

Republic of Maldives

DISASTER MANAGEMENT ACT 2006

AN ACT TO PROVIDE FOR THE CREATION OF A NATIONAL DISASTER MANAGEMENT COUNCIL, A NATIONAL DISASTER MANAGEMENT AUTHORITY AND OTHER MATTERS RELATED AND INCIDENT THERETO

1. This Act may be cited as the Maldives Disaster Management Act 2006, and shall come into force on such date as the Government of Maldives may, by notification in the official Gazette

Short Title

2. WHEREAS it is the responsibility of the state to protect its people, their property, and the natural and built up environment they live in from natural and man-made disasters;

Introduction

AND WHEREAS disasters and emergency events have become more complex and lethal, as to require the entire government to act with dispatch, not only in disaster response, but in risk management, risk mitigation, preparedness, relief and recovery through capacity building at all levels, and established partnerships with organized communities and international organizations;

NOW THEREFORE be it enacted by the People's Majlis of the Republic of Maldives as follows:

3 There shall be established a body called the National Disaster Management Council (hereinafter in this Act referred to as the "Council")

Establishment of the National Disaster Management Council

4 (1) The Council shall consist of:

Membership of the Council

- (a) The President, who shall be the Chairperson of the Council (hereinafter referred to as the "Chairperson");
- (b) The Chief Coordinator of the National Disaster Management Centre, who shall be the Vice-Chairperson of the Council
- (c) A representative of the Supreme Council for Islamic Affairs
- (d) Cabinet Ministers who carry relevant portfolios for immediate response
- (e) A representative of the key associations representing the major industries in the private sector of the Maldives
- (f) A representative of a national, non-governmental humanitarian agency

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| (2) The Chairperson of the council shall preside meetings of the Council and must advise, upon recommendations of the council members on issues relating to disaster management | <i>Responsibilities of the Chairperson</i> |
| (3) The vice-chairperson is to act as chairperson during all periods when the chairperson is absent from duty for any reason. | |
| (4) The Chairperson shall appoint a Secretary from among the members of the Council | <i>Secretary of the Council</i> |
| (5) The Council shall meet as often as the need arises, but not less than once in every year | <i>Meetings of the Council</i> |
| (6) The quorum of any meeting of the Council shall be one third of its total membership | <i>Quorum at Meetings</i> |
| (7) The Council may set its rules with regard to the conduct of its meetings. | <i>Conduct of Meetings</i> |
| 5 The functions of the Council shall be: | <i>Functions of the Council</i> |
| (a) To provide guidance, advice and approve all critical decisions on disaster management with the aim of: | |
| (i) Protecting the people's safety, health, and quality of life as well as the nations economic viability; | |
| (ii) Building and maintaining partnerships and collaboration at all levels of government, community, corporate and voluntary sectors in all aspects of disaster management through a consultative decision-making process | |
| (iii) Building and maintaining partnerships and collaboration with other nations in the South Asia region on matters of disaster management; | |
| (iv) Building and maintaining partnerships and collaboration with international agencies and the rest of the international community; | |
| (v) Protecting the natural and built up environment; | |
| (vi) Building the capacity of communities to mitigate risks, prepare for, respond to, and recover from disasters; | |
| (vii) Ensuring accountability, transparency and fairness in the performance of its functions | |
| (b) To approve the National Disaster Management Plan and the National Emergency Operations Plan. | |
| (c) To present the Plans to the Parliament and to other Government | |

Authorities and to disseminate the essentials of the Plan to the public

- 6 (1) For the purposes of this Act, there shall be established a National Disaster Management Authority (hereinafter referred to as the Authority) *Establishment of the National Disaster Management Authority*
- (2) The Minister appointed to lead the National Disaster Management portfolio shall be the Head of the Authority. He shall appoint a Deputy Head to assist him in the day to day operations of the Authority. *Head and Deputy Head of the Authority*
- (3) The Deputy Head of the Authority should *Deputy Head responsibilities*
- a) perform the functions of office subject to the mandates set in section (5)
 - b) is responsible for the exercise by the Authority of its powers and the performance of its duties delegated by the head of the Authority
 - c) takes all decisions of the Authority in consultation with the head of the Authority in the exercise of its powers and performance of its duties .
- (4) The objective of the Authority is to promote an integrated and coordinated system of disaster management, with special emphasis on prevention and mitigation, by National, Atoll and Island institutions of the government, statutory functionaries, private sector, non-government organizations and other role-players involved in disaster management and communities *Objective of the Authority*
- (5) General Mandate and Powers of the Authority are as follows: *Mandate and Powers of the Authority*
- a) To act as the implementing body for disaster management.
 - b) To specialize in issues concerning disasters and disaster management
 - c) To monitor whether institutions of the government, statutory functionaries comply with this Act and the National Disaster Management Plan and must monitor progress with post-disaster recovery and rehabilitations.
 - d) To act as a conduit for information concerning disasters and

disaster management.

