



Workshop report
Strengthening Legal Frameworks for
Disaster Response and Risk Reduction in Nigeria
22-24 July 2015

Organizers	Nigeria Red Cross Society (NRCS), the National Emergency Management Agency (NEMA) and The International Federation of Red Cross and Red Crescent Societies (IFRC)
Activity	Report on the Disaster Law Workshop in Nigeria
Date & Venue	22 nd - 24 th July, 2015 Nicon Luxury Hotel, Abuja - Nigeria
Objective(s)	<ul style="list-style-type: none">(i) Building the capacity of NRCS staff and partners on disaster law(ii) Introducing the idea of legal preparedness for disaster response and promote awareness among key stakeholders(iii) Creating a platform for developing a shared understanding of potential legal problem areas in international disaster assistance and key international norms and tools as applicable to the Government of Nigeria(iv) Exploring the need and possibilities for Nigeria to adapt existing tools and/or legislations relating to international disaster assistance

DAY 1 - WEDNESDAY 22nd JULY, 2015

The workshop began with opening remarks by Mr. Umar Mairiga, Programmes Coordinator of the National Headquarters of the Nigerian Red Cross Society (NRCS) at 10.32am. He apologized for the late commencement of the programme and introduced the members of the high table.

Mr. Mairiga gave a background of the workshop followed by an opening speech from the Director General of the National Emergency Management Agency (NEMA), represented by the Deputy Director of Training, Mr. Martins Ejikell. In his address, Mr. Ejikell expressed delight and commended the initiative taken by NRCS for organizing a Disaster Law workshop in Nigeria. He also expressed his anticipation on the positive outcome of the workshop which will boost disaster management in Nigeria and called for an active participation in the discussions ahead.

In his goodwill speech, Professor Edwin Igusi of Centre for Disaster Risk Management and Development Studies (CDRMSD), Ahmadu Bello University, Zaria noted that in the current state of matters, Nigeria does not have sufficient laws on disaster risk management. In this respect, he found the disaster law workshop to be relevant and timely.

In his brief address, Professor Iguisi mentioned the 2012 flooding in Nigeria as a clear case of inappropriate moderation and coordination among response actors resulting in gross mismanagement of funds outside the control of NEMA. According to him, this underlines the importance of incorporating disaster management or response into university and college curriculums - just like in the case of Ghana. Finally, he expressed his expectation that the seminar will culminate not just in the establishment of the need for stronger legislation but also, the development of a Disaster Risk Reduction (DRR) curriculum in Africa in general.

Recognizing the presence of everyone, Mr. Samuel Matoka of the International Federation of Red Cross and Red Crescent Societies (IFRC) emphasized the relevance of DRR law for Africa. Mr. Matoka encouraged keen participation throughout the seminar laying the foundation for effective DRR legal framework in Nigeria. He also spoke of the relevance of the workshop in the run up to the 32nd International Conference of the Red Cross and red Crescent- taking place every four years, with the objectives of addressing pressing humanitarian issues by world governments, including strengthening national policy frameworks for better disaster and emergency managements.

In his moderation, Mr. Mairiga briefly gave an overview of the Red Cross and Red Crescent as one of the oldest and largest humanitarian agency in the world with its three components; the International Committee for Red Cross (ICRC), the IFRC and National Societies (NS) of 190 countries. At the national level, Mr. Mairiga mentioned that disaster management is still at the incipient stage in Nigeria and therefore, deserves government's attention. He explained that as auxiliary to public authorities and with support from IFRC, the NRCS is capable to carry out disaster risk management activities complementing the work of the government in the humanitarian field.

Following this, representatives of partner organizations - ICRC and UNDP, were given the opportunity to offer good will messages. Mr. Mairiga then took rounds with the participants to introduce themselves and the organizations represented followed by a brief explanation of workshop objectives and agenda.

Introduction to International Disaster Response Law (IDRL)

The session was presented by Ms. Emebet Negussie, Disaster Law Programme Officer, IFRC Africa Regional Office. Using Nigeria as a case in point, Ms. Negussie explained the workshop aims at identifying existing disaster response laws, the gaps involved and how they could be improved for effective and efficient disaster management in Nigeria. She reiterated the importance of legal preparedness explaining countries do not need to be in actual disaster to start reviewing their legal frameworks pertaining to international disaster response. Governments being the primary actors in disaster response, Ms. Negussie explained that it is the determination of beyond the coping capacity of the affected State that calls for international response operations. When that happens, foreign responders are faced with certain set of regulatory barriers mostly reflected in the entry and operations relief items and humanitarian personnel.

