



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

COMMITTEE ON AGRICULTURE, TOURISM AND NATURAL RESOURCES:

**REPORT OF THE PUBLIC HEARINGS ON THE EAC DISASTER RISK
REDUCTION AND MANAGEMENT BILL, 2013.**

**EAC PARTNER STATES CAPITALS,
JUNE 26th - JULY 3RD AND JULY 29TH - 31ST, 2013**

**EAC HEADQUARTERS
EALA WING, 3RD FLOOR
ARUSHA, TANZANIA**

JULY 2013

1.0 INTRODUCTION

1.1. Background and Justification

In December 2010, the East African Legislative Assembly (EALA) Standing Committee on Agriculture, Tourism and Natural Resources received a delegation from the United Nations International Strategy for Disaster Risk Reduction (UNISDR). The visit was a follow-up of discussions between the EALA delegation to the 123rd Inter-Parliamentary Union General Assembly held in Geneva and UNISDR on disaster risk management. The main objective of the visit was to raise awareness of the EALA Members on the importance of disaster risk reduction and to create a political understanding and knowledge on how to use disaster risk reduction as an instrument for achieving the Millennium Development Goals.

Following this interaction with the UNISDR, the Committee on Agriculture, Tourism, and Natural resources convened a two-day workshop in Arusha in May 2011, which included the Committee on General Purpose and representatives of UNISDR, for further interaction on the matter. Arising from this workshop, **the EALA and the UNISDR agreed to collaborate to develop a model legislation which can be used to support the efforts of the EAC Partner States in building disaster resilience in East Africa.** Moreover, the EAC Department of Environment and Natural Resources organized in Mwanza, in November 2012, a two days sensitization workshop coupled with field visits for Parliamentarians of the EAC Region on Climate Change. From this workshop, they agreed to use DRR as a tool to mitigate Climate Change.

Within this background and in line with article 112(1)(d) of the Treaty for the Establishment of the East African Community, Hon. Patricia Hajabakiga introduced in the Assembly a Private Member's Bill entitled "*The EAC Disaster Risk Reduction and Management Bill, 2013*" on April 17th, 2013. The objective of the Bill is **to provide a legal framework for intervention and assistance for people affected by climate change and natural hazard-related disasters, and to protect the natural environment through integration of comprehensive disaster risk reduction and management practices in the Community.**

As per the Rules of Procedure of the Assembly, after its First Reading, the Bill was referred to the Committee on Agriculture, Tourism and Natural Resources for scrutiny. The Committee subsequently scheduled public hearings on the Bill in the EAC Partner States in order to enlist more holistic views from the stakeholders of the Bill.

Based on the aforesaid, public hearing workshops on the proposed Disaster Risk Reduction and Management Bill, 2013 were held in EAC Partner States capitals. The public Hearings took place in respectively on June 27th in the

Republics of Burundi and Uganda, on June 29th in the Republic of Rwanda, on July 1st in the Republic of Kenya and on July 29th in the United Republic of Tanzania.

1.2. Objectives of the Public Hearings

The specific objectives of the Public Hearing workshops were:

- (i) To sensitize East African citizens on this important Bill which comes to protect their lives and properties;
- (ii) To explain to citizens of East Africa the content of the bill and request their inputs to make it exhaustive;
- (iii) To involve citizens in the legislative process as it might be as pre-procedure as the Assembly legislates for them;
- (iv) To witness disaster affected areas and areas vulnerable to disaster.

1.3. Methodology

The Committee formed two teams to meet stakeholders in their respective Partner States. Team I met stakeholders in the Republics of Burundi and the United Republic of Tanzania whereas team II undertook meetings in the Republics of Uganda and Rwanda, and both teams met in Nairobi and Dar Es Salaam to meet stakeholders and thereafter consider all gathered views.

Annex I attached to this report shows the composition of the teams.

In all Partner States, the Committee used various methodologies, which included the following:

- i. Briefing stakeholders on objectives of the Public Hearings and of the Bill;
- ii. Allow stakeholders time for feedback and possibility to express themselves in the languages they felt comfortable;
- iii. technical presentations by national Platform representatives on the status of Disaster Risk Reduction at national level;
- iv. technical presentations by experts from EAC secretariat on the status of Disaster Risk Reduction at regional level followed by presentation of the bill by the mover;
- v. conduct a field visit where it was possible to witness the existence of disaster.