- e) To act as an advisory and consultative body on issues concerning disaster management to :-
 - (i) institutions of the government and statutory functionaries;
 - (ii) the private sector and non-governmental organizations; and
 - (iii) communities and individuals;
- f) To make recommendations to the Council –
 - (i) on draft legislation affecting this Act, The National Disaster Management Plan, or any other disaster management issues;
 - (ii) on the set-up of Atoll and Island Disaster Management Authorities, and the alignment of National, Atoll and Island Disaster Management Plans and;
 - (iii) in the event of a national disaster, on whether a national state of disaster should be declared.
- g) To require, with the consent of the Council, any department or agency of the Government to make available manpower or material resources for purposes of emergency response, rescue and relief.
- h) To draft and prepare for the approval of the Council, the National Disaster Management Plan and the National Emergency Operations Plan
- i) The National Disaster Management Plan shall include:-
 - (i) measures to be taken for the prevention of disasters, or the mitigation of their effects;
 - (ii) measures to be taken to integrate risk mitigation into national and local development plans;
 - (iii) measures to be taken for preparedness and capacity building to effectively respond to any threatening disaster situation or disaster;
 - (iv) roles and responsibilities of different Ministries,

Departments or agencies in the disaster management process.

- j) To prepare a National Emergency Operations Plan which shall translate into specific programs of action in the National Disaster Management Plan in terms of disaster preparedness, response and relief
- k) To implement the National Disaster Management Plan, and upon declaration of a state of disaster, the National Emergency Operations Plan.
- l) To align the aforementioned Plans with guiding principles for disaster risk reduction and management in the South Asia region.
- m) To review and update both aforementioned Plans annually
- n) To establish an Emergency Operations Centre that shall operate and maintain a multi-hazard early warning system responsible for gathering and disseminating information related to disasters twenty four hours a day, seven days a week. Command and control shall emanate from this Centre.
- o) To coordinate rescue, relief, and recovery activities during national emergencies and disasters.
- p) To undertake measures to improve the disaster response capabilities of first responders.
- q) To prepare and implement a Communication Plan to promote public awareness, knowledge, and acceptance of the people's role in mitigating the risks of disasters.
- r) To establish, operate and maintain a communication system that has sufficient redundancies to allow it to be operational even during disasters.
- s) To undertake continuous assessment of the effects of a disaster for the purpose of allocating resources in response thereto.
- t) To conduct research, by itself, or through government agencies, private or public regional or international institutions, on matters related to disaster management.

- u) To establish and continually update an inventory of human resources, transportation, construction, communication and other equipment vital to search, rescue and relief operations.
- v) To initiate programs for:
 - (i) disaster risk reduction and management;
 - (ii) disaster mitigation;
 - (iii) disaster preparedness;
 - (iv) disaster response;
 - (v) disaster relief and recovery;
 - (vi) post-disaster assessment;

 - (vii) disaster research;
 - (viii) policy and governance.
- w) To ensure that the Disaster Management Plans prepared by Ministries, departments, agencies and public and private corporations are in conformity with the National Disaster Management Plan.
- x) To assist the Atoll and Island administrators in formulating their disaster management plans and programs by providing the necessary technical assistance as needed.
- y) To evaluate the state of preparedness at all government levels for the purpose of responding to any threatening disaster situation or disaster and give directions, where necessary, for enhancing such preparedness.
- z) To plan and coordinate specialized training programmes for disaster management for different levels of officers, employees and voluntary rescue workers.
- aa) To establish mechanisms that render operational, international cooperation for disaster risk reduction and management.
- bb) comment: should not be limited to South Asia)
- cc) To perform such other functions as may be required by the Council.
- dd) Upon declaration of a state of disaster, the Authority shall:
 - i. Direct, coordinate, and use all available resources as may

*Duties of the
Authority
during state of
disaster*

be necessary, within the area or areas included in the Declaration to mitigate the effects of the disaster, or impending disaster.

