



Governance of disaster risk reduction and management in Uganda: A literature review

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EXECUTIVE SUMMARY

The subject of disaster risk management and disaster risk reduction draws its relevance from earlier contributions and historical practices in the disaster management field, where traditionally the focus has been on preparedness for response. Disaster risk reduction, however, represents contemporary global thinking with respect to the management of disasters and disaster risk (Du Plessis, 2015). 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 international treaties and protocols.

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. However, Uganda is an active partner in the international disaster risk reduction domain. To this end she is a signatory to the Hyogo Framework for Action, the Africa Regional Disaster Risk Reduction Strategy, the IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI) Strategy, the East African Community (EAC) Disaster Risk Reduction and Management Strategy (2012-2016) as well as the new Sendai Framework for Disaster Risk Reduction. However, 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 contains a literature review of the most salient documents and laws (32 in total) pertaining to disaster risk reduction in Uganda, as well as an international best practice study of five countries (South Africa, Namibia, Philippines, Ghana and India) with the aim of providing impetus to the development of a new Disaster Risk Reduction and Management Bill for Uganda.

The research found that a number of aspects need to be included in the new legislation, and they are: establishment of institutional disaster risk reduction and management arrangements; multisectoral and

multidisciplinary disaster risk reduction; disaster risk reduction and climate change adaptation planning; disaster risk assessment; vulnerability reduction and resilience building; community-based disaster risk management; traditional knowledge; early warning systems; contingency planning; disaster response; communication, public awareness and information management; the declaration of a state of disaster; cross-border disaster risk management and regional cooperation; training, education and research; establishing national standards; funding and budgeting for disaster risk reduction; monitoring, evaluation and reporting; incentives and punitive measures; and regulations.

1. INTRODUCTION

The disaster risk profile of Africa is rooted in its turmoil history and geographical features. Africa is the only continent where disasters have increased over the past 15 years (United Nations International Strategy for Disaster Reduction, 2013; van Niekerk & Wisner, 2014). Although the mortality rate due to disasters is decreasing, the number of people affected, and the economic impact of disasters on the continent, is increasing (United Nations, 2011). This can be largely ascribed to improvements in development (including urbanisation) and economic activities (McClean, 2010). The major hazards effecting people and livelihoods in Africa are hydrometeorological in nature. Various types of floods, drought, wild fires, cyclones and epidemics rate highest of all hazards (van Niekerk & Wisner, 2014). Linked to volatile vulnerability conditions rooted in extreme poverty and under development, makes Africa one of the most at-risk environments on Earth (van Niekerk, 2015; van Niekerk & Coetzee, 2012).

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. The first and most fundamental underpinning of the HFA (Priority 1) and now Priority 2 of the SFDRR (Strengthening disaster risk governance to manage disaster risk) is the need for political commitment to disaster risk reduction and the implementation of disaster risk governance measures, which includes policies, legislation, standards, directives and guidelines.

Gains of institutionalising disaster risk reduction at national levels in Africa have progressed at a steady pace since 2005. Actions to mainstreaming disaster risk reduction by a number of governments are heartening, especially when one consider the emphasis which many scholars and policy makers place on the need for sustained political will in order for disaster risk reduction to become a reality. Today, many Africa governments find themselves in the midst of a paradigm shift from traditional disaster management

and preparedness and response, towards disaster risk reduction and management in the context of development planning, with an emphasis on sustainable recovery linked to development and climate change adaptation. This is evident in the number of new multi-sectoral policies, plans and legislation that have seen the light since 2000. Unfortunately it is also some of the countries most at risk of disaster that do not yet have comprehensive and binding legal instruments or well defined, developed and functioning institutional structures for disaster risk reduction and management (van Niekerk, 2015). However, the Government of Uganda has shown significant political commitment to disaster risk reduction and management over the past decade. This is evident in her aim and efforts to mainstream disaster risk reduction and management, and climate change adaptation into their development planning, as well as the adoption of the 2010 National Policy for Disaster Preparedness and Management. Some successes of the National Development Plan I have been recorded and a significant emphasis on disaster risk reduction and management in the National Development Plan II (NDPII) is noticeable. However, moving disaster risk reduction and resilience forward in Uganda can only be fully effective if engrained in law, as espoused by the National Policy for Disaster Preparedness and Management.

This report aims to provide a literature review which will provide an impetus for the development of a new National Disaster Risk Reduction and Management Bill for Uganda.

2. THE UGANDA DISASTER RISK ENVIRONMENT

The Republic of Uganda, an East African country, is rich in natural resources with a population of approximately thirty million people. The land-locked country is bordered by Tanzania to the south, the Democratic Republic of the Congo to the west, Rwanda to the southwest, Kenya to the east, and South Sudan to the north. Uganda has access to one of the largest fresh water bodies in the region - Lake Victoria - which constitutes its borders with Kenya and Tanzania. Although scared by years of civil strife, Uganda has emerged as a growing economy in the region with immense potential. The country is widely cited as a good practice and success story in combatting and reducing the rate of HIV/AIDS cases though its focused public awareness campaigns.

Uganda has a moderate tropical climate due to its altitude. There is very little temperature variation during the year, with average temperatures increasing in the south due to the decrease in elevation. Rainfall in Uganda is influenced by the Inter-Tropical Convergence Zone (ITCZ). The position of the ITCZ changes over the course of a year and this movement gives Uganda two wet periods (October to December and

March to May). One of the most well documented ocean influences on rainfall in this region is the El Niño Southern Oscillation (ENSO). El Niño episodes usually cause greater than average rainfalls in the short rainfall season, whilst cold phases (La Niña) bring a drier than average season.

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 (Caritas Uganda, 2015). Human and animal epidemics and diseases are also frequent. Uganda is not very prone to earthquakes although the western and central parts of the country are considered seismically vulnerable. Several anthropogenic hazards in urban settings are increasing such as traffic accidents and high risk industrial installations.

Uganda is an active partner in the international disaster risk reduction domain. To this end she is a signatory to the Hyogo Framework for Action, the Africa Regional Disaster Risk Reduction Strategy, the IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI) Strategy, the East African Community (EAC) Disaster Risk Reduction and Management Strategy (2012-2016) as well as the new Sendai Framework for Disaster Risk Reduction (see discussion below). According to Section 123 of the Constitution of Uganda "Execution of treaties, conventions and agreements" Parliament shall make laws to govern ratification of treaties, conventions, agreements or other arrangements. The implementation of the various international treaties and frameworks in Uganda should therefore occur through a proper law governing national implementation. 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. It is therefore imperative that this study highlights both the international and national arrangements governing disaster risk reduction and management in Uganda.

3. INTERNATIONAL PERSPECTIVE

The presence of laws and policies can be seen as good disaster risk governance. The section that follows aims to provide a basis for understanding the international perspective and impetus to the development of the various disaster risk management laws and policies.

3.1 DRR in Africa

Africa has come a long way since the global arena emphasised the need for multi-stakeholder disaster risk reduction rather than to continue the unsustainable cycle of disaster management. The 2000s saw a number of declarations, policies, strategies, plans and programmes developed. Yet, very little real implementation of the above is evident on the African continent, despite a number of inter-regional and high-level discussions and collaboration.

Since 2003, African nations have made significant strides towards implementing disaster risk reduction measures. Numerous collaborations and meetings lead to the development of the African Regional Strategy for Disaster Risk Reduction (ARSDRR). In 2005, the global community, at the World Conference on Disaster Reduction (WCDR) agreed on the Hyogo Framework for Action 2005-2015 (HFA) to expand and strengthen actions at all levels to reduce disaster risks and “build the resilience of nations and communities to disasters”.

Following the Hyogo Framework for Action the African Regional Strategy for Disaster Risk Reduction was developed. Emanating from the African Regional Strategy for Disaster Risk Reduction, is the Programme of Action (POA). The POA for the Implementation of the Africa Regional Strategy for Disaster Risk Reduction was developed in 2005. The Africa Programme of Action 2005-2010 was adopted at the First Africa Ministerial Conference on Disaster Risk Reduction held in Addis Ababa in December 2005, attended by 42 countries, the African Development Bank (AfDB), several UN and international agencies and bilateral donors. The Programme of Action was subsequently endorsed by a Decision of the Eight Ordinary Session of the Executive Council of the African Union in Khartoum, Sudan in January 2006. Despite the vast amount of work and hours spend on the development of the Africa Strategy for Disaster Risk Reduction and its Programme of Action, the decision was taken to revisit the Strategy and Programme, and align them with the new developments which has taken place since 2006. The need to implement measures towards joint disaster risk mitigation and reduction within the climate change adaptation and disaster risk reduction fields are now well known.

New international funding mechanisms such as the Global Facility for Disaster Risk Reduction (GFDRR) within the World Bank have been established, and a number of UN agencies and international organisations have taken steps to mainstream disaster risk reduction into their specific mandate and operations (such as the World Health Organisation, Food and Agriculture Organisation, World Meteorological Organisation,

United National Development Programme, International Federation of the Red Cross and Red Crescent, to mention but few).

Two of the most noticeable changes to be put forth and supported by African Member States were the need for new and coordinated funding mechanisms and the shift in emphasis to ensure that local government and community-based application of disaster risk reduction initiatives occur. This is in striking contrast to the emphasis on the building of national platforms and national coordinating mechanisms in the mid 2000s. It is heartening to see that many African Nations realise the importance of local disaster risk reduction and management. This is in line with the findings of the Global Network of Civil Society Organisations for Disaster Risk Reduction in its report “Clouds but no Rain” published in 2009 (Global Network of Civil Society Organisations for Disaster Reduction, 2009), which found that very little implementation of the HFA (and subsequently the African Strategy) occurs at grassroots level.

On funding, the Ministers agreed to urge Member States to consider the allocation of a percentage of their national budgets towards disaster risk reduction. This specific percentage was not given due to the fact that not all African states were able to agree on a set percentage. Keeping with funding, the Ministerial Conference further requested the African Union Commission to call upon development and humanitarian partners to ensure that disbursement of one percent (1%) of development assistance and ten percent (10%) of humanitarian assistance, supports disaster risk reduction, preparedness and recovery.

Since the implementation of the ARSDRR a number of countries have developed and promulgated what is now known as “new generation disaster risk reduction laws”. These new generation laws are more focused on disaster risk reduction than disaster response (and is aligned with the Hyogo Framework for Action). Terminology such as disaster management, preparedness and response, has been replaced with disaster risk management, disaster reduction, and resilience building. Countries such as Namibia, Kenya, Malawi, South Africa, Seychelles, Ghana and Rwanda can be cited as good practice examples in implementing new disaster risk reduction and management thinking.

3.2 Hyogo Framework for Action

The Hyogo Framework for Action (HFA) 2005-2015: Building the Resilience of Nations and Communities to Disasters was adopted following the World Conference on Disaster Reduction held in Kobe, Japan from

18-22 January 2005. Contained in the HFA is five priorities for action which greatly influenced and drove policy and legislation development for disaster risk reduction globally. These priorities are:

- ensure that disaster risk reduction is a national and local priority with an institutional basis for implementation;
- identify, assess and monitor disaster risks and enhance early warnings;
- use knowledge, innovation and education to build a culture of resilience and safety at all levels;
- reduce the underlying risk factors; and
- strengthen preparedness for effective response at all levels (UN, 2005).

A significant number of countries developed new generation disaster risk management and disaster risk reduction policies and legislation. Notably, several African countries used the HFA as the foundation from which their statutory and regulatory documents were developed. The post-2005 era recorded great gains in highlighting disaster risk reduction as a political priority. Following the HFA decade, the UN and member states once again took stock of progress in implementing disaster risk reduction and in March 2015 a new global framework were agreed upon, the Sendai Framework for Disaster Risk Reduction.

3.3 Sendai Framework for Disaster Risk Reduction

Ten years following the signing of the Hyogo Framework for Action, countries from around the world gathered in the Sendai, Japan (14-18 March 2015) and a new framework was agreed upon - the Sendai Framework for Disaster Risk Reduction (SFDRR). Taking its cue from a number of global assessment reports, country assessment reports, and progress made towards disaster risk reduction in numerous countries, the Sendai Framework for Disaster Risk Reduction builds on the successes of the HFA. Unlike the HFA, the SFDRR provides seven global targets for achievement. These are:

- “(a) Substantially reduce global disaster mortality by 2030, aiming to lower the average per 100,000 global mortality rate in the decade 2020-2030 compared to the period 2005-2015;
- (b) Substantially reduce the number of affected people globally by 2030, aiming to lower the average global figure per 100,000 in the decade 2020-2030 compared to the period 2005-2015;9

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- (c) Reduce direct disaster economic loss in relation to global gross domestic product (GDP) by 2030;
 - (d) Substantially reduce disaster damage to critical infrastructure and disruption of basic services, among them health and educational facilities, including through developing their resilience by 2030;
 - (e) Substantially increase the number of countries with national and local disaster risk reduction strategies by 2020;
 - (f) Substantially enhance international cooperation to developing countries through adequate and sustainable support to complement their national actions for implementation of this Framework by 2030; and
 - (g) Substantially increase the availability of and access to multi-hazard early warning systems and disaster risk information and assessments to the people by 2030.”

