

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

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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 Republic of the Niger as provided in law, policy and agreements.

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

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

This document is the result of a desktop review of information publicly available. This document was prepared by Candela Navarro Casquete, under the supervision of Jeanique Serradinho and Stella Ngugi. The information is up to date as at 31 March 2022.

Note: In general, it is difficult to locate and determine the currency of Nigerien laws and policies online, and therefore this mapping may be incomplete. While every effort was taken to ensure that the information contained herein is as accurate as possible, gaps or discrepancies may remain. IFRC Disaster Law would be grateful for any feedback or corrections relating to the contents of this document.

The IFRC gratefully acknowledges all stakeholders who have given generously of their time and experience.

**1. Institutional Roles and Responsibilities**

**DRM Specific Legislation**

**Is the approach of the relevant DRM law well-tailored to your country’s natural hazards risk profile and disaster risk governance capacity, and are principles and priorities that guide your country’s approach to preparedness and response; risk reduction and recovery set out?**

The main legislative document for disaster risk management (DRM) in the Republic of the Niger (Niger) is Law n° 2017/006, establishing the fundamental principles of the organization of civil protection in the country. It provides in article 3 that civil protection aims to prevent risks of all kinds, to inform and alert populations as well as to protect people, property and the environment against accidents and disasters through preparation and the implementation of appropriate measures and means.<sup>1</sup> This law further stipulates that the organization of disaster relief in each region and in each department is carried out through a Relief Organization Plan (ORSEC plan).<sup>2</sup>

ORSEC plans organize the mobilization, implementation and coordination of actions of all public or private persons contributing to the general protection of populations and the environment.<sup>3</sup> ORSEC plans consist of an inventory and analysis of the risks and potential effects of threats of all kinds for the safety of people, property and the environment; an operational mechanism responding to this analysis and which continuously organizes the reaction of the public authorities to the event; and the modalities of preparation and training of all public and private persons for their civil protection roles and responsibilities.<sup>4</sup> The general provisions of the ORSEC operational mechanism at departmental level also define, among others, the conditions for the implementation of international agreements on operational cooperation.<sup>5</sup>

In 2013, the National Strategy for Disaster Risk Reduction (SNRRC) was developed, in line with the Hyogo Framework for Action (HFA), with the overall objective to contribute to the sustainable protection of the Nigerien population from disasters and to guarantee them the conditions for full participation in national production and improvement of their income.<sup>6</sup> The SNRRC highlights that, in Niger, the frequency of disasters triggered by natural hazards, the number of people affected and economic losses have been increasing in recent years.<sup>7</sup> Hydro-meteorological hazards (drought, floods, strong winds), erosions in various forms and bush fires are predominant.<sup>8</sup> It should be noted that during these episodes of droughts, the Government mobilized to provide emergency relief to the affected populations, supported by aid from multilateral and bilateral development partners and non-governmental organizations, both national and international.<sup>9</sup>

[Law 2017/006, Determining the Fundamental Principles of the Organization of Civil Protection](#)

[Decree 2017-876, Conditions of Elaboration of ORSEC plans](#)

[National Strategy for Disaster Risk Reduction 2013](#)

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<sup>1</sup> Law n° 2017/006, Determining the Fundamental Principles of the Organization of Civil Protection, article 3.

<sup>2</sup> Law n° 2017/006, article 18.

<sup>3</sup> Decree n° 2017-876, Conditions of Elaboration of ORSEC Plans, article 2.

<sup>4</sup> Decree n° 2017-876, article 3.

<sup>5</sup> Decree n° 2017-876, article 10.

<sup>6</sup> National Strategy for Disaster Risk Reduction (SNRRC) 2013, section 4.1.

<sup>7</sup> SNRRC 2013, section 1.

<sup>8</sup> SNRRC 2013, section 1.

<sup>9</sup> SNRRC 2013, section 1.

<p>In 2018, the Ministry of Humanitarian Action and Disaster Management developed a preliminary draft of a National Policy on Humanitarian Action and Disaster Management (the Draft Policy), in line with international and regional frameworks for DRM. It is not clear whether this policy has been adopted. The vision of the Draft Policy is to achieve responsible governance and effective management of humanitarian action (HA), substantially reducing the impact of crises and catastrophes on the lives of populations and their means of subsistence as well as on the socio-economic infrastructures of the country.<sup>10</sup> Taking this into consideration, the general mission of the Draft Policy is to promote a framework for the prevention and mitigation of the suffering of populations at risk before, during and after the occurrence of an emergency situation and to meet the needs of affected populations.<sup>11</sup></p> <p>In addition, Niger is a member State of the Economic Community of West African States (ECOWAS). The ECOWAS Policy for Disaster Risk Reduction 2006 (the ECOWAS Policy for DRR), which aims to reduce vulnerability and build resilience of communities, provides in section 1.3, that one of its objectives is to provide an inter-governmental framework for collaboration and partnership for ECOWAS Member States in Disaster Risk Management.<sup>12</sup> The Policy also calls to attention the need for sub-regional information sharing on disasters.<sup>13</sup> Furthermore, section 2.2.5 highlights the major challenge of enhancing the capacity for sub-regional emergency response and contingency planning.<sup>14</sup> Under section 4.5 (Principles of the Policy), the importance of awareness of the need to utilize existing DRM capabilities, including ECOWAS supporting international capacities and efforts in disaster risk reduction and management and the promotion of partnerships between ECOWAS and the international community, are recognized.<sup>15</sup></p>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p> <p><a href="#">ECOWAS Policy for Disaster Risk Reduction 2006</a></p>
<p><b>Are links to relevant sectoral legislation set out?</b></p> <p>From the documents reviewed, the DRM law in Niger does not appear to set out links to relevant sectoral legislation.</p>	
<p><b>Are links with relevant climate change law/policies and institutions established?</b></p> <p>Climate change is a cross-cutting issue addressed across various documents that comprise the DRM framework in Niger, including the SNRRC, the Draft Policy and Law n° 2017/006. In terms of links with climate change policies, the SNRRC refers to the National</p>	<p><a href="#">National Strategy for Disaster Risk Reduction 2013</a></p>

<sup>10</sup> Draft National Policy on Humanitarian Action and Disaster Management (Draft Policy) 2018, page 30.

<sup>11</sup> Draft Policy 2018, page 30.

<sup>12</sup> ECOWAS Policy for Disaster Risk Reduction 2006, section 1.3.

<sup>13</sup> ECOWAS Policy for DRR 2006, page 16.

<sup>14</sup> ECOWAS Policy for DRR 2006, section 2.2.5.

<sup>15</sup> ECOWAS Policy for DRR 2006, section 4.5.

<p>Action Programme for Adaptation to Climate Change (PANA). More specifically, under Strategic Axis 5, which aims to strengthen disaster response preparedness for effective response at all levels, it includes the implementation of priority projects defined in the PANA.<sup>16</sup></p>	
<p><b>What constitutes a “disaster” under the DRM Law?</b></p> <p>Under Law n° 2017/006, a disaster constitutes a “serious disruption in the functioning of a community or society involving significant human, material, economic or environmental impacts and losses that the affected community or society cannot overcome with its own resources”.<sup>17</sup></p> <p><b>How does the definition sit with international standards?</b></p> <p>In terms of international standards drawn from the United Nations Office for Disaster Risk Reduction (UNDRR), “disaster” is defined as “a serious disruption of the functioning 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>18</sup> Therefore, the definition of “disaster” provided in the Nigerien DRM framework sits in line with international standards in terms of damage and disruption at the social, economic and environmental level.</p> <p><b>Who is mandated on different types of hazards – tech/oil spills?</b></p> <p>The SNRRC highlights that DRM must involve a multisectoral and multi-actor approach. It therefore involves a variety of actors whose functions are complementary and useful in achieving results.<sup>19</sup> However, it is not clearly outlined who is mandated on each type of hazard.</p> <p><b>Is there flexibility in the definition to allow to adapt changing circumstances / different hazards (ie technological/ oil spill)</b></p> <p>The definition of “hazard” provided above allows for adaptability to changing circumstances and different types of hazards as it includes natural phenomena but also human-made hazards.</p>	<p><a href="#">Law 2017/006, Determining the Fundamental Principles of the Organization of Civil Protection</a></p>

<sup>16</sup> SNRRC 2013, section 24.

<sup>17</sup> Law n° 2017/006, article 1.

<sup>18</sup> UNDRR Terminology, [online glossary] Available in: <https://www.undrr.org/terminology>

<sup>19</sup> SNRRC 2013, section 29.

Roles and responsibilities	
<b>Do your laws establish clear roles and responsibilities for all aspects of DRM from national to local level?</b>	
<p>Law n° 2017/006 provides in article 4 that the State ensures civil protection.<sup>20</sup> As such, at the national level, the State coordinates the means of civil protection and continuously assesses the state of risk preparedness and ensures the implementation of information and alert measures for the population.<sup>21</sup> Furthermore, each municipality or town establishes a joint or inter-municipal safeguard plan.<sup>22</sup> The municipal or inter-municipal safeguard plan brings together all the documents of municipal competence contributing to preventive information and the protection of the population.<sup>23</sup></p> <p>As per article 10, civil protection missions are carried out by the firefighters, the soldiers of the units which are permanently invested with them as well as the personnel of State services. The soldiers of the armies, the National Gendarmerie and the National Guard of Niger, as well as the officials of the National Police, Water and Forests, Customs, and the agents of the State, local authorities and public or private establishments and bodies called upon to exercise missions relating to the protection of populations, and members of associations working in the field of civil protection.<sup>24</sup></p> <p>In terms of institutional arrangements more generally, the Draft Policy defines the institutional framework for DRM in Niger, providing that a number of structures play a role in DRM, namely:</p> <ul style="list-style-type: none"> <li>• the State, through the Ministry of Humanitarian Action and Disaster Management;</li> <li>• the National Food Crisis Prevention and Management System (DNPGCCA);</li> <li>• the Early Warning System Coordination Unit (CC / SAP);</li> <li>• the Food Crisis Unit (CCA);</li> <li>• the Social Safety Net Unit (CFS);</li> <li>• the system at regional, departmental and municipal level;</li> <li>• the General Directorate of Civil Protection (GDPCP);</li> <li>• technical and financial partners;</li> </ul>	<p><a href="#">Law 2017/006, Determining the Fundamental Principles of the Organization of Civil Protection</a></p> <p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p>

<sup>20</sup> Law n° 2017/006, article 4.

<sup>21</sup> Law n° 2017/006, article 4.

<sup>22</sup> Law n° 2017/006, article 15.

<sup>23</sup> Law n° 2017/006, article 15.

<sup>24</sup> Law n° 2017/006, article 10.

<ul style="list-style-type: none"> <li>• national and international NGOs;</li> <li>• local authorities;</li> <li>• civil society organizations; and</li> <li>• the private sector.<sup>25</sup></li> </ul> <p>The Directorate General of Civil Protection, created through Order n° 00669/MI/SP/D/ACR in 2016, is responsible for, among others, organizing and coordinating the operational management of emergency or disaster situations throughout the national territory; participating in international humanitarian assistance on instructions from the state authority; and developing technical cooperation with partner countries.<sup>26</sup> The Head of the GDCP, the Director, relies on an Operational Center for Alert and Crisis Management (COVACC)<sup>27</sup> – which is a surveillance and information management entity –,<sup>28</sup> responding at any time to requests for expertise or support formulated in particular by regional, departmental and municipal authorities.<sup>29</sup> Also, he implements national assistance and relief measures for populations, for the benefit of regions affected by natural or man-made and / or intentional disasters. In the event of an event affecting a risk basin covering neighboring countries, the General Director is responsible for coordinating assistance and relief operations with other countries in the sub-region.<sup>30</sup></p>	<p><a href="#">Order n° 00607, Establishing the Missions, Organization and Functioning of COVACC</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>In Niger, there is a National Platform for Disaster Risk Prevention and Reduction (PFN/PRRC), created through Presidential Order n° 0030/PM of 2012, placed under the supervision of the Office of the Prime Minister, and defined as a mechanism for coordination, analysis and advice on disaster risk reduction (DRR). Presidential Order n° 0030/PM of 2012 was not available for review.</p>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p>

<sup>25</sup> Draft Policy 2018, page 15-16.

<sup>26</sup> Ministry of Interior and Decentralization, General Directorate of Civil Protection, [online] Available in: [http://www.protectioncivile.ne/?page\\_id=665](http://www.protectioncivile.ne/?page_id=665)

<sup>27</sup> Order n° 00607, Establishing the Missions, Organization and Functioning of COVACC, article 25.

<sup>28</sup> Order n° 00607, article 2. Unfortunately this document was not available for review.

<sup>29</sup> Order n° 00607, article 25.

<sup>30</sup> Order n° 00607, article 25.

<p>The mission of the PFN is to coordinate DRR and prevention activities at the national level.<sup>31</sup> Relevant ministries that are part of the PFN include the Ministry of Humanitarian Action and Disaster Management (MAH/GC), Ministry of Health, the Ministry of Agriculture and Livestock, the Ministry of Environment and Sustainable Development, the Ministry of Domains and Housing, and the Ministry of Transport.<sup>32</sup> However, the documents available for review do not appear to clearly define the functioning of the PFN/PRRC, including its institutional arrangements and modus operandi.</p> <p>Although the PRRC facilitates inter-ministerial coordination, the MAH/GC also appears to have a strategic role, as it is responsible for developing DRM/HA policies, plans, strategies, programmes, budgets, and ensuring national and local coordination.<sup>33</sup></p> <p><b>How does this committee function in preparedness, response, DRR and recovery?</b></p> <p>The functions of the PFN/PRRC in preparedness, response, DRR and recovery appear to be attributed to each ministry outlined above respectively of their mandate and area of action. However, as stated above, it appears to be a coordination mechanism focused on prevention and DRR rather than response and recovery.</p>	
<p><b>Does the national committee include membership from key agencies outside government (humanitarian, development, private, scientific etc)?</b></p> <p>Although membership of agencies outside government in the PFN/PRRC is not clearly provided, the Draft Policy acknowledges the key role of non-government actors in DRM.<sup>34</sup> More specifically, the Draft Policy provides recommendations to reinforce the involvement of the private sector in DRM, in line with international standards established by the Sendai Framework.<sup>35</sup> Furthermore, it states that, the Nigerien Government endorses, within the framework of this Draft Policy, the conclusions of the Global Humanitarian Aid Mechanism, of July 2006, to reunite the three families of the humanitarian community - NGOs, the Red Cross / Crescent movement, and the United Nations and Associated International Organizations - with the aim of improving the effectiveness of humanitarian action.<sup>36</sup></p>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p>

<sup>31</sup> Draft Policy 2018, page 18.

<sup>32</sup> Draft Policy 2018, page 20-22.

<sup>33</sup> Draft Policy 2018, page 19-20.

<sup>34</sup> Draft Policy 2018, page 23.

<sup>35</sup> Draft Policy 2018, page 23.

<sup>36</sup> Draft Policy 2018, page 31.

