au.int/sites/default/files/pages/34873-file-constitutiveact_en.pdf.

internationally wrongful act under the International Law Commission's Articles on State Responsibility.

Only "improving institutional governance" generates binding effects through National Platforms for DRR. Where established by statute or decree with regulatory powers, these platforms constitute domestic legislation, breach of which engages State responsibility before national courts, independently of NEPAD's non-binding status. This pillar's legal weight thus varies from aspirational to binding, depending on each State's legislative implementation.

3.2. Regional Initiatives to Improve Cooperation Among African Countries in Disaster Management

Disaster risk reduction cannot be integrated into development unless disaster management institutions that facilitate this process are strengthened. This requires improving the management of these institutions. This includes institutions that develop the necessary capacities, secure adequate and safe resources, focus interventions on the tangible needs of people at risk through inclusive and participatory processes, and coordinate and align activities with other stakeholders.⁶⁸

Building on past and current experiences and lessons learned in Africa, and in line with global disaster reduction frameworks such as the Sendai Framework and the High-Level Meeting on National Drought Policy (HMNDP), a new strategic framework called "Drought Resilient and Prepared Africa" (DRAPA) is proposed. It is designed to establish effective drought risk management and strengthen resilience at continental, regional, national, and local/community levels across Africa.

The strategic framework for the Africa Disaster Risk Assessment Programme consists of six main components aligned with the priorities

of African regional networks, for example, the Intergovernmental Authority on Development's initiative on disaster resilience and sustainability in drought situations, National Action Programmes (NAPs), and global disaster risk reduction frameworks such as the Sendai Framework. These components are: drought policy and governance for risk management; drought monitoring and early warning; drought vulnerability and impact assessment; drought mitigation, preparedness, and response; knowledge management and drought awareness; and finally, reducing the underlying drivers of drought risk, as well as cross-cutting issues such as capacity development and income inequality.⁶⁹

The weak attention given to disaster management in Africa did not prevent national and regional food security from being accorded an early strategic priority. This was done within the Southern African Development Coordination Conference (SADCC), the predecessor of the Southern African Development Community (SADC). It was reflected in the establishment of the Regional Early Warning Unit (REWU) within the Food Security Technical and Administrative Unit of the SADCC, headquartered in the Zimbabwean capital, Harare.

In the early 1980s, the Regional Early Warning Unit built the capacity to monitor and harmonize data related to regional food security for each agricultural season. This was considered essential in a region where more than 26% of total export revenues were generated from agricultural production, and where 80% of the population in four SADCC member states (Malawi, Mozambique, Swaziland, and Tanzania) depended on agriculture for their livelihoods.

The Regional Water and Sanitation Unit continued to play a pivotal role in tracking changes in food security and remained at the forefront of the regional response to the droughts of 1991 and 1992 and various subsequent crises, even though it was not explicitly established as a disaster management structure.⁷⁰

68 The African Union (AU) and New Partnership for Africa's Development (NEPAD). (2004). Op.cit, 12.

69 Tadesse, T., op.cit, 20-21.

70 Holloway, A. (2003). Disaster risk reduction in southern Africa: Hot rhetoric—cold reality. African Security

The regional cooperation mechanisms reviewed in this section are, without exception, instruments of technical and administrative cooperation rather than treaties creating rights and obligations between States. Their legal weakness stands in instructive contrast to the one genuinely binding regional mechanism in this field: The African Risk Capacity (ARC), established as a Specialized Agency of the African Union by a treaty adopted by Plenipotentiaries of AU Member States on 23 November 2012.⁷¹ Unlike NEPAD's own strategy documents, the ARC Treaty was negotiated, signed, and made subject to ratification in accordance with the ordinary law of treaties, and it entered into force only on 15 April 2020, upon deposit of the tenth instrument of ratification, in accordance with its own Article 26(3).

