



Western Cape  
Government



Disaster recovery guidelines



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# 1. Introduction / Background

The Province of the Western Cape remains one of the most disaster-prone provinces in South Africa. Its diversity of ecosystems includes coastal habitats, semi-arid/arid inland areas, mountain ranges and densely populated urban settlements. In addition, fast-growing metropolitan areas (such as Cape Town) concentrate a wide range of essential commercial and government services, along with a multitude of industrial and manufacturing activities. Particularly rapid growth in urban areas has been reflected in the expansion of informal settlements in under-served and often environmentally fragile areas. At the same time, formal development has pushed the urban fringe into fire-dependent ecological zones.

These changes are reflected in patterns of disaster occurrence that include both low-frequency high-impact events, as well as an increased frequency of low-impact occurrences – often in rapidly growing urban areas. Many of the Province’s formally “declared disasters” are triggered by extreme weather and characterised by large-scale informal settlement, veld and urban fringe fires, severe wind and rain storms, flash floods and drought. These events occur along our coast, within the Cape Town metropolis and in remote areas inland. The Province’s past “declared events” are even more dramatically outnumbered by the multitude of small- and medium-size undeclared disaster incidents that cause cumulative losses to households and local authorities every year.

The likelihood of rising temperatures and increasing weather extremes expected worldwide will be mirrored in the Western Cape. The province is already exposed to strong winds, rainfall extremes, rising temperatures and coastal storm surges.

These provincial disaster risk trends parallel those that have generally occurred across South Africa over the past decade, underlining the urgency to reform prevailing disaster management legislation and regulation.

The Disaster Management Act, No. 57 of 2002 (DMA or the Act) (as well as the Disaster Management Amendment Bill of 2013, which is currently in the parliamentary process for ratification and approval) provides, inter alia, for:

- an integrated and co-ordinated disaster management policy that focusses on preventing or reducing the risk of disasters, mitigating the severity of disasters, emergency preparedness, rapid and effective response to disasters, and post-disaster recovery;
- the establishment of national, provincial and municipal disaster management centres,
- disaster management volunteers, and
- matters relating to the above issues.

The Act recognises the wide-ranging opportunities in South Africa to avoid and reduce disaster losses through the concerted energies and efforts of all spheres of government, civil society and the private sector. However, it also acknowledges the need for uniformity in the approach taken by such a diverse group of role players and partners. To ensure this consistency across multiple interest groups, the Act calls for the development of a national disaster management framework, “to provide a coherent, transparent and inclusive policy on disaster management appropriate for the Republic as a whole” (Disaster Management Act, section 7 (1)).

The National Disaster Management Framework (NDMF) was gazetted on 29 April 2005, and elaborated on four Key Performance Areas (KPA’s) and three enablers. The fourth key performance area addresses response and recovery.

The Act also calls for the establishment of provincial disaster management frameworks (section 28), as well as municipal disaster management frameworks (section 42) which must be in line with the Act. The updated Western Cape Disaster Management Framework was gazetted on 22 February 2010 (Gazette number 6698).

In the event of a disaster, rapid response is imperative. Funds are required to effectively support response and recovery efforts, including the provision of rescue services, basic humanitarian services and critical infrastructure repair. All this is done with the objective of ensuring restoration for the functioning of the affected community and its services. The assumption is that each hazard owner (organ of state operating within its own core business) should take full responsibility for developing adequate disaster management plans with the available resources to deal with disaster incidents impacting their assets.

Furthermore, resources (national government financial contributions from the reserve fund) are not released quickly enough due to lengthy treasury and budgetary processes. The use of section 16 of the Public Finance Management Act (PFMA), Act No 26 of 1999, as a legal instrument to facilitate the release of emergency funds requires Ministerial authorisations which can at times increase the period between declaration and access to emergency funds. The introduction of the Municipal and Provincial Disaster Grants during 2011/12 seeks to make emergency recovery funds more readily and speedily available.

It is understood that affected municipalities and provincial departments first access funds from their own budgets, approve a re-prioritisation of their budgets, as well as other related conditional grants, before requesting funding for disaster recovery purposes through the PDMC (Provincial Disaster Management Centre) and NDMC (National Disaster Management Centre). An elaboration of the various financial allocations will follow later in this document.

Regardless of the source of the funding, it is expected that initial assessments, verifications and progress reports pertaining to high-impact events be submitted to the PDMC and NDMC. Once it is determined that a specific event requires more resources than a particular municipality or provincial/national department can deal with, and they have also exhausted their own funds and related funding provisions, a funding application could be made to the NDMC for **four types of funding**:

- A. **Municipal Disaster Grants** [MDG]: in cases of emergencies for disaster relief in favour of municipalities
- B. **Provincial Disaster Grants** [PDG]: in cases of emergencies for disaster relief in cases of sector departments
- C. **Municipal Disaster Recovery Grants** [MDRG]: for longer-term reconstruction and rehabilitation in favour of municipalities – introduced during 2013
- D. **Sector Conditional Grants**: for longer-term reconstruction and rehabilitation in favour of sector departments where the disaster funds are **deposited within** other sectorial conditional grants, e.g. **CASP** (Comprehensive Agricultural Support Programme) for Agriculture, **Provincial Roads Maintenance Grant** for Transport, **Education Infrastructure Grant** for Education, **Human Settlements Development Grant** for Human Settlements, etc.

