

**The Republic of the Seychelles: Mapping of Legal and Policy Arrangements for Disaster Risk Management, including Public Health Emergencies and International Disaster Assistance**

The below information seeks to map the Disaster Risk Management (DRM) Legal and Policy Frameworks, including for Public Health Emergencies (PHEs) and international disaster assistance in the Seychelles as provided in law, policy, and agreements.

The questions below comprise of a combination of the questions from the IFRC's:

- [Checklist on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance;](#)
- [Checklist on Law and Disaster Risk Reduction;](#)
- [Checklist on Law and Disaster Preparedness and Response;](#)
- [Pilot Guidance on the role of Law in PHEs;](#) and
- ongoing research on the role of law in disaster recovery.

This document is the result of a desktop review of information either publicly available or shared by the Red Cross Society of Seychelles (RCSS). This document was prepared by Reece da Costa, under the supervision of Jeanique Serradinho. The information is up to date as of April 2022.

Note that this document is currently under review and awaiting validation by the Red Cross Society of the Seychelles (RCSS). While this mapping was undertaken as attentively as possible, challenges surrounding desktop legal research in the region means that errors may remain. IFRC Disaster Law would therefore welcome further feedback on the contents of this document.

**Important insights provided by the RCSS in review of this mapping**

As a result of a report on the auxiliary role of the RCSS prepared by the RCSS and shared by Marie- May Esparon, Secretary General of the RCSS on 30 March 2022, it is noted that this legal mapping is conducted with the understanding that the Seychelles Government is currently reorganising the framework for DRM. In terms of the reorganization, the Ministry responsible for local government and communities will be the authority responsible for disaster response (previously this was the responsibility of the Department of Risk & Disaster Management (DRDM), now renamed Disaster Risk Management Division (the Division)). The National Disaster Management Act is also under review.

Therefore, the information contained herein remains subject to change and is only a reflection of the laws, policies and plans that are in place as of 30 March 2022 as determined as a result of a desktop review of information publicly available or shared by the RCSS, and does not consider potential decisions by the government and its consequential changes to the DRM system.

Institutional Roles and Responsibilities	
DRM Specific Legislation	
<p><b>Is the approach of the relevant DRM law well-tailored to your country's natural hazards risk profile and disaster risk governance capacity?</b></p> <p>Due to its geographical position and geology, the Seychelles is vulnerable to the associated wind, rain, and storm surge effects from tropical cyclones, which historically have generated subsequent flooding and landslides.<sup>1</sup> The National Integrated Emergency Plan (NIEMP) covers a wide range of events which includes those triggered by natural hazards such as cyclones, tsunamis, severe flooding, and landslides. The likelihood of occurrence and potential impacts of hazards in the Seychelles is also provided in Table 4 of the NIEMP.<sup>2</sup></p> <p>Similarly, the Seychelles Disaster Risk Management Act 15 of 2014 (DRM Act) adopts “an all-hazard approach” to DRM. Section 13 of the DRM Act provides for the establishment of a vulnerability assessment committee (the VAC).<sup>3</sup> The relevant functions of the VAC include to collect vulnerability information and conduct assessments taking an all-hazard approach to:</p> <ul style="list-style-type: none"> <li>• inform early warning on potential risks and hazards;</li> <li>• guide national planning processes and development strategies; and</li> <li>• inform government and relevant stakeholders of property reduction strategies and social safety-net programming relevant to Disaster Risk Reduction (DRR).</li> </ul>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p> <p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>Are principles and priorities that guide your country's approach to preparedness and response; risk reduction and recovery set out?</b></p> <p>The DRM Act provides that its purpose is to “provide for the establishment of the DRM Division for the effective management of disasters through a comprehensive and integrated all-hazard approach and for matters connected therewith or incidental thereto.”</p> <p>The NIEMP, in turn, also stipulates the basis for its establishment, providing that its aim is to strengthen emergency preparedness for effective response at all levels and thus contribute to the implementation of the Sendai Framework for</p>	

<sup>1</sup> NIEMP, page 11.

<sup>2</sup> NIEMP, page 14.

<sup>3</sup> DRM Act, section 13.

<p>Disaster Risk Reduction 2015 – 2030 (Sendai Framework) Priority 4: enhancing disaster preparedness for effective response and to “Build Back Better” in recovery, rehabilitation, and reduction.”<sup>4</sup></p> <p>The NIEMP states that its National Priority Goals which guide the plan include to:</p> <ul style="list-style-type: none"> <li>• protect and save lives;</li> <li>• assure coverage of people’s basic needs;</li> <li>• reduce health impacts;</li> <li>• safeguard property and the environment;</li> <li>• promote swift restoration of normal life; and</li> <li>• safeguard the economy and development gains.<sup>5</sup></li> </ul> <p>In addition, the principles which guide the NIEMP include:</p> <ul style="list-style-type: none"> <li>• preparedness;</li> <li>• continuity;</li> <li>• subsidiarity;</li> <li>• direction;</li> <li>• integration;</li> <li>• communication;</li> <li>• cooperation; and</li> <li>• anticipation.<sup>6</sup></li> </ul>	
<p><b>Are links to relevant sectoral legislation set out?</b></p> <p>The NIEMP does identify the relevant government agencies which will be supporting in various functional areas during disaster. However, it does not incorporate links to sectoral legislation.</p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>
<p><b>Are links with relevant climate change law/policies and institutions established?</b></p>	

<sup>4</sup> NIEMP, page 1.

<sup>5</sup> NIEMP, page 3.

<sup>6</sup> NIEMP, page 4.

<p>The Seychelles developed the Seychelles National Climate Change Policy in 2020 (NCCP). There are no links to this document established within the Seychelles DRM Act, as it was developed six years after the promulgation of the DRM Act. However, section 4 of the DRM Act mentions climate change effects as one of the factors to monitor.</p> <p>In addition, as stated above the NIEMP identifies the relevant government agencies which will be supporting in various functional areas during disaster, which includes the Ministry of Environment, Energy and Climate Change—Department of Environment (MOECC). The MOECC is identified as a supporting agency in several functional areas including in the assessment of disaster risks, hazardous material related emergencies, health, the restoration of water and sanitation services and the restoration of energy supply.</p>	<p><a href="#">National climate change policy</a></p>
<p><b>What constitutes a “disaster” under the DRM Law?</b></p> <p>In terms of the DRM Act, a disaster is defined as “serious disruption in the functioning of a community or a society involving widespread human, material, economic or environmental threats, losses and impacts, whether arising from an accident, social disruption, nature or human activity, whether developing suddenly or as a result of long-term process”.<sup>7</sup></p> <p><b>How does the definition sit with international standards?</b></p> <p>The United Nations office for DRR (UNDRR) defines a disaster in the following way:</p> <p>“A serious disruption of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts.”<sup>8</sup></p> <p>Accordingly, the definition included in the DRM Act appears to be aligned with international standards.</p> <p><b>Who is mandated on different types of hazards - tech/oil spills?</b></p> <p>The DRM Act establishes in section 3, the DRM Division (the Division), which is tasked to inter alia, prepare a national DRM plan and strategy, coordinate, monitor and promote a uniform approach to DRM among government institutions, non-governmental organisations, private sector entities and communities.<sup>9</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p> <p><a href="#">United National Office for Disaster Risk Reduction: Terminology</a></p>

<sup>7</sup> DRM Act, section 2.

<sup>8</sup> UNDRR website, terminology defining a disaster.

<sup>9</sup> DRM Act, section 3(d).

According to the NIEMP, the Seychelles has adopted an integrated emergency system (IEMS). The IEMS introduces a common framework within all levels of government, non-governmental organisations, and the private sector can work together to prepare for, respond to and mitigate the effects of incidents, regardless of the cause, size, location, or complexity.<sup>10</sup> The NIEMP further acknowledges that in order to ensure preparedness for any disaster, IEMS require robust structures, systems, and protocols for coordination of risk assessment, planning, and training in advance of any emergency. This is achieved through the creation of multiagency liaison and coordination platforms, ensuring that multiagency partners can work together effectively in response to, and recovery from, any event that occurs.<sup>11</sup> However, it is also recognised that the IEMS should include a robust Incident Command System (ICS) which provides an organised set of standardised operational structures, which is critical in allowing disparate organisations and agencies to work together.<sup>12</sup> Therefore, in considering who is mandated for different types of hazards occurring within the Seychelles, it is the IEMS which ensures that key agencies can combine and act as a single authoritative focus where necessary and consult, agree, and decide on key issues, to which all agencies will conform.<sup>13</sup>

[Seychelles National Integrated Emergency Plan of 2019](#)

Operationally, the NIEMP identifies the relevant agencies which will lead and support in five functional areas: rescue and security, health, humanitarian services, essential infrastructure, and emergency management. The functional areas are a mechanism for identifying key tasks associated with emergency preparedness and response and grouping the agencies responsible for delivering them during emergency response operations.<sup>14</sup>

**Is there flexibility in the definition to allow to adapt changing circumstances / different hazards (ie technological/oil spill)**

The Seychelles definition of a disaster is broad and does provide flexibility to allow for different types of hazards and for changing circumstances, for example, recognizing that a disaster may arise from an “accident, social disruption, nature or human activity, whether developing suddenly or as a result of long-term process”.

**Roles and responsibilities**

<sup>10</sup> NIEMP, page 20.

<sup>11</sup> NIEMP, page 20.

<sup>12</sup> NIEMP, page 20.

<sup>13</sup> NIEMP, page 20.

<sup>14</sup> NIEMP, page 35.

<p><b>Do your laws establish clear roles and responsibilities for all aspects of DRM from national to local level?</b></p> <p>The DRM Act establishes clear roles and responsibilities for DRM at national level, but roles and responsibilities at subnational level are not detailed. However, the NIEMP provides greater clarity in this regard, setting out the institutional and operational framework for DRM from national to local level.<sup>15</sup></p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>
<p><b>Is there a national inter-ministerial/multi-sectoral committee established and does it meet frequently enough to be effective?</b></p> <p>Section 9(1) of the DRM Act provides for the establishment of a National DRM Committee (the National Committee) comprising of persons with high level capacity to advise the President and the Cabinet, through the Minister on matters relating to DRM.<sup>16</sup> The National Committee includes membership of:</p> <ul style="list-style-type: none"> <li>• the Director General of the Division;</li> <li>• a representative of the President's Office;</li> <li>• the Principal Secretaries of the Ministries or departments responsible for: <ul style="list-style-type: none"> <li>○ environment;</li> <li>○ land use and building;</li> <li>○ health;</li> <li>○ community development and sports;</li> <li>○ transport;</li> <li>○ labour;</li> </ul> </li> <li>• one representative each from: <ul style="list-style-type: none"> <li>○ the Seychelles Broadcasting Corporation;</li> <li>○ the Meteorological Office;</li> <li>○ the Police Department not below the rank of Superintendent;</li> <li>○ the Red Cross Society of the Seychelles (RCSS); and</li> </ul> </li> </ul>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>15</sup> NIEMP, page 21.

<sup>16</sup> DRM Act, section 9(1).

- the Seychelles Fire and Rescue Services Agency.<sup>17</sup>

In terms of meetings, the DRM Act provides that the National Committee shall meet not less than four times a year in the first year of commencement of the Act and not less than twice a year thereafter.<sup>18</sup> In the event of an emergency, the Minister shall have powers to call an extraordinary meeting of the National Committee.

**How does this committee function in preparedness, response, DRR and recovery?**

The relevant functions of the National Committee include several functions relating to DRR, preparedness and response. These are set out in section 11 and include to:

- advise and to make recommendations to the President and the Cabinet in relation to the application of the DRM Act;
- ensure that the principles of DRR are integrated into the activities of each government institution and that each government institution takes primary responsibility for DRM within their sector;
- ensure that DRM is integrated into all development policies, strategies and programmes at national level, regional, and local levels;
- review and update the DRM policies;
- support and mobilise resources for improved disaster risk assessment, the quality of information and data on disaster risk and for strengthening early warning systems;
- support the enhancement of skills and capacities for DRM at all levels;
- promote and strengthen scientific, research and technical capacity in disaster reduction;
- advocate the development of national information and knowledge management strategies and the establishment of stakeholder networks for DRM; and
- review periodically policy issues regarding international appeals soliciting, the acceptance and the use of international assistance.

In addition, once a disaster has been declared, the National Committee is responsible for:

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<sup>17</sup> DRM Act, section 10(1).

<sup>18</sup> DRM Act, section 12(1).

<ul style="list-style-type: none"> <li>• making provisions for the release of available resources including equipment vehicles, water transport, air transport and any other facilities; and</li> <li>• making arrangements for personnel to be made temporarily available for the performance of emergency services.</li> </ul>	
<p><b>Does the national committee include membership from key agencies outside government (humanitarian, development, private, scientific etc)?</b></p> <p>The membership of the National Committee has been set out above. Aside from the RCSS, it does not include membership from key agencies outside government, although section 10(2) provides that the President may, if considers necessary, appoint such other persons or representatives of an association, organisation or institution, having such qualifications and experience in DRM as maybe prescribed, to be a member of the National Committee.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>Does the law establish linkages between scientific, meteorological, and hydrological institutions and disaster management agencies and how does this link with local community early warning systems?</b></p> <p>The DRM Act provides that functions of the National Committee include to inter alia:</p> <ul style="list-style-type: none"> <li>• support and mobilise resources for improved disaster risk assessment, the quality of information and data on disaster risk and for strengthening early warning systems;<sup>19</sup> and</li> <li>• promote and strengthen scientific, research and technical capacity in disaster reduction.<sup>20</sup></li> </ul> <p>A representative of the Meteorological Office is also a member of the National Committee.</p> <p>As stated above in this mapping, the DRM Act also establishes the VAC. Importantly, the VAC’s members include the Ministry of Environment dealing with DRM, forestry, environmental impact assessment, coastal adaptation, and management of geographic information systems.<sup>21</sup> One of the relevant functions of the VAC is to assess disaster risk indicators to identify factors that influence risk and vulnerability such as livelihoods and well-being on a national, regional, and local level.<sup>22</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>19</sup> DRM Act, section 11(d).

<sup>20</sup> DRM Act, section 11(f).

<sup>21</sup> DRM Act, section 13(2)(b)(ii).

<sup>22</sup> DRM Act, section 14(1)(b).



<p>In addition, the DRM Act also establishes the National Platform for DRR (the Platform) to serve, amongst others, to coordinate to enhance multi-stakeholder collaboration for the sustainability of DRR activities through a consultative and participatory process. However, members of the Platform are not provided in the DRM Act.</p> <p>Lastly, as stated above, the NIEMP identifies the relevant agencies which lead and support in five functional areas, and the Seychelles Meteorological Authority is recognised as a supporting agency to the Department of Risk and Disaster Management (now the Division) in the assessment of disaster risks.</p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>
<p><b>Has a national focal point agency for DRM with sufficient institutional authority to exercise effective leadership been assigned?</b></p> <p>The Division is assigned as the focal point agency for DRM in the Seychelles in terms of the DRM Act.<sup>23</sup> The Division functions as the national body for DRM and supports regional and local level DRM initiatives and response.<sup>24</sup> Hence, the Division possesses the adequate institutional authority to exercise effective leadership. The Director General of the Division is appointed by the President and has a wide range of functions in terms of the DRM Act.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>Apply the same question above to subnational committees (inter-ministerial and cross sectorial committees, including membership outside government)</b></p> <p>In terms of the NIEMP, National and Regional Resilience Platforms (RRPs) are established in accordance with section 6 the DRM Act, as advisory structures established to facilitate multiagency cooperation and coordination, which will meet quarterly, with regional platform meetings preceding the national meeting, so that any issues may be escalated from district or regional levels to the national level for consideration and determination as necessary.<sup>25</sup> The purpose of the regional layer is to ensure best use of specialist personnel and resources in the planning and training process, providing guidance and specialist support to the sectoral and district levels, and providing opportunities for enhanced partnership working and cooperation across sectors and jurisdictions to avoid duplication of effort.<sup>26</sup> RRP help to support and coordinate sectoral and district level disaster preparedness activities and provide a link between the national and district levels.<sup>27</sup> Standing membership of the National and RRP generally includes organisations identified by the Department of DRM (now the</p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>

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<sup>23</sup> DRM Act, section 28(6).  
<sup>24</sup> DRM Act, section 4(1)(a).  
<sup>25</sup> NIEMP, page 21.  
<sup>26</sup> NIEMP, page 21.  
<sup>27</sup> NIEMP, page 21.

<p>Division) as Category 1 or 2 responders (which are also set out in the NIEMP).<sup>28</sup> At the district level, multiagency meetings and coordination at a district level should include key Category 1 and 2 representatives as required.<sup>29</sup></p>	
<p><b>How do such committees coordinate with other committees/processes, both in terms of horizontal coordination (across different committees at the same level), and vertical coordination (across committees at different levels of government)?</b></p> <p>The DRM Act does not provide specific details on how subnational committees coordinate, whether that be horizontal or vertical coordination. Coordination is provided for in the NIEMP, which provides that to ensure effective coordination between national and locally based ministries, departments, and agencies, seven multiagency and multi-RRPs are proposed to support interagency coordination on emergency preparedness and response work.<sup>30</sup> They will receive guidance and support from a National Resilience Platform and can use the structures from national to local to share best practice and lessons learned.<sup>31</sup></p> <p>Operationally, the Seychelles Implements a unified command system (UCS), this is a system whereby all relevant government and non-government organisations come together to coordinate their activities in order to resolve an emergency.<sup>32</sup> Notably, the NIEMP does recognise that historically a weakness in disaster response structures involving multiple agencies has been confusion caused by different hierarchies both between and within organisations and therefore “top down” response structures are not supported. To avoid this, the Seychelles adopts an emergency response structure based on a “functional command” concept.<sup>33</sup> It is further recognised that incident management decisions are generally taken and implemented at one of four functional levels of decision making.<sup>34</sup> The four levels of decision making, and their description are described in the NIEMP as the Functional Incident Command Hierarchy.<sup>35</sup> The hierarchy is separated as follows:</p> <ul style="list-style-type: none"> <li>• platinum: policy direction provided by National Government;</li> <li>• gold: direction of National Strategy through a Unified Command at the National Emergency Operations Centre;</li> <li>• silver: direction of Tactics and Field Operations through a Unified Command Post; and</li> </ul>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p> <p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>

<sup>28</sup> NIEMP, page 22.

<sup>29</sup> NIEMP, page 23.

<sup>30</sup> NIEMP, page 21.

<sup>31</sup> NIEMP, page 21.

<sup>32</sup> NIEMP, page 27.

<sup>33</sup> NIEMP, page 28.

<sup>34</sup> NIEMP, page 28.

<sup>35</sup> NIEMP, page 28 - 31.