In order to achieve these targets, four priorities for action has been identified. These are:

- (a) “Understanding disaster risk.
- (b) Strengthening disaster risk governance to manage disaster risk.
- (c) Investing in disaster risk reduction for resilience.
- (d) Enhancing disaster preparedness for effective response, and to “Build Back Better” in recovery, rehabilitation and reconstruction.”

Of particular importance is priority area two. Under this priority area emphasis is placed under review and development of new generation disaster risk reduction law. Section 27(a) indicates in order to strengthen disaster risk governance, countries - at national and local level - should:

“Mainstream and integrate disaster risk reduction within and across all sectors and review and promote the coherence and further development, as appropriate, of national and local frameworks of laws, regulations and public policies, which, by defining roles and responsibilities, guide the public and private sectors in: (i) addressing disaster risk in publically owned, managed or regulated services and infrastructures; (ii) promoting and providing incentives, as relevant, for actions by persons, households, communities and businesses; (iii) enhancing relevant mechanisms and initiatives for disaster risk transparency, which may include financial incentives, public awareness-raising and training initiatives, reporting requirements and legal and administrative measures; and (iv) putting in place coordination and organizational structures.”

The SFDRR (IFRC and UNDP, 2015) highlights a number of issues in terms of good governance for disaster risk reduction. It call for the review and further development of national and local frameworks of laws, regulations and public policies. It encourages the establishment of necessary mechanisms and incentives to ensure high levels of compliance with existing safety-enhancing provisions of sectoral laws and regulations, including those addressing land use and urban planning, building codes, environmental and resource management, and health and safety standards, and update them, where needed, to ensure an adequate focus on disaster risk management. It requires assigning clear roles and tasks to community representatives within disaster risk management institutions, processes and decision making through relevant legal frameworks. Also, to undertake comprehensive public and community consultations during the development of such laws and regulations to support their implementation. It encourages parliamentarians to support the implementation of disaster risk reduction through developing new or amending relevant legislation and setting budget allocations, and to allocate the necessary resources, including finance and logistics, as appropriate, at all levels of administration for the development and the implementation of disaster risk reduction strategies policies, plans, laws and regulations in all relevant sectors (United Nations, 2015). Lastly, a review and strengthen national laws and procedures on international cooperation, based on the IFRC Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance adds value to new laws (IFRC, 2011b).

3.3 East African Community Disaster Risk Reduction and Management Strategy (2012-2016)

The EAC prioritised disaster risk reduction and management through their 4th EAC Development Strategy (2011/12-2015/16) (see objectives four and six of this strategy). This Strategy builds on the key priority areas of the HFA (as listed above) and provides an implementation plan for realising disaster risk reduction and management in the ECA region. It further takes stock of disaster risk reduction in the region through a SWOT analysis. Most of the weaknesses identified in the strategy related directly to elements needing legislation in the case of Uganda.

3.4 An International framework for disaster risk reduction

In an effort to graphically display all of the various components of disaster risk reduction, the United Nations' International Strategy for Disaster Reduction developed a framework in 2004. Figure 1 is an

initial effort to put disaster risk reduction into perspective given the transdisciplinary nature of the field. One should take cognisance of the complex nature of disaster risk and all of the interrelated processes linked to disaster risk reduction. It would be foolish to think that one picture will encapsulate this very diverse field. However, this is an attempt to provide perspective on the phenomenon call disaster risk reduction and management. The foundation and context of the disaster risk reduction framework is sustainable development. Successful disaster risk reduction depends on an integration with much bigger issues such as the development agenda.

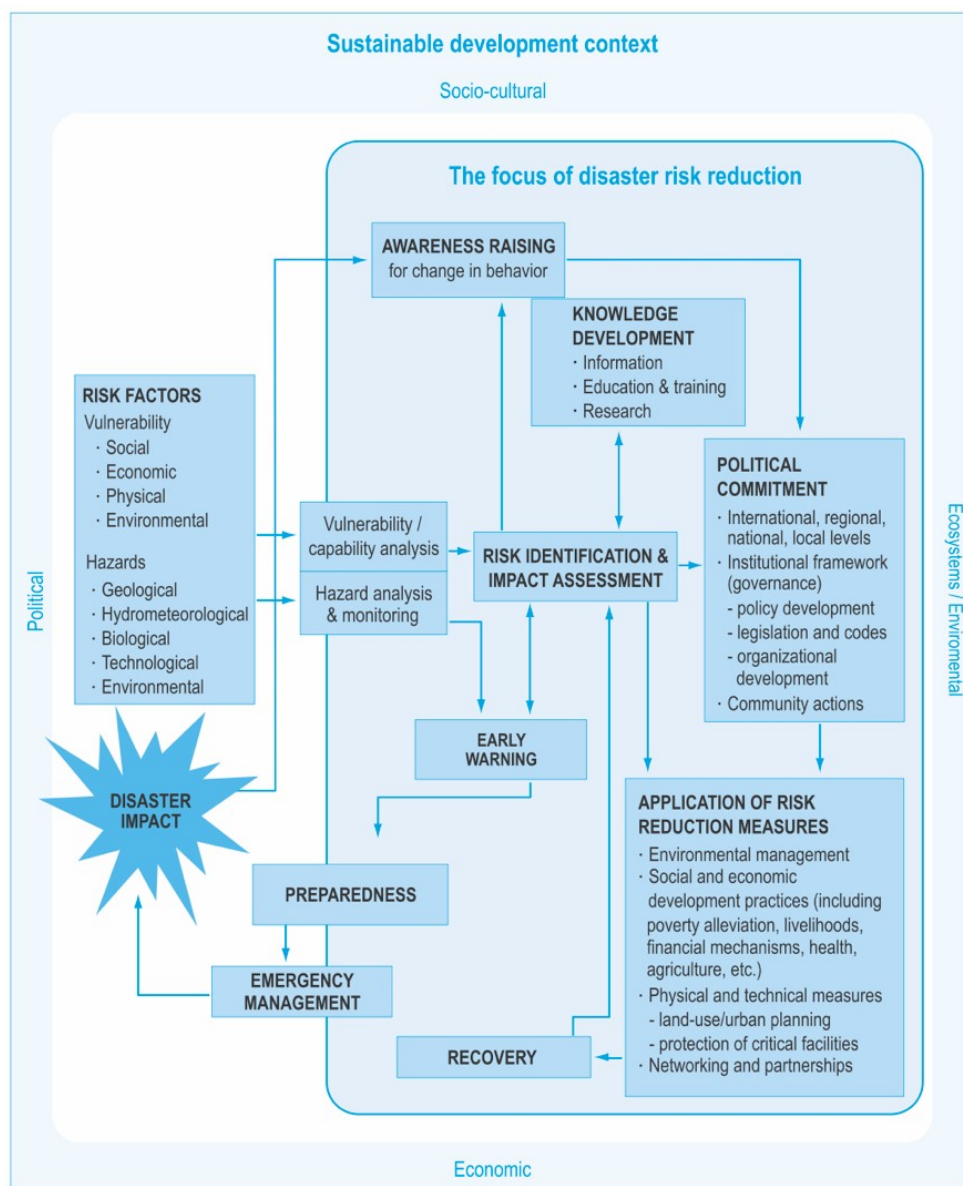


Figure 1: UNISDR Disaster Risk Reduction Framework

(United Nations International Strategy for Disaster Reduction, 2004)

One should note that the activities humans undertake to development and those linked to disaster risk reduction is very similar. Each aims at improving our current development state. The logic in this disaster risk reduction framework suggests that once humans are successful in sustainable development efforts, they will greatly reduce the risks of disasters.

The sustainable development context consists of socio-cultural, political, economic, and ecosystems or environmental domains. Each of these domains can either lessen or exacerbate disaster risk. The risk factors (both vulnerability domains and hazards) provides the context in which one need to understand and investigate the various levels of disaster risks. Vulnerability and capacity analysis, as well as hazard analysis and monitoring provides the required disaster risk information. The above analysis allows for risk identification and also the assessment of the possible impact of the hazardous event on vulnerable conditions. Once a disaster risk has been identified it can be managed. This is done in terms of creating awareness for behaviour change, but also through the creation of new knowledge. A change in behaviour could be, or result in, the needed political commitment for disaster risk reduction. In turn political commitment leads to changes in policy and governance aimed at enhancing disaster risk reduction and management capabilities and institutional capacities. there are many examples where political will has a direct impact on community actions and the ability of communities to take ownership of their own disaster risk reduction and management efforts. However, a conducive environment is needed. Through political commitment certain disaster risk reduction measures can be implemented. This is where the transdisciplinary nature of disaster risk reduction comes into being. Such actions could include sound environmental management and socio- and economic development practices such as: poverty alleviation; securing and enhancing livelihoods; gender equality; increased health; emphasis on sustainable agricultural practices; and even certain financial mechanisms such as social safety nets or even market-based insurance schemes. Certain physical and technical measures for example, land-use planning, urban and town planning, and the protection of critical infrastructure such as water and sanitation, electricity and communications are necessary for disaster reduction. Forming partnerships and networks (either public-public, public-private and private-private) all leads to enhanced disaster risk reduction. The identification of the disaster risks should also be seen as a direct input to the risk reduction measures, e.g. solving a flooding issue by building a dam or channels.

However, in an ideal world, disasters will not occur if the aspects discussed above is all adhered to and functioning. However, one will never have complete knowledge on disaster risks, nor the full capacity to reduce it consequences. Some planning for disaster preparedness is necessary. Information linked to the hazard analysis and monitoring helps to understand the various hazard characteristics within the context of environmental management. This in turn feeds into possible early warning systems. Identifying of hazard characteristics provide the triggers to monitor. These triggers are the tipping point in the hazardous impact which will either guide preparedness or activation appropriate emergency management contingencies.

From the framework it is thus clear that the actual disaster impact is not the starting nor the ending point, but the main element which must be removed from the framework through all of the disaster risk reduction and management aspects discussed above. It should now be clear that disaster risk reduction and management functions in a much broader domain than a narrow focus on a disaster event. The UNISDR Framework is not complete neither is it fully tested. It does, however, provide a very good indication and starting point to disaster risk reduction. The framework above will be used as the basic conceptual foundation for the analysis of the various Ugandan laws.

4. STATUTORY AND POLICY FRAMEWORKS

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. Although not explicitly called “disaster risk reduction” its cross-cutting nature can be identified when assessing existing legislation. However, cognisance should be taken that existing policies and laws were not explicitly promulgated with disaster risk reduction in mind. One should therefore assess these in order to determine their implication for disaster risk reduction and to identify disaster risk reduction areas sufficiently covered by existing laws. The sections to follow provides a brief overview of the existing Ugandan laws in terms of their contribution to disaster risk reduction.

4.1 The Constitution of the Republic of Uganda

The right of the Ugandan people to a healthy and safe environment is guaranteed by the Constitution of the Republic of Uganda (1995), as well as Section 2 and 3 of the National Environmental Act of 1995. Article IV “National sovereignty, independence and territorial integrity” of the Political Objectives of the Constitution suggests the support for resilience building in the country, through sustainable development. “Article XXIII: Natural disasters”, indicates that the State must ensure effective institutional arrangements for disaster risk management “for dealing with any hazard or disaster arising out of natural calamities or any situation resulting in general displacement of people or serious disruption of their normal life.” It also makes provision for the establishment of the Disaster Preparedness and Management Commission¹ (Objective 249), and gives specific responsibility to the Defense Forces to ensure cooperation with civil authorities in emergency situations such as natural disaster (Objective 209). Objective 110 addresses a

¹ Although the Commission is currently not functioning it is propose that the Commission be made responsible for monitoring, evaluation and reporting of disaster risk reduction and management to Parliament (see section 5.2.17 of this report)

“State of Emergency” in which the President, after consultation with Cabinet, can declare a state of emergency if a natural hazard threatens the wellbeing and economic life of the country. The declaration of a state of emergency provides certain special powers to Parliament in so much that additional laws can be passed to effectively deal with the given disaster situation. Furthermore, Schedule Six indicate that the “control and management of epidemics and disasters” is a function which Government is responsible for.

