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# Challenges and opportunities in post-disaster collaboration between public authorities and the private sector

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The last decade in Brazil has been marked by major disasters that have caused great suffering to the population and challenged the response capacity of both governments and affected communities. Disasters such as the Mariana and Brumadinho dam failures, which were caused by human error, and the devastating floods in the state of Rio Grande do Sul in 2024, have highlighted the need for a more collaborative approach between the public and private sectors in crisis management. As disasters become more frequent and intense, it is clear that public authorities alone cannot adequately and efficiently respond to the needs that arise.

Organizations such as the Red Cross, NGOs, and educational institutions have traditionally been recognized as key players in these crisis situations, providing humanitarian assistance, logistics, and technical support for damage assessment. These actors are fundamental to providing immediate relief and distributing essential resources, as well as providing specialized expertise that is often lacking in the public sector.

However, there are scenarios in which the private sector's involvement must go beyond these organizations and directly involve the disaster originators themselves in response and recovery efforts. This involvement sometimes occurs even before their responsibilities are legally established, raising critical questions about the governance of these partnerships.

Involving disaster originators in response and recovery may seem controversial, but it is a reality that has proven necessary in many cases. Rather than waiting for the legal process

to define responsibilities, immediate collaboration between these enterprises and public authorities can accelerate the implementation of mitigation and recovery measures to the benefit of affected communities. However, this collaboration cannot take place in an unregulated manner; there must be a clear and well-defined structure to guide these interactions and ensure that the public interest is prioritized.

### **Regulatory landscape and the duties of enterprises**

Brazil's disaster management legislation, specifically Law No. 12,608/2012, which establishes the National Policy for Civil Protection and Defense (PNPDEC), lays the foundation for disaster prevention and response in the country. This legislation, together with Decree No. 11,219/2022 and Law No. 12,340/2010, creates a legal framework that seeks to coordinate response and recovery efforts and defines the responsibilities of each federal entity. For example, the federal government is responsible for formulating national policy and providing technical and financial support to the states and municipalities, which in turn coordinate and carry out actions in their respective jurisdictions, especially at the local level, where the impact of disasters is most directly felt.

In addition to the responsibilities assigned to public entities, Law No. 12,608/2012 also imposes specific duties on so-called enterprises, whether public or private, in situations of imminent or existing disasters. These duties include issuing early warnings, providing technical assistance, providing temporary housing, and rehabilitating affected areas. In addition, enterprises must fund independent technical assistance to affected communities to ensure their informed and effective participation in the recovery process.

### **Partnership governance**

However, despite its importance, the legislation still lacks details on how this collaboration between public authorities and enterprises should take place, leaving a significant gap in the regulation of disaster management in Brazil.

This legislative gap means that, in practice, cooperation agreements between public authorities and enterprises are often formalized in a conventional way, through judicial or administrative agreements. These agreements aim to organize the cooperation between the parties, establishing rights and obligations that try to respond to the emerging needs

after a disaster. However, the lack of more detailed regulations can lead to uncertainty and inconsistencies that undermine the effectiveness of these agreements and increase the risk of conflicts of interest and other inappropriate practices.

The lack of clear parameters to guide these collaborative arrangements highlights the need to improve the governance of these partnerships. Robust governance, based on principles of transparency, accountability and community participation, is essential to ensure that the benefits of these collaborations are maximized and that the risks associated with them are adequately mitigated. Transparency, for example, is essential to ensure that all actions and decisions taken are visible and understandable to all stakeholders, including civil society. This includes clarity in the terms of agreements, publication of regular reports and easy access to information for stakeholders.

Accountability is another fundamental pillar of disaster governance. Cooperation agreements must include mechanisms to ensure that all parties involved are held accountable for their actions or omissions. This can be done by clearly defining the responsibilities of each party, establishing independent monitoring committees, and providing for sanctions in the event of non-compliance with agreed terms. Accountability is essential to prevent abuses of power, to ensure compliance with commitments, and to ensure that the resources allocated for recovery are used efficiently and effectively.

In addition to transparency and accountability, community participation is central to the legitimacy of these agreements. Involving affected communities in the decision-making process not only ensures that the measures adopted reflect their needs and expectations, but also builds community resilience, making solutions more effective and sustainable in the long term. Participation can be promoted through public consultations, hearings and the inclusion of civil society representatives on governance committees, ensuring that the voices of affected communities are heard and taken into account at every stage of the process.

### **The need for a more detailed regulatory framework**

In short, the involvement of the private sector in disaster response and recovery is not only necessary, but inevitable given the challenges of recent years. However, for these partnerships to be truly effective and equitable, they must be based on sound governance

that prioritizes transparency, accountability and community participation. This is the only way to ensure that interventions are based on the real needs of communities and that resources are used efficiently.

One of the possible solutions to improve these collaborative arrangements would be to create a more detailed regulatory framework that clearly defines the roles and responsibilities of each party involved and provides for ongoing monitoring mechanisms and the active participation of affected communities. This framework could include specific guidelines for formalizing the agreements, ensuring that all relevant aspects are taken into account and that the measures adopted are consistent with each other and with the principles of good governance.

However, in order for these proposals to be widely discussed and improved, it is essential to establish a public agenda dedicated to the debate on disaster governance. This debate must involve all sectors of society, including governments, businesses, civil society organizations and affected communities themselves, in order to develop more robust and inclusive solutions. Only through open and participatory dialogue will it be possible to develop a governance system capable of maximizing the benefits of private participation and mitigating risks, resulting in more effective and equitable responses to disasters.