Disaster Management Overview, Legislation and Guidelines

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DISASTER MANAGEMENT AND RESILIENCE: LIMPOPO, CAPRICORN DISTRICT MUNICIPALITY

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BACK TO BASICS: SERVING OUR COMMUNITIES BETTER
Premise

South Africa faces increasing levels of disaster risk. It is exposed to a wide range of weather hazards, including drought, cyclones and severe storms that can trigger widespread hardship and devastation.

Climate change is altering the face of disaster risk, not only through increased weather related risks and sea-level and temperature rises, but also through increases in societal vulnerabilities, for example, from stresses on water availability, agriculture and ecosystems.
Introduction

- In line with international trends and our national objectives of efficient and effective management of our nation’s resources, SA’s disaster management policy and legislation underscores the importance of preventing human, economic and property losses, and avoiding environmental degradation.

- Preparedness measures for more efficient rescue operations will always remain necessary, but there is common agreement that much greater attention should be directed to the introduction of preventive strategies aimed at saving lives and protecting assets before they are lost.
Overview of Disaster Management Legislation
The primary responsibility for disaster management in South Africa rests with the government.

In terms of section 41(l)(b) of the Constitution of the Republic of South Africa, all spheres of government are required to “secure the well-being of the people of the Republic”.

Disaster management is listed as a functional area in Part A of Schedule 4 of the Constitution, meaning that both the national and provincial spheres of government are competent to develop and execute laws within this area and have powers and responsibilities in relation to disaster management.

Disaster management has also been ‘assigned’ to local government through the promulgation of the Disaster Management Act, 2002 (Act no 57 of 2002).
Disaster Management Act, 2002 (Act no 57 of 2002)

- The Disaster Management Act 57 of 2002 (as amended) is the primary legislation dealing with DM in the country.
- This Act provides for an integrated & coordinated disaster management policy that focuses on:
  - Preventing or reducing the risk of disasters (Prevention);
  - Mitigating the severity of disasters (Mitigation);
  - Emergency preparedness;
  - Rapid & effective response to disasters, &
  - Post-disaster recovery and rehabilitation
- The Act also makes provision for the establishment and functioning of DM Centres across all spheres of government, disaster management volunteers; and matters incidental thereto.
Disaster Management Legislation

- The Disaster Management Act, 2002 is internationally reputed for its emphasis on prevention and its relative comprehensive approach to Disaster Risk Reduction (DRR).

- The main thrust of the Act and the National Disaster Management Framework, 2005 (NDMF) centres around the creation of appropriate institutional arrangements for disaster management. It is argued that the ideals of disaster management cannot be achieved without structures to support its myriad of actions.

- The main purpose of amending the Act was to tackle some challenges in implementing the legislation by maximising the effect of disaster management legislation to communities, especially those most at risk.
Principles of the Disaster Management Act

- The Act has explicit & distinct focus on DRR.
- Establishes adequate structures necessary for the management of disasters with **special emphasis on prevention and mitigation** by all spheres of government.
- The Act calls for the establishment of institutional & governance structures to ensure integration of stakeholder participation & to adopt a holistic and organised approach to the implementation of policy and legislation.
- The Act recognises the multi-sectoral & multi-disciplinary nature of DM in the country.
- The Act also provides mechanisms for involvement in DM activities by private sector, traditional leaders, civil society, volunteers, etc
- The Act also makes provision for the development of a National Disaster Management Framework.
Subordinate legislation

A Policy Framework for Disaster Risk Management in SA (GN 654 dated 29 April 2005)

The Act recognises the wide-ranging opportunities in SA to avoid and reduce disaster losses through the concerted energies and efforts of all spheres of government, civil society and the private sector. However, it also acknowledges the crucial need for uniformity in the approach taken by such a diversity of role players and partners.

The National Disaster Management Framework (NDMF) is the legal instrument specified by the Act to address such needs for consistency across multiple interest groups, by providing ‘a coherent, transparent and inclusive policy on disaster management appropriate for the Republic as a whole’ (section 7(1)).
Disaster Management Policy Framework (Government Gazette no 27534, 29 April 2005)
Regulations

59. Regulations.

(1) The Minister may make regulations not inconsistent with this Act—

(a) concerning any matter that—

(i) may or must be prescribed in terms of a provision of this Act; (e.g. Volunteer Regulations) or

(ii) is necessary to prescribe for the effective carrying out of the objects of this Act;

(b) providing for the payment, out of moneys appropriated by Parliament for this purpose, of compensation to any person, or the dependants of any person, whose death, bodily injury or disablement results from any event occurring in the course of the performance of any function entrusted to such person in terms of this Act;

(c) concerning the focus areas of the national disaster management education, training and research frameworks; and

(d) concerning the declaration and classification of disasters.