In this regard, the international rules and regulation on disaster response known as the [IDRL Guidelines](#) were explained as guiding tools that countries can use to modify their rules relating to international response operations. The [Model Act on the facilitation and regulation of international assistance and initial recovery](#) was also cited as the practical version of the IDRL guidelines that proposes wordings for legislatures in the formulation of facilitative rules and regulations governing international operations.

Ms. Negussie then went on explaining some of the current international and regional developments being undertaken to strengthen disaster law.

Legislative advocacy and the auxiliary role of National Societies

Mr. Buba Darboe, Disaster Management and Food Security Coordinator, Gambian Red Cross Society (GRCS) gave a presentation on the auxiliary role of national societies in general and progress in disaster management legislative improvement of The Gambia in particular with support from GRCS.

According to Mr. Darboe, the auxiliary role is a balanced relationship between a national society and its government, with mutually agreed upon roles and responsibilities. He further explained that the government should support the national society by recognizing its formation as a humanitarian organization, investing in its sustainability, encouraging its expertise and participation in humanitarian decisions without compromising its independence and autonomy. Mr. Darboe thus encouraged the NRCS to leverage its auxiliary status in ensuring that issues of vulnerable groups are accorded government attention in the development and implementation of national laws and policies.

Mr. Darboe then talked about the legislative advocacy experience of GRCS. He stated that The Gambia lacked a comprehensive disaster management framework supporting effective and timely delivery of relief items to people affected by disasters. Given governments' efforts to strengthen the disaster management framework, GRCS is currently conducting a national legislative review of existing rules and procedures relating to international response with the objectives of supporting the initiative.

In conclusion, Mr. Darboe highlighted that though the process is on-going, it has nonetheless contributed to the strengthening of the relationship and collaboration between government and NS in addressing disaster management issues at the level of policy or decision making.

Legal framework related to disaster management in Nigeria

The legal advisor of NRCS, Mr. Barr Godwin Uggah, gave a presentation on the existing disaster management framework in Nigeria with details on the establishment of the National Emergency Management Agency (NEMA) in 1999 having overall disaster management responsibilities at the national level.

In the afternoon, participants were divided into four working groups in which they were asked to look at fictional scenarios of disaster where various forms of barriers to entry and operations of international relief assistance were experienced. Participants were asked to identify problems of international assistance during an emergency and see if the IDRL Guidelines or Model Act have addressed these issues. Moreover, participants were encouraged to refer to national legislations applying to the particular situations or state if there are gaps.

After completion of the exercise, two groups were asked to present their findings in a plenary leading to further questions and discussions on the applicability of the provisions.

Legal preparedness and possible steps to strengthen disaster law in Nigeria

This session was facilitated by NRCS, NEMA, IFRC, GRCS. The objectives of the session was to develop a plan of action to strengthen legal preparedness for international disaster response in Nigeria. The participants agreed that there are gaps in the existing laws and procedures applicable to the regulation of international disaster operations. Participants voiced that there is a need to conduct a comprehensive study on exiting legislations in order to identify the gaps and come up with concrete recommendations for improvement.

Accordingly, the following plan of action on improving international disaster response in Nigeria was unanimously adopted;

- Overall review of disaster management law in Nigeria

- Formulation of propositions to strengthen rules and procedures governing foreign assistance in Nigeria
- Advocate for the development of subsidiary regulations by NEMA towards improved coordination, management and facilitation of response operations in the meantime.

DAY 2 - THURSDAY 23rd JULY, 2015

Recap of Day 1 and objectives of day 2

Recap of Day 1 was delivered by Ms. Altilina Simon, Deputy DM Coordinator, NRCS who also highlighted objectives of Day 2, which included identification of strengths and gaps DRR framework of Nigeria using the pilot version of the *Checklist on law and DRR*.