The contrast is legally significant; Whereas the ARC Treaty creates binding obligations — the payment of insurance premiums, participation in the Conference of the Parties, and adherence to the Agency's governance rules — enforceable according to ordinary treaty law once ratified, the remaining regional cooperation mechanisms described above create no comparable obligations. Yet even the ARC Treaty illustrates the conditional and incomplete character of legal responsibility within the NEPAD/AU disaster-risk architecture. As of 2024, it had been signed by 38 Member States but ratified by only 13, meaning that the large majority of African States remain, with respect to this specific mechanism, in the position of political signatories rather than legally bound parties.⁷² This confirms, at the level of a concrete treaty mechanism, the broader thesis defended in this

study: legal responsibility under the NEPAD/AU disaster-risk framework is not general and automatic, but progressive and State-specific, contingent on each Member State's own act of ratification or domestic transposition.

These institutional arrangements have continued to develop in recent years. At the 21st session of the Africa Working Group on Disaster Risk Reduction, held in Kigali in April 2024, participants reported the adoption of a national Disaster Risk Management Policy in Rwanda (2023), the approval of a national disaster-risk-financing strategy in Sierra Leone, and the planned operationalization by the end of 2024 of the Southern African Development Community's Emergency and Humanitarian Operations Centre.⁷³

At the Ninth Africa Regional Platform for Disaster Risk Reduction, held in Windhoek in October 2024, the African Union Commission further reported that direct economic losses from disasters, as a share of the continent's GDP, had risen from 0.54 per cent to 2.94 per cent between 2015 and 2023, even as the number of States possessing a national disaster-risk-reduction strategy increased from eleven to thirty-two over the same period.⁷⁴ These figures confirm both the acceleration of institutional and legislative uptake of the NEPAD/Sendai agenda and the continuing gap between that uptake and any measurable reduction in the continent's exposure to disaster losses, a gap that reinforces the conditional character of the legal responsibility discussed above.

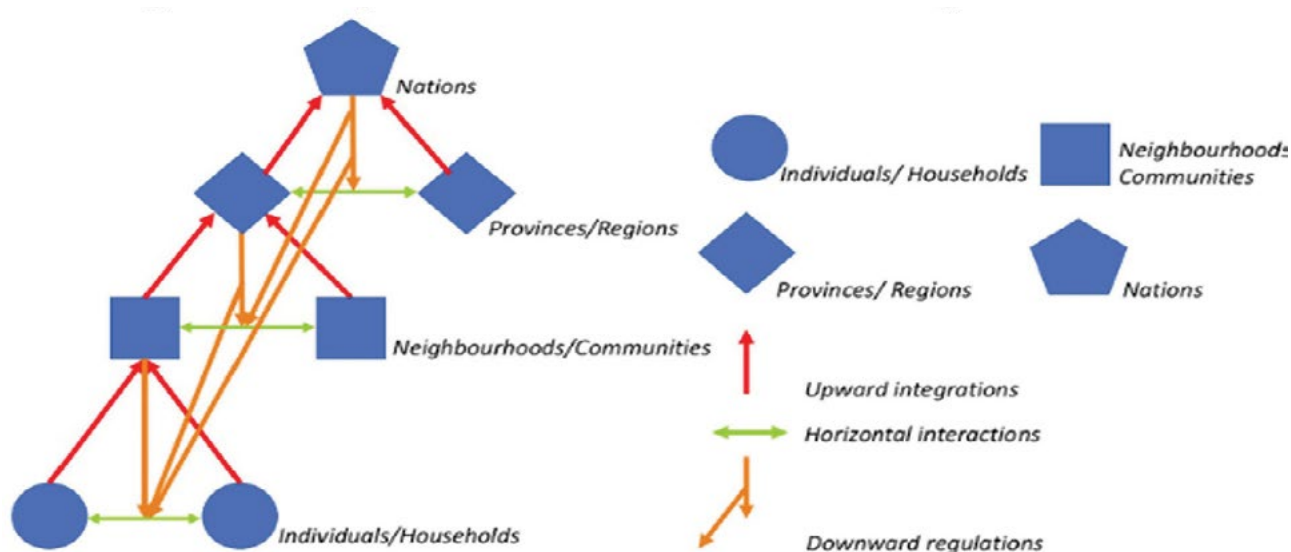
Studies, 12(1), 31.

71 African Union. (2012). Agreement for the Establishment of the African Risk Capacity (ARC) Agency, Art. 2–3. Adopted 23 November 2012, Pretoria, South Africa; entered into force 15 April 2020.