[Sub-s. (1) substituted by s. 22 of Act No. 16 of 2015, w.e.f 1 May 2016.]
Other Key Supporting Legislation

1. Acts
   - Annual Division of Revenue Act (DORA)
   - Public Finance Management Act, 1999 (PFMA)
   - Municipal Finance Management Act, 2003 (as amended)
   - Municipal Systems Act, 2000
   - Basic Conditions of Employment Act, 1998 (as amended), etc.

2. Regulations
   - Treasury Regulations

3. Policies
   - White paper on Disaster Management
   - White Paper on Climate Change Response
   - White Paper on Fire Brigade Services
Institutional Structures and Intergovernmental Arrangements
Disaster Management in SA

Disaster management in SA consists of a labyrinth of cross-cutting facets that requires the participation of a host of sectors and disciplines not only from within the spheres of government (national, provincial and local) but involving the private sector, civil society, Non-Governmental Organisations (NGOs), Community-Based Organizations (CBOs), research institutions and institutions of higher learning, to name but a few.

The cornerstone of successful and effective disaster management is the integration and coordination of all these role-players and their activities into a holistic system aimed at disaster risk reduction

Coordination of Disaster Management

- The National Disaster Management Centre (NDMC) is established as a Presidential assigned function to a Cabinet Member. This function is coordinated through the implementation of the Disaster Management Act, 2002 (Act no 57 of 2002) as amended, as well as the accompanying Disaster Management Framework, 2005 across the three spheres of government. The NDMC also administers fire legislation (Fire Brigade Services Act, 1987).

- The objective of the National Centre is to promote an integrated and coordinated system of disaster management, with special emphasis on prevention and mitigation, by national, provincial and municipal organs of state, statutory functionaries, other role-players involved in disaster management and communities. (section 9)

- In addition to the National Centre, a disaster management centre must be established in every Province and in every District & Metropolitan Municipality, to coordinate disaster management in its sphere of responsibility (sec 8, 29 & 43).

- Staff of the various Centres consist of the Head of the Centre and suitably qualified persons (sections 31A and 45A).
Intergovernmental Committee on Disaster Management (section 4)

Political Structure: Established by the President

- Cabinet Members
- ICDM (Minister of COGTA)
- MEC’s of each Province
- Members of municipal Councils, selected by SALGA
Intergovernmental Structures: Disaster Management legislation

Intergovernmental Committee on Disaster Management (ICDM)

- The DMA provides for the establishment of the ICDM.
- The ICDM must be established by the President and include representatives from all three spheres of government and is chaired by the Cabinet member designated by the President to administer the Act. The ICDM must advise and make recommendations to Cabinet on issues of disaster management.
- This structure needs to be established formally through a President’s Minute.
National Disaster Management Advisory Forum (section 5)

Technical Forum: Established by Minister

- National Sector Departments
- NDMAF (Head: NDMC) Technical Forum
- Heads: PDMC’s
- Municipal officials selected by SALGA
- Representatives of other disaster management role-players(s5(1)(e))
- Experts in disaster management designated by the Minister
Intergovernmental Structures in terms of Disaster Management Legislation

**The National Disaster Management Advisory Forum (NDMAF)**

- The NDMAF is a technical forum in which national, provincial and local government and other disaster management role players consult one another and co-ordinate their actions on matters relating to disaster management. The Structure is also replicated at provincial (PDMAF) and Municipal level (MDMAF) (sections 5(3), 37 and 51)

- The NDMAF also serves as the **National Platform for Disaster Risk Reduction (DRR)** in South Africa for purposes of the global commitments to serve as a focal point for discussing cross cutting issues of DRR and management. (Section 5(4))

- Technical Task Teams are established to deal with specific cross-sectoral disaster management issues
INTEGRATED POLICY MAKING
Intergovernmental Committee for Disaster Management (ICDM)

INTEGRATED DIRECTION AND IMPLEMENTATION OF POLICY
Head of the National Disaster Management Centre

ARRANGEMENTS FOR STAKEHOLDER PARTICIPATION AND ENGAGING TECHNICAL ADVICE (NDMC)

ARRANGEMENTS FOR NATIONAL, REGIONAL AND INTERNATIONAL CO-OPERATION

INTEGRATED POLICY MAKING

INTEGRATED DIRECTION AND IMPLEMENTATION OF POLICY

ARRANGEMENTS FOR STAKEHOLDER PARTICIPATION AND ENGAGING TECHNICAL ADVICE

ARRANGEMENTS FOR NATIONAL, REGIONAL AND INTERNATIONAL CO-OPERATION

INTEGRATED POLICY MAKING
Intergovernmental Committee for Disaster Management (ICDM)

INTEGRATED DIRECTION AND IMPLEMENTATION OF POLICY
Head of the National Disaster Management Centre