Beside the direct mention and linkages to disaster risk management in the Constitution of the Government of Uganda, certain sections in the Constitution allude to underlying elements of disaster reduction, without making specific reference to disaster risk reduction. Article VI, in particular emphasised gender balance and fair presentation of marginalised groups. The emancipation of marginalised groups and its contribution to disaster risk reduction is well known internationally (Becker, 2011; Grothmann & Patt, 2005; United Nations International Strategy for Disaster Reduction, 2008). This section highlights that the State shall ensure the gender balance and fair presentation of marginalised groups. One can therefore assumed such a focus will also be highlighted within the disaster reduction domain. Similarly Article VII focuses on the protection of the aged. The state therefore remains responsible for the welfare and maintenance of this vulnerable group. It is a well-known fact that disaster risk reduction is a function of the development process.

Article X addresses the role of the people in development. Herein the Constitution highlights the need for the state to take all necessary steps to involve the people in the formulation and implementation of development plans and programmes. It is therefore clear that the Constitution supports the NDPII, which significantly highlights disaster reduction within development.

Article XI and XII mentions the role of the state in development and balanced and equitable development. Both of the these sections supports the integration of disaster reduction in development.

Article XIII places an obligation on the state for the protection of natural resources. The protection of natural resources leads to biodiversity protection (also see section 41 of the National Environment Act), and is a well-known disaster reduction method (Burton, 2000; Djoghlaif & Dodds, 2011; Heller & Zavaleta, 2009; Mooney et al., 2009). In turn Article XIV alludes to general social and economic objectives. All Ugandan citizens should enjoy rights, opportunities and access to clean and safe water and food security (amongst others). Similar to Article VII, Article VX recognises the role of women in society. Article XVI alludes to the recognition of the dignity of persons with disabilities and Article XIX, protection of the family. All of these have a direct impact and addressing social vulnerability and building resilience (Cote & Nightingale, 2012; Folke et al., 2010; Shimizu, 2012). The theme of clean and safe water is revisited in

Article XXI. “The state shall take all practical measures to promote good water management system at all levels.” Articles XXI and XXVII focuses on the role of the state in food security and nutrition, and the environment respectively. In terms of environment, the responsibility for the protection conservation of natural resources and biodiversity is devolved to local government level. It is clear that the national objectives in the Constitution, contains a number of disaster risk reduction methods and this is also evident within development objectives. However, the Constitution also talks to the obligations of Ugandan citizens. Objective 17 emphasises the duties of the citizen and mentions that each citizen is obliged to create and protect a clean and healthy environment. Objectives 20 and 39 re-emphasises the right to a clean and healthy environment. One can therefore argue the the protection of the environment as a disaster reduction method becomes the responsibility of each Ugandan citizen.

Objectives 33, 34, 35, and 36 is dedicated to the right of women, children, persons with disabilities, and the protection of rights of minorities. All of the above is necessary in vulnerability reduction and resilience building (Kelman, 2011; Wisner, Blaikie, Cannon, & Davis, 2004). From the analysis it is clear that the Constitution of Uganda is well aligned to address vulnerability reduction.

Beside the underlying disaster risk reduction aspects, the Constitution makes provision for the establishment of a contingencies fund (Objective 157). Parliament remains responsible for the establishment of such a fund and the laws to regulate the operations of that fund.

Picking up from Article XXVII, Objective 190 alludes to finances for local governments. Herein District councils are responsible to prepare comprehensive and integrated development plans, incorporating the plans of lower-level governments for submission to the National Planning Authority. The incorporation of disaster reduction measures into development planning is a policy objective of the Ugandan government. One can therefore assume that subnational level planning should emphasise disaster reduction as a key feature to development planning.

Objective 220 furthermore refers to the functions of the National Security Council. The functions of the council is to inform and advise the President on matters relating to national security. Civil strife and terrorism remains a clear and present threat to Uganda. Conflict is a well-known compounding factor to disasters and therefore the National Security Council will have a role to play in complex emergencies emanating from conflict.

Lastly, according to Objective 254, Parliament shall, by law, provide for measures intended to protect and preserve the environment from abuse, pollution, and degradation, and manage the environment for sustainable development, and promote environmental awareness. This is aligned with Articles XIII, XXVII, and Objectives 20 and 39.

4.2 National Development Plan II

Following on the National Development Plan I, the NDPII (2015/16-2019/20) (Uganda, 2015) aims to achieve the objectives of Uganda's Vision 2040. The Plan aims to strengthen Uganda's competitiveness for sustainable wealth creation, employment and inclusive growth. NDPII prioritises investment in five (5) areas with the greatest multiplier effect on the economy, they are:

- Agriculture;
- Tourism;
- Minerals, oil and gas;
- Infrastructure development; and
- Human capital development.

The possible effect of disasters on achieving the NDPII priorities are mentioned several times in the Plan. The NDPII contains several references to disaster risk reduction and management as well as climate change and adaptation. The Plan recognises inadequate preparedness to response to disasters, and thus the reallocation of development funds for disaster recovery, as a significant challenge in the implementation of NDPI (paragraph 35). In this vain the NDPII highlights the need to develop and implement robust early warning systems and disaster preparedness plan for resilience building. Emphasis is placed on decentralised disaster risk reduction and management (paragraph 164), although the lack of capacities at local government level is recognised (paragraph 270), and the impact of disasters on human development is highlighted (paragraph 280 and 292). Paragraph 460 makes mention of the contingency fund and the purpose of the fund to be used in the event of a disaster. Chapter eight of the NDPII calls for the “establishment of an earthquake administration policy, disaster management plan and legal framework to enforce seismic safety standards” specifically aimed at sustainable mineral development. In terms of Human Capital Development (Chapter 12) the Plan makes mention of the multi-sectoral nature of disaster risk reduction and management. “Building community resilience to health disasters through promotion of disaster risk reduction and management strategies” is needed. Paragraph 636 says that over the next five

years the public sector must aim to reduce the impact of disasters and emergencies. In particular the public sector must aim to:

- “Develop disaster risk profile and vulnerability map of the Country;
- Coordinate the development and implementation of disaster mitigation for mitigation, preparedness and response to natural and human induced disasters;
- Coordinate regular disaster vulnerability assessment at community level, hazard forecasting and dissemination of early warning messages;
- Resettle landless communities and victims of disasters;
- Coordinate timely responses to disasters and emergencies;
- Provide food and non-food relief to disaster victims;
- Coordinate other state and non-state actors in fulfilling their mandates towards disaster issues; and
- Develop and implement humanitarian interventions and support livelihoods of disaster.”

Several goal and targets of the NDPII includes the integration of disaster risk reduction and management practices into development planning.

4.3 The National Environment Act 1995

The National Environment Act of 1995 contains a number of cross linkages to disaster risk reduction and climate change adaptation. Most notably is Section 66: Disaster Preparedness. This section makes provision for the development of plans and guidelines for coordinating responses to environmental disasters. This section also sets out punitive measures. Any person who negligently carries out any activity that leads to a disaster has a duty to compensate those affected. Section 17 highlights environmental planning at national level. The section emphasises the need for strategies for preventing, controlling, or mitigating any disastrous environmental effects. Section 23 brings in environmental monitoring. Underlying to this section is the monitoring of natural hazards and their immediate and long-term effects on the environment.

For institutional capacities, section 10 of the Act alludes to the establishment of technical committees. Two specific committees include the technical committee on biodiversity conservation and the technical committee on environmental impact assessment. Biodiversity conservation and environmental impact

assessment are key elements towards long-term disaster reduction. Similarly section 17 and 18 alludes to environmental planning at national and district level. The protection of the environment and natural resources including the prevention, control and mitigation against disastrous natural hazards form part of such planning. It is therefore clear that the National Environmental Act places a premium on natural hazard management and the planning associated therewith. Furthermore, section 19 focuses on environmental impact assessment. All development planning is reliant on an environmental impact assessment. The act furthermore obligates developers to conduct such assessments. These assessments needs to consider the possible impact of developments on the environment, but also the possible impacts of current environmental conditions on the envisaged development. Environmental impact assessments contain significant portions of disaster risk assessments which can directly be used within district and local development planning. This is furthermore supported by section 22: Environmental audit. The National Environmental Management Authority is responsible for carrying out environmental audits of all activities that are likely to have a significant effect on the environment (oil). Therefore, beside the focus on natural hazard management by the National Environment Act, section 22 also brings in a focus on anthropogenic hazards as they relate to the natural environment. In line with international thinking, this act furthermore establishes a number of environmental standards. Sections 24 and 25 respectively highlight air quality standards and water quality standards. The presence of such standards in itself can be seen as mitigation measures of disaster risk. Other sections which clearly intend to assist in the management of the number of environmental hazards (specifically pollution) includes sections 26-31. Interestingly, section 32 (“Other standards”) gives the National Environmental Management Authority the right to establish standards for buildings and other structures in consultation with the lead agency. The Building Control Act of 2013 (see discussion below) also makes provision for the establishment of building codes. However, research by Goodfellow (2013) indicate that although these standards exist, they are not adequately implemented and enforced. With the heightened level of urbanisation and encroachment on green and open spaces due to land pressures, urban risk is steadily becoming a major concern in major urban centres like Kampala.

The Act also contained number of other disaster mitigation measures. Section 35 alludes to the management of riverbanks and lake shores. Herewith each district environment committee is responsible to take necessary measures to minimise the risk of environmental degradation of riverbanks and shores. Similarly section 38 highlights the identification of hilly and mountainous areas and also places a legal obligation on local government for the assessment of such areas in terms of environmental degradation. In light of the significant landslide risk within Uganda, this element should go along way in addressing landslide risk. Section 39 and 40 goes further in explaining the use of hilltops, hillsides and mountainous

areas. Section 39 focusses on reforestation and afforestation, while section 40 includes other measures for the management of the mentioned areas. Specifically section 40 mentions disaster preparedness in areas prone to landslides. It is quite clear that these two sections directly relate to activities which one can ascribe to disaster risk reduction. Section 47 brings in a focus on the conservation of soil with specific reference to the risk of desertification faced by any range lands. Furthermore section 48 alludes to land use planning. Both section 47 and 48 is identified as applications for risk reduction measures (see section 3.2 above). In terms of anthropogenic hazards section 51, 53, 54, 55, and 56 focuses on the management of dangerous materials and hazardous waste. Certain guidelines in relation to the above is provided. Lastly section 87 of the National Environment Act mentions the integration of environmental education into school curriculum. One can only assume that a significant portion of hazard identification and understanding accompanies such a focus.

Unfortunately the National Environment Act does not make explicit mention of issues of climate change and climate change adaptation. Some elements, as with disaster risk reduction and management are assumed in the text. There is therefore a significant gap in this Act to directly address climate change.

There are also a number of regulations in support of the Act which cognisance needs to be taken of. The Environmental Impact Assessment Regulation, No. 13 of 1998, regulates the procedure and process of conducting environmental impact assessment in Uganda. The National Environmental (Standards for Discharge of Effluent into Water or on Land) Regulations No. 5/1999, stipulates various standards for discharge of effluent or waste water in form of maximum permissible limits. The National Environmental (Management of Ozone Depleting Substances and Products) Regulations No. 63 of 2001 made under section 107 of the Act, has the objective of ensuring the elimination of substances and products that deplete the ozone layer. The National Environmental (Noise Standards and Control Regulations, 2003) prescribe the maximum permissible noise levels from a facility or activity to which a person may be exposed.

4.4 Food and Nutrition Bill 2009

In broad terms the Food and Nutrition Bill guarantees the right to food, and insures that no person shall be prohibited from the right to food. The bill makes provision for a national food reserve (section 35). The purpose of the national food reserve is to meet any food emergency needs caused by drought or floods or any other natural hazard. Section 36 “Food emergencies, food aid and vulnerability mapping systems” provides for a “Food Insecurity Vulnerability and Information Mapping Systems“ (FIVIMS) to be

established to provide for the information needed and to galvanise and strengthen the capacity to respond to food emergencies and food aid. This section further support the development of disaster management plans and the establishment of early warning systems (for food security). Risk management and vulnerability mapping systems are also explicitly mentioned. Section 36 furthermore provides a cross linkage to institutional arrangements for disaster risk reduction. The establishment of coordinating sector specific roles and mandates related to vulnerability and emergency response is specifically mentioned. It also calls for an understanding of the right to food baseline and impact assessment at all levels of Government to guide vulnerability and emergency response. Specific vulnerable groups need special attention in right to food, and gender issues are highlighted.