1.4. Participants to the Public Hearing workshops

Members interacted with Parliamentarians from relevant Committees, representatives of Government Ministries, National Platforms and Focal Points on Disaster Risk Reduction, the Academia; UN agencies; civil societies and Non-Governmental Organizations dealing with Disaster Risk Management.

The list of participants is herewith attached as **Annex II**.

2.0. FINDINGS OF THE PUBLIC HEARINGS IN PARTNER STATES

2.1. EMERGING ISSUES AND INPUTS FROM STAKEHOLDERS IN THE REPUBLIC OF BURUNDI

From the meeting held with stakeholders in Bujumbura, the following issues and concerns emerged:

1. Burundi stakeholders were in total support of the bill and they proposed some amendments to it to make it exhaustive as per the objective of the activity. Thus, they raised the following proposals:
2. In the title of the Bill, they proposed insertion of the word "**disaster**" before "Management" and thus the Bill should read as follows : " the EAC Disaster Risk Reduction and **Disaster** Management Bill, 2013." They proposed to adjust throughout the Bill;
3. Stakeholders proposed that the word " **management**" be defined to capture the following concepts of " **prevention, response and recovery**";
4. Stakeholders proposed that the bill provide for **prevention or early warning mechanism**;
5. Stakeholders insisted on the need to include in the Bill the "**emergency Fund**" to facilitate quick intervention in cases of disasters;
6. Stakeholders proposed that the Bill includes "**civil society**" and "**media**" **in the composition of the "Authority"** mentioned in the Bill because their role is paramount in cases of disasters; the response from Committee Members was that although the role of the Civil Society is important, there is nothing of binding nature as they do not have any obligation to respond before citizens according to the Treaty.
7. Stakeholders were keen to know the relationships of this regional bill and other existing Disaster Risk Reduction bills at national level. As a response, they were informed by Committee Members that the bill builds on the laws of EAC Partner States and specifically on the disasters which may occur between two or more Partner States and which are beyond the capacity of national governments.
8. Stakeholders sought to know why the SG should be in both the Board and the Authority .

9. Stakeholders also sought to know differences/resemblances between the national strategy and the regional strategy on disaster Risk Reduction. The response by both technical and experts at national and regional level was that both refer to international Instruments on Disaster Risk Reduction such as the Hyogo Framework for Action;
10. Stakeholders proposed that **collection of data base information and its dissemination to Partner States** should fall under the responsibility of the DRR Unit housed in the EAC secretariat. They requested that this idea be captured in the Bill;
11. It came out that the bill should capture the idea of a **prevention Unit** under clause 25 of the Bill;

Subsequent to the field visit at the burned Bujumbura Central Market, stakeholders came up with two main conclusions and ideas :

- the need to establish an **Emergency Fund** to help victims of disaster;
- the need to **sensitize citizens to pay insurance for protection of their business.**

These ideas were considered as important to be captured in the Bill.

Recommendations

Stakeholders commended the mover of the Bill and the EALA as a whole for bringing a bill of such importance since disasters are a concern of everybody and its management is beyond capacities of one partner State alone.

Participants further stressed the need :

- for countries to harmonize their national laws with this DRR Act;
- to create a regional network to assess the occurrence of earthquakes in the region;
- to implement the Regional DRRM Strategy followed by Monitoring and Evaluation to enhance resilience culture among Partner States Communities;
- to share experience/flow of information on Disaster Management among EAC Partner States;
- of case exercises on intervention in the event that disasters occur with a view to enhance prevention and mitigation as well as coordination of appropriate response;
- for specialized training for rescue and quick intervention;
- to create data base information at regional level for Disaster Prevention and Management; and

- for Development Partners to streamline DRRM in their development projects and programmes.