72 African Union. (April 22, 2024). Fourteenth Session of the Conference of the African Risk Capacity Conference of the Parties. Addis Ababa: African Union Commission. <<https://au.int/en/newsevents/20240422/fourteenth-session-conference-african-risk-capacity-conference-parties>>.

73 African Union. (May 16, 2024). Africa realises notable progress in strengthening disaster risk reduction [Press release]. <<https://au.int/en/pressreleases/20240516/africa-realises-notable-progress-strengthening-disaster-risk-reduction>>.

74 International Institute for Sustainable Development. (October 28, 2024). Op.cit.

FIGURE 2: Building Resilience at All Levels of Social-Ecological Governance

Source: Imperiale, A. J., Vanclay, F., op.cit, 898.

3.3. NEPAD and Building Resilience: Requirements for Developing States' Capacities in Disaster Risk Management

The figure below shows three basic interrelated dynamics between levels: horizontal interactions, upward integrations, and downward regulations. Horizontal interactions are mutual assistance and social sustainability that enable resilience in the community and must be recognized and strengthened. Upward integrations are the processes through which lower levels of social organization contribute to prevention, mitigation, monitoring, and enhancement activities. They also serve to inform external actors of the results of positive learning and the shift toward sustainability at the lower levels of organization. Downward regulations are empowering processes that, instead of being directed at individuals, should be directed at horizontal interactions that facilitate comprehensive social learning and the shift toward sustainability in the community. (See Fig.2)⁷⁵

The ability of local governments to reduce risk through effective planning in many low –

and middle-income countries lacks broad scope because of their limited power and resources and their often conflicted relationship with the poorest and most vulnerable groups. While the reasons for the ineffectiveness of local governments and their planning systems in postcolonial African cities are well documented, good practices in urban planning and governance for risk reduction are not. There is a need to document cases where city governments have partnered with local residents and civil society organizations to reduce risks. Ongoing work with the national federations of Slum/Shack Dwellers International (SDI), active in 15 African countries, is a particularly valuable opportunity that provides an entry point for gaining insights into how community-driven “slum upgrading” processes, as a form of co-production, can reduce risks while contributing to broader societal transformation in the context of reducing urban poverty.

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⁷⁵ Imperiale, A. J., Vanclay, F., op.cit, 898.

duction, can reduce risks while contributing to broader community transformation in the context of reducing urban poverty.⁷⁶

Wherever risk is being addressed, policies, investments, and programmatic responses largely repeat traditional approaches; they tend not to question whether there are alternative, radical, or unconventional options that could be designed and pursued to enhance disaster risk reduction outcomes in such contexts. For disaster risk reduction to be sufficiently mature and fit for purpose in different types of conflict settings, it is necessary to ask whether conventional disaster risk reduction strategies, financing mechanisms, approaches, and tools are suitable for contexts of fragility, conflict, and violence, and if they are not, what adjustments are required. The answers may indicate that, instead of adapting current disaster risk reduction practice to conflict settings, it may be time to overhaul traditional approaches in some contexts.⁷⁷

The growing recognition of the role of local communities in reducing disaster risk, along with the failures of centralized interventions, has led to a shift in thinking about resilience-building from a government-centered approach to a governance approach. Under the Sendai Framework, the United Nations has recommended that states strengthen disaster risk governance in order to better direct investments towards enhancing disaster risk reduction, resilience, and the rebuilding of better, more sustainable, and more resilient communities, both before and after disasters.

However, the assessment of top-down, military-style command and control urges states and their civil protection systems to use institutional strategies that contribute to exacerbating social exclusion instead of promoting inclusive disaster risk reduction governance; financial strategies that lead to investments facilitating disaster capitalism rather than community resilience; and risk management, community participation, and physical planning strategies

that worsen social impacts and the pre-existing conditions of disasters, creating secondary disasters, instead of rebuilding better, more sustainable, and more resilient communities.⁷⁸

Disaster risk reduction policies must fully include input from indigenous populations in terms of participation and/or consultation to support the implementation process, especially in the area of compliance monitoring. The policies must also take into account the actual social, economic, and cultural characteristics of indigenous populations. Community or public awareness should be strongly encouraged, and people should be educated through magazines, workshops, community town hall meetings, and awareness campaigns as a means of providing information by the government and non-governmental agencies to communities exposed to disasters.⁷⁹