Policy –making process

National Disaster Management Center (NDMC)

Decentralised direction and implementation of policy

National organs of state Focal/ nodal points

Provincial disaster management centres (PDMCs)

Metropolitan disaster management centres (MDMCs)

National organs of state: key personnel

National Disaster Management Advisory Forum (NDMAF)

Provincial disaster management advisory forums (PDMAFs) / consultative forums

Municipal disaster management advisory forums (MDMAFs) / consultative forums

IDP structures

Ward structures & volunteers

National co-operation
Giving effect to the principle of co-operative governance

Regional co-operation
SADC disaster risk Management Forum

International co-operation
Mechanisms to establish links

Giving effect to the principle of co-operative governance

National co-operation

Regional co-operation

International co-operation
Establishment & Functioning of Disaster Management Centres across the spheres of government
The National Disaster Management Centre (NDMC) is responsible for the administration & implementation of two pieces of legislation, i.e. the Disaster Management Act (DM Act), Act 57 of 2002 & the Fire Brigade Services Act (FBSA), 1987. (Act no 99 of 1987)
Disaster Management Centres

- DM Centres must be established in each sphere of government (sections 8, 29, 43)
- The executive leadership in the respective spheres of government, must appoint a Head of the Centre (sections 10 (Minister), 31(MEC), 45 (Municipal Council))
- Staff of a Centre consists of the Head and suitably qualified persons (Sections 13, 31A, 45A)
- *A Local Municipality must establish capacity for the development and coordination of a disaster management plan and the implementation of a disaster management function for the municipality which forms part of the disaster management plan as approved by the relevant municipal disaster management centre (section 43(3)) & Municipal Systems Act, 2000
- *A Local Municipality may establish a Centre in consultation with the District Municipality, subject to a SLA (section 43(4))
Powers & Duties of the Disaster Management Centres (sections 15, 30, 44)

- Specialise in disaster management issues
- Monitor compliance of organs of state and statutory functionaries
- Monitor progress with post-disaster recovery & rehabilitation
- Repository of and conduit for, disaster information
- Advisory and consultative body on disaster issues
- Make recommendations regarding DM funding
- Make recommendations on legislation affecting DM
- Promote the recruitment, training and participation of volunteers in DM
- Promote disaster management capacity building, training and education throughout the republic, including in schools.
- Promote research into all aspects of disaster management
- Must liaise and coordinate its activities with other relevant DM Centres
Disaster Management Guidelines
Disaster Management Guidelines

Guidelines issued on:

• Conducting a Risk Assessment Part 1: Hazard Analysis, Identification and prioritisation.
• Minimum Infrastructural Requirements for Disaster Centres
• Development and Structure of a Disaster Management Plan
Levels of Plans

• To address this wide range of disaster risk management planning capabilities, the national disaster management framework provides for a phased approach to disaster risk management planning and implementation. It comprises three progressive steps from a Level 1 Disaster Risk Management Plan to a Level 3 Disaster Risk Management Plan.

• Each level of plan has outcomes and action plans for each outcome:
Levels of Plans

• **LEVEL 1:** A Level 1 Disaster Risk Management Plan focuses primarily on establishing foundational institutional arrangements for disaster risk management, putting in place contingency plans for responding to known priority threats as identified in the initial stages of the disaster risk assessment, identifying key governmental and other stakeholders, and developing the capability to generate a Level 2 Disaster Risk Management Plan.

**Outcomes linked to action steps – refer to DMHS:**

- Establish foundational institutional arrangement for disaster management – *linked to 10 action steps*
- Develop capability to generate a level 2 plan – *linked to 8 action steps*
- Develop and implement contingency plan for known hazards – *linked to 8 action steps*
Levels of Plans (cont)

• **LEVEL 2**: A Level 2 Disaster Risk Management Plan focuses establishing processes for a comprehensive disaster risk assessment, identifying and establishing formal consultative mechanisms for development of disaster risk reduction projects and introducing supportive information management and communication system and emergency communications capabilities.

**Outcomes linked to action steps – refer to DMHS:**

• Establishment of processes for a comprehensive disaster risk assessment – *linked to 4 action steps*

• Identify and establish formal consultative mechanism for specific priority risks – *linked to 6 action steps*

• Develop a supportive information management system – *linked to 7 action steps*

• *Develop emergency communication capabilities – linked to 9 action steps*
Levels of Plans (cont)

• **LEVEL 3:** Disaster Risk Management Plan specifies clear institutional arrangements for co-ordinating and aligning the plan with other governmental initiatives and plans of institutional role players. It must also show evidence of informed disaster risk assessment and ongoing disaster risk monitoring capabilities as well as relevant developmental measures that reduce the vulnerability of disaster-prone areas, communities and households.