2.2. EMERGING ISSUES AND INPUTS FROM STAKEHOLDERS IN THE REPUBLIC OF KENYA

The specific comments on the bill include the following :

- 1) Implementation of the Bill will be the responsibility of Partner States . It is therefore crucial that the EAC Management Coordination Mechanism be anchored within the Bill with the coordination role of the secretariat highlighted and emphasized;
- 2) The establishment of the Fund should also be more explicit as well as the fact that it will also assist in building capacities already existing in the Partner States; sharing of information and experiences, best practices, surveillance among the relevant Partner State agencies is sine qua none;
- 3) the bill should be clear on the sources of the Funds and address accountability aspect of the Funds ; the Fund should be properly structured to enable it attract the required and necessary resources;
- 4) With regard to the Disaster Risk Reduction and Management Unit, there is need for it to be situated in the Secretariat and be given some powers so as to be able to function and perform minimal actions without having to always refer to the Council and the Summit, particularly in emergency situations. Establishment of Disaster Risk Reduction and Management Authorities can be at the Partner State levels;
- 5) A registry/ inventory /database of cyclical disasters and calamities should be prepared with documented interventions, and strategies for risk reduction and management as well as lessons learnt within the region;
- 6) There is too much emphasis on the area of human rights of victims in the bill which may overshadow the coordination role and may limit interventions by Partner States in fear of contravening the rights of the victims. Participation of affected persons should as much as practicable be included in planning and risk management;

- 7) With regard to naming of structures, it might be better to maintain 'Council' rather than 'Authority' whose connotation may be more applicable at the national level;
- 8) There is a need to invest in early warning systems and complementary technologies;
- 9) There is need for EALA to lobby the Summit well in advance so that implementation at the National level will be easier with relevant ministries (Cabinet Ministers/Secretaries) already on board ;
- 10) There is need for proactive rather than reactive attitude and general attitude change particularly at local government levels which should include eco friendly programs (like water harvesting of flood waters for future utilization should be addressed) in the bill. A sense of ownership is also essential for implementation to succeed;
- 11) Population growth should also be addressed as a contributory factor and form part of any strategy since it is a contributory factor to disasters;
- 12) Corruption also needs to be addressed since land management issues for example cause disaster due to disregard to the existing laws as a result of corruption;
- 13) There is need to mainstream DRR into all Ministries since it seems not to be anchored in any particular ministry or institution and yet it is crosscutting. This should be accompanied with the necessary human resources with capacity to intervene in situations of disaster;
- 14) There is need for an accountability mechanism that goes hand in hand with the mobilisation and use of resources in the bill. With this provision, there should be sanctions and penalties for those acting against the law. (Leaders who through poor leadership also cause disasters in the name of conflict and all its ensuing consequences should also be sanctioned);
- 15) There is the need for the bill to capture the cycle of disasters and responsibilities of each Partner State at each stage of the cycle ;
- 16) There is need to show the relationship between the bill and all existing instruments within and outside the region for example, the movement of goods and services within the region. Thereafter strengths,

and best practices making use of different instruments and mechanisms needs to be elaborated;

- 17) Proposed amendment on Article 12, Clause 3 to read: "The designated evacuation centres or temporary shelter zones, where the....."
- 18) Proposed amendment on Article 12, Clause 17 to read: "the rights to property (add "s" after right and "to" before property.

Additional comments included the following:

On the Memorandum or Bill Supplement

Paragraph 1 (objective of the bill) should be harmonised with Article on page 9 (Objective and scope of the Act). The Objective in Article 3 is response oriented; while the memorandum makes reference to climate change and protection of natural environment, the entire Bill stipulates the means for doing so.

Paragraph 3 of the memorandum on cover page (each partner bears the primary responsibility to reduce and manage disasters on its territory) seems to contradict Article 33 on page 21(" The Act shall take precedence over all other laws").

With regard to Institutional arrangements:

On the East African Community DRR/M Authority and Board of the Authority:

1. Both the Authority and the Board are headed by the Chairperson. Article 19(3) and Article 22(3). It is important to separate the titles of the head of the authority and the head of the board.
2. The Secretary General is the member of both the Authority and the Board. Refer to Article 19(2) and Article 22(2b). This needs to be reconsidered.

On the Functions of the Authority (Article 20):

Function (e) (take such other measures for DRR/M is vague). Revise or delete as appropriate.

