

Assessing the Legal and Regulatory Framework for Disaster Risk Management in Uganda

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Abstract: Uganda experiences a wide range of disasters and these have various impacts on the country. Although Uganda has a legal and regulatory framework which covers disaster risk prevention and mitigation, preparedness, response and recovery, the institutional framework is largely uncoordinated, reactive and sectoral. Uganda has ratified a number of international and regional legal instruments relevant to disaster response but only domesticated a few. The Government created the Ministry of Disaster Preparedness and Refugees as a cabinet-level government ministry within the Office of the Prime Minister of Uganda, to coordinate disaster risk reduction, prevention, preparedness, mitigation and response and the ministry also operates the National Emergency Coordination and Operations Centre (NECOC). The main purpose of this paper is to assess the legal and regulatory framework for disaster risk management in Uganda; understand how policies, laws, strategies and guidelines address the different stages of disaster management cycles; and understand how the four priorities of the Action Sendai Framework for Disaster Risk Reduction have been incorporated in the legal and institutional structure for DRM. The paper provides actionable recommendations to improve DRM in Uganda and provide lessons for developing African DRM frameworks.

Key words: disaster risk reduction, prevention, preparedness, response, recovery

1. Introduction

Uganda is located in East Africa and lies across the equator, about 800 kilometers inland from the Indian Ocean [1]. It lies between 10° 29' South and 40° 12' North latitude, 29° 34' East and 35° 0' East longitude. The country is landlocked, bordered by Kenya in the East; South Sudan in the North; Democratic Republic of Congo in the West; Tanzania in the South; and Rwanda in South West. Uganda is the source of River Nile (the longest river in the world). The country is mostly plateau with a rim of mountains. Since it lies along the equator, its climate is tropical and generally rainy with two dry seasons (December to February, June to August). Uganda has a total population of 44,634,457 people as of Tuesday, October 1, 2019 [2], and a total area of 241,550.7 square kilometres. Open

Water bodies cover 36,527.4 square kilometres (15.3 percent of Uganda's total area), wetlands cover 4,500 square kilometres (1.9 percent of Uganda's total area) and land covers 200,523.2 square kilometres (83.0 percent of Uganda's total area) [3].

Disaster Risk Reduction Management is the application of systematic approaches to identifying, assessing and reducing the risks of disasters through policies and strategies which prevent new disaster risks, reduce existing disaster risks, manage residual risks, and contribute to the strengthening of resilience and reduction of losses. The earliest recorded disaster in Uganda is an earthquake in 1897. Since then, there have been several disasters in Uganda with a lot of impacts.

This paper is structured into seven parts. Part one gives a brief description of Uganda and also defines key words. Part two analyses the current disaster situation in Uganda. Part three is an overview of the international and regional framework for disaster risk

management. Part four analyses the legal and regulatory framework for disaster risk management in Uganda. The fifth part examines the institutional framework for Disaster Risk Management. The sixth part draws lessons for Uganda from selected jurisdictions (South Africa and Kenya). And the last part provides the conclusion and makes actionable recommendations to improve DRM legal, regulatory and institutional framework in Uganda.

2. Understanding Disaster Risk Management in the Ugandan Context

2.1 Types of Disasters in Uganda and Their Impact

Uganda experiences a great number of disasters; some climate change related and others not.

2.1.1 Drought

Severe droughts have occurred in Karamoja region (North-Eastern Uganda) due to a combination of dry spells and high temperatures between the months of June and July. It is anticipated that the extension of the Sahara Desert further south will make Uganda more prone to drought [4]. In 2017, more than 10 million Ugandans struggled with hunger caused by prolonged droughts and out of this number, 1.6 million people were generally in serious urgent need of food to escape death.

2.1.2 Floods

The Eastern part of Uganda experienced unusually heavy rainfall in July 2007, resulting in massive flooding which affected over 10,000 households [5]. Heavy rain in Northern Uganda caused a river to overflow on 22 August, 2017 flooding the town of Elegu in Amuru district, a trading post close to the border with South Sudan. In May 2013, four people died in Kasese due to floods following a heavy down pour that led to River Nyamwamba banks bursting [6].

2.1.3 Landslides

Landslides and mudslides are very difficult to predict but their frequency and extent can be estimated by use of information on the area's geology, geomorphology, hydrology, climate and vegetation

cover as well as traditional knowledge. The area around the Mt. Elgon has had its unfair share of landslides. The worst event occurred in 2010, when heavy rainfall triggered a landslide that killed over 300 people [7]. In August 2017, houses were knocked down, livestock buried and at least 200 people from 40 families displaced in three villages in Bulucheke Sub-County of Bududa District in the Mount Elgon region due to a landslide. Landslides affect socio-economic development by blocking main roads or damaging other infrastructures.

2.1.4 Earthquakes

Tectonic activity associated with the Great East African Rift Valley System produces earthquakes in the Rift valley and the adjacent highlands. The East African Rift System (EARS) represents the world's largest continental rift structure. The 5,000 meter high Rwenzori Mountains are situated within the western branch of the EARS, at the border between Uganda and the Democratic Republic of Congo. In 1994, a strong earthquake measuring 6.2 on the Richter scale hit districts in the Rwenzori region of Uganda and affected over 50,000 people. The Toro (Ruwenzori) earthquake that occurred on March 20, 1966 with a magnitude of M6.8 led to the deaths of 157 persons, with another 90 deaths occurring as a result of the aftershocks.

2.1.5 Communicable Diseases

Communicable diseases along with maternal, perinatal and nutritional conditions in Uganda accounted for an estimated 65 per cent of all mortality in 2008. The prevalence of HIV in Uganda, as a percentage of population aged 15-49 years, stood at 7.2 per cent in 2012. While this is high, there has been an overall reduction in prevalence since records began in 1990. In 2011, there were 231,873 reported cases of malaria in the country. In 2009, Uganda had 1,601 reported cases, 1,304 reported cases and 1,095 reported cases of measles, tetanus and cholera respectively while in 2010, there were 342 reported cases of leprosy in the country.

3. Uganda's Participation in the International and Regional Framework for Disaster Risk Management (DRM)

3.1 International Framework

There are several international instruments and policy documents in the area of disaster risk management. These instruments and policies form the basis for the development of national disaster regulatory framework.

3.1.1 Non-Binding Instruments

(1) The Sendai Framework for Disaster Risk Reduction 2015-2030

The Sendai Framework for Disaster Risk Reduction 2015-2030 (Sendai Framework) is the first major instrument of the post-2015 development agenda.

The Sendai Framework is a 15 year, voluntary, non-binding agreement which recognises that the State has the primary role to manage disasters but that responsibility should be shared with other stakeholders including local government, the private sector and other stakeholders.

The Sendai Framework has set out seven global targets:

- Substantially reduce global disaster mortality by 2030;
- Substantially reduce the number of affected people globally by 2030;
- Reduce direct disaster economic loss in relation to global gross domestic product (GDP) by 2030;
- Substantially reduce disaster damage to critical infrastructure and disruption of basic services by 2030;
- Substantially increase the number of countries with national and local disaster risk reduction strategies by 2020;
- Substantially enhance international cooperation for implementation of this Framework by 2030;
- Substantially increase the availability of and access to multi-hazard early warning systems

and disaster risk information and assessments to the people by 2030.

The Sendai Framework also sets out four priority areas:

- Priority 1: Understanding disaster risk

Disaster risk management should be based on an understanding of disaster risk in all its dimensions of vulnerability, capacity, exposure of persons and assets, hazard characteristics and the environment. Such knowledge can be used for risk assessment, prevention, mitigation, preparedness and response.