<p>NGOs, it states, have a key role to play in the implementation of the Draft Policy. In partnership with the technical ministries and the ministry in charge of humanitarian action, NGOs and associations active in the field will be involved in the execution of the Draft Policy, either in the form of a direct collaboration protocol, or through direct interventions controlled by the state structures responsible for the field.<sup>37</sup></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 laws reviewed do not appear to establish linkages between scientific, meteorological and hydrological institutions and DRM agencies. However, Strategic Axis n° 2 of the SNRRC is focused on identifying, assessing and monitoring disaster risks and strengthen early warning systems (EWS).<sup>38</sup> One of the actions to be taken within this area is to provide human, logistical and financial resources to specialised bodies, such as the national system for the prevention and management of disasters and food crises (DNPGCCA) and the National Meteorological Directorate (DRMN).<sup>39</sup></p>	<p><a href="#">National Strategy for Disaster Risk Reduction 2013</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 national focal point Ministry for DRM in Niger appears to be the MAH/GC.<sup>40</sup> It is responsible for the following tasks:</p> <ul style="list-style-type: none"> <li>• developing humanitarian and DRM policy;</li> <li>• developing an action plan for the implementation of humanitarian policy and DRM;</li> <li>• monitoring and evaluating the humanitarian policy implementation plan and DRM;</li> <li>• anticipating the onset of disasters, whether they be floods or the influx of refugees, internally displaced persons or refouled persons;</li> <li>• coordinating responses at the national level in relation to the Ministries and structures concerned by developing contingency plans and subsequent action plans;</li> <li>• preparing programs and budgets to support humanitarian and DRM actions;</li> </ul>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p>

<sup>37</sup> Draft Policy 2018, page 38.

<sup>38</sup> SNRRC 2013, page 6.

<sup>39</sup> SNRRC 2013, page 7.

<sup>40</sup> Draft Policy 2018, page 19-20.



- ensuring intersectoral coordination with national institutions (Ministries, regions and sub-regions) and structures concerned by HA/DRM;
- maintaining relations with international institutions, multilateral and bilateral cooperation, non-governmental organizations active in preliminary responses;
- carrying out all surveys and assessments in order to diagnose humanitarian emergencies and disasters, assessing needs and providing preliminary responses;
- mobilizing partners (advocacy) and the necessary resources to deal with disasters;
- creating and maintaining the synergy of actions between projects and programs intervening in the areas of anticipation, assessment and responses to humanitarian crises and disasters;
- developing and implementing support projects for the reception and reintegration of refouled and returnees, internally displaced persons and host populations;
- developing a government communication strategy in the field of HA/DRM;
- managing the Ministers concerned the camps of refugees and displaced persons on the national territory;
- ensuring a lasting solution to the flooding problems with the other ministers concerned by helping to make effective the ban on building in flood-prone and unbuildable areas; and
- managing humanitarian situations following fires and bush fires.<sup>41</sup>

In addition, in terms of article 17 of Law 2017/006, in the event of an accident, or disaster, the Ministry of Interior, Public Security, Decentralization and Customary and Religious Affairs, which is the ministry in charge of civil protection in Niger, coordinates the implementation of the resources of the State, local authorities and public establishments. It mobilizes the private resources necessary for relief and allocates them to the authority responsible for directing relief operations. It has an Operational Center for Alert and Crisis Management (COVACC) which has the role of supervising the permanent monitoring and surveillance of the emergency structures in Niger to anticipate the commitment of resources and help in decision-making during crisis situations.<sup>42</sup>

The General Directorate of Civil Protection also plays an important role. Under the authority of the Minister in charge of Civil Protection (the Minister of Interior, Public Security, Decentralization and Customary and Religious Affairs), the General Directorate directs, organizes, coordinates, and controls all civil protection services as well as their activities throughout the national territory.

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<sup>41</sup> Draft Policy 2018, page 19-20.

<sup>42</sup> Law n° 2017/006, article 17.

<p>It is responsible for developing synergies with all national, international, governmental, and non-governmental actors in the prevention and management of disasters. It participates in the development of national policies and strategies for disaster risk reduction and post-disaster recovery. As stated above, Head of the GDPC, the Director, relies on COVACC to respond to disasters.<sup>43</sup></p> <p>The GDPC was originally established by Decree 84-134 as the Directorate of Civil Protection. It was then established as the GDPC under the terms of Decree 2001 251/PRN and has undergone successive transformations to respond to current challenges. Its modernization is enshrined in Decree 2016-344/PRN, organizing the Ministry of the Interior, Public Security, and the Decentralization of Customary and Religious Affairs. The current organization of the GDPC is set by Order 2016-0699/MI/SP/D/ACR, on the organization of the central administration services of the Ministry of the Interior, Public Security, of the Decentralization of Customary and Religious Affairs.<sup>44</sup></p> <p>The relationship between the different entities (MAH/GC, the Ministry of Interior and Religious Affairs, the DGCP and COVACC), and how they operate and cooperate in practice, is not clear from a reading of the law alone.</p>	
<p><b>Apply the same questions above to subnational committees (inter-ministerial and cross sectorial committees, including membership outside government).</b></p> <p>The Draft Policy states that to their proximity to the populations, the local authorities, in particular the municipalities, are privileged actors in the relief and assistance to the populations, and that humanitarian action consultation frameworks have been put in place at the regional, departmental and municipal levels.<sup>45</sup> At the departmental level, the Sub-Regional Humanitarian Action Committee is the local executive, chaired by the Prefect of the department responsible for Humanitarian Action and Disaster Management. It brings together the humanitarian actors/partners of the Department and the Prefect, the Communities as well as the relevant decentralized services of the Department to lead, guide and evaluate humanitarian aid.<sup>46</sup> At the municipal level, the Municipal Services for Humanitarian Action and Disaster Management comprise all humanitarian actors/partners of the Municipality and the Prefect, as well as the relevant decentralized services of the Municipality to lead, guide and evaluate humanitarian aid.<sup>47</sup> However, no specifications are provided about membership of the sub-regional and municipal services.</p>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p>

<sup>43</sup> Order n° 00607, article 25.

<sup>44</sup> Ministry of Interior and Decentralization, General Directorate of Civil Protection, [online] Available in: [http://www.protectioncivile.ne/?page\\_id=665](http://www.protectioncivile.ne/?page_id=665)

<sup>45</sup> Draft Policy 2018, page 36.

<sup>46</sup> Draft Policy 2018, page 36.

<sup>47</sup> Draft Policy 2018, page 36.

<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>There is limited information available in this regard. However, the Draft Policy states that the Sub-Regional Humanitarian Action Committee aims to strengthen coordination and relations between representatives of the humanitarian community at the departmental level and members of the departmental authority and deconcentrated state services. Its reports will be sent to the regional coordinator for consolidation and appropriate follow-up.<sup>48</sup> The Municipal Services for Humanitarian Action and Disaster Management aim to strengthen coordination and relations between representatives of the humanitarian community at the municipal level and members of the municipal executive and decentralized state services. Its reports will be sent to the Prefect in charge of coordination for consolidation and appropriate monitoring.<sup>49</sup></p>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p>
<p><b>Are national /subnational institutions consistently assigned clear responsibilities and authorities to carry out their mandate?</b></p> <p>Provision is made for the establishment of Regional and Departmental Operations Coordination Centers. The Regional Operations Coordination Centers (CCO) are decentralized operational centers, responsible for regional coordination of the operational management of emergency and disaster situations and the systematic reporting of information to the COVACC and local authorities.<sup>50</sup> The CCO coordinate the Departmental Operational Centers (COD) which are responsible for conducting crisis operations at the departmental level. The COD also manage the Departmental Disaster Assessment Units (CDEC).<sup>51</sup></p>	<p><a href="#">Order n° 00607, Establishing the Missions, Organization and Functioning of COVACC</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>Limited information could be located online relating to the specific responsibilities of civilian and military actors in disaster response. From the documents reviewed, laws and policies in Niger do not appear to contain provisions on these specific actors.</p>	
<p><b>Funding</b></p>	
<p><b>How does the law allocate funding distribution between risk reduction, preparedness and response?</b></p>	

<sup>48</sup> Draft Policy 2018, page 36.  
<sup>49</sup> Draft Policy 2018, page 36.  
<sup>50</sup> Order n° 00607, article 3.  
<sup>51</sup> Order n° 00607, article 4.

<p>Limited information could be located online relating to emergency funding. From the documents reviewed, laws in Niger do not contain provisions that establish an emergency fund or procedures for fund allocation and distribution between the different phases of DRM.</p> <p>Law n° 2017/006 does, however, establish in article 16 that civil protection services benefit, at the expense of the National Budget, from operating resources, investments and emergency funds.<sup>52</sup> The operating methods of this emergency fund are determined by decree issued by the Council of Ministers.<sup>53</sup> The local authorities participate, in accordance with the provisions of the General Code of Territorial Collectivities, in the expenses of the decentralized civil protection services.<sup>54</sup> Public or private establishments and other private operators contribute, depending on the circumstances, to the support of civil protection activities.<sup>55</sup></p> <p>It is not clear whether a general DRM emergency fund has been established as the Draft Policy outlines the various strengths and weaknesses of the humanitarian system in the country, and, among the weaknesses, it includes the lack of a fund dedicated to disaster prevention and management.<sup>56</sup> This, it states, makes funding for the sector uncertain, which limits synergy between stakeholders and, indeed, due to a lack of available and sustainable funding, some consultation frameworks fail to function.<sup>57</sup> However, the SNRRC highlights that the DNPGCCA has an emergency fund used for crisis mitigation actions relating to food security, which constitute the first level of intervention in the event of a localized food and/or nutritional crisis and which must serve as a relay for development operations.<sup>58</sup> The idea is to allocate additional financial resources to this Emergency Fund to support DRR activities.<sup>59</sup> The existence of other emergency funds related to DRM in Niger therefore could not be confirmed.</p>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p> <p><a href="#">National Strategy for Disaster Risk Reduction 2013</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> <p>As stated above, laws in Niger do not appear to establish mechanisms to ensure dedicated funding for DRM. However, the SNRRC provides a framework for the establishment and implementation of such financial mechanisms. It highlights that there are many ongoing programs and projects that contribute to DRR and therefore an inventory and mapping of these interventions should be</p>	<p><a href="#">National Strategy for Disaster Risk Reduction 2013</a></p>

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52 Law n° 2017/006, article 16.  
53 Law n° 2017/006, article 16.  
54 Law n° 2017/006, article 16.  
55 Law n° 2017/006, article 16.  
56 Draft Policy 2018, page 25.  
57 Draft Policy 2018, page 25.  
58 SNRRC 2013, page 6.  
59 SNRRC 2013, page 6.

<p>established.<sup>60</sup> It notes that the implementation of the SNRRC will require the mobilization of substantial financial resources and appropriate actions must be taken to achieve this.<sup>61</sup> Funding for the actions to be promoted will come from different sources, in particular: national and local budgets, contribution of local communities, bilateral and multilateral partnerships, international foundations, NGO networks and the private sector.<sup>62</sup></p> <p><b>Are financial reserves and/or insurance coverage in place?</b></p> <p>Limited information could be located online relating to financial reserves for DRM. From the documents reviewed, laws and policies in Niger do not appear to contain provisions that establish financial reserves and insurance coverage mechanisms.</p>	
<p><b>Are adequate resources for DRR allocated, through mechanisms such as development plans earmarking percentages in annual budgets; dedicated budget lines and does the law set mechanisms for funding for early action based on forecasts (not impact)?</b></p> <p>There is little information on funding for DRR and early action specifically and, from the documents reviewed, the law does not appear to establish specific mechanisms for such funding. In fact, the SNRRC states that the proposal to expand the DNPGCCA's Emergency Fund to DRR should be accompanied by an advocacy campaign to ensure that the fund is reformed as soon as possible.<sup>63</sup> This proposal includes the allocation of 5% of the national budget and 3% of the local government budget to fund DRR activities, and advocating with Technical Financial Partners (PTFs) and the private sector for fundraising.<sup>64</sup></p>	<p><a href="#">National Strategy for Disaster Risk Reduction 2013</a></p>
<p><b>Are resources allocated to enable sub-national authorities and civil society/communities to fulfil their responsibilities?</b></p> <p>Aside from what has been set out above, no provisions appear to be established in terms of fund allocation for sub-national authorities and civil society/communities. However, Strategic Axis n° 5 of the SNRRC focuses on strengthening disaster preparedness for effective response at all levels.<sup>65</sup> More specifically, in order to strengthen the general, technical and institutional policy capacities for DRM at the national, regional, departmental, municipal and community levels, it suggests to undertake capacity assessments of disaster preparedness and response mechanisms and designate an institution for the implementation of the resulting recommendations, including the allocation of related financial resources; and identifying and mobilizing key actors</p>	<p><a href="#">National Strategy for Disaster Risk Reduction 2013</a></p>

<sup>60</sup> SNRRC 2013, page 28.

<sup>61</sup> SNRRC 2013, page 28.

<sup>62</sup> SNRRC 2013, page 28.

<sup>63</sup> SNRRC 2013, page 28.

<sup>64</sup> SNRRC 2013, page 17.

<sup>65</sup> SNRRC 2013, page 11.

for the implementation of the preparation and the response at the national, regional, departmental, municipal and community levels. <sup>66</sup>	
<p><b>Is disaster insurance and/or risk finance mechanisms available?</b></p> <p>No information could be located on this topic in from the documents reviewed online.</p>	
<p><b>Are funding mechanisms for recovery mandated?</b></p> <p>From the documents reviewed, laws and policies do not appear to specify whether funding mechanisms for recovery are mandated in Niger.</p>	
<b>2. 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>Various sectoral laws and policies which contain provisions related to DRR have been found. These documents include mainly environmental management laws, urban planning and infrastructure laws, and national adaptation plans. Some sectoral laws will be presented in further detail below.</p>	
<p><b>Are there provisions related to DRR in the DRM Law?</b></p> <p>Law n° 2017/006 provides a definition of the term “DRR”, stating that it is a concept and practice undertaken through efforts to analyse and manage the risk causes, including reduction of exposure to risks, which reduces the vulnerability of people and assets, rational management of land and environment and improved preparedness for adverse events.<sup>67</sup> As per article 3, civil protection aims to prevent risks of all kinds, to inform and alert populations as well as to protect people, property and the environment against accidents and disasters through preparation and the implementation of appropriate measures and means.<sup>68</sup> Thus, civil protection focuses on DRR by anticipating risks and by combining the concern for prevention and that of intervention.<sup>69</sup> It also</p>	<p><a href="#">Law 2017/006, Determining the Fundamental Principles of the Organization of Civil Protection</a></p>

<sup>66</sup> SNRRC 2013, page 11-12.  
<sup>67</sup> Law n° 2017/006, article 1.  
<sup>68</sup> Law n° 2017/006, article 3.  
<sup>69</sup> Law n° 2017/006, article 6.