<ul style="list-style-type: none"> <li>• bronze: first line management and supervision of personnel undertaking Field Operations.<sup>36</sup></li> </ul>	
<p><b>Are national /subnational institutions consistently assigned clear responsibilities and authorities to carry out their mandate?</b></p> <p>Clear roles and responsibilities for national DRM institutions are provided in the DRM Act. The roles and responsibilities of institutions at regional and local level are not clearly assigned in the DRM Act, but the NIEMP does assign clear roles and responsibilities to bodies at these levels.<sup>37</sup></p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>
<p><b>Are roles and responsibilities between civilian and military actors for disaster response clearly articulated in law/regulation/policy?</b></p> <p>In terms of section 13(2) of the DRM Act, the Seychelles Peoples' Defence Force (Defence Force) is a member of the VAC. In addition, the NIEMP provides that the Defence Force is a supporting agency in the following areas:</p> <ul style="list-style-type: none"> <li>• rescue and security: search and rescue at land, law and order, firefighting, evacuation of areas affected or at risk, and hazardous material related emergencies;</li> <li>• health: pre-hospital care and hospital care;</li> <li>• humanitarian services: shelter installation and management; and</li> <li>• emergency management: sub-national coordination and coordination with the private sector.</li> </ul>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<b>Funding</b>	
<p><b>How does the law allocate funding distribution between risk reduction, preparedness, and response?</b></p> <p>The DRM Act establishes the National DRM Fund (NDRMF). In terms of the DRM Act, the NDRMF shall be applied towards recovery efforts and the adoption and promotion of preventative measures before, during and after a disaster or an emergency.<sup>38</sup> The authority in administrating the fund is provided to the Division, which is responsible for determining the criteria to be applied in funding projects and programmes in relation to the mitigation of, preparedness for, response to and recovery from, emergencies and disasters.<sup>39</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>Does the legislation establish mechanisms to ensure that dedicated funding would be available in the event of a disaster?</b></p>	

<sup>36</sup> NIEMP, page 28.

<sup>37</sup> NIEMP, page 34.

<sup>38</sup> DRM Act, section 31(4).

<sup>39</sup> DRM Act, section 31(5)(a)(i).

<p>The law ensures that dedicated funding is available in the event of a disaster through the establishment of the NDRMF. Section 31(2) of the DRM Act provides that the NDRMF consists of:</p> <ul style="list-style-type: none"> <li>• such moneys as may be appropriated by the National Assembly;</li> <li>• such donations and grants as may be made by persons and organisations;</li> <li>• such other moneys as the Division may raise through activities organised by or on behalf of the Division; and</li> <li>• such other moneys as may be transferred from any other fund.</li> </ul> <p><b>Are financial reserves and/or insurance coverage in place?</b></p> <p>The DRM Act does not specify the amount in reserve which should be contained within the NDRMF, nor does the DRM Act provide details relating to insurance. From the research conducted, no further information could be found in this regard.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>Does the law set mechanisms for funding for early action based on forecasts (not impact)?</b></p> <p>Although early action based on forecasts is not explicitly mentioned, section 31(4) of the DRM Act confirms that the funds from the NDRMF may be used to fund the adoption and promotion of preventative measures before a disaster or emergency. This may be interpreted as a mechanism for funding for early action based on forecasts.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>Are adequate resources for DRR allocated, through mechanisms such as development plans earmarking percentages in annual budgets, dedicated budget lines?</b></p> <p>In 2020 the Seychelles Government allocated SR 9 774 000 to the Department of Risk and Disaster Management (now the Division), with an expected budget of SR 9 843 000 being provided in 2021 and SR 10 297 000 expected in 2022.<sup>40</sup></p> <p>The budget also indicates the major achievements recognised in 2019 and 2020 relating to DRR. Namely that funding:</p> <ul style="list-style-type: none"> <li>• established and strengthened government co-ordination, organizational and institutional mechanism and appointed DRR focal points across all Ministries, Departments and Agencies;</li> <li>• supported broad participation in DRR, promoting community-based disaster reduction plans and programmes, as well as increased the involvement of women, children, and youth in risk reduction plans;</li> <li>• strengthened the Integrated Emergency Management System: scaling up Seychelles readiness to multi-hazard events in line with the Sendai Framework for DRR 2015-2030 and that of Sustainable Development Goals Agenda 2030, and to that effect, adopted an Integrated Emergency Management System; and</li> </ul>	<p><a href="#">Seychelles Budget Proposal 2021</a></p> <p><a href="#">Seychelles Government Budget for the fiscal year of 2020</a></p> <p><a href="#">Seychelles National Development Strategy 2019-2023</a></p> <p><a href="#">Seychelles sustainable development planning 2020</a></p> <p><a href="#">Seychelles Foreign Exchange Act of 2009</a></p> <p><a href="#">Seychelles Revenue Commission Act of 2010</a></p>

<sup>40</sup> The Seychelles 2021 Budget: estimates of revenue and expenditure, page 283.

<ul style="list-style-type: none"> <li>improved significantly the Early Warning and alert system for Seychelles, especially with improvement resulting from the establishment of the wider networks such as with SBC, NISA and other media and all of Government.</li> </ul>	<a href="#">Customs Tariffs Act consolidated November 2017</a>
<p><b>Are resources allocated to enable sub-national authorities and civil society/communities to fulfil their responsibilities?</b></p> <p>From the research conducted, there do not appear to be provisions which specify the resources (or the amounts) which are allocated to enable sub-national authorities and communities to fulfil their responsibilities. However, it is noted that limited information could be located regarding this, and it may be done in practice.</p>	
<p><b>Is disaster insurance and/or risk finance mechanisms available?</b></p> <p>Although limited information could be found in this regard, the finance mechanisms available to the Seychelles includes contingency credits from the World Bank Group.<sup>41</sup> A contingency loan or a financial guarantee is initiated once a disaster-related trigger has been reached. The World Bank group provides such contingent credit lines through its contingent financing programmes, allowing borrowers to rapidly meet financial requirements in case of a medium or large-scale disaster. Contingent credit lines are agreed ex ante. The Seychelles was the first African country to get access to the World Bank Group's Development Policy Loan in 2014.</p>	<a href="#">Climate Risk Insurance Manual of 2020</a>
<p><b>Are funding mechanisms for recovery mandated?</b></p> <p>The provision of the NDRMF includes the application of its funds towards recovery efforts during and after a disaster or an emergency.<sup>42</sup></p>	<a href="#">The Seychelles Disaster Risk Management Act of 2014</a>
<b>Disaster Risk Reduction</b>	
<p><b>Do your country's relevant sectoral laws include provisions to reduce existing risks and prevent the creation of new risks?</b></p> <p>With respect to legislation, section 14 of the Environment Protection Act 18 of 2016 (EP Act) permits the Minister to prescribe standards and safeguards for:</p> <ul style="list-style-type: none"> <li>quality of air, water or soil for various areas and purposes;</li> <li>effluent limitations for existing and new point sources;</li> <li>emissions of air pollutants from mobile and stationary sources;</li> </ul>	<a href="#">Environment Protection Act of 2016</a>

<sup>41</sup> Climate Risk Insurance and Risk Financing in the Context of Climate Justice, page 55.

<sup>42</sup> DRM Act, section 31(4).

- noise emissions from various sources including construction sites, plants, machinery, equipment, motor vehicle, aircraft, industrial and commercial activities;
- emissions of light, vibration, and other forms of energy into the environment;
- odours, as are required to preserve and maintain public health and the environment; and
- pesticide and other residues in the environment.<sup>43</sup>

The Seychelles Town and Country Planning Act 21 of 1972 (TCP Act),<sup>44</sup> contains provisions in Part E, section 18 which provide for structural fire precautions. Section 18 provides that for the purpose of reducing the danger of the outbreak and spread of fire, the following shall have effect in respect to buildings:

- (a) “every building and its several parts shall be so designed and constructed having regard to the risk inherent in the use for which the building or part is intended, the size of the building and its proximity to other buildings –
- (i) As to reduce sufficiently the risk of the ignition of any part of the building and the spread of fire within the building, into the building and out of the building; and
  - (ii) As to withstand the effects of fire for a sufficient period to avoid such collapse of the building as would increase the risk of the spread of fire.”<sup>45</sup>

With respect to policy documents, the Seychelles National Climate Change Policy of 2020 (NCCP) recognises that the Seychelles needs to make a greater collective effort to reduce the risk of disasters whilst ensuring sustainable natural resource management and investing in low-carbon development.<sup>46</sup> The NCCP provides as a specific objective: “to put in place measures to adapt, build resilience and minimize vulnerability to the impacts of Climate Change and to achieve this objective the Government of the Seychelles is committed to:

- implementing national commitments by investing in DRR and Management;
- adopting appropriate measures to adapt to the impact of climate induces sea-level rise through sustainable land-use planning, managed retreat and other planning controls especially for development infrastructures in the shoreline zones for climate resilience; and

[Town and Country Planning Act of 1972](#)

[Seychelles National Climate Change Policy 2020](#)

<sup>43</sup> EP Act, section 14.

<sup>44</sup> TCP Act.

<sup>45</sup> TCP Act, part E, section 18.

<sup>46</sup> NCCP, page 4.

- adopting and implementing measures to promote sustainable land management to the farming and forestry sectors to maximize ecosystem resilience and water security."<sup>47</sup>

The Seychelles Meteorological Authority (SMA) is recognised in the NCCP as an important institutional development. The NCCP describes that SMA's authority to advise government on DRR through the provision of early warnings on weather and climate phenomena and tsunamis in the Seychelles.<sup>48</sup> Another institutional development recognised by the NCCP is the Coastal Management Plan of 2019-2023 (CMP). The CMP focuses on coastal erosion, coastal flooding and climate change impacts. To increase resilience in these areas it aims to:

- maintain and protect the high-risk coastal zone;
- reduce coastal risks for people and coastal properties;
- support healthy coastal ecosystems and promote restoration, rehabilitation and recreation of the coastal areas; and
- encourage sustainable coastal economic development by raising awareness and strengthening capacity to deal with these challenges.<sup>49</sup>

With respect to international commitments, the NCCP makes provision for the Paris Agreement of 2015 (PA) and reaffirms the Seychelles ratification thereof. The PA requires the Seychelles to prepare, communicate and maintain successive nationally determined contributions that embody efforts to adapt to climate change.<sup>50</sup> Lastly, the NCCP includes as an international commitment, the Agenda 2030 for Sustainable Development (ASD). The ASD incorporates 17 goals and targets, goal 13 advocates strengthening resilience to climate-related natural disasters through:

- strengthening resilience and adaptive capacity to climate-related hazards and natural disasters;
- integrate Climate Change measures into national policies, strategies and planning; and
- improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning.

[Seychelles Meteorological Authority website](#)

[Seychelles Coastal Management Plan of 2019-2023](#)

[Seychelles ratification of the Paris Agreement](#)

[Agenda 2030 for Sustainable Development](#)

<sup>47</sup> NCCP, page 25 and 26.

<sup>48</sup> NCCP, page 11.

<sup>49</sup> CMP, page 29.

<sup>50</sup> NCCP, page 22.

<p>In addition, the National Climate Change Strategy of 2009 (NCCS) provides for the assessment and improvement of ongoing management activities and their contribution to climate change adaptation (CCA) by establishing and strengthening the role of environment impact assessments (EIA) and SEA in CCA and risk/impact reduction.<sup>51</sup></p> <p>With respect to water management, the Seychelles Water Supply Development Plan (SWSDP) states that current water deficits will be aggravated by climate change and that storage capacities are at a shortfall.<sup>52</sup> This SWSDP aims to reduce these risks and prevent new risks by focusing on two main objectives from 2008 – 2030, which includes the preparation of a comprehensive plan to satisfy the ever-increasing water demand in the three main islands of Mahe, Praslin, and La Dique, and to mobilise investments in the sector.</p> <p>The Seychelles Strategic Land Use and Development Plan (SSLUDP) provides for a “water strategy” illustration which proposes a number of mechanisms for enhancing water provision across the Seychelles which is in line with the aforementioned Water Development Plan.<sup>53</sup> The SSLUDP also provides for the mitigation and adaptation to climate change and DRR.</p>	<p><a href="#">Seychelles Climate Change Strategy of 2009</a></p> <p><a href="#">Seychelles water supply development plan 2008-2030</a></p> <p><a href="#">Seychelles Strategic Land Use and Development Plan</a></p> <p><a href="#">Seychelles Wetlands Policy and Action Plan 2019-2022</a></p> <p><a href="#">Seychelles Fire Protection Act of 1902</a></p> <p><a href="#">Seychelles Fire and Rescue Services Agency Act of 2010</a></p> <p><a href="#">Sustainable Water augmentation project 2015</a></p> <p><a href="#">Seychelles National Development Strategy 2019-2023</a></p>
<p><b>Are there provisions related to DRR in the DRM Law?</b></p> <p>DRR is defined in the DRM Act as: “the concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and environment, and improved preparedness for adverse events.”<sup>54</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>51</sup> NCCS, page 77.

<sup>52</sup> SWSDP. page 4-5.

<sup>53</sup> SSLUDP, page 166.

<sup>54</sup> DRM Act, section 2.



The DRM Act establishes a National Platform for DRR.<sup>55</sup> The functions of this platform are to:

- perform as a national mechanism to address inter-related social, economic, and environmental problems;
- support the identification of urgent needs in the area of DRR and reviewing the implementation of disaster risk DRR activities in line with the national plan;
- perform as a catalyst for national consultation and consensus building, as well as for DRR priority identification and policy formulation, implementation, and monitoring DRR activities;
- coordinate to enhance multi-stakeholder collaboration for the sustainability of DRR activities through a consultative and participatory process in line with the implementation of the Hyogo Framework for action;
- foster an enabling environment for developing a culture of prevention, through advocacy of an awareness-raising on DRR and the necessity and importance of its integration into development policies, planning, and programmes; and
- facilitate the integration of DRR into national policies, planning, programmes in various development sectors as well as into international or bilateral development aid policies and programmes.<sup>56</sup>

The DRM Act also includes as a function of the Division, to design methods and establish criteria for auditing guidelines to undertake hazard surveillance, identification analysis and risk assessments to implement DRR activities through government bodies, non-governmental organisations, private sectors, and communities.<sup>57</sup>

In addition, the DRM Act provides that two functions of the National Committee shall be to:

- ensure that the principles of DRR are integrated into the activities of each relevant government institution and that each government institution takes primary responsibility for DRM within their sector;<sup>58</sup> and
- promote and strengthen scientific, research and technical capacity in disaster reduction.<sup>59</sup>

Furthermore, the DRM Act provides that the Director General is tasked with preparing a National Risk Management Strategy which shall consist of the following:

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<sup>55</sup> DRM Act, section 16(1).

<sup>56</sup> DRM Act, section 17.

<sup>57</sup> DRM Act, section 4(1)(c).

<sup>58</sup> DRM Act, section 11(b).

<sup>59</sup> DRM Act, section 11(f).

<ul style="list-style-type: none"> <li>• measures to be taken for the integration of risk reduction and mitigation in development plans and projects at all levels;<sup>60</sup></li> <li>• integrated DRR strategies involving multi stakeholder participation;<sup>61</sup> and</li> <li>• timely DRR actions that contribute to sustainable development by limiting the loss of life and livelihood and environmental and property damage.<sup>62</sup></li> </ul> <p>The DRM Act similarly provides that the Director General shall give guidance to government institutions, private sector entities, non-governmental organisations, communities and individuals to assess and prevent or reduce the risk of disasters.<sup>63</sup> Lastly, the DRM Act also includes that an electronic database will be developed by the Division which contains extensive information concerning disasters and information on risk factors underlying disasters and ways and means to reduce such risks.<sup>64</sup></p>	
<p><b>Is there duplication or conflicting provisions between laws on DRR?</b>  From the research conducted, there do not appear to be conflicting provisions between the laws relating to DRR.</p>	
<p><b>Environment</b></p>	
<p><b>Are natural hazards and climate change risks addressed in laws related to the environment?</b>  Climate change is not directly referenced in the EP Act. However, as stated above, section 14 permits the Minister to prescribe standards and safeguards for:</p> <ul style="list-style-type: none"> <li>• quality of air, water or soil for various areas and purposes;</li> <li>• effluent limitations for existing and new point sources;</li> <li>• emissions of air pollutants from mobile and stationary sources;</li> <li>• noise emissions from various sources including construction sites, plants, machinery, equipment, motor vehicle, aircraft, industrial and commercial activities;</li> <li>• emissions of light, vibration, and other forms of energy into the environment;</li> <li>• odours, as are required to preserve and maintain public health and the environment; and</li> </ul>	<p><a href="#">Environment Protection Act of 2016</a></p>

<sup>60</sup> DRM Act, section 18(1)(b).

<sup>61</sup> DRM Act, section 18(1)(d).

<sup>62</sup> DRM Act, section 18(1)(e).

<sup>63</sup> DRM Act, section 20(1).

<sup>64</sup> DRM Act, section 27(2)(b).

<ul style="list-style-type: none"> <li>pesticide and other residues in the environment.<sup>65</sup></li> </ul> <p>In addition, the SSLUDP provides for:</p> <ul style="list-style-type: none"> <li>DRR, mitigation, and adaptation to climate change;<sup>66</sup></li> <li>the reduction of landslides hazards;<sup>67</sup></li> <li>the reduction and management of flood risks;<sup>68</sup></li> <li>the improvement of storm water drainage;<sup>69</sup> and</li> <li>the protection of critical infrastructure from natural hazards.<sup>70</sup></li> </ul>	<p><a href="#">Seychelles Strategic Land Use and Development Plan</a></p>
<p><b>Is DRR a criterion included in EIA for planned development?</b></p> <p>In terms of the EP Act, before the Ministry determines an application for environmental authorisation made under section 44 for a development, project or activity, an Environmental Impact Assessment Study (EIAS) shall be carried out.<sup>71</sup> This EIAS shall be carried out by an EIA consultant registered in accordance with section 50, who shall submit a report of the study to the Ministry on behalf of the proponent of the development, project or activity In respect of which the EIAS is carried out.<sup>72</sup></p> <p>However, from the documents reviewed for the purposes of this research, there does not appear to be DRR criteria included in EIAs for planned development.</p>	<p><a href="#">Environment Protection Act of 2016</a></p> <p><a href="#">Environmental Impact Assessment Conditions</a></p>
<p><b>Are eco- systems approaches to DRR adopted?</b></p> <p>The NCCP provides that the Wetlands Policy and Action Plan of 2019 (WPAP) “prioritises the scientific assessment of wetlands within the Seychelles to allow effective identification and whereby the conservation, sustainable management and restoration of ecosystems can help people adapt to the impacts of Climate Change, where existing biodiversity cultural or landscape values shall not be negatively impacted by such intervention.”<sup>73</sup></p>	<p><a href="#">Seychelles climate change policy 2020</a></p>

<sup>65</sup> EP Act, section 14.

<sup>66</sup> SSLUDP, page 152.

<sup>67</sup> SSLUDP, page 154.

<sup>68</sup> SSLUDP, page 157.

<sup>69</sup> SSLUDP, page 161.

<sup>70</sup> SSLUDP, page 162.

<sup>71</sup> EP Act, section 45(1).

<sup>72</sup> EP Act, section 47(4).

<sup>73</sup> NCCP, page 19.