Overview of developments in law and policy for Disaster Risk Reduction (DRR) in Nigeria

Professor Edwin Igusi, Director of Centre for Disaster Risk Management and Development Studies, Ahmadu Bello University, Zaria, Nigeria begun his presentation with a background description of DRR in Nigeria - dating back to 1906 and culminating in the establishment of the National Emergency Management Agency (NEMA) in 1999 inclusive of some enabling provisions for DRR.

Professor Igusi went on to explain the concept of DRR¹, when and how it became the integral part of disaster management in Nigeria in the year 2005. According to him, the other key development in the sector occurred in the aftermath of HFA 1 (Hyogo Framework for Action)² which saw the establishment of a national DRR platform and CDRMSDs in six Universities in the six geopolitical zones of Nigeria.

In his presentation, Professor Igusi enumerated laws that support DRR in Nigeria among which are;

- National Emergency Management Agency (NEMA) Act - Part II Section 6
- National Environmental Standards and Regulation Enforcement Agency (NESREA) Act of 2006
- Urban Land Use Act of 1978

While in terms of policies, the following were mentioned as pertinent to DRR;

- 2012 National Contingency Plan
- National Disaster Management Framework (NDMF)- which Professor Igusi observed as the most comprehensive policy on DRR in Nigeria dealing with;
 - ✓ Institutional capacity
 - ✓ Coordination mechanism
 - ✓ Disaster risk assessment
 - ✓ Disaster risk reduction
 - ✓ Disaster prevention/preparedness/mitigation

In conclusion, Professor Igusi marked that although the institutional framework for DRR in Nigeria is well established, with some sectors like Health and Environment, being well advanced in the adoption of enabling laws for risk reduction in respective areas, there is a need to take stock of existing frameworks in order to develop a holistic approach to DRR in Nigeria.

Following this was the views and perspectives shared by Mr. Seth Vordzorgbe who in his capacity as UNDP consultant, has had the opportunity to review existing disaster risk management laws in

¹ DRR is a conceptual framework with a broad spectrum of activities comprising of prevention, mitigation, preparedness, and recovery

² HFA 1- The Second World Conference on Disaster Reduction with the 2015 Sendai Framework on DRR being the most recent international instrument on DRR

Nigeria. Complementing the presentation made by Professor Iguisi, Mr. Vordzorgbe gave insight into other existing instruments pertinent to Disaster Risk Management (DRM) including plans and strategies on DRR law and policy in Nigeria, namely;

- The 2012 National Action Plan
- The 2008 National Disaster Response Plan and 2012 NCP for Mitigation
- The Flood Recovery Action Plan
- The Guidance for Preparedness planning

Mr. Vordzorgbe also updated participants on the current UNDP Programme with NEMA. In this regard, some activities implemented with a view to strengthening DRR frameworks in Nigeria were mentioned, such as;

- Post-Disaster Risk Assessment in 2012 with result out in 2013
- Development of National Disaster Recovery Framework (NDRF); and
- Flood Recovery Action Plan

In addition, Mr. Vordzorgbe stressed that the establishment of a comprehensive National Disaster Risk Reduction and Communication Plan at the national level would require more than a legislative framework including;

- Risk identification and monitoring guide
- Strong advocacy and awareness raising on DRR
- Manual on mainstreaming gender in DRR
- Capacity development for NEMA, State Emergency Management Agency (SEMA) and Local Government Emergency Agency (LEME)
- Specific plan for training in response and recovery

Mr. Vordzorgbe concluded by saying proposed legislative revision for effective DRM should incorporate rules and procedures on;

- Management of internal relations among sectoral actors
- Post-disaster assessment
- Re-positioning humanitarian reality in Nigeria (ahead of World Humanitarian Summit)
- Development of a Recovery Plan

Findings of IFRC/ UNDP multi-country research on law and DRR

Mr. Muyiwa Odele from UNDP presented the findings of the 2014 multi-country report on [Effective law and regulation for disaster risk reduction](#) co-jointly produced by IFRC and UNDP. In his explanation, Mr. Odele stated that the study involved 31 countries of which 14, including Nigeria, were subjected to detailed review of existing laws on DRM including legal and regulatory practices relating to;

- Disaster Risk Reduction (DRR)
- Climate Change and Environment

Some of the major gaps identified in the effective implementation of DRM were mentioned as;

- Unrealized potentials of decentralization
- Insufficient resource allocation
- Weak accountability and non-compliance
- Few mechanisms for monitoring and oversight
- Weak community engagement
- Non-standardized education and awareness on DRM/DRR
- Vague early warning and risk reduction systems

The main highlights of the report recommendations for effective DRM were discussed by Mr. Odele, included prioritizing risk reduction under national laws, mainstreaming DRR into sectoral laws and establishing better monitoring and review mechanisms for DRM frameworks and implementation.

