



EAST AFRICAN LEGISLATIVE ASSEMBLY

SCHEDULE OF PROPOSED AMENDMENTS BY THE COMMITTEE ON AGRICULTURE, TOURISM AND NATURAL RESOURCES ON THE EAC DISASTER RISK REDUCTION & MANAGEMENT BILL, 2013

Clause	Text of Amendment	Justification
<p>Title</p>	<p>Amend the Title of the Bill wherever it occurs by . Inserting the word “Disaster” before “Management” to read as follows: THE EAST AFRICAN COMMUNITY DISASTER RISK REDUCTION AND DISASTER MANAGEMENT ACT, 2013</p>	<p>For clarity and to make sure that the two concepts are understood</p>
<p>Short title and commencement</p>	<p>3. Part I- (1) add the word “Disaster” before Management</p>	<p>Consequential</p>

	<p>occurring in one or more Partner States which may exceed the existing capacities of the Partner States "</p>	
<p>Clause 3</p>	<p>Clause 3 is amended by replacing it with the following: " The objective of this Act is to provide a legal and institutional framework at regional level for timely intervention in disaster situations and to protect the people and the natural environment through comprehensive prevention measures to manage and reduce disaster risk".</p>	<p>For clarity</p>
<p>Part II</p>	<p>The heading of part II is amended by replacing it with the following new heading: "OPERATIONAL PRINCIPLES AND GUIDELINES"</p>	<p>For clarity</p>

<p>Clause 4</p>	<p>4 (1) is amended by replacing it with the following : "comprehensive disaster risk reduction measures shall be developed and implemented for the protection of persons and national environment before, during and after disasters in accordance with the Hyogo Framework for Action and other relevant regional and international instruments".</p> <p>4 (2) is amended and replaced with the following : " (2) : “Disaster risk reduction shall be integrated into national and regional development instruments and poverty reduction programmes to increase resilience and reduce people’s vulnerability to disasters.”</p> <p>4 (3) is amended and replaced with the following : "(3)Measures shall be taken to strengthen human capacity and financial resources in disaster risk reduction and disaster management, including preparedness, response and recovery.”</p> <p>Insert new (4) to read as follows: 4 "(4)“Disaster risk reduction and disaster management shall be applied to adapt to climate change at regional, national and local levels.”</p>	<p>to make it clearer to apply to both the EAC and Partner States</p> <p>For proper sequence</p> <p>For clarity</p>
<p>Clause 5</p>	<p>clause 5 is amended by replacing it with the following:</p>	<p>Capacity building necessary & kept coming up during the public hearings To fit in the general nature</p>
<p>Clause 6</p>	<p>" Disaster management shall take place in accordance with the principles of humanity, neutrality, independence and impartiality,</p>	

<p>Clause 7</p> <p>Clause 8</p> <p>Clause 9</p>	<p>and on the basis of non-discrimination, while taking into account the needs of the particularly vulnerable."</p> <p>6(1) is amended to read as follows: " Persons affected by disasters shall be treated with human dignity as prescribed by this Act and in accordance with the applicable international law."</p> <p>6(2) is amended by inserting the word "disaster" after the words "reduction and "</p> <p>Clause 7(1) is amended by deleting the words "the Partner States shall ensure that "</p> <p>7(2) is amended by deleting the words "the Partner States shall implement " and the word "internally"</p> <p>8 (1) delete [The Partner States shall ensure that]. Start the Clause with the word "Persons" (2) delete [The Partner States shall implement]. Start (2) with the word "Effective" Row 7: delete [internally]</p> <p>Clause 8(2) is amended by inserting the word "disaster" after the "reduction and"</p> <p>Clause 8(3) is amended by replacing it with the following :</p> <p>"(3) Targeted measures shall be taken to include marginalized groups"</p> <p>9 (2) is amended by replacing it with the</p>	
--	--	--

	<p>following :</p> <p>" (2) For purposes of subsection (1) , the Partner States shall ensure that</p> <ul style="list-style-type: none"> - "(a) participatory, community-based multi-hazards risk assessments are periodically carried out;" - "(b) Early-warning system for the provisions of accurate and timely information are established and effectively maintained;" - "(c) Disaster loss databases and other open- Access and open-source risk information platforms are established;" - "(d) Public awareness-raising programs on risk, disaster risk reduction and disaster management are carried out to promote a culture of prevention; and" - "(e) The disclosure of risk information is Compulsory in public and private transactions"." 	<p>To avoid ambiguity</p> <p>Consequential</p>
<p>Clause 10</p>	<p>- "(c) Disaster loss databases and other open- Access and open-source risk information platforms are established;"</p>	<p>For clarity on Partner States responsibilities</p>
<p>Clause 12</p>	<p>- "(e) The disclosure of risk information is Compulsory in public and private transactions"."</p>	<p>Former clause 8 redrafted on the role of Partner States for clarity</p>
<p>Clause 13</p>	<p>10 (1 is amended by replacing it with the following :)</p> <p>"(1) Where in-situ adaptation and risk reduction measures are not sufficient to protect persons at risk, such persons shall be facilitated to depart from the danger zone."</p>	<p>To cater for new ideas not captured earlier in the Bill</p>

