



Critical elements for inclusion in a new
Disaster Risk Reduction and
Management Bill for the Government
of Uganda

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1. INTRODUCTION

Since 2005 there has been a heightened interest in disaster risk reduction and in particular significant attention has been aimed at disaster risk governance. Within the African context many African countries revisited their national policies, plans and legislation for civil protection, emergency management and disaster management with the aim of alignment with the Hyogo Framework for Action (HFA) (van Niekerk, 2015). The HFA, the African Regional Strategy for Disaster Risk Reduction and its Plan of Action (ARSDRR), and subsequently the Sendai Framework for Disaster Risk Reduction (SFDRR), heralded a new era for many African states in the management of disasters and their risks. No more did governments assume helplessness of the threats of disasters or when they eventually strike. The HFA (and now SFDRR) and ARSDRR provided a robust framework which empowered governments to address issues of disaster risk and disaster risk reduction in a holistic and multi-sectoral nature.

Like most East African countries, Uganda's disaster risk profile is seated in hydrometeorological hazards (droughts and floods) and acute levels of vulnerability. Civil strife plays a significant role in the displacement of people, with mismanagement of the environment leading to landslides and degradation. Currently Uganda does not have a national law governing disaster risk reduction and management and its alignment with new international thinking, although a national policy for Disaster Preparedness and Management exists. Furthermore, Uganda does have a number of sectoral laws and policies in place which addresses cross-cutting disaster risk reduction and management issues. Disaster Risk Reduction as a multi-disciplinary and multi-sectoral function and activity of government naturally finds its embodiment in a number of existing statutory and policy documents. This report must be read in conjunction with a recent literature review conducted for the Office of the Prime Minister entitled: "Governance of disaster risk reduction and management in Uganda: A literature review." This report aims to provide an assessment of the most critical elements necessary for inclusion in a new National Disaster Risk Reduction and Management Bill for Uganda.

2. INTERNATIONAL BEST PRACTICES IN DISASTER RISK REDUCTION LAW

In the development of new law good practice is to consult international best practices. A number of new generation disaster risk management laws has been developed in the developing world. The

aim of this section is to identify certain commonalities in laws, but also certain unique best practices which can inform the new Ugandan law and set it apart from its peers. The disaster risk management legislation of South Africa, Namibia, Ghana, the Philippines and India was assessed.

Most of the new generation legislations shows that governments are increasingly moving away from disaster management and disaster preparedness to disaster risk reduction and management. A perusal of a number of case studies shows that all countries through their national disaster risk management laws, establishes some form of **institutional arrangements** for disaster risk reduction. The laws follows the government structures and levels of government. The need for central coordination is evident in new generation disaster risk management laws which establishes two specific national coordinating bodies. On the one hand a more **political forum** is established, and on the other a **forum more focussed on technical disaster risk management issues**. These national bodies are responsible for providing overall policy and planning coordination and guidance for disaster risk management in the respective countries. The political forum is mostly chaired by the President or Prime Minister (for other high-ranking politician). The meetings are mostly irregular and on an identified needs basis.

The operational/technical responsibility is given to a specific department (called a **National Disaster Risk Management Centre/Office**) which in most instances is linked to the highest possible authority (e.g. the Office of the Prime Minister/President). These national centres/offices are full time staffed by disaster risk management specialists from a variety of disciplines (normally dictated by the disaster risk profile of the country in question). These centres are therefore responsible for the execution of policy and legislation. It furthermore not uncommon to have an **advisory committee or committees** alongside those mentioned. The aim of the advisory committees is to bring together internal as well as external role-players, as well as representatives from the various spheres of government. The advisory committees are normally chaired by the head of the national disaster risk management centre/office.

All of the case studies assessed contains a measure of **decentralisation** of disaster risk reduction authority. Most of the devolution of power occurs at subnational (e.g. state/provincial) and local

government level. In all instances the structures established at the national level is mirrored at is provincial and local level. These disaster risk management structures has similar duties and execution of powers as that at national level, but on the respective level of operation. Notably in all other local government level contains significant **element of community participation**. This is also linked to the **establishment of volunteer units**. It should either be noted that volunteerism is not a well-established concept within the African environment.