<p>confirms the place of the citizen at the heart of civil security by counting on his behaviour, his responsibility, his preparation to face the risks and threats by an effective knowledge of the danger and the instructions of prevention and protection.<sup>70</sup></p>	
<p><b>Is there duplication or conflicting provisions between laws on DRR?</b></p> <p>In general, from the information accessible online, laws and policies in Niger appear to be aligned with each other in terms of DRR action. They reinforce (rather than contradict) each other's vision and strategic priorities for investment in DRR and its promotion and integration in sectoral laws and/or policies to build resilience. However, is highlighted in the Draft Policy that, considering that the Minister of Humanitarian action and Disaster Management is responsible for the design, development, implementation, monitoring and evaluation of national policies for humanitarian action and DRM, in accordance with the guidelines defined by the government, there is a duplication between the powers conferred to this ministry, and the national platform for DRR.<sup>71</sup></p>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p>
<p>Environment</p>	
<p><b>Are natural hazards and climate change risks addressed in laws related to the environment?</b></p> <p>Law n° 98-56, the framework law on environmental management, establishes the general legal framework and the fundamental principles for environmental management in Niger. Although this law does not explicitly mention climate change, Article 12 provides that the government formulates environmental policies and oversees their implementation.<sup>72</sup> To this end, it must in particular, initiate and coordinate the actions necessary to combat natural hazards and major disasters or any other environmental emergency.<sup>73</sup></p> <p>Furthermore, article 75 states that the Ministry of the Interior, in collaboration with the Ministries responsible for Industry, the Environment and the other administrations concerned, develops preventive rules in terms of technological and natural risks.<sup>74</sup> To this end, it ensures in particular:</p> <ul style="list-style-type: none"> <li>• the assessment of the risks of major accidents and the development of the general emergency response doctrine;</li> <li>• the development of emergency organization plans at the National, Regional and Departmental levels;</li> <li>• the establishment of emergency plans to deal with critical situations;</li> </ul>	<p><a href="#">Law n° 98-56, Framework law on environmental management</a></p>

<sup>70</sup> Law n° 2017/006, article 6.

<sup>71</sup> Draft Policy 2018, page 19.

<sup>72</sup> Law n° 98-56, Framework law on environmental management, article 12.

<sup>73</sup> Law n° 98-56, article 12.

<sup>74</sup> Law n° 98-56, article 75.

<ul style="list-style-type: none"> <li>the development of coordination plans aimed at ensuring the safety of persons, the evacuation and treatment of victims.<sup>75</sup></li> </ul>	
<p><b>Is DRR a criterion included in EIA for planned development?</b></p> <p>EIA requirements were introduced in Niger in 1998 through Law n° 98-56, which provides in article 60 that development plans, town planning plans and all other public or private development plans take into account the requirements of environmental protection, in particular with regard to the choice of the sites planned for the establishment of the zones of economic, residential and leisure activities.<sup>76</sup> Urban agglomerations must include land for recreational use and areas of green spaces in a harmonious proportion set by town planning documents and forestry legislation, taking into account in particular the areas available, the land use coefficient and the surface area of the residential population.<sup>77</sup> Article 61 establishes that building permits are issued with due regard to the presence of classified establishments and their possible impact on the environment.<sup>78</sup> They may be refused or subject to special requirements drawn up by the competent services of the Ministries responsible for the Environment and Urban Planning if the planned constructions are likely to harm the environment.<sup>79</sup></p> <p>In 2018, a Law n° 2018-28 was promulgated, determining the fundamental principles of environmental assessments in Niger, and an implementing decree was adopted in 2019, Decree n° 2019-027 which establishes the modalities of application of Law n° 2018-28. Law n° 2018-28 provides in terms of article 3 that policies, strategies, plans, programs, projects or any other activities, which, by the importance of their dimensions or their repercussions on the biophysical and human environments, can harm the latter are subject to the prior authorization of the Minister responsible for the environment.<sup>80</sup> As per article 10, the main environmental assessment tools are the following:</p> <ul style="list-style-type: none"> <li>Strategic Environmental Assessment (SEA);</li> <li>Environmental and Social Impact Assessment (ESIA); and</li> <li>Environmental and Social Audit (AES).<sup>81</sup></li> </ul>	<p><a href="#">Law n° 98-56, Framework law on environmental management</a></p> <p><a href="#">Law n° 2018-28, determining the fundamental principles of environmental assessments</a></p>

<sup>75</sup> Law n° 98-56, article 75.

<sup>76</sup> Law n° 98-56, article 60.

<sup>77</sup> Law n° 98-56, article 60.

<sup>78</sup> Law n° 98-56, article 61.

<sup>79</sup> Law n° 98-56, article 61.

<sup>80</sup> Law n° 2018-28, determining the fundamental principles of environmental assessments, article 3.

<sup>81</sup> Law n° 2018-28, article 10.



<p>ESIAs are defined in Decree n° 2019-027 as the set of administrative and technical procedures that allow the identification, examination and prior evaluation of the potential positive and negative impacts that an activity or a planned project may have on its environment of insertion and propose management measures the effects and impacts of the activity or project on the environment.<sup>82</sup> However, this law does not appear to contain any provisions on the inclusion of DRR in ESIA's.</p> <p>However, the SNRRC provides in Strategic Axis n° 4 the guidelines to reduce the underlying risk factors. Here, it states, disaster risks linked to changes in social, economic and environmental conditions and to changes in land use, and the impact of hazards linked to geological, meteorological, hydrological phenomena, variability and changes climate, are taken into account in sector development plans and programs as well as after disasters.<sup>83</sup></p>	<p><a href="#">Decree n° 2019-027, modalities of application of Law n° 2018-28</a></p> <p><a href="#">National Strategy for Disaster Risk Reduction 2013</a></p>
<p><b>Are eco- systems approaches to DRR adopted?</b></p> <p>Law n° 98-56 establishes in section 10 provisions to combat desertification and mitigate the effects of drought. For this, the State oversees the development and implementation of a National Action Program to Combat Desertification and Mitigate the Effects of Drought. This program aims in particular at the following objectives:</p> <ul style="list-style-type: none"> <li>• prevention and reduction of land degradation;</li> <li>• rehabilitation of partially degraded lands;</li> <li>• the restoration of desertified lands;</li> <li>• the strengthening of scientific capacities with a view to launching early warnings;</li> <li>• strengthening mechanisms for the prevention and management of drought situations; and</li> <li>• the establishment and strengthening of food security systems.<sup>84</sup></li> </ul> <p>As per article 88, the preservation of forests, pastoral ranges and pastures contribute to the fight against desertification.<sup>85</sup> It is everyone's duty to ensure their protection against all forms of pollution degradation or destruction resulting in particular from overexploitation, overgrazing, excessive clearing, fires, burning or the introduction of unsuitable species.<sup>86</sup> Therefore, fragile</p>	<p><a href="#">Law n° 98-56, Framework law on environmental management</a></p>

<sup>82</sup> Decree n° 2019-027, establishing the modalities of application of Law n° 2018-28, article 2.

<sup>83</sup> SNRRC 2013, page 10.

<sup>84</sup> Law n° 98-56, article 86.

<sup>85</sup> Law n° 98-56, article 88.

<sup>86</sup> Law n° 98-56, article 88.

<p>ecosystems are the subject of special restoration measures.<sup>87</sup> As such, the following are considered as ecosystems subject to restoration measures: the mountain slopes, the setting aside of which is recognized as essential; land covered with mobile sand dunes which threaten urban or rural settlements and socio-economic infrastructures; the sandy or unstable banks of streams and rivers; land where dangerous washouts and landslides occur.<sup>88</sup></p>	
<p>Natural Resource Management and Fire Control</p>	
<p><b>Are there provisions aimed at reducing the risk of water related hazards?</b></p> <p>Although laws and policies in Niger take into account the risks linked to different types of hazards (geological, meteorological and hydrological), limited information could be located online relating to detailed procedures or mechanisms aimed at reducing the risk of water-related hazards in DRM laws and policies.</p> <p>However, the environmental management law contains in section 2 provisions relating to the protection of water resources. Article 42 establishes that any use of water, creation, modification and use of hydraulic works must be designed within the framework of the hydrological and hydrogeological basin in order to cause the minimum disturbance to the hydrological cycle to the quantity and quality of waters.<sup>89</sup></p> <p>As per article 44, it is prohibited to deposit rubbish, household waste, stones, gravel, wood, industrial waste in the bed or on the edges of watercourses, lakes, ponds or lagoons and canals in the public domain.<sup>90</sup> Likewise, it is forbidden to let waste water flow into it.<sup>91</sup> This waste water must, in all cases, be treated when it leaves the establishments concerned so as to be rid of any substance that is toxic or harmful to public health, fauna or flora.<sup>92</sup> Any deposit, any spreading of solid or liquid materials constituting a cause of insalubrity, is prohibited.<sup>93</sup></p>	<p><a href="#">Law n° 98-56, Framework law on environmental management</a></p>

<sup>87</sup> Law n° 98-56, article 89.

<sup>88</sup> Law n° 98-56, article 89.

<sup>89</sup> Law n° 98-56, article 42.

<sup>90</sup> Law n° 98-56, article 44.

<sup>91</sup> Law n° 98-56, article 44.

<sup>92</sup> Law n° 98-56, article 44.

<sup>93</sup> Law n° 98-56, article 44.

<p>Lastly, article 47 provides that the administration may take, because of the danger which could result therefrom for public safety or health, any immediately enforceable measure in order to put an end to the disturbance caused by the spills or immersions of harmful substances.<sup>94</sup></p>	
<p><b>Is forest or urban fire prevention and management linked with DRM laws and institutions?</b></p> <p>Law n° 98-56 provides in terms of article 15 that a fund called the National Environment Fund is established, the purpose of which is to finance the National Environmental Policy.<sup>95</sup> The Fund's resources will be allocated, among others, to support programs to combat desertification, in particular reforestation operations, combating bush fires, improving farming techniques and using energy sources other than firewood.<sup>96</sup></p> <p>Law n° 2004-040, which establishes the forestry regime in Niger, contains in section 2 provisions to prevent bushfires.<sup>97</sup> Article 44 states that in order to preserve forests from fires, in favourable weather and season, the forest services, in collaboration with the local administrative authorities and with the help of users and residents of the forests, incinerate the pastures located at the edge of the forests and along the paths crossing said forests.<sup>98</sup></p> <p>However, none of the above-mentioned laws appear to contain any explicit links with DRM laws and institutions.</p>	<p><a href="#">Law n° 98-56, Framework law on environmental management</a></p> <p><a href="#">Law n° 2004-040, Forestry Regime</a></p>
<p>Land Use Planning and Urban Development and Building</p>	
<p><b>Is coordination with DRM institutions and mechanisms promoted?</b></p> <p>The Draft Policy highlights that extreme poverty, exacerbated by strong population growth, is causing the displacement of several populations to urban areas.<sup>99</sup> This situation has led to the rapid urbanization of cities with negative consequences (accidents, burning of precarious dwellings).<sup>100</sup> Access to basic socio-economic services such as education, health, drinking water, and local markets is now a central issue.<sup>101</sup> Poor hygiene and sanitation conditions and poor availability of drinking water, combined with</p>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p>

<sup>94</sup> Law n° 98-56, article 47.

<sup>95</sup> Law n° 98-56, article 15.

<sup>96</sup> Law n° 98-56, article 17.

<sup>97</sup> Law n° 2004-040, Forestry Regime, Section 2.

<sup>98</sup> Law n° 2004-040, Forestry Regime, article 44.

<sup>99</sup> Draft Policy 2018, page 11.

<sup>100</sup> Draft Policy 2018, page 11.

<sup>101</sup> Draft Policy 2018, page 11.

<p>the risk of flooding could increase the risk of certain epidemics, including cholera.<sup>102</sup> However, from the documents available for review, laws and policies in Niger do not appear to establish clear linkages or coordination mechanisms between land and urban planning and development actors and DRM institutions.</p>	
<p><b>Are incentives / legal sanctions established, where appropriate, in cases of non-compliance leading to unsafe buildings or developments?</b></p> <p>Law n° 2008/03 establishes legal sanctions for cases of non-compliance with the urban code. Article 33 provides that the violation of town planning rules and procedures is a cause of nullity of the operations undertaken.<sup>103</sup> The cancellation decision is taken after a report has been drawn up by the town planning services by order of the Minister responsible for town planning or by delegation, by order of the territorially competent State representative.<sup>104</sup> Article 34 determines the prison sentences and legal sanctions depending on the type of violation of the urban code.<sup>105</sup></p>	<p><a href="#">Law n° 2008/03, Orientation law on town planning and land development</a></p>
Climate Change	
<p><b>Are links between NAPs and other climate related processes made with DRM framework?</b></p> <p>The National Action Program for Adaptation to Climate Change 2006 (PANA) provides a framework for action to contribute to the mitigation of the harmful effects of climate variability and change on the most vulnerable populations, with a view to sustainable development.<sup>106</sup> Section 3 of the PANA is focused on the identification of essential needs in terms of climate change adaptation (CCA). In the agricultural, forestry and water sectors, two of the current adaptation needs identified are prevention of risks and disasters linked to floods, and the strengthening of actions to combat desertification.<sup>107</sup></p> <p>The National Policy on Climate Change of 2012 (PNCC) is the executive document providing the framework for mitigation and adaptation to climate change, gathering institutional, judiciary and operational actions. The main objectives of the PNCC are to:</p> <ol style="list-style-type: none"> <li>1. improve knowledge, promote research and development, produce and disseminate information on climate change;</li> </ol>	<p><a href="#">National Action Program for Adaptation to Climate Change 2006</a></p> <p><a href="#">National Policy on Climate Change 2012 (Draft)</a></p>

<sup>102</sup> Draft Policy 2018, page 11.

<sup>103</sup> Law n° 2008/03, Orientation law on town planning and land development, article 33.

<sup>104</sup> Law n° 2008/03, article 34.

<sup>105</sup> Law n° 2008/03, article 33.

<sup>106</sup> National Action Program for Adaptation to Climate Change (PANA), page 9.

<sup>107</sup> PANA, page 25.

<ol style="list-style-type: none"> <li>2. strengthen and develop the adaptive capacities of populations and the resilience of ecological, economic and social systems to climate change;</li> <li>3. strengthen and develop actions to mitigate greenhouse gas emissions;</li> <li>4. integrate the issue of climate change into national, regional and local planning tools;</li> <li>5. strengthen the capacities of actors; and</li> <li>6. promote green jobs.<sup>108</sup></li> </ol> <p>None of the abovementioned documents related to climate change appear to establish a clear link to the DRM framework.</p>	
<p><b>Are DRM national laws including elements relating to climate change adaptation?</b></p> <p>Law n° 2017 /006 provides a definition of the term “climate change”, however it does not include additional elements relating to CCA.</p> <p>On the other hand, the SNRRC includes elements of CCA in its Strategic Axis n° 4, which aims to reduce the underlying risk factors. More specifically, in order to reduce the structural, physical, social, economic and environmental vulnerability of populations at risk through mitigation and DRR measures, it proposes to integrate DRR into sector policies, programs and plans.<sup>109</sup> The expected outcome is that policies and strategies for environmental protection, natural resource management and CCA integrate DRR planners, engineers and other decision-makers systematically learning about climate risks and making better use of this type of information.<sup>110</sup></p>	<p><a href="#">Law 2017/006, Determining the Fundamental Principles of the Organization of Civil Protection</a></p> <p><a href="#">National Strategy for Disaster Risk Reduction 2013</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>Although the SNRRC includes some recommendations for action to promote CCA in Niger, from the documents reviewed for the purpose of this study, DRM laws for not formally endow governmental authorities with the responsibility to advocate for CCA and DRR coordination.</p>	

<sup>108</sup> National Policy on Climate Change (PNCC) 2012 (Draft), page 28-29.