Introduction to the Checklist on Law and DRR

As one of the outcomes of the IFRC/UNDP study, Ms. Tessa Kelly - Senior Disaster Law Officer, IFRC introduced participants to the pilot version of the [Checklist on Law and DRR](#). In her introduction, Ms. Kelly underlined that the Checklist is intended to popularize the research findings as well as assist lawmakers and disaster management implementers in reviewing the strengths and weaknesses of DRM/DRR legislations. Developed through 12 regional consultations led by IFRC/UNDP, the *pilot* version of the Checklist was used at the workshop to review Nigeria's legal framework to identify strengths and priorities for DRR and provide feedback on how it could further be improved prior to its expected adoption at the 32nd International Conference of the Red Cross and Red Crescent in December 2015.

During her presentation, Ms. Kelly guided participants through some facilitative questions that helped assess their general understanding on integral issues of DRR and legislation. This involved the grouping of participants into three to brain storm on the *rights, responsibilities* and *accountability* of individuals, government and the private sector within the purview of DRR. Among others, the exercise allowed participants to share ideas on how the roles and responsibilities of different actors interacted in DRR.

Later, participants were asked to group into four to discuss the ten checklist questions vis a vis existing DRR legislations in Nigeria. A plenary session, facilitated by Mr. Darboe, was then conducted where participants were given the opportunity to support/differ from conclusions given by each group on the strength/weakness of DRM legislations, including the National Emergency Management (NEMA) Act of 1999 No. 12, by using the following color coded cards;

Pink - No, this is currently a gap

Orange - To some extent, though further improvements are needed

Green - Yes, this is a strength

Blue - Can't answer, need further information

Checklist question 1: Do you have a dedicated law for disaster risk management that prioritizes DRR and is tailored to your country context?

Consensus response - Pink

Checklist questions 2: Do your laws establish effective institutions, from national to local level, with clear responsibilities for disaster risk reduction?

Consensus response - Pink

Checklist question 3: Do your relevant sectoral laws include provisions to increase safety and reduce vulnerability? (environment acts very strong)

Consensus response – Orange

Checklist question 4: Do your laws ensure that sufficient resources are budgeted for disaster risk reduction?

Consensus response - Pink

Checklist question 5: Do your laws establish clear procedures and responsibilities for risk assessments and ensure risk information is considered in development processes?

Consensus response – Orange

Checklist question 6: Do your laws establish clear laws and responsibilities for early warning?

Consensus response - Orange

- Checklist question 7: Do your laws require education, training and awareness-raising to generate a whole of society approach to DRR?
Consensus response - Orange
- Checklist questions 8: Do your laws ensure the engagement of civil society, the private sector and communities in risk reduction decisions and activities?
Consensus response - Orange
- Checklist question 9: Do your laws adequately address gender considerations and the needs of particularly vulnerable categories of persons?
Consensus response - Pink
- Checklist question 10: Do you have adequate mechanisms to ensure that responsibilities are fulfilled and rights are protected?
Consensus response - Pink
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DAY 3- THURSDAY 24th JULY, 2015

The day began with a recap moderated by Ms. Emebet Negussie, Disaster Law Programme Officer, IFRC Africa Regional Office.

Identification of next steps and development of action plans

Participants went into two groups to work on the development of next steps/action plans for the strengthening of international disaster response and DRR in Nigeria. The exercise involved the drawing of short and long term action plans on the basis of discussions and gaps identified during the two days exercise.