Section 36 (4) requires the ministry responsible for disaster preparedness and management to establish a national emergency coordinator to supervise and coordinate the distribution of food aid provided by Government through international assistance. This does happen on an ad hoc and needs driven basis. The ministry should further ensure that the food provided is procured from ecological and culturally sustainable food systems. Section 30 “Right to food impact assessment” requires an impact assessment prior to any major decision to identify, predict, evaluate, and mitigate economic, social and other effects which may affect the realisation of the right to food.

4.5 The Land Act 1998

Nearly everybody requires land for shelter and, for many people, land is the basis of a livelihood. Land tenure problems are often an important contributor to food insecurity, to restricted livelihood opportunities, and therefore to poverty and vulnerability. The existence of a Land Act and Policy in Uganda in itself can be seen as a macro disaster risk reduction and management measure. The Land Act provide for the tenure, ownership and management of land. Section 26 “Basic rights and duties of members of the community using common land” makes provision in sub-section 1(e) for the duties of of the members of a community under a common land management scheme to “bear a reasonable and proportionate share of any expenses or losses incurred in using and managing the common land or through any natural disaster affecting the common land”. Section 27 provides vulnerability reduction measures for women, children and persons with disability in terms of land tenure and ownership. This section protects the rights of such vulnerable groups. In the same vain section 31 guarantees the security of tenants by occupancy on registered land. Such security of tenure contributes greatly to livelihood security.

Of particular interest is section 41. The Land Act makes provision for the establishment of a Land Fund. Among others, this fund can be used to “to resettle persons who have been rendered landless by Government action, natural disaster or any other cause”. It can therefore be argued that the Land Fund can be applied as a disaster relief and recovery measure. However, in practice this Fund is not financed. The value of this fund for disaster risk reduction and management purposes is significant.

Section 44 makes provision for the control of environmentally sensitive areas. It is a well researched fact that globally, environmental sensitive areas are most at risk at times of disaster (Pérez, Fernández, & Gatti, 2010; Smit & Wandel, 2006; Turner et al., 2003). Government remains responsible for the protection, and is the custodian of “natural lakes, rivers, ground water, natural ponds, natural streams, wetlands, forest reserves, national parks and any other land reserved for ecological and touristic purposes”. Section 45 emphasises the need for land use planning and zoning and makes cross reference to the Town and Country Planning Act (repealed by the new Physical Planning Act of 2010).

Subject to section 44 mentioned above, section 70 emphasises water rights and gives Government all rights to protect water. In terms of land dispute resolution, district land tribunals are responsible for the settlement of disputes and is given all such power under this law. This element is also addressed under section 5.6 of the National Land Policy (see section below). Interestingly section 72 makes provision for the rights of officials to encamp. If circumstances so dictate (such as in the case of a disaster) designated officials may make use of private land if due notice is given to the owner. The section makes provision for compensating private owners in the case above.

4.6 National Land Policy 2013

The National Land Policy of 2014 aims to consolidate various scattered policies associated with land and natural resources with emphasis on both ownership and land development. In addition other issues addressed by the policy include “under utilization of land due to poor planning and land fragmentation; environmental degradation and climate change; poor management of the ecological systems due to their trans-boundary nature and unsustainable exploitation arising out of the conflicting land uses and inadequate enforcement of natural resource management, standards and guidelines”. It also tackles issues of inefficient and ineffective land administration and management system, which has made the system prone to fraud and forgeries.” Two of the attributes to the vision of the Policy is the protection of the environment and planned human settlements. In both these instances the Government recognises the need to restore environmental

integrity of degraded and sensitive environmental systems and to ensure land management in light of urbanisation and urban growth. Therefore Policy Statement (paragraph 14) indicates that “the State shall exercise the power of public regulation of land use, in the interest of socio-economic welfare and development”. Policy Statement (paragraph 20) support the above by focussing on the obligation of the State to manage and protect the natural resources held under public trust. Of interest is section 21(iv) which indicate one of the strategies to achieve the policy statement in paragraph 20 is to “extend the scope of resources held by the State to include sensitive ecosystems, marginal lands and hilltops”. One can argue that control of such areas will lead to better hazard and vulnerability management. This is supported by section 6.7 “Natural resources and environmental management” (paragraphs 138 and 139) and the policy statements in paragraph 140.

Interestingly, section 5.5 paragraph 111-113 calls for the establishment of a “Land Information System”. It is envisaged that this system will contain information “on utilities, infrastructure, topographic details, geodetic controls, socio-economic and demographic parameters, and environmental media”. Should such a system be realised, the disaster risk reduction applications will be considerable.

Section 6.10 highlights the responsibility of the Government of Uganda in climate change although no explicit mention is made to disaster risk reduction and management measures. An element not fully addressed by the policy is the rehabilitation of the environmental due to mass movement and settlement of people. This is of particular interest should one consider the possible environmental damage which is normally sustained in such circumstances.

4.7 Public Health Act 1935

The Public Health Act contains a multitude of reference to health and biological risks, and the management thereof. Section 10 gives the minister the power to declare notifiable diseases. This prevention and risk reduction measure aims to provide a coherent framework in which such diseases can be managed. Therefore the minister can make certain rules which will contribute to the prevention and suppression of infectious diseases. Part IV of the Act gives medical officers of health the right to enter and inspect any premises which he or she believe that any person suffering or who has recently suffered from any infectious disease is or has recently been present. He/she may examine such a person and call for the disinfection and/or destruction of any premises based on his/her assessment. Interestingly section 20 of the Act contains punitive measures should any person wilfully expose others, knowing that he/she is infected by a disease.

Although section 25 refers to the removal and burial of bodies, the Act is however silent on the management of mass casualties such as in the case of a disaster. Section 29 (a), however, gives the minister power to make rules regarding the interment of the dead.

Part V of the Act deals with special provisions regarding certain epidemic diseases. This applies to smallpox, plague, Asiatic cholera, yellow fever, cerebrospinal meningitis, typhus, sleeping sickness or human trypanosomiasis, among others. Section 29 contains a host of reasons why the minister might consider making specific rules. It is evident from this section that the minister has extensive powers to ensure the prevention and mitigation of any health related hazard.

As with other Ugandan laws, the principle of decentralisation is implied. From the onset the Act makes provision for the responsibility and management of public health by local authorities (see sections 30-33; 55, 56, 77, 78, and 103).

Part VI of the law focusses on the prevention of introduction of infectious diseases from outside the borders of Uganda. Under section 36 the minister may restrict entry to Uganda and regulate the movement of people and animals. He/she can also impose certain requirements for the management of such health related hazards (see section 36 (c)).

In terms of long term risk reduction the Act refers to vaccination and compels the early vaccination of children especially against smallpox. Section 47 makes provision of the emergency vaccination of population on areas threatened by smallpox, and section 48 again gives the minister powers to make rules in this regard.

Part IX of the Act refers to Sanitation and Housing. This part of the law aims to ensure a clean and health environment, especially in dwellings. Section 57 defines what is understood by health nuisances and covers a wide array of aspects. The local authority is given the power to take necessary actions to remove such health nuisances.

Interestingly, section 67 and 71 allude to building codes as they relate to health hazards. The prohibitions mentioned in section 67, and the powers to make rules under section 70 and 71 are aligned with the National Building Control Act. Part X deals with sewerage and drainage and sections 76-91 alludes to all possible permutations in the use, installing and maintenance of sewers and drainage. Part XI of the Act

talks to the prevention and destruction of mosquitoes. This part gives certain obligations to Ugandan citizens in ensuring the prohibition of breeding grounds for mosquitoes. Part XIII deals with water and food supplies and specifically focusses on the prevention of pollution.

From the above it is clear that the Public Health Act makes ample provision for the prevention, reduction and control of any health and biological hazards.

4.8 National Health Policy II 2009 (draft)

The National Health Policy II (NHPII) has been informed by the National Development Plan I (2009/10-2013/14). Through this policy, issues relating to health hazards becomes the responsibility of the health sector in Uganda. The guiding principles of NHPII is to minimise health risks in Uganda and requires the Government of Uganda to play a proactive role by initiating cross-border initiatives in health and health-related issues. Various sections mention and reflects on health risks.

Section 4.3.2 “Disease prevention programmes” highlights the fact that efforts shall be made to increase coverage and achieve maximum benefits for cost-effective disease prevention programmes. Early warning system for diseases is alluded to in section 4.3.3. This section highlights the early diagnosis and treatment activities, with improving access to health services and awareness among communities. However, early diagnoses is seen as a personal responsibility. In order to achieve the policy objective of NHPII the Government of Uganda is, among others, required to work with a private and CSO sectors. Section 5.2.2 (d) prioritises the prevention of malaria through the early diagnosis and treatment. It also calls the implementation of new evidence base HIV prevention strategies, and also to address tuberculosis as part of global initiatives.

Section 5.2 (a) “The minimum health care package” explicitly mentions “Health Promotion, Disease Prevention and Community Health Initiatives, including epidemic and disaster preparedness and response” as one of the four clusters making up the healthcare package. Through section 5.4 “Research” the NHPII calls for high priority research to support evidence-based policy and intervention formulation, identification of gaps for improvement, and identifying critical factors for special needs for vulnerable groups, especially women and children. This section calls for particular attention to be given to “how research can be used to guide the development and implementation of health promotion, disease prevention and early diagnosis and treatment.”

Policy strategies II, Section 5.6.1.4 (d), requires Government to develop and implement a safe working environment to minimise health risk for human resources and patients. However a major policy objective remains to ensure that communities are empowered to take responsibility of their own health and well-being and to participate actively in the management of the local health services.

Provision is not made for the management of mass casualties. In the event of a major disaster one of the most problematic aspects is the management of such casualties. This is a significant gap identified in this policy which needs to be addressed.

4.9 National Climate Change Policy 2012

The main aim of the Uganda National Climate Change Policy is to ensure that all stakeholders address climate change impacts and their causes through appropriate measures, while promoting sustainable development and a green economy. The specific objectives of the policy are to:

- identify and promote common policy priorities to address climate change in Uganda;
- identify and promote adaptation policy responses for Uganda;
- identify and promote mitigation policy responses for Uganda;
- strengthen monitoring, detection, attribution and prediction of climate change in Uganda;
- support the integration of climate change issues into planning, decision making and investments in all sectors and trans-sectoral themes through appropriate institutional arrangements; and
- facilitate the mobilisation of financial resources to address climate change in Uganda.

Disaster risk management is specifically mentioned as an adaptation policy priority, and the policy thus aims “to ensure disaster mitigation and adequate preparedness for climate change–induced risks, hazards and disasters”. Throughout the policy linkages to disaster risk reduction and management is evident. The need to include the disaster risk management institutional arrangements in climate change and adaptation is mentioned and disaster preparedness and management enjoys ample attention in the human settlements and social infrastructure policy response. Disaster preparedness and management are also mentioned in terms of health risks and the mitigation thereof. However, the policy also calls for the establishment of parallel climate change and adaptation structures to that of disaster preparedness and management. Research by Becker *et al.* (2013) cautions against the creation of such parallel structures and urges African government

to rather follow an integrated path for disaster risk reduction and climate change adaptation. Caritas Uganda (2015) emphasises the current and potential losses to disasters - many of these due to climatic conditions. In their research they make a number of recommendations for central-, local government and local level implementers. The integration of climate change and adaptation plans and disaster risk reduction is very evident from their research.

The National Climate Change Policy, similar to that of the Disaster Preparedness and Management Policy aim to ensure that issues of climate change and adaptation becomes a cross-cutting national priority. It stands to reason that a future disaster risk reduction and management bill should ingrain such a combined focus in its implementation.

4.10 Red Cross Act 1964

The Red Cross Act of 1964 establishes the Uganda Red Cross and the sole national Red Cross society. Section 2 mentions the main objectives of the Society which relates to the provision of aid of various kinds and in various circumstances. It also specifies the special status of the Society as auxiliary to the public authorities in the humanitarian field. It can therefore be assumed that the Uganda Red Cross plays a significant role in disaster risk reduction and humanitarian relief within Uganda. This act is in dire need of revision to address the changed activities of the Red Cross.