- Priority 2: Strengthening disaster risk governance to manage disaster risk

Disaster risk governance at the national, regional and global levels is very important for prevention, mitigation, preparedness, response, recovery, and rehabilitation. It fosters collaboration and partnership.

- Priority 3: Investing in disaster risk reduction for resilience

Public and private investment in disaster risk prevention and reduction through structural and non-structural measures are essential to enhance the economic, social, health and cultural resilience of persons, communities, countries and their assets as well as the environment.

- Priority 4: Enhancing disaster preparedness for effective response and to "Build Back Better" in recovery, rehabilitation and reconstruction

The growth of disaster risk means there is a need to strengthen disaster preparedness for response, take action in anticipation of events, and ensure capacities are in place for effective response and recovery at all levels.

The Sendai Framework has a lot of influence on disaster management in Uganda. Uganda has developed a National Platform for Disaster Risk Reduction and 75% of the Districts have functional Disaster Management Committees. A National Emergency Coordination and Operations Center (NECOC) is operational and it is developing a National

Risk Atlas and prepares a multi-hazard monthly bulletin covering the entire country.

Uganda has also established a resilience committee at the national level and developed a country paper on implementation of the Sendai Framework. With the implementation of the Sendai Framework, the government was able to manage the effects of El Niño-enhanced rains of September 2015. The flooding and landslides happened, but the death rates were very low. Only three people died unlike in 2007, 2010 and 2011 where very many people died.

(2) The United Nations Guiding Principles on Internal Displacement

The Guiding Principles on Internal Displacement issued by the Secretary General of the United Nations identify internationally recognised rights and guarantees of persons who have been displaced from their homes due to a number of factors, including disasters. Principle 3 states that National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

While national authorities are primarily responsible for ensuring the human rights of internally displaced persons, the guidelines are relevant to intergovernmental agencies, non-governmental agencies and local authorities as well [8].

(3) The Sustainable Development Goal Action Agenda 2030

The SDG Action Agenda 2030 is a global roadmap for eradicating extreme poverty through sustainable development and for promoting good governance and peaceful societies before 2030.

Direct references to disaster risk management can be seen in the Declaration Goals and Targets sections in particular related to poverty, ending hunger, ensuring healthy lives, education, sustainable management of water, building resilient infrastructure, resilient cities, climate change and marine and terrestrial ecosystems.

A key part of the success of the 2030 Agenda for Sustainable Development will, in part, be measured by

progress in implementation of disaster risk management. The focus on implementation provides an opportunity to encourage increased political commitment and economic investment to reduce risks and take development action that considers disaster resilience as critical to poverty reduction and key enabler of sustainable development.

3.1.2 Binding Instruments

(1) The Convention on Civil Aviation of 1944 (Chicago Convention)

The Convention on Civil Aviation, 1944 (the Chicago Convention) [9] entered into force on 4 April 1947. Article 8.8 of Annexure 9 to the Chicago Convention provides that states parties are to facilitate the entry into, departure from and transit through their territories of aircraft engaged in relief flights performed for or on behalf of International Organisations recognised by the United Nations or by or on behalf of the states themselves. Article 8.9 of Annexure 9 of the Chicago Convention also obliges member states to ensure that personnel and articles arriving on relief flights are cleared without delay. The Chicago Convention formed the basis for Article 19(2) of the IDRL Guidelines.

Section 32 of the Civil Aviation Authority Act Cap 354 Laws of Uganda provides that the Civil Aviation Authority shall be responsible for carrying out its functions in a manner consistent with the Chicago Convention, any annex to the convention relating to international standards and recommended practices and any amendment made in accordance with the convention or other international conventions relating to civil aviation.

(2) The International Covenant on Civil and Political Rights (ICCPR)

The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty adopted by the United Nations General Assembly with resolution 2200A (XXI) on 16 December 1966, and in force from 23 March 1976. It was ratified by Uganda in 1995. The covenant commits its parties to respect the civil and

political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. The ICCPR is part of the International Bill of Human Rights, along with the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Declaration of Human Rights (UDHR).

Part 2 of the ICCPR (Articles 2-5) obliges parties to legislate where necessary to give effect to the rights recognised in the Covenant, and to provide an effective legal remedy for any violation of those rights. It also requires the rights be recognised without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and to ensure that they are enjoyed equally by women. The rights can only be limited in time of public emergency which threatens the life of the nation, and even then no derogation is permitted from the rights to life, freedom from torture and slavery, the freedom from retrospective law, the right to personhood, and freedom of thought, conscience and religion.

ICCPR is fundamental to enabling people to enjoy a broad range of human rights, including those relating to freedom from torture and other cruel, inhuman or degrading treatment or punishment; freedom from slavery and forced labour; arrest, detention and imprisonment; movement into, within and out of a state; treatment by the judicial process; privacy, home and family life; freedom of thought, religion and expression; peaceful assembly; freedom of association, including through trade unions; marriage and the rights of children; political participation, and equality and non-discrimination. Most of these rights are very important in disaster risk management and their promotion makes it easy for Uganda to manage disasters.

(3) International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966

Article 2 of the Covenant imposes a duty on the

Government of Uganda as a party, to take progressive steps to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the ICESCR by all appropriate means, including particularly the adoption of legislative measures. This is known as the principle of progressive realisation. It acknowledges that some of the rights may be difficult in practice to achieve in a short period of time, and that states may be subject to resource constraints, but requires them to act as best as they can within their means.

The requirement to take steps imposes a continuing obligation upon parties to work towards the realisation of the rights. It also rules out deliberately regressive measures which impede that goal. This progressive realisation principle is relevant to Uganda in disaster risk management since the government is constrained by funds in meeting its disaster risk management obligations.

(4) The International Convention on the Simplification and Harmonization of Customs Procedures of 1999 (The revised Kyoto Convention)

Uganda deposited instruments of ratification to the revised Kyoto Convention on 26 June 2002. The Convention provides that relief consignments shall be cleared as a matter of priority. It makes recommendations for simplified clearing documents for relief goods, provides for inspection and sampling only in exceptional circumstances, recommends extended clearing hours outside of normal working time and waiver of taxes. The Convention is relevant to disaster risk management in Uganda since it ensures timely and efficient clearance of disaster relief consignments.

3.2 Regional Framework

3.2.1 The Constitutive Act of the African Union, 2000

The OAU was established on 25th May 1963 at Addis Ababa, Ethiopia and it was transformed into the African Union (AU) on 26th May 2001 [10]. Article 3

of the Constitutive Act of the African Union, 2000 provides for objectives of the Union which include: defending African common positions on issues of interest to the continent and its peoples; encouraging international cooperation; promoting peace, security, and stability on the continent; promoting and protecting human and peoples' rights; and promoting research in all fields. All these objectives have a great bearing on disaster law in Africa.

Article 13(1)(e) provides that the Executive Council of the African Union shall coordinate and take decisions on policies in areas of common interest to the Member States including environmental protection, humanitarian action and disaster response and relief.

3.2.2 The African Union Regional Strategy for Disaster Risk Reduction (ARSDRR), 2004

The aim of the Strategy is to facilitate the integration of disaster risk reduction into development. Section 2.2.4 of the Strategy recognises that improved governance of disaster risk reduction depends on the participation of a wide range of actors and that national disaster programmes should set out the key roles of all state holders in disaster management.

Section 2.2.5 calls for the reduction of disasters and promotion of development processes that help to reduce disaster risks. These have been achieved through monitoring and multi-hazard early warning systems in communities at risk. Records of previous disasters and adequate hazard information about the risks are also kept and made available to the general public so as to increase awareness. The recovery and reconstruction processes also focus on developing mitigation strategies to lessen the potential impacts of future disasters — to build back better.