Action Plan for short and long term

I. Short term – 3-6 months

1. Form a small working group who will report the outcomes of the workshop to Alhasan Nuhu- Director of DRR. The small working group shall consist of;
 - i. National Emergency Management Agency: Mr. Martins Ejikell, Director Assistant
 - ii. National Planning Commission (we had two representatives from NPC at the workshop: Mr. Nwosuire and Mr. Adebayo
 - iii. Ministry of Interior: Mr. Ikupolitiolu Bromi
 - iv. Ministry of Foreign Affairs: Mr. Ahmed Imam
 - v. Ministry of Justice: Mr. Abdullahi Bello
 - vi. Federal Ministry of Environment- Dept. of Climate Change: (we had five representatives from the department: Ms. Stella Aburime, Asmau Jibril, Busole Ajibole, Yerima P. Tarfa, Orie Orie Ainenehi
 - vii. Academia: Prof Edwin Iguisi, Director, Centre for Disaster Risk Management and Development Studies, Ahmadu Bello University, Zaria, Nigeria
 - viii. Media: News Agency of Nigeria (NAN) and Nigerian Television Authority (NTA)
 - ix. Nigerian Red Cross Society
2. Establish a *taskforce* that will:
 - 1) *Conduct desk review/research on:*
 - a) International disaster response (IDRL): review existing laws and regulations pertaining to customs, immigration, recognition of foreign qualification, etc.
 - b) Disaster Risk Reduction (DRR): review of sectoral laws as they apply to DRR/CCA

- 2) *Make recommendations on next steps* i.e. develop concrete action plans on how to implement planned activities below
 3. Revive the National Platform for DRR with the objectives of;
 - a) re-engaging members and operationalizing the functions of the NP
 - b) integrate private sectors and maximize their role in the NP
 4. Ensure that the Governing Council of NEMA meets before December 2015 (in which the NRCS is a member) on which occasion;
 - i. The IDRL-DRR workshop report and outcomes will be presented;
 - ii. Action plans within the roles and functions of the Council will be articulated including;
 - a) Developing regulations that will enhance the implementation of existing policies such as the National Disaster Management Framework (NDMF). For example: Explore and maximize NEMA's role in terms of promoting disaster management coordination, waiver of tax duties on relief items, etc.
 5. Strengthen partnership with stakeholders including international organizations and donors to advance action plan
 6. Advocate for;
 - § More States to establish State Emergency Management Agencies (SEMAs)³; and
 - § More Local Governments to establish Local Emergency Management Committees (LEMCs)
 7. Hold stakeholders meetings (with NEMA, SEMA, LEMC, and communities) to conduct awareness raising and capacity building on;
 - § responsibilities under existing legal frameworks
 - § establishing accountability mechanisms
 - § enhance ownership
 8. Conduct community consultations to;
 - i. identify vulnerabilities (VCA- vulnerable community assessment) and support areas
 - ii. increase engagement in hazard assessment and early warning
 - iii. improve/strengthen information management system for DRR
- II. Long term – 2-3 years
1. Conduct a study on legal preparedness for facilitation and regulating international disaster assistance in Nigeria - IDRL report
 2. Advocate for;
 - i. Amendment of the NEMA Act- to reflect both DRR and IDRL issues
 - ii. Harmonize existing sector laws- to reflect both DRR and IDRL issues
 - iii. Establishment of a dedicated DRR fund
 3. Capacity building

Closing Remarks

Prof. Igusi expressed contentment at the seminar's coverage which he described as informative, innovative and enriching. He further commended the Nigerian Red Cross Society (NRCS).

In his remark, the DG NEMA representative said the legal aspect of DRR was an eye opener as he never thought the concept of DRR has a legal dimension. Mr. Martins promised a robust report for the DG and to ensure further action on the issue. He finally acknowledged and commended the NRCS on its effort. Mr. Matoka of IFRC said the seminar was timely. He acknowledged the relevance of the seminar to the knowledge of DRR and encouraged consistent and committed pursuance of the outcome of the seminar for a better result.

³ Currently, only 22 States have established SEMAs

Finally, the Secretary General (SG) of NRCS read his closing speech which urged a collective responsibility in the attainment of legislation on IDRL in Nigeria.

Summary of reviews from participants

Finally, participants were asked to fill in an evaluation form. According to the feedback received from the participants, most expressed satisfaction on the organization and content of the workshop, the following observations and suggestion were made for future improvements;

- There should be a broad spectrum of participation (across all sectors) - it was noted that some key agencies such as Custom, Police, Immigration, Parliamentarians, etc. were not presented
- Provision of resource materials to participants prior to the seminar would have facilitated a more robust discussion and participation
- Possible issuance of certificate of attendance at the end of the workshop
- Possible invitation of casualties of any type of disaster for context specificity