<p>In addition, the NCCP provides that to build resilience and minimize vulnerability to the impacts of climate change, the government of the Seychelles must recognise the importance of ecosystem services, adopting a right to reef approach to address, facilitate and assist in the protection and rehabilitation of the upland forest, coastal and marine ecosystems.<sup>74</sup></p> <p>The NCCS also provides for the principle that ecosystem-based adaptation needs to be further developed to decrease vulnerability to climate change.<sup>75</sup> The rationale is that the use of ecosystems to respond to adaptation, combined with engineering technology presents the optimum opportunity to adjust to natural variability and change.</p> <p>The SSLUDP includes provisions for the protection of the environment and provides for an environment strategy which comprises of components reducing the direct pressures on biodiversity and promoting sustainable use by safeguarding ecosystems, species and genetic diversity.<sup>76</sup> According to this strategy, development within these areas is to be done with appropriate mitigation so as to protect areas that contain modified and/or unmodified natural systems, which are managed to ensure long term protection and maintenance of ecosystems and services. The Plan provides that where loss of habitat is likely to occur, an ecosystem services assessment will be required as part of the EIA process to determine the level and type of off-setting which will be required to mitigate the impacts arising from development.<sup>77</sup></p>	<p><a href="#">Seychelles Wetlands Policy and Action Plan 2019-2022</a></p> <p><a href="#">Seychelles Climate Change Strategy of 2009</a></p> <p><a href="#">Seychelles Strategic Land Use and Development Plan</a></p>
<p><b>Natural Resource Management and Fire Control</b></p>	
<p><b>Are there provisions aimed at reducing the risk of water related hazards?</b></p> <p>The Seychelles National Development Strategy (SNDS) recognises that climate change is a considerable risk to the Seychelles and the expected effects of climate change includes water scarcity.<sup>78</sup> The proper management and conservation of water is provided for within the water strategy contained in the SSLUDP.<sup>79</sup> The SSLUDP also provides for the reduction and management of floods, providing that:</p> <p>“Developments will be expected to demonstrate that they will not result in an increase in flood risk within the application site and elsewhere. New developments should avoid areas of high susceptibility to flood risk. Where vulnerable development is proposed in areas susceptible to flooding, it should be demonstrated that sufficient mitigation measures have been put</p>	<p><a href="#">Seychelles Strategic Land Use and Development Plan</a></p> <p><a href="#">Seychelles National Development Strategy 2019-2023</a></p>

<sup>74</sup> NCCP, page 25 – 26.

<sup>75</sup> NCCS, page 67.

<sup>76</sup> SSLUDP, page 112.

<sup>77</sup> SSLUDP, page 129.

<sup>78</sup> SNDS, page 108.

<sup>79</sup> SSLUDP, page 166.

<p>in place to minimise exposure to flood risk. Developments in flood risk areas of a predefined size will be expected to provide a flood risk assessment to demonstrate that flood risk from all sources of flooding will be managed.”<sup>80</sup></p> <p>The EP Act also contains several provisions which canvass the protection and management of water resources in the Seychelles.<sup>81</sup></p>	<p><a href="#">Seychelles water supply development plan 2008-2030</a></p> <p><a href="#">Environment Protection Act of 2016</a></p>
<p><b>Is forest or urban fire prevention and management linked with DRM laws and institutions?</b></p> <p>Although the NIEMP recognises the fire service is the primary agency responsible for putting out fires and describes the generic structures and arrangements for the coordination of the multiagency response, it does not provide links with DRM laws.<sup>82</sup></p> <p>The Seychelles does have a dedicated Fire Prevention Act, however, it does not appear to have any links to DRM laws and institutions.</p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p> <p><a href="#">Fire Prevention Act of 1902</a></p>
<p><b>Land Use Planning and Urban Development and Building</b></p>	
<p><b>Is coordination with DRM institutions and mechanisms promoted?</b></p> <p>The DRM Act provides that the National Committee shall include a representative from the Land Use and Housing Ministry.<sup>83</sup> Additionally, the SSLUDP provides that the policies established by the plan support the creation of vulnerability classifications for flood and landslide risk. Moreover, the Division is tasked with procuring consultants to investigate landslide susceptibility.<sup>84</sup> Notably, there is no indication regarding the coordination that will be used with DRM institutions to promote this mechanism.</p> <p>The DRM Act also contains the following relevant provisions relating to development policies, planning and projects more generally:</p> <ul style="list-style-type: none"> <li>• section 11(c) provides that the functions of the National Committee includes ensuring that DRR is integrated into all development policies, strategies and programmes at national, regional and local levels;<sup>85</sup></li> </ul>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p> <p><a href="#">Seychelles Strategic Land Use and Development Plan</a></p>

<sup>80</sup> SSLUDP, page 157.

<sup>81</sup> EP Act, section 17.

<sup>82</sup> NIEMP, page 43.

<sup>83</sup> DRM Act, section 10(1)(c)(ii).

<sup>84</sup> SSLUDP, page 248.

<sup>85</sup> DRM Act, section 11(c).

<ul style="list-style-type: none"> <li>• section 14(1)(a)(ii) provides that the VAC must perform the function of guiding national planning processes and development strategies;<sup>86</sup></li> <li>• section 17(e) provides that the functions of the National Platform for DRR include fostering and enabling of the environment for developing a culture of prevention, through advocacy of and awareness-raising on DRR and the necessity and importance of its integration into development policies, planning and programmes;<sup>87</sup></li> <li>• section 18(1)(b) provides that the Director General shall prepare a National DRM Strategy (NDRMS) which consists of measures to be taken for the integration of risk reduction and mitigation in development plans and projects at all levels;<sup>88</sup> and</li> <li>• section 20(1)(c) and (d) provides that the Director General shall give guidance to government institutions, private sector entities, non-governmental organisations, communities and individuals to assess and prevent or reduce the risk of disasters which includes, the integration of prevention and mitigation methodologies with development plans, programmes and initiatives; and the management of high-risk developments.<sup>89</sup></li> </ul>	
<p><b>Are building codes and land use planning regulations updated and priority given to critical infrastructure such as schools, hospitals and other public buildings?</b></p> <p>The SSLUDP provides that in the next 5-15 years the Government of the Seychelles must seek to update building codes to support measures for CCA, including rainwater harvesting systems.<sup>90</sup></p> <p>The SNDS provides as a goal, to reduce vulnerability to natural disasters and climate change by further strengthening land use planning and sector development. Strategy 2.2 includes the reviewing of building codes and enhancing their enforcement, stating that:</p> <p>“As a small island state, Seychelles relies greatly on its coastal zone for economic development. A large share of the critical infrastructure and housing is located in the coastal zone. In recent years the coastal areas have been heavily impacted by various disasters such as coastal erosion, coastal flooding and a tsunami.</p>	<p><a href="#">Seychelles Strategic Land Use and Development Plan</a></p>

<sup>86</sup> DRM Act, section 14(1)(a)(ii).

<sup>87</sup> DRM Act, section 17(e).

<sup>88</sup> DRM Act, section 18(1)(b).

<sup>89</sup> DRM Act, section 20(1)(c) and (d).

<sup>90</sup> SSLUDP, page 324.

<p>The government of Seychelles will improve building codes and most importantly, ensure their rigorous enforcement. The control element is essential to ensure that developments, whatever their nature, are properly planned and implemented, such that the overall character and amenity of the natural and built environment are not adversely affected.”<sup>91</sup></p> <p>The TCP Act includes community planning which specifies determining the provision and siting of community facilities including schools, churches, meeting halls, play centres and recreation grounds.<sup>92</sup> The descriptions of various developments and the conditions imposed on them are found in Schedule 1, part 1 of the Act.<sup>93</sup></p> <p>Notably, the TCP Act is outdated, and although the latest plans provide for its review and update, from the research conducted there does not appear to be recently developed laws on building codes or regulations which give priority to critical infrastructure such as schools, hospitals and other public buildings.</p>	<p><a href="#">Seychelles National Development Strategy 2019-2023</a></p> <p><a href="#">Town and Country Planning Act of 1972</a></p>
<p><b>Are incentives / legal sanctions established, where appropriate, in cases of non-compliance leading to unsafe buildings or developments?</b></p> <p>The TCP Act provides in section 15(3) that where any person who effects any subdivision or development of any land without the permission required, or in contravention of any enforcement notice, or who fails to comply with any conditions or lawful directives set out in an enforcement notice, shall be guilty of an offence and liable on conviction. The extent of these sanctions may include a fine of up to R. 10, 000 for each offence and/or imprisonment for a term of 3 months.<sup>94</sup></p> <p>With respect to the EP Act and the EIAS which must be conducted for a development, project or activity in terms of section 45, the Minister may direct the proponent of a development, project or activity to suspend the development, project or activity if the work on the development, project, activity is commenced without an EIAS.<sup>95</sup></p>	<p><a href="#">Town and Country Planning Act of 1972</a></p> <p><a href="#">Environment Protection Act of 2016</a></p>
<p><b>Climate Change</b></p>	
<p><b>Are links between NAPs and other climate related processes made with the DRM framework?</b></p>	

<sup>91</sup> SNDS, page 75-76.

<sup>92</sup> TCP Act, schedule 2, section 4, part III, page 31.

<sup>93</sup> TCP Act, schedule 1, part 1, page 40.

<sup>94</sup> TCP Act, section 15(3).

<sup>95</sup> EP Act, section 52(1)(a).

<p>The DRM Act only includes one reference to climate change, providing that a function of the Division shall include developing and maintaining a database on disaster related information including climate change and other new and emerging threats and ensuring access to the database by stakeholders.<sup>96</sup></p> <p>Several links between DRM and climate change are, however, made within climate change policy documents. For example, the NCCP recognises that the DRM Act is one of the key pieces of legislation pertinent to climate change governance.<sup>97</sup> Many other examples included in the NCCP and the NCCS, have also been set out above.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p> <p><a href="#">Seychelles climate change policy 2020</a></p> <p><a href="#">Blue Economy Strategic Policy Framework</a></p> <p><a href="#">Seychelles Climate Change Strategy of 2009</a></p>
<p><b>Are DRM national laws including elements relating to climate change adaptation?</b></p> <p>The DRM Act does not have references to CCA.</p> <p>However, the NIEMP does recognise that the Seychelles, is economically, culturally, and environmentally vulnerable to the potential effects of climate change and associated extreme events.<sup>98</sup> Furthermore, the NIEMP also illustrates that sea level rise and future changes in storms are the two major elements of climate change that will increase the levels and frequency of coastal hazards and vulnerability in the coastal zones of the Seychelles.<sup>99</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p> <p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>
<p><b>Are DRM national laws formally endowing high-level governmental authorities and/or territorial administrations with the duty to harmonize implementing activities and promote climate change adaptation-DRR coordination, policies and plans?</b></p> <p>The DRM Act does not explicitly endow high level government authorities and/or territorial administrations with the duty to promote CCA-DRR coordination, policies or plans.</p> <p>The NCCP, however, provides for a National Climate Change Council (NCCC), which acts as the national climate change coordination mechanism and functions to, amongst others:</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>96</sup> DRM Act, section 4(1)(n)(ii).

<sup>97</sup> NCCP, page 15.

<sup>98</sup> NIEMP, page 12.

<sup>99</sup> NIEMP, page 18.



<ul style="list-style-type: none"> <li>• ensure the mainstreaming of climate change by all of the sectors in their plans, policies and master plans;</li> <li>• ensure harmonisation between the various development policies, strategies, interventions, indicators with the NCCP;</li> <li>• ensure and oversee the reporting of all of the relevant stakeholders and sector actions <i>vis a vis</i> climate change and assess whether targets and objectives are being met;</li> <li>• discuss the way forward and make recommendations to the various concerns and constraints in relation to climate change from the work being undertaken by the sectors;</li> <li>• approve and oversee the implementation of the NCCS;</li> <li>• advise the government on legislative, policy and other measures necessary for appropriate CCA;</li> <li>• coordinate and assess the spending of funds from relevant financial mechanisms including government funding for the adaptation strategies of climate change implemented in Seychelles;</li> <li>• approve, consult and advise on appropriate national public education and awareness initiatives including the dissemination of climate change related data to the public;</li> <li>• provide the direction on research and training possibilities for young professionals on climate change; and</li> <li>• provide guidance on how to review, amend and harmonize the sector laws and policies in order to achieve the objectives of the NCCP.</li> </ul>	<a href="#">Seychelles climate change policy 2020</a>
<p><b>Are DRM national laws favouring information-sharing between the two sectors and/or complementarity between financial instruments relating to any thematic issue with some relevance for DRM and climate adaptation?</b></p> <p>As stated above, the DRM Act merely provides that climate change information is to be collected and stakeholders are to be given access to such information.<sup>100</sup></p> <p>The NCCP, however, does recognise that there is a risk of developing strategies in isolation or in contradiction, and therefore provides a framework that promotes and strengthens the climate change relevant aspects of individual sector policies and encourages better coordination and information sharing, providing that the NCCP must have regards to and work alongside other sectoral and climate related policies.<sup>101</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p> <p><a href="#">Seychelles climate change policy 2020</a></p>

<sup>100</sup> DRM Act, section 4(1)(n)(ii).

<sup>101</sup> NCCP, page 12.

<p>As stated above, the NCCP also provides for the establishment of the NCCC. This council acts as the national climate change coordination mechanism and has the function of coordinating and assessing the spending of funds from relevant financial mechanisms including government funding for the adaptation strategies of climate change implemented in Seychelles.<sup>102</sup> The relevant financial mechanism with respect to CCA in the Seychelles is the Seychelles Conservation and Climate Adaptation Trust (SEYCCAT or the Trust). The functions of the SEYCCAT are to accept donations which may be subject to conditions imposed by donors, and to make loans, grants, borrow or invest money in order to achieve the objects of the Trust.<sup>103</sup> Through SEYCCAT, the Seychelles receives annually 3 million US Dollars from blue bonds whereas the Trust then aims to disperse an annual sum of 750 000 US Dollars through small and large grants to projects which are aligned to the SEYCCAT's strategic objectives.<sup>104</sup></p> <p>The financial mechanism for DRM, as stated above, is the NDRMF, which may be applied to DRR activities. Section 31(2) of the DRM Act provides that the NDRMF consists of:</p> <ul style="list-style-type: none"> <li>• such moneys as may be appropriated by the National Assembly;</li> <li>• such donations and grants as may be made by persons and organisations;</li> <li>• such other moneys as the Division may raise through activities organised by or on behalf of the Division; and</li> <li>• such other moneys as may be transferred from any other fund.<sup>105</sup></li> </ul>	<p><a href="#">Conservation and Climate Adaptation Trust Act</a></p> <p><a href="#">Seychelles Conservation and Climate Adaptation Trust website</a></p>
<p><b>Are DRM national laws creating or tasking specific advisory bodies with climate change adaptation competence supporting the work of DRR national committees or authorities?</b></p> <p>From the research conducted, the DRM Act does not create or task specific advisory bodies with CCA competence, which supports the work of DRR national committees.</p> <p>The NCCP provides for a NCCC, this council acts as the national climate change coordination mechanism and has the function of advising the government on legislative, policy and other measures necessary for appropriate CCA in the Seychelles.</p>	<p><a href="#">Seychelles climate change policy 2020</a></p>
<p><b>Are sectoral laws and policies with relevance for DRR/M favouring institutional and cross-sectoral coordination with institutions, agencies and stakeholders responsible for climate change?</b></p>	

<sup>102</sup> NCCP, page 27.

<sup>103</sup> SEYCCAT Act, section 6(1)(a) and (b).

<sup>104</sup> SEYCCAT website, blue finance funds explained.

<sup>105</sup> DRM Act, section 31(2).

<p>The NIEMP provides for coordination and states that coordination is the integration of multiagency efforts and available capabilities, which may be interdependent, to achieve defined objectives, and that the coordination function will be exercised through unified command functions such as the National Emergency Operations Centre.<sup>106</sup> The NIEMP also includes the Ministry of Environment and Climate Change as a supporting agency in several functional tasks.</p> <p>In terms of sectoral policies, the NCCP recognises that there is a risk of developing strategies in isolation or in contradiction, and that, instead, the NCCP provides a framework that promotes and strengthens the climate change relevant aspects of individual sector policies and encourages better coordination and information sharing, providing that the NCCP must have regards to and work alongside other sectoral and climate related policies.<sup>107</sup> In addition, as mentioned above, the NCCC is responsible for, amongst others:</p> <ul style="list-style-type: none"> <li>• ensuring the mainstreaming of climate change by all of the sectors in their plans, policies and master plans;</li> <li>• ensuring harmonisation between the various development policies, strategies, interventions, indicators with the NCCP;</li> <li>• ensuring and overseeing the reporting of all of the relevant stakeholders and sector actions <i>vis a vis</i> climate change and assess whether targets and objectives are being met;</li> <li>• coordinating and assessing the spending of funds from relevant financial mechanisms including government funding for the adaptation strategies of climate change implemented in Seychelles; and</li> <li>• providing guidance on how to review, amend and harmonize the sector laws and policies in order to achieve the objectives of the NCCP.<sup>108</sup></li> </ul>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p> <p><a href="#">Seychelles climate change policy 2020</a></p>
<p><b>Are law and policies with relevance for DRR/M built on available science and practice on both present and future climate risk trends and patterns (i.e. climate-smart)?</b></p> <p>The NIEMP recognises that to plan effectively, Ministries, departments and agencies need to be clear about what type and scale of events they should prepare for, and that a common methodology used is to produce a suit of reference disaster scenarios that represent the key worst credible threats to the Seychelles. Notably, each reference disaster scenario should be developed using data from past disasters and the best available modelling, whilst combining science and evidence.<sup>109</sup></p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>

<sup>106</sup> NIEMP, page 27.

<sup>107</sup> NCCP, page 12.

<sup>108</sup> NCCP, page 27.

<sup>109</sup> NIEMP, page 37 - 38.

<p>In terms of climate change policies, the NCCP stipulates that one of its guiding principles is the “precautionary principle”,<sup>110</sup> which entails that a lack of full scientific certainty should not be used as an excuse for failing to act where there is a credible risk to the environment or to human health.</p>	<p><a href="#">Seychelles climate change policy 2020</a></p>
<p><b>Are national DRR strategies and planning activities considering climate change adaptation perspectives, especially in terms of infrastructure and human settlements, and the development of a methodology to identify risks drivers which consider climate change patterns?</b></p> <p>With respect to infrastructure, the SSLUDP provides that it is a priority action for the government of the Seychelles within the next 5 – 15 years to update building codes to support measures for CCA, including rainwater harvesting systems.<sup>111</sup></p> <p>Apart from the above and from the research conducted, there do not appear to be planning activities which consider CCA perspectives in terms of developing methodologies to identify risks drivers which consider climate change patterns.</p>	<p><a href="#">Seychelles Strategic Land Use and Development Plan</a></p>
<p><b>Disaster Risk Assessments</b></p>	
<p><b>Do your country’s laws establish clear procedures and responsibilities for conducting vulnerability and risk assessments and ensuring that risk information is considered in development processes?</b></p> <p>As stated above, the DRM Act establishes the VAC,<sup>112</sup> which is mandated to:</p> <ul style="list-style-type: none"> <li>• collect vulnerability information and conduct assessments taking an all-hazard approach in order to inform early warning on potential risks and hazards, and to guide national planning processes and development strategies;</li> <li>• assess disaster risk indicators to identify factors that influence risk and vulnerability such as livelihoods and well-being on a national, regional, and local level;</li> <li>• host and periodically update data of vulnerability assessment information; and</li> <li>• conduct and compile periodic vulnerability assessment reports and submit to the President and the Cabinet through the National Committee.<sup>113</sup></li> </ul>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>110</sup> NCCP, page 11.

<sup>111</sup> SSLUDP, page 324.

<sup>112</sup> DRM Act, section 13(1).

<sup>113</sup> DRM Act, section 14(1).