<sup>109</sup> SNRRC 2013, page 21.

<sup>110</sup> SNRRC 2013, page 21.

<p>However, the PANA provides that at the national level, the National Environment Council for Sustainable Development (CNEDD), through its attributions and missions, will coordinate and monitor the implementation of projects related to CCA.<sup>111</sup> The priority activities of the PANA will be under the supervision of the decentralized services of the technical ministries directly concerned, depending on the sector.<sup>112</sup> These technical services will be supported by local steering committees made up of all the parties concerned by the projects.<sup>113</sup> They will also collaborate, if necessary, with other structures and/or institutions present on the national territory.<sup>114</sup></p>	<p><a href="#">National Action Program for Adaptation to Climate Change 2006</a></p>
<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>Although the SNRRC provides some guidelines for the development of dedicated funding mechanisms for DRM, there do not appear to be any financial instruments in place for CCA (from the documents reviewed).</p>	<p><a href="#">National Strategy for Disaster Risk Reduction 2013</a></p> <p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</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>DRM laws in Niger do not appear to outline roles and responsibilities of climate change actors in support to DRR actors.</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>111</sup> PANA, page 75.

<sup>112</sup> PANA, page 75.

<sup>113</sup> PANA, page 75.

<sup>114</sup> PANA, page 75.

<p>As stated above, the CNEDD is the coordinating entity in terms of CCA. However, coordination and support mechanisms between the CNEDD and other climate change actors and DRR institutions remain unclear.</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>Limited information could be located regarding the scientific and/or empirical basis of the documents reviewed.</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>As stated above, CCA is integrated across the strategic objectives of the SNRRC as inherent to DRR and DRM. However, laws and policies do not appear to contain provisions that establish a climate-informed methodology in terms of urban planning and construction.</p> <p>The National Strategy for Urban Development identifies the tropical climate of Niger as an underlying risk factor causing vulnerability of its economy based essentially on an extensive practice of rural activities such as agriculture or breeding.<sup>115</sup> However, the document does not appear to include further the climatic factor in its guidelines for urban planning and development, other than environmental protection through a responsible use of the land.</p>	<p><a href="#">National Strategy for Disaster Risk Reduction 2013</a></p> <p><a href="#">National Strategy for Urban Development 2004</a></p>
<b>Disaster Risk Assessments</b>	
<p><b>Do your country's laws establish clear procedures and responsibilities for conducting risk assessments and ensuring that risk information is considered in development processes?</b></p> <p>The MAH/GC is responsible for anticipating the onset of disasters, whether they be floods or the influx of refugees, internally displaced persons or refouled persons.<sup>116</sup> However, the COVACC appears to be the primary actor with respect to risk assessments in Niger. The relationship between these two bodies is not clear from a reading of the available material online alone.</p>	<p><a href="#">Order n° 00607, Establishing the Missions, Organization and Functioning of COVACC</a></p>

<sup>115</sup> National Strategy for Urban Development 2004, page 3.

<sup>116</sup> Draft Policy 2018, page 19-20.

<p>As stated above, Order n° 00607 establishes the COVACC, which has the role of supervising the permanent monitoring and surveillance of the emergency structures to anticipate the commitment of resources and help in decision-making during crisis situations.<sup>117</sup> For this, it ensures the ongoing analysis of the major risks identified on national territory, whether intentional or accidental; continuously informs the Minister of the Interior as well as the other ministries concerned; and anticipates, reacts and follows the evolution of events likely to affect long-term collective life, and is able, if necessary, to initiate or anticipate the sending of significant reinforcements in an affected region as requested by the local authorities.<sup>118</sup> The COVACC collaborates with the government network of information systems, the Ministries in charge of Agriculture and Livestock, Transport, Pastes and Telecommunications, Humanitarian Action, Lands and Housing, Equipment, Hydraulics, Territorial Development, Communication, Petroleum, Mines, Industry and Energy, Health, Population and Foreign Affairs and Cooperation.<sup>119</sup> Furthermore, ORSEC plans require risk assessments as they consist of an inventory and analysis of the risks and potential effects of threats of all kinds for the safety of people, property and the environment.<sup>120</sup></p>	
<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 stated above, hazard, vulnerability and risk assessments are clearly tasked to the COVACC. More specifically, the COVACC is responsible for ensuring the ongoing analysis of major risks identifies on national territory, whether intentional or accidental.<sup>121</sup> As per article 24, the COVACC tools of surveillance and analysis make it possible to ensure in all circumstances:</p> <ul style="list-style-type: none"> <li>• an optimal and adapted operational watch, making it possible to detect as early as possible the warning signs of a crisis;</li> <li>• accurate, rapid and relevant feedback of information guaranteeing consistency and expertise of the information collected by the various sources; and</li> <li>• a capacity to analyze and update the major risks identified on the national territory.<sup>122</sup></li> </ul> <p>Although hazard, vulnerability and risk assessments are attributed to specific authorities to inform disaster preparedness, response, recovery and development, it is not clearly stated whether such assessments are “required” by law or how often they should be conducted.</p>	<p><a href="#">Order n° 00607, Establishing the Missions, Organization and Functioning of COVACC</a></p>

<sup>117</sup> Order n° 00607, article 2.  
<sup>118</sup> Order n° 00607, article 2.  
<sup>119</sup> Order n° 00607, article 16.  
<sup>120</sup> Decree n° 2017-876, article 3.  
<sup>121</sup> Order n° 00607, article 2.  
<sup>122</sup> Order n° 00607, article 24.



<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>Limited information could be located online relating to the involvement of civil society and private sector actors in risk assessment processes. From the documents reviewed, laws and policies in Niger do not appear to contain provisions on risk assessments conducted by civil society/private sector. Nevertheless, Order n° 00607 states in article 20 that the COVACC can play a fundamental role in informing the populations through the national alert network thanks to the pre-established links with the main national public and private media and the mobile telephone companies.<sup>123</sup></p>	<p><a href="#">Order n° 00607, Establishing the Missions, Organization and Functioning of COVACC</a></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>Limited information could be located online relating to the collection of SADD. From the documents reviewed, laws and policies in Niger do not appear to contain provisions on the collection of SADD (or any other type of data) to inform risk and needs assessment processes.</p>	
<p><b>Is it mandatory to consider risk information in development planning, budgetary allocation and construction?</b></p> <p>As stated above, environmental risks and considerations must be taken into account in urban planning and construction. However, the documents reviewed do not appear to specify whether risk information is mandatory in budgetary allocation.</p>	
<p><b>3. Preparedness and Response</b></p>	
<p><b>Early Warning Systems (EWS)</b></p>	
<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>As stated above, COVACC operates under the authority of the ministry in charge of civil protection and has the role of supervising the permanent monitoring and surveillance of the emergency structures to anticipate the commitment of resources and help in decision-making during crisis situations.<sup>124</sup> More specifically, COVACC is responsible for ensuring the ongoing analysis of the major risks identified on national territory, whether they are intentional or accidental; continuously informing the Minister of the Interior</p>	<p><a href="#">Order n° 00607, Establishing the Missions, Organization and Functioning of COVACC</a></p>

<sup>123</sup> Order n° 00607, article 20.

<sup>124</sup> Order n° 00607, article 2.

<p>as well as the other ministries concerned; anticipating, reacting and following the evolution of events likely to have a lasting effect on collective life and, if necessary, initiating or anticipating the sending of significant reinforcements to an affected region.<sup>125</sup></p> <p>Furthermore, as per article 20, the COVACC can also play a fundamental role in informing the populations through the national alert network thanks to the pre-established links with the main national public and private media and the mobile telephone companies.<sup>126</sup> As such, it drafts warning messages and safety instructions related to the current situation for the information of the population likely to be exposed.<sup>127</sup></p> <p>Although the law assigns the main responsibility in EWS to COVACC, there is an on-going project, the Climate Risk and Early Warning System (CREWS) initiative, which aims to facilitate and strengthen EWS by establishing extreme weather and food security warnings.<sup>128</sup> Essentially, CREWS is a partnership between the World Meteorological Organization (WMO), the World Bank, the Global Facility for Disaster Reduction and Recovery of the World Bank (GFDRR), the UN Office for Disaster Risk Reduction (UNDRR), working in collaboration with five national institutions which also appear to play a key role in the EWS of Niger.<sup>129</sup> These institutions include the MAH/GC, the DNOPGCA, the DGPC, the National Meteorological Service (DMN) and the National Hydrology Service (DGRE).<sup>130</sup></p>	
<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>While not specifically stated in respect of EWS, Order n° 00607, Establishing the Missions, Organization and Functioning of COVACC states that to accomplish its mission, the COVACC may rely on the network of operational centers such as that of the General Directorate of National Police, the National Guard of Niger, the National Gendarmerie and the General Staff of Armies.<sup>131</sup> Furthermore, COVACC also collaborates with the governmental network of information systems, of the Ministries in charge of Agriculture and Livestock, Transport, Posts and Telecommunications, Humanitarian Action, Domains and Housing, Equipment,</p>	<p><a href="#">Order n° 00607, Establishing the Missions, Organization and Functioning of COVACC</a></p>

<sup>125</sup> Order n° 00607, article 2.

<sup>126</sup> Order n° 00607, article 20.

<sup>127</sup> Order n° 00607, article 20.

<sup>128</sup> World Meteorological Organization, News page, [online] Available in: [https://public.wmo.int/en/media/news/niger-making-progress-towards-flood-early-warning-system?utm\\_content=buffer91f2e&utm\\_medium=social&utm\\_source=twitter.com&utm\\_campaign=buffer](https://public.wmo.int/en/media/news/niger-making-progress-towards-flood-early-warning-system?utm_content=buffer91f2e&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer)

<sup>129</sup> World Meteorological Organization, News page, [online] Available in: [https://public.wmo.int/en/media/news/niger-making-progress-towards-flood-early-warning-system?utm\\_content=buffer91f2e&utm\\_medium=social&utm\\_source=twitter.com&utm\\_campaign=buffer](https://public.wmo.int/en/media/news/niger-making-progress-towards-flood-early-warning-system?utm_content=buffer91f2e&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer)

<sup>130</sup> World Meteorological Organization, News page, [online] Available in: [https://public.wmo.int/en/media/news/niger-making-progress-towards-flood-early-warning-system?utm\\_content=buffer91f2e&utm\\_medium=social&utm\\_source=twitter.com&utm\\_campaign=buffer](https://public.wmo.int/en/media/news/niger-making-progress-towards-flood-early-warning-system?utm_content=buffer91f2e&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer)

<sup>131</sup> Order n° 00607, article 15.

<p>Hydraulics, Territorial Planning, Communication, Petroleum, Mines, Industry and Energy, Health, Population and Business Foreign and Cooperation.<sup>132</sup> In terms of regional and international cooperation, COVACC cooperates with the operational centers of the general directorates and national civil protection agencies of West African countries. It also has a connection with the International Center for Coordination and Watch (CICV) of the International Civil Protection Organization (OIPC) based in Geneva.<sup>133</sup> COVACC may also resort to any external national or foreign competence and expertise.<sup>134</sup></p>	
<p><b>Are EWS established for the most frequent and serious hazards?</b></p> <p>Although procedures and responsibilities for EWS are, to a certain extent, outlined in the law, the type of hazards for which these EWS are established do not appear to be clearly defined.</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>As stated above, the Draft Policy highlights that the successful operationalization of the policy requires active communication.<sup>135</sup> The purpose of this communication is to promote the appropriation of this policy and the orientation law by the populations and development partners.<sup>136</sup> Therefore, it will primarily focus on national, regional and local decision-makers, then in the direction of:</p> <ul style="list-style-type: none"> <li>• central and decentralized administration;</li> <li>• local authorities, civil society and the private sector;</li> <li>• communication and media professionals;</li> <li>• educators;</li> <li>• researchers;</li> <li>• women;</li> <li>• the youth;</li> </ul>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p>

<sup>132</sup> Order n° 00607, article 16.

<sup>133</sup> Order n° 00607, article 18.

<sup>134</sup> Order n° 00607, article 19.

<sup>135</sup> Draft Policy 2018, page 33.

<sup>136</sup> Draft Policy 2018, page 33.

- PTFs;
- opinion leaders and customary and religious authorities; and
- grassroots communities in the countryside and in the city.<sup>137</sup>

The Draft Policy further notes that communication on the risk management of disasters and humanitarian crises can be done in different ways, in particular through the use of information communication technology (ICT); operation of the structures and facilities of the Ministry responsible for communication and the private press, and promotion of traditional communication channels.<sup>138</sup> Particular emphasis will be placed on the use of national languages as they make it possible to achieve both mass and local communication.<sup>139</sup>

As stated above, article 20 of Order n° 00607 provides that the COVACC plays a fundamental role in informing the populations through the national alert network thanks to the pre-established links with the main national public and private media and the mobile telephone companies.<sup>140</sup> As such, it drafts warning messages and safety instructions related to the current situation for the information of the population likely to be exposed.<sup>141</sup> It can have a radio studio which can be immediately activated in the event of a national alert to broadcast messages on the waves of the voice of the Sahel.<sup>142</sup> A line can also link the COVACC to the Nigerien Press Agency for the immediate distribution of press releases.<sup>143</sup>

Furthermore, the COVACC shares information on disaster situations with the partners mentioned in Articles 15 and 16 (which include the National Police, the Gendarmerie and the relevant Ministries) in compliance with the rules of ethics and professional conduct relating to the confidentiality of certain information, in particular on victims in accordance with the texts in force.<sup>144</sup> As per article 22, the operational monitoring, alert and crisis management center processes and uses all the information that reaches it from various internal or external sources.<sup>145</sup>

[Order n° 00607, Establishing the Missions, Organization and Functioning of COVACC](#)

## Contingency Planning

<sup>137</sup> Draft Policy 2018, page 33.  
<sup>138</sup> Draft Policy 2018, page 34.  
<sup>139</sup> Draft Policy 2018, page 34.  
<sup>140</sup> Order n° 00607, article 20.  
<sup>141</sup> Order n° 00607, article 20.  
<sup>142</sup> Order n° 00607, article 20.  
<sup>143</sup> Order n° 00607, article 20.  
<sup>144</sup> Order n° 00607, article 21.  
<sup>145</sup> Order n° 00607, article 22.