4.11 Traffic and Road Safety Act 1998

In general the Traffic and Road Safety Act is fairly silent on disaster risk reduction aspects. The Act in itself governs the use of roads and safety of vehicles in Uganda. In light of the severe risk which traffic pose in terms of accidents, pollution, congestion, psycho-social ills, loss of lives and injuries in Uganda, it is necessary to consider an amendment to this act to include such issues. Gaps in this law include the roles and responsibilities of the various sectors for the provision of safe and maintained infrastructure, incident response and accident site management. This act is furthermore silent on the transportation of hazardous goods and chemicals and the management thereof (e.g. routes and time of transportation through build-up areas). However, “Chapter 10: Thematic Area 1 Standards and Specifications” of the “Preparation of the East African Transport Facilitation Strategy” by the Bureau for Industrial Cooperation, provides a revision of regulations on the “transportation of awkward and dangerous goods within the EAC area. This document

contains useful information which can assist Uganda in drafting a regulation on the transportation of hazardous goods.

4.12 Uganda Human Rights Commission Act 1997

The role of the Human Rights Commission is to investigate any violations of human rights in Uganda. These can include civil strife and conflict. The Constitution makes provision for a healthy and safe environment for all the citizens of Uganda. One can therefore argue, in the absence of disaster risk reduction measures, and a disaster occurs, then the Government failed in its obligation to protect its citizens. This might be an area of concern relating to the human rights of Ugandans. Furthermore, the Commission must formulate and oversee awareness programmes for citizens aimed at fostering an understanding of their rights and obligations.

4.13 Water Act 1997

The Water Act of 1997 provide for the use, protection and management of water resources and supply. It provide for the constitution of water and sewerage authorities and aims to facilitate the devolution of water supply and sewerage undertakings. Section 7 (1) (b) makes provision for the use of natural sources of water for fire fighting purposes. Section 8 talks to the limitation on the use of water. Sub-section (1) (c) and (d) respectively focusses on the right of the Minister in situations of water shortages (i.e. droughts) to regulate the use of water, or to prohibit the use of a water source on health grounds (also see discussion in section 61 hereunder).

Section 12 (1) (c) makes provision for the systematic gauging and recording of rainfall and of the volume, flow and quality of water. Such activities has value in water hazard management.

Section 16 “National water action plan” calls for the development of an action plan for the investigation, use, control, protection, management and administration of water. It would make logical sense if the plan also consider hydro and meteorological hazards and their possible impact on the aims of the plan.

Section 28 provides for the Minister to declare prohibited waste, while section 31 governs the polluting of water. Interestingly section 50 makes provision for the establishment of water user groups and water and sanitation committee. It is clear from this section that these groups and committees are community based and gives the responsibility for water management to the grassroots level.

Through section 60, the Minister may require water authorities to erect fire hydrants and standpipes for the supply of water for fire fighting. Such hydrants and standpipes must be erected in visible settings and the water authority has the responsibility to maintain such infrastructure.

Section 61 gives the right to impose certain water restriction to water authorities. This can be done to regulate water in times of need and should be adequately communicated to the affected population. A water authority can also in terms of section 79 stop traffic in water emergencies under notice to the Uganda Police Force.

4.14 The National Water Policy 1999

The policy objective of the Uganda government is to manage and develop the water resources of Uganda in an integrated and sustainable manner. It aims to secure and provide water of adequate quantity and quality for all social and economic needs, with sustainability of water resources in mind. The policy recognises the fact that unsustainable development practices is severely impacting on the water resources of Uganda. The deterioration of water quality, changes in vegetation, pollution, land degradation, and siltation of water bodies is mentioned as aspects which could affect the hydrology and water balance which could induce micro-climate changes leading to droughts, floods and desertification. The policy also recognises the possibility of conflicts over water. The policy summarises all of the salient document pertaining to water resources management, but does not explicitly mention the need for disaster risk reduction and management in the management of the said resources.

4.15 The National Policy for the Conservation and Management of Wetland Resources 1995

The National Policy for the Conservation and Management of Wetland Resources aims at curtailing the rampant loss of wetland resources and ensuring that benefits are sustainable and equitably distributed to all people of Uganda. In this respect the Policy calls for:

- “no drainage of wetlands unless more important environmental management requirements supersede;
- sustainable use to ensure that benefits of wetlands are maintained for the foreseeable future;

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- environmentally sound management of wetlands to ensure that other aspects of the environment are not adversely affected;
 - equitable distribution of wetland benefits;
 - the application of environmental impact assessment procedures on all activities to be carried out in a wetland to ensure that wetland development is well planned and managed.”

The Policy recognises the need for wetlands and the important role this plays in water management and the prevention of hydrological hazards (such as floods and droughts), and in enhancing socio-economic functions.

4.16 Police Act 1994

The main function of the Uganda Police Force is to protect the life, property and other rights of the individual, and to maintain security. It is common cause that any police force is mostly the very first responders in times of disaster. The Uganda Police Force thus has a significant part to play in disaster response. No specific section of the Act makes provision for the deployment of the Uganda Police Force in the event of a disaster. However, it is practice that the Uganda Police Force is called upon in times of disaster. There are other disaster response responsibilities which the Uganda Police Force adopts (although not called for this is Act). These include aspects such as search and rescue, fire fighting and providing security. It can be assumed that in the event of acts of terrorism or civil unrest the Uganda Police Force will be the lead agency and work with the Uganda Defense Force.

4.17 Public Finance Management Act 2015

The Public Finance Management Act (PFMA) establishes a Contingencies Fund in section 26. The Contingencies Fund make provision for the allocation of funds where urgent and unforeseen needs has arisen and it is in the public interest that funds should be provided to meet the need. The Contingencies Fund must be replenished every year with an amount equal to 3,5% of the annual budget of the Government of Uganda. Fifteen percent of the Fund is ring fenced for disaster response and management,

although more than this may be used. Section 27 of the Act highlights the various responses that can be funded by the Contingencies Fund. However, section 7 of the PFMA alludes to deviations from objectives for the Charter for Fiscal Responsibility. Herewith the Minister, on approval of Parliament, may deviate from these objectives in the event that Uganda experiences a severe natural disaster or unanticipated economical shock which the Contingency Fund cannot make provision for.

From the above it can thus be argued that the PFMA, through the Contingencies Fund makes ample provision for funds in the event of a disaster occurring. Section 26, however, is silent on the use of the Fund for disaster risk reduction purposes. This is one area which might need more attention in a new disaster risk reduction and management bill.

4.18 Internally Displaced Persons Policy 2004

This policy addresses the needs of a standard coordinated multi-sectoral, multi-disciplinary process for Government and other organisations in dealing with displaced persons within Uganda. The policy aim to prevent hazards from turning into disasters through collective efforts. The policy mission is “to ensure that IDPs enjoy the same rights and freedoms under the Constitution and all other laws like all other Ugandans”.

Chapter 2 makes provision for the institutional arrangements, roles and responsibilities. The Department of Disaster Preparedness and Refugees is designated as the lead agency for this Act, however an inter-agency technical committee (IATC)² is proposed for overall coordination (section 2.2.2). The IATC must ensure proper planning at all levels of Government and ensure that these plans are integrated into the NDP. Responsibility for the administration of the act is further devolved to district level (section 2.4), therefore local stakeholders and local departments are involved.

Chapter 3 provides for general provisions which includes security, freedom of movement, protection against arbitrary displacement, voluntary return and resettlement, legal status, identification and registration, property rights, family unification, food security, shelter, clothing, education, health, water and sanitation, resettlement kits, rehabilitation of infrastructure, graduated tax and the environment.

² The National Disaster Risk Reduction Platform currently serves as the IATC.

Chapter 4 governs national and international humanitarian and development agencies, as well as the donor community. Chapter 5 talk to advocacies and public information. The Act is extensive in the prescription for the management of IDPs in Uganda. It does, however contains significant cross cutting issues as contained in Chapter 3. It is highly advised that a new disaster risk management law consider all other aspects contained in this Act because it makes provision for a number of disaster risk reduction aspects.

One area of concern which the IDP policy does not fully touch on is the rehabilitation and protection of the environment in the case of mass movement and settlement of IDPs. One can assume that this is somehow addressed under the National Environmental Act, however, such reference is not clear.

4.19 National Oil and Gas Policy 2008

The National Oil and Gas Policy of 2008 places significant emphasis on aspects of environment management. In particular the policy identifies the managing of an emerging oil and gas sub sector, the country's governance system, the economy, the environment and human development as specific issues in the petroleum sector. Objective 9 of the policy aims to ensure that oil and gas activities are undertaken in a manner that conserves the environmental and biodiversity (this can be cross referenced to section 10 of the National Environment Management Act). Of particular importance is the hope that the development of the oil and gas industry in Uganda will lead to the reduction of absolute poverty and thus direct vulnerability reduction.

Section 5.1.5 highlights the protection of the environment and the conservation of biodiversity. This section highlights the need for balance between the environment, human development and biodiversity for sustainable development. Section 6.2.1 acknowledges the fact that a developing oil industry could have significant social impacts, in particular population distribution. The development of this industry and its geographical location will provide a number of control indicators to increased vulnerability (e.g. unchecked urbanisation and encroachment on rural/protected areas) and/or elements contributing to resilience building (e.g. economic opportunities)

Specific reference is made to disaster preparedness and response in section 6.2.4. Herewith the policy aims to support the relevant institutions to put in place disaster risk management measures and mechanisms for any oil spills in the Albertine Graben, storage or transportation corridors. However, despite the above the

policy does not explicitly provide any detailed description of the role of the Department of Relief, Disaster Preparedness and Management in section 7.2.6.

4.20 National Gender Policy 2007

The National Gender Policy provided a “legitimate point of reference for addressing gender inequalities at all levels of government and by all stakeholders”. One of the major success of the policy is to raise awareness of gender issues and the inclusion of gender issues into other policies. The gender policy also makes massive strides to raise the profile of women as a vulnerable group, and entrenches the promotion of gender issues into planning, resources allocation, and development. In terms of the policy “gender is the social and cultural construct of roles, responsibilities, attributes, opportunities, privileges, status, access to and control over resources and benefits between women and men, boys and girls in a given society”. The National Gender Policy makes ample provision for the inclusion of gender issues into any other current and future policies and legislation.

4.21 National Youth Policy 2001

The Ministry of Gender, Labour and Social Development established the “National Youth Policy: A Vision for Youth in the 21st Century” in 2001. The policy recognised the need to invest in the youth as a social obligation and economic driver. Section 9.0 of the policy makes explicit mention of youth as a priority target group due to a certain set of vulnerability categories which includes youth in situations of armed conflict and disaster areas. However, youth is also recognised as a national capacity for their involvement in disaster risk reduction and response matters (see Historical Background). The policy thus recognises youth as an asset which must be used for disaster risk reduction and management purposes. The Youth Policy aims to create fora in which the youth can be engaged, taught and capacitated. In relation to disaster risk reduction and management issues, the policy aim to involve the youth in aspects such as the environment, conservation, gender, good governance and inclusion, partnerships, health and culture. This policy therefore provide ample scope for the creation of disaster risk reduction and management specific youth groupings which can be of great benefit to society at large.

4.22 National Agricultural Policy 2013

The National Agricultural Policy aims to translate the ideals of the Constitution of the Republic of Uganda or the agricultural sector by “stimulating agricultural, industrial, technological and scientific development by adopting appropriate policies and enactment of enabling legislation” (Objective XI (ii) of the Constitution). A number of sections in the National Agricultural Policy talks to areas relating to building resilience and disaster risk reduction. Section 4.12 calls engaging women, men, youth, and vulnerable populations in agricultural programmes and ensuring optimal utilisation of agricultural services.

Section 4.17 specifically mentions “Vulnerability” and vulnerable groups being “households headed by women and children, the elderly, the poor, and people living with disabilities and disease”. Vulnerable households are seen as less productive and more likely to suffer from food insecurity. The National Agricultural Policy aims to mainstream responses to the needs of vulnerable groups in sector plans and interventions.

Agencies responsible for Early Warning, Disaster Preparedness and Management is covered by section 4.18. This section requires for the establishment of an effective forecasting, early warning mechanism and strategic food reserve (see paragraph 22 (iv) of this policy) to respond to any emergency situation. To this end the policy makes the Department of Disaster Preparedness and Management responsible for the above.

4.23 Uganda Wildlife Policy 2014

The Uganda Wildlife Policy aims to ensure sustainably managed and developed wildlife resources and healthy ecosystems in a transformed Ugandan society. The policy places emphasis on the protection of biodiversity and socio-ecological linked systems. The rich biodiversity of Uganda is a major driver of tourism and a significant contributor to annual GDP. It therefore stands to reason that the protection of such biological diversity contributes greatly to disaster risk reduction and management. The nine strategy objectives are clear and linked to existing laws. The policy thus aims to:

- “promote sustainable management of Uganda’s wildlife Protected areas;

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- sustainably manage wildlife populations in and outside Protected areas;
 - promote sustainable and equitable utilization of wildlife resources as a viable form of land use for national economic development;
 - effectively mitigate human wildlife conflicts;
 - promote wildlife research and training;
 - promote conservation education and awareness across the nation;
 - ensure net positive impacts of exploration and development of extractive industries and other forms of development in wildlife conservation areas;
 - effectively combat wildlife related crime; and
 - promote and support local, regional and global partnerships for conservation of wildlife.”