The above responsibilities and authority establish procedures for conducting vulnerability assessments and ensures that this information is considered in development processes. The DRM Act also provides the following relevant provisions relating to risk assessments:

- section 4(1)(c) provides that one of the functions of the Division is to design methods and establish norms and criteria for auditing guidelines to undertake hazard surveillance, identification, analysis and risk assessment to implement DRR activities through government bodies, non-governmental organisations, private sectors and communities;<sup>114</sup>
- section 4(1)(j)(ii) provides that one of the functions of the Division is to collaborate with relevant government institutions, non-governmental organisations, private sector entities and communities and such other bodies or persons as the Division deems necessary and to conduct vulnerability and risk assessments and investigations as and when required to determine vulnerable areas for each hazard;<sup>115</sup>
- section 8(d) provides that in carrying out their functions, the Director General shall in collaboration with government or other agencies, participate in programmes to prepare and review disaster risk assessments;<sup>116</sup>
- section 11(d) provides that one of the functions of the National Committee includes to support and mobilise resources for improved disaster risk assessment, the quality of information and data on disaster risk and for strengthening early warning systems;<sup>117</sup>
- section 14(3) provides that in developing a DRM programme, every government institution must identify various hazards and assess the risks to public safety that could give rise to disasters and identify the facilities and other elements of the infrastructure for which the institution is responsible that are at risk of being affected by disasters;<sup>118</sup>
- section 19 provides that the Director General is to prepare other plans which must contain details of arrangements under the coordination of the Director General for matters relating to hazard identification, risk assessment and mitigation;<sup>119</sup>

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<sup>114</sup> DRM Act, section 4(1)(c).

<sup>115</sup> DRM Act, section 4(1)(j)(ii).

<sup>116</sup> DRM Act, section 8(d).

<sup>117</sup> DRM Act, section 11(d).

<sup>118</sup> DRM Act, section 14(3).

<sup>119</sup> DRM Act, section 19.

<ul style="list-style-type: none"> <li>• section 20(1)(a) provides that the Director General will give guidance to the government institutions, private sector entities, non-governmental organisations, communities, and individuals to assess and prevent or reduce the risk of disasters, including ways and means of: <ul style="list-style-type: none"> <li>○ determining levels of risk;</li> <li>○ assessing the vulnerability of communities and households to disasters that may occur;</li> <li>○ increasing the capacity of communities and households to minimise the risk and impact of disasters that may occur; and</li> <li>○ monitoring the likelihood of, and the state of alertness to disasters that may occur.<sup>120</sup></li> </ul> </li> </ul>	
<p><b>Are regular hazard and vulnerability mapping and risk assessments required, including both disaster and climate risks and are these tasks clearly assigned to appropriate authorities?</b></p> <p>As aforementioned, the VAC is responsible to host and periodically update data of vulnerability assessment information. In addition, the VAC is responsible for conducting and compiling periodic vulnerability assessment reports. Notably, although the assessments are required periodically, there is no particularity on how often the period should occur.</p> <p>The DRM Act also provides that the Division should, in collaboration with relevant government and non-government institutions, conduct vulnerability and risk assessments and investigations as and when required to determine vulnerable areas for each hazard.<sup>121</sup> Therefore, despite the assessments being required, their regular implementation is not provided for in law.</p> <p>With respect to “climate risks” being included in assessments, the only provisions related to this within the DRM Act are where references are made to an “all-hazard” approach and in terms of the division’s function to develop and maintain a database on disaster related information including climate change and other emerging threats.<sup>122</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>Are at risk communities, civil society as well as private sector involved in the risk assessment process and informed of the outcomes?</b></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>120</sup> DRM Act, section 20(1)(a)(i)-(iv).

<sup>121</sup> DRM Act, section 4(1)(j)(ii).

<sup>122</sup> NCCP, page 16.

<p>The functions of the Division include the responsibility to coordinate, monitor and promote a uniform approach to DRM amongst government institutions, non-government organisations, private sector entities and communities.<sup>123</sup> The DRM Act also provides for the development of DRR strategies which involve multi-stakeholder participation.<sup>124</sup></p> <p>The Director General is also tasked with providing guidance to the government institutions, private sector entities, non-governmental organisations, communities, and individuals to assess and prevent or reduce the risk of disasters, including ways and means of:</p> <ul style="list-style-type: none"> <li>• determining levels of risk;</li> <li>• assessing the vulnerability of communities and households to disasters that may occur;</li> <li>• increasing the capacity of communities and households to minimise the risk and impact of disasters that may occur; and</li> <li>• monitoring the likelihood of, and the state of alertness to disasters that may occur.<sup>125</sup></li> </ul> <p>Moreover, the VAC is responsible for conducting and compiling periodic vulnerability assessment reports and to submit same to the President and the Cabinet through the National Committee,<sup>126</sup> and for the training of sectors and necessary stakeholders on vulnerability assessments.<sup>127</sup></p>	
<p><b>Do laws/regulations require sex and age disaggregated data (SADD) to be collected to inform risk and needs assessment?</b></p> <p>From the research conducted, there are no laws or regulations specifically requiring SADD to be collected to inform risk and needs assessments.</p>	
<p><b>Is it mandatory to consider risk information in development planning, budgetary allocation, and construction?</b></p> <p>The vulnerability information collected, as well as the assessments conducted by the VAC are used to guide national planning processes and development strategies.<sup>128</sup> The VAC is also responsible for using this information to assess disaster risk</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>123</sup> DRM Act, section 4(1)(d).

<sup>124</sup> DRM Act, section 18(1)(d).

<sup>125</sup> DRM Act, section 20(1)(a)(i)-(iv).

<sup>126</sup> DRM Act, section 14(1)(f).

<sup>127</sup> DRM Act, section 14(1)(g).

<sup>128</sup> DRM Act, section 14(1)(a)(ii).

<p>indicators to identify factors that influence risk and vulnerability such as livelihoods and well-being on a national, regional, and local level.<sup>129</sup></p> <p>However, from the information reviewed for the purposes of this research, there does not appear to be a mandatory obligation to consider risk information in development planning, budgetary allocation, and construction.</p>	
<b>Preparedness and Response</b>	
<b>Early Warning Systems (EWS)</b>	
<p><b>Are responsibilities for all steps of the early warning process from assessing the hazard, to making decisions to issue warnings, to initiating early action, clearly assigned in law?</b></p> <p>The DRM Act contains numerous provisions on early warnings. As a starting point, the Division is responsible for promoting the development of new technologies in risk and vulnerability reduction programmes, including early warning systems and to carry out risk awareness campaigns. Additionally, the National Committee is responsible to strengthen early warning systems.</p> <p>The monitoring of early warning information is a responsibility of the VAC.<sup>130</sup> Upon the collection of vulnerability information and the conduction of assessments, the VAC is responsible for informing early warning on potential risks and hazards.<sup>131</sup></p> <p>In terms of issuing early warnings and initiating early action, section 36 of the DRM Act makes provision for the establishment of a National Multi-Hazard Risk Communication Alert and Warning System, which is the responsibility of the Director General to develop and implement. The Director General may consult such persons or organisations as he or she considers necessary in the development of a warning and alert and may request or instruct an agency for the issuance of a warning or alert under its direct supervision.</p> <p>In addition, section 27(2) also provides that the Director General is responsible for developing and maintaining an electronic database containing extensive information concerning disasters that occur or may occur locally and DRM issues, including information on early warning systems.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>129</sup> DRM Act, section 14(1)(b).

<sup>130</sup> DRM Act, section 14(1)(h).

<sup>131</sup> DRM Act, section 14(1)(a)(i).



<p><b>Are roles for technical ministries as well as communities, local authorities, scientific institutions, private media companies and civil society organizations in early warning systems set out?</b></p> <p>From the research conducted and apart from what is stated directly above, the roles for technical ministries, communities, local authorities, scientific institutions, private media companies and civil society organisations in early warning systems are not specifically set out in the DRM Act.</p>	
<p><b>Are EWS established for the most frequent and serious hazards?</b></p> <p>Yes. As stated above, the early warning system envisioned in the DRM Act is a multi-hazard system.</p>	
<b>Information Sharing</b>	
<p><b>Are there procedures in place to facilitate the expeditious sharing of information about disasters, including emerging hazards that are likely to cause disasters, with communities, relief actors and assisting humanitarian organizations as appropriate?</b></p> <p>Several provisions of the DRM Act are relevant to the sharing of DRM information.</p> <p>Section 4(1)(i) provides that a function of the Division is to monitor, coordinate and give directions regarding mitigation and preparedness measures to be taken by the government institutions, non-governmental organisations, private sector entities and communities.<sup>132</sup> Other relevant functions of the Division are to act as a repository and conduit for hazard and other disaster related information and collaborate with relevant agencies as it thinks necessary in the collection, processing, and analysis of such information and to develop and maintain a database on disaster information including climate change and other new emerging threats and ensure access to the database by stakeholders including special vulnerable areas declared.<sup>133</sup></p> <p>Moreover, section 27(2) also provides that the Director General of the Division shall collect, process and analyse information on all aspects of disasters and DRM and develop and maintain an electronic database. This database will contain extensive information concerning disasters that occur or may occur locally and DRM issues, including information on a wide range of topics.<sup>134</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>132</sup> DRM Act, section 4(1)(i).

<sup>133</sup> DRM Act, section 4(1)(n)(i) and (ii).

<sup>134</sup> DRM Act, section 27(2).

<p>In addition, section 8(e) provides that the Director General is responsible for conducting programmes of public information and education on DRM;<sup>135</sup> and section 20(1) provides that the Director General shall give guidance to the government institutions, private sector entities, non-governmental organisations, communities, and individuals to assess and prevent or reduce the risk of disasters.</p> <p>Also of relevance is section 14(2)(b), which provides that the VAC may, where it deems necessary, require a government institution to develop and implement public education on risks to public safety and on DRM preparedness, response and recovery.<sup>136</sup></p> <p>In addition, the NIEMP stresses the importance of multi-agency and multi-stakeholder processes focusing on coordination platforms. At a national level, the Seychelles utilises a UC structure, where the relevant organisations and governmental departments come together and coordinate their activities as an integrated management team. This team works together to develop a common set of incident objectives and strategies, share information, maximize the use of available resources, and enhance the efficiency of the individual response organisations.<sup>137</sup></p> <p>At district level, the NIEMP provides for district planning arrangements whereby regular multiagency meetings and coordination at a district level should include key category 1 and category 2 representatives as required. The objectives of these meetings are to ensure that coordination and information sharing at the local level is effective and links directly to ministries, departments, agencies, local businesses, and communities.<sup>138</sup></p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>
<b>Contingency Planning</b>	
<p><b>Does the country's legislation set out a process and framework for contingency planning, and does it require planning that addresses multiple hazards? If so, does it require periodic updates, call for inclusiveness of public authorities and other civil society actors in contingency planning and does it establish linkages between forecast information and climate services in contingency planning?</b></p> <p>One of the few explicit references to contingency plans in the DRM Act is made through the functions of the Director General with respect to international assisting actors, whereby the Director General is tasked to facilitate the role of the assisting international agency into their contingency planning and mechanism for operation coordination for disaster relief and initial</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>135</sup> DRM Act, section 8(e).

<sup>136</sup> DRM Act, section 14(2)(b).

<sup>137</sup> NIEMP, page 27.

<sup>138</sup> NIEMP, page 23.

recovery.<sup>139</sup> Moreover, section 18(1) of the DRM Act provides for the development of a national DRM strategy, which shall be reviewed annually and consists of, amongst others, the introduction of mechanisms to ensure transportation, utilities and public sector infrastructure networks able to withstand potential threats.

The DRM Act also requires the development of a national integrated emergency management plan, which shall consist of roles and responsibilities of all government institutions in relation to the disaster risk and emergency management, the structure of command and control during preparation, response and recovery to threats, events and aftermath of disasters. Furthermore, section 19 of the DRM Act specifically provides that the Director General shall prepare plans which shall contain details of arrangements under the coordination of the Director General for matters relating to hazard identification, risk assessment and mitigation.<sup>140</sup> In addition, section 15(1) provides that every government institution and certain private organisations are required to formulate a DRM plan specifying the type of role assigned to it under the DRM Act, governing the provision of necessary services during a disaster and the manner in which staff members or employees and other persons will respond to the disaster.<sup>141</sup> Subsection (4) states that these DRM plans shall include procedures on prevention, preparedness, response and recovery in relation to DRM.<sup>142</sup>

The NIEMP, recognises that although it provides the structures, responsibilities and actions required for effective preparedness and response, it must be supplemented by more detailed hazard specific contingency plans that set out specific actions. In furthering this point the NIEMP provides that:<sup>143</sup>

“It is necessary to complement the NIEMP with the contingency plans specific to each event, as well as to guide the institutions in the formulation and updating of their institutional plans as fundamental tools for the adequate implementation of the response. There are several existing sectoral plans or emergency-specific (contingency) plans that impact multiple agencies, and whilst each has a responsible lead government MDA, they will require review on a multiagency basis to ensure that all response partners are planning and working in a cohesive and consistent way. It is a matter for the DRDM to determine the final list of these strategic plans for review, but it is suggested that as a minimum, the list should include a review of plans for:

- the port;
- the airport:

[Seychelles National Integrated Emergency Plan of 2019](#)

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<sup>139</sup> DRM Act, section 30(4)(i).

<sup>140</sup> DRM Act, section 19.

<sup>141</sup> DRM Act, section 15(1).

<sup>142</sup> DRM Act, section 15(4).

<sup>143</sup> NIEMP, page 37 and 38.

<ul style="list-style-type: none"> <li>• district plans;</li> <li>• maritime emergencies/oil spill;</li> <li>• health emergencies;</li> <li>• tsunamis; and</li> <li>• cyclone leading to combined landslide and flooding.”<sup>144</sup></li> </ul> <p>The draft version of the Seychelles National Integrated Emergency Response Plan of November 2015<sup>145</sup> finds its relevance here. Annex C to the plan provides a structured list of available contingency plans. They are as follows:</p> <ul style="list-style-type: none"> <li>• cyclone contingency plan;</li> <li>• flooding contingency plan;</li> <li>• tsunami contingency plan;</li> <li>• shelter management plan (draft);</li> <li>• district contingency plans – for all 27 districts;</li> <li>• tourism contingency plan; and</li> <li>• industrial contingency plan.</li> </ul> <p>There is however no mention of the requisite periodic review nor any distinct linkages between forecast information and climate services.</p>	<p><a href="#">Silhouette Island Tsunami, Cyclone and Flood Disaster Response Plan of 2008</a></p> <p><a href="#">Shelter management contingency plan of 2011</a></p> <p><a href="#">Industrial sector disaster contingency plan of 2011</a></p>
<p><b>Does the country's legislation set out procedures and a framework for evacuation, and does DM law require that disaster contingency plans set out comprehensive procedures for evacuation, assigning roles and responsibilities?</b></p> <p>The DRM Act provides that the DRM plan formulated by every government institution and private organisation, must specify procedures to be taken for the safety or evacuation of persons in an affected or a disaster area.<sup>146</sup> Section 25 is also of relevance and provides that the Director General shall assess the potential for loss of life and injury to persons where there</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>144</sup> NIEMP, page 37.

<sup>145</sup> NIEMP, page 20.

<sup>146</sup> DRM Act, section 15(2)(b).

<p>is a threat of a hazard or where a disaster has occurred,<sup>147</sup> and that if an evacuation is considered necessary, the Minister acting on the advice of the Director General shall issue a notice of evacuation.<sup>148</sup> Such a notice must specify the nature of the disaster and the area required to be evacuated, as well as the potential harm to persons.<sup>149</sup> In the event such notice is issued, the Director General shall coordinate the evacuation with the assistance of agencies involved in emergency and DRM.<sup>150</sup></p> <p>More detail regarding the evacuation of areas affected or at risk is provided for in the NIEMP, along with details regarding its purpose, scope of operation, and the applicable lead and support agencies.<sup>151</sup></p> <p><b>Does it require that all endangered people be evacuated without discrimination, and does it require that the rights and dignity of evacuated persons be respected in situations of compulsory evacuation?</b></p> <p>Neither the DRM Act nor the NIEMP explicitly specify that all endangered people are to be evacuated without discrimination, nor does it require that the rights and dignity of evacuated persons are to be respected in situations of compulsory evacuation.</p> <p><b>Does it provide for the evacuation of livestock or domestic animals?</b></p> <p>The NIEMP does not include livestock or animals under its plans for evacuation. Instead, animals are provided for under the functional area of environmental health, and the concept of operations includes the treatment of affected animals.<sup>152</sup></p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>
<p><b>Does the country's legislation establish requirements for trainings, drills and simulations for people likely to be involved in responding to disasters (e.g. frequency, scope, testing means), and does the law set clear standards and responsibilities for prior training for disaster rescue and relief personnel (including volunteers)?</b></p> <p>With respect to the DRM Act, the Division is responsible for planning and coordinating specialised training programmes for persons involved in DRM, including volunteers.<sup>153</sup> The DRM Act also provides that government institutions must take part in drills, exercises and training organised by the Division for purposes of ensuring procedures in place are effective.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>147</sup> DRM Act, section 25(1).

<sup>148</sup> DRM Act, section 25(2).

<sup>149</sup> DRM Act, section 25(3).

<sup>150</sup> DRM Act, section 25(4).

<sup>151</sup> NIEMP, page 43.

<sup>152</sup> NIEMP, page 45.

<sup>153</sup> DRM Act, section 4(1)(k).

<p>The NIEMP identifies training and capacity building as an integral component of DRM to ensure that all personnel undertaking a formal incident management role in the Seychelles Functional Incident Command System fully understand their personal role, and how it fits into the wider Incident Command System. It provides that:</p> <p>“The dissemination and training activities should be conducted at multiple functional levels so that the responsible stakeholder can fulfil their obligations. The lead and support ministries, departments and agencies should develop specific training activities for their personnel and incorporate them into the orientation programme for all staff members. Exercises may include national and district representatives, as well as NGO and private sector organisations that have a role in coordinating emergency activities with the government. Afterward, action reports following exercise or real-world activations of the plan will be completed by the department of DRM to capture any findings, such as planning deficiencies, resource gaps, process refinements, or other areas recommended for improvement”.<sup>154</sup></p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>
<p><b>Legal Facilities (Preparedness and Response)</b></p>	
<p><b>Treatment and care of the victims (including the dead):</b></p> <p><b>Does the law give special attention to procedures for handling large numbers of casualties after a disaster? Does the law forbid or at least discourage mass burials in such circumstances?</b></p> <p>Both the DRM Act and the NIEMP are relevant, section 27(2)(i)(ii) of the DRM Act provides that the electronic database developed by the Division shall contain extensive information concerning disasters, including information on emergency response resources and capacity in the government institutions and in the non-government sectors, including location and size of, and other relevant information relating to hospitals, clinics, and other institutions.<sup>155</sup></p> <p>Functional area II of the NIEMP relates to health.<sup>156</sup> The concept of operations in this area begins with mobilisation of personnel, goods, equipment, and supplies to the impact area, and patient identification and transport according to approved plans. This includes hospital care and the management of dead bodies. This functional area is divided into 6 different tasks, namely:</p> <ul style="list-style-type: none"> <li>• pre-hospital care;</li> <li>• hospital care;</li> </ul>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>154</sup> NIEMP, page 39.

<sup>155</sup> DRM Act, section 27(2)(i)(ii).

<sup>156</sup> NIEMP, page 44-45.