Function (f) "recommend the provision of fund" should be revised to read "mobilize and recommend"

Function (g) establish a regional early warning mechanism): this is a technical function that cannot be carried out by the Authority composed of Ministers.

On Additional (proposed/suggested) functions of the Authority (to be included under Article 20):

1. Resource mobilisation
2. Declaration of regional disaster
3. Report to the Council

On the composition and Functions of the Board:

Article 22(2) (a) make reference to Permanent Secretaries but other Partner States such as Kenya uses Principle Secretaries. This should be reflected accordingly.

Article 23 (2) (c) "prepare plans to be approved by the Authority" is vague. Need to specify the plan.

Function (f) plan and coordinate specialized training programmes is not a feasible function of the board.

Function (g) "Promote general education and awareness" is also not a feasible function of the Board.

On the East African Community Disaster Risk Reduction and Management Unit (Article 25):

Article 25 (2) "the Unit shall comprise technical experts in DRR/M appointed by the Council.

Additionally, there is a need to clearly special the number of experts, required qualifications, terms of office and functions.

On the East African Community DRR/M Framework (Article 26) :

The criteria or characteristics or guiding principle for developing the Framework as stipulated in Article 26 (1) (a) to (f) are low level criteria and should be revisited.

Recommendations: the Framework should be guided by Hyogo Framework for Action, Africa Strategy and should integrate DRR/M with Climate Change Adaptation /Mitigation

On the EAC DRR /M Fund (Article 27) :

Article 27 (5) is the function of the Authority and should be shifted under Article 20.

On the Functions of the Secretary General (Article 28)

There are other several functions of the SG scattered all through the document that should be listed systematically. For instance other functions of the SG are stipulated under Article 25 (4)

On Functions of the Council

The functions of the Council are scattered in various Articles in the Bill. For instance, Articles 25 (2), 30 (2) and 32. There is need to list these functions systematically.

Under Miscellaneous Provisions

Miscellaneous provisions are Part IV and not Part VI as stipulated on page 19.

2.3. EMERGING ISSUES AND INPUTS FROM STAKEHOLDERS IN THE REPUBLIC OF RWANDA

The following are the inputs made by the stakeholders:

1. Title of the Bill should read: “The East African Community Disaster Risk Reduction and Disaster Management Bill” throughout the Bill;
2. In the Long title, instead of the word “intervention” the proposal is to use a word that reflects all phases/components of Disaster Management;
3. In Clause 2, the definition of “Disaster Risk Reduction”: “refers to a comprehensive framework for reducing disaster risks and building resilience to disaster in countries and communities.”

The framework provides clear guidance on how disaster risk can be reduced through political, social, technical development and humanitarian processes within a country or a community. The framework underlines that reducing disaster risk is every citizen’s responsibility and requires multi-stakeholders and multi-sector approach to secure knowledge and capacity required in reducing risks. The Framework also made it clear that hazard mapping and

vulnerability assessment is the key to credible intervention in disaster risk management and disaster risk reduction

“disaster management” means the organization and management of resources and responsibilities for dealing with humanitarian aspects of emergencies in particular preparedness, response and recovery in order to lessen the impact of disaster.
[This replaces the definition of “management” in the Bill]

“In situ” Not necessarily to be defined since this is a Latin expression

Define “risk” and check if all other used concepts are well captured;

4. Clause 3: delete the word “national” as this framework concerns regional matters, It doesn’t provide therefore any national legal framework;

5. Rephrase “For timely intervention in disaster situations” in line 3 to also reflect prevention, mitigation and preparedness phases.