The laws puts a premium on the development of **national policy frameworks**. From the case studies it seems that in most cases the legislation governs the development of a policy. This is unlike the Ugandan case, where a policy has already been developed. However, it is not uncommon internationally to either have a law or policy preceding each other.

The various laws calls for the **development of disaster risk management plans** at all levels of government. These disaster risk management plans are operational plans for disaster risk management and not necessarily contingency plans for disaster response. In this instance it is notable that various laws calls for the **integration of disaster risk reduction into development planning** (with the aim of resilience building and vulnerability reduction). In some instances explicit mention is made to the integration of climate change and adaptation in such development planning.

Most of the legislations makes provision for the **declaration of a the state of disaster** or calamity. Interestingly the declaration of the state of disaster does not necessarily follow an actual disaster event, but the laws makes provision for the declaration of the state of disaster in order to invoke extraordinary measures to prevent a situation from turning disastrous. A portion of disaster risk reduction is therefore included in the definition of a disaster (alignment to a disaster fund is also mostly provided for in the declaration - see discussion below). The declaration of the state of disasters at various government level can also occur. The responsibility for such a declaration rests with a disaster risk management authority at that particular level of government. In some instances it remains the mandate of the President to declare a state of disaster. He/she therefore works on the recommendation received from the lower levels of government.

The laws calls for the **establishment of disaster funds**. The levels at which these funds are established differs from country to country. In some instances and national fund this provided fore. In the case of India, the disaster funds are decentralised to other levels of government. Notwithstanding the fact, the aim of the disaster funds is to allow for the access of funds in the event of the declaration of a state of disaster. Namibia and the Philippines are good examples where the disaster fund makes provision for disaster risk management and mitigation.

Training, education and research is mentioned in the number of laws, and in most instances the research and higher education sector becomes an integral part of the advisory committees. All of the legislation, to greater or lesser degree, contains some form of punitive measures. These however, differs from country to country.

All of the laws contains some reference to the rights, duties and obligations of citizens in disaster risk reduction. This is a best practice which can be included in the new Ugandan law. One element not covered in depth in most of the laws, is the provision for **humanitarian assistance**. In the light of recent research conducted by the IFRC it might be prudent to consider conclusion of humanitarian assistance elements in the new Ugandan law¹.

3. CRITICAL ELEMENTS FOR A DISASTER RISK REDUCTION LAW

Note should be taken of a literature study conducted on all current and relevant laws in Uganda with the aim of determining which disaster risk reduction and disaster risk management elements are already catered for. The sections to follow therefore draws on the literature review of the report: “Governance of disaster risk reduction and management in Uganda: A literature review.” The National Policy for Disaster Preparedness and Management already provide for a number of institutional structures. The main aim of the new Bill therefore should be to give embodiment and effect the existing policy, taking into account existing laws. Minimal duplication should therefore be sought. However, it is advised that the new Bill covers all aspects

¹ See the IFRC report on international disaster response law - IFRC. (2011). *“International Disaster Response Law (IDRL) in Uganda: An analysis of Uganda’s legal preparedness for regulatory issues in international disaster response”*. Geneva: IFRC. (available at <http://www.ifrc.org/idrl>)

of disaster risk reduction and management even if it is only in cross reference to the existing laws and policies of Uganda.

3.1 Institutional structures for disaster risk reduction and management

The new Bill must give effect to these structures, their roles and responsibilities. The section on the institutional arrangements should therefore address the following roles and responsibilities:

- The President;
- Cabinet;
- The Ministerial Policy Committee (MPC);
- The Inter-Agency Technical Committee (IATC);
 - Reference should also be made that this structure serves as the National Disaster Risk Reduction Platform.
 - Disaster Risk Reduction and Management Commission as per the Constitution.
- National Departmental disaster risk reduction and management focal points;
- National Emergency Coordination and Operations Centre (NECOC);
- City Disaster Policy Committees (CDPCs);
- City Disaster Management Technical Committees (CDMTCs);
- District Disaster Policy Committees (DDPCs);
- District Disaster Management Technical Committees (DRMTCs);
- District Emergency Coordination and Operations Centre (DECOCs) (based at police station);
- Municipal/Town Disaster Policy Committees (M/TDPCs);
- Municipal/Town Disaster Management Technical Committees (M/TDMRCs);
- Sub-County Disaster Management Committees (SDMCs);
- Village Disaster Management Committees (VDMCs);
- Traditional leaders;

