

# Legislation for mainstreaming DRR

**The experience of  
South Africa**

# Introduction

Tearfund's advocacy strategy aims to increase government commitment to pro-poor DRR...

## *Legislation for mainstreaming disaster risk reduction (2006)*

Mainstreaming DRR is crucial to attaining the MDGs, and legislation has a key role to play.

# The experience of South Africa 1994 - 2005

## South Africa's DM Act 2003:

- ◆ Predated the WCDR and HFA
- ◆ Has generated interest as an example of international best practice
- ◆ Highlights the role of legislation in mainstreaming DRR across multiple sectors and disciplines

# The context for change

- Massive legislative reform in post-apartheid South Africa (more than 800 Acts of Parliament passed between 1994 & 2003)
- DRR legislative reform also took place during a time of intensifying disaster risk
- Influenced by international developments: UNDP's DM training programme in mid-1990s and IDNDR & ISDR

# Key stages in the reform process

## 3 distinct phases:

### 1. Policy re-orientation (1994-1999)

National discussion paper & national policy document

Outcomes: Green Paper on DM, White Paper on DM

### 2. Legislative process (1999-2003)

Drafting of legislation & public comment

Outcomes: DM Bills, DM Act in 2003

### 3. Implementing framework (2003-2005)

Drafting of national implementing framework

Outcomes: National DM Framework

**2005 onwards** – piloting roll-out of implementation framework

# Enabling factors for reform (5)

## 1. Political & legal context

- 1990s provided political energy for reform, inc. mechanisms for public consultation and debate.
- These conditions provided unobstructed, direct inter-face between the public and law makers.

# Enabling factors for reform

## 2. Disaster risk context

- Severe weather-related disasters in southern Africa 1991-2000, inc. major droughts & small-scale fires and flooding in settlements.

*" DRR policy formulation reflected a synthesis of knowledge related to drought and food insecurity...combined with national experience of responding to large flood emergencies and commitment to alleviating the hardships of the urban poor".*

# Enabling factors for reform

## 3. Local professional context (aligned with international best practice)

- National DM professional association & institutions of higher learning “supported, facilitated and in part led the reform process”.
- Institutions took on board international best practice in DRR:
  - ‘Civil protection’ in early 1990s
  - ‘Disaster management’ in mid 1990s
  - ‘Disaster risk management’ in mid 2000s



# Enabling factors for reform

## 4. International professional context (that supported local initiative)

- UNDP's DM Training Programme helped establish professional DM courses in SA. Trained individuals became key drivers of reform.
- South Africans were members of IDNDR Committee, allowing seamless information flow. Those drafting DM framework worked closely with ISDR.

# Enabling factors for reform

## 5. People



➤ Huge legislative challenge: to reorientate field of disasters from militaristic response to developmental risk and vulnerability reduction...

...largely achieved by individuals: with skills, moral & professional integrity and creative initiative.

# Enabling factors for reform

One MP & Parliamentary Committee chairperson, with **knowledge & skill**, **energy** and **personal ethics**, steered the process from concept - policy - progressive law

A small group of individuals were committed to the process from 1997 to 2005, with **DRR experience**, **admin knowledge & technical skill**.

# Enabling factors for reform

**Key change-makers were all women**



Constraints faced:

Protracted time-frame, limited finance, conflict

Qualities exhibited:

- Patience
- Little motivated by monetary gain
- Able to navigate through numerous complex aspects of reform

# Outcomes for mainstreaming

The reform process represented a complete reorientation of the DM discipline, placing priority on DRR.

However, mainstreaming of DRR into all organs of state at all levels has not significantly progressed (although required by the Act).

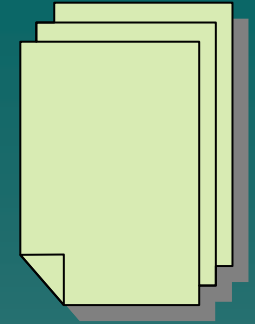
Why?



# Outcomes for mainstreaming

1. Limited consultation during formulation of the DM framework may have prevented stakeholders from acting on their obligations, and led to weaknesses in the funding framework, constraining implementation.
2. The legislative reform process itself may have hindered mainstreaming.
3. The DM Function has not been located at the highest level of executive authority - this has constrained cross-sectoral integration.

# Recommendations



1. Reform requires **sustained, high-level** political support. The body driving the legislation should be located at the **highest level** of executive authority.
2. Reform is facilitated by a well-placed and respected **policy champion** with technical knowledge, skill, commitment and creative initiative.
3. The leadership of the reform process must be explicitly committed to **broad stakeholder consultation**.

# Recommendations

4. **External facilitators** can enable the reform process. International expertise or 'neutral' actors could act as technical advisors...
5. Create a clear **identity** for DRR (distinct from relief-orientated DM).
6. Align DRR with **international best practice**. Those involved in reform should be linked to DRR constituencies – (essential in SA for enabling support for change).



# Recommendations

7. Develop an **implementation plan** during the development of legislation.
8. DRR legislation must explicitly state **required outcomes at the community level**, and result in reform at the lowest administrative level along with investment of financial resources in local-level activities.

# Finally...

## **South Africa demonstrates that reform requires:**

- Long-term perseverance and commitment from those seeking to make change
- Sustained political leadership
- Skilled & insightful political stewardship
- Coherent & consistent messages from international partners

**DRR legislation must bring about change in behaviour among the most vulnerable. An indicator of the effectiveness of SA's DRR legislation will be the extent to which it results in good practice and change at the local level.**