**Does the country's legislation set out a process and framework for contingency planning, and does such contingency planning have to address multiple hazards? Does the legislation require periodic updates of contingency plans, call for inclusiveness of public authorities and other civil society actors in contingency planning, or establish linkages between forecast information and climate services in contingency planning?**

As stated above, the MAH/GC is responsible for coordinating responses at the national level in relation to the Ministries and structures concerned by developing contingency plans and subsequent action plans.

In addition, Decree n° 2017/876 determines the conditions for drawing up emergency organization plans (ORSEC plans) at the departmental and regional levels.<sup>146</sup> As such, ORSEC plans are part of the general plan for civil protection planning.<sup>147</sup> It organizes the mobilization, implementation and coordination of actions of all public or private persons contributing to the general protection of populations and the environment.<sup>148</sup> More specifically, the ORSEC plan includes:

- a) an inventory and analysis of the risks and potential effects of threats of all kinds for the safety of people, property and the environment, identified by all public and private persons;
- b) an operational mechanism responding to this analysis and which continuously organizes the reaction of the public authorities to the event; and
- c) the modalities of preparation and training of all public and private persons in their civil protection mission.<sup>149</sup>

Article 5 provides that the ORSEC operational system constitutes a global event management organization adapted to the nature, scale and evolution of the event by its progressive and modular nature.<sup>150</sup> The overall organization includes general provisions dealing with the elements necessary for the management of any type of event, supplemented, where appropriate, by specific provisions to deal with the foreseeable consequences of each of the risks and threats identified.<sup>151</sup>

Any ORSEC plan is subject to a review, at least every five (5) years, relating to the inventory and analysis of the risks and potential effects of threats, the operational mechanism and feedback.<sup>152</sup> Thus, ORSEC plans are revised to take into account:

[Decree 2017-876, Conditions of Elaboration of ORSEC plans](#)

<sup>146</sup> Decree n° 2017-876, article 1.

<sup>147</sup> Decree n° 2017-876, article 2.

<sup>148</sup> Decree n° 2017-876, article 2.

<sup>149</sup> Decree n° 2017-876, article 3.

<sup>150</sup> Decree n° 2017-876, article 5.

<sup>151</sup> Decree n° 2017-876, article 5.

<sup>152</sup> Decree n° 2017-876, article 8.

<p>a) knowledge and development of the risks identified;  b) lessons learned from local or national experience feedback; and  c) the evolution of the organization and the means of public and private persons contributing to the ORSEC operational system.<sup>153</sup></p>	
<p><b>Does the country's legislation set out procedures and framework for evacuation?</b></p> <p>There do not appear to be any procedures relating to evacuation outlined in the civil protection law, the SNRRC, the Draft Policy any other relevant legislation reviewed for the purpose of this mapping.</p> <p><b>Does the DRM law require that disaster contingency plans set out comprehensive procedures for evacuation, assigning roles and responsibilities, and does it provide for the evacuation of livestock or domestic animals?</b></p> <p>As stated above, from the documents available for review, laws do not appear to establish a framework and clear procedures for evacuation.</p> <p><b>Does it require that all endangered people be evacuated without discrimination, that the rights and dignity of evacuated persons be respected in situations of compulsory evacuation?</b></p> <p>Limited information could be located online relating to procedures, requirements and principles for evacuation.</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>There do not appear to be any requirements in place for trainings for people involved in disaster response operations. However, some guidelines provided by the SNRRC to promote programmes for training in DRM are outlined in the sections below.</p>	
<p><b>Legal Facilities (Preparedness and Response)</b></p>	

<sup>153</sup> Decree n° 2017-876, article 8.

<p><b>Treatment and care of the victims (including the dead):</b>  <b>Does the law give special attention to procedures for handling large numbers of casualties after a disaster?</b></p> <p>From the documents reviewed, the law does not appear to provide specific procedures for handling large numbers of casualties after a disaster.</p> <p><b>Does the law forbid or at least discourage mass burials in such circumstances, does the law require authorities to make best efforts to identify the remains and notify next of kin, and does the law require authorities to take into account cultural and religious rights with respect to the disposal of human remains?</b></p> <p>Limited information could be located in the documents reviewed in terms of procedures for handling human remains.</p>	
<p><b>Volunteering:</b>  <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?</b>  <b>Is there specific DRM legislation that applies to volunteers and voluntary organizations?</b></p> <p>The DRM law in Niger does not appear to provide a definition of the term “volunteer”, and limited information could be located online relating the legal framework stipulating volunteer work in the country. Nevertheless, the SNRRC proposes through its Strategic Axis n° 5 some guidelines to strengthen disaster preparedness for effective response at all levels.<sup>154</sup> Among the proposed actions, there is the training and equipment of community organizations, staff and volunteers responsible for response preparation to ensure effective disaster preparedness and response.<sup>155</sup></p>	<p><a href="#">National Strategy for Disaster Risk Reduction 2013</a></p>
<p><b>Cash programming:</b>  <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>Limited information could be located online relating to cash programming. From the documents reviewed, laws and policies in Niger do not appear to contain special provisions on legal facilities or simplified procedures for cash programming in DRM.</p>	

<sup>154</sup> SNRRC 2013, page 11.

<sup>155</sup> SNRRC 2013, page 12.

<p><b>Drones in disasters response operations:</b>  <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>The Nigerien Civil Aviation Code does not appear to contain any provisions on drones. Limited information and documents could be located online relating to the use of drones.</p>	<p><a href="#">Civil Aviation Code of Niger</a></p>
<p><b>Are appropriate tax exemptions provided to relief providers (government and civil society)? Are tax exemptions available for preparedness actions (eg. prepositioning of stock)?</b></p> <p>The Finances Law provides in terms of article 23 that NGOs and Development Associations are exempted from all taxes and indirect taxes within the framework of actions directly contributing to the realization of their projects, excluding them of VAT on services.<sup>156</sup> In addition, Decree 92-292 provides in article 14 that in this area, the Nigerien government is committed to:</p> <ul style="list-style-type: none"> <li>• exempt NGOs (national and international) of all customs duties, all taxes and indirect taxes, including VAT, on supplies, equipment, material and donations in kind imported into Niger within the framework of the execution of projects or assistance programs in which it participates;</li> <li>• apply NGOs temporary importation regime to service vehicles without any obligation on the part of the NGO to pay a deposit to the customs service following their purchase;</li> <li>• exempt NGOs from all customs duties, all taxes and direct taxes, including VAT, on all equipment and products acquired by the NGO in the course of its activities; and</li> <li>• exempt any contract, market or act of any kind signed for the execution of projects, payment of stamp registration fees, turnover tax and VAT.<sup>157</sup></li> </ul>	<p><a href="#">Finances Law 2021</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>Law n° 2017-28, amended by Law n° 2019-71, provides the framework for the protection of personal data in Niger. Article 3 establishes that protection of personal data includes any collection, processing, transmission, storage and use of personal data by</p>	<p><a href="#">Law n° 2018-45, Electronic communications regulation</a></p>

<sup>156</sup> Law n° 2020-067, article 23.

<sup>157</sup> Decree n° 92-292, article 14.



<p>a natural person, the State, local authorities, legal entities under public or private law; any processing, whether automated or not, of data that is continuous or required to appear in a file; any data processing implemented on the national territory; and any processing of data concerning public security, defence, investigation and prosecution of criminal offenses or state security, subject to the derogations defined by the specific provisions set by other legal texts in force.<sup>158</sup> As per article 16, the data must be collected for specified, explicit and legitimate purposes and cannot be further processed in a manner incompatible with these purposes.<sup>159</sup> However, these laws do not appear to contain any provisions or exemptions on the management of data privacy that would apply to specifically in emergency/disaster settings.</p>	<p><a href="#">Law n° 2017-28, relating to the protection of personal data</a></p> <p><a href="#">Law n° 2019-71, amendments of Law n° 2017-28</a></p>
<p><b>Are there legal barriers in particular sectoral laws that may inhibit disaster rescue and relief personnel (including volunteers) in emergencies?</b></p> <p>Generally, sectoral laws in Niger do not appear to take into account disaster scenarios – e.g. tax and customs exemptions, the use of specialised equipment such as the use of drones or simplified cash programming procedures. This may result in disaster relief personnel facing some barriers in emergency response, or it may pose challenge in the coordination of relief.</p>	
<p><b>Are there provisions in the law to ensure that State-operated offices and services essential to the relief be provided are open /operate outside of normal business hours?</b></p> <p>From the documents reviewed, DRM laws in Niger do not appear to contain any provisions outlining the opening hours of state-operated offices and services essential to disaster response.</p>	
<p><b>Stakeholder Engagement</b></p>	
<p><b>Do your country’s laws ensure the engagement of all relevant stakeholders including civil society, the private sector, scientific institutions and communities in DRM decision making and activities?</b></p> <p>As stated above, the SNRRC highlights that DRM must involve a multisectoral and multi-actor approach. It therefore involves a variety of actors whose functions are complementary and useful in achieving results.<sup>160</sup> The main stakeholders outlined are the following: the DNPGCCA, cross-cutting ministries, the sectoral ministries and their deconcentrated services, communities, project</p>	<p><a href="#">National Strategy for Disaster Risk Reduction 2013</a></p>

<sup>158</sup> Law n°2017-28, relating to the protection of personal data, article 3.  
<sup>159</sup> Law n°2017-28, article 16.  
<sup>160</sup> SNRRC 2013, section 29.

<p>leaders and financial contributors, PTF/regional organizations, the private sector (mainly consulting firms), and professional agricultural organizations (OPA).<sup>161</sup></p> <p>The laws reviewed for the purpose of this study show that, although civil protection comprises a wide range of actors – including government entities, line ministries, police corps, civil society organizations and NGOs – their engagement in decision-making activities is not established by law.</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>Although provision is made for the representation of various actors in the SNRRC as set out above, from the documents reviewed, the composition of the decision-making bodies in DRM is mainly constituted by representatives of the relevant Ministries or the decentralized authorities.</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>The Draft Policy provides that the Nigerien Government supports the approach of bringing together NGOs, the Red Cross / Red Crescent Movement and the United Nations and Associated International Organizations - with the aim of improving the effectiveness of humanitarian action.<sup>162</sup> The Draft Policy further indicates that the engagement of non-state actors in disaster risk reduction (DRR) is particularly illustrated through the NRC’s interventions.<sup>163</sup> However, specific roles and duties of the Red Cross do not appear to be provided.</p> <p>Nevertheless, as per the SNRRC, the roles of the stakeholders outlined above are the following:</p> <ul style="list-style-type: none"> <li>• the DNPGCCA is responsible for the project management of strategy and strategic management;</li> <li>• cross-cutting ministries lead advocacy, research and mobilization of internal and external funding;</li> <li>• the sectoral ministries and their deconcentrated services are responsible for conducting the development and implementation of programs falling within their sub-sectors and contributing to DRR, participation in the strategic</li> </ul>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p> <p><a href="#">National Strategy for Disaster Risk Reduction 2013</a></p>

<sup>161</sup> SNRRC 2013, section 29-30.  
<sup>162</sup> Draft Policy 2018, page 31.  
<sup>163</sup> Draft Policy 2018, page 23.

<p>steering of programs and projects falling within their area of competence, mobilization and involvement of other actors contributing to the implementation of said programs, mobilization of financing, quality control of services provided in the sub-sectors, sector supervision and monitoring;</p> <ul style="list-style-type: none"> <li>• local authorities leading decision making processes, and more specifically project management of investments at the level of their administrative district as project leaders and financial contributors;</li> <li>• PTF/regional organizations are sources of funding to support the alignment, monitoring and supervision of interventions, communication on the achievements of the SNRRC. They help mobilize actors, especially populations, support behaviour change through campaigns information and awareness raising on DRR; and permanently watch on the financial commitments made by the State, communities and PTFs;</li> <li>• private sector (mainly consulting firms) and other service and goods providers help to reduce risk factors by taking DRR into account in their activities; and</li> <li>• professional agricultural organizations (OPA) have a decisive role to play in informing and sensitizing populations for behaviour change. They will also be project leaders and financial contributors. It is also noted that like the private sector, they will be members of consultation mechanisms between stakeholders.<sup>164</sup></li> </ul>	
<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 Red Cross Society of Niger (NRC) received official recognition from the International Committee of the Red Cross in 1965. The application for recognition was accompanied by the Society's Statutes, an Annual Report and by Order n° 415/MI/DAPA of September 7, 1965, amended by Order n° 25/MI/AT/DAPJ/SA of February 2, 2000, by which the NRC was recognized as auxiliary to the public authorities.</p> <p>No further information on this point could be located.</p>	<p><a href="#">Recognition of the Red Cross Society of Niger, International Committee of the Red Cross</a></p>
<p><b>Does the law provide for financial support and/or tax exemptions for Red Cross-National Society when acting it its auxiliary role to assist persons affected by disaster?</b></p> <p>As stated above, the Finances Law 2021 provides some tax exemptions for NGOs operating in Niger. However, the law does not appear to contain specific provisions attributing such exemptions to the NRC.</p>	

<sup>164</sup> SNRRC 2013, section 29-30.

<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>Limited information could be located online relating to the activities of the NRC. Therefore, from the documents reviewed, laws and policies in Niger do not appear to guarantee its independence and neutrality.</p> <p>However, the Draft Policy provides the fundamental principles guiding HA in Niger generally, which are recognised as the means of ensuring access to populations in need in emergency situations. These principles include the respect of human rights, impartiality, neutrality, equity, independence, “do not harm”, and partnership.<sup>165</sup></p>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</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>Limited information could be located online relating to the engagement of especially vulnerable groups in DRM activities. From the documents reviewed, laws and policies in Niger do not appear to clearly outline the engagement of women, minorities, people with disabilities, displaced or migrant groups, the elderly, indigenous or youth groups.</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>As stated above, the law does not appear to set out clear guidelines for engagement and representation of especially vulnerable groups in DRM activities and decision-making processes.</p>	
<b>Education/ Training and Awareness</b>	
<p><b>Is DRM training mandatory in the school curriculum?</b></p> <p>From the documents reviewed, DRM training does not appear to be mandatory in school curricula. Nevertheless, the SNRRC establishes some guidelines to promote awareness and DRM trainings through Strategic Axis n° 3, which is aimed for establishing a culture of safety and understanding of DRR.<sup>166</sup> More specifically, it identifies entry points to develop or use DRR training modules</p>	<p><a href="#">National Strategy for Disaster Risk Reduction 2013</a></p>

<sup>165</sup> Draft Policy 2018, page 30-31.

<sup>166</sup> SNRRC 2013, page 9.