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- The Uganda Red Cross Society;
 - Defense Force in disaster risk reduction and management;
 - Uganda Police in disaster risk reduction and management;
 - Disaster risk management volunteers; and
 - Community-based disaster risk management structures.

A section legislating the roles and responsibilities of the various ministries and government institutions is needed. Cross reference can be made to the National Policy for Disaster Preparedness and Management which already contains a number of aspects. Mainstreaming and integration of all sectors for budget and implementation must be emphasised with special attention to networking, collaboration, and strategic linkages to other role-players and government efforts.

3.2 National disaster risk reduction and management policy

Although the National Disaster Preparedness and Response Policy has been developed, the Bill must call for its biennial revision. It is suggested that the Bill must rename the policy to the National Disaster Risk Reduction and Management policy, as to align the policy with international best practices.

3.3 Disaster risk reduction and climate change adaptation planning

A section to guide and enforce the development, implementation, evaluation and monitoring of disaster risk reduction and climate change adaptation plans at all levels of government is needed. The main emphasis of these plans must be on vulnerability reduction, resilience building, adaptation and mitigation. Linkages should be made to the inclusion of disaster risk management and adaptation into existing development planning processes. Cross reference to Section XXVII of the Constitution, as well as section 6.10 of the National Land Policy, and the National Climate Change

and Adaptation Policy should be made. The Bill must call for the development of clear disaster risk management planning guidelines for all sectors of government (including land use planning; business continuity of municipalities/districts; hazard management plans; urban and regional development; environmental protection; poverty eradication; social protection; sustainable development; climate change adaptation; desertification; energy, natural resource management; health; education). The Bill should also ensure the mutual inclusion of disaster risk reduction and development. It should furthermore allude to the disaster risk management plans to be developed by all organs of state.

3.4 Disaster risk assessments

A section on disaster risk assessments must call for the uniform application of disaster risk assessment processes and methodologies for the identified hazards and vulnerabilities of Uganda. Such an assessment must make provision for hazard identification and assessment, hazard tracking and monitoring, and vulnerability and resilience assessments. Linkages to the National Environment Act and in particular the inclusion of disaster risk assessment in Environmental Impact Assessments, is needed. The Bill must therefore call for the establishment of indicative disaster risk profiles of all its administrative units and ministries, which are geo-spatially linked to data.

3.5 Vulnerability reduction and resilience building

Vulnerability reduction and resilience building is key to adequate disaster risk reduction. This section must therefore compel various government institutions and sectors to ensure vulnerability reduction and resilience building forms an integral part of their normal day-to-day development planning and implementation. This should also be gender sensitive with special emphasis on most vulnerable groups.

3.6 Community-based disaster risk management

A section enshrining community-based disaster risk management is needed. This section must highlight the importance of collaborative and inclusive disaster risk reduction through community consultation and action. The role of traditional leaders must also be considered, with emphasis on most at-risk groups.

3.7 Traditional knowledge

The role of traditional leaders within Uganda necessitate that a special section is also provided for the role of traditional knowledge in disaster risk reduction. The complementarity of scientific and traditional knowledge must be emphasised and provision must be made for the inclusion of traditional knowledge in disaster risk reduction at all levels.

3.8 Early warning systems

The Bill must give effect to all-hazard early warning systems. Roles and responsibilities for the development and implementation of such a system(s) is needed. The integration of existing monitoring mechanisms (such as food security, water management and public health issues) must be addressed. The Bill must call for the establishment of specific monitoring indicators, and guidance to the various other actors (e.g. ministries, departments and agencies, as well as private sector role-players) in an all-hazard early warning environment must be provided for.