The synergistic model of green development and disaster risk reduction achieves a balance between development and security (see figure below) by effectively reducing disaster risks and implementing a comprehensive plan for green development and integrated disaster risk governance, in order to promote sustainable development. This process is referred to as risk management for development. It is characterized by the following objectives. First, coordinating the establishment of a resource-efficient and environmentally friendly society, promoting the green economy, and advancing towards a circular economy; second, strengthening the administrative functions of governments at all levels, and enhancing the roles of other stakeholders (entrepreneurs and households) in integrated disaster risk management; and finally, increasing the efficiency and effectiveness of the use of resources for integrated disaster risk management, improving the coordination of plans at different levels and across sectors, and fostering synergy among innovative, coordinated, green,

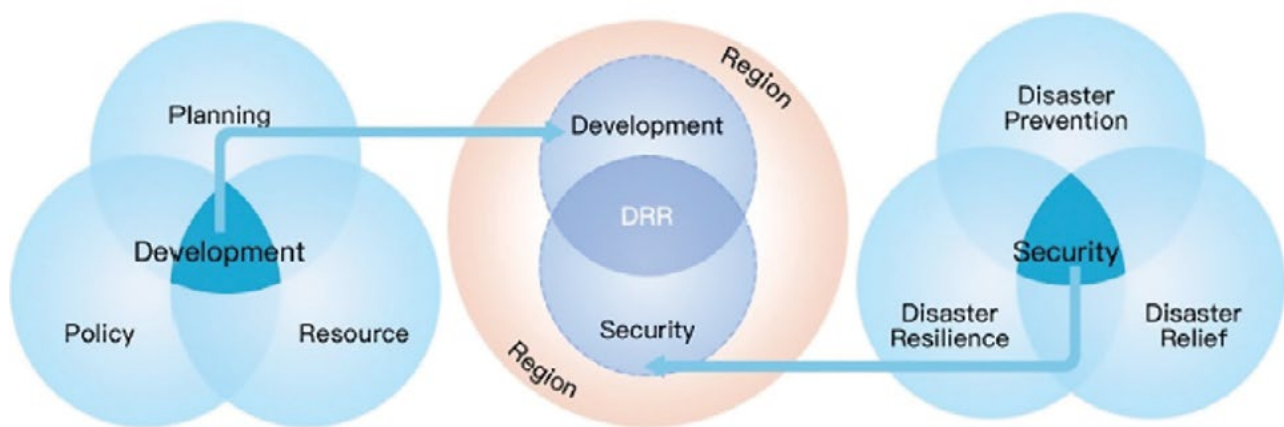
76 Adelekan, I., et al., *op.cit.* 39.

77 Mena, R., et al., *op.cit.* 41.

78 Imperiale, A. J., Vanclay, F., *op.cit.* 900-901.

79 Wizer, C. H., Cooke, A. T. (2019). Role of governmental and non-governmental agencies towards disaster risk reduction in Rivers State, Nigeria. *International Journal of Research in Environmental Science*, 5(3), 63.

FIGURE 3: Synergetic Paradigm for Disaster Risk Governance and Sustainable Development



Source: Shi, P., et al., *op.cit.*, 435.

open, and shared development, which supports the creation of “win-win” models. The establishment of an integrated regional synergistic model for disaster risk management plays an important supporting role in improving the capacity to respond to regional disasters. (See Fig.3)⁸⁰

The community-level and local-government dimensions of resilience-building examined in this final axis are, almost by definition, matters of domestic administrative and local-government law rather than of continental or international law. The African Union’s own Constitutive Act does not purport to regulate the internal distribution of competences between central and local government within a Member State; it is a matter left, under ordinary principles of sovereignty and subsidiarity, to each State’s constitutional and administrative order.⁸¹ Consequently, any legal responsibility arising from the failure to include local communities and indigenous populations in disaster risk governance – as recommended in this section – can only be a domestic responsibility, engaged under a State’s own decentralization statutes, administrative law, or constitutional guarantees of participation, and not a responsibility arising directly from NEPAD or from AU instruments themselves.