- ii. Direct, coordinate, and use additional resources, if and when they become available, in accordance with arrangements made with respect to its allocation.
- iii. Take all necessary measures provided for in the National Disaster Management Plan or the National Emergency Operations Plan as the case may be, and in accordance with the instructions of the Chairperson

7. (1) For the purposes of this Act, there shall be established an Atoll Disaster Management Authority, and an Island Disaster Management Authority, in all atolls and inhabited islands of the country; *Atoll and Island Disaster Management Authority*
- (2) The Atoll and Island Disaster Management Authorities should consist of: *Membership of the Atoll and Island Disaster Management Authority*
- (a) Representation from the Atoll and Island Offices
 - (b) Representatives from the Atoll Development Councils and Island Development Councils
 - (c) Representatives from the socio-economic sectors and non-governmental organizations
- (3) The functions of the Atoll and Island Disaster Management Authorities are as follows: *Functions*
- (a) To act as the coordinating and monitoring body for disaster management;
 - (b) To prepare and submit to the Authority for its approval, and thereafter implement, a Disaster Management Plan and an Emergency Operations Plan for each atoll, inhabited island and islands leased for economic activities in the country;
 - (c) To coordinate rescue, relief, and recovery activities during emergencies and disasters;
 - (d) To prepare and implement a Communication Plan to promote public awareness, knowledge, acceptance and participation of the people's role in mitigating the risks of

disasters;

- (e) To initiate programs for:
- (i) disaster risk reduction and management;
 - (ii) disaster mitigation;
 - (iii) disaster preparedness;
 - (iv) disaster response;
 - (v) disaster relief and recovery;
 - (vi) post-disaster assessment;
 - (vii) disaster research;
 - (viii) Policy and governance.

- 8 (1) The Chairperson of the council may give the Authority written or verbal directions about the performance of its functions. However, the directions should be a consensus consultation with the members of the members of the council. *Communication and chain of command*
- (2) The Head of the Authority and the Deputy Head of the Authority may give the Atoll Disaster Management Authority written or verbal directions about the performance of the Atoll Disaster Management Authority's functions
- (3) The Head of the Atoll Disaster Management Authority may give the Island Disaster Management Authority written or verbal directions about the performance of the Island Disaster Management Authority.
- 9 (1) There shall be constituted a National Disaster Response Force for the purpose of specialized response to a threatening disaster situation or disaster. *Establishment of a National Disaster Response Force*
- (2) The said force may be composed of officers and members of the military, police, coast guard, fire, and emergency medical service, and other personnel as may be included by the Council. *Composition of the Force*
- (3) The general superintendence, command and control of the Force shall be vested in and exercised by the Authority through an officer to be appointed by the Head of the Authority *Command and Control of the Force*
- 10 (1) The Council and the Authority may be assisted by any number of Technical Advisory Committees composed of professionals and/or experts, as may be deemed necessary *Technical Advisory Committees*
- (2) The chairpersons and members of the Technical Advisory Committees shall be nominated by the Authority and appointed *Chair & Members of the Committees*

with the approval of the Council

- 11 (1) Upon the recommendation of the Authority, the Chairperson of the Council may declare that a state of disaster exists in the country or any part thereof. *Declaration of a State of Disaster*

The Chairperson's declaration shall come into force on the date it is made and shall last for a period of not more than two months and may thereafter, if deemed necessary, be extended for further periods not exceeding two months at a time *Period of the Declaration*

- 12 (1) When a disastrous event occurs or threatens to occur, the Authority, for the purpose of the proper application of this Act, determine whether the event should be regarded as a disaster in terms of this Act, and if so the Authority must Immediately:- *Classification of Disasters*

a. assess, in consultation with the concerned authorities, the magnitude and severity or potential magnitude and severity of the disaster,

b. Classify the disaster as an island, Atoll or National disaster.

- (2) When assessing the magnitude and severity or potential magnitude or severity of a disaster, the Authority:-

a. must consider any information and recommendations concerning the disaster received from an Island or Atoll Disaster Management Authority

b. may enlist the assistance of an independent assessor to evaluate the disaster on site.

