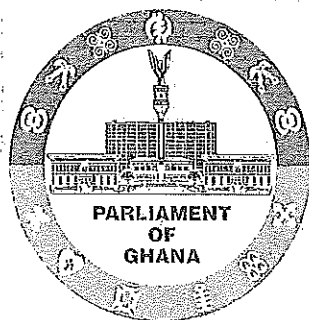


**IN THE SECOND MEETING
OF THE THIRD SESSION
OF THE SIXTH PARLIAMENT OF
THE FOURTH REPUBLIC OF GHANA**



**REPORT OF THE COMMITTEE
ON DEFENCE AND INTERIOR**

**ON THE
NATIONAL DISASTER MANAGEMENT ORGANISATION BILL, 2015**

JULY, 2015

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1.0 INTRODUCTION

- 1.1** The National Disaster Management Organisation Bill, 2015 was presented to Parliament and read the first time on Tuesday, 12th May, 2015 by the Hon. Minister for the Interior, Mr. Mark Owen Woyongo. In accordance with Article 106(4) and (5) of the Constitution and Order 158 of the Standing Orders of the House, the Rt. Hon. Speaker referred the Bill to the Committee on Defence and Interior for consideration and report.
- 1.2** The Committee expresses gratitude to the Hon. Deputy Minister for Interior, Mr. James Agalga, officials from the Attorney-General's Department, the Ghana Health Service, National Fire Service, Ghana Police Service, 48 Engineers Regiment and other security agencies, Ghana Atomic Energy Commission, University of Ghana, ABANTU (a civil society Organisation), who were in attendance to assist the Committee in its deliberations.

2.0 REFERENCE

- 2.1** The Committee referred to the following Documents during its deliberations.
- i. The 1992 Constitution
 - ii. The Standing Orders of Parliament
 - iii. The National Disaster Management Organisation Bill, 2015

3.0 BACKGROUND

- 3.1** Following the UN declaration of GAD 44/236 of 1989 declaring the 1990's as the International Decade for Natural Disaster Reduction (IDNDR), the conference on Natural Disaster Reduction held in Yokohama, Japan in May 1994 established the International Strategy for Disaster Reduction (ISDR) to replace the defunct IDNDR.

The Yokohama strategy for a safe world and its plan of action mandated each country to establish a permanent disaster management organisation. In response, the National Disaster Management Organisation Act, 1996 (Act 517) established the National Disaster Management Organisation (NADMO) in 1996 to manage disasters and emergencies in the country.

3.2 NADMO was placed under the Ministry of the Interior to enable it coordinate all the relevant civil authorities at the national, regional and district levels. NADMO functions under a National secretariat, ten (10) Regional secretariats, two hundred and forty-three (243) Metropolitan, Municipal and District secretariats and over nine hundred (900) Zonal offices.

4.0 OBJECT OF THE BILL

4.1 The object of this Bill is to establish the National Disaster Management Organisation to manage disasters and similar emergencies.

4.2 A review of the National Disaster Management Organisation Act, 1996 (Act 517) revealed weaknesses. This Bill seeks to make better and realistic provisions for the management of disasters and emergencies.

4.3 The Organisation which has been coordinating the efforts of relevant agencies to manage disasters whenever they occur has faced difficulties and resistance.

5.0 OBSERVATIONS

5.1 Micro seismic studies indicate that Ghana is prone to earthquakes associated with faults. The effects are disastrous and associated with deaths and injuries, mainly due to collapse of buildings and structures. There is need for monitoring as earthquakes in Ghana are of low probability but high impact phenomena.

5.1.1 Tab 1. EARTHQUAKE POTENTIAL IN GHANA – HISTORICAL PERSPECTIVE

Date	Magnitude	Description
1615		Damage to fort St. George in Elmina
1636	5.7	Great damage to western districts of the then Gold Coast; fort Duna and Aonin along Ankobra river were destroyed. Tunnel galleries and camp at Aboasi mine destroyed killing all those who worked in it. Damage along Axim; Fort San Antonio was shattered.
1862	6.5	Ruined much of the coastal areas of Ghana and Togo; and inland areas of Akuapim and Ashanti. Three people killed; many homes almost totally destroyed; some public buildings, Fort of St. James, Usher and Christianborg rendered uninhabitable and evacuated. Commercial activity stopped for many months in Accra. Widely felt in Dahomey (now Benin), Upper Volta (Burkina Fasso) and Mali. Was perceptible in Sierra Leone and Senegal.
1872	4.9	Several violent shocks occurred in Accra; considerable damage, houses destroyed; few serious accidents but no fatal accidents occurred.
1906	5.0	Greatest damage in Ho area; government buildings were badly damaged or partly destroyed; many houses badly cracked and uninhabitable. In Accra, Christianborg Castle, James and Usher Forts suffered much damage; some houses cracked. Abnormal fluctuation of sea level observed in Togo; the coast flooded a number of times but without damage.
1939	6.5	Felt in many parts of West Africa; caused great damage in Accra area, 22 people died, 133 people injured; many houses collapsed; 1500 houses had to be demolished; over 600 had to be repaired to make them habitable; isolated foundation failures due to liquefaction around Sakumono Lagoon and along the Wart; ground rupture over distance of about 20km between Weija and Fete
1997	4.8	Felt at Apam, Akuapim Ridge Towns, Cape Coast, Ho, Koforidua, Obuasi. Stampede at National Theatre; fire at Kaneshie, North Industrial Area; Cracks in some buildings.