3.2.3 The EAC Climate Change Policy 2010

The Policy gives guiding principles for addressing effects of Climate Change which should be integrated within the national development programmes, taking into account that economic development is essential for adopting measures to address climate change.

Some of the guiding principles include the following:

- a) Climate change adaptation measures are primary while mitigation measures are secondary;
- b) Prioritisation of regions, sectors and communities that are more vulnerable to climate change impacts on the policy implementation;
- c) Mainstreaming climate change issues into national development plans;
- d) Climate Change adaptation and mitigation actions be carried out without compromising social and economic development; and
- e) Partnership, collaboration and synergies among various stakeholders involved in Climate Change issues.

Climate change is closely related to the occurrence of disasters because an increase in global surface temperatures increases the possibility of more droughts and the intensity of storms. As more water vapour is evaporated into the atmosphere, it becomes fuel for more powerful storms to develop. Therefore, the policy is relevant to disaster risk management in Uganda.

4. Legal and Regulatory Framework for Disaster Risk Management in Uganda

The Disaster Risk Management Cycle (Fig. 1) illustrates the process by which governments, businesses, and civil society plan for and reduce the impact of disasters, react during and immediately following a disaster, and take steps to recover after a disaster has occurred. As illustrated below, the Disaster Management Cycle has four main phases namely;

- Prevention and Mitigation — Minimizing the effects of disaster. Examples: building codes and zoning, vulnerability analysis and public education.
- Preparedness — Planning how to respond. Examples: preparedness plans, emergency exercises/training and warning systems.



Fig. 1 The Disaster risk management cycle.

- Response — Efforts to minimize the hazards created by a disaster. Examples: search and rescue and emergency relief.
- Recovery — Returning the community to normal. Examples: temporary housing, grants and medical care.

The four disaster management phases illustrated above do not always, or even generally, occur in isolation or in this precise order. Quite often, phases of the cycle overlap and the length of each phase greatly depends on the severity of the disaster. What is important to note is that appropriate actions at all points in the cycle lead to greater preparedness, better warnings, reduced vulnerability or the prevention of disasters during the next iteration of the cycle.

4.1 Disaster Prevention and Mitigation

Prevention means to ensure that human action or natural phenomena do not result in disaster or emergency. Mitigation means to reduce the severity of the human and material damage caused by the disaster.

The prevention and mitigation phase occurs as disaster management improvements are made in anticipation of a disaster event. Developmental considerations play a key role in contributing to the prevention and mitigation of a community to effectively confront a disaster.

In Uganda, disaster prevention and mitigation considerations have been integrated into sustainable development policies, planning and programming at all levels. This is largely due to the National Policy for

Disaster Preparedness and Management (2012) which was formulated in addition to the various legal and institutional frameworks related to disaster prevention and mitigation. Chapter 4 of the Policy lays down the various stakeholders of disaster management and also the roles they are required to play in the prevention and mitigation of disasters [11].

Most infrastructure projects in the country undergo an environmental and social impact assessment. Through the National Environment Management Authority (NEMA) as the coordinating body, the Ministry Responsible for Water and Environment also enhances sound use of environmental and natural resources.

The Planning and management of human settlements incorporates disaster prevention and mitigation elements such as enforcement of building codes through various institutions, policies, laws and regulations.

The Ministry of Information is responsible for disseminating up to date disaster information. The Ministry of Works and Transport has developed quality standards and construction codes so that infrastructure has adequate capacity to withstand hazardous situations.

Disaster issues have been integrated in the primary and secondary school curriculum while modules and courses on disaster prevention and mitigation have been developed at higher education level [12].

In terms of research, there has not been enough effort to document and integrate research into subsequent disaster related responses in Uganda.

Early Warning Systems and Information systems are in place. The main institutions for Early Warning Systems are the Department of Relief, Disaster Preparedness and Management, the Department of Meteorology, Ministry of Agriculture, Animal Industry and Fisheries, Ministry of Health, Ministry of Water and Environment and the Local Governments. Early Warning Systems exist on food security, drought,

floods, rainfall, landslides, epidemics and environment.

There is an institutional framework responsible for disaster prevention and mitigation which is decentralised to all levels. The Office of the Prime Minister, Department of Relief, Disaster Preparedness and Management is the lead agency in disaster prevention and mitigation and pursuant to Chapter 4.1.1 of the National Policy for Disaster Preparedness and Management (2012), the Department makes rules and regulations on the management of likely disasters and presents annual reports relating to Disaster prevention and mitigation to cabinet. The Department also links the Office of the Prime Minister to inter-governmental organizations, the donor community, the private sector, regional and international frameworks. The Department also carries out vulnerability assessment, hazard and risk mapping of the whole country and updates the data annually. All ministries have a disaster component in their work. The District Local Governments ensure that disaster prevention and mitigation is an integral part of the local government system. Local Communities are responsible for taking measures within their own capacities to protect their own livelihoods and property against disasters. Parastatals and the Private Sector take measures to ensure, as far as possible the safety of their plant operations against threat of possible natural disaster events.

The Uganda Red Cross, National and International Humanitarian Agencies, other voluntary organisations and professional bodies promote public awareness of the disaster threat and its effects, and through trainings aimed at developing self-help and self-reliance. National and International Humanitarian Organizations and Non-Governmental organizations play a pivotal role in mobilizing and sensitizing the masses about risks, hazards and disasters that affect their communities and how to manage them.

4.2 Disaster Preparedness

The goal of emergency preparedness is to achieve a

satisfactory level of readiness to respond to any emergency situation through programs that strengthen the technical and managerial capacity of governments, organizations, and communities. The National Policy for Disaster Preparedness and Management, 2012 establishes an institutional framework for disaster preparedness and management.

4.2.1 The Role of the President

The President of the Republic of Uganda bears overall responsibility for ensuring security, safety, social and economic well-being of the citizens of Uganda.

Article 98 of the Constitution of Uganda, 1995 provides that there shall be a President of Uganda who shall be the Head of State, Head of Government and Commander-in-Chief of the Uganda Peoples' Defence Forces and the Fountain of Honour and that the President shall take precedence over all persons in Uganda.

Article 110 of the 1995 Constitution gives the President the mandate to declare a state of emergency in the event of a disaster. A declaration of a state of disaster means that the provision of the required relief services and goods to the affected population takes precedence over all other programs of government, thus calling for immediate re-programming and re-allocation of resources from other sectors until such a time when the President declares the end of the state of emergency in the defined part of the country.

4.2.2 Other Institutions

The Cabinet as the chief policy making body of government is always prepared to approve supplementary budgets whenever unforeseen massive disasters occur. The Inter-Agency Technical Committee develops common preparedness, contingency and response plans and also networks and shares information, experiences and technical expertise with all disaster management stakeholders. Due to the fact that when disasters strike, there is no room or time for training and trials, the Inter-Agency Technical Committee (IATC) is responsible for Disaster Human

Resource Training and Development. However, little has been done in terms of training and therefore, disaster response has remained largely a preserve of the armed forces and humanitarian agencies.

There is a National Emergency Coordination and Operations Centre (NECOC) which is equipped with emergency response facilities and a small number of specialized experts. The District Disaster Management Technical Committee (DDMTC) in each district ensures that key institutions (schools, hotels, factories, etc.) stock emergency logistics and equipment such as fire extinguishers, lightning conductors and smoke detectors. The Sub-County Disaster Management Committee (SDMC) conducts community mobilisation and awareness. There is a Village Disaster management committee composed of all adult members of the village. This gathers early warning information and uses it to educate other community members on risks and hazards that may potentially cause disaster.