6. Clause 4 (1): Replace “from” by "before";

7. Clause 4 (2): Two amendments proposed:

(a) In Clause 4(2) Insert “and in National development strategies and poverty reduction programs” between “disaster response” and “recovery”

(b) Clause 4 (2): The Partners States shall integrate disaster risk reduction into development planning and programmes to increase development resilience and reduce people’s vulnerability to disasters [delete disaster response and recovery];

8. Insert New Clause 4 (4) to read: The Community shall use disaster risk reduction as a tool for climate change adaptation at regional, national and local levels;

9. Clause 6: insert the word “with” between “disasters” and “human”. The reason is to link disasters and human dignity;

10. Clause 6(2): [Comment: Consider also the principle of the community to have the right to live in a decent environment];

11. Clause 9 (2) Line 4: insert the word “disaster” between “community” and “awareness”;

12. Insert new Clause 12 (5) to read: “The designated relocation site for the affected persons shall be safe, identified based on a thorough and evidence-based risk analysis and with access to basic social services, utilities and decent livelihoods so that relocated persons could start living in conditions of dignity and worth”;

13. Clause 17 (1): Insert “to” between “right” and “property”

14. Clause 18 (1) Request for clarification:

(a) Shall Partner States restore to “their” citizens?

(b) Will Partner States offer documents to non-citizens?

15. Clause 18(1): Rephrase Clause 18 to read: “Personal documentation for identification and other purposes like birth, marriage and death certificates, personal identification and travel documents, education, land titles, and health certificates that are lost or destroyed in a disaster shall be restored to affected persons by relevant authorities”;

16. Clause 18 (1): Request Clarification: What does “in their own names” mean?

17. Clause 20(1) (b): Reformulate to read: “Lay down policies, plans and guidelines for disaster risk reduction and management activities, including risk assessment, early warning and monitoring, sharing and dissemination of regional risk information for ensuring timely and effective response to disaster;

18. Clause 20(1) insert new (h) to read: Establish a regional mechanism for coordination of emergency response and humanitarian assistance with common and standard operational procedures;

19. Clause 22 (b): Request for clarification:

(a) Will the Secretary General be part of “the Board” in person, or will he/she be represented by someone else from his office?

(b) The role of the SG in the Board is not clear;

20. Clause 23(3)(f): Replace “and coordinate” by “Promote”;

21. Insert new Clause 23(3)(i): to read: “Develop organizational structure, Terms of Reference and job responsibilities for the EAC DRR&M Unit”;

22. Clause 25(2): Request clarification on “appointment by the Council”.

(a) Appointment should be subject to the term of office.

(b) Is this a competitive process?

(c) How is the Unit manned?

- (d) How many experts? Are these permanent staff?
- (e) Who will compose the secretariat of the Authority?
- (f) Is it the Unit?

Response from sub-committee: Within the EAC DRR Strategy the disaster risk reduction and management unit is clearly defined with functions and staff requirement. A copy of the strategy should be given to the stakeholders.

23. Clause 27 (2): Request for clarification:

- (a) What is the relation of the Climate Change Adaptation Fund already established by the Summit and the proposed disaster risk reduction and disaster management fund?
- (b) How the two funds can work together in order to avoid duplication;

24. Clause 27 (2). Request for Clarification:

How can a Partner State access this fund?

25. Clause 27 (2) Comment:

Disasters go beyond climate change but it is very necessary to harmonize the two instruments (DRR and CCA);

26. Clause 30(1) and (2): To shift these sub-clauses and place them under the functions of the authority (Clause 20)

General Observations from Participants

1. The Bill should strengthen each country's existing DRR aspects and should not be seen as a competition or new agenda;
2. In Part III on the Institutional Framework, there is a need to define clearly the functions of the Secretary General in both the agency and the board.
3. The Law should address issues of duplication of legal instruments at the Partner State level and at regional level
4. This Law should provide for Cross Boarder Disasters

2.4. EMERGING ISSUES AND INPUTS FROM STAKEHOLDERS IN THE REPUBLIC OF UGANDA

The following are the observations made by the stakeholders from the Republic of Uganda:

1. Uganda has a Disaster Risk Management policy in place
2. A National Emergency Coordination Centre in the Office of the Prime Minister has been established for Disaster Preparedness and Response at national level;
3. There is need to tailor the EAC DRR/M Bill to the Hyogo Framework for Action and its Successors as recommended by the Fourth Session of the Global Platform for DRR;
4. The Memorandum of the Bill should capture both the legal and institutional framework;
5. There is need to emphasis both natural hazards and man-induced disasters;
6. In Clause 8(3) “Traditionally Marginalized” was defined as those marginalized by location, civilizations etc.
7. The Bill should make provision for preserving the cultural heritage of the communities to be relocated after a disaster for them to maintain a sense of belonging to their culture;
8. There is need for governments to sensitize the communities on why they
9. need to be relocated after a disaster;
10. There is need for the governments to ensure that resources are availed for
11. disaster risk management;
12. There is need for the Bill to make provision for oil related disasters given the prospects of commercial exploitation of oil in the region;
13. The Bill should include provisions to address trans-boundary disaster risks and emergency response mechanisms;
14. There is need for Partner States to develop a Standard Operating Procedures (SOPS) for disaster risk reduction management and for disaster response;
15. The composition of the EAC DRR/M authority should be reviewed to incorporate DRR technical officers (For example, the head of the disaster risk reduction and management office from each Partner State);
16. The EAC DRRM law should be seen as facilitation for local governments and local communities to make sure that disasters and hazards are well managed at the local level. We should not wait for outside help but rather build on our local strengths and develop our capacities nationally and locally to find solutions for disaster risks;
17. The Bill should address sustainability options with a prevention approach to build resilience of our populations and communities, so that we are not surprised by national hazards and wait for help to come;

18. The Composition of the EAC DRR Board should be reviewed to include DRR technical staff (for Example, the head of the DRRMU to be the Secretary to this board).

Recommendations:

- i. For purposes of soliciting comments from the wider stakeholders of the Bill, the Committee requested participants to make written sub-missions within two weeks after the Public Hearings; these will be forwarded to the Committee Clerk to be incorporated in the final report;
- ii. The participants requested the EALA legislators to carefully review the draft bill and ensure that their concerns are well captured and reflected in the Bill.

2.5. EMERGING ISSUES AND INPUTS FROM STAKEHOLDERS IN THE UNITED REPUBLIC OF TANZANIA

From the meeting held with stakeholders in the United Republic of Tanzania, the following came out:

A presentation was made by an officer from the Prime Minister's office. He informed the meeting that Disaster Management in the United Republic of Tanzania has been driven by occurrences of many hazards such as floods and droughts. The government saw that hazards are a major challenge and in 1990, the country adopted an Act which put in place a Disaster Coordination Department housed in the Prime Minister's office.

He informed participants on challenges faced by the country in the area of Disaster Management which include low funding and high vulnerability to disasters.

In Tanzania, there are disaster Management Committees headed by Permanent Secretaries. This was put in place to minimize the impact of hazards. In 2006, the Government adopted the Hyogo Framework for Action and has since then developed a Policy to guide disaster management across the country. The Govnment is now strengthening its laws on Disaster Risk Reduction.

After these presentations, general observations came out mainly the following:

The bill has been very well prepared and the content has been picked from the Treaty and from the Hyogo Framework for Action. The representative of the media also underscored the importance of this bill.

Specifically, the following observations on the bill were raised:

1. Operational procedures have focused more on evacuation and left out issues of guidelines to be followed such as Early warning system in order to share information before disaster occurs .
2. The Need to put in place clear regional communication Strategy to share early warning information;
3. The need to define "national disaster" as it is difficult to know at what level does a disaster become national and who declares it.
4. Clause 11(2) (d): it is difficult to carry out an environmental Impact Assessment so the sub -clause should be reworded.
5. Long title: delete " to establish a fund "
6. Clause 13 (1) :stakeholders were of the view that the bill should not refer to the Principles and guidelines but instead we should develop our own principles since some Partner States may not have ratified them.

The Committee clarified that we cannot run away from internationally negotiated and adopted instruments but can only build on them.

7. Suggestion to change the current definition of Man-made disasters to the UNISDR definition ;
8. Insert in the definition of "National disasters" – " as declared by competent national authority"
9. clause (3):delete the term " national" since the bill is regional;
10. Clause (3) : delete " the natural environment affected by disasters";
11. Clause 4 : reference to Hyogo Framework for Action which is coming to an end (HFA to be included as a schedule to the law) : this was clarified that the HFA will continue to exist even after 2015;the consultations towards Hyogo Framework for Action₂ are building on lessons learnt from HFA and will be a complement and be more action oriented. Technical advisor from UNISDR as well as the Members suggested keeping the HFA because it is a very comprehensive framework to address disaster risk.