**Outcomes linked to action steps – refer to DMHS:**

• Establish specific institutional arrangement for coordinating and aligning of plans – *linked to 6 action steps*

• Establish mechanism to ensure informed and ongoing risk assessment – *linked to 6 action steps*

• Implement mechanism to ensure the relevance of disaster management plans and frameworks – *linked to 6 action steps*
Structure of a DMP

Chapter 1: Introduction and Background
Chapter 2: Policy and Legislative Framework
Chapter 3: KPA 1: Integrated Institutional Capacity
Chapter 4: KPA 2: Disaster Risk Assessment
Chapter 5: KPA 3: Disaster Risk Reduction
Chapter 6: KPA 4a: Preparedness Plans
Chapter 7: KPA 4b: Response
Chapter 8: KPA 4c Recovery
Chapter 9: Testing and review of plan
Chapter 10: Contact details & Reference Documents

KPA 1: Integrated Institutional Capacity
KPA 2: Disaster Risk Assessment
KPA 3: Disaster Risk Reduction
KPA 4: Response and Recovery

Enablers
- Information Management & Communication
- Education, Training, Public Awareness and Research
- Funding Arrangements

Preface

S 2 (1)(b) ... to the extent that that occurrence can be dealt with effectively in terms of other national legislation....

S Xx (1)(c)(i) the way the concept is applied in its functional area ....

S Xx (1)(c)(ii) its roles and responsibilities its NDMF....

S Xx (1)(c)(iv) its capacity to fulfil its roles and responsibilities;

S Xx (1)(d) ... coordinate and align the implementation of its plan with other organs of state and institutional role players;

S Xx (2) The disaster management plan of an organ of state referred to in subsection (1) must form an integral part of its planning:

S S3 (1)(h) ... consult the local community on the preparation or amendment of its plan.

S Xx (1)(c)(i) the way the concept is applied in its functional area ....

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S Xx (1)(d) ... coordinate and align the implementation of its plan with other organs of state and institutional role players;

S Xx (2) The disaster management plan of an organ of state referred to in subsection (1) must form an integral part of its planning:

S S3 (1)(h) ... consult the local community on the preparation or amendment of its plan.
Structure of a DMP (cont)

A preface to provide the preliminary information of the plan.

Chapter 1: Introduction and background to provide a detailed description of the organ of state in relation to disaster management.

Chapter 2: Constitutional, legislative and policy mandates to provide particulars of the policy and legal obligation(s) applicable in terms of the DMA, the respective organ of states’ legal mandate and an examination of which risks could be adequately dealt with within that legislation.

Chapter 3: Integrated institutional capacity to provide particulars of the capacity established within the organ of state to enable the effective development and implementation of disaster management policy and legislation.

Chapter 4: Risk assessment to provide a uniform approach to assessing and monitoring disaster risks that will inform disaster risk management planning and disaster risk reduction undertaken the organ of state.

Chapter 5: Disaster risk reduction to ensure that the organ of state develop and implement integrated disaster risk management plans and risk reduction programmes in accordance with approved frameworks.
Chapter 6: Preparedness planning to ensure effective and appropriate preparedness planning by implementing a uniform approach to the dissemination of early warnings and averting or reducing the potential impact in respect of personal injury, health, loss of life, property, infrastructure, environments and government services through appropriate contingency plans.

Chapter 7: Response to ensure effective and appropriate disaster response by implementing immediate integrated and appropriate response measures when significant events or disasters occur or are threatening to occur.

Chapter 8: Recovery to ensure effective and appropriate disaster recovery by implementing all rehabilitation and reconstruction strategies following a disaster in an integrated and developmental manner.

Chapter 9: Testing and review of the plan to set out the testing and review schedule of the plan.

Chapter 10: Contact details & Reference documents to provide contact details and information on the reference material relevant to the plan.
Conclusion

While legislative frameworks are important, effective implementation remains the paramount challenge. Disaster risk is not a theoretical or abstract concept and must be addressed through practical and targeted measures across the spheres of government (local, provincial, national).

It simply means that we need to optimise the implementation of the legislation and take appropriate measures to ensure that the risks associated with hazards such as drought, fires, floods, etc which are negatively affecting our communities, are reduced.
Conclusion

Some key systemic bias towards disaster management we need to overcome:

- **Myopia** - Our focus is often too narrow
- **Amnesia** – We forget about disasters’ impacts
- **Optimism** – We believe / hope it won’t happen to us
- **Inertia** – We do everything in our power to maintain the Status Quo
- **Simplification** – We look for easy solutions
- **Overconfidence** – We believe we can handle anything
- **Transference** – We shift the responsibility and blame elsewhere
- **Aimlessness** – We continue to float
Conclusion
Thank You!