4.3 Response and Recovery

The aim of emergency response is to provide immediate assistance to maintain life, improve health and support the morale of the affected population. Such assistance may range from providing specific but limited aid, such as assisting refugees with transport, temporary shelter, and food, to establishing semi-permanent settlement in camps and other locations. It also may involve initial repairs to damaged infrastructure.

The focus in the response and recovery phase is on meeting the basic needs of the people until more permanent and sustainable solutions are devised. Effective and timely disaster response substantially reduces disaster impacts and losses if authorities, individuals and communities in hazard-prone areas are well prepared and ready to act and are equipped with the knowledge and capacity for effective disaster response.

4.3.1 Disaster Response and Recovery at the National Level

The Ministry responsible for Disaster Preparedness and Refugees in the Office of the Prime Minister is the lead agency in coordinating all stakeholders on disaster response at national level. Disaster response is a shared responsibility between the state and all citizens. The President has the mandate to declare a state of emergency in the event of a disaster as explained above.

Under Chapter 3.1 of the Policy, the cabinet is the chief policy making body of government and is required to advise the President on disaster related matters. Cabinet also approves supplementary requests whenever unforeseen massive catastrophes occur. Chapter 3.2 of the Policy provides for the Ministerial Policy Committee (MPC) which is a standing committee of Cabinet that ensures that disaster response is mainstreamed in the governance of Uganda. The Inter-Agency Technical Committee develops common preparedness, contingency and response plans.

Chapter 3.5 of the Policy establishes the National Emergency Coordination and Operations Centre (NECOC) to deal with sudden on-set emergencies such as mass casualty transport accidents, massive landslides and floods and collapsed buildings. It also coordinates the various emergency response institutions such as the Fire Brigade, Police Rapid Response Units, Army Emergency Support Units, the Uganda Red Cross Society, Hospital Emergency Units and Private Emergency Firms.

The Ministry of Defence (Uganda Peoples Defence Forces) has soldiers on standby, organised, well equipped and located strategically across the country to be called upon on short notice to give a full range of support whenever massive disasters that are beyond the capacities of the regular emergency institutions occur.

4.3.2 Disaster Response and Recovery at the District Level

Chapter 3.8 of the National Policy for Disaster Preparedness and Management establishes the District Disaster Policy Committee (DDPC) at the district level. The DDPC is chaired by the District Chairman while the Chief Administrative Officer is its secretary. It is composed of the District Executive Committee, Resident District Commissioner (RDC), Regional Police Commander (RPC), District Police Commander (DPC), District Internal Security Officer, a representative of the army and the Mayors/L.C3/Urban Chairpersons of town councils. The DDPC provides a link between National Disaster Response Committees and the local government structures responsible for disaster response. It also monitors the implementation of disaster response activities in the district. There is a District Disaster Management Technical Committee (DDMTC) established under Chapter 3.9 of the Policy to formulate and enforce ordinances on disaster response in the district.

Chapter 3.10 of the National Policy for Disaster Preparedness and Management charges the Chief Administrative Officer (CAO) with important duties such as coordinating all disaster related activities underway in the district. Chapter 3.11 of the Policy establishes the District Emergency Coordination and Operations Centre (DECOC) headed by the District Police Commander and operating from the district police station. It keeps on standby an ambulance and other relevant emergency logistics and equipment.

There is no distinct point at which immediate relief changes into recovery and then into long-term sustainable development. There are many opportunities during the recovery period to enhance prevention and increase preparedness, thus reducing vulnerability. Ideally, there should be a smooth transition from recovery to on-going development.

Recovery activities continue until all systems return to normal or better. Recovery measures, both short and long term, include returning vital life-support systems to minimum operating standards, temporary housing, public information, health and safety education,

reconstruction, counselling programs and economic impact studies. Information resources and services include data collection related to rebuilding and documentation of lessons learned.

After any disaster, the needs of the affected population are placed at the centre of reconstruction, with support for them and their community organisations to design and help implement responses, including rebuilding homes and livelihoods. The recent conflict in Northern Uganda was identified as one of the worst humanitarian crises in Africa. For two decades, the region was decimated by violent atrocities perpetrated by the Lord's Resistance Army. As peace was just beginning to emerge in 2007, after two decades of violent conflict, a recovery process was started to enhance the prospect of long-term development and peace for the Acholi community by addressing the direct needs of those affected [13]. In addition to response and recovery programs, local governments are required to incorporate disaster victims, survivors, beneficiaries and vulnerable populations into the disaster management plan and decision making process that concerns them.

4.3.3 Emergency Support Functions (ESFS)

Emergency Support Functions (ESFs) is the grouping of governmental and certain private sector capabilities into an organizational structure to provide support, resources, program implementation and services that are most likely needed to save lives, protect property and the environment, restore essential services and critical infrastructure and help victims and communities return to normal following domestic incidents. The National Policy for Disaster Preparedness and Management (2012) provides for the various ESFs that will be conducted by government and non-government actors in disaster response.

During an emergency, various government departments and agencies are required to function in a coordinated manner. Each ESF is headed by a primary agency designated on the basis of its authorities, resources, and capabilities in the particular function

area. Other agencies are designated as support agencies for one or more activities based on their resources and capabilities with regard to supporting the functional area(s).

4.3.4 Budgeting for Disaster Risk Management and Insurance

One of the budget lines in the National Budget caters for the Department of Disaster Management and Refugees through the Office of the Prime Minister. However, the financial and material resources allocated for Disaster Risk Management programmes/projects are still very limited and much of what is released goes to refugees since Uganda has reached a grim milestone as the country hosting the highest number of refugees in Africa. The bulk of the resources earmarked for Disaster Risk Management are allocated to emergency response (i.e., relief and rehabilitation). The support so far given to Disaster Risk Management programmes is mainly in the form of technical personnel and administrative facilities while other resources for use in facilitating their activities are inadequate. Majority of the human resource has not been able to generate the envisaged impact due to lack of financial support.

All ministries plan and budget for disaster risk management activities within their respective ministerial mandates. Districts also integrate disaster risk management into their development plans and budgets. In cases where the disasters occur but surpass the funds allocated in the national budget, the cabinet approves supplementary budgets.

Disaster Insurance is the missing link in Uganda's Insurance Law. Whereas Uganda has been suffering from frequent disasters, little has been accomplished in coping with the aftermath of those catastrophes. There is no potential of compensation by means of complete pure disaster insurance coverage schemes to mitigate the consequences of disasters. The government should explore efforts of encouraging pure disaster insurance to mitigate the consequences of disasters.

5. Institutional framework for Disaster Risk Management

5.1 Role of Central Government

At the national level, the Office of the President (OP) bears overall responsibility for ensuring security, safety, and social and economic well-being of the citizens of Uganda. The Ministry of Relief, Disaster Preparedness and Refugees oversees the implementation of national disaster risk management strategies, policies and programmes. The cabinet makes disaster policies, advises the President on disaster related matters and approves supplementary budgets for disaster risk management. The Ministerial Policy Committee (MPC) ensures that disaster response is mainstreamed in the governance of Uganda. The Inter-Agency Technical Committee develops common preparedness, contingency and response plans. The National Emergency Coordination and Operations Centre (NECOC) is responsible for the effective coordination and networking of the various emergency response institutions of government.

5.2 Role of Local Government

The District Disaster Policy Committee (DDPC) provides a link between National Disaster Response Committees and the local government structures responsible for disaster response and also monitors the implementation of disaster response activities in the district.

The District Disaster Management Technical Committee (DDMTC) ensures that the key institutions in the district develop disaster response plans and stock emergency logistics and equipment. Chapter 3.10 of the Policy charges the Chief Administrative Officer (CAO) with duties of coordinating all disaster related activities in the district and ensuring the training and readiness of manpower to manage disasters in the district.