<ul style="list-style-type: none"> <li>• epidemiological surveillance;</li> <li>• environmental health;</li> <li>• management of dead bodies; and</li> <li>• psychosocial support.</li> </ul> <p>With regards to the management of dead bodies, the scope of operations includes the search and recovery of dead bodies and concludes with the delivery of bodies to the families and the categorisation of unidentified bodies to be buried in individual graves.</p> <p><b>Does the law require authorities to make best efforts to identify the remains and notify next of kin?</b></p> <p>Yes, as described above in relation to the NIEMP, the scope of operations includes the search and recovery of dead bodies and concludes with the delivery of bodies to the families. Therefore, it requires authorities to make efforts to identify the remains and notify the next of kin</p> <p><b>Does the law require authorities to take into account cultural and religious rights with respect to the disposal of human remains?</b></p> <p>From the research conducted, there is no particularity provided in respect of authorities considering cultural and religious rights with respect to the disposal of human remains</p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>
<p><b>Volunteering:</b></p> <p><b>Does the law provide for a clear definition of the term “volunteer”, including the scope of volunteering activities, restrictions regarding volunteering and a clear distinction from the status of employees? Is there specific DM legislation that applies to volunteers and voluntary organizations?</b></p> <p>Volunteers are specifically regulated by section 33 of the DRM Act.<sup>157</sup> In terms of this section the Director General is tasked with maintaining a register of volunteers. Accordingly, a person who wishes to volunteer for the purposes of assisting in an emergency or a disaster must submit his or her name to the Director for registration as a volunteer, whereafter the Director shall undertake a screening process and if he or she sees fit, will register the person as a volunteer in the register.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

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<sup>157</sup> DRM Act, section 33.

<p>Section 33(7) and (8) provides that volunteers under the DRM Act benefit from indemnity and will be trained to perform their duties.<sup>158</sup></p> <p>Notably, the law does not provide for a clear definition of the term “volunteer”. It is implied through section 33 that a volunteer is a person who wishes to assist in an emergency or disaster, albeit this is very broad if not simply vague. The registration requirements along with the required screening process, appear to be the only restrictions regarding volunteering and the distinction from the status of an employee.</p> <p>The only reference in DRM legislation which applies to voluntary organisations is found in section 26 of the DRM Act, whereby under the auspices of “communications links” the Director General must develop and maintain a directory of all organisations involved in the DRM and emergency management and response, which includes the particulars of private sector voluntary agencies.<sup>159</sup></p>	
<p><b>Cash programming:</b></p> <p><b>Are there legal facilities in place to facilitate cash programming in disaster preparedness and response operations, including the opening of bank accounts, monetary transfers, identify verification “know your customer” and other exigencies of financial service providers; and is there a legally defined procedure in place for loss of records or documentation?</b></p> <p>From the research conducted, there do not appear to be any legal facilities in place to facilitate cash programming in disaster preparedness and response operations, nor is there a legally defined procedure in place for loss of records or documentation.</p>	
<p><b>Drones in disasters response operations:</b></p> <p><b>Is there legislation in place regarding the use of drones in disaster response operations, including registration, flight operations certificates, use of airspace, and insurance?</b></p> <p>According to online sources, the Civil Aviation Regulations of 2017 require that certain drones need to be registered to be used in the Seychelles, and there are also restrictions on where and how they may be used.<sup>160</sup> However, these regulations could not be accessed online for the purpose of this research.</p>	

<sup>158</sup> DRM Act, section 33(7) and (8).

<sup>159</sup> DRM Act, section 26(2)(e).

<sup>160</sup> “Drone laws in the Seychelles” available at <https://drone-laws.com/drone-laws-in-seychelles/>.



<p><b>Are appropriate tax exemptions provided to relief providers (government and civil society)? Are tax exemptions available for preparedness actions (e.g. prepositioning of stock)?</b></p> <p>The only tax exemptions explicitly referenced in the DRM Act appear to relate to goods and equipment imported by international disaster relief providers. These provisions are set out in the section on international disaster assistance below.</p> <p>It is noteworthy to mention that non-profit organisations who are registered with the Ministry of Finance, receive a certificate of exemption from the payment of trades tax and VAT, provided the non-profit or charitable organisations are in good standing and contributes to a charitable cause. For example, the RCSS qualifies for and benefits from this tax exemption, as its purpose is not to make a profit. The tax exemptions cover all equipment and material imported by the RCSS as well as the services provided by the RCSS.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>Are there laws on data privacy that would apply to the gathering, storing and sharing of information (in relief distribution, restoring family links or cash programmes as examples)? If so, are exceptions provided, as appropriate, for tracing activities by RC National Societies in disaster settings?</b></p> <p>The DRM Act provides that the Director General must collect information on all aspects of disasters and DRM and develop and maintain an electronic database of the information collected that is processed and analysed.<sup>161</sup> This database is protected under the law as the Director General is obligated to ensure that security safeguards are properly established against any misuse and unauthorised access.<sup>162</sup> There do not appear to be explicit provisions relating to tracing activities.</p> <p>Notably, the Seychelles is developing a relevant law on data protection, entitled the Data Protection Act 9 of 2003 (DP Act), however it is not yet in force. Once in force, this Act will be applicable as it regulates the personal information of individuals within the Seychelles.<sup>163</sup> Notably, section 41(6) of the DP Act provides for exemption for non-disclosure of personal data where the disclosure is urgently required for preventing injury or other damage to the health of any person or persons.<sup>164</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p> <p><a href="#">Data Protection Act</a></p>
<p><b>Are there provisions in the law to ensure that State-operated offices and services essential to the relief being provided are open /operate outside of normal business hours?</b></p>	

<sup>161</sup> DRM Act, section 27(1) and (2).

<sup>162</sup> DRM Act, section 27(3).

<sup>163</sup> DP Act, schedule (section 3), part 1.

<sup>164</sup> DP Act, section 41(6).

<p>Section 43 of the DRM provides that the President may during the period of the state of emergency appoint staff members of the Division or public service or appoint other persons to be authorised officers of such periods and for certain areas.<sup>165</sup> These authorised offices may, during the period of the state of emergency, direct any person who is the owner or manager of any industry or trade which renders an essential service, to take in continuation thereof, such steps as the authorised officer considers necessary.<sup>166</sup></p> <p>Therefore, if an authorised officer believes that a particular office or essential service should remain open or operate outside of normal business hours, he or she may direct any person/owner in writing to take such steps.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<b>Stakeholder Engagement</b>	
<p><b>Do your country's laws ensure the engagement of all relevant stakeholders including civil society, private sector, scientific institutions and communities in DRM decision making and activities?</b></p> <p>The DRM Act contains a number of provisions relevant to the engagement of stakeholders in DRM. For example, it provides that the Division is responsible for:</p> <ul style="list-style-type: none"> <li>• designing methods and establishing norms and criteria for undertaking hazard surveillance, identification, analysis and risk assessment in order to implement DRR activities through government bodies, non-governmental organisations, private sectors and communities;<sup>167</sup></li> <li>• coordinating, monitoring and a promoting a uniform approach to DRM among government institutions, non-governmental organisations, private sector entities and communities including adoption of common standards and best practices;<sup>168</sup></li> <li>• collaborating with relevant government institutions, non-governmental organisations, private sector entities and communities amongst others, to support the development of community based sustainable development programmes aimed at reducing the risk and impact of disasters and to harness community resources for disaster preparedness, response and recovery;<sup>169</sup> and</li> </ul>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>165</sup> DRM Act, section 43.

<sup>166</sup> DRM Act, section 44(1)(c).

<sup>167</sup> DRM Act, section 4(1)(c).

<sup>168</sup> DRM Act, section 4(1)(d).

<sup>169</sup> DRM Act, section 4(1)(j)(iii).

<ul style="list-style-type: none"> <li>developing and maintaining a database on disaster related information including climate change and other new and emerging threats and ensuring access to the database by stakeholders.<sup>170</sup></li> </ul> <p>In addition, the Director General is responsible for giving guidance to government institutions, private sector entities, non-governmental organisations, communities and individuals to assess and prevent or reduce the risk of disasters,<sup>171</sup> and for promoting formal and informal initiatives that encourage risk-avoidance behaviour by government institutions, non-governmental organisations, communities, and individuals.<sup>172</sup> Importantly, the appointed Director General is also responsible for consulting with stakeholders in the preparation of the national DRM plan.<sup>173</sup> However, the inclusion of who these stakeholders are is not specified. This is repeated by the powers provided to the VAC, whereby the VAC is responsible for informing government and relevant stakeholders of poverty reduction strategies and social safety-net programming relevant to DRR.<sup>174</sup> The term “relevant stakeholders” may include civil society, private sector, scientific institutions, and communities; however, it needs to be read in.</p> <p>Importantly, the NIEMP notes that the functions of stakeholders will have to be reviewed to meet the expectation of the government to lower disaster risks by implementing an effective collaborative approach to reduce the effects of multi-hazard events.<sup>175</sup></p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>
<p><b>Is there representation (seat at table) of (a) Red Cross (b) civil society (c) private sector (d) communities (e) specialised agencies i.e. academic/ scientific etc in decision making institutions and processes required?</b></p> <p>As stated above, the National Committee comprises of persons with high level capacity to advise the President and Cabinet, through the Minister on matters relating to DRM. The National Committee consists of:</p> <ul style="list-style-type: none"> <li>members from the Ministries of departments responsible for: <ul style="list-style-type: none"> <li>environment;</li> <li>land use and housing;</li> <li>health;</li> </ul> </li> </ul>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>170</sup> DRM Act, section 4(1)(II).

<sup>171</sup> DRM Act, section 20(1).

<sup>172</sup> DRM Act, section 20(2).

<sup>173</sup> DRM Act, section 8(g).

<sup>174</sup> DRM Act, section 14(III).

<sup>175</sup> NIEMP, page VIII.

- community development and sports;
- transport, labour; and
- one representative each from:
  - the Seychelles Broadcasting Corporation;
  - the Meteorological Office;
  - the Police Department not below the rank of Superintendent;
  - the Red Cross Society of Seychelles; and
  - the Seychelles Fire and Rescue Services Agency.<sup>176</sup>

Notably, the membership does not expressly include the private sector, communities, specialised agencies relating to education. However, section 10(2) provides that the President may appoint other persons or representatives of an association, organisation or institution, having such qualifications and experience in DRM as may be prescribed, to be a member of the National Committee.<sup>177</sup>

The VAC, referred to above, is comprised of the following members:

- the Director General; and
- one or more officers not below the rank of director from:
  - Ministry of Health dealing with the public health;
  - Ministry of Environment dealing with DRM, forestry, environmental impact assessment, coastal adaptation and management or geographic information systems;
  - Ministry of Labour;
  - Ministry of Tourism;
  - Department of Community Development and Sport;
  - Gender Secretariat and Child Welfare Services;
  - Seychelles Agricultural Agency;
  - Seychelles Peoples Defence Force;
  - Seychelles Fire and Rescue Services Agency; and

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<sup>176</sup> DRM Act, section 10(1).

<sup>177</sup> DRM Act, section 10(2).

<p>o Seychelles National Parks Authority.<sup>178</sup></p> <p>A member of the VAC holds office for a term of three years and shall be eligible for reappointment.<sup>179</sup> The DRM Act does not provide for non-governmental agencies or sectors to be a member of the VAC.</p> <p>The Platform is composed of a chairperson and vice-chairperson who are appointed by the Minister in consultation with the National Committee.<sup>180</sup> The chairperson and vice-chairperson may be public officers not below the rank of Director. In addition, the Minister is authorised to appoint other persons, having qualifications, expertise, and experience in DRR as may be necessary to be members of the Platform.<sup>181</sup></p>	
<p><b>Are specific roles and duties of (a) Red Cross (b) civil society (c) private sector (d) communities (e) specialised agencies academic/ scientific etc clearly assigned?</b></p> <p>As stated above, the RCSS is a member of the National Committee in terms of the DRM Act.</p> <p>In addition, section 28(3) provides that the Division may in consultation with the Minister of foreign affairs request for assistance with the foreign components of the International Red Cross and Red Crescent Movement to supplement the disaster relief and recovery assistance.<sup>182</sup></p> <p>With regards to other actors, as stated above, Annex I of the NIEMP identifies the functional areas of DRM operations. Within this identification is the various scope of operations and the lead and supporting agencies within a specific functional area.<sup>183</sup> For example, under functional area 3.2 covering shelter installation and management, it is the role and responsibility of the local government department, along with the RCSS, Seychelles Interfaith Council, Agency for Special Protection, Family Affairs Department, NGO's, and the Islands Development Company Ltd (and others) to provide temporary shelter for the affected population.</p> <p>Therefore, there are specific roles and duties provided to relevant stakeholders with regards to the NIEMP.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p> <p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>

<sup>178</sup> DRM Act, section 13(2).

<sup>179</sup> DRM Act, section 13(3).

<sup>180</sup> DRM Act, section 16(2).

<sup>181</sup> DRM Act, section 16(3).

<sup>182</sup> DRM Act, section 28(3).

<sup>183</sup> NIEMP, page 46.

<p><b>Is the special role of Red Cross as auxiliary to its authorities in the humanitarian field formally acknowledged in DRM Legislation? Does it set out expectations about NS's activities?</b></p> <p>The DRM Act includes the RCSS on the National Committee but does not reference the auxiliary role.</p> <p>In terms of other laws, the Red Cross Society of the Seychelles Act 13 of 1991 (RCSS Act) provides the legal basis for the RCSS and recognizes the National Society as an established voluntary relief organisation. The RCSS Act permits the RCSS, subject to any written law, to maintain its autonomy and to act in accordance with the principles of the International Red Cross and Red Crescent Movement.</p> <p>The RCSS Act provides that the RCSS shall maintain its autonomy, however, it does not specifically refer to the auxiliary role of the RCSS. The RCSS Act does specify the types of roles expected from the RCSS, in section 4 of RCSS Act, as the following:<sup>184</sup></p> <ul style="list-style-type: none"> <li>• to contribute to the improvement of health and social welfare, the prevention of disease, the alleviation of human suffering and the promotion of respect for human beings;</li> <li>• to organize emergency relief services for victims of disasters;</li> <li>• in the event of an armed conflict, to assist the sick, wounded, civilians, prisoners of war and other victims of such conflict; and</li> <li>• to disseminate and implement the ideals and fundamental principles of the International Red Cross and Red Crescent Movement as set out in the Preamble of the Statute of the Movement.</li> </ul> <p>As stated above, the Government of the Seychelles is currently reorganizing the current framework for DRM. The auxiliary role of the RCSS will be affected by the reorganisation, with its effects yet to be confirmed.</p>	<p><a href="#">The Red Cross Society of the Seychelles Act of 1991</a></p>
<p><b>Does the law provide for financial support and/or tax exemptions for Red Cross-National Society when acting in its auxiliary role to assist persons affected by disaster?</b></p> <p>As stated above, non-profit organisations who are registered with the Ministry of Finance, receive a certificate of exemption from the payment of trades tax and VAT, provided the non-profit or charitable organisations are in good standing and contribute to a charitable cause. The RCSS qualifies for and benefits from this tax exemption, as its purpose is not to make a profit. The tax exemptions cover all equipment and material imported by the RCSS as well as the services provided by the RCSS.</p>	<p><a href="#">Business Tax Act, 2009</a></p> <p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>184</sup> RCSS Act, section 4(1)(a)-(d).

<p>In addition, section 30 of the DRM Act may be relevant.<sup>185</sup> Section 30(4)(f) provides that: the Director General shall to the extent necessary for the performance of disaster relief and recovery, facilitate through the Ministry responsible for finance and trade:</p> <ul style="list-style-type: none"> <li>• exemption of custom duties, taxes, levies and tariffs or any other government fees on goods and equipment, to be exported, in transit or to be re-exported;<sup>186</sup> and</li> <li>• inspection requirements of the goods and equipment to be used for the disaster relief and recovery.</li> </ul>	
<p><b>Does the law guarantee the RC National Society the ability to act independently of the government and to take any distance necessary from it to guarantee its independence and neutrality?</b></p> <p>The RCSS Act permits the RCSS, subject to any written law, to maintain its autonomy and to act in accordance with the principles of the International Red Cross and Red Crescent Movement.<sup>187</sup> From the research conducted there do not appear to be any laws which affect the RCSS's ability to act independently of the government nor any laws that limit its independence or neutrality.</p>	<p><a href="#">The Red Cross Society of the Seychelles Act of 1991</a></p>
<p><b>Is meaningful engagement of (a) women, (b) minorities, (c) people with disabilities (d) displaced/migrant groups and (e) older persons (f) indigenous groups (g) youth ensured?</b></p> <p>From the research conducted, vulnerable groups are identified and recognised by the NIEMP as minors, pregnant women, individuals with disabilities, sick persons, and the elderly.<sup>188</sup> However the engagement of these vulnerable groups are not specifically ensured through DRM legislation.</p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>
<p><b>Is there minimum mandated proportional representation of (a) women, (b) minorities, (c) people with disabilities (d) displaced/migrant groups and (e) older persons ensured in DRM Decision Making (i.e. quotas) (f) indigenous groups?</b></p> <p>From the research conducted, there does not appear to be a mandated minimum proportional representation of vulnerable groups in DRM decision making.</p>	

<sup>185</sup> DRM Act, section 30.

<sup>186</sup> DRM Act, section 30(4)(f)(i).

<sup>187</sup> RCSS Act, section 4(2)(a)-(b).

<sup>188</sup> NIEMP, page 46.

**Education/ Training and Awareness**

**Is DRM training mandatory in the school curriculum?**

The Seychelles Education Act of 2004 provides for a school curriculum but there is no provision relating to DRM training being mandatory within the curriculum.

In terms of public education more generally, a few provisions are relevant within the DRM Act. Section 4(1)(n) provides that it is the responsibility of the Division to promote education and awareness in relation to DRM and to use such mechanisms as necessary to stimulate public interest in DRM and in securing public cooperation and participation in achieving planned objectives.<sup>189</sup> Section 8(e) also provides that the Director General is responsible for conducting programmes of public information and education on DRM.<sup>190</sup>

In addition, section 14(2)(b) provides that the VAC may require a government institution to develop and implement DRM programmes consisting of, inter alia, public education on risks to public safety and on DRM preparedness, response and recovery.

[Seychelles Education Act of 2004](#)

[The Seychelles Disaster Risk Management Act of 2014](#)

**Is training for public officials and relevant professionals promoted for (i) DRR (iii) Response and Preparedness?**

As stated above, training forms an integral part of the Seychelles DRM legislation and plans. With respect to the DRM Act, the Division is responsible for planning and coordinating specialised training programmes for persons involved in DRM including volunteers.<sup>191</sup> The DRM Act also provides that every government institution must take part in drills, exercises and training organised by the Division for purpose of ensuring procedures in place are effective.

More generally, the VAC may require a government institution in consultation with the Director General to develop and implement DRM programmes consisting of, inter alia, training programmes and exercises for staff members, employees, and other persons with respect to the provision of necessary services and the procedures to be followed in emergency preparedness, response and recovery activities.<sup>192</sup>

[The Seychelles Disaster Risk Management Act of 2014](#)

[Seychelles National Integrated Emergency Plan of 2019](#)

<sup>189</sup> DRM Act, section 4(1)(n).

<sup>190</sup> DRM Act, section 8(g).

<sup>191</sup> DRM Act, section 4(1)(k).

<sup>192</sup> DRM Act, section 14(2)(a).