<p>for key education sectors. These modules will be based on the priorities identified at national, regional, departmental, and municipal level. The expected results are as follows:</p> <ul style="list-style-type: none"> <li>• all school curricula and textbooks (primary, secondary, university) integrate DRR; and</li> <li>• teachers are trained on this topic at national, regional, departmental and municipal levels.<sup>167</sup></li> </ul>	
<p><b>Is training for public officials and relevant professionals promoted for (i) DRR (iii) Response and Preparedness?</b></p> <p>Although the SNRRC proposes actions to be taken to promote training of populations and personnel of institutions such as the DNPGCCA, and Order ° 00607 establishes that COVACC staff shall be trained through the Training Cell, training for public officials is not clearly stipulated in the law.</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>As stated above, Strategic Axis n° 3 of the SNRRC intends to establish a culture of safety and understanding of DRR by developing a program based on local knowledge to sensitize communities on DRR, among other things.<sup>168</sup> To do this, it states that an effective awareness program on DRR needs to be developed. The expected outcome of this program is improved knowledge, innovation and education, applied to develop a culture of safety and resilience; communities are gradually adopting a wise and responsible attitude towards disaster risks; and communities have a better understanding and awareness of security and resilience to disasters and humanitarian crises.<sup>169</sup> The key actions to be implemented are to:</p> <ul style="list-style-type: none"> <li>• promote and use local knowledge, integrate DRR into school curricula;</li> <li>• develop and implement an education-communication information (IEC) program on DRR;</li> <li>• develop and implement a project for the use of ICTs for better prevention and risk reduction of disasters and humanitarian crises;</li> <li>• collaborate with the media to carry out awareness raising activities on DRR; and</li> </ul>	<p><a href="#">National Strategy for Disaster Risk Reduction 2013</a></p>

<sup>167</sup> SNRRC 2013, page 9.

<sup>168</sup> SNRRC 2013, page 9.

<sup>169</sup> SNRRC 2013, page 9.

<ul style="list-style-type: none"> <li>• sensitize traditional and religious leaders, women's and youth associations, and community organizations to DRR activities.<sup>170</sup></li> </ul>	
<b>Protection, Dignity and Safety</b>	
<b>Does the law clearly provide a right to humanitarian assistance based on clear and specific needs?</b>	
<p>The Constitution of Niger sets out the fundamental human rights to be respected in all circumstances. While a right to humanitarian assistance is not specifically provided, a number of related rights are set out. For example, article 12 sets out the right to life, health, physical and moral integrity,<sup>171</sup> while the right to health care is provided in terms of article 13, establishing that the State is responsible for ensuring the access to medical services and assistance to all those in need.<sup>172</sup></p> <p>The Draft Policy highlights that, as the country faces major challenges related to multifaceted humanitarian needs that arise from various factors often acting in combination, the humanitarian community must continue to provide adequate responses that take into account the needs of different vulnerable groups, namely: 1) food insecurity, 2) malnutrition, 3) the needs of refugees, returnees from Niger, migrants communities and host communities, 4) epidemics, and 5) other natural disasters. However, from the documents reviewed, laws and policies in Niger do not appear to provide an explicit right to humanitarian assistance based on clear and specific needs.<sup>173</sup></p>	<p><a href="#">Constitution of Niger 2010 (rev.2017)</a></p> <p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p>
<b>Does the DRM law explicitly forbid discrimination in preparation and relief efforts, both by government and other actors?</b>	
<p>As stated above, one of the guiding principles of HA in Niger is impartiality. This principle entails that humanitarian aid must be distributed without ethnic, religious or political distinction. The Draft Policy further states that it will be carried out according to the needs, resources and capacities available, covering as a priority the situations of great emergencies.<sup>174</sup> However, the law does not appear to explicitly forbid all forms of discrimination in HA.</p>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p>

<sup>170</sup> SNRRC 2013, page 9.

<sup>171</sup> See the Constitution of Niger, article 12.

<sup>172</sup> See the Constitution of Niger, article 13.

<sup>173</sup> Draft Policy 2018, page 26.

<sup>174</sup> Draft Policy 2018, page 31.

<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>As stated above, the COVACC is the entity responsible for conducting assessments to inform and guide relief operations in the country.<sup>175</sup> However, the law does not appear to ensure that these assessments address the specific needs of vulnerable groups such as women, minorities, people with disabilities, displaced/migrant groups, older persons, indigenous groups or the youth.</p>	<p><a href="#">Order n° 00607, Establishing the Missions, Organization and Functioning of COVACC</a></p>
<p><b>Unaccompanied children:</b> <b>Are roles/responsibilities clear for ensuring the placement, shelter and aftercare of unaccompanied children in disaster settings?</b></p> <p>From the documents reviewed, DRM laws and policies in Niger do not appear to outline roles and responsibilities for ensuring adequate support and protection for unaccompanied children in disaster settings.</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>Law n° 2015/36 establishes the legal mechanism to fight and prevent smuggling of migrants. It is recognized in article 16 that the crime is aggravated when the migrant being trafficked is a child, or when the perpetrator used a child as an accomplice or participant in the crime.<sup>176</sup></p> <p>In addition, the Labour Code of Niger explicitly forbid child labour in section 3. Article 106 provides that children cannot be employed in a company, even as apprentices, before the age of fourteen (14), except by exemption issued by decree taken in the Council of Ministers, after consultation with the Consultative Commission for Labour and Employment, taking into account local circumstances and the tasks that may be required of them.<sup>177</sup> As per article 107, the worst forms of child labour are prohibited. The following are considered to be the worst forms of child labour:</p>	<p><a href="#">Law n° 2015/36, Smuggling of migrants</a></p> <p><a href="#">Labour Code of Niger 2012</a></p>

<sup>175</sup> Order n° 00607, article 2.

<sup>176</sup> Law n° 2015/36, Smuggling of migrants, article 16.

<sup>177</sup> Labour Code of Niger 2012, article 106.

<ol style="list-style-type: none"> <li>1. all forms of slavery or similar practices, such as the sale and trafficking of children, debt bondage and serfdom, as well as forced or compulsory labour, including the forced or compulsory recruitment of children for the purpose of their use in armed conflict;</li> <li>2. the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;</li> <li>3. the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs, as defined in the relevant international conventions; and</li> <li>4. work which, by its nature or the conditions in which it is carried out, is likely to harm the health, safety or morals of the child.<sup>178</sup></li> </ol> <p>However, none of the above-mentioned laws appear to set out specific measures that ensure child protection in post-disaster settings.</p> <p><b>Are special protections included in laws about adoptions (particularly international adoptions) in the aftermath of major disasters?</b></p> <p>Limited information could be located online relating to adoptions. From the documents reviewed, laws and policies in Niger do not appear to contain provisions on 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>The National Strategy for Prevention and Response to Gender-Based Violence in Niger (2017-2021) (NSPRGBV) was developed to define the objectives, expected results, targets, areas of intervention, types of actions and actors in the fight for the elimination of gender-based violence (GBV).<sup>179</sup> The main actors identified in the fight against GBV are: at the community level, survivors, community leaders, community-based organizations, and national and international NGOs working in the field; and at the public level, the State through public services, the United Nations System, Technical and Financial Partners.<sup>180</sup> More specifically, some of the main actors and their respective roles and responsibilities are the following:</p>	<p><a href="#">National Strategy for Prevention and Response to Gender-Based Violence in Niger (2017-2021)</a></p>

<sup>178</sup> Labour Code of Niger 2012, article 107.

<sup>179</sup> National Strategy for Prevention and Response to Gender-Based Violence (2017-2021), page 21.

<sup>180</sup> NSPRGBV (2017-2021), page 15.



<ul style="list-style-type: none"> <li>• the Supervisory Ministry (MPF/PE): responsible for coordinating the implementation of the NSPRGBV, national and international advocacy, and resource mobilization and management;</li> <li>• other relevant ministries: responsible for the establishment or revitalization of reception structures at central and regional level, provision of holistic care for survivors, monitoring and evaluations, and operational research;</li> <li>• NGOs: support the State in the implementation of the GBV strategy, resource mobilization, national and international advocacy, operational research, and community dialogue;</li> <li>• Community-based organizations: support implementation at community level;</li> <li>• Communities: community dialogue, denunciation, testimony, psychological and community support;</li> <li>• Education system: integrating human rights and GBV in schools, role of peer educators, coach, mentors;;</li> <li>• Technical and financial partners: technical, material and financial support, resource mobilization; and</li> <li>• Media: information of national and international public opinion, public awareness and education, participation in advocacy.<sup>181</sup></li> </ul> <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>No specific information could be found on special measures to combat GBV in disaster settings.</p> <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>As stated above, no legal framework for GBV could be located online, and therefore it is difficult to define the coordination mechanism with the DRM system. Furthermore, DRM-related legislation does not appear to contain any provisions relating to GBV.</p>	
<p><b>Security:</b>  <b>Does the legal framework provide special measures to guard against looting? Are mechanisms in place to assure the safety and security of relief personnel?</b></p>	

<sup>181</sup> NSPRGBV (2017-2021), page 27-30.

<p>The law does not appear to contain specific provisions on the safety and security of relief personnel. However, Order n° 00607 provides in terms of article 15 that in order to accomplish its mission, the COVACC can rely on the network of operational centers such as that of the General Directorate of National Police, the National Guard of Niger, the National Gendarmerie and the Army Staff,<sup>182</sup> which can potentially contribute the safety of the COVACC and its partners.</p>	<p><a href="#">Order n° 00607, Establishing the Missions, Organization and Functioning of COVACC</a></p>
<p><b>Displacement:</b>  <b>Are human mobility dimensions taken into consideration as part of DRM planning and DRM decision making (including both internal and cross-border displacement)? Does the law and/or policy mandate or facilitate practical measures to reduce the risk of disaster and climate related displacement, explicitly addressing the following points on disaster and climate related internal displacement?</b></p> <ul style="list-style-type: none"> <li>• <b>protecting communities against displacement;</b></li> <li>• <b>preparing for unavoidable displacement;</b></li> <li>• <b>responding to displacement; and</b></li> <li>• <b>finding durable solutions.</b></li> </ul> <p>Niger is recognized as a transit country for migrants due to its pivotal geographic position between sub-Saharan Africa and North Africa.<sup>183</sup> Therefore, migration is seen as a phenomenon which appears to be taken into account in the policies. As stated above, the Draft Policy acknowledges that Niger faces major challenges related to multifaceted humanitarian needs that arise from various factors often acting in combination. Thus, the humanitarian community must continue to provide adequate responses that take into account the needs of different vulnerable groups and, among others, the needs of refugees, returnees from Niger, migrant communities and host communities.<sup>184</sup></p> <p>However, limited information could be located online relating to the support and protection mechanisms for displaced persons/migrants in disaster settings.</p> <p><b>Are there legal guarantees for the provision of shelter in case of displacement due to disasters, or does it set out alternatives to using schools as shelter or other mechanisms for undertaking necessary relocations?</b></p> <p>There do not appear to be any procedures in place for the provision of shelter and relocations of displaced persons due to disasters.</p>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p>

<sup>182</sup> Order n° 00607, article 15.  
<sup>183</sup> Draft Policy 2018, page 12.  
<sup>184</sup> Draft Policy 2018, page 26.

<p><b>Is there a legally defined procedure in case of loss of records or documentation?</b></p> <p>From the documents reviewed for the purposes of this research, the law does not appear to provide special procedure for support to displaced persons in case of loss of documentation.</p> <p><b>Is there equity in the assistance provided to persons with and without land title, and are there procedures in place to take into account legal disputes with regard to land titles and property? Are there preparedness arrangements to reduce legal issues regarding housing, land and property irregularities and disputes?</b></p> <p>No information could be found in the documents reviewed relating to assistance and procedures to displaced persons in regard to potential disputes due to land titles and property.</p> <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 documents reviewed, DRM legislation in Niger does not appear to include gender-sensitive needs assessments in shelter planning and construction for displaced communities</p>	
<b>International Assistance</b>	
<p><b>Does your country's legal framework include procedures related to international disaster assistance?</b></p> <p>Niger has several laws and policies which, together, comprise the framework for DRM. However, none of these documents include detailed procedures relating to international disaster assistance.</p>	
<p><b>Do relevant sectoral laws contain any provisions related to international disaster assistance?</b></p> <p>From the documents available for review, sectoral laws in Niger do not appear to contain provisions related to international disaster assistance.</p>	
<p><b>Do your country's laws and regulations set out a focal point for coordinating international assistance?</b></p> <p>A review of the DRM framework in Niger does not reveal a clear focal point for international disaster assistance. Rather, a number of bodies appear to play a role in coordination.</p>	

Firstly, under the authority of the Minister in charge of Civil Protection (the Minister of Interior, Public Security, Decentralization and Customary and Religious Affairs), the General Directorate of Civil Protection (GDPC) directs, organizes, coordinates, and controls all civil protection services as well as their activities throughout the national territory. It is responsible for developing synergies with all national, international, governmental, and non-governmental actors in the prevention and management of disasters. It participates in the development of national policies and strategies for disaster risk reduction and post-disaster recovery. As stated above, the Director General of Civil Protection is responsible for, among others, organizing and coordinating the operational management of emergency or disaster situations throughout the national territory; participating in international humanitarian assistance on instructions from the state authority; and developing technical cooperation with partner countries.<sup>185</sup> The GDPC was originally established by Decree 84-134 as the Directorate of Civil Protection. It was then established as the GDPC under the terms of Decree 2001 251/PRN and has undergone successive transformations to respond to current challenges. Its modernization is enshrined in Decree 2016-344/PRN, organizing the Ministry of the Interior, Public Security, and the Decentralization of Customary and Religious Affairs. The current organization of the GDPC is set by Order 2016-0699/MI/SP/D/ACR, on the organization of the central administration services of the Ministry of the Interior, Public Security, of the Decentralization of Customary and Religious Affairs.<sup>186</sup>

In addition, in terms of article 17 of Law 2017/006, in the event of an accident, disaster or national disaster, the Ministry of Interior, Public Security, Decentralization and Customary and Religious Affairs, which is the ministry in charge of civil protection in Niger, coordinates the implementation of the resources of the State, local authorities and public establishments. It mobilizes the private resources necessary for relief and allocates them to the authority responsible for directing relief operations. It has an Operational Center for Alert and Crisis Management (COVACC) which has the role of supervising the permanent monitoring and surveillance of the emergency structures in Niger to anticipate the commitment of resources and help in decision-making during crisis situations.<sup>187</sup>

However, it is the responsibility of the Ministry of Humanitarian Action and Disaster Management to, among others:

- develop humanitarian and DRM policy;
- develop an action plan for the implementation of humanitarian policy and DRM;
- coordinate responses at the national level in relation to the Ministries and structures concerned by developing contingency plans and subsequent action plans;

[Law 2017/006, Determining the Fundamental Principles of the Organization of Civil Protection](#)

[National Policy on Humanitarian Action and Disaster Management 2018 \(preliminary draft\)](#)

<sup>185</sup> Ministry of Interior and Decentralization, General Directorate of Civil Protection, [online] Available in: [http://www.protectioncivile.ne/?page\\_id=665](http://www.protectioncivile.ne/?page_id=665)

<sup>186</sup> Ministry of Interior and Decentralization, General Directorate of Civil Protection, [online] Available in: [http://www.protectioncivile.ne/?page\\_id=665](http://www.protectioncivile.ne/?page_id=665)

<sup>187</sup> Law n° 2017/006, article 17.