The District Emergency Coordination and Operations Centre (DECOC) keeps on standby an

ambulance and other relevant emergency logistics and equipment.

The City Disaster Policy Committee (CDPC) is responsible for coordinating and implementing disaster risk management interventions in the city.

The Municipal Disaster Policy Committee and Town Disaster Policy Committee monitor the implementation of disaster response activities in the municipality and town respectively.

The Sub-County Disaster Management Committee (SDMC) monitors disaster risk management in the sub-county. The Local Council 1 Executive Committee at the village level is the lowest unit of Disaster Risk Management. The Local Communities and individual families are responsible for taking measures within their own capacities, to protect their own livelihoods and property.

5.3 Role of Non-Governmental Organisations and Community-Based Organisations

The protection of citizens against various dangers is among the fundamental duties of public administration and disaster risk management is primarily the task of the Government of Uganda. The government has both the legal and institutional capacity required by this responsibility. However, disaster risk reduction management has evolved from a traditional, top-bottom bureaucratic system to a more dynamic and flexible network model based on the collaboration of Non-Governmental Organisations and Community-Based Organisations.

NGO and CBO support has been crucial for the overall effectiveness of disaster risk management in Uganda and has played a significant role in a number of situations, particularly when the capacity of government or political will is relatively low. The Uganda Red Cross Society is the largest and longest serving NGO in Uganda. The URCS provides humanitarian support. It receives domestic funding, with individuals, schools, churches, mosques, companies and civil society groups all contributing

funds to appeals and crises.

The biggest challenge is that most of the local NGOs are fully funded by international donors and have almost no local sources of revenue. The average amounts of total budgets which are funded domestically and are therefore truly domestic are only about 2.5%.

Therefore, there is a need to grow an NGO and CBO support system which plays on the strengths of all humanitarian actors be they domestic or international, while at the same time addressing their constraints and certainly not undermining efforts which can be perceived by those affected as having enormous value.

5.4 Role of International Assistance Organisations

International Assistance Organisations make a valuable contribution to all aspects of disaster risk management through prevention, preparedness, mitigation, response and recovery. Whenever big disasters happen and exceed the national response capacity, teams from International Assistance Organisations participate in disaster response upon the call from national governments.

The United Nations comes first among the International Relief Organisations. The United Nations lays great emphasis on the issues of disaster risk management through its sub-organisations such as UNDP, OCHA, INSARAG, UNDAC, IDNDR and UNISDR, as well as its General Assembly decisions and meetings since 1976.

The African Ministerial Conference on the Environment (AMCEN) also plays a big role in disaster risk management. AMCEN was established in 1985 when African ministers met in Egypt and adopted the Cairo Programme for African Co-operation [14]. AMCEN monitors the implementation of the Hyogo Framework for Action for Disaster Reduction adopted by the 2nd World Conference on Disaster Reduction in January 2004. AMCEN is a permanent forum where African ministers of the environment discuss mainly matters of relevance to the environment of the continent.

The World Bank, World Health Organisation, International Federation of Red Cross and Red Crescent Societies, International Environmental Organisation, UNICEF, OECD, and World Meteorological Organisation also carry out disaster related activities in Uganda.

6. Lessons learned from Disaster Risk Management in some African Countries

6.1 Kenya

In the pursuit of reducing vulnerabilities to risks, the Kenyan Government formulated the National Policy on Disaster Management to institutionalise mechanisms for addressing disasters, in addition to other legislations.

Chapter 4 of the National Policy for Disaster Management in Kenya provides the policy, legislative and institutional arrangements for Disaster Management in Kenya.

Chapter 4.3.1 of the National Policy for Disaster Management provides for the National Disaster Executive Committee (NDEC) as the highest disaster management decision making body. It is at the Cabinet level and is chaired by H.E the President. NDEC makes decisions on National Disaster Management issues especially during emergencies. Under Chapter 4.3.3 of the Policy, the Ministry of State for Special Programs is in charge of Disaster Management policies, and therefore, coordinates all the disaster efforts of sectoral ministries, including Disaster Risk Reduction, and ensures that the policy is mainstreamed in their planning, development and budgeting. Chapter 4.3.4 establishes the National Disaster Management Agency as a semi-autonomous, flexible agency in charge of the day-to-day management of all disaster management activities as stipulated in the policy guidelines and in any other instructions which may be given by the Permanent Secretary, Ministry of Special Programs from time to time.

Kenya also has the National Disaster Response Plan (2009) prepared by the Ministry of State for Special

Programs in accordance with Presidential Circular No. 1 of May 2008. The plan seeks to ensure that Disaster Preparedness and Response is carried out in a coordinated and collaborative manner, ensuring the greatest protection of life, property, health and environment.

The Local Government Act (Cap. 265) under section 154(d) requires the local authorities to take measures that are necessary or desirable to prevent or control bush and forest fires. Section 160(k) mandates a municipal council to establish and maintain a fire brigade. The council may take all necessary steps to prevent and extinguish fires. The council has the power to compensate owners of property demolished or damaged for the purpose of preventing or extinguishing fires.

The Penal Code Act (Cap 63) under section 128 while recognizing that there are no specific laws attributing liability to government agencies for failing to warn or for making an erroneous warning of natural disaster, provides that in order for a claim to be made under general government civil liability (The Government Proceedings Act), the government agency would need to be under a statutory duty to issue such orders and commit a tort in respect of that duty.

According to the Penal Code, a person employed in the public service is criminally liable for wilfully neglecting to perform any duty under common law or by any written law or doing or directing to be done, acts in the abuse of the authority of his office.

The Water Act 2002 (No.8 of 2002) under Section 79 recognises the importance of disaster management and reduction and aims at ensuring that sector institutions and the providers are prepared to prevent and face disasters in water & sewerage services. The Water Resources Management Authority may, with the approval of the Minister and the Treasury retain revenue obtained from permit charges and license fees in a fund to meet costs incurred in the performance of its functions.

The Plant Protection Act (Cap 324) under section 3

gives wide powers to the Minister of Agriculture to make rules for the purpose of preventing and controlling attack by, or the spread of pests or diseases on plants. Under the Plant Protection Rules (Cap. 178) Part II (rules 2- 6), measures may include: disinfecting, treating, destroying and disposing of any unhealthy plant, infected or appearing to be infected with disease; the control and destruction of any plant which has been declared to be a pest under the Act; regulating the precautions and measures to be taken by any person for preventing, or controlling attacks by, or the spread of any pest or disease.

The Environmental Coordination and Management Act 1999 (No.8 of 1999) regulates the management and protection of the environment and is relevant to landslides. Sections 44-49 provide that NEMA shall, in consultation with the relevant lead agencies, develop, issue and implement regulations, procedures, guidelines and measures for the sustainable use of hillsides, hill tops, mountain areas and forests and such regulations, guidelines, procedures and measures shall control the harvesting of forests and any natural resources located in or on a hillside, hilltop or mountain area so as to protect water catchment areas, prevent soil erosion and regulate human settlement. These guidelines also relate to disaster preparedness in areas prone to landslides.

The institutional framework is largely uncoordinated, reactive and sectoral. There are various governmental and non-governmental agencies in the country involved in disaster reduction and management activities. In view of the above lack of coordination, the policy seeks to harmonise and coordinate their disaster management operations.

Chapter 4.5.1 of the National Policy for Disaster Management of Kenya provides for Kenya Food Security Meeting (KFSM) and Kenya Food Security Steering Group (KFSSG). The Government, in conjunction with the UN Agencies, developed a drought management system that is coordinated by Kenya Food Security Meeting (KFSM) and its

secretariat: the Kenya Food Security Steering Group (KFSSG). The activities of the KFSSG include the early warning monthly bulletins, the declaration of warning stages (i.e., Normal, Alert, Alarm, and Emergency), and preparation of detailed contingency plans. The policy entrenches the work of the KFSM and of the Arid Lands Resource Management Project (under the Ministry of Northern Kenya and Other Arid Lands), into Government structures. This means that the KFSM and the ALRMP continue to play their roles in coordinating “food security related” emergency activities, but in partnership with the Response Directorate.

