

January/February 2023 Floods

Version 1 – 17 February 2023

This document is intended to provide key information to the Red Cross and Red Crescent Movement network and Operations relating to the regulatory and policy environment applying in Zambia to respond to the impact of floods that are affecting the country since January 2023.

Note that a legal mapping was conducted by the IFRC Disaster Law Africa team on [Legal Preparedness for International Disaster Assistance in Zambia](#) (2021). Legal facilities available in [Zambia](#) related to international disaster assistance are also set out on the [International Disaster Response Laws Dashboard](#) on the **GO Platform**.

Institutional and policy framework

- The [Disaster Management Act 13 of 2010](#) (2010 DM Act) provides Zambia's legislative framework for DRM.
- The 2010 DM Act outlines the roles and responsibilities of various institutions involved in disaster management as follows:
 - the [Disaster Management and Mitigation Unit \(DMMU\)](#) within the Office of the Vice President is responsible for the implementation of the 2010 DM Act, as well as the implementation of all disaster management programmes and activities in the country. The DMMU acts as the central planning, coordinating and monitoring institution for prevention, mitigation, preparedness, response, and post-disaster recovery. The National Coordinator for the DMMU is responsible for its day to day running, and provision is also made for the establishment of provincial and district disaster management coordinators;
 - the National Disaster Management Council (Zambia NDMC) is responsible for inter alia directing Ministries to take up their responsibilities during disasters and to mobilise resources for disaster management; and
 - the National Disaster Management Technical Committee (NDM TC) is responsible to, amongst others, recommend policy and programme direction to the NDMC. Provision is also made for the establishment of provincial and district disaster management committees.
 - the National Disaster Consultative Forum (NDCF) is a coordination mechanism which operationalises the DM Policy under stakeholder engagement.
 - The **Zambia Red Cross Society (ZRCS)** is a member of the NDM TC, the NDCF as well as district disaster management committees and sub-committees.
- In addition to the 2010 DM Act, the Zambian Government has published several implementing policies and regulations concerning DRM, including the:
 - [National Disaster Management Policy \(2015\)](#) (the NDM Policy), adopted in July 2015; and
 - [Disaster Management Operations Manual](#), adopted in July 2015 (the Manual).
- The Government of Zambia has also developed national contingency plans for floods. However, the most recent plan accessible online relates to the [December 2009/April 2010 period](#) and is therefore outdated. While flood contingency plans may have been developed in the interim, they do not appear to be available online.
- The [Zambia Red Cross Society Act](#) (ZRCS Act), Chapter 307 of the Laws of Zambia provides statutory recognition of ZRCS in the country as a voluntary aid society auxiliary to its public authorities.
- IFRC also has a legal status agreement (LSA) in Zambia.

State of Emergency & Request of Humanitarian Aid and Assistance

- From the research conducted, a State of Emergency has not been declared in response to the floods as yet.

Potential issues & recommendations:

No official request for international assistance or list of needs seems to have been issued by the Government as yet. Uncoordinated efforts may lead to the receipt of unsolicited goods (unsolicited bilateral donations or UBD).

Therefore, we recommend IFRC to offer technical support to the Government to prepare a detailed List of Needs and clear processes for the acceptance of international disaster assistance, based on IDRL best practices.

<p>Special IDRL facilities for eligible international humanitarian actors</p>	<p>Although it does not specify its applicability to international assisting actors, the Manual provides for Project Implementing Partners (PIPs) to be engaged by the Zambian Government to facilitate the speedy, transparent, and accountable distribution of relief supplies, and for memoranda of understanding (MoUs) to be signed between the DMMU and PIPs. Although it is not stated, it is possible that these MoUs may grant legal facilities to PIPs on an ad hoc basis.</p> <p>The legal framework in Zambia provides very limited facilities for international assisting actors (which are set out below). There are also no explicit provisions which provide legal facilities related to international disaster assistance to the ZRCS under the Zambia Red Cross Society Act.</p> <p>We therefore recommend IFRC to reach out to the DMMU within the Office of the Vice President to advocate for the granting of IDRL facilities.</p>
<p>Entry of humanitarian personnel</p>	<p>The Immigration and Deportation Act, 2011, regulates the entry, exit, and stay of immigrants and visitors in Zambia. The Immigration and Deportation Act does not contain any specific provisions, expedited processes, or waivers for visas for international disaster assistance personnel. Therefore, it appears that the normal rules applicable to the entry of foreign personnel in Zambia would apply</p>
<p>Customs arrangements</p>	<p>The Control of Goods Act provides that goods for use in humanitarian aid, when imported by an organisation recognized by the Ministry of Finance and Economic Development, are exempt from import declaration fees.</p>
<p>Relief flights</p>	<p>The Civil Aviation Act, 2016, provides the legislative framework in respect of civil aviation in Zambia. No provision is made for the priority landing of airplanes carrying humanitarian supplies, save that section 125(2) provides that during industrial action, the operation of aircraft engaged in humanitarian missions must be ensured. One of the purposes of the Civil Aviation Act is to give effect to the Chicago Convention on International Civil Aviation, Annex 9 of which obliges member states to facilitate the entry into, departure from and transit through their territories of aircraft engaged in relief flights.</p>
<p>No clear provisions and exemptions explicitly provided for:</p>	<ul style="list-style-type: none"> ○ Recognition of professional qualifications ○ Registration of International Assisting Actors ○ Freedom of movement of international assisting actors during a disaster response ○ Use of Cash in response operations

For further information on the IDRL Emergency Fact Sheet, please contact:

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