4.24 Physical Planning Act 2010

This Act makes provision with respect to physical development and spatial planning in Uganda, as well as the establishment of a National Physical Planning Board, urban and district planning, committees, the development of physical plans, and the application for development permission. This Act is fertile soil for the incorporation of disaster risk reduction measures into development planning. However, the Act falls short in addressing disaster risk issues as development problems.

In section 9 “Establishment of district physical planning committees” and section 11 “Establishment of urban physical planning committees” the composition of these committees consists of the same players one would expect to be engaged in disaster risk management measures. These planning committees therefore provides an ideal institutional arrangement for the inclusion of disaster risk reduction planning into development. Functions allocated to the urban/district physical planning committee furthermore allows for the approval of certain developments. This can easily be aligned disaster risk assessments and areas not conducive for development due to their heightened disaster risk potential. At lower levels the Act calls for the establishment of the local physical planning committees (see section 14) with a similar responsibilities as that of the urban/district physical planning committee. Another opportunity posed by this legislation is the inclusion of disaster risk reduction measures into the various physical development plans (see section 19 and 26). Physical development plans must take into account securing of suitable provision for a agricultural development, infrastructure, industrial development, environmental protection, natural resource management, urbanisation, human settlements conservation, tourism and the provisions within the Fourth Schedule of this act. It is therefore clear that the plans covers almost of all functional areas that need to be considered for risk reduction.

Section 24 “Special planning areas” indicate that the minister may declare an area with unique development potential or problems a special planning area for the purposes of preparation of a physical development plan. One can therefore assume that these special planning areas can include areas at risk of natural hazards (i.e. areas prone to landslides and/or floods). Similarly section 32 provide certain powers for local physical planning committees. These powers includes the use of land and the formulation of by-laws to regulate physical development. The local physical planning committee therefore has the power to prohibit any number of developments (see sections 32 and 33). Physical development that can be seen as risk prone can therefore be halted before they materialise. Linking to the National Environment Act (section 19), section 37 of this act focusses on environmental impact assessments needed for all new developments.

The Physical Planning Act provides a good foundation from which disaster risk reduction measures can be incorporated through the new proposed disaster preparedness and response act.

4.25 National Forestry and Tree Planting Act 2003

This Act makes provision for the conservation, management and development of forest resources in Uganda and establishes the National Forestry Authority and a fund for tree planting. The purposes of the Act include the creation of an integrated forest sector, conservation of biological diversity, the devolution of functions and powers in the forest sector, the sustainable development of that sector, and enhancing livelihoods and ecological resilience.

Section 6 (2) gives the minister the mandate to declare areas as central forest reserves or strict nature reserve for the purpose of protection of streams and rivers, lakes, lake shores, river banks or wetlands and the protection of soil, slopes, the environment and the ecosystem. Furthermore, the Act includes a number of reforestation and forestry protection mechanisms (see sections 31, 32 and 34).

Section 35 (1) prohibits the lighting of fires in forests, but sub-section (3) encourages the making of fire-lines by an authorised person for the purpose of fire control and prevention. Furthermore, section 36 provides for an early warning system for the presence of livestock or plant pests and diseases. The Tree Fund established by section 40 contains mention to the use of the said Fund for disaster risk reduction and climate mitigation purposes. Sub-section (4) mentions that the fund shall be used for the support and promotion of tree planting and growing. One can argue that a fire regime is part of the growing cycle of natural forests. Therefore one can argue that the Fund could be used for fire management within forests.

4.26 Prohibition of the Burning of Grass Act 1974

This Act stipulates that, notwithstanding the Local Governments Act or any other written law to the contrary, the burning of grass by any person is prohibited in all areas of Uganda, except under authority and under the supervision of specified public officers (see section 35 of the National Forestry and Tree Planting Act). Also clearing of farm land and other burning for specified purposes shall be allowed. In section 5 “Exceptions” the burning of grass is allowed for the purpose of creating a fire break. The Act also requires able-bodied men to offer, at request of specified public officers, assistance to control or extinguish fire, or to prevent the burning of grass in the area where they are present. This is a clear disaster risk reduction endeavour.

4.27 Plant Protection Act 1937

The Plant Protection Act of 1937 makes provision for the protection of plants against spread of pests and diseases in Uganda. This Act governs the removal and transport of infected plants as well as the quarantine of infected areas. Occupiers of land is made responsible for measures towards the protection of all plants. It does, however, give authorised inspectors the right to enter property and destroy infectious plants and articles. The Minister can however compensate land owners for any losses incurred. The Act is a clear risk reduction measure aimed at the protection of the biodiversity of Uganda.

4.28 Access to Information Act 2005

The Access to Information Act protects the right to access to information in Uganda. The Act applies to all information and records of Government. It is a well documented fact that access to information is critical for successful disaster risk reduction. Under this Act citizens have the right to all information pertaining to their safety. This should therefore also include information on disasters, hazards and related vulnerability. However, some information of national concern might be refused under section 32 if such information is likely to prejudice defence, security or sovereignty of Uganda. Similarly in the management of risk certain information might need to be classified or restricted to the general public. This Act makes ample provision for the access to information even in the case of disaster risk reduction and management.

4.29 Building Control Act 2013

The Building Control Act is particularly important in the light of growing urban centres in Uganda, specifically the greater Kampala area. Urban risk is a major developmental problem (Shaw *et al.*,2009). The Act consolidate, harmonise and amend the law relating to the erection of buildings, provide for building standards and to promote decent and safe building structures. Section 28 calls for the establishment of building committees in each district and urban council area. The building committee must scrutinise and approve building plans, issue building and occupation permits, and ensure public buildings cater for persons with disabilities. Section 33 establishes a Building Control Office whose responsibility it is to make recommendations to the building committee in relation to building plans and specifications of materials and workmanship. The Act prohibits erecting any structure that does not comply with building codes and standards. Furthermore the Building Committee may stop any building operation if a significant disaster risk is discovered during building, such as predisposed flooding, poor drainage or health and sanitation issues (see section 40). The Act also calls for retrofitting and repairs (or demolition) to buildings should the Building Committee deem this necessary. Section 46 calls for the establishment of a National Building Code. Section 47 specifically mentions that the Minister may request a Building Committee to report on measures taken to mitigate and reduce the risk of certain disasters such as fire, floods, earthquakes and other disasters.

4.30 Uganda Standard: Seismic code of practice for structural designs (US319:2013)

Linking with the previous section, the Uganda Standard US 319:2003 provides for a code of practice for structural designs in seismic areas. The aim of the standard is to protect lives, limit damage and ensure critical facilities remain operational. Interestingly the standard provides for a “structural performance factor” to be determined (see paragraph 9.1.8), which can be seen as a basic risk assessment. This standard will go a long way in reducing the risks of structural collapse in seismic areas if implemented fully.

4.31 Occupation Safety and Health Act 2006

The overall purpose of the Occupational Safety and Health Act is to safeguard safety and health of all workers in all work places in Uganda. It spell out duties and obligations of both employers and employees in ensuring safety and health for all at work places. Although not explicitly mentioning disaster risk

reduction and management, the Act does allude to related aspects, such as the provision of protective gear to employees, protection of the environment, limiting pollution and hazards in the work place, safe access and emergency access, provision of emergency procedures in the case of working with chemicals and hazardous materials, development of emergency plans, and the presence of fire fighting equipment and fire preparedness in the workplace. Furthermore the Act requires employees to provide for a first aid room, first aid equipment and trained staff.

4.32 Atomic Energy Act 1973

The Atomic Energy Act aims to regulate and control atomic energy and radioactive materials, and the protection of the public from danger arising from the use of such materials. The Act calls for the appointment of a chief radiation safety officer who has the power to enter and examine any premises which he/she believes contains radioactive material or any source of dangerous ionising radiation. Furthermore, section 15 establishes a Radiation Protection Service. The aim of this Service is to determine the extent of exposure to ionising radiation of the public and of workers and determine the degree of risk of the exposure. The Service is also responsible for examining all premises in respect of which a licence to use radiation and all places of disposal for radioactive material and wastes is in force. It should also advise on the extent of exposure to persons in Uganda, and advise and recommend to radioactive material licence holders, steps to reduce exposure to acceptable limits.

5. INTERNATIONAL BEST PRACTICE CASE STUDIES

In the development of new law good practice is to consult international best practices. As alluded to in section 3 of this report, a number of new generation disaster risk management laws has been developed in the developing world. The sections to follow consider a number of good examples. 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 will be assessed.

5.1 South Africa

The South African disaster management policy and legislation it is widely cited as one of the most progressive internationally (Pelling & Holloway, 2006; United Nations International Strategy for Disaster

Reduction, 2004; van Niekerk, 2014). The South African Disaster Management Act of 2002 provides for an integrated and coordinated disaster management policy that focuses on preventing or reducing the risk of disasters, mitigating the severity of disasters, emergency preparedness, effective response to disasters, and post disaster recovery. Furthermore, it establishes national provincial and municipal disaster risk management centres. The Act also alludes to disaster management volunteers.

The act contains the following chapters:

- Chapter 1: Interpretation application and administration of the act
- Chapter 2: Intergovernmental structures and policy framework
- Chapter 3: National disaster management
- Chapter 4: Provincial disaster management
- Chapter 5: Municipal disaster management
- Chapter 6: Funding of post-disaster recovery and rehabilitation
- Chapter 7: Disaster management volunteers
- Chapter 8: Miscellaneous

From the start it is clear the Disaster Management Act (DMA) follows a specific disaster risk management process with specific emphasis on the decentralisation of disaster risk management. Structures established at national level is mirrored on the sub-national level. Disaster risk management powers are devolved to provincial and local government level.

At a national level the Act establishes an Intergovernmental Committee on Disaster Management. This committee has the minister as chairperson, various Cabinet ministers, as well as members of the executive councils of each province. South African Local Government Association also enjoys membership on this committee. This committee must give effect to principles of cooperative governance and must make recommendations regarding disaster risk management to Cabinet. In essence this is the political fora for disaster risk management in the country. The Act furthermore calls for the establishment of a National Disaster Management Advisory Forum. This forum is much more technical in nature and aims to bring together multiple role players from within and outside of Government. The DMA furthermore requires the development of the national disaster risk management policy (see discussion below), and alludes to the content of this policy in section 7. Furthermore, the Act establishes the National Disaster Management Centre (section 8) and its responsibilities (section 15), and gives guidance towards the appointment of the Head of the centre (section 10-14). Another technical aspects such as communication links and information

management systems at national level also enjoys the attention. To insure cross sectoral disaster risk management, section 19 makes provision for the development of disaster risk management plans by all organs of state and other institutional role players (also see section 25). It is furthermore the responsibility of the National Disaster Management Centre to develop guidelines for the implementation of the legislation. Emphasis is placed on disaster risk assessment and understanding vulnerabilities and communities most at risk. Section 21 talks to the monitoring and evaluation of performance in disaster risk reduction. The classification and recording of disasters enjoys attention in section 23. In keeping with the spirit of cooperative governance a state of disaster can be declared at subnational level by either a province (section 41) or a local municipality (section 55) depending on the extent of the event or perceived event. Notably is the fact that the DMA makes provision for the classification and recording of disasters (section 23) as well as the declaration of a state of disaster (sections 27, 41 and 55) relating to an event which has not yet reached disastrous proportions, but in all likelihood might become a disaster if nothing is done to mitigate the situation.

Institutional arrangement established at national level is mirrored at provincial and local level as well. It is therefore the aim of the legislation to ensure that disaster risk management is addressed within all spheres of government. The funding of post-disaster recovery and rehabilitation remains the responsibility of the various sectors of Government. The funding of post-disaster recovery and rehabilitation is used as a punitive measure at provincial and local government. Any financial assistance provided by, and to, any organ of state needs to take into consideration the presence of disaster reduction and mitigation measures. In the absence of such measures, the burden of funding disaster recovery might remain within the affected sphere of government.