<p>Clause 15</p>	<p>12(2) delete the word "can" appearing in the third line thereof 12(3): replace the word "which" with the word "where"</p>	
<p>Clause 16</p>	<p>13(1) replace the word " persons" appearing in the first line with the word " people" and insert the words "United Nations" after "1998"</p> <p>(1) 13(3) Delete the words " bear the responsibility to] to read: "shall cooperate with"</p>	<p>Consequential</p> <p>Consequential</p>
<p>Clause 17</p>	<p>Clause 15 is amended by replacing the word "people" with the word "persons"</p>	
<p>Clause 18</p>	<p>Clause 16 is amended by replacing it with the following: "As much as feasible and in accordance with international human rights treaties ratified by the Partner States, interventions shall be planned in order to ensure access to food, water, shelter, health, education and livelihoods for the affected persons."</p> <p>Clause 17(1) : insert the word "to" after the word "right"</p> <p>Clause 18 (1) is amended by replacing it with</p>	<p>To cater for clause 29 (f) as well as avoiding duplication</p> <p>To cater for clause 29 (j) as well as avoiding duplication</p>

<p>Clause 19</p>	<p>the following :</p> <p>"(1) Personal documentation for identification and other purposes like birth, marriage and death certificate ,travel documents ,land titles and education and health certificates that are lost or destroyed in a disaster shall be restored to the affected persons by the relevant authorities in the Partner States"</p>	<p>Consequential</p> <p>Re-worded for clarity</p>
<p>Clause 20</p>	<p>Information to Secretary General</p>	<p>For clarity and proper reference</p>
	<p>19(1)and(2)are amended by inserting the word "disaster" after the words "reduction and "</p>	<p>Consequential</p>
	<p>19(1)and(2)are amended by inserting the word "disaster" after the words "reduction and "</p>	<p>re-worded for more clarity</p>
	<p>In clause 20 (1) paragraphs, (a)(c) ,(d) and (f) : insert the word "Disaster" before "Management"</p> <p>Paragraph ((e) is deleted</p> <p>- insert a new paragraph(f) to read as follows: "(f)develop guidelines on the management of the Fund established under section 34";</p> <p>- insert a new paragraph(g) to read as follows:</p> <p>"(g) establish a regional mechanism for coordination of emergency response and humanitarian assistance with</p>	<p>For clarity</p>
<p>Clause 22</p>	<p>"(g) establish a regional mechanism for coordination of emergency response and humanitarian assistance with</p>	<p>To give a chance</p>

<p>Clause 23</p>	<p>common standard operational procedures"; - 20 (b) is replaced with the following : “(b) lay down the policies, plans and guidelines for disaster risk reduction and disaster management activities, including risk assessment, monitoring and early warning, sharing and dissemination of regional risk information for timely and effective preparedness and response;”</p> <p>22 (1) is amended by inserting the word “Disaster” before "Management"</p> <p>22 (2) replace paragraph (b) with the following new paragraph : "(b) the head of the Disaster Risk and Disaster Management Unit who shall be the secretary to the Board";</p> <p>22(3) is amended by inserting the words "drawn from its members " between the words "shall be " and the word "on"</p>	<p>and flexibility to the Board to meet beyond statutory meetings</p> <p>To emphasize the importance of land</p> <p>Consequential</p>
<p>clause 24</p>	<p>clause 23(2) is amended by inserting the word "disaster" before "management"</p> <p>23 (3) Paragraphs (a),(b), (d), (f) and (g) are amended by inserting the word “disaster” before Management.</p> <p>23 (3) (c) is replaced with the following : "(c) “Develop disaster preparedness and response” plans to be approved by the Authority" --Insert a new paragraph(h)after paragraph (g)</p>	<p>Those words are part of the chapeau and were wrongly put in paragraph (f)</p> <p>For clarity & consequential</p>