The National Disaster Operations Centre (NDOC) is provided for under Chapter 4.5.2 and is based in the Ministry of State for Provincial Administration and Internal Security (PA & IS). Its main functions are search and rescue in the event of a disaster including undertaking rapid assessments, collection and dissemination of data. NDOC also monitors disaster events on a 24-hours, 7-days a week basis. The policy requires the National Disaster Operations Centre to focus on coordinating rapid-onset disasters and working under the Response Directorate in the new Disaster Management structure. NDOC also serves as a useful collaborative link between MOSSP, on the one hand, and Provincial Administration and Internal Security (PA & IS) on the other, during disaster response and implementation of this Policy. However NDOC has limited capacity and, therefore needs strengthening to make it effective.

The policy recognises that Sectoral Ministries have been directly involved in disaster management at all levels, though in an ad-hoc manner and that their expertise is required in disaster management planning. Under Chapter 4.5.3, Ministries are required to mainstream disaster management into their sectoral activities, and to appoint disaster liaison focal point persons at the National level. The relevant Departmental Heads at the District level are required to participate in the District Disaster Management

Committees. They are also mandated to provide technical support and capacity-building to community-level disaster management structures.

District Disaster Management Committees are established under Chapter 4.5.4 of the National Policy for Disaster Management of Kenya and their responsibilities include: appointing one of its members to be responsible for coordinating emergency response in the respective Districts under the direction of the Permanent Secretary of the Ministry of Special Programs; operating the District Early Warning System (EWS); formulation, compilation and coordination of District Disaster Contingency Plans; administering district disaster and contingency funds; conducting and documenting an inventory on the response capacity for the emergency services; working with other committees to support community institutional building for disaster management; organizing and participating in disaster management training and needs assessment in conjunction with local experts, volunteers, trained personnel and other stakeholders; monitoring, analysing and evaluating the data for disaster management activities in the Districts among others.

Chapter 4.5.5 of the National Policy for Disaster Management of Kenya establishes Divisional Disaster Management Committees at the division level. The members of these divisional committees will be representatives of the District Disaster Management Committees at this level paying special attention to the respective locations.

The Policy recognises the important role of communities in starting and carrying out disaster management activities. Under Chapter 4.5.6 of the Policy, Local leaders are required to mobilise communities in identification of causes of their vulnerability to risks and implementation of the risk reduction programs. Although the lowest structure is at the locational level, villages are represented through the Village Disaster Committees. The composition of this Committee includes village and location

representatives, NGOs, CBOs, FBOs, volunteers and other stakeholders, operating at the locational level. The main responsibility of these Committees is the collection, documentation and dissemination of disaster information, planning and mobilisation in order to ensure active participation and effective operations of the Committees in a bottom-up decision-making setting.

Local Authorities under the Policy, play a more active role in disaster management. The Agency is obliged to communicate with them to enhance practical partnership with the authorities in order to improve disaster risk reduction and disaster management in general, through effective utilisation of available resources, enforcement of the byelaws related to disaster risk reduction activities and other initiatives in their jurisdictions. Every local authority (including county, urban, town, municipal and city council) is required to have a Disaster Management Committee chaired by the Mayor or Chairman of the relevant council, and the members of that committee are the respective chairmen of the other committees of that council.

Under Chapter 4.5.8 of the Policy, Stakeholders outside Government involved in Disaster Risk Reduction, such as the development partners, the UN agencies, humanitarian agencies, NGOs and Community-Based Organisations are allowed to participate in the management of disasters through committees by providing information, resources and technical advice for planning, Early Warning response and in the later phases of the disaster. These partner agencies are involved in decision-making at all levels.

Chapter 4.5.9 of the Policy recognises the role of the private sector and other players. The private sector, including companies, the media, individuals, and professional bodies who are expected to assist with available resources (financial, human, technical know-how and equipment) when a disaster strikes in addition to playing a significant role in the process of advocacy, public education, sensitization and

awareness. The private sector is responsible for prevention of disasters by upholding human, industrial and environmental safety within their jurisdiction as well as front-line response to disasters in their areas.

6.1.1 Observations

Kenya's Disaster Risk Reduction lacks a definitive planning structure or approach [15]. The National Policy for Disaster Management does not take into account the need for adequate personnel at the national, county, location, sub-location and village levels.

The misconception of disasters as events over which people have no control leads to a low priority being given to the civil protection function until such events occur. Although it is now understood that people can do much to prevent or mitigate disasters, the low prioritisation still remains. Many authorities are reluctant to move away from the Civil Protection-mode, until new directives and legislation materialise. The absence of or limited available guidelines to the public and private sectors at national and county levels, on what their roles are in disaster management needs to be addressed. Contingency plans are an important element involving both public and private sectors but in some cases, there is an absence of such planning and in other cases the plans are designed without reference to preventative and mitigation measures that are already underway.

Criteria for state intervention are based on the magnitude of the event instead of the needs of the communities affected by the events. Sometimes, disaster victims do not get immediate, efficient and effective rescue and relief services. Delayed relief works often bring very serious and unpleasant results. The duplication of relief works has also been experienced, mainly due to the absence of dialogue and mutual understanding among disaster management related agencies. In addition, some of the district management related agencies try to shift their responsibilities to others.

The ability of government to deal with disasters is based on the idea that there is adequate institutional

capacity. However, the biggest weakness in institutional capacity lies at the County and local levels. In some cases, local government structures lack resources and are often not functional or have little or no planning in place should disasters occur.

Budgetary constraints often result in departments (both those who have a primary role and those who have a secondary or supportive role) having limited capacity to respond effectively with minimum resources. When disasters strike, the release of funds often takes a long time due to complex government procedures like tendering rules under the Procurement Legislations. This makes it difficult to mobilise additional resources outside of the state in time to allow adequate relief measures to be taken.

6.2 South Africa

Before 1994, South Africa had followed the traditional trend that viewed disasters as resulting from "acts of nature" as rare, inevitable events that could not be predicted or avoided [16]. Owing to this belief, the approach to deal with such disasters focused solely on actions that were reactive that is to say, post-disaster measures designed to deal with the consequences or adverse effects of a disaster.

In 1997, the South African government established an Inter-Ministerial Committee for Disaster Management. The committee was given the responsibility to develop disaster management legislation for South Africa. The Green Paper/White Paper process followed to establish legislation that would be able to functionally govern disaster management in South Africa. The Green Paper on Disaster Management was published in 1998, with the White Paper on Disaster Management following in 1999. In early 2000, the Disaster Management Bill was made available for public debate. By September 2001, there were public hearings on the Bill. Later, President Thabo Mbeki signed the new Disaster Management Act 57 of 2002, which came into effect on 15 January 2003.

The South African Disaster Management Act 57 of 2002 heralds a new era in the way in which South Africa perceive disaster risk, hazards and vulnerability. As one of the most valuable pieces of legislation promulgated in South Africa [17], the Act brings the function and activity of disaster risk management into the backyard of each and every province, metropolitan, district and local municipality [18]. It calls for the establishment of structures, frameworks, plans, procedures, and strategies that cut across all government sectors. It further gives the responsibility of managing disaster risk to the highest political authority in each sphere of government. That being so, the Disaster Management Act provides the ideal legislative framework not only to enable the holistic approach referred to earlier, but entrenches the commitment of the South African government to disaster risk reduction through sustainable development, within the realm of co-operative governance [19].

