

# Moving Beyond the Quagmire: Solomon Islands DRM Legislation Project

*Nina Kessler, reports on the new Disaster Risk Management Mandate in the Solomon Islands*

## Abstract

The Solomon Islands drafted its first National Disaster legislation in 1989. Since then, disaster risk management has transformed in theory and focus, expanding beyond a relief and recovery orientation to include government and non government planning and strategizing to reduce overall vulnerability. For the Solomon Islands this shift has not been reflected in the legislations until now. This paper documents the process the National Disaster Council and National Disaster Management Office is undertaking to incorporate the new Disaster Risk Management (DRM) Mandate into Solomon Islands governance.



*Balasuna, river flood, July 2006.*

## Phase One: Assessment of Current System

Public perception often views disasters as events external to human organisation and with impacts that happen to society. This view has led much disaster policy to focus on the processes of relief and recovery. However, recent study indicates that the impact of disasters can be mitigated by human action, and in fact, systems can intervene on the most devastating effects on social and physical infrastructure and loss of life caused by disasters. New disaster discourse places impacts at an intersection between identified risks and hazards and their management in terms of education, assessment, training, information sharing and cooperation in social organisation. The UK Department for International Development (DFID) study, *Disaster risk reduction: a development concern*, states: "Disaster risk results from a combination of hazards (potentially damaging events or processes) and people's vulnerability to those hazards. Both hazards and vulnerability are to varying extents products of the development process." (White et.al., 2004, p.11) This implies a shift in focus necessary for disaster policy to include ongoing management in the planning of social institutions and their action through assessments of vulnerability and total government coordination. New Disaster Management discourses unite different sectors of society in the common goal of sustainability and thus stress the interconnectivity

of the wellbeing of such diverse sectors as business, government, non-government, community and the individual. That this same interconnectivity extends beyond the national into regional and international welfare is undisputed in our globalised environment. The high degree of responsibility implied in Disaster Risk Management (DRM) means there needs to be strong national backing and commitment. By enshrining the idea of risks and hazards in legislation, government, leading by example, demonstrates its contractual dedication to social safety and stability. It is, therefore, with the intent of exemplifying its commitment to the development of the Solomon Islands, that the Government is pursuing a review of its national arrangements. Under the **Solomon Islands Institutional Disaster Risk Management Strengthening Project**, DRM commitments included a multi-step program to review disaster legislation and plans. This paper documents the first stage of the legislation review.

## 2. DRM as Total Government Objective and Hazard Specific Action

As noted, DRM occurs at the intersection of a particular hazard and its interactions with a human population understood against social disintegration in the loss of life, property and infrastructure. DRM is comprised

of multiple parts and because its basis is society at large DRM requires total government involvement and commitment. A World Bank Report *Not if but when: Adapting to natural hazards in the Pacific Island Region* supports this by noting: "As risk management of natural disasters is so closely linked to macro-economic planning and it involves multiple sectors – finance, environment, fisheries, agriculture, public works, health – it requires a long term, programmatic, whole of government approach." (Bettencourt et. al., 2006, p.ix) This means multi sector awareness and incorporation of risk and hazard assessment in general policy planning and on a continuous basis as context changes. This ongoing, general orientation is to be complimented by establishing roles and responsibilities for disaster specific events. To ensure the two fold process of DRM forms a cohesive and complementing system addressing all necessary variables, legislation works as a sound social reference point for organisation and action. This allows for clear and efficient management of disasters through formalising roles and responsibilities and establishing an enabling environment in which DRM processes take place.