5.1.2 Tremors should be properly monitored and assessed as they could be foreshocks for a major event. The 1939 earthquake of Accra was preceded by nearly four years of foreshocks following a minor tremor in 1935.

5.1.3 Seismograph stations should be well skewed to be able to accurately locate all shocks in the country especially those between magnitude 3 & 4 and which may be felt at long distances. Of great essence is the need for coping mechanisms put in place to reduce risks.

5.2 The Committee recommends that there should be in place appropriate Building Regulations, Building Codes and Building Guides in line with Vulnerability/Risk Assessment in each Metropolitan area. Such Legislation, regulations and bye-laws should be enforced with NADMO playing a leading role.

5.3 A framework for Nuclear and Radiological Disaster Risk Assessment and Reduction Strategy has been established at institutional and national levels. Technical infrastructure (equipment and training) for responding to emergencies is being upgraded under the International Atomic Energy Agency (IAEA) project RAF/9/034. The collaborating agencies include the Radiation Protection Institute, National Nuclear Research Institute, Ghana Atomic Energy Commission Clinic, Ministry of Health, Ghana Police Service, Ghana National Fire Service, Ghana Ambulance Service, Environmental Protection Authority, Ghana Meteorological Agency, Ghana Health Service, 37 Military Hospital and NADMO.

5.4 Agriculture sector contributes to about 60% of GDP and employs about 60-70% of the total labour force. NADMO through its Pest and Insect Infestation Disasters Committee deals with various Plant and Crop hazards (Armyworm, Locusts /Grasshoppers, Larger Grain Borer, Mealy bugs), Poultry and Livestock hazards (African Swine Fever, Anthrax, Rabies, Avian Influenza) Weeds (Acheampong weed, Water Hyacinth, Algal Bloom) and the abuse of Pesticides.

In the attempt to control pests and diseases, farmers tend to depend on pesticides. The over application of chemicals leads to serious environmental problems that tend to harm plants and animals, as well as humans. Those most affected are tomato farmers in Akomadan of the Ashanti Region and Navrongo in the Northern Region with reported cases of poisoning and impotence.

5.5 The Committee recommends that a gender perspective be integrated into all disaster risk management policies, plans and decision-making processes as studies show that disaster fatality rates are much higher for women than for men. Also, the assumption that the man as head of household must protect the family, works to push men to dangerous limits in safeguarding property during disasters.

5.6 The Committee recognizes the immense contributions the Ghana National Fire Service, the Ghana Health Services including the Ghana Ambulance Service, The Ghana Armed Forces and other security agencies play in responding to disaster situations in the country.

6.0 PROPOSED AMENDMENTS

6.1 The Committee proposes the following amendments to the Bill:

1. **Clause 1: Establishment of National Disaster Management Organisation**

The second Sub-clause (2) should read “(3)”.

2. **Clause 3: Functions of the Organisation**

- a. In paragraph (h), delete "identify" in line 1 as the *word is superfluous*.
- b. In paragraph (h) line 2, delete “relief” as it is *repetitive*.

3. **Clause 4: Membership of the Organisation**

- a. Interchange paragraphs (a) and (b).

Members recommend that mention be made of persons employed for the Organisation before public officers seconded to the Organisation, in order of sequence.

4. **Clause 7: Governing body of the Organisation**

Move sub-clause (3) to Clause 8, so that all the provisions on the functions of the Council are under one clause.

5. **Clause 8: Functions of the Council**

Make paragraph (c) the first provision, so as to follow a sequential order.

6. Clause 10: Meetings of the Council

Revise sub-clause (1) as follows:

"(1) The Council shall meet at least once every three months for the despatch of business **at a time and place** determined by the chairperson".

This rendition is for purposes of clarity.

7. Clause 17: Appointment of Director-General

In sub-clause (1), line 2, delete "and Chief Executive of".