<p>Furthermore, the NIEMP identifies training and capacity building as an integral component of emergency and disaster management to ensure that all personnel undertaking a formal incident management role in the Seychelles Functional Incident Command System fully understand their personal role, and how it fits into the wider Incident Command System.</p>	
<p><b>Are there specific provisions on promoting public awareness and understanding of rights, roles, and responsibilities in (i) DRR (ii) preparedness and response?</b></p> <p>In addition to the sections relating to public awareness described above, the DRM Act includes as a responsibility of the National Platform for DRR to foster an enabling environment for developing a culture of prevention, through advocacy and awareness-raising on DRR and the necessity and importance of its integration into development policies, planning and programmes.<sup>193</sup></p> <p>In addition, the NIEMP includes public information as a specific functional task under the functional area of emergency management led by the DRDM (now renamed the Division). The purpose of this function is to provide the population with timely information and recommendations on the impact caused by the emergency and the response actions taken for protecting lives.<sup>194</sup> The NIEMP also specifies preparedness as a guiding principle for preparedness and response, providing that all individuals and organisations that might have to respond to emergencies should be properly prepared, including having clarity on their roles and responsibilities.<sup>195</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p> <p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>
<p><b>Protection, Dignity and Safety</b></p>	
<p><b>Does the law clearly provide a right to humanitarian assistance based on clear and specific needs?</b></p> <p>Neither the DRM Act nor the NIEMP explicitly recognize the right to humanitarian assistance.</p> <p>However, the NIEMP recognises that with respect to humanitarian services, the aim is to develop and coordinate the actions related to the care and treatment of persons affected by emergencies or disasters, through the provision of shelter, food, and basic needs, and the protection of vulnerable groups.<sup>196</sup> In terms of the assessment of needs, the NIEMP provides for the coordination of damage and needs assessment with the purpose of evaluating and determining the needs of affected</p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>

<sup>193</sup> DRM Act, section 17(e).

<sup>194</sup> NIEMP, page 50.

<sup>195</sup> NIEMP, page 4.

<sup>196</sup> NIEMP, page 46.

<p>persons, in order to prioritize the optimal response, compare needs with existing capacities, and determine whether an international appeal for aid is needed.<sup>197</sup></p>	
<p><b>Does the DRM law explicitly forbid discrimination in disaster preparedness and relief efforts, both by government and other actors?</b></p> <p>From the research conducted, there do not appear to be explicit DRM laws which forbid discrimination in disaster preparedness and relief efforts, apart from sections 30(7)(a)-(d) of the DRM Act which relate to international disaster assistance. These sections stipulate that international assisting humanitarian organisations shall comply with the principles of humanity, independence, and impartiality in providing assistance and shall establish priorities on the basis of need and they shall not engage in adverse distinctions, exclusions or preferences based on status, nationality, race, ethnicity, religious belief, class, gender, sexual orientation, disability, age or political opinion.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>Does the DRM law ensure that needs assessments and relief operations look for and address the potential for specific needs (a) women, (b) minorities, (c) people with disabilities (d) displaced/migrant groups and (e) older persons (f) indigenous groups (g) youth?</b></p> <p>From the research conducted, the DRM Act does not specify that needs assessments and relief operations look for and address the potential for specific needs of vulnerable groups. However, as stated above, the DRM Act establishes the VAC. Importantly, the VAC's members include the Gender Secretariat and Child Welfare Services.<sup>198</sup> The relevant functions of the VAC is to:</p> <ul style="list-style-type: none"> <li>• collect vulnerability information and conduct assessments taking an all-hazard approach in order to inform early warning on potential risks and hazards, and to guide national planning processes and development strategies;</li> <li>• assess disaster risk indicators to identify factors that influence risk and vulnerability such as livelihoods and well-being on a national, regional, and local level;</li> <li>• host and periodically update data of vulnerability assessment information; and</li> <li>• conduct and compile periodic vulnerability assessment reports and submit same to the President and the Cabinet through the National Committee.<sup>199</sup></li> </ul>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p> <p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>

<sup>197</sup> NIEMP, page 51.

<sup>198</sup> DRM Act, section 13(2)(b)(vi).

<sup>199</sup> DRM Act, section 14(1).

<p>Notably, the RCSS is not a member of the VAC, however it does aid at national level by offering technical support for shelter management, clothes, food, and other needs that are required by internally displaced persons.</p> <p>In addition, the NIEMP states that the provision of basic needs and the protection of vulnerable groups is a key aspect of the functional area of humanitarian services.<sup>200</sup> The NIEMP provides that this includes the identification of the number of affected persons whilst taking into consideration the socio-cultural context in each area to understand the basic needs and specialised care of individuals with special conditions. The protection of vulnerable groups is identified as a specific functional task of disaster and emergency response.<sup>201</sup></p>	
<p><b>Unaccompanied children:</b></p> <p><b>Are roles/responsibilities clear for ensuring the placement, shelter and aftercare of unaccompanied children in disaster settings?</b></p> <p>“Registration and Family Reunification” is seen as a particular functional task of humanitarian services in terms of the NEIMP.<sup>202</sup> The purpose of this task is to determine the number of persons in need of humanitarian assistance and to organise the delivery of humanitarian services, including the support for locating missing or lost persons after a large-scale event, with the goal of reunifying family members.</p> <p>Operationally, the activity includes identifying, categorizing, and quantifying the affected population (the disappeared, deceased, and/ or at risk), and determining their basic needs after the event. Information collected on the composition of affected families/individuals, includes individuals in need of special attention or belonging to vulnerable groups, shelter or housing needs and personal and domestic needs. The task includes creating a database of missing persons (such as their name, gender and age) and disseminating the name of missing and found person(s) through various media.</p> <p>The agencies responsible for fulfilling this task include local government departments (as the lead agency), the RCSS, Family Affairs Department, Agency for Social Protection, Department of information and Communication technology, Department of Tourism, and the Islands Development Company Ltd (as supporting agencies).</p> <p><b>Does the DRM law, policy or planning set out specific measures to combat heightened risks of trafficking and child exploitation in post-disaster settings?</b></p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>

<sup>200</sup> NIEMP, page 46.

<sup>201</sup> NIEMP, page 47.

<sup>202</sup> NIEMP, page 46.

<p>From the research conducted, there do not appear to be provisions within DRM legislation which specify measures to combat heightened risks of trafficking and child exploitation,</p> <p><b>Are special protections included in laws about adoptions (particularly international adoptions) in the aftermath of major disasters?</b></p> <p>From the research conducted, the applicable law does not include special protections about adoptions in the aftermath of major disasters.</p>	
<p><b>• Sexual and Gender Based Violence</b></p> <p><b>Are there laws or policies that assign roles/ responsibilities to carry out (a) education, awareness-raising, (b) advocacy, and (c) prevention of gender discrimination and/or SGBV?</b></p> <p>From the research conducted there does not appear to be laws or policies that roles and responsibilities to carry out education, awareness raising, advocacy or the prevention of gender discrimination or SGBV.</p> <p><b>Does the legal framework (DRM framework and laws applicable “in normal time”) provide special measures to guard against and/or sanction sexual and gender violence and how does it apply in disaster circumstances?</b></p> <p>The applicable law is the Seychelles Penal Code (the Penal Code). The Penal Code is currently in force and specifically provides for offences against morality, which includes sexual assault. According to section 130(1), a person found guilty of sexually assaulting another person is liable to imprisonment for 20 years.<sup>203</sup> Notably, sexual assault includes:</p> <ul style="list-style-type: none"> <li>• an indecent assault;</li> <li>• the non-accidental touching of the sexual organ of another;</li> <li>• the non-accidental touching of another with one’s sexual organ; and;</li> <li>• the penetration of a body orifice of another for a sexual purpose.<sup>204</sup></li> </ul> <p>In addition, the Seychelles has recently developed the Domestic Violence Act 21 of 2020.</p> <p>However, neither of these laws, contain provisions relating to disasters.</p>	<p><a href="#">The Penal Code</a></p> <p><a href="#">Seychelles Domestic Violence Act of 2020</a></p>

<sup>203</sup> PC Act, section 130(1).

<sup>204</sup> PC Act, section 130(2)(a)-(d).

<p><b>How do “normal time laws and systems related to GBV” work in times of disasters, are there coordination mechanisms established with DRM system?</b></p> <p>No information could be found on how “normal time” laws and systems relating to GBV work in times of disasters.</p>	
<p>• <b>Security</b></p> <p><b>Are mechanisms in place to assure the safety and security of relief personnel?</b></p> <p>Although it is included in the part on international disaster assistance, there are provisions in place to ensure the safety and security of relief personnel. Section 30(4)(h) of the DRM Act provides that the Director General shall ensure the security and safety of humanitarian personnel and the goods and equipment to be used by them.<sup>205</sup></p> <p><b>Does the legal framework provide special measures to guard against looting?</b></p> <p>With respect to the prohibition against looting, section 15(4)(k) provides that the DRM plan shall include procedures on prevention, preparedness, response, and recovery in relation to the DRM plan established by the Commissioner of Police for safeguarding and protecting life and property from the dangers of looting and riotous behaviour.<sup>206</sup></p>	
<p><b>Displacement</b></p> <p><b>Are human mobility dimensions taken into consideration as part of DRM planning and DRM decision making (including both internal and cross-border displacement)?</b></p> <p>From the research conducted, there do not appear to be provisions within DRM planning that specifically takes into consideration human mobility dimensions.</p> <p><b>Does the law and/or policy mandate or facilitate practical measures to reduce the risk of disaster and climate related displacement?</b></p> <p>From the research conducted, there do not appear to be laws or policies which mandate practical measures to reduce the risk of disaster and climate related displacement.</p> <p><b>Are there laws and policies that explicitly address disaster and climate related internal displacement? If yes, do those laws and policies address:</b></p>	

<sup>205</sup> DRM Act, section 30(4)(h).

<sup>206</sup> DRM Act, section 15(4)(k).

- protecting communities against displacement;
- preparing for unavoidable displacement;
- responding to displacement; and
- finding durable solutions.

From the research conducted, there do not appear to be laws and policies which explicitly address disaster and climate related internal displacement.

**Are there legal guarantees for the provision of shelter in case of displacement due to disasters?**

The DRM Act provides that the DRM plan developed by every government institution and prescribed private organisation, must include procedures for providing shelter for persons affected by the disaster.<sup>207</sup> Additionally, the Director General is responsible for establishing and maintaining a shelter list of premises available and suitable for the use as shelter, during a declaration of an emergency or an alert in the event of a disaster.<sup>208</sup>

The NIEMP recognises displacement and the provision of shelter and identifies that these aspects form part of the response phase of any incident.<sup>209</sup> The NIEMP identifies as a functional area of humanitarian services two important functional tasks which include registration and family reunification along with shelter installation and management.<sup>210</sup> As stated above, the purpose of family reunification is to determine the number of affected persons in need of shelter and food and to organise the delivery of humanitarian services to meet their basic needs with the goal of family reunification. Similarly In respect to the shelters, the purpose is to provide temporary shelter for the affected population whose homes are destroyed or damaged, or who have been vacated during an emergency.

Operationally, the NIEMP provides that the intervention starts once individuals and families lose their homes, and are located in areas of risk, or do not have access to basic services during a disaster. This task determines “the number of families and persons to be housed, the safe areas for the location of shelters, the installation of shelters and the installation of public services (distribution of drinking water, provision of energy and communications services, and appropriate disposal of solid waste) and protective measures.”<sup>211</sup>

[The Seychelles Disaster Risk Management Act of 2014](#)

[Seychelles National Integrated Emergency Plan of 2019](#)

<sup>207</sup> DRM Act, section 15(4)(h).

<sup>208</sup> DRM Act, section 24(1).

<sup>209</sup> NIEMP, page 26.

<sup>210</sup> NIEMP, page 46.

<sup>211</sup> NIEMP, page 46.

**Does the law set out alternatives to using schools as shelter in case of displacement due to disasters?**

The DRM Act provides that the electronic database developed by the Division must contain extensive information concerning disasters that occur or may occur, including information on schools, churches, public buildings, and other facilities that could be used as emergency shelters or hospitals in the event of a disaster.<sup>212</sup>

**Does the law provide for mechanisms for undertaking planned relocations?**

From the research conducted, there do not appear to be laws and policies which explicitly provide mechanisms for undertaking planned relocations.

**Is there a legally defined procedure in case of loss of records or documentation?**

From the research conducted, there do not appear to be laws and policies which explicitly define procedures in case of loss of records or documentation.

**Is there equity in the assistance provided to persons with and without land title?**

From the research conducted, there do not appear to be laws and policies which provide for equity in assisting persons with and without land title.

**Are there preparedness arrangements to reduce legal issues regarding housing, land and property irregularities and disputes?**

The DRM Act permits an authorised officer during a state of emergency to take over any land or property as may be necessary.<sup>213</sup> This authorised officer is also permitted to direct any person who is the owner of, or in control of, any land which may be required for responding to a disaster situation, to surrender the use of such land to a specified person or to a specified authority.<sup>214</sup>

Notably, the DRM Act does provide that the owner of a premises listed as a shelter will not be held liable to any person taking shelter on the premises for any injury or damage or loss of any persons property which arises on the premises.<sup>215</sup>

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<sup>212</sup> DRM Act, section 27(2)(i)(iv).

<sup>213</sup> DRM Act, section 45(1)(a).

<sup>214</sup> DRM Act, section 45(1)(b).

<sup>215</sup> DRM Act, section 24(5).

<p><b>Do gender-specific needs or considerations exist in DRM law, including gender-sensitive needs assessments, standards for planning and construction of post-disaster accommodation and other arrangements for displaced communities?</b></p> <p>From the research conducted, there do not appear to be laws and policies within DRM which consider gender-specific or gender-sensitive needs for planning and construction of post-disaster accommodation and other arrangements for displaced communities.</p> <p><b>Are there procedures in place to take into account legal disputes with regard to land titles and property?</b></p> <p>Apart from the provisions referred to above, there do not appear to be laws and policies within DRM which specify procedures taking into account legal disputes regarding land titles and property.</p>	
<b>International Assistance</b>	
<p><b>Does your country's legal framework include procedures related to international disaster assistance?</b></p> <p>The DRM Act does include provisions for international assistance. Part V of the DRM Act provides that the Director General shall in consultation with the Minister, make an initial estimate as to whether domestic capacities are sufficient to attend to the needs of affected persons for disaster relief and initial recovery assistance, and a determination as to whether and what international assistance is required, and, with the consent of the President immediately request for international assistance through the Ministry of Foreign affairs.<sup>216</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>Do relevant sectoral laws contain any provisions related to international disaster assistance?</b></p> <p>From the legislation reviewed for the purposes of this research, no provisions explicitly related to international disaster assistance could be identified in domestic sectoral laws. However, there are more general provisions which may be indirectly relevant, which are set out in the responses to the questions below.</p>	<p><a href="#">Seychelles Ministry of Foreign Affairs and Tourism website</a></p> <p><a href="#">The Income Tax Act of the Seychelles (as amended) of 2017</a></p> <p><a href="#">The Value Added Tax Act of 2010</a></p> <p><a href="#">The Seychelles Customs Tariffs Act consolidated November 2017</a></p> <p><a href="#">Customs Management Act of 2011</a></p>

<sup>216</sup> DRM Act, section 28(1).



	<a href="#">Seychelles Quarantine Act 1948</a> <a href="#">Seychelles Public Finances Act consolidated June 2012</a> <a href="#">Seychelles Public Health Act of 2015</a> <a href="#">Seychelles National Food and Nutrition Security Policy 2013</a> <a href="#">The Red Cross Society of the Seychelles Act of 1991</a> <a href="#">Broadcasting and Telecommunications Act</a>
<p><b>Do your country's laws and regulations set out a focal point for coordinating international assistance?</b></p> <p>The DRM Act provides that the Director General shall to the extent it is necessary for the performance of disaster relief and recovery, serve as the focal point for liaison between Seychelles and assisting international humanitarian organisations.<sup>217</sup></p>	<a href="#">The Seychelles Disaster Risk Management Act of 2014</a>
<p><b>Are there adequate and efficient procedures in place to ensure coordination of international and domestic efforts at national and subnational levels and across all government agencies and who is responsible for developing and implementing the rules and procedures related to international assistance?</b></p> <p>The NIEMP includes international coordination and cooperation as a functional area of disaster emergency and response.<sup>218</sup> The NIEMP specifies the process involved, stating that it begins with the call for international aid, according to the needs established by the national authority, following which, there are three differentiated cooperation options which are defined as follows:</p> <ul style="list-style-type: none"> <li>the Department of Foreign Affairs issues communications with the diplomatic missions and representations abroad, based on the requirements received from the extended multi-sector commission. Aid offers are registered in the</li> </ul>	<a href="#">Seychelles National Integrated Emergency Plan of 2019</a>

<sup>217</sup> DRM Act, section 30(4)(a).

<sup>218</sup> NIEMP, page 51.

<p>Humanitarian Assistance Module of the National Emergency Operations Center. Once the support has arrived (be it from Seychellois abroad, other countries, or private entities), they are registered at the National Emergency Operations Center; or</p> <ul style="list-style-type: none"> <li>the Department of Foreign Affairs, together with DRDM (now renamed the Division), summon the international community present in the country, through the UN Resident Coordinator for Seychelles, to inform about the situation and the need for aid. Cooperation agencies activate their technical and financial mechanisms. During the planning process, international agencies create links with authorities from different sectors to define the priority projects. The Humanitarian Assistance Module of the National EOC will be responsible for coordinating and recording aid and donations, be it financial, in human resources, or goods.</li> </ul> <p>The NIEMP assigns the Ministry of Foreign Affairs as the lead agency responsible for the coordination of international disaster assistance, with the Department of Risk and Disaster Management as a supporting agency. Therefore, it appears that these agencies would be responsible for developing and implementing the rules and procedures related to international assistance.</p> <p>As a result of the abovementioned information, there appear to be adequate and efficient procedures in place to ensure coordination of international and domestic efforts across government agencies.</p>	
<p><b>Do your country's laws/ regulations outline a process for requesting/ welcoming offers of international disaster assistance and for terminating international assistance?</b></p> <p>The DRM Act provides that the Director General shall in consultation with the Minister, make an initial estimate as to whether domestic capacities are sufficient to attend to the needs of affected persons for disaster relief and initial recovery assistance, and a determination as to whether and what international assistance is required, and, with the consent of the President immediately request for international assistance through the Ministry of Foreign affairs.<sup>219</sup></p> <p>With regards to welcoming offers of international assistance, the offer of assistance from international humanitarian organisations will be accepted if the offer is based on the relevance and needs which were deemed necessary based on the report mentioned above.<sup>220</sup> Additionally, an international organisation or a country interested in providing assistance to the</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>219</sup> DRM Act, section 28(1)(a) and (b).

<sup>220</sup> DRM Act, section 28(4).

Seychelles shall direct their offers through the Ministry of Foreign Affairs and the appropriate embassy, and the Ministry of Foreign Affairs will forward such offers of assistance to the Division who will then take a decision on the offer.<sup>221</sup>

With respect to terminating international assistance, the Minister, in consultation with the Minister of Foreign Affairs, may terminate the international assistance by issuing a notice in writing to the international organisation.<sup>222</sup> Importantly, upon terminating any international assistance, the international organisation is obliged to ensure that there is adequate handover of responsibilities, to reduce any negative impact from the terminations.<sup>223</sup>

The following sections within the DRM act are relevant:

Section 28(2) and (3) provide that:

- a request for international assistance must be accompanied by information:
  - as to the extent and type of assistance required, based on report prepared by the Director General in consultation with the Minister; and
  - on the procedures assisting international organisations are to follow when making offers or providing assistance;<sup>224</sup> and
- the Division may in consultation with the Minister of Foreign Affairs request for assistance with the foreign components of the international Red Cross and the Red Crescent Movement to supplement the disaster relief and recover assistance.<sup>225</sup>

Section 28(5) and (7) provide that:

- international humanitarian organisations present in Seychelles may provide direct offers to the Division;<sup>226</sup> and
- where an offer has been accepted, the representative of the international humanitarian organisation shall comply with the general terms of the offer and if the offer was unconditional, the Division, in consultation with the representative

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<sup>221</sup> DRM Act, section 28(6).