<ul style="list-style-type: none"> <li>• ensure intersectoral coordination with national institutions (Ministries, regions and sub-regions) and structures concerned by humanitarian action and DRM;</li> <li>• maintain relations with international institutions, multilateral and bilateral cooperation, non-governmental organizations active in preliminary responses; and</li> <li>• mobilize partners (advocacy) and the necessary resources to deal with disasters.<sup>188</sup></li> </ul> <p>Therefore, from a desktop review, it is not clear whether the focal point for international disaster assistance would be the Ministry of Humanitarian Action and Disaster Management, or the GDCP.</p>	
<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?</b></p> <p>The law does not appear to contain any provisions establishing clear procedures to ensure such coordination.</p> <p><b>Who is responsible for developing and implementing the rules and procedures related to international assistance?</b></p> <p>Although it does not explicitly include procedures related to international assistance, it is the responsibility of the MAH/GC to develop humanitarian and DRM policy and develop an action plan for the implementation of humanitarian policy and DRM, among other things.<sup>189</sup></p>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></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 law does not appear to provide clear processes for requesting or welcoming offers of international disaster assistance, or for terminating international assistance.</p>	
<p><b>Do your country's laws and regulations provide for necessary legal facilities to be provided for international assisting actors?</b></p>	
<p><b>(i) Landing rights and general customs arrangements</b></p>	<p><a href="#">Regulation 2007/01, UEMOA Civil Aviation Community Code</a></p>

<sup>188</sup> Draft Policy 2018, page 19-20.

<sup>189</sup> Draft Policy 2018, page 19-20.

<p>Limited information on this point could be found in domestic law. However, Niger is a State party to the Chicago Convention, which includes, in Annex 9, provisions and recommended practices for the facilitation of international emergency assistance.<sup>190</sup></p>	
<p><b>(ii) customs arrangements for specialised goods and equipment</b></p> <p>Law 2020-067 establishes the Finances Law for 2021 in Niger, providing new additions and amendments to the General Tax Code. Article 23 provides that non-governmental organizations (NGOs) and Development Associations are exempted from all taxes and indirect taxes within the framework of actions directly contributing to the realization of their projects, including VAT exemption on services.<sup>191</sup></p> <p>Decree 92-292 provides in article 14 that in this area, the Nigerien government is committed to:</p> <ul style="list-style-type: none"> <li>• exempting NGOs (national and international) of all customs duties, all taxes and indirect taxes, including VAT, on supplies, equipment, material and donations in kind imported into Niger within the framework of the execution of projects or assistance programs in which it participates;</li> <li>• applying NGOs temporary importation regime to service vehicles without any obligation on the part of the NGO to pay a deposit to the customs service following their purchase;</li> <li>• exempting NGOs from all customs duties, all taxes and direct taxes, including VAT, on all equipment and products acquired by the NGO in the course of its activities;</li> <li>• exempting any contract, market or act of any kind signed for the execution of projects, payment of stamp registration fees, turnover tax and VAT.<sup>192</sup></li> </ul> <p>In terms of sub-regional agreements, Regulation 09/2008/CN/UEMOA establishes simplified procedures for customs clearance. Article 2 states that Member States may grant simplified customs procedures relating to certain goods for reasons related to conservation requirements, urgency or any other duly justified reason.<sup>193</sup> Although this regulation does not specify which goods or equipment could be subject to these provisions, it could potentially include international relief goods and equipment of urgent nature. Article 3 provides the requirements for simplified customs procedures, stating that the simplified declaration does not</p>	<p><a href="#">Finances Law 2021</a></p> <p><a href="#">Decree 92-292, Statutes of Non-Governmental Organizations</a></p> <p><a href="#">Regulation 09/2008/CN/UEMOA, Simplified procedures for customs clearance</a></p>

<sup>190</sup> Chicago Convention on International Civil Aviation 1944, Annex 9.

<sup>191</sup> Law n° 2020-067, Finances Law 2021, article 23.

<sup>192</sup> Decree n° 92-292, Statutes of Non-Governmental Organizations, article 14.

<sup>193</sup> Regulation n° 09/2008/CN/UEMOA, Simplified procedures for customs clearance, article 2.

include all the information required by the regulations in force; however, it must contain, where applicable, the following information:

- name or company name of the importer;
- full address of the importer;
- number of the fiscal identifier;
- total number in figures and letters of the articles covered by the declaration;
- total number of packages in a shipment;
- description of goods;
- name and code of country of origin;
- name and code of country of origin;
- identification of the means of transport;
- mentions of the attached documents;
- gross and net weight of the goods;
- customs value of the goods in figures and letters;
- rate and amount to be collected for import duties;
- rate and amount to be collected for import duties; and  
name, address, company name, approval number of declarants, date and signature.<sup>194</sup>

It is not clear whether such simplified procedures have been developed in Niger with respect to international disaster assistance.

#### Communications equipment

The law does not contain detailed provisions on the importation and use of communications equipment used in international disaster assistance operations. However, it is worth noting that Law 2017/006 provides in article 7 that the technical standards making it possible to ensure the interoperability of radio communications networks and information systems of public services which contribute to civil protection missions are set by decree taken by the Council of Ministers.<sup>195</sup> Furthermore, the

[Law 2017/006, Determining the Fundamental Principles of the Organization of Civil Protection](#)

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<sup>194</sup> Regulation n° 09/2008/CN/UEMOA, article 3.

<sup>195</sup> Law n° 2017/006, article 7.

<p>Telecommunications Law of Niger establishes in article 32 that the Regulatory Authority determines the conditions of use of the frequencies it assigns and, in particular, the conditions in terms of essential requirements, lifesaving, and public safety.<sup>196</sup></p> <p><u>Food, medication and quarantine</u></p> <p>Article 15 of the Finances Law provides a table with the goods exempt of import duties and taxes, but no clear simplified customs procedures are provided for the import of food, medical equipment, vehicles or rescue dogs as international assistance are provided, although they could arguably enjoy the exemptions and simplified procedures described above, should such procedures be developed.</p>	<p><a href="#">Law 2018-45, Telecommunications Law</a></p>
<p><b>(iii) immigration</b></p> <p>Decree 87-076 defines the entry and stay requirements for foreigners in Niger, but does not appear to contain provisions relating to the expedited entry of international assistance personnel in Niger.</p>	<p><a href="#">Decree 87/076, Entry and Stay Requirements for Foreigners in Niger</a></p> <p><a href="#">Labour Code of Niger 2012</a></p>
<p><b>(iv) Registration of international assisting actors</b></p> <p>General provisions relating to the registration of associations in Niger are described in Order 84-06. However, this law does not appear to contain any procedures for the simplified or expedited registration of international disaster assistance actors in Niger. Decree 92-292 provides the Statutes of Non-Governmental Organizations in Niger. Article 2 states that foreign NGOs are required to seek and obtain approval from the Nigerien government before starting to operate.<sup>197</sup> As per article 7, the request for approval from a foreign NGO is made to the Nigerien diplomatic representations, which issue a receipt. It must indicate the name and purpose of the NGO, the location of its head office abroad, the place where its main establishment and any annexes will be located in Niger, and all identifying information of the person who will be responsible for the NGO's activities in Niger. This request must be accompanied by the statutes of the NGO, a document establishing that it has legal personality and a power of attorney attesting that the official mentioned in the previous paragraph will have the power to represent it legally in Niger.<sup>198</sup></p>	<p><a href="#">Order 84-06, Establishing the Regime of Associations</a></p>
<p><b>(v) Recognition of professional qualification of foreign personnel</b></p>	

<sup>196</sup> Law n° 2018-45, Telecommunications Law, article 32.

<sup>197</sup> Decree n° 92-292, article 2.

<sup>198</sup> Decree n° 92-292, article 7.



<p>Directive 06/CM/UEMOA seeks to facilitate free movement as well as the establishment for the exercise of the profession of doctors in the Member States by a doctor who is a national of the West African Economic and Monetary Union (the Union) already registered with the National Order of Doctors of one of the Member States.<sup>199</sup> Although no direct mention of international relief personnel is made, article 5 provides that any doctor who is a national of the Union regularly registered with the National Order of Doctors of a member country of UEMOA may freely exercise his profession, as a self-employed or salaried person, in any other member country of the Union, under the following conditions:</p> <ul style="list-style-type: none"> <li>• they hold a doctorate degree in medicine and in addition, for the specialist, one or more diplomas or certificates of specialties recognized by the African and Malagasy Council for Higher Education (CAMES);</li> <li>• they are in possession of a letter of introduction from the President of the National Council of the Order of Physicians of the country of origin or provenance;</li> <li>• they are registered with the National Council of the Order of Physicians of the host country.<sup>200</sup></li> </ul> <p>However, there do not appear to be any procedures to simplify the recognition of doctors from non-Union member states, nor for any other foreign professional qualifications, such as those of nurses, engineers, or architects in the domestic laws of Niger.</p>	<p><a href="#">Directive 06/CM/UEMOA</a></p>
<p><b>(vi) Tax and currency exchange for disaster relief activities</b></p> <p>The law does not provide explicit tax facilities for international disaster assistance actors. However, a number of provisions were identified as indirectly relevant and are set out below.</p> <p>As stated above, article 23 of the Finances Law provides that NGOs and Development Associations are exempted from all taxes and indirect taxes within the framework of actions directly contributing to the realization of their projects, excluding them of VAT on services,<sup>201</sup> and Decree 92-292 provides in article 14 that in this area, the Nigerien government is committed to:</p> <ul style="list-style-type: none"> <li>• exempt NGOs (national and international) of all customs duties, all taxes and indirect taxes, including VAT, on supplies, equipment, material and donations in kind imported into Niger within the framework of the execution of projects or assistance programs in which it participates;</li> </ul>	<p><a href="#">Finances Law 2021</a></p>

<sup>199</sup> Directive n° 06/CM/UEMOA, article 2.

<sup>200</sup> Directive n° 06/CM/UEMOA, article 5.

<sup>201</sup> Law n° 2020-067, article 23.

<ul style="list-style-type: none"> <li>• apply NGOs temporary importation regime to service vehicles without any obligation on the part of the NGO to pay a deposit to the customs service following their purchase;</li> <li>• exempt NGOs from all customs duties, all taxes and direct taxes, including VAT, on all equipment and products acquired by the NGO in the course of its activities;</li> <li>• exempt any contract, market or act of any kind signed for the execution of projects, payment of stamp registration fees, turnover tax and VAT.<sup>202</sup></li> </ul> <p>In terms of exchange Niger is a member of UEMOA and subject to the UEMOA exchange control regulations (Regulation 09/2010/CM/UEMOA). The Regulations are silent on procedures for currency exchange for international disaster relief activities.</p>	<a href="#">Regulation 09/2010/CM/UEMOA</a>
<p><b>(vii) Freedom of movement of international assisting actors during a disaster response</b></p> <p>There does not appear to be any provisions that facilitate the free movement and access of international assisting actors to disaster-affected populations.</p>	
<p><b>(viii) Safety and Security of international assisting actors</b></p> <p>The law does not explicitly provide for the safety and security of international assisting actors.</p>	
<p><b>Please include other applicable information relating to legal facilities here.</b></p> <p><u>Legal facilities under international law</u></p> <p>Niger subscribes to the monist approach to international law, according to which international agreements automatically become part of domestic law as soon as they are ratified and published in the official national gazette.<sup>203</sup></p> <p>There are several 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</p>	

<sup>202</sup> Decree n° 92-292, article 14.

<sup>203</sup> See the Constitution of Niger, article 171.

parties to reduce or remove regulatory barriers to the use of telecommunication resources for disaster relief.<sup>204</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 with respect to aircraft 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>205</sup>

In terms of customs, the International Convention on the Simplification and Harmonisation of Customs Procedures (Kyoto Convention),<sup>206</sup> which was adopted in 1973 and revised in 1999, and the Convention on Temporary Admission (Istanbul Convention),<sup>207</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>208</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>209</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>210</sup> Much of the customary law in the area of privileges and immunities has been codified in the Vienna Convention on Diplomatic Relations<sup>211</sup> and the Vienna Convention on Consular Relations.<sup>212</sup> However, personal diplomatic and consular privileges

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<sup>204</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>205</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.

<sup>206</sup> Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures of 18 May 1973, 26 June 1999.

<sup>207</sup> Convention on Temporary Admission, 26 June 1990.

<sup>208</sup> Annexe B.3 to the Kyoto Convention, recommendation 7.

<sup>209</sup> 2007 IDRL Study, page 39.

<sup>210</sup> 2007 IDRL Study, page 39.

<sup>211</sup> Vienna Convention on Diplomatic Relations, April 18, 1961, 500 U.N.T.S. 95.

<sup>212</sup> Vienna Convention on Consular Relations, April 24, 1963, 596 U.N.T.S. 261.

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>213</sup> Intergovernmental organisations have also traditionally been granted privileges and immunities to enable them to carry out their functions without undue interference, but in general NGOs do not benefit from privileges and immunities under international law.<sup>214</sup> It was not possible to determine which organizations have been granted privileges and immunities in Niger.

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>215</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>216</sup> In addition, there are several global human rights treaties, such as the International Covenant on Civil and Political Rights<sup>217</sup> and the International Covenant on Economic, Social and Cultural Rights<sup>218</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>219</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>220</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>221</sup> A third example is the International

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<sup>213</sup> 2007 IDRL Study, page 40.

<sup>214</sup> 2007 IDRL Study, page 40.

<sup>215</sup> UN Safety Convention, articles 7 and 11.

<sup>216</sup> See article 11 of the Convention on the Rights of Persons with Disabilities.

<sup>217</sup> International Covenant on Civil and Political Rights, 16 December 1966, 999 U.N.T.S. 171.

<sup>218</sup> International Covenant on Economic Social and Cultural Rights, 16 December 1966, 999 U.N.T.S. 3.

<sup>219</sup> 2007 IDRL Study, page 34.

<sup>220</sup> World Health Assembly, Revision of the International Health Regulations, Doc. No. WHA58.3 (23 May 2005).

<sup>221</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.

Convention on Oil Pollution Preparedness, Response and Cooperation<sup>222</sup> and its Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances<sup>223</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>224</sup>

In terms of regional instruments, article 23 of the African Charter on the Rights and Welfare of the Child<sup>225</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 Niger is a state party to:

<u>Convention</u>	<u>State party</u>
<b>Tampere Convention</b> <sup>226</sup>	Signed, but not ratified.
<b>Chicago Convention</b> <sup>227</sup>	Yes
<b>Convention on the Facilitation of International Maritime Traffic</b> <sup>228</sup>	No
<b>Annexe B.3 to the Kyoto Convention</b> <sup>229</sup>	Yes
<b>Annexe J-5 to the Kyoto Convention</b> <sup>230</sup>	Yes

<sup>222</sup> International Convention on Oil Pollution Preparedness, Response and Cooperation, 30 November 1990, 30 I.L.M. 733 (1990).