12. Clause 8 (3): "Traditionally Marginalized people" should be defined because it has different meaning in different EAC Partner States.
13. Clause (9)(1) Insert the word " mental" between "integrity" and "health"
14. Clause 10 (3) –add at the end of (a) and (b) the word "or" to show that there is the idea of alternative;
15. Clause 20 (b): it is a matter of Treaty and therefore should be deleted.;
16. 13 (2) : add at the end " in accordance with international and national laws"
17. Clause 19 (1) delete to avoid duplication as the Authority has the same mandate as the sectoral council; the response to this by Members was that disasters require rapid mobilization and response and hence cannot wait for the lengthy bureaucratic procedures of a sectoral council;
18. Clause 25 (DRMU) Delete it as this is an internal function of the SG to create functional institutions or units as he deems necessary; The response by Members was that the DRRM Unit is already in place and was adopted by the 1st Sectoral Council on Environment and Natural Resources; it is also in the EAC DRRM Strategy which has also been adopted by the second Sectoral council and the bill aims at legalizing this unit in view of rapid decision making and implementation during disaster emergencies. Moreover, the Disaster Risk Reduction Management Unit was established and placed under the direct supervision of the Secretary General. Therefore, there is no contradiction.
19. Clause 27: stakeholders challenged the establishment of the Fund for the following reasons :
 1. There are so many funds being established at the EAC.
 2. There would be a competition in mobilization of resources from the same donors between Partner States and EAC.
 3. The issue of equity and transparency in the management of this Fund.

However, the representative of Tanzania Red-cross was of the view that this fund is critical for response to disaster.

The Committee clarified that the fund is needed for emergency response. A technical advisor complemented the members by saying that EAC Partner States are on a right development path and we should not shy away from creating such a fund in view of heavy economic losses associated with disasters.

20. Clause 28 (a) delete it as this is not a responsibility for the Secretary general but rather the mandate of the Partner States;
21. Clause 28(b) delete it cause it is not a function of SG as this is the power of the council;
22. Clause 30 (1) : delete it as this is a function of the Secretariat ;
23. Clause 33: reword it as it is obvious that regional laws override the national laws.
24. On the issue of the mandate of EALA to initiate this bill, stakeholders were of the view that articles 112 and 124 of the Treaty for the Establishment of the East African Community contradict article 59 of the said Treaty. The response was that, before a bill goes to Public Hearings, the East African Legislative Assembly follows a procedure which takes into account provisions of the Treaty.

Moreover, Members of the Committee were of the view that we have to know that aspiring to good principles is good for leaders of this region. They also underscored the need to ensure moving together to push the integration agenda. What this bill is raising are true realities. The spirit of this law is to intervene in situations of emergencies. Therefore, stakeholders were invited to focus more on good intentions and good principles aimed at reducing suffering of our people. Moreover, there is no single country in the world which can stand alone a disaster without intervention from other partners.

3.0. COMMITTEE CONSIDERATION OF EMERGING ISSUES AND INPUTS OF STAKEHOLDERS

3.1. GENERAL OBSERVATIONS

1. There was a general enthusiasm of stakeholders in considering this Bill and their inputs enriched it and have been captured in a schedule attached to this report.
2. In all Partner States, stakeholders were of the common view that the bill is needed as disasters are a real threat to environment , people's and animals' lives and sometimes their management is beyond one country 's

capacities. They therefore recommended EALA to enact the East African Community Disaster Risk Reduction and Management Bill as soon as possible while at the same time taking into account the views they raised.