The Committee is of the opinion that *further description of the Director-General as Chief Executive may be confusing and is not necessary.*

8. Clause 18: Functions of the Director-General

a. Delete sub-clause (2).

In view of sub-clause (1) which provides, amongst others, that the Director-General is responsible for the day-to-day administration of the Organisation, sub-clause (2) is superfluous.

9. Clause 19: Appointment of other staff of the Organisation

a. In sub-clause (2) line 2, delete "with the approval of the Council".

The phrase would unduly fetter the powers of the Director-General. In view of the fact that in clause 18 (1) the Director-General is stated as being answerable to the Council in the performance of functions under this Act, this phrase is not necessary.

10. Clause 25: Functions of the Regional Disaster Management Committee

a. Substitute the following for paragraph (c):

"(c) perform other functions relevant to the Regional Disaster Management Committee." *This rendition is for purposes of clarity.*

11. Clause 28: Meetings of Regional and District Disaster Management Committees

Insert as sub-clauses (1), (2) and (3) provisions that the committees are required to meet as follows:

"(1) A Regional Disaster Management Committee shall meet during a disaster in the region or as and when it considers appropriate for the dispatch of business at a time and place determined by the chairperson.

(2) A District Disaster Management Committee shall meet during a disaster in the district or as and when it considers appropriate for the dispatch of business at a time and place determined by the chairperson.

(3) Despite sub-paragraphs (1) and (2), a Regional Disaster Management Committee and a District Disaster Management Committee shall each meet at least once in every three months."

This rendition is to first provide that the Committees are to meet and to specify the minimum number of meetings before stating that the Committees shall regulate the procedure for their meetings.

12. Clause 34: State of emergency with respect to a district

In line 1, substitute "a resolution" for "resolutions". *This rendition is for purposes of clarity.*

13. Clause 39: Donations to the Organisation

In conformity with Clause 22 (3), to introduce a provision that makes it possible for a person to donate for a specific purpose or function of the Organisation and that is not to be put into the Fund. It is proposed that this clause reads as follows:

"39. A person may, with the written approval of the Minister, donate

(a) goods and other equipment to the Organisation; and

(b) money, which is not designated for the Fund, to the Organisation for a specific purpose or function of the Organisation."

14. Clause 40: Management of the Fund

In subclause 1, paragraph (d), insert "and utilization" after "management".

This will provide for the appropriate procedures to refer to utilization as well as management.

15. Clause 49: Compensation for damage to property

(a) In sub-clause (1), line 4, delete "to the person or to the public or private institution". *The provision is superfluous.*

(b) Amend sub-clause (2) to read as follows:

"(2) The compensation referred to in subsection (1) does not apply to a person who builds

(a) at a prohibited area; or

(b) without a requisite permit.

This is to exclude a person who builds without Permit from receiving compensation.

16. Clause 50: Request for information

Insert a new paragraph (a) before the existing paragraph (a) as follows:

"(a) an individual;"

This is to provide for the Organisation to be able to request for information from an individual as well as from the other bodies indicated.

17. Clause 54: Regulations

Delete paragraph (b).

The terms and conditions of service of members of the Organisation should fall under the Fair Wages and Salaries Commission as pertains for other public officers and not be provided for by Regulations.

18. Clause 56: Interpretation

(a) To provide a definition that:

"District Assembly" includes a Metropolitan and a Municipal Assembly"

This is for purposes of clarity, as it is acknowledged that this provision is in the Constitution.

(b) Provide a definition for "disaster volunteer groups" as referred to in Clause 3 (k) *for purposes of clarity.*

6.2 Other Critical Issues to Consider

The Committee recommends granting the new Organisation:

- (a) a 24/7 working hours and 30 working days status, with salary structure matching other security and disaster related institutions.
- (b) exemption from payment of road tolls (as an addition to Clause 44)
- (c) inclusion of the Director-General, Regional Director and District Director on the National Security Council, Regional Security Council and District Security Councils respectively.
- (d) the name "National Disaster Management Service".

7.0 CONCLUSION

In order to have an effective disaster management system in place, the institution has to be strengthened. This Bill seeks to strengthen disaster management in the country by reorganizing NADMO to ensure a participatory approach to disaster management, as well as motivating people to act responsibly to prevent or mitigate the effects of disasters.

The passage of this Bill indicates government's resolve to make disaster management a national priority and to ensure allocation of adequate resources to undertake disaster management programs and activities.

The Committee hereby recommends to the House the adoption of its Report and to pass the Bill subject to the amendments proposed.

Respectfully submitted.



HON. FRITZ BAFFOUR
Chairman, Committee on
Defence and Interior



GLORIA SARKU KUMAWU
Clerk, Committee on
Defence and Interior

JULY, 2015