<p>Clause 26</p>	<p>to read as follows: "(h): Develop organizational structures, terms of reference and job responsibilities for the Unit;"</p> <p>24(1) is amended by deleting the words "national or". and adding after the word "occurs", the words "or whenever the Board deems it necessary;"</p> <p>24 (2) is replaced with the following : "(2) at any meeting of the Board, the Board may co-opt any person it may deem necessary for the conduct of the business of the meeting ;"</p> <p>(1) is amended by inserting the word "disaster" before "management". Renumber sub clause (4) to become sub cause (2) and delete the words " under sub section (2)" Renumber sub clause (2) to become new sub clause (3) and insert the word "disaster" before "management"; (3) becomes (4)</p>	<p>Consequential</p> <p>For clarity</p> <p>For clarity</p>
<p>Clause 27</p>	<p>26(1) is amended by inserting the word "disaster" before "management", and inserting after the word " comprehensive", the words " approach to disaster risk reduction and disaster management taking into account"</p>	<p>Rewarded for clarity</p>

<p>Clause 29</p>	<p>(f) is amended by transferring the words "approach to disaster risk reduction and management" to the end of the clause</p> <p>- insert new paragraph (g) to read "(g) science based"</p> <p>And insert new paragraph(h) to read"(h) standard for risk assessment"</p>	<p>consequential</p>
<p>New Clause 5</p>	<p>After clause 26, the Bill is amended by introducing a new Part IV to read "ESTABLISHMENT OF EAST AFRICAN COMMUNITY DISASTER RISK REDUCTION AND DISASTER MANAGEMENT FUND"</p> <p>clause 27 (1) and (2) are amended by inserting the word "disaster" before "management"</p> <p>clause 27 (5) is deleted</p>	<p>For clarity</p> <p>consequential</p>
	<p>clause 29 is delete</p> <p>NEW PROPOSED CLAUSES</p> <p>It is proposed that the following new clauses be part of the Bill:</p> <p>New Clause 5.</p>	<p>Consequential</p> <p>For clarity</p>

<p>New Clause 9</p> <p>NewClause10</p>	<p>Strengthening Governance for disaster risk reduction and management</p> <p>“5. (1) In strengthening governance for disaster risk reduction and disaster management to build resilience of Partners States and communities to disasters and climate change, measures shall be taken to -</p> <p>(a) establish legal and institutional frameworks with clear roles and responsibilities for effective coordination at all levels;</p> <p>(b) strengthen and develop institutional capacities, including training of all stakeholders in disaster risk reduction and disaster management;</p> <p>(c) ensure the full engagement of local governments, communities, the private sector, academic and scientific research institutions, and non-governmental organisations, as well as interest groups such as children, youth, and persons with disabilities, in the determination and implementation of measures to reduce disaster risk and manage disasters;</p> <p>(d) ensure transparency and accountability in the allocation and management of resources;</p> <p>(e) establish monitoring and evaluation mechanisms; and</p>	<p>Consequential</p> <p>lifted under clause 20 (g)</p> <p>To make it clearer in line with the change in the title</p>
--	---	---

<p>New Clause 11</p>	<p>(f) establish periodic reporting systems to various bodies, including Parliaments, for oversight purposes.</p> <p>(g) strengthen human capacity and financial resources in disaster risk reduction and disaster management, including preparedness, response and recovery</p>	
<p>New clause 12</p>	<p>(2) Where a regional disaster occurs in a Partner State, the affected Partner State shall inform the Secretary General;</p>	
<p>New Clause 24</p>	<p>9. Information “Information on occurrence, frequency, patterns and duration of the displacement situations shall be collected and made available in order to plan risk reduction and disaster management measures.”</p>	
<p>New Clause 25</p>	<p>10. Deployment of resources “In the event of regional disaster and in consultation with affected Partner State(s), the Community shall deploy the available resources and coordinate the assessment and the management of the disaster.”</p> <p>11. Development of technical capacities “The Community shall facilitate the</p>	

<p>Long Title</p>	<p>development of the technical capacities and expertise through training and other relevant initiatives in disaster risk reduction and disaster management.”</p> <p>12. Development of mechanisms "The Community shall facilitate the development of the technical capacities and expertise through training and other relevant initiatives in disaster risk reduction and disaster management."</p> <p>24. Information to secretary General " In the event of a regional disaster the affected Partner State shall inform the Secretary General"</p> <p>25. Disaster response measures</p> <p style="padding-left: 40px;">The Partner States shall –</p> <p style="padding-left: 80px;">(a) Ensure that relief goods and personnel are ready for deployment for support in case of national or regional disaster in other Partner State;</p> <p style="padding-left: 80px;">(b) Ensure that other measures in line with the “IDRL Guidelines” are in place; and</p> <p>Amend the long title to be clearer. The new long title should read as follows:</p> <p>"An Act to provide a legal and institutional framework for the coordination of disaster risk reduction and disaster management, to establish a Fund for timely intervention and</p>	
-------------------	--	--

	to provide for other related matters".	
--	---	--

--	--	--

--	--	--

--	--	--