Section 4 of the Disaster Management Act establishes an Inter-governmental Committee on Disaster Management. This committee consists of cabinet members, members of Provincial Executive Councils and representatives of organised community organisations and local government, involved in disaster management. The minister that is appointed by the president to administer the Disaster Management Act serves as the chairperson of this committee. The functions of this committee are to advise Cabinet on issues concerning disaster management, and to assist and advise the minister on the establishment of a national framework for disaster management. Such a national framework is aimed at ensuring an integrated and common approach to disaster management by all spheres of government, non-governmental organisations (NGOs), the private sector and communities.

Section 5.1 of the Disaster Management Act stipulates that the Minister responsible for disaster management must establish a National Disaster

Management Advisory Forum (NDMAF). This forum should consist of the Head of the National Disaster Management Centre, senior representatives of each national department whose Minister is a member of the Inter-governmental Committee on Disaster Management, a senior representative of each provincial government, representatives of local government and representatives of other disaster management role-players. Within the National Disaster Management Advisory Forum, the different role players consult and co-ordinate their actions. Through these actions, the forum can make recommendations to the Inter-governmental Committee on Disaster Management on matters that concern itself. The forum must also advise different organs of state, statutory functionaries, the private sector, NGOs or communities on any matter relating to disaster management.

Section 6 of the Disaster Management Act provides for the National Disaster Management Framework as a legal instrument 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. It outlines appropriate policy on disaster management for the whole of the Republic of South Africa. This framework mentions the types of disasters and hazards that can occur in the whole of southern Africa, as well as the severity thereof. It also guides the development and implementation of the concept of disaster management.²¹ According to the Act, the framework must establish prevention and mitigation as the core principles of disaster management. It should further aim to facilitate closer regional co-operation with other southern African states. By allocating different responsibilities to different spheres of government, the framework must also give effect to co-operative governance as per Chapter 3 of the Constitution of South Africa. Another function of the National Disaster Management Framework according to the Act is to facilitate the involvement of NGOs, CBOs, communities, volunteers and the private sector in

disaster management. Partnerships between these organisations must also be established.

A major function of the framework is to provide incentives for disaster management training and capacity building. It also has a role to play when it comes to financing disaster management. In this regard, the Disaster Management Act stipulates that the National Disaster Management Framework must establish certain mechanisms through which the different sectors of state can contribute financially to post-disaster recovery and rehabilitation, and the payment of compensation to victims of disasters and their dependants.

Section 8 of the Disaster Management Act provides for the establishment of a National Disaster Management Centre. Although the National Disaster Management Centre only became a statutory function through the Disaster Management Act 57 of 2002, the centre had already been in operation since 1999 and functioned from within the Department of Provincial and Local Government (DPLG). The objective of the centre is to promote an integrated and co-ordinated system of disaster management. The emphasis falls on the prevention and mitigation of disasters by all levels and sectors of state. The National Disaster Management Centre is responsible for gathering information on disasters and related hazards, and to keep an up-to-date database encompassing all elements of disaster management in South Africa, as well as in southern Africa. Section 17(3) of the Disaster Management Act stipulates that the National Disaster Management Centre must take reasonable steps to ensure that the database is electronically accessible to any person free of charge. It also plays a role in developing guidelines on disaster management plans for sectors of state, and for the national, provincial and local government. The centre must also do the classification and recording of disasters (local, provincial or national disasters). All of the functions and activities of the centre must occur within the stipulations of the National Disaster Management

Advisory Forum according to the Act.

In order to ensure continuity in disaster management practices and principles throughout South Africa, structures that are established at national level are also implemented at provincial level. According to the National Disaster Management Framework, subsequently, provincial governments must compile a Provincial Disaster Management Framework. This framework must be consistent with the provisions of the National Disaster Management Advisory Forum. Section 37 of the Disaster Management Act provides for the establishment of a Provincial Disaster Management Advisory Forum.

Chapter 4 of the Disaster Management Act provides for the establishment of Provincial Disaster Management Centres. The roles and responsibilities of the Provincial Disaster Management Centre are similar to that of the national centre, but as it pertain to provincial level. Like the national centre, the provincial centre must maintain a database on all hazards, vulnerability, disaster and on information related to disaster management within its area of responsibility. Furthermore, the provincial centres must relay all their information to the national centre. According to the Act, all provincial centres are required to function within the national centre.

Chapter 5 of the Disaster Management Act provides for Municipal Disaster Management. Like the provincial disaster management structures, each district or municipality must establish a Municipal Disaster Management Framework, a Municipal Disaster Management Advisory Forum, a Municipal Interdepartmental Disaster Management Committee, and also a Municipal Disaster Management Centre. All these structures must be consistent with the provisions of the Disaster Management Act, and also with the structures established in the other spheres of government. District municipalities first need to consult with the local municipalities in their area of responsibility on the establishment and management of the Municipal Disaster Management Centre.

Furthermore, the centre must function within the provisions of the Municipal Disaster Management framework and of the Provincial Disaster Management Advisory Forum of that particular province. The main aim of the Municipal Disaster Management Centres is to ensure that the focus is on risk reduction and vulnerability in communities. The centres are responsible for the compiling of disaster plans as per the integrated development planning. They must further provide the provincial centres and the national centre with information on disaster management-related issues as per their request.

The Disaster Management Act is specific on the powers and duties of the head. Sections 10, 31 and 45 stipulate the requirements for the appointment of the head of the disaster management centre at the different levels of government. This is fundamental to the management of the different disaster management centres. In each instance, the highest executive authority appoints the head, e.g., the Minister at national level, the Member of the Executive Council for Disaster Management at provincial level, and the municipal council at local level.

6.2.1 Observations

The Disaster Management Act has a distinct disaster risk reduction focus, and places considerable emphasis on the development of adequate structures, planning and integrated and coordinated disaster management activities on all tiers of government. The Act further establishes the function of disaster management within the South African public sector.

Disaster risk management in South Africa consists of a labyrinth of cross-cutting facets that require 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 organisations (CBOs), research institutions, and institutions of higher learning, to name but a few. In the context of disaster risk management, none of these role-players can act in isolation of the

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

7. Conclusion and Recommendations

7.1 Conclusion

Drawing a conclusion from the governance struggles and legal framework, it is evident that Disaster Risk Management in Uganda presents quite a challenge. In the absence of state level expertise and capacity, international and national NGOs also play an important role in the implementation of the DRR programmes, while the Consortium plays a vital coordination role in what has been quite a haphazard Disaster Risk Management landscape. At the national level, the President is mandated to declare a state of emergency in any part of the country in the event of a disaster to enable the provision of relief services, the Ministerial Policy Committee (MPC) is required to handle cross-sectoral matters relating to Disaster Risk Management, the Ministry responsible for Disaster Preparedness and Refugees in the Office of the Prime Minister has a duty to play the lead role in Disaster Risk Management, the Inter-Agency Technical Committee is required to monitor and analyse hazard, risk and disaster trends in the country while the National Emergency Coordination and Operations Centre (NECOC) has a duty to coordinate and network emergency response institutions such as UPDF and Police Fire Brigade.

At the District level, the District Disaster Policy Committee (DDPC) has a task of monitoring the implementation of disaster response activities in the district, the District Disaster Management Technical Committee (DDMTC) is mandated to ensure that the key institutions (schools, hotels, factories, etc.) stock emergency logistics and equipment such as fire extinguishers, lightning conductors and smoke detectors while the District Emergency Coordination

and Operations Centre (DECOC) headed by the DPC is required to keep on standby an ambulance and other relevant emergency logistics and equipment. There are other committees at municipality, sub county and village levels. However, despite the numerous disaster risk management institutions and the laws that mandate them, these are largely uncoordinated, poorly funded and have inadequate capacity to fulfill their mandates.