The National Disaster Management Policy Framework (NDMF) as called for in section 6 of the DMA was developed in 2005. The NDMF is the legal instrument specified by the DMA to address needs for consistency across multiple interest groups, by providing ‘a coherent, transparent and inclusive policy on disaster risk management. The NDMF at the time was greatly aligned with the Hyogo Framework for Action. The NDMF is structured according to a number of Key Performance Areas and Enablers. These are:

- KPA1: Integrated institutional capacity for disaster risk management;
- KPA2: Disaster risk assessment;
- KPA3: Disaster risk reduction;

KPA4: Response and recovery;

Enabler 1: Information management and communication;

Enabler 2: Education, training, public awareness and research; and

Enabler 3: Funding arrangement for disaster risk management.

The NDMF also aims to inform the subsequent development of provincial and municipal disaster risk management frameworks and plans, which are required to guide disaster risk reduction actions in all spheres of Government.

Van Niekerk (2014) provides a critical analysis of the actual implementation of the South African Disaster Management Act and Policy Framework. The study found that one of the weakest aspects of the Act and Framework is the absence of clear guidance to local municipalities. The placement of the disaster risk management function on all tiers of government remains problematic because the disaster risk management function is not given any significant priority (the function is in many instances “buried” in a line function like Public Protection Services or the Fire Brigade), funding is inadequate, and overall knowledge and capacities for disaster risk reduction are insufficient (Botha et al., 2011). Van Niekerk also critiqued the silence of the Act and Policy on related climate change and adaptation issues.

However, towards the end of 2012 the National Disaster Management Centre (NDMC) initiated a process for the amendment of the DMA. The Disaster Management Amendment Bill was tabled before Parliament in July 2015 and a promulgation of the new Act is expected towards the end of 2015, beginning 2016. The amendment Act aims to address many of the issues mentioned above and to align the DMA with the realities experienced by local government entities. The amendment Act therefore places emphasis on the roles and responsibilities of local municipalities and tries to align issues of climate change and adaptation with disaster risk reduction. It furthermore addresses the need for the NDMC to become a government entity on its own, rather than a department within an existing ministry.

5.2 Namibia

The Namibian Disaster Risk Management Act was promulgated in 2012. This Act aims to provide for the establishment of institutions for disaster risk management in Namibia; to provide for an integrated and coordinated disaster management approach that focuses on preventing or reducing the risk of disasters, mitigating the severity of disasters, emergency preparedness, rapid and effective response to disasters and

post-disaster recovery; to provide for declarations of national, regional and local disasters; and to provide for the establishment of the National Disaster Management Risk Fund.

The Act is divided into six parts:

- Part I: Arrangement of sections preliminary provisions
- Part II: Namibian disaster risk management institutions
- Part III: Disaster risk management framework, programmes and plans
- Part IV: Declaration of state of disaster
- Part V: National disaster fund
- Part VI: General

The overall responsibility for the administration of the disaster risk management act is given to the Prime Minister. The Act proclaims the following institutions responsible for disaster risk management in Namibia:

- National Disaster Risk Management Committee;
- Directorate: Disaster Risk Management;
- Namibia Vulnerability Assessment Committee;
- Regional Disaster Risk Management Committees;
- Constituency Disaster Risk Management Committees;
- Local Authorities Disaster Risk Management Committees; and
- Settlement Disaster Risk Management Committees.

Section 4 gives the composition of the National Disaster Risk Management Committee. This committee consists of the permanent secretaries of various ministries as well as representatives from the Association for Regional Councils or the Association for Local Authorities in Namibia. This committee is in many aspects a technical forum for disaster risk management, responsible for aspects such as making recommendations to Cabinet, ensuring that disaster risk management is integrated into government departments, updating plans and policies and administering the National Disaster Fund. The committee also serves as the national disaster risk reduction platform for Namibia, and can establish sub-committees responsible for either hazard specific management or aspects such as rehabilitation and recovery.

Section 11 establishes the Directorate: Disaster Risk Management. The Directorate is directly accountable to the Prime Minister, who also appoints the Director. The Directorate is overall responsible for the coordination of disaster risk management in Namibia. To ensure cross-sectoral disaster risk management, section 12 requires the identification of disaster risk management focal points in all government institutions, organisations and line ministries. The Namibia Vulnerability Assessment Committee (NVAC) (see section 13) is multidisciplinary and multi-sectoral committee of internal as well as external role players. The aim of this committee is to collect vulnerability information which can inform food security, early warning, rural development strategies, securing livelihoods, and poverty reduction.

At sub-national level the Act calls for the establishment of Regional Disaster Risk Management Committees (RDRMC). Each Governor is responsible for the establishment of such a committee. The duties of the RDRMCs are to ensure the implementation of disaster risk management at a regional level. This include activities associated with risk assessment, contingency plan development, development plan integration, information management and communication, education, training and research compliance monitoring and the mobilisation of resources for disaster risk management purposes. Similar to the RDRMC, section 15, 16 and 17 respectively establishes Constituency Disaster Risk Management Committees (CDRMC), Settlement Disaster Risk Management Committees (SDRMC) and Local Authorities Disaster Risk Management Committees (LADRMC). The aims, objectives and activities of the CDRMCs, SDRMCs and LADRMCs are similar to that of the RDRMC on a decentralised basis. Section 18 refers to the management of disaster risk management volunteers and the establishment of volunteer units.

Similar to the South African Disaster Management Framework, section 20 refers to the development of a national disaster risk management policy (the National Disaster Risk Management Framework). The aim of the policy is to give strategic effect to the Disaster Risk Management Act.

Section 21 calls for the development of a National Disaster Risk Management Plan. The Plan must be based on the National Disaster Risk Management Framework and should comprise of all disaster risk management plans for Namibia. This is aligned with the following sections (section 22-28) which talks to the various governmental institutions for disaster risk management programmes at all the levels of Government. Herewith all government institutions must develop disaster risk management plans and build their internal capacities for disaster risk management.

Part IV of the Act clarifies the declaration of a national state of disaster. The declaration remains the responsibility of the President and this responsibility (unlike in the case of South Africa) is not delegated to the lower levels of Government, although lower level government can make recommendations for the declaration of sub-national states of disaster. In the case of the declaration of a national state of disaster, the Director for Disaster Risk Management in the Prime Minister's Office becomes the authorised officer which provides him/her certain powers and functions. This is followed suit at sub-national level where the authorised officer is the chairperson of the various disaster risk management committees. Interestingly, during a national state of disaster, the Prime Minister must establish a National Crisis Committee responsible for the management of the given situation (see section 40).

Section 41 refers to the involvement of the various armed forces of Namibia in disaster situations. The compensation for the loss of or damage to property is covered by section 42, while section 43 refers to the compensation for death or injury.

Part V of the Act establishes a National Disaster Fund. This fund is designated for special purposes as alluded to in article 125 (3) of the Namibian Constitution. The objective of the Fund is to serve as a contingency fund and for the development and promotion of disaster risk management in Namibia. Section 49 governs the application of the fund. The Namibia Disaster Risk Management Act furthermore provides through section 56 certain punitive measures.

5.3 The Philippines

In 2010 the Philippines adopted the Disaster Risk Reduction and Management Act. The Act, as with a number of others, was a response to international treaties such as the Hyogo Framework for Action of 2005. The Act seeks to adopt “a disaster risk reduction management approach that is holistic, comprehensive, integrated and proactive in lessening the socio-economic and environmental impacts of disaster, including climate change, and promoting the involvement and participation of all sectors and stakeholders concerned at all levels, especially the local community”. It provides for the development of policies and plans and the implementation of actions and measures pertaining to all aspects of disaster risk reduction and management, including good governance, risk assessment and early warning, knowledge building and awareness raising, reducing underlying risk factors, and preparedness for effective response and early recovery, which are gender responsive and sensitive to indigenous knowledge systems through a

whole of society approach. The Act is not divided into parts or chapters but contains 29 different Sections. They are:

- Section 1: Title
- Section 2: Declaration of policy
- Section 3: Definition of terms
- Section 4: Scope
- Section 5: National disaster risk reduction and management council
- Section 6: Powers and functions of NDRRMC
- Section 7: Authority of the NDRRMC
- Section 8: The Office of Civil Defense
- Section 9: Powers and functions of the OCD
- Section 10: Disaster risk reduction and management organisation at the regional level
- Section 11: Organisation of the local government level
- Section 12: Local disaster risk reduction management office
- Section 13: Accreditation mobilisation and protection of disaster volunteers and National Service Reserve Corps, CSOs and the private sector
- Section 14: Integration of disaster risk reduction into the school curricula and Sangguniang Kabataan (SK) Program and Mandatory Training for the Public Sector Employees
- Section 15: Coordination during emergencies
- Section 16: Declaration of state of calamity
- Section 17: Remedial measures
- Section 18: Mechanisms for international humanitarian assistance
- Section 19: Prohibited acts
- Section 20: Penal clause
- Section 21: Local disaster risk reduction and management fund
- Section 22: National disaster risk reduction and management fund
- Section 23: Funding of the OCD
- Section 24: Annual report
- Section 25: Implementing rules and regulations
- Section 26: Congressional oversight committee
- Section 27: Sunset review
- Section 28: Repealing clause

Section 29: Separability clause

From the above division it is clear that the Act emphasises the need for institutionalising policies, structures, co-ordination mechanisms and programmes. It also focusses on budget allocations at all levels of Government, implementing rules and reporting.

In Section 2, the Act is seen as the policy of the State which aims to uphold the constitutional rights of its citizens by addressing the root causes of vulnerability and to strengthen institutional capacities for disaster risk reduction, towards resilience building. This section reflects in the need to incorporate international accepted principles of disaster risk management into local sustainable development and poverty eradication strategies. It calls for adopting an holistic disaster risk reduction and management approach by all sectors of Government and stakeholders. The scope of the Act significant emphasises local government and local communities. Furthermore calls the development, promotion and implementation of a comprehensive national disaster risk reduction and management plan. This section furthermore focuses on climate risks. The mainstreaming of disaster risk reduction and climate change into development is seen as a major policy objective. Decent security was also mentioned and emphasis is placed measures which are gender responsive and sensitive to indigenous knowledge systems. Section 3 contains an extensive list of the various definitions. Section 5 establishes the National Disaster Risk Reduction and Management Council (NDRRMC) (for all means in purposes this council is the national disaster risk reduction platform). The council is headed by the Secretary of the Department of National Defense. The make-up of the council contains a number of ministries as well as local government role-players. It furthermore makes provision for representation from four CSOs as well as the private sector. The powers and functions NDRRMC is covered in section 6. One of the main responsibilities of the NDRRMC is the development of the National Disaster Risk Reduction and Management Framework. The Framework must provide for a comprehensive, all hazards, multisectoral, interagency and community-based approach to disaster risk reduction and management (see section 3 (z)). The NDRRMC is furthermore responsible for guiding local disaster risk reduction. The NDRRMC is directly linked to the Climate Change Commission. In this instance disaster risk reduction and climate change adaptation is integrated.

Section 8 deals with the Office of Civil Defense. The OCD is the administrative body dealing with disaster risk reduction (the equivalent of a National Disaster Risk Management Office). The OCD is responsible for drafting the National Disaster Risk Reduction and Management Plan and also to guide, review and evaluate

local disaster risk reduction and management plans. Interestingly the OCD is responsible for the establishment of a disaster risk reduction and management training institute.

Sections 10 and 11 alludes to decentralised disaster risk reduction and management. At the regional level the OCD remains responsible for disaster risk reduction and appointed regional directors in this regard. However, at local government level the existing provincial, city and municipal coordinating committees is responsible for disaster risk reduction. The act also establishes institutional arrangements at local government level (see section 12). Similar duties to that of the OCD is given to local government.

Section 13 talks to the establishment of a volunteer units and the mobilisation of volunteers. Similar to the Disaster Risk Management Act of Namibia, section 16 gives the President of the Philippines the mandate to declare a state of calamity.

Unlike most of the other acts that has been assessed, section 18, 19 and 20 provides for the mechanisms for international humanitarian assistance. Cross-reference is also made to other laws which impacts on humanitarian assistance.

The Act makes provision of a national as well as local disaster risk reduction and management funds. The National Fund “shall be used for disaster risk reduction or mitigation, prevention and preparedness activities” with “30% to be allocated as quick response or standby fund for relief and recovery programs” (see section 22). The OCD is also allocated a budget of approximately USD22 mil. revolving fund (section 23). Further, not less than 5% of the estimated revenue from regular sources shall be allocated to the Local DRRM Fund to support disaster risk management activities including the payment of premium on calamity insurance with 30% of the LDRRMF to be allocated for quick response or standby fund.