<sup>223</sup> Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 15 March 2000.

<sup>224</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>225</sup> African Charter on the Rights and Welfare of the Child, 11 July 1990, OAU Doc. CAB/LEG/24.9/49 (1990).

<sup>226</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>227</sup> Information obtained from ICAO available at <https://www.icao.int/publications/Pages/doc7300.aspx>.

<sup>228</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280129d04>.

<sup>229</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>230</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).

<b>Annexe B2 to the Istanbul Convention<sup>231</sup></b>	No		
<b>Annexe B9 to the Istanbul Convention<sup>232</sup></b>	No		
<b>Annexe C to the Istanbul Convention<sup>233</sup></b>	No		
<b>Annexe D to the Istanbul Convention<sup>234</sup></b>	No		
<b>Vienna Convention on Diplomatic Relations<sup>235</sup></b>	Yes		
<b>Vienna Convention on Consular Relations<sup>236</sup></b>	Yes		
<b>Framework Convention on Civil Defence Assistance<sup>237</sup></b>	No		
<b>UN Safety Convention and Optional Protocol<sup>238</sup></b>	No		
<b>Convention on the Rights of Persons with Disabilities<sup>239</sup></b>	Yes		
<b>IHR<sup>240</sup></b>	Yes		
<b>Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency<sup>241</sup></b>	Yes		
<b>International Convention on Oil Pollution Preparedness, Response and Cooperation<sup>242</sup></b>	No		
<b>ACRWC<sup>243</sup></b>	Yes		
<b>International Covenant on Civil and Political Rights<sup>244</sup></b>	Yes		
<b>International Covenant on Economic, Social and Cultural Rights<sup>245</sup></b>	Yes		

<sup>231</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>232</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>233</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>234</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>235</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>236</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>237</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280086ecb&clang=en>.

<sup>238</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>239</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).

<sup>240</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>241</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>242</sup> Information obtained from the UNTC <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800aada6>.

<sup>243</sup> Information obtained from the AU available at <https://au.int/en/treaties/african-charter-rights-and-welfare-child>.

<sup>244</sup> Information obtained from the UNTC available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en).

<sup>245</sup> Information obtained from the UNTC available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4).

Kampala Convention <sup>246</sup>	Yes	
<p><b>Do your country's laws and regulations set out quality standards for international assisting actors?</b></p> <p>The law does not appear to set out explicit quality standards for international assisting actors. However, more generally, the National Policy on Humanitarian Action and Disaster Management 2018 is underpinned by the following principles:</p> <ul style="list-style-type: none"> <li>• <b>impartiality:</b> humanitarian aid must be distributed without ethnic, religious or political distinction;</li> <li>• <b>neutrality:</b> humanitarian agencies must provide aid while ensuring the neutrality and apolitical nature of their action;</li> <li>• <b>equity:</b> the assessment of needs and the targeting of assistance will be based on the actual level of vulnerability of households and individuals, rejecting any discrimination based on ethnic, national, geographic, political or religious affiliation or on age or gender;</li> <li>• <b>independence of assistance:</b> the aid provided will not be influenced by political, economic or military considerations;</li> <li>• <b>do no harm:</b> humanitarian actors from public services, NGOs, civil society and United Nations System agencies involved in the implementation of the response to an emergency will ensure, during the planning, execution and monitoring of their actions to ensure that the latter cannot serve the cause of any socio-political, ethnic or religious group, and that they do not increase the possible risks and threats weighing on the populations benefiting from this assistance; and</li> </ul>		<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p>

<sup>246</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%28KAM  
PALA%20CONVENTION%29.pdf](https://au.int/sites/default/files/treaties/36846-sl-<br/>AFRICAN%20UNION%20CONVENTION%20FOR%20THE%20PROTECTION%20AND%20ASSISTANCE%20OF%20INTERNALLY%20DISPLACED%20PERSONS%20IN%20AFRICA%20%28KAM<br/>PALA%20CONVENTION%29.pdf).

<ul style="list-style-type: none"> <li>• <b>partnership:</b> to reunite the three families of the humanitarian community - NGOs, the Red Cross/Crescent Movement, and the United Nations and Associated International Organizations - with the aim of improving the effectiveness of humanitarian action.<sup>247</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>There do not appear to be laws and regulations explicitly setting out eligibility requirements for international assisting actors to receive legal facilities in Niger based on their competence or experience.</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>There do not appear to be provisions that establish a specialized unit for expediting the entry of international disaster assistance in Niger.</p>	
<p><b>Do your country's laws and regulations provide adequate transparency safeguards and accountability mechanisms governing international disaster assistance?</b></p> <p>Current laws for civil protection in Niger do not appear to set out specific procedures to guard against the misappropriation of disaster relief funds, although the normal criminal laws of Niger, relating to fraud and corruption, would apply in such instances.</p> <p>In addition, although not directly related to international disaster assistance, Law 2017/006 establishes in chapter V the provisions relating to evaluation and control. More specifically, article 24 states that without prejudice to the prerogatives of the other inspection and control bodies, the services in charge of the inspection of the security services exercise, at the request of the ministry in charge of civil protection, may carry out a mission of evaluation and control of actions relating to the implementation of DRM activities carried out by local authorities, their public establishments, and approved associations. In addition, in terms of article 25, the civil protection services ensure the monitoring, periodic evaluation, and internal technical inspection of its structures.<sup>248</sup></p>	<p><a href="#">Law 2017/006, Determining the Fundamental Principles of the Organization of Civil Protection</a></p> <p><a href="#">Law 2003-025, Criminal Code of Niger</a></p>

<sup>247</sup> Draft Policy 2018, page 30-31.

<sup>248</sup> Law n° 2017/006, article 25.



<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>The law does not outline special procedures for international disaster assistance sent from and transiting through Niger.</p> <p>However, a few provisions were found to be relevant. The Finances Law of 2021 provides in article 12 a table listing the goods and services which benefit from a special tax regime of 25% when being reexported from Niger. These include, among others, medical supplies of all sorts, and animal and human blood prepared for therapeutical use. However, there are no explicit exemptions made for international disaster assistance.<sup>249</sup> Although not directly related to international disaster assistance, this provision could potentially apply to medical equipment imported and reexported as part of international assistance.</p>	<p><a href="#">Finances Law 2021</a></p>
<p><b>4. Recovery</b></p>	
<p><b>Are there clear institutional mandates that specify the role of each agency, and clarify the responsibilities of the various stakeholders, in the recovery?</b></p> <p>Limited information could be located in the documents available for review in terms of institutional arrangements for disaster recovery. However, the SNRRC, through its Strategic Axis n° 5, aims to strengthen planning and programming for disaster preparedness. For this, it proposes to establish financial reserves and contingency mechanisms for the implementation of effective response and rehabilitation by integrating DRR in recovery activities and projects.<sup>250</sup></p>	<p><a href="#">National Strategy for Disaster Risk Reduction 2013</a></p>
<p><b>Is early involvement of line ministries provided for?</b></p> <p>As stated above, limited information could be located online relating to the engagement of various stakeholders in the recovery phase, including that of relevant ministries. From the documents reviewed, laws and policies in Niger do not appear to contain provisions on early involvement of line ministries.</p>	
<p><b>Are authorities and mandates for recovery from local to national clear?</b></p> <p>Following what has been stated above, mandates for recovery, from the local to the national level, do not appear to be clearly outlined either in the DRM-related laws reviewed for the purpose of this mapping.</p>	

<sup>249</sup> Law n° 2020-067, article 12.

<sup>250</sup> SNRRC 2013, page 12.

<p><b>Is community participation mandated in recovery decision making?</b></p> <p>Community engagement does not appear to be explicitly mandated in recovery decision making as per the documents reviewed.</p>	
<b>5. Liability and Accountability</b>	
<p><b>Are there public reporting or parliamentary oversight mechanisms for government agencies tasked with DRM, DRR, Response and Recovery established and is such information made publicly available, and is there a role for the judiciary in enhancing accountability for DRM?</b></p> <p>Law n° 2017/006 contains in chapter V provisions relating evaluation and control mechanisms. Article 24 establishes that without prejudice to the prerogatives of other inspection and control bodies, the services in charge of inspecting the security services exercise, at the request of the minister in charge of civil protection, assessment and control mission actions relating to the implementation of the protection of populations carried out by local authorities, their public establishments and associations.<sup>251</sup> These security services inspection services may, under the same conditions, assess the prevention actions and the systems implemented following accidents or disasters.<sup>252</sup> As per article 25, the civil protection services ensure the monitoring, periodic evaluation and internal technical inspection of its structures.<sup>253</sup> They assist in the accomplishment of the missions performed by the General Inspectorate of the Security Services.<sup>254</sup></p>	<p><a href="#">Law 2017/006, Determining the Fundamental Principles of the Organization of Civil Protection</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>Although not specifically related to duties in DRR/DRM, article 188 of the Criminal Code provides in more general terms that anyone who voluntarily refrains from providing assistance to a person in danger that, without risk to himself or to third parties, he could give him either through his personal action or by provoking assistance will be punished by imprisonment of six months to three years and a fine of 10,000 to 100,000 francs or one of these two penalties.<sup>255</sup></p>	<p><a href="#">Law 2003-025, Criminal Code of Niger</a></p>

<sup>251</sup> Law n° 2017/006, article 24.

<sup>252</sup> Law n° 2017/006, article 24.

<sup>253</sup> Law n° 2017/006, article 25.

<sup>254</sup> Law n° 2017/006, article 25.

<sup>255</sup> Law n° 2003/025, Criminal Code of Niger, article 188.

<p><b>Are rights relevant to DRM established, including the right to disaster information, and enforcement mechanisms provided?</b></p> <p>From the documents reviewed, laws in Niger do not appear to clearly establish rights relevant to DRM.</p>	
<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>There do not appear to be any incentives for compliance with laws and regulations for DRM and recovery included in the documents available for review.</p>	
<p><b>Does the law provide liability protections to disaster rescue and relief personnel (including volunteers), governments, National Societies and civil society organisations?</b></p> <p>There do not appear to be any clear procedures in domestic law for ensuring liability protections for volunteers, the NCR and civil society organizations.</p>	
<p><b>Are mechanisms in place to prevent unlawful diversion, misappropriation, or fraud concerning disaster relief operations?</b></p> <p>From the desktop research conducted, limited information could be located on mechanisms in place to manage emergency funds adequately. Laws and policies in Niger do not appear to establish mechanisms to prevent unlawful diversion, misappropriation, or fraud concerning disaster relief operations.</p> <p>However, the Criminal Code contains provisions on fraud and corruption in more general terms. More specifically, article 60 provides that in Niger, the following activities are considered as crimes:</p> <ul style="list-style-type: none"> <li>• offenses against State security;</li> <li>• offenses relating to the exercise of civil rights;</li> <li>• attacks on liberty and abuse of authority; and</li> <li>• embezzlement or misappropriation of funds, deletion of documents by depositaries, corruption and influence peddling, theft, fraud, breach of trust, extortion of funds, trickery, issuance of bad checks, concealment, cheats and falsifications.<sup>256</sup></li> </ul>	<p><a href="#">Law 2003-025, Criminal Code of Niger</a></p>

<sup>256</sup> Law n° 2003/025, article 60.

<b>6. Public Health Emergencies</b>	
<b>What are the main laws, policies and plans which govern preparedness and response to public health emergencies?</b>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p> <p><a href="#">National Strategy for Universal Health Coverage 2021-2030</a></p>
<p>The Draft Policy highlights that as the country faces major challenges related to multifaceted humanitarian needs that arise from various factors often acting in combination, the humanitarian community must continue to provide adequate responses that take into account the needs of different vulnerable groups, which include epidemics, among other things.<sup>257</sup> Although DRM laws and policies recognize epidemics as a cross-cutting issue, they do not appear to establish mechanisms to manage public health emergencies (PHEs).</p> <p>The National Strategy for Universal Health Coverage 2021-2030 (the Strategy) provides the strategic guidelines for the health sector in Niger, with the general objective of enabling the Nigerien population to access quality health care and services and promote well-being for all and at all ages.<sup>258</sup> Section 3.4.2 of this Strategy identifies the main health risks and mitigation measures, but the sections relating to epidemics and pandemics seem to be focussed mainly on agricultural and animal health, rather than human health. The Strategy recognises that climatic, epidemic and pandemic risks related to climate change have negative effects on agricultural and animal production. These effects result in the decrease in productivity / mortality of animals as well as in the agricultural sector. As a result, the unavailability of food in quantity and quality inevitably leads to malnutrition and the development of certain diseases.<sup>259</sup> To mitigate these risks, the strategy proposes to promote the modernization of production methods and risk prevention.<sup>260</sup></p> <p>Furthermore, Strategic Axis n° 6 aims to improve the provision of health care and services by establishing follow-up mechanisms after the response to emergencies and epidemics.<sup>261</sup></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>	

<sup>257</sup> Draft Policy 2018, page 26.

<sup>258</sup> National Strategy for Universal Health Coverage (2021-2030), page 30.

<sup>259</sup> National Strategy for Universal Health Coverage (2021-2030), page 39.

<sup>260</sup> National Strategy for Universal Health Coverage (2021-2030), page 39.

<sup>261</sup> National Strategy for Universal Health Coverage (2021-2030), page 59.

<p>The Draft Policy notes that the Ministry of Health is the main actor responsible for the design, development, implementation, monitoring and evaluation of the national public health policy, in accordance with the guidelines defined by the Government.<sup>262</sup> As such, it designs, develops, implements and evaluates policies, strategies, projects and development programs in the field of public health, particularly in terms of improving health coverage, the prevention and fight against endemics.<sup>263</sup> With regard to this last point in particular, the Draft Policy notes that the Ministry of Public Health has a Directorate for Surveillance and Response to Epidemics whose mandate is to ensure the surveillance and control of diseases with epidemic potential considering that these diseases are likely to lead to disasters causing significant loss of human life and considerable material damage.<sup>264</sup></p> <p>Although there are many other entities with key roles in the health sector, there do not appear to be specific roles and responsibilities related to the management of PHEs assigned.</p>	<p><a href="#">National Policy on Humanitarian Action and Disaster Management 2018 (preliminary draft)</a></p>
<p><b>Is there a coordination mechanism for the actors that are involved in responding to public health emergencies and, if so, which actors are included in the coordination mechanism? Who has overall command and control for the response?</b></p> <p>As stated above, roles and responsibilities of different actors in the response to PHEs remains unclear from the documents available for review. Although the National Strategy for Universal Health Coverage is intended to promote multidisciplinary and multisectoral collaboration, among many other things, it is difficult to determine whether there is a consolidated coordination mechanism specifically for PHEs in Niger.</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?) 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>There do not appear to be clear links between the DRM and the PHE institutional frameworks.</p>	

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<sup>262</sup> Draft Policy 2018, page 20.  
<sup>263</sup> Draft Policy 2018, page 20.  
<sup>264</sup> Draft Policy 2018, page 20.