### 3. International and Regional DRM Mandates

According to the Hyogo Framework for Action and the Pacific Island Forum Secretariat this action is necessary in national development for efficient regional and international coordination. At the regional level, the Pacific Plan designed by the Pacific Islands Forum Secretariat presents safety as a "Specific Priority". Complementing this is the strategic objective of s.13: Improved political and social conditions for stability and safety, to be implemented under s.14 with "increased national ownership and commitment to regional approaches, plans, policies and programs." This is to be done through s.14.1 by [developing and implementing] national policies and strategies on regionalism that include clear statements of national interest, and the establishment of appropriate national mechanisms and approaches" (PIFS, 2005, p.20). Similarly, the Hyogo Framework for Action, arising from an international conference in Kobe, Japan in 2005, stipulates a key activity for disaster reduction is to: "Support the creation and strengthening of national integrated disaster risk reduction mechanisms, such as multi-sectoral national platforms, with designated responsibilities at the national through to the local levels to facilitate coordination across sectors" (UNISDR, 2005, p.6). This is facilitated by another 'Key Activity' of the Hyogo Framework, to: "adopt or modify where necessary, legislation to support disaster risk reduction, including regulations and mechanisms that encourage compliance and that promote incentives for undertaking risk reduction and mitigation activities" (UNISDR, 2005, p.6). The SOPAC Strategic Plan 2005-2009 also strongly promotes the mainstreaming of DRM, integrating this

process with international agendas of Millennium Development Goals (MDGs), the Johannesburg Plan of Implementation of the World Summit on Sustainable Development, the Mauritius Strategy for Small Islands Developing States and the Pacific Plan mentioned above (SOPAC, 2005).

### 4. Legislation can shift the Solomon Islands primary focus on Response

Hence, this process of standardization through legislation is meant to maximise all available resources for DRM. For the Solomon Islands this holds particular significance. The National Disaster Management Office (NDMO) 2005 Briefing Paper states: "traditionally disaster management activities in the Solomon Islands have focused almost exclusively on preparedness, response and recovery for national hazards, particularly cyclones. The current disaster management legislation, plans and organisational arrangements have also been set up with these activities in mind..." (NDMO, 2005, p.2). However, working off the updated definition of DRM, this focus negates the important element of risk management, which includes the essential function of risk reduction. This is especially detrimental as the reason for Solomon Islands limited focus is attributed to limited funding. Not only can legislating for risk management assist in resource management through its desired consequence of organisation and lessening disaster impacts, but the standardisation through law brings the confidence of international donors to DRM processes, perhaps providing reason to break with what DFID calls the "perverse architecture of incentives". (White et. al., 2004, p. 36)



Relief effort in Walanda, King Tide, October 2005.

## 5. Solomon Island Legislative Review Process

Legislative review is therefore deemed an integral part of updating and strengthening the capacity of the National Disaster Centre (NDC) and its executive arm, the NDMO, to deal with disasters. Legislation and other legally binding documents provide for clarity as to the design and operating environment of a system and function as a support to objectives set out in a nations DRM mandate. Mainstreaming DRM through legislation is an integral part of national assurance for risk management and disaster preparedness.

For the Solomon Islands the legislative review process will include multiple stages. This report documents Phase One, a comprehensive analysis of legislation in efforts to gauge the current state of Solomon Islands DRM. This is done by analyzing legislation from three DRM related angles. Activity One uses DRM specific indicators to assess the explicit presence of DM in legislation. Activity Two uses DRM components to assess the implied system of DRM within legislation. Activity Three conducts a comparative analysis of the Solomon Island *National Disaster Council Act 1989* with the *Vanuatu National Disaster Act 2000* and the *Fiji Natural Disaster Management Act 1998*.

## 6. Activity One: DRM Indicator Analysis

Activity One of the project was to conduct a survey of all Solomon Island legislation thought to have particular relevance to DRM. This was done to assess the extent of a direct relationship different sectors have with DRM provisions in a total government approach. Legislation was audited using four identified key DRM indicators – ‘emergency’, ‘disaster’, ‘risk’

and ‘hazard’. This activity presented the conclusion of limited presence of immediate indicators of Disaster Risk Management discourse. Eleven acts out of sixty six acts made mention of the indicators. These are the *Police Act, Telecommunications Act, Local Government Act, Civil Aviation Act, Health Services Act, Public Services Act, Quarantine Act, Solomon Islands Red Cross Society Act, The Financial Institutions Act, Solomon Island Visitor Bureau Act, the Emergency Powers Act, the Preservation of Public Security Act, and the National Disaster Council Act.. Three acts made explicit reference to procedures in situations categorized as national emergencies; Emergency Powers Act, National Disaster Council Act and Preservation of Public Security Act. From this activity, it could be deduced that Solomon Islands has minimal legislated relationships with Disaster Risk Management across different sectors.*

