

Submission to the Portfolio Committee on Cooperative Governance and Traditional Affairs on the Disaster Management Amendment Bill

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Presentation made by:

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**Chairperson of the Portfolio Committee, Honourable members of the committee,
colleagues,**

In 2002 South Africa took the lead internationally with the promulgation of our Disaster Management Act 57 of 2002. In 2005 the National Disaster Management Policy Framework was approved, and once again placed South Africa ahead of the curve in terms of its forward looking laws and policies. This also created an expectation with the international community in terms of progress in implementation of disaster risk reduction and building resilience in South Africa. Again at the beginning of 2015, these public hearings on the amendments to the Disaster Management Act comes at an opportune time, barely a month following the signing of the new international agreement on disaster risk reduction in Japan, the Sendai Framework for Disaster Risk Reduction 2015-2030.

Chairperson, in my presentation to this Committee, I would like to provide a critical assessment of the proposed amendments to the Disaster Management Act as well as highlight certain issues which I feel have not been adequately addressed in the Disaster

Management Amendment Bill [B10-2015]. Firstly, allow me to make some general comments on disaster risk reduction in South Africa.

Since 2002, South Africa has shown **significant political commitment** to disaster risk management at national level. Unfortunately this commitment has not permeated to all provincial and municipal entities. Our research over the past 15 years shows that it can mainly be linked to the lack of capacities, commitment, knowledge and skills within these sectors and spheres of Government. Capacity enhancement and development are critical issues which we need to pay more attention to.

The **placement of the National Disaster Management Centre** (NDMC) has always been problematic. I have argued in the past that for the very definition of "Disaster Management" as espoused in the Disaster Management Act to take effect, the NDMC must be appropriately placed within the administrative structure of Government. Compared to most other African countries, our NDMC does not account to the highest political office being the Office of the President/Prime Minister but rather find itself within a sector department. If we believe that disaster risk reduction is multi-sectoral and multi-disciplinary, then we have to support the function of disaster risk management becoming an agency or government component in its own right. Only then will it be able to effectively coordinate the activity of disaster risk reduction across spheres, sectors and organs of state. Our research show that the current placement of the NDMC has unfortunately been mirrored in provinces and municipalities. Thus, we find that the function and activity of disaster risk reduction becomes constrained in line functions with little authority or stature to apply the DMA. However, I would like to give a word of caution. The NDMC as a government component should never be applied in a top-down fashion but should be build from community level upwards, taking cognisance of the variation in our disaster risk profile. The devolution of power in this regard will be crucial for disaster risk reduction success.

Another hindering factor over the past decade for disaster risk reduction in South Africa has been the **varied interpretation of the Disaster Management Act**, cries of “unfunded mandate”, and uncertainties of roles and responsibilities between district and local municipalities. Although the current Amendment Bill does talk to all types of municipalities the difference between the application of the structures and responsibilities remains vague and once again open for interpretation.

This brings me to the **naming of the Disaster Management Act** and Amendment Bill. In 2002 the timing of the promulgation of the Disaster Management Act has been somewhat unfortunate. Unfortunate in the sense that the promulgation came in an era where the international emphasis on “disaster management” changed significantly to that of disaster risk reduction. However, the name of the (then) Disaster Management Bill stuck for various reasons. I have been a vocal advocate ever since with practitioners and academics alike, for a shift away from the use of the term disaster management *per se* (thus managing disasters) to the more internationally acceptable term “disaster risk management”. As part of the round table discussion on this very Amendment Bill, once again I raised the concern that we are perpetuating an outdated term and we need to change reference from disaster management to disaster risk management. This has not happened mainly for the given reason that we cannot change the name of an existing Act. Although this might be the case, I would still like to argue for changing all of the wording in the Act from disaster management, to that of disaster risk management in line with international thinking, trends and application. The use of the term “disaster management” creates the impression of managing events which have already happened. Whereas disaster risk management emphasise the management of disaster risks within a development paradigm. I think it is clear how the one is more empowering than the other. This change will also align the Act with the wording already used in our National Disaster Management Policy Framework of 2005.

The second aspect of the Amendment Bill which I would like to highlight is the **focus on local municipal level**. The Disaster Management Act is very specific in giving the

responsibility for disaster risk management to metropolitan and district municipalities. The implementation thereof has been varied. From our research it is clear that local municipalities feel left out and disempowered from the disaster risk management debate. In an extensive research project for the South African Local Government Association (SALGA) in 2011, more than half of the local municipality respondents indicated that they are never, or rarely, consulted by their district disaster risk management structures. Disaster risk management can only be effective at local level, with local ownership and strong involvement of communities. We must realise that although we have three spheres of government we all actually only find ourselves at "local level", and we all have only one common disaster risk profile. Therefore, although the changes proposed by the Amendment Bill to section 53 of the Disaster Management Act is commendable, I must say that I am disappointed in the fact that the process of drafting the Amendment Bill did not fully take cognisance of the voices from municipalities. Once again our research is very clear. The presence of "may" and "must" wording in the Disaster Management Act¹ is confusing and leaves it open for interpretation. Respondents to our research from municipal level shows that almost all practitioners would appreciate more direct guidance by doing away with the "may" wording, and changing them to "must". The argument that national level does not want to be too descriptive in this case, does not add up, but would be welcomed by the local government sphere. Furthermore, our research indicate that there are discrepancies in the perception of funding disaster risk management at municipal level. Municipalities indicated that they would like to see more guidance in the Disaster Management Act on funding for disaster risk reduction. However, as municipalities complain of the lack of guidance and funding on the one hand, on the other, they do not follow the existing processes and procedures for obtaining funds from the fiscus or otherwise. The perceived lack of funding can therefore once again possibly be ascribed to a lack of understanding and knowledge. I believe our current public financial management process is more than adequate for disaster risk reduction and development purposes.