This does not mean that continental instruments are wholly irrelevant to this dimension. The IFRC-UNDP multi-country legal survey found that the clearest examples of effective national disaster-risk-reduction legislation were precisely those that had translated the general, non-binding recommendation to “facilitate the participation of communities, civil society and vulnerable groups” into specific, justiciable rights and procedures at the domestic level.⁸² The third axis of NEPAD’s strategy therefore performs, in legal terms, a purely programmatic and orientational function: it identifies the substantive content that domestic legislators are encouraged to adopt, but it neither compels them to do so nor, in the absence of such domestic legislation, exposes them to any responsibility under continental or international law.

Read together, the legal assessment of NEPAD’s three institutional axes confirms the thesis advanced in this study: responsibility under the NEPAD/AU disaster-risk framework is neither wholly absent nor uniformly binding, but distributed unevenly along a spectrum that runs from purely aspirational policy language (the first axis), through a genuine but incom-

80 Shi et al., *op.cit.*, 435.

81 Ibid.

82 International Federation of Red Cross and Red Crescent Societies & United Nations Development Programme. (2014). *Op.cit.*, 29-30.

pletely ratified treaty mechanism — the African Risk Capacity (within the second axis) — to matters left entirely to domestic constitutional and administrative law (the third axis). It is this uneven and evolving distribution, rather than a single, general contractual responsibility, that most accurately describes the legal condition of NEPAD's contribution to disaster risk governance in Africa.

CONCLUSION

In answer to the central research question — how NEPAD's strategic approach to disaster risk reduction contributes to strengthening the resilience of African countries in the face of major disasters, and to what extent this strategy establishes a genuine legal responsibility — this study has shown that NEPAD's contribution operates principally through the progressive conversion of a continental policy framework into binding national legal and institutional structures, rather than through any directly enforceable continental obligation.

Four findings support this conclusion. First, disaster risk governance, properly understood in legal terms, requires distinguishing binding instruments such as the Constitutive Act of the African Union from the essentially programmatic, soft-law character of NEPAD's own founding texts and regional strategy. Second, the recurrent floods, earthquakes, tsunamis, and volcanic episodes surveyed in this study confirm that the practical cost of this soft-law character has been a persistent, if narrowing, gap between continental policy and enforceable national protection a gap documented independently by the IFRC-UNDP multi-country legal survey and by UNDRR's own midterm review of the Sendai Framework in Sub-Saharan Africa, and illustrated at the national level by the marked contrast between comprehensive statutes such as South Africa's Disaster Management Act and platforms of contested effectiveness such as Burundi's. Third, the legal assessment of NEPAD's three institutional axes shows that responsibility is dis-

tributed unevenly: predominantly aspirational in the first axis, embodied in a genuine but only partially ratified treaty — the African Risk Capacity — in the second, and left to domestic administrative law in the third. Fourth, and directly addressing the question of contractual responsibility raised in the title of this study, NEPAD does not, by itself, establish a contractual responsibility in the strict sense of treaty law. It establishes instead a conditional and evolving responsibility: political and institutional in its origin under the NEPAD framework and the Constitutive Act of the African Union, but capable of hardening into ordinary legal responsibility — domestic, and in appropriate cases international — as African States progressively transpose continental commitments into binding national legislation. Continental reporting indicates that this process is well underway, with the number of States possessing a national disaster-risk-reduction strategy rising from eleven in 2015 to thirty-two in 2024, even as direct economic losses from disasters, as a share of GDP, continued to rise over the same period.

Based on these findings, this study proposes the following recommendations:

- Integrating disaster risk reduction into development plans and investing in early warning systems.
- Accelerating the domestication of the NEPAD/Sendai regional strategy into binding national legislation and institutional structures, to convert the political commitments undertaken at the continental level into legal obligations enforceable before national courts and administrative bodies.
- Encouraging wider ratification of binding regional instruments, in particular the African Risk Capacity Treaty, to close the gap between political signature and legal commitment identified in this study.
- Strengthening the African Union's own institutional oversight — in particular through the Africa Working Group on Disaster Risk Reduction and the Africa Regional Platform for Disaster Risk Re-

duction – so that the conditional responsibility identified in this study continues to harden into a genuine, continent-wide

regime of legal accountability for disaster risk governance.

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