3. Stakeholders were of the view that the Bill should build upon and strengthen each country's existing Disaster Risk Reduction mechanism and should not be seen as a competition or new a agenda.
4. The Committee noted reoccurrence in Part III on the Institutional Framework and on the need to clearly have the SG is only in one of the two Bodies stipulated under this part.
5. Starting from the emerging issues in Dar Es Salaam, Committee Members were of the view that stakeholders in Dar Es Salaam came with a set mind of refusing the Bill by proposing deletion of many of the proposed institutions such as the Authority, the Unit and the Fund spelt out in the Bill. However, some representatives of non state organizations (Red Cross and media) underscored the importance of the Bill and the establishment of the said institutions.
6. Members noted that there was fear that the functions of the Secretary General in relation to declaration of disaster could fall under the responsibility of the Council.
7. There was fear of diversity of funds under the Community Secretariat which urged stakeholders to propose deletion of the Fund spelt out in the bill. Members ' view was the need to provide for one Fund at regional level with different windows.
8. After an interactive session with the Council, the Committee learnt about the existence of a protocol on Peace and Security which has some provisions related to Disaster Risk Reduction and found that the Disaster Risk Reduction and Management Bill has to consider those provisions. It was further proposed by the Council that the Bill be suspended and that the Council will bring the same Bill after consultation with technocrats and policy makers in Partner States by December 2013.

3.2. SPECIFIC OBSERVATIONS

The Committee sat twice to consider emerging issues and inputs from stakeholders in all EAC Partner States and came up with a schedule of proposed amendments attached to this report as **Annex III**

4.0. RECOMMENDATIONS

From the main concerns raised by stakeholders and the general observations, the Committee recommends what the following:

1. East African Partner States should ensure mainstreaming awareness raising of the citizens of dangers of disasters and proper mechanisms on early warning, response and recovery in times of disaster occurrence.

2. East African Partner States should dedicate a National Body to be in charge of Disaster Risk Reduction and mainstream disaster risk reduction into all national development programmes ;
3. The East African Partner States should put in place clear national strategies of communication to share early warning information on occurrence of disasters and management of their outcome.
4. As Disasters respect no boundaries and are everybody's business and in view of increased frequency in occurrence of extreme weather and severe climate changes, it is high time for the region to pro-actively collaborate to address this situation. Therefore, the House should urgently consider enacting legislation to address responsible disaster risk reduction and management.
5. In the meantime, the East African Community Secretariat should put in place a clear regional communication Strategy to share early warning information between Partner States and constitute data base information related to disaster risk reduction and disaster management.
6. Partner States should elaborate specialized training for rescue and quick intervention at regional level;
7. Partner States should harmonize their national laws on disaster risk reduction and management with this Act;
8. The East African Community Secretariat should implement the Regional Disaster Risk Reduction and Management Strategy followed by Monitoring and Evaluation to enhance resilience culture among Partner States Communities;
9. The East African Community Secretariat should organize regularly case exercises on intervention in the event that disasters occur with a view to enhance prevention and mitigation as well as coordination of appropriate response;
10. The East African Community Secretariat should create data base information at regional level for Disaster Prevention and Management; and
11. Development Partners should streamline Disaster Risk Reduction and Management in their development projects and programmes.

5.0. CONCLUSION AND WAY FORWARD

The Committee appreciates the enthusiasm with which stakeholders interacted with Members during the Public Hearings on the East African Community Disaster Risk Reduction and Management Bill, 2013 and expresses its gratitude to them for their rich inputs.

This activity was very tasking but very enriching as far as knowledge in the sector of Disaster Risk Reduction and Management is concerned. The Committee recognizes the challenges of getting all Partner States on board at once namely when it comes to issues linked with legislating. The Committee wants to share with the House the best way forward on the bill under scrutiny which consists in engaging more with the Ministry of East African Cooperation of Partner States.

In the way forward, the Committee noted that there seemed to be overwhelming understanding of the Bill by some stakeholders and Members expressed worries on what happened to bills of the Committee adopted by the House but which are still pending assent by some Partner States and had fear that this Bill can get similar treatment. Members therefore found it necessary to engage more with the Ministries in charge of East African Community Cooperation of the Partner States for follow up and ensure the Bill reaches its final stage.

Acknowledgements:

The Committee would like to:

- Thank all the stakeholders met during the Public Hearings for having responded positively and in good numbers to the invitation and for their inputs in the EAC Disaster Risk Reduction and Management Bill 2013.
- Commend from the Ministries of East African Community Affairs of Partner States for mobilization of stakeholders, warm welcome and all courtesies accorded to Committee Members during their stay in there.
- Sincerely thank all who have made the activity successful.