3.9 Contingency planning

Contingency planning should form a separate section to disaster risk management planning. This section could highlight the need for the development of contingency plans for unacceptable levels of risk or known and recurring disasters. These plans must be multisectoral in nature, but should also enjoy a significant amount of integration. The need for private sector contingency planning can also enjoy attention in this section.

3.10 Disaster response

Roles and responsibilities in disaster response must be clarified. Aspects to be covered should include search and rescue, provision of relief (including international assistance), early recovery, and long term recovery. The possible resettlement of people should be cross referenced to section 41 of the Land Act (also look at rehabilitation of land). Provision should be made for a uniform all-hazard incident management system including unified incident command. The 2011 study (IFRC, 2011a) undertaken by the IFRC on International Disaster Response Law in Uganda made the following recommendations which should be considered in this section in terms of international assistance:

- “Operating a centralized early warning system to which information from the various surveillance centres is forwarded and processed to support the issuing of early warning alerts and declarations of state of emergency (this is covered in sections 5.2.8 above and 5.2.12 below).
- Initiating, coordinating, regulating and terminating international responses to disasters and health emergencies.

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- Registration of foreign humanitarian organisations for temporary legal facilities and domestic legal status, contingent on abiding by minimum standards. Those facilities should include, among other things:
 - Expedited customs procedures and waivers of duties on relief goods and equipment;
 - Waiver or reduction of restrictions for the importation of food, medications, motor vehicle and telecommunications equipment in the context of a disaster relief operation;
 - Exemption from vehicle registration requirements and charges, including for road tolls;
 - Priority treatment for landing and overflight for relief flights as well as waiver of landing fees;
 - Speedy recognition of foreign professional qualifications of international responders (in particular medical qualifications and driving licenses);
 - Easy and cost free entry and movement of foreign vehicles and aircraft engaged in relief operations;
 - Tax exemptions; and
 - Favourable rights of movement and banking in foreign currencies.
 - Adequate monitoring and oversight of the quality of international disaster assistance.
 - The legislation should also provide for facilities for the transit of relief goods and transport when crossing Uganda territory” (IFRC, 2011a).

Reference to the above should also consider Chapter 4 of the Internally Displaced Persons Policy of 2004.

3.11 Communication, public awareness and information management

Provision must be made for the appropriate mechanisms, processes and structures for the effective communication of disaster risk information to stakeholders to ensure public awareness and evoke behavioural change based on the national and regional indicative disaster risk profile. The role of the media, and communication with the media, must be highlighted. This is of particular importance in the case of the declaration of a state of disaster (see section 3.11 below). The management of information (in all its forms) must also enjoy attention. Provision should also be made for crisis communication (linked to the incident management system). Linkages to existing information management systems must be established. The Bill can also call for the development of a national early warning system and standardised messages, linked to trigger events.

3.12 Declaration of a state of disaster

The declaration of a state of disaster must be defined. This section should clearly spell out the process, roles and responsibilities for the declaration of a state of disaster, linked to the various levels of Government. Clarity must be given as to mandate, powers, trigger events and the evoking of extraordinary measures (e.g. the quarantine of certain areas, movement of people and goods etc.) after the declaration. Linkages to the Contingencies Fund must be made. The difference between a state of disaster and a state of emergency (as per the Constitution) must be provided for.

3.13 Cross-border disaster risk management and regional cooperation

Uganda as a member of EAC and the broader east Africa community has a moral obligation to ensure disaster risk emanating in Uganda does not affect neighbouring countries. The fact that Uganda shares strategic physical resources with its neighbours further necessitates a focus on cross-border disaster risk management. Shared disaster risks must be addressed as well as the necessary

coordinating and consulting fora for such interactions. The mandate of the various government institutions must be clarified. This section should further highlight the involvement of Uganda in regional disaster risk reduction and the circumstances under which resources of Uganda will be made available for cross-border interventions (e.g. the deployment of the Defence Force, regional incident command or simulations etc.).