<sup>222</sup> DRM Act, section 30(1).

<sup>223</sup> DRM Act, section 30(2).

<sup>224</sup> DRM Act, section 28(2).

<sup>225</sup> DRM Act, section 28(3).

<sup>226</sup> DRM Act, section 28(5).

<p>of the international humanitarian organisation, shall come to an agreement as to the type, amount and estimated duration of the assistance.<sup>227</sup></p> <p>Section 29 provides that the period for international assistance shall commence when a request for assistance is accepted and terminate after an assessment of the disaster is carried out by the Division in consultation with the National Committee and the international humanitarian organisation concluding in writing that the international assistance is no longer required after the termination date, announced 7 days prior to the proposed termination date.<sup>228</sup></p>	
<b>Do your country's laws and regulations provide for necessary legal facilities to be provided for international assisting actors?</b>	
<p><b>(i) Landing rights</b></p> <p>The DRM Act does not specifically mention landing rights, but it does provide that the Director General shall facilitate the entry of the humanitarian personnel in Seychelles.<sup>229</sup> In terms of sectoral laws, the applicable legislation is the Seychelles Civil Aviation Act 4 of 2005 (CA Act). This Act makes provision for the control of aviation in times of emergency, and specifically provides that in an emergency the Minister may regulate or prohibit the navigation of any aircraft over the Seychelles.<sup>230</sup></p> <p>Apart from what is mentioned above, from the research conducted, there do not appear to be legal facilities provided to international assisting actors in respect to landing rights and general custom arrangements.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p> <p><a href="#">Civil Aviation Act of 2005</a></p>
<p><b>(ii) Customs arrangements</b></p> <p>The DRM Act provides that the Director General is responsible for facilitating through the Ministry responsible for finance and trade for the exemption of customs duties, taxes, levies and tariffs or any other government fees on goods and equipment, to be exported, in transit or to be re-exported, and inspection requirements of the goods and equipment to be used for the disaster relief and recovery.<sup>231</sup></p> <p>The Director General, to the extent it is necessary for the performance of disaster relief operations is responsible for facilitating through the Ministry responsible for telecommunication for the use and setting up of telecommunication</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>227</sup> DRM Act, section 27(7).

<sup>228</sup> DRM Act, section 29.

<sup>229</sup> DRM Act, section 30(4)(d).

<sup>230</sup> CA Act, section 5(1).

<sup>231</sup> DRM Act, section 30(4)(f).

<p>equipment by the humanitarian personnel.<sup>232</sup> Similarly, the Director General, to the extent it is necessary for the performance of disaster relief operations is responsible for liaising and facilitating interactions with the Ministry responsible for health to verify and issue licenses to export and distribute the medication and equipment to be used by the international humanitarian organisation.<sup>233</sup></p>	
<p><b>(iii) immigration</b></p> <p>The Director General is responsible for facilitating through the Ministry responsible to facilitate the entry of the humanitarian personnel in the Seychelles, including liaising with the Ministry responsible for immigration for necessary visas or permits, as the case may be, to be issued for the duration of the assistance.<sup>234</sup></p>	<p><a href="#">Immigration Decree of 1981</a></p>
<p><b>(iv) Registration of international assisting actors</b></p> <p>From the research conducted, there do not appear to be legal facilities provided for international assisting actors regarding registration of international assisting actors, but section 30(4) provides that the Director General shall to the extent necessary, request relevant government institution to make available assets or premises required to facilitate the work of the international humanitarian organisation, and shall facilitate through the Ministry responsible for finance the opening of bank accounts, if necessary.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>(v) Recognition of professional qualification of foreign personnel</b></p> <p>The DRM Act provides that the Director General is responsible for facilitating through the authority responsible for qualification for temporary recognition of professional qualifications or foreign medical personnel and other licences or certificates of humanitarian personnel.<sup>235</sup> The DRM Act also provides that the recognition of foreign driver's licenses will be facilitated through the Ministry responsible for finance and trade.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>(vi) Tax and currency exchange for disaster relief activities</b></p> <p>Save for the tax exemptions relating to the import and export of goods and equipment set out above, from the research conducted, there do not appear to be explicit legal facilities provided for international assisting actors regarding tax and currency exchange for disaster relief activities.</p>	<p><a href="#">The Income Tax Act of the Seychelles of 2010</a></p> <p><a href="#">The Business Tax Act of the Seychelles of 2009</a></p>

<sup>232</sup> DRM Act, section 30(4)(g).

<sup>233</sup> DRM Act, section 30(4)(k).

<sup>234</sup> DRM Act, section 30(4)(d).

<sup>235</sup> DRM Act, section 30(4)(e).

<p>However, international assisting actors and personnel may benefit from certain more general tax exemptions under the Business Tax Act and the Income Tax Act, which allow for tax exemptions to be made through agreements entered between the Government of the Seychelles and a Government or International Organization.<sup>236</sup></p> <p>In addition, the VAT Act stipulates that materials and equipment supplied by other governments or international organisations under technical aid or assistance programmes approved by the Government of Seychelles are exempted from VAT.<sup>237</sup> Furthermore, internationally donated goods or services to a non-profit body are also exempt from VAT.<sup>238</sup></p>	<p><a href="#">Seychelles Foreign Exchange Act of 2009</a></p> <p><a href="#">Seychelles Revenue Commission Act of 2010</a></p> <p><a href="#">The Value Added Tax Act of 2010</a></p>
<p><b>(vii) Freedom of movement of international assisting actors during a disaster response</b></p> <p>The Director General to the extent it is necessary for the performance of disaster relief operations is responsible for facilitating access for international assisting actors (and as much as possible provide care, security and protection) to areas affected by the Disaster.<sup>239</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>(viii) Safety and Security of international assisting actors</b></p> <p>The Director General, to the extent it is necessary for the performance of disaster relief operations is responsible for ensuring the security and safety of the humanitarian personnel (international assisting actors) and the goods and equipment to be used by them.<sup>240</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>(ix) Additional facilities for international disaster relief</b></p> <p>Section 43 of the DRM Act provides that the President may during the period of the state of emergency appoint staff members of the Division or public service or appoint other persons to be authorised officers of such periods and for certain areas.<sup>241</sup> These authorised offices may, during the period of the state of emergency, direct any person, by order in writing who is the owner or manager of any industry or trade which the authorised officer believes is an essential industry or trade</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>236</sup> Income and Non-Monetary Benefits Act, 2010, Schedule 2, section 1(o); and the Business Tax Act, 2009, Schedule 2, section 40.

<sup>237</sup> Vat Act, schedule 1, Part 1, section 9.

<sup>238</sup> Vat Act, schedule 1, part 2, section 1(c).

<sup>239</sup> DRM Act, section 30(4)(h).

<sup>240</sup> DRM Act, section 30(4)(j).

<sup>241</sup> DRM Act, section 43.

<p>or renders an essential service, to take in regard to that industry trade or service or the continuation thereof, such steps as the authorised officer considers necessary to deal with the emergency or disaster.<sup>242</sup></p> <p>Therefore, if an authorised officer believes that a particular office or essential service should remain open or operate outside of normal business hours, he or she may direct any person/owner in writing to take such steps.</p>	
<p><b>Please include other applicable information relating to legal facilities here.</b></p> <p>With regards to costs, section 30(3) of the DRM Act provides that the Director General shall negotiate with the international humanitarian organisations in-advance as to what costs if any, that Seychelles will bear for the assistance the international humanitarian organisation will be providing. In addition, section 30(9) provides that humanitarian personnel shall not be liable for any acts done in good faith during his or her performance of assistance.</p> <p><b>Legal facilities under international law</b></p> <p>The Seychelles subscribes to the dualist approach to international law, in terms of which international agreements do not bind the Republic unless they are ratified by an act; or a resolution passed by the votes of a majority of the members of the National Assembly, unless a written law confers upon the President the authority to execute or authorize the execution of the international agreement.<sup>243</sup></p> <p>There are a number of international agreements of relevance to international disaster assistance. Most relevant to this study are those instruments that expedite and facilitate the provision of international humanitarian assistance. The Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations (Tampere Convention) provides legal facilities for the importation of telecommunications equipment and resources during emergencies, specifically requiring state parties to reduce or remove regulatory barriers to the use of telecommunication resources for disaster relief.<sup>244</sup> With regards to transport, of most relevance is Annexe 9 of the Chicago Convention on Civil Aviation (Chicago Convention) which provides procedural guidance for the clearance of aircrafts containing humanitarian assistance in response to disasters. Further, the Convention on the Facilitation of International Maritime Traffic mandates parties to facilitate the entry and exit of vessels engaged in natural disaster relief work and facilitate the entry of persons and cargo related to natural disaster relief work.<sup>245</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p> <p><a href="#">The Constitution of the Republic of the Seychelles</a></p>

<sup>242</sup> DRM Act, section 44(1)(c).

<sup>243</sup> The Constitution, section 64(4) and (5).

<sup>244</sup> See article 9 of the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, June 18, 1998, UN depositary notification C.N.608.1998.TREATIES-8 of Dec. 4 1998 (entered into force Jan. 8, 2005) (Tampere Convention).

<sup>245</sup> See article 5.11 and 5.12 of Annexe 1 of the Convention on the Facilitation of International Maritime Traffic, 9 April 1965, 591 U.N.T.S. 265.

In terms of customs, the International Convention on the Simplification and Harmonisation of Customs Procedures (Kyoto Convention),<sup>246</sup> which was adopted in 1973 and revised in 1999, and the Convention on Temporary Admission (Istanbul Convention),<sup>247</sup> simplify and harmonise customs clearance procedures for the importation of goods. Specifically, Annexe B3 of the Kyoto Convention recommends as practice that states exempt goods, including “foodstuffs, medicaments, clothing and blankets sent as gifts to an approved charitable or philanthropic organisation for distribution free of charge to needy persons by the organisation or under its control”.<sup>248</sup> Annexe J5 provides guidelines to expedite the clearance of relief consignments intended to assist those affected by disasters. Annexe B2 to the Istanbul Convention regulates the importation of professional and communication equipment for practitioners of various disciplines in support to relief efforts. The measures and exemptions for temporary admission of goods for humanitarian purposes in response to natural disasters and other catastrophes are stipulated in Annexe B9. In addition, Annexe C of the Istanbul Convention allows for the temporary admission of means of transport used by a foreign entity and Annexe D allows for temporary admission of animals, including those involved in rescue operations.

It is also relevant to note treaties related to privileges and immunities law. The doctrine of privileges and immunities is not directly linked to disasters.<sup>249</sup> However, it is essential for those entities involved in disaster response to which it applies, as it addresses many of the access and operations related issues identified as problematic in field operations, as it typically allows the holder of privileges and immunities to easily enter, exit and operate in a foreign country with minimum interference from domestic authorities.<sup>250</sup> Much of the customary law in the area of privileges and immunities has been codified in the Vienna Convention on Diplomatic Relations<sup>251</sup> and the Vienna Convention on Consular Relations.<sup>252</sup> However, personal diplomatic and consular privileges and immunities generally do not extend outside the scope of mission staff and their families, and therefore civil protection, military and other disaster responders generally do not benefit from them.<sup>253</sup> Intergovernmental organisations have also traditionally been granted privileges and immunities to enable them to carry out

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<sup>246</sup> Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures of 18 May 1973, 26 June 1999.

<sup>247</sup> Convention on Temporary Admission, 26 June 1990.

<sup>248</sup> Annexe B.3 to the Kyoto Convention, recommendation 7.

<sup>249</sup> 2007 IDRL Study, page 39.

<sup>250</sup> 2007 IDRL Study, page 39.

<sup>251</sup> Vienna Convention on Diplomatic Relations, April 18, 1961, 500 U.N.T.S. 95.

<sup>252</sup> Vienna Convention on Consular Relations, April 24, 1963, 596 U.N.T.S. 261.

<sup>253</sup> 2007 IDRL Study, page 40.



their functions without undue interference, but in general NGOs do not benefit from privileges and immunities under international law.<sup>254</sup>

In addition, the Framework Convention on Civil Defence Assistance provides a legal framework to reduce obstacles for effective international cooperation between states in disaster settings. It is also worth mentioning the Convention on the Safety of UN and Associated Personnel (UN Safety Convention) and the Optional Protocol thereto, which imposes an obligation on a state hosting a UN operation to protect UN personnel and property to prevent or reduce any impunity for those who attack UN or associated personnel or property.<sup>255</sup>

In terms of human rights treaties, the Convention on the Rights of Persons with Disabilities references disaster assistance the most directly. State parties are required to take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including humanitarian emergencies and natural disasters.<sup>256</sup> In addition, there are a number of global human rights treaties, such as the International Covenant on Civil and Political Rights<sup>257</sup> and the International Covenant on Economic, Social and Cultural Rights<sup>258</sup> that set out rights closely linked to disaster relief and recovery assistance. These include the rights to life, food and water, housing, clothing, health, livelihood, and freedom from discrimination.<sup>259</sup>

There are also instruments which regulate the management of specific types of disasters or emergencies. For example, the International Health Regulations (the IHR)<sup>260</sup> regulate health emergencies with potential transboundary effects, defining the rights and responsibilities for state parties in handling outbreaks and providing public health measures for international traffic and travel. Another example is the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, which sets out rules for the initiation, coordination, and operation of international assistance operations in case of nuclear or radiological events as well as for legal facilities to be granted for the effective administration of assistance.<sup>261</sup> A third example is the International Convention on Oil Pollution Preparedness, Response and Cooperation<sup>262</sup> and its Protocol

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<sup>254</sup> 2007 IDRL Study, page 40.

<sup>255</sup> UN Safety Convention, articles 7 and 11.

<sup>256</sup> See article 11 of the Convention on the Rights of Persons with Disabilities.

<sup>257</sup> International Covenant on Civil and Political Rights, 16 December 1966, 999 U.N.T.S. 171.

<sup>258</sup> International Covenant on Economic Social and Cultural Rights, 16 December 1966, 999 U.N.T.S. 3.

<sup>259</sup> 2007 IDRL Study, page 34.

<sup>260</sup> World Health Assembly, Revision of the International Health Regulations, Doc. No. WHA58.3 (23 May 2005).

<sup>261</sup> Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency Sept. 26, 1986, 1439 U.N.T.S. 275, articles 1, 2, 3, 4, 7, 8, 9, 10, and 11.

<sup>262</sup> International Convention on Oil Pollution Preparedness, Response and Cooperation, 30 November 1990, 30 I.L.M. 733 (1990).

on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances<sup>263</sup> which require state parties to cooperate and provide advisory services, technical support, and equipment when necessary and within their capabilities and resources, to respond to an oil pollution incident, as well as to take the legal or administrative measures necessary to facilitate the arrival and utilisation of vessels and the expeditious movement of personnel, cargoes, materials and equipment.<sup>264</sup>

In terms of regional instruments, article 23 of the African Charter on the Rights and Welfare of the Child<sup>265</sup> (ACRWC) provides that states shall take all appropriate measures to ensure that refugee children as well as children who have been internally displaced, including by disasters, receive appropriate humanitarian assistance. In addition, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), provides in article 5(7) that state parties are obligated to facilitate the coordination of international relief and allow rapid and unimpeded passage of humanitarian relief to internally displaced persons. Further, states shall enable and facilitate the role of local and international organisations and humanitarian agencies, as well as other relevant actors, to provide protection and assistance to IDPs.

The tables below examine which of the above-mentioned agreements the Seychelles is a state party to:

<b>Convention</b>	<b>State party (Yes/No)</b>
<b>Tampere Convention<sup>266</sup></b>	No
<b>Chicago Convention<sup>267</sup></b>	Yes
<b>Convention on the Facilitation of International Maritime Traffic<sup>268</sup></b>	Yes

<sup>263</sup> Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 15 March 2000.

<sup>264</sup> See article 7 on the Convention on Oil Pollution Preparedness, Response and Cooperation and article 5 of the Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances.

<sup>265</sup> African Charter on the Rights and Welfare of the Child, 11 July 1990, OAU Doc. CAB/LEG/24.9/49 (1990).

<sup>266</sup> Information obtained from the UN Treaty Collection (UNTC) available at [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXV-4&chapter=25](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXV-4&chapter=25).

<sup>267</sup> Information obtained from ICAO available at <https://www.icao.int/publications/Pages/doc7300.aspx>.

<sup>268</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280129d04>.

<b>Annexe B.3 to the Kyoto Convention<sup>269</sup></b>	No		
<b>Annexe J-5 to the Kyoto Convention<sup>270</sup></b>	No		
<b>Annexe B2 to the Istanbul Convention<sup>271</sup></b>	No		
<b>Annexe B9 to the Istanbul Convention<sup>272</sup></b>	No		
<b>Annexe C to the Istanbul Convention<sup>273</sup></b>	No		
<b>Annexe D to the Istanbul Convention<sup>274</sup></b>	No		
<b>Vienna Convention on Diplomatic Relations<sup>275</sup></b>	Yes (accession)		
<b>Vienna Convention on Consular Relations<sup>276</sup></b>	Yes (accession)		
<b>Framework Convention on Civil Defence Assistance<sup>277</sup></b>	No		
<b>UN Safety Convention and Optional Protocol<sup>278</sup></b>	No		
<b>Convention on the Rights of Persons with Disabilities<sup>279</sup></b>	Yes (ratification)		

<sup>269</sup> Information obtained from the World Customs Organization (WCO) available at [http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf\\_revised\\_kyoto\\_conv/Instruments](http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments).

<sup>270</sup> Information obtained from the WCO available at [http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf\\_revised\\_kyoto\\_conv/Instruments](http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments).

<sup>271</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>272</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>273</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>274</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>275</sup> Information obtained from [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=III-3&chapter=3&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=III-3&chapter=3&clang=en).

<sup>276</sup> Information obtained from the UNTC [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=III-6&chapter=3](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=III-6&chapter=3).

<sup>277</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280086ecb&clang=en>.

<sup>278</sup> Information obtained from the UNTC available at [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-8&chapter=18](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-8&chapter=18) and [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-8-a&chapter=18&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-8-a&chapter=18&clang=en).

<sup>279</sup> Information obtained from the UNTC available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-15&chapter=4](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4).

IHR <sup>280</sup>	Yes (accession)		
Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency <sup>281</sup>	No		
International Convention on Oil Pollution Preparedness, Response and Cooperation <sup>282</sup>	Yes (accession)		
ACRWC <sup>283</sup>	Yes (ratification)		
Kampala Convention <sup>284</sup>	No		
<p><b>Do your country's laws and regulations set out quality standards for international assisting actors?</b></p> <p>The DRM Act provides that the assisting international humanitarian organisation is to ensure that any medications or equipment to be used are safe, of good quality, have not expired, are maintained in appropriate condition, and are labelled in a language understood by the medical doctors of Seychelles.<sup>285</sup> Section 30(8) provides that the international humanitarian organisation must ensure that any goods or equipment they import, which become unusable, including other waste products produced by them, are destroyed, recycled or otherwise disposed of in a safe, environmental friendly and effective manner.<sup>286</sup></p> <p>Section 30(7)(a)-(d) provides that the international humanitarian organisations shall comply with the principles of humanity, independence, and impartiality in providing assistance and shall establish priorities on the basis of need and they shall not:</p>			<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>280</sup> Information obtained from World Health Organisation available at [https://www.who.int/ihr/legal\\_issues/states\\_parties/en/](https://www.who.int/ihr/legal_issues/states_parties/en/) .