¹ Sections 37(1), 43(2)(b), 51(1), 54(2) and 58(1)

A third general element which I would like to raise is the emphasis placed in the Amendment Bill on the **roles and responsibilities of the various organs of state**. Multi-sectoral and multi-layered disaster risk management will not be possible without all departments incorporating/mainstreaming disaster risk management into their day-to-day work. It is heartening to see that the responsibilities of these organs of state are addressed. One would therefore hope that, although not explicitly mentioned in the Amendment Bill, that the critical departments responsible for the main hazards and vulnerabilities of the South African disaster risk profile, take the initiative to incorporate disaster risk reduction performance indicators into job descriptions and establish dedicated units for enhancing disaster risk management and resilience, as can be seen in the Department of Agriculture, Forestry and Fisheries, the SAPS and the Department of Health (to mention a few).

Fourthly, the Amendment Bill is silent on the **roles, responsibilities and obligations of the private sector** in disaster risk reduction, as well as the engagement by organs of state with the private sector. As it currently stands, the only mention of the private sector in the Disaster Management Act relate to their involvement in the various advisory fora (which has been poor at best and not at all on average). Research by the Office for Disaster Risk Reduction of the United Nations (UNISDR) in its 2014 Global Assessment Report² makes a business case for the strong inclusion of the private sector in disaster risk reduction. It would be wise to better engage the private sector at all spheres of government through a stronger inclusion in the Amendment Bill.

Fifthly, the Bill places significant emphasis on **climate change and climate change adaptation** within the responsibilities allocated to the various spheres of government and organs of state. Disaster risk reduction, sustainable development and climate change adaptation are inseparable and the inclusion into the Amendment Bill is laudable. As a country we need to aim to bring the climate change (and adaptation) and disaster risk

² United Nations International Strategy for Disaster Reduction. 2013. Global Assessment Report on Disaster Risk Reduction. United Nations Office for Disaster Risk Reduction: Geneva.

reduction agenda closer together. The duplication of structures and efforts are costly and unnecessary.

Lastly, the new Sendai Framework for Disaster Risk Reduction is a sterling example of how **gender and disability** disparities can be incorporated into policy. I believe the amendment of the Disaster Management Act provides us with a unique opportunity to take cognisance of international best practices and include specific reference to “gender, age, disability and cultural perspectives” in disaster risk reduction, with specific emphasis on the “promotion of women and youth leadership³”. General reference to “vulnerable groups” does not fully capture these important elements.

Some specific comments on the Amendment Bill can also be made. Firstly I think the **definition of disaster risk reduction** has been watered down from the original as proclaimed by the UNISDR. I would strongly suggest that the definition be changed to: disaster risk reduction *“means the concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.”* This definition takes cognisance of the fact that disaster risk reduction is not only about anticipating future risks and preparedness for response, but that it should also be aimed at understanding the underlying factors which creates disaster risks in the first place. The UNISDR definition also makes provision for the inclusion of environmental factors as risk creators and drivers.

Linked to the above environmental factors is the mention of “**ecosystems**” in the Amendment Bill. The term “socio-ecological linked systems” would be much better suited for the context in which “ecosystems” is currently used. Socio-ecological linked systems acknowledge the interaction between humans and nature in the Anthropocene

³ As per Section III (d) and Priority 4 of the Sendai Framework for Disaster Risk Reduction.

and the interaction between both human and natural processes in the risk creation equation.

Resilience has not been defined in the Bill although reference is made to this term. I suggest the following accepted international definition be included in the Bill: *“The ability of a system, community or society exposed to hazards to resist, absorb, accommodate to and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions.”*

Lastly I would suggest that reference to any **early warning systems** be changed to “multi-hazard early warning systems”. This will not only create the perception that multiple hazards can be constantly monitored and management in one system, but will also assist organs of state in finding common ground in their disaster risk reduction efforts, and the elimination of duplication in planning and implementation. Reference to early warning must also be linked to science and research and to this end other “non-traditional” disaster risk reduction entities must be included for their efforts (such as the CSIR, insurance industry, private sector entities, and communities).

Chairperson and members of the Committee, I thank you once again for the opportunity to make this presentation and I wish you all the best in your future deliberations in bringing the Amendment Bill to fruition.