## 7. Activity Two: In Depth Review

Further substantiating the need for a Solomon Islands review, Activity One was complemented by assessment of implied DRM in the legislation. An in-depth reading a forty two pieces of legislation was conducted to gauge the presence of provisions that have an indirect relationship with DRM. Activity Two refined the list of reviewed legislation to fall within areas of DRM concern such as Development, Communication, Resource Management and Conservation. Using the consolidated list, legislation was read classifying provisions according to their fit in four DRM components. These four DRM components are: objectives and plans, reviews, information and reports, cooperation and integration, and risk orientation. As with Activity One, this was done to demonstrate the level of total government approach to DRM in Solomon Islands Legislation. The legislation reviewed and a data base of their constructed systems will be compiled for NDMO reference.



Honiara, Solomon Islands also affected by Tropical Cyclone Jim, January 2006.

Activity Two presented implied DRM within Solomon Islands legislation as being only slightly more prevalent than indicated in Activity One. Many acts contain provisions that fell within the four identified DRM components. However, the provisions that are accounted for are only implied and would require some form of legal interpretation. For the specific context of the Solomon Islands this lack of explicit reference would hinder DRM objectives because of the number of vacant positions of legal advisors in the provinces. It has been noted by the Provincial Legal Advisor in a meeting with the DRM Legislation Project (DLP researcher that legal advice for the provinces comes primarily from the central office in Honiara. In reference to the distance between provinces and islands and the lack of easy communication, this centralized advice system could be seen as adding to the inefficiency of DRM. Coupled with this issue is that DRM is not a devolved function and therefore not seen as being in the explicit mandate of provincial activity. Both these issues reduce the presence of DRM concerns in the provinces. Also, the implied system of DRM during the current capacity building period presents a highly convoluted system of DRM organization and limits the translation of the implied provisions on other administrative levels and sectors in their national, provincial and local involvement.

## 8. Activity Three: Comparative Analysis of National Disaster Legislation

Activity Three of the DLP was to conduct a comparative analysis of specific National Disaster Legislation. There are three pieces that were looked at; the Solomon Islands *National Disaster Council Act 1989*, the Fiji *National Disaster Management Act 1998* and the Vanuatu *National Disaster Act 2000*. This activity found the Solomon Islands National Disaster Council Act to be very restrictive for DRM purposes in its primary focus on centralising DRM. The focus on establishing national level functioning is pursued to the exclusion of other necessary DRM procedures, through the wording of the Act and the type of sections presented. Very broad terminology is used for necessary action by other sectors, and even this is done through mention of their relevance to national level functions. The Act fluctuates between vague mention of different agencies and offices attributed with disaster responsibility and detailed provisions for national level involvement. This same fluctuation can be seen in provisions for difference phases of a disaster. Emergency provisions are given explicit procedures with other phases given limited organisation, thus organising Solomon Islands DRM around relief and recovery issues. Also, this attention to emergency procedures is not mirrored with mention of any risk management, mitigation or prevention activities. When compared with the more current Fiji and Vanuatu Act, these issues become evident.

These limitations, combined with the limitations found in other acts, mean there is a very restricted DRM orientation for the Solomon Islands.

## 9. Where to Proceed

The legislation review is a jump-off point for an extensive process of consultation and evaluation. This analysis will be presented in a consultation conference to a cross section of stakeholders of Provincial Secretaries, Permanent Secretaries, Non-Government Organizations, Government Organizations and other agencies' officers. Running in tandem with the presentation of Legislation Review is analysis of the National Disaster Management Plan. From the conference two working groups will be elected. Working from the information gathered in the conference, and in further consultation with a wide range of stake holders, drafting instructions for legislation and a paper of a new plan will be developed. The development of the new arrangements will happen concurrently, with regular meetings between the two working groups to coordinate their processes and strengthen DRM cohesion.

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