<sup>281</sup> Information obtained from the International Atomic Energy Agency available at <https://www.iaea.org/topics/nuclear-safety-conventions/convention-assistance-case-nuclear-accident-or-radiological-emergency#:~:text=The%20Convention%20on%20Assistance%20in,in%20the%20event%20of%20nuclear.>

<sup>282</sup> Information obtained from the UNTC <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800aada6>.

<sup>283</sup> Information obtained from the AU available at <https://au.int/en/treaties/african-charter-rights-and-welfare-child>.

<sup>284</sup> Information obtained from the AU available at <https://au.int/sites/default/files/treaties/36846-sl-AFRICAN%20UNION%20CONVENTION%20FOR%20THE%20PROTECTION%20AND%20ASSISTANCE%20OF%20INTERNALLY%20DISPLACED%20PERSONS%20IN%20AFRICA%20%28KAMPALA%20CONVENTION%29.pdf>.

<sup>285</sup> DRM Act, section 30(4).

<sup>286</sup> DRM Act, section 30(8).

<ul style="list-style-type: none"> <li>• engage in adverse distinctions, exclusions or preferences based on status, nationality, race, ethnicity, religious belief, class, gender, sexual orientation, disability, age or political opinion;</li> <li>• seek to further a particular political or religious standpoint or interfere in internal matters not relating to disaster response;</li> <li>• seek to obtain commercial gain from their assistance, and</li> <li>• gather sensitive information of a political, economic or military nature.<sup>287</sup></li> </ul>	
<p><b>Do your country's laws and regulations set out eligibility requirements for international assisting actors to receive legal facilities?</b></p> <p>The DRM laws applicable to the Seychelles do not specify that the legal facilities mentioned above are subject to the international assisting actor meeting certain eligibility requirements, however, from the provisions set out above regarding the request and welcoming of international disaster assistance, it appears that only actors from which international assistance has been accepted will be eligible for the legal facilities described above.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>Do your country's laws and regulations establish a specialised unit for expediting the entry of international disaster assistance?</b></p> <p>From the research conducted, there are no laws/regulations which establish a specialised unit for expediting entry of international disaster assistance</p>	
<p><b>Do your country's laws and regulations provide adequate transparency safeguards and accountability mechanisms governing international disaster assistance?</b></p> <p>From the research conducted, there do not appear to be any laws/regulations which provide specific transparency safeguards and accountability mechanisms governing international disaster assistance. However, the NDRMF does not appear to exclude donations from international actors. And this fund is subject to transparency and accounting requirements of the NDRMF described below.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>Do your country's laws and regulations outline rules and procedures for international disaster assistance sent from, or transiting through your country?</b></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>287</sup> DRM Act, section 30(7)(a)-(d).

<p>From the research conducted, there do not appear to be laws/regulations which provide for the rules and procedures for international disaster assistance sent from or transiting through the Seychelles, save that as stated above, the Director General shall, through the Ministry responsible for finance and trade, facilitate exemption of customs duties, taxes, levies and tariffs or any other government fees on goods and equipment to be exported, in transit or to be re- exported.<sup>288</sup></p>	
<b>Recovery</b>	
<p><b>Are there clear institutional mandates that specify the role of each agency, and clarify the responsibilities of the various stakeholders, in disaster recovery?</b></p> <p>The DRM Act also contains numerous references to disaster recovery. In terms of roles and responsibilities, the DRM Act provides that a relevant function of the Division is to collaborate with relevant government institutions, non-governmental organisations, private sector entities, communities and others to encourage and support the development of community based sustainable development programmes and interventions aimed at inter alia harnessing community resources for disaster recovery.<sup>289</sup> Section 4(1)(q) also provides that the Division is responsible for coordinating recovery programmes carried out by other stakeholders and players in the country and facilitate resources for disaster risk and vulnerability reduction programmes.<sup>290</sup> The DRM Act further provides that the DRM plan to be developed by every government institution and every prescribed private organisation shall include procedures for prioritising recovery interventions.<sup>291</sup> Finally, the provisions on international disaster assistance includes initial recovery assistance.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>Is early involvement of line ministries provided for?</b></p> <p>From the research conducted, there do not appear to be provisions within DRM legislation relating to early involvement of line ministries in disaster recovery.</p> <p>However, the NIEMP provides that the DRDM (now renamed the Division) has identified critical response and recovery functions in various areas under the responsibility of the lead and supporting ministries, departments, and agencies.<sup>292</sup> For instance, the NIEMP provides that coordination of damage and needs assessment is a functional task and further provides that the consolidation and identification of information on damage assessments of critical infrastructure is done in order</p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>

<sup>288</sup> DRM Act, section 40(4)(f)(i).

<sup>289</sup> DRM Act, section 4(1)(j)(iii).

<sup>290</sup> DRM Act, section 4(1)(q).

<sup>291</sup> DRM Act, section 15(1).

<sup>292</sup> NIEMP, page 51.

<p>provide the necessary information for planning and managing an emergency, and the process of rehabilitation or early recovery. The NIEMP provides that the lead agency to this functional task is the DRDM, whilst the supporting agencies are ministries, departments, and other agencies.</p>	
<p><b>Are authorities and mandates for recovery from local to national clear?</b></p> <p>From the research conducted, there do not appear to be provisions within DRM legislation that canvass authorities and mandates for recovery from local to national level</p>	
<p><b>Is community participation mandated in recovery decision making?</b></p> <p>From the research conducted, there does not appear to be provisions within DRM legislation that ensure community participation is mandated in recovery decision making.</p>	
<b>Liability and Accountability</b>	
<p><b>Are there public reporting or parliamentary oversight mechanisms for government agencies tasked with DRM (a) DRR; (ii) Response; (iii) Recovery established and is such information is made publicly available?</b></p> <p>In terms of section 8 of the DRM Act,<sup>293</sup> the Director General is responsible for compiling and submitting to the Minister necessary reports on DRM. However, further details are not provided. There are also several accounting and reporting requirements relating to the NDRMF set out in Part VI of the DRM Act. Finally, in terms of section 38, every government institution shall prepare a report on damage assessment in the aftermath of a disaster and submit the report to the Director General.<sup>294</sup></p> <p><b>Is there a role for the judiciary in enhancing accountability for DRM?</b></p> <p>The DRM Act does provide for the role of the judiciary in adjudicating on disputes and appeals between the public and officers that are authorised through the DRM. For instance, an authorised officer may during the period of the state of emergency, direct any person, by order in writing to supply information relating to employees, or the existence and availability of any services, facility or thing which may be used for or in connection with the emergency or disaster. A person</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p> <p><a href="#">The Civil Code of the Seychelles Act 1976</a></p>

<sup>293</sup> DRM Act, section 8.

<sup>294</sup> DRM Act, section 38.

<p>who feels aggrieved by such an order may appeal in writing to the Supreme Court.<sup>295</sup> Similarly, this also applies in respect to any land or property which was taken by an authorised person during the period of the state of emergency.<sup>296</sup></p> <p><b>Are there individual responsibilities for DRM?</b></p> <p>The DRM Act acknowledges the role of individuals in DRM, particularly volunteers, which has already been described above. However, individuals also play a role in DRM more generally and the DRM Act provides that the Director General shall give guidance to individuals to assess and prevent disaster risks and shall promote formal and informal initiatives that encourage risk avoidance behaviour by, amongst others, individuals.<sup>297</sup> Furthermore, the Director General or DRM officer may order any person to supply relevant information, maintain specified stocks of goods for use during a disaster, or relinquish possession of their land or property during a state of emergency.<sup>298</sup></p>	<p><a href="#">The Seychelles Criminal Procedure Code</a></p> <p><a href="#">Seychelles Human Rights Commission Act of 2018</a></p> <p><a href="#">The Protection of Human Rights Act of 2009</a></p>
<p><b>Are there legal and/or administrative sanctions (as appropriate) established for public officials, individuals and businesses for a gross failure to fulfil their duties on (i)DRR (ii) preparedness and response and (iii) Recovery?</b></p> <p>The DRM Act does provide certain provisions with respect to sanctions, namely:</p> <ul style="list-style-type: none"> <li>• a person who obstructs a shelter manager or shelter officer in the execution of his or her duties, commits an offence and shall on conviction be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR 20 000 or to both such imprisonment and fine;<sup>299</sup></li> <li>• a person who fails to comply with a notice of evacuation commits an offence and shall on conviction be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR 20 000 or to both such imprisonment and fine;<sup>300</sup> and</li> <li>• where the Director General certifies in writing that the services of a person is or was needed by the Division, for the performance of tasks related to preparation, response and recovery from an emergency during a specified period, the employer of that person must pay the salary and all benefits to which the employee was entitled for the period</li> </ul>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>295</sup> DRM Act, section 44(1) – (3).

<sup>296</sup> DRM Act, section 45(1) – (5).

<sup>297</sup> DRM Act, section 20(2).

<sup>298</sup> DRM Act, section 44(1)(b) - (c).

<sup>299</sup> DRM Act, section 24(10).

<sup>300</sup> DRM Act, section 25(6).



<p>specified. An employer who fails to comply, commits an offence and on conviction be liable to imprisonment for a term not exceeding 3 months or a fine not exceeding SCR 50 000 or to both such imprisonment and fine.<sup>301</sup></p> <p>There are also sanctions relating to the functions of risk management officers. An appointed risk management officer is responsible for inspecting and assessing premises which, in the opinion of the Director General appears to pose a reasonable danger. The risk management officer then prepares a report on the results of any inspection carried out and submits the report to the Director General, who, based on the findings of the report, may request the owner of the premises to take remedial action. Failing to comply with a request is an offence and such person is liable to imprisonment for a term not exceeding 2 years, or to a fine not exceeding SCR 20 000 or both.<sup>302</sup> Furthermore, an individual is obliged to not obstruct the Director General or risk management officer in the execution of his or her duty in relation to the functions of the Director General or the risk management officer. Failure to comply with this provision is an offence carrying a penalty of imprisonment for up to 2 years or to a fine not exceeding SCR 20 000 or both.</p>	
<p><b>Are rights relevant to DRM established, including the right to disaster information, and enforcement mechanisms provided?</b></p> <p>The Constitution of the Seychelles Act 2 of 1993 (the Constitution), provides that the State recognises the right of access of every person to information relating to that person and held by a public authority which is performing a governmental function and the right to have the information rectified or otherwise amended.<sup>303</sup> The State also recognises the right of access by the public to information held by a public authority performing a governmental function.<sup>304</sup> However, these rights are subject to limitations,<sup>305</sup> and the right to disaster information is not explicitly recognized in the Constitution nor the DRM Act.</p> <p>Nevertheless, a number of provisions of the DRM Act are relevant. Notably, section 4(n)(i)-(ii) provides that a function of the Division is to:</p> <ul style="list-style-type: none"> <li>act as a repository and conduit for hazard and other disaster related information and collaborate with relevant agencies as it thinks necessary in the collection, processing and analysis of such information, and</li> </ul>	<p><a href="#">The Constitution of the Seychelles of 1993</a></p> <p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>301</sup> DRM Act, section 34(1) and (2).

<sup>302</sup> DRM Act, section 35(8), (9) and (10).

<sup>303</sup> The Constitution, section 28(1).

<sup>304</sup> The Constitution, section 28(4).

<sup>305</sup> The Constitution, section 28(2).

<ul style="list-style-type: none"> <li>develop and maintain a database on disaster related information including climate change and other new and emerging threats and ensure access to the database by stakeholders including special vulnerable areas declared.</li> </ul>	
<p><b>Are there incentives for compliance with laws and regulations for DRM (i) DRR and (ii) Response and Preparedness, and Recovery?</b></p> <p>From the research conducted, there do not appear to be incentives for compliance with laws and regulations for DRM, DRR, Response and Preparedness, and Recovery.</p>	
<p><b>Does the law provide liability protections to governments, National Societies, civil society organisations, disaster rescue and relief personnel (including volunteers)?</b></p> <p>The DRM Act provides protection to international humanitarian personnel through section 30(9) where it states that humanitarian personnel shall not be liable for any acts done in good faith during his or her performance of assistance.<sup>306</sup> Similarly, the DRM Act provides protection to volunteers where it provides that a volunteer who exercises the duties assigned to him or her in good faith shall not be liable for injury to persons or loss to property caused because of those duties.<sup>307</sup></p> <p>In addition, section 47 provides that the Minister, member of a committee, the administrator of a district, or a person in the service of the Government, a volunteer, or any other person who exercises a power or performs a function under the DRM Act, is not liable for any loss or damage to property or loss of life, caused by anything performed in good faith in accordance with the provisions of the DRM Act.<sup>308</sup></p> <p>Furthermore, section 41(1) provides that legal proceedings shall not lie against a person in respect of an act done or intended to be done in good faith in performance of his or her power, duties, or obligations under the DRM Act.<sup>309</sup></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>
<p><b>Are mechanisms in place to prevent unlawful diversion, misappropriation, or fraud concerning disaster relief operations?</b></p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p>

<sup>306</sup> DRM Act, section 30(9).

<sup>307</sup> DRM Act, section 33(8).

<sup>308</sup> DRM Act, section 47.

<sup>309</sup> DRM Act, section 41(1).

<p>The DRM Act provides for the NDRMF. In terms of section 32(1), the Division is to maintain proper accounts and other relevant records of the NDRMF and prepare statement of accounts in the form and manner approved by the Auditor.<sup>310</sup> Section 32(3) provides that where the statement of accounts of the Fund in respect of a financial year have been audited, the Division must after 3 months of the financial year end, provide the statement together with any report by the Auditor General on the statement of accounts or on the accounts of the fund to the Minister who shall cause it to be tabled in the National Assembly.<sup>311</sup></p> <p>Furthermore, section 41(2) provides that public officers appointed under the DRM Act are deemed to be employed in the public service and therefore sections 91 to 96 of the Penal Code shall apply to them.<sup>312</sup></p> <p>The NIEMP provides that ministries, departments, agencies, and organisations having a role under the NIEMP, must prepare terms of reference and standard operating procedures that apply to multiple agencies and include processes for accountability and reporting provisions to minimize the potential for losses and misappropriation of resources and funds during disaster operations.<sup>313</sup></p>	<p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>
<b>Public Health Emergencies</b>	
<p><b>What are the main laws, policies and plans which govern preparedness and response to public health emergencies?</b></p> <p>The main laws and plans governing public health emergencies (PHEs) in the Seychelles are:</p> <ul style="list-style-type: none"> <li>• the Seychelles Public Health Act 13 of 2015 (PH Act);</li> <li>• the Public Health Authority Act 7 of 2013;</li> <li>• the Seychelles Strategy for the Prevention and control of Non-Communicable Diseases, 2016-2025;</li> <li>• the NIEMP; and</li> <li>• the DRM Act.</li> </ul>	<p><a href="#">The Seychelles Public Health Authority Act of 2013</a></p> <p><a href="#">The Seychelles Strategy for the Prevention and Control of Non-communicable Diseases 2016-2025</a></p> <p><a href="#">Seychelles Public Health Act of 2015</a></p> <p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>

<sup>310</sup> DRM Act, section 32(1).

<sup>311</sup> DRM Act, section 32(3).

<sup>312</sup> DRM Act, section 41(2).

<sup>313</sup> NIEMP, page 38 -39.

	<a href="#">The Seychelles Disaster Risk Management Act of 2014</a>
<p><b>Which government and non-government actors do laws, policies and plans identify as responsible for responding to public health emergencies? Please list each relevant actor and describe their roles and responsibilities.</b></p> <p>In terms of the PH Act, a health care provider or medical practitioner, pharmacist, veterinarian, or livestock owner have reporting obligations relating to indications of the existence of a PHE.<sup>314</sup> The Public Health Commissioner will, based on the information available, determine that a PHE exists and declare the existence of the PHE by providing notice to the public in such a manner as the Commissioner deems necessary and in the Gazette.<sup>315</sup> The Minister also has the power to issue regulations concerning the notification, prevention and control of a disease in terms of section 26 and 64.</p> <p>Additional actors identified by laws, policies and plans as responsible for responding to PHE's are:</p> <ul style="list-style-type: none"> <li>• the health care agency;</li> <li>• the public health authority;</li> <li>• RCSS;</li> <li>• the National Biosecurity Agency; and</li> <li>• the Seychelles Police Force.<sup>316</sup></li> </ul> <p>The NIEMP provides the functional tasks for Epidemiological Surveillance under the area of Health. This functional area describes how medical assistance will be coordinated in response to public health and medical care needs following a major disaster or emergency, or during a developing potential medical situation.<sup>317</sup></p> <p>With respect to Epidemiological Surveillance, the purpose is to determine the epidemiological pattern and care by timely detecting outbreaks, to safeguard the health of survivors. It includes the identification, collection, collation, analysis, and interpretation of data to take timely and robust action. It also includes the timely dissemination of the resulting information to those who need to know for effective and appropriate action.<sup>318</sup> The lead agency responsible for this task is the Public</p>	<p><a href="#">Seychelles Public Health Act of 2015</a></p> <p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p> <p><a href="#">Seychelles Public Health Act of 2015</a></p>

<sup>314</sup> PH Act, section 25(1)-25(3).

<sup>315</sup> PH Act, section 25(5).

<sup>316</sup> NIEMP, page 44.

<sup>317</sup> NIEMP, page 44.

<sup>318</sup> NIEMP, page 44.

<p>Health Authority. The supporting agencies are the Health Care Agency, National Biosecurity Agency, Seychelles Police Force and the Department of Tourism.<sup>319</sup></p>	
<p><b>Is there a coordination mechanism for the actors that are involved in responding to public health emergencies? If so, which actors are included in the coordination mechanism? Who has overall command and control for the response?</b></p> <p>The declaration of PHE's, as described above, is the responsibility of the Commissioner is responsible for declaration of a PHE and providing notice to the public. Hence the Commissioner appears to have overall command and control.</p> <p>From the research conducted laws and plans do not appear to specify how coordination is conducted between the actors that are involved in responding to public health emergencies.</p>	<p><a href="#">Seychelles Public Health Act of 2015</a></p>
<p><b>Are public health emergencies governed by the same legal and institutional framework as other types of disasters (e.g. floods, storms)? That is, are they regulated by the same laws and managed by the same actors?</b></p> <p>No, the PH Act is a separate document from the DRM Act. Therefore, PHE's are not governed by the same laws nor are they managed by the same actors.</p>	<p><a href="#">Seychelles Public Health Act of 2015</a></p>
<p><b>If public health emergencies are governed by a separate, specialised legal and institutional framework, are there any linkages between that framework and the framework for other types of disasters?</b></p> <p>The only explicit linkages between PHE management and DRM more generally is created through section 15 of the DRM Act, which obliges every government institution to develop a DRM plan, which includes a plan developed by the ministry responsible for health for safeguarding against epidemics.</p> <p>In addition, it is noteworthy that representatives from the Ministry of Health are included on the National Committee and the VAC in terms of the DRM Act.</p> <p>The NIEMP also recognizes some linkages, as set out above.</p>	<p><a href="#">The Seychelles Disaster Risk Management Act of 2014</a></p> <p><a href="#">Seychelles National Integrated Emergency Plan of 2019</a></p>

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<sup>319</sup> NIEMP, page 44.