The Act is linked with the Climate Change Act of 2009, with members of the NDRRMC represented on the Climate Change Commission and vice versa as they respectively develop the DRRM Framework and Framework Strategy for Climate Change, which are to be mainstreamed and integrated into national, sectoral, regional and local development policies, plans and budgets.

5.4 India

The Disaster Management Act 2005 has provided the legal and institutional framework for disaster management in India at the national, state and district levels. The Central Government is given overall responsibility for disaster risk management, however the devolution of powers does occur. The chapters in the Act are:

- Chapter I: Preliminary (and definitions)
- Chapter II: National disaster management authority
- Chapter III: State Disaster Management Authorities
- Chapter IV: District Disaster Management Authorities
- Chapter V: Measures by the Government for Disaster Management
- Chapter VI: Local Authorities
- Chapter VII: National Institute of Disaster Management
- Chapter VIII: National Disaster Response Force
- Chapter IX: Finance, Accounts and Audits
- Chapter X: Offences and Penalties
- Chapter XI: Miscellaneous

The DM Act, 2005, provides for the setting up of institutional structures at the national, state and district levels. At the national level there are four important entities: the National Disaster Management Authority (NDMA), the National Executive Committee (NEC), the National Institute of Disaster Management (NIDM), and the National Disaster Response Force (NDRF).

The NDMA can be seen as the political structure for disaster risk management in the country, and also the highest authority for disaster risk management with the Prime Minister as the chairperson. The NDMA has the responsibility for policy and plan formulation (section 6 (1) and (2)). Section 7 (1) makes provision for the establishment of an advisory committees (at national, state and district levels) consisting of disaster risk management experts which must make recommendations on matters of disaster risk management.

The NEC is constituted by the Central Government and the aim of the NEC is to assist the NDMA with the performance of its duties. The main aim of the NEC is assisting the NDMA with implementing its mandate. The NEC is a technical committee consisting of a number of ministries and the defence force. The NEC may establish sub-committees to efficiently discharge its functions.

Section 11 calls for the development of a National Disaster Management Plan. The National Plan aims to integrate issues of disaster risk reduction into development planning. The Plan must be updated annually and the Central Government must make financial provision for the implementation of the Plan.

Chapter III and IV focusses on decentralised disaster risk reduction. Similar to other legislation the Act establishes disaster risk management structures at State and district level. Similar to the structures established at Central Government level, states and districts must establish State and District Disaster Management Authorities, State and District Executive Committees, and develop State and District disaster risk management plans, as well as integrate disaster risk management measures into development planning. Furthermore, emphasis is placed on the development of sector specific disaster risk management plans by the various government and state departments. The Act provides for more detail on the roles and responsibilities of the District Disaster Management Authorities and this highlights the emphasis on community level disaster risk management. In particular Chapter VI gives direction for local authorities, however, it remains the responsibility of the District Disaster Management Authority to ensure that local application occurs.

Chapter VII establishes the National Institute of Disaster Management (NIDM). The aim of the NIDM is to act as a training, capacity building and research institution which can build skills and inform policy. The National Disaster Response Force (NDRF) is introduced through Chapter VIII. The NDRF must specialise in issues of rapid and effective response to any situation which threatens to become a disaster, or a disaster event. The NDRF functions under the NDMA and can be disciplinary constituted according to an identified need.

In addition to financing response and relief, the Act aims to address the issue of financing prevention, mitigation and preparedness measures. At the national level, the Act provides for two Funds, namely, the National Disaster Response Fund and the National Disaster Mitigation Fund. The former is to be used for addressing any threatening disaster situation, or disaster. The second Fund is meant exclusively for the purpose of mitigation projects. These funds are mirrored at State and District Levels.

The second last chapter, (Chapter X) deals with offences and penalties and Chapter XI covers a number of miscellaneous aspects such as: non-discrimination in the provision of relief, provision of information, making of regulations and by-laws, release of resources, compensation in the event of loss, legal compliance and enforcement.

5.5 Ghana

In 2010 Ghana developed a Plan for Action for disaster risk reduction (DRR) and climate change adaptation (CCA) 2011-2015 through their National Disaster Management Organisation (NADMO). The plan adopted the priority areas as identified by the HFA. For each of the priority areas, Ghana identified a number of outcomes linked to outputs, activities, responsible institution and budget. These are summarised below.

HFA 1: Ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation.

OUTCOME 1: National authorities are better familiarized with DRR/CCA concepts and as a result have reinforced national legislation and policies for DRR and CCA, have established national and district levels strategies, actions plans and coordination mechanisms to address DRR and CCA, and ensure regular funding for DRR and CCA in the national budget.

HFA 2: Identify, assess and monitor disaster risk and enhance early warning

OUTCOME 1: Based on sound legislation, developed competencies and adequate tools for disaster, climate and environmental risks assessment, Ghana has completed its national disaster risk profile and has built proper early warning mechanisms to inform communities of possible disaster, climate and environmental hazards

OUTCOME 2: Ghana has reinforced its technical institutions (GMet, Seismological Institutions etc.) and has established a National Risk Observatory to facilitate access to information on disasters, early warning systems, and climate and environmental risks for decision makers.

HFA 3: Use knowledge, innovation and education to build a culture of safety and resilience at all levels.

OUTCOME 1: A national strategy developed for raising public awareness in DRR, CCA and ES. As a result, various actors and influencers trained on DRR, CCA and ES concepts; regular campaigns are conducted at national, regional and district levels; schools and academic institutions gradually incorporated DRR, CCA and ES into their regular curricula or extra curricula activities.

HFA 4: Reduce the underlying risk factors

OUTCOME 1: Following the further development of national competencies in mainstreaming DRR and CCA into environmental and natural resource management, social and economic development practices, land-use planning and other technical sectors, effective programmes implemented at national, district and community levels to enhance resilience to natural hazards, with particular focus on the North of Ghana.

OUTCOME 2: The resilience and the capacity to recover from disasters (drought and floods) of populations in the North of Ghana enhanced due to the implementation of the SADA programme.

- Environmental and natural resources management
- Social and economic development practices
- Land-use planning and other technical measures

HFA 5: Strengthen disaster preparedness for effective response at all levels.

OUTCOME 1: Sound legal base and institutional arrangements established in order to ensure efficient leadership and coordination for natural and environmental emergency preparedness and response.

OUTCOME 2: Competencies of NADMO personnel and various agencies working in DM enhanced through a ToT programme and various trainings are conducted as part of the implementation of the training strategy.

OUTCOME 3: Disaster preparedness and response planning/working/monitoring tools developed, response equipment and emergency response funding available at national regional and district levels to ensure rapid and efficient emergency response and recovery.

By linking their Plan for Action to the priorities of the HFA, Ghana ensured that they remain internationally relevant and align their policies with international best practices. From the above it is clear that the elements that are seen as important to Ghana is similar to that in the other case studies. One can therefore draw best practices from these five case studies.

5.6 Identified best practices

From the assessment of the best practices certain commonalities can be identified. This is notwithstanding the fact that the disaster risk profile differs from the one country to the next. One can therefore argue that the aspects highlighted below will equally be of use in the Ugandan policy environment. 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.

All of the case studies establishes some form of institutional arrangements for disaster risk reduction. In all instances the laws follows the government structures and levels of government. The need for central coordination is evident and each of these laws 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 is 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 law³.

5. THE NATIONAL POLICY FOR DISASTER PREPAREDNESS AND MANAGEMENT

The National Policy for Disaster Preparedness and Management can be seen as one of the new generation disaster risk reduction policies. This policy contains a number of elements explaining the current disaster risk situation in Uganda. Chapter 2 gives a comprehensive natural hazard profile for Uganda and also touches on the number of anthropogenic hazards. In Chapter 3 the institutional arrangements for disaster reduction is alluded to. Chapter 4 follows a multi-sectoral approach and explains the roles and responsibilities of key ministries and institutions. Chapter 5 highlights the number of risk reduction strategies that should be followed. A number of the strategies are cross cutting and linkages are again made to existing legislation. The final chapter of the policy, chapter 6, focuses on the legal framework.

This National Policy for Disaster Preparedness and Management aims to:

- Set the overall policy goal and objectives for disaster risk management;
- Provide a broad policy framework for the harmonization of sectoral and cross-sectoral policy objectives, principles and strategies;
- Establish an integrated and multi sectoral approach to disaster management;
- Promote positive behavioural and attitudinal change towards disaster management;
- Provide a basis for the formulation of a comprehensive disaster management legal framework;
- Establish an institutional framework for disaster preparedness and management;
- Establish an effective monitoring and evaluation system; and
- Provide for an effective information management system to facilitate collection, storage, analysis and dissemination of disaster management information.

³ 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>)

The sections the follow is attempt to highlight the elements of the national policy that needs to be enshrined within legislation.

5.1 Note on use of terminology

Although the current policy is named the national policy for disaster preparedness and management it is evident that the policy is in fact focusing on the broader picture of disaster risk reduction. With international arena one finds that terminology such as disaster preparedness and management, and disaster management, has increasingly become unpopular and has been replaced with broader focused terms such as disaster risk reduction and disaster risk management. Van Niekerk in Du Plessis (2015) indicate that “disaster risk reduction is not a line function; this means that it is not possible to box it as a government function belonging within a single government department in the national, provincial or local spheres. It is not an isolated activity, and should therefore not be regarded as the responsibility of one organ of state or one type of government agency (e.g. disaster risk management centres). Rather, disaster risk reduction should be regarded as cutting across a range of multi-sectoral and multidisciplinary activities that are the collective responsibility of various organs of state (the public sector, which includes local government), civil society (including local communities) and the private sector”.

This policy in itself makes significant reference to disaster risk management. The Ugandan government is a signatory to the Sendai Framework for Disaster Risk Reduction as well as a number of East African disaster risk reduction protocols. The focus of these documents have moved beyond pure preparedness and response to a specific hazardous event, assumed by terms such as disaster preparedness and disaster management, and it is suggested that the new legislation adopts the more contemporary terms of disaster risk reduction and disaster management. Therefore, in order to align the new act with international thinking it is suggested that the new legislation should be call the “Disaster Risk Reduction and Management Act”. A possible future revision of the National Policy for Disaster Preparedness and Management can follow suit in changing it’s name to align to that of the new legislation.

5.2 Elements needing legislation

One of the main aims of a new Ugandan disaster risk management law would be to give legal effect to National Policy for Disaster Preparedness and Management. The sections that follows will briefly mention

the elements needing legislation as it emanates from the policy, but also taking into consideration international best practices, as well as the various laws which were assessed.

5.2.1 Establishment of institutional disaster risk management arrangements

The National Policy for Disaster Preparedness and Management already provide for a number of institutional structures. The Act must give effect to these structures, their roles and responsibilities. The section on the institutional arrangements should therefore address the following:

- Role of the President;
- Role of 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 management commission as per the constitution?
- 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);
- Role of traditional leaders;
- The Uganda Red Cross Society;
- Role of the Defense Force;
- Role of the Uganda Police;
- Disaster risk management volunteers; and
- Community-based disaster risk management structures.

5.2.2 Multisectoral and multidisciplinary disaster risk reduction

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.

5.2.3 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.

5.2.4 Disaster risk assessment

A section on disaster risk assessment 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.

5.2.5 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 planning and implementation. This should also be gender sensitive with special emphasis on most vulnerable groups.

5.2.6 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.

5.2.7 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.

5.2.8 Early warning systems

The Act 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. Specific monitoring indicators must be established 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.

5.2.9 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.

5.2.10 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.
- 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.

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- 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.

5.2.11 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. 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 5.2.12 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 mentioned in section 5.2.10 above). Linkages to existing information management systems must be established such as the Food Insecurity Vulnerability and Information Mapping Systems (FIVIMS) contained in the Food and Nutrition Bill of 2009, and the Land Information System (section 5.5 of the National Land Policy)

5.2.12 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 (see section 4.17) must be made. The difference between a state of disaster and a state of emergency (as per the Constitution) must be provided for.

5.2.13 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.).

5.2.14 Training, education and research

A critical element which the law 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 national research agenda and provide for the identification of critical skills shortages and the manner in which these will be addressed.

5.2.15 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. 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.

5.2.16 Funding and budgeting

Provision in the new bill must be made for the access of the Contingencies Fund as per the PFMA. 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 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 arrangement 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.

5.2.17 Monitoring, evaluation and reporting

The Act must ensure 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 set. It is proposed that the Disaster Preparedness and Management Commission as enacted by the Constitution be established and tasked to fulfill this very important oversight function.

5.2.18 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.

5.2.19 Regulations

As with most other legislation provision must be made for the development and implementation of any regulations necessary for the effective implementation of this law.

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