- (3) A disaster is a local state of disaster if :-

a. it affects a single island in its geography, a ward in an island;

b. the existing legislation and contingency arrangement does not adequately provide the island or the ward concerned to deal with the disaster

c. other special circumstances justify the declaration of a local state of disaster

- (4) A disaster is an Atoll level state of disaster if:-

- a. it affects more than one island within an atoll in its geography,
- b. the existing legislation and contingency arrangement does not adequately provide the islands concerned, the atoll administration and the Atoll Disaster Management Authority in which the island/s belong, the regional Defence headquarters or the central administration to deal effectively with the disaster.
- c. Other special circumstances justify the declaration of an atoll level state of disaster

(5) A disaster is a national state of disaster if:-

- a. It severely affects more than a single community or more in terms of loss of human lives, and or illness or injury to humans, and property loss
- b. The existing legislation and contingency arrangements do not adequately provide for the national authorities to deal effectively with the disaster
- c. Other special circumstances justify the declaration of a national state of disaster

(6) An accident or a disaster in the sea shall be referred to and dealt by the nearest Island Administration and Island Disaster Management Authority *Sea related accidents*

(7) A major air craft disaster within the geographical jurisdiction of the Government of Maldives shall be dealt by the Authority in consultation and for the purpose of supporting the State Authority/s responsible for the sector *Aviation Disasters*

13 (1) If it appears to the Council, the Authority, the Atoll or Island Disaster Management Authority that:- *Requisition of Resources*

- (a) any resource or resources with any person or persons are needed for the purpose of prompt response;
- (b) any premise is needed or likely to be needed for the purpose of rescue operations; or

- (c) any vehicle, vessel or aircraft registered in the country is needed or likely to be needed for the purpose of transport of resources from disaster affected areas or transport of resources to the affected area or transport in connection with rescue, and recovery, such authority may, by order in writing, requisition such resources or premises, such vehicle, vessel or aircraft as the case may be.
- (2) Whenever any resource, premises, vehicle, vessel, or aircraft is requisitioned under this section, the period of such requisition shall not extend beyond the period of the declaration of a state of disaster by the President.
- (3) In this section,-
 - (a) “resources” includes manpower and material resources such as stores, equipment, vehicles and facilities;
 - (b) “premises” means any land, beach or seafront, building or part of a building and includes a hut, shed or other structure or any part thereof;
 - (c) “vehicle” means any vehicle used or capable of being used for land transport, whether propelled by mechanical power or otherwise;
 - (d) “Vessel” means any seaworthy means of water transport, whether propelled by mechanical power or otherwise.
 - (e) “aircraft” means any means of air transport regardless of type
- 14 (1) Whenever any resource, premises, vehicle, vessel or aircraft is requisitioned by the Council, the Authority, the Atoll or Island Disaster Management Authority, there shall be paid to the person or persons from whom they have been requisitioned, compensation in cash or tax credits or a combination thereof, the amount of which shall be determined by taking into consideration:-
 - (a) the rent payable in respect of the premises, or if no rent is so payable, the rent payable for similar premises in the locality;
 - (b) The at cost of hiring a vehicle, vessel or aircraft for the same period of time.

Compensation

- (2) Any dispute with regard to compensation under this section shall be resolved through the appropriate Courts of Law. *Resolution of Disputes*
- 15 (1) Prices of basic necessities such as food, clothing, shelter and transportation may not be subject to increase in the areas covered by the declaration of the state of disaster and during the period of such declaration. *Price Control*
- (2) The Ministry of Economic Development and Trade may recommend to the President a shorter period of such price control on certain items that may be in short supply.
- 16 The Authority may accept the assistance of any legitimate International and local government and non-government organization, private corporation, business establishment, or volunteer civic group to assist itself in the discharge of its duties under this Act. *Acceptance of Assistance*
- 17 The government may appeal for international humanitarian assistance with the consent of the Council to deal with an event of disaster effectively. *Appeal for International humanitarian assistance*
- 18 (1) The Authority may recommend with the approval from the Council to the government to give direction to any authority or person in control of international or local audio or audio-visual media or such other means of communication to disseminate factual and appropriate information to the public. *Direction to media for communication and dissemination of information to the public*
- (2) The Authority shall endeavor to ensure that relief activities are carried out in an equitable, peaceful, orderly manner and there shall be no discrimination on the ground of sex, sects of religion, community or social divisions.
- (3) The Authority reserves the right to place under its supervision and control such private organizations during their participation in search and rescue operations.
- 19 (1) The State treasury shall provide the funds hereby appropriated for the operations of the Authority, and its instrumentalities; the Atoll Disaster Management Authority and the Island Disaster Management Authority. The appropriation shall be administered under the National Disaster Management Centre subject to all existing laws relating to disbursement and auditing of public funds *Appropriations*
- (2) The state treasury may provide a fund to be called the National *National Disaster*