3.14 Training, education and research

A critical element which the Bill must address is capacity building and research. This section must highlight the legislative environment in which disaster risk reduction training, education and research will occur. This section must allude to the establishment of a strategic inter-, multi-, and transdisciplinary national research agenda and provide for the identification of critical skills shortages and the manner in which these will be addressed. The integration of disaster risk reduction into primary and secondary school curriculum must also enjoy attention. Attention can also be given to vocational training programmes in disaster risk reduction as well as community and volunteer training programmes.

3.15 Establish national standards

This section must allow for the identification, development, implementation and review of national disaster risk reduction standards, and standards relating to disaster risk reduction (e.g. building codes, retrofitting codes, safety standards, disaster risk management quality standards; hazard resistant development techniques; land reform; spatial development planning). Cross reference should be made to existing standards which ensures disaster risk reduction such as those called for in the Physical Planning Act of 2010 and the National Land Policy of 2013. The Bill must ensure that codes and standards take into consideration indigenous coping mechanisms, and that continuous

assessment and adaptation of risk management practices in terms of changing risk profiles takes place.

3.16 Funding and budgeting

Funding for disaster risk reduction and management contains two important aspects *ex ante* and *ex post* funding. The Bill must talk to the budgeting and allocation of funds for both disaster risk reduction and disaster response aspects. These budget allocations must be aligned with the indicative disaster risk profile of the government entity in question. Provision in the new Bill must be made for the access of the Contingencies Fund as per the Public Finance Management Act. This section must clarify how the 15% composition of the Contingencies Fund for disaster preparedness and response can/should be utilised. A clear distinction must therefore be made between funds for extraordinary disaster risk reduction and funds for disaster response and recovery. This section should also allude to the budgeting process for the various institutional arrangements for disaster risk reduction and give guidance to sector departments and other state institutions on the inclusion of disaster risk reduction specific budget elements. Furthermore, this section must make provision for other market related disaster risk transfer and mitigation mechanisms such as insurance and calamity funds (e.g. Africa Risk Capacity). The Bill can further allude to the need for public-private partnerships for disaster risk reduction at all levels of government. Importantly, the new Bill must call for evidence of risk reduction measures as pre-requisite for development project funding.

3.17 Monitoring, evaluation and reporting

The Bill must allude to the development and implementation of a monitoring, evaluation and reporting mechanism for all aspects related to disaster risk reduction. The processes for monitoring and evaluation must be clear and the process and nature of reporting by state and disaster risk reduction institutions must be given. Certain targets (in line with international standards) should be

called for. It is proposed that the Disaster Preparedness and Management Commission as enacted by the Constitution be established and tasked to fulfil this very important oversight function.

3.18 Incentives and punitive measures

Any law to be enforceable must contain incentives and punitive measures. Incentives can be linked to good disaster risk reduction practices (such as tax rebates and incentives). This section must specify the punishable transgressions linked to currency points as per existing practise in Ugandan law.

3.19 Bylaws, guidelines and regulations

As with most other legislation provision must be made for the development and implementation of any bylaws, guidelines and regulations necessary for the effective implementation of the Bill. The Bill should thus enforce the development and implementation of any municipal bylaws necessary for disaster risk reduction and management. It should thus allude to mechanisms for compliance, enforcement and accountability in terms of laws and bylaws that have been developed and made operational. Any specific matter arising from the Bill which requires more guidance should be identified and guidelines developed (e.g. disaster assessment or community based disaster risk assessments). The Bill must make the development of such guidelines law. In the same vain, regulations for ensuring legal compliance must be enshrined in the Bill.

4. Conclusion

Uganda finds itself in a unique position in the post-2015 era. As one of the first countries to development new disaster risk reduction and management legislation in this era, it is ideally positioned to take a leading role in the region. A significant amount of disaster risk reduction aspects are already catered for in existing laws, however the need for a dedicated disaster risk reduction and management act cannot be overemphasised. Crucial to the development of a draft Bill will be a focus on the multi-sectoral and transdisciplinary nature of disaster risk reduction. Disaster risk reduction must become an institutional necessity throughout ministries as can be provided for through a new law.