7.2 Actionable Recommendations to Improve the Legal, Regulatory and Institutional Framework for Disaster Risk Management in Uganda

7.2.1 Uganda Should Concentrate on Strengthening the Capacity of Local Populations to Mitigate, Reduce and Respond to Disasters

Effective Disaster Risk Management is easy to achieve if local communities are empowered to participate in protecting their lives, property and the environment. The disaster risk management initiatives undertaken by various departments, institutions and organisations at the national level should be clearly linked to those at local levels of administration so as to strengthen the capacity of the local communities to respond to disasters. Legislative reforms should be undertaken to that effect and followed by monitoring and enforcement, using inclusive and participatory processes and coordinating and harmonising activities with local communities. Specifically, legislation or partnership agreements should be made with a clear definition of the roles of the multiple stakeholders in disaster risk reduction.

7.2.2 Uganda Should Move Away from Reactive to Proactive Disaster Management

The existing Disaster Risk Management stakeholders have often concentrated on reactive (response actions) disaster risk management based on emergency and crisis management. There is a need to promote a proactive (prevention actions) disaster risk management which is based on analysis of vulnerability, risk evaluations and situational assessments with a view to mitigate disaster impacts

before disasters occur. This paradigm shift calls for effective application of early warning systems, effective communication and knowledge sharing in order to increase the resilience of the communities in disaster risk management.

7.2.3 The Government, Non-State Actors and International Agencies Should Increase Funding to Implement Disaster Risk Management Plans and Activities as Well as Accountability at All Administrative Levels

The Ministry responsible for disasters and all ministries should secure adequate resources as well as proper use of such resources to implement disaster risk management activities. This calls for the waging of war on siphoning of public funds by corrupt officials. Line ministries should also plan and budget for disaster risk reduction activities within their respective ministerial mandates. Local governments should integrate disaster risk management into their development plans and budgets. Bilateral and multilateral development partners should review medium and long-term assistance priorities and factor in disaster risk management.

7.2.4 Disaster Risk Management Stakeholders Should Increase Public Awareness, Sensitisation, Education, Training and Research on Disasters

Public awareness, sensitisation, education, training and research about disaster risk management are vital in empowering people to protect their livelihoods against disaster risks. Currently, the knowledge and comprehension of disasters to the general public is still low thus making it difficult to prevent and reduce severe consequences of disasters to the community. Risk reduction information should be provided regularly through all means of interaction between risk management institutions and the public at all levels. The integration of Disaster Risk Management issues into the primary and secondary school curriculums should be affected and at tertiary education level, more modules and courses on disaster risk reduction should be developed and taught.

7.2.5 Government Should Promote the Involvement of National and International Humanitarian Organisations and NGOs in Disaster Risk Management

Training opportunities should be provided for National and International Humanitarian Organisations' and NGOs' field staff in relevant areas such as rescue operations and provision of first aid services. Joining forces and abilities, redefining the role of each organisation participating in the disaster response process, establishing an effective communication network and founding an appropriate organisational structure assume crucial importance in the success of disaster risk management. International assistance as much as possible should be channelled through the relevant institutions of government that in-turn should engage national and international NGOs and humanitarian agencies. Such arrangements will promote coordination and development of local capacities and expertise. It will also minimise creation of some forms of parallel "governments" or the tendency to usurp or take over some functions of the responsible institutions of government as regards disaster risk management in Uganda.

References

- [1] Uganda Bureau of Statistics, National Population and Housing Census 2014 Report, p. 8.
- [2] Worldometers, Uganda Population (LIVE), 2019, accessed October 1, 2019, available online at: <https://www.worldometers.info/world-population/uganda-population/>.
- [3] Uganda Bureau of Statistics, *Statistical Abstract*, 2014, accessed on May 6th, 2019, available online at: <https://www.ubos.org>.
- [4] Young Nicholas, Questions over Karamoja food security plan, IRIN, 8 April 2014, accessed on May 6th, 2019 available online at: <http://www.irinnews.org/report/99903/questions-over-karamoja-food-security-plan>.
- [5] The International Federation of Red Cross and Red Crescent Societies, Uganda Floods, 2007, accessed on May 6th, 2019, available online at: <http://www.ifrc.org/docs/appeals/07/MDRUG006.pdf>.
- [6] Uganda Red Cross Society, *Floods in Kasese*, 2013, accessed on May 6th, 2019, available online at: <https://reliefweb.int/report/uganda/floods-kasese>.
- [7] Y. Gorokhovich et al., Landslides in Bududa, Eastern Uganda: Preliminary assessment and proposed solutions, in: C. Margottini et al., *Landslide Science and Practice*, Springer, Berlin, Heidelberg, 2013, accessed on May 6th, 2019 available online at: https://link.springer.com/chapter/10.1007%2F978-3-642-31337-0_19.
- [8] National Economic and Social Rights Initiative, Summary of UN Guiding Principles on Internal Displacement, 5 November 2012, accessed on May 10th, 2019, available online at: <https://www.nesri.org/resources/summary-of-un-guiding-principles-on-internal-displacement>.
- [9] *Excerpt from Annex 9 to the Convention on International Civil Aviation of 1944* (12th ed.), July 2005, accessed on May 9th, 2019, available online at: <http://www.ifrc.org/Docs/idrl/I275EN.pdf>.
- [10] South African History Online, Organisation of African Unity, 2016, accessed on May 10th, 2019, available online at: <http://www.sahistory.org.za>.
- [11] Dimersar Academy, Disaster risk management cycle, 2010, accessed on September 28, 2018, available online at: <https://sites.google.com/site/dimersarred/disaster-management-cycle>.
- [12] Directorate of Relief, Disaster Preparedness and Refugees-Office of the Prime Minister, The National Policy for Disaster Preparedness and Management, 2012, accessed on September 28th, 2018, available online at: <http://www.ifrc.org/docs/IDRL/Disaster%20Policy%20for%20Uganda.pdf>.
- [13] Makerere University, Master of Public Health Disaster Management, accessed on September 28, 2018, available online at: <https://courses.mak.ac.ug/programmes/master-public-health-disaster-management>.
- [14] Legatum Foundation, Northern Uganda Conflict Recovery, 2018, accessed on September 28, 2018, available online at: <https://legatum.org/initiative/Northern-Uganda-Conflict-Recovery>.
- [15] Prevention Web, The African Ministerial Conference on the Environment (AMCEN) (2019), accessed on May 26th, 2019, available online at: <https://www.preventionweb.net/organizations/4820/view>.
- [16] W. Nabutola, The Challenges and Opportunities for Integrated Disasters and Risk Management with Particular Reference to Policy, Legislation and Regulations in Kenya, 8th FIG Regional Conference 2012: Surveying towards Sustainable Development; Montevideo, Uruguay, 2012.
- [17] D. Van Niekerk, Disaster risk management in South Africa: The function and the activity — Towards an integrated approach, Un sa Press, 2006, pp. 95-115.
- [18] Y. Carrim, Brief overview of the legislative process of the Disaster Management Act (Act 57 of 2002). Intergovernmental Conference on Disaster Management, 21-23 May 2003. Gauteng, South Africa.
- [19] Republic of South Africa, Disaster Management Act (Act

57 of 2002). Pretoria: Government Printer, 2003.

[20] Republic of South Africa, Constitution of the Republic of South Africa (Act 108 of 1996). Pretoria: Government Printer, 1996.

[21] Republic of South Africa, Draft National Disaster Management Framework. Notice 974 of 2004, Pretoria: Government Printer, 2004.