- Disaster Response Fund for meeting any threatening disaster situation or disaster and the fund should be credited *Response Fund*
- (a) An amount which the government may, after due appropriation by the Parliament
- (b) Any grants that may be made by any person or institution for the purpose of disaster management
- (3) The Authority shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions it enters into. A separate book of all donations received whether in cash or in kind shall be updated and audited periodically. *Accounts and Audit*
- 20 (1) The Authority shall submit to the Council for its approval, with the consent of the organization and the individual, the list of officers, public servants and agents it considers necessary for the discharge of its functions and for the administration and implementation of this Act. *Staff of the Authority*
- (2) At the request of the Council, any officer in the public service may, with the consent of that officer and the Ministry where he or she is employed, be temporarily appointed to the staff of the Authority for such period as may be determined by the Council.
- (3) Where the Council employs any person who has entered into a contract with the Government by which he or she has agreed to serve the Government for a specified period, any period of service with the Authority by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.
- 21 Any officer, on whom any duty has been imposed under this Act and who ceases or refuses to perform or withdraws from the duties of his office or is attributable to any neglect such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly *Offences and Penalties*
- 22 Whoever, without reasonable cause obstructs any officer or a person authorized by the Council or the Authority or the Atoll and Island Disaster Management Authority in the discharge of the functions under this Act, or refuses to comply with any direction given by the government or on behalf of the government shall on conviction be punishable. *Punishment for obstruction*

- 23 Whoever, being entrusted with any money or materials, or otherwise being, in custody of any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for the person's own use or disposes of such money or materials or any part thereof or willfully compels any other person to do so, shall on conviction be punished accordingly *Punishment for misappropriation of money or materials*
- 24 The Authority shall make regulations and plans consistent with this Act and the rules and policies made there under to fulfill the Act
- 25 In this Act, unless the context otherwise requires – *Interpretation*
- “disaster”** means a serious disruption in a community, caused by the impact of an event, that requires a significant coordinated response by the government and other entities to help the community recover from the disruption;
- “serious disruption”** means the loss of human life, or illness or injury to humans; and/or widespread or severe property loss or damage; and/or widespread or severe damage to the environment;
- “disaster management”** are the arrangements about managing the potential adverse effects of an event, including, arrangements for mitigating, preparing for, responding to and recovering from a disaster;
- “disaster mitigation”** are the means taken in advance of, or after, a disaster aimed at decreasing or eliminating its impact on society and the environment;
- “disaster preparedness”** are the arrangements that ensure that, should an emergency occur, all those resources and services which are needed to cope with the effects can be efficiently mobilized and deployed;
- “disaster research”** is a systematic inquiry, before and after a disaster, into a relevant disaster management problem;
- “disaster response”** are the actions taken in anticipation of, during and immediately after an emergency to ensure that its effects are minimized;
- “disaster response capability”** means the ability to provide equipment and a suitable number of persons, using the resources available to the local government, to effectively deal with, or help

another entity to deal with, an emergency situation or a disaster in their area;

“disaster relief” is the provision of immediate shelter, life support and human needs of persons affected by, or responding to, an emergency;

“disaster recovery” is the coordinated process of supporting emergency-affected communities in the reconstruction of the physical infrastructure and restoration of emotional, social, economic and physical wellbeing;

“disaster risk management” is the culture, processes, and structures that are directed towards realizing potential opportunities whilst managing adverse effects;

“post-disaster assessment” is the evaluation of risks revealed by a disaster or emergency event in order to improve future development of mitigation measures;

“event” means any of the following:

1. a tsunami, storm, storm tide, flood, cyclone, earthquake, tornado or any other natural happening;
2. widespread fire;
3. an explosion, a chemical, fuel or oil spill, or a gas leak;
4. an infestation, plague, or epidemic;
5. a failure of, or disruption to, an essential service or infrastructure;
6. an attack against the State;
7. a chemical, biological, radiological, or nuclear incident;
8. any other event similar to the above events.

“hazard” means a source of potential harm, or a situation with a potential to cause loss.

“risk” the chance of something happening that may have an impact on the safety and well being of a community. It includes risk as an opportunity as well as a threat, and is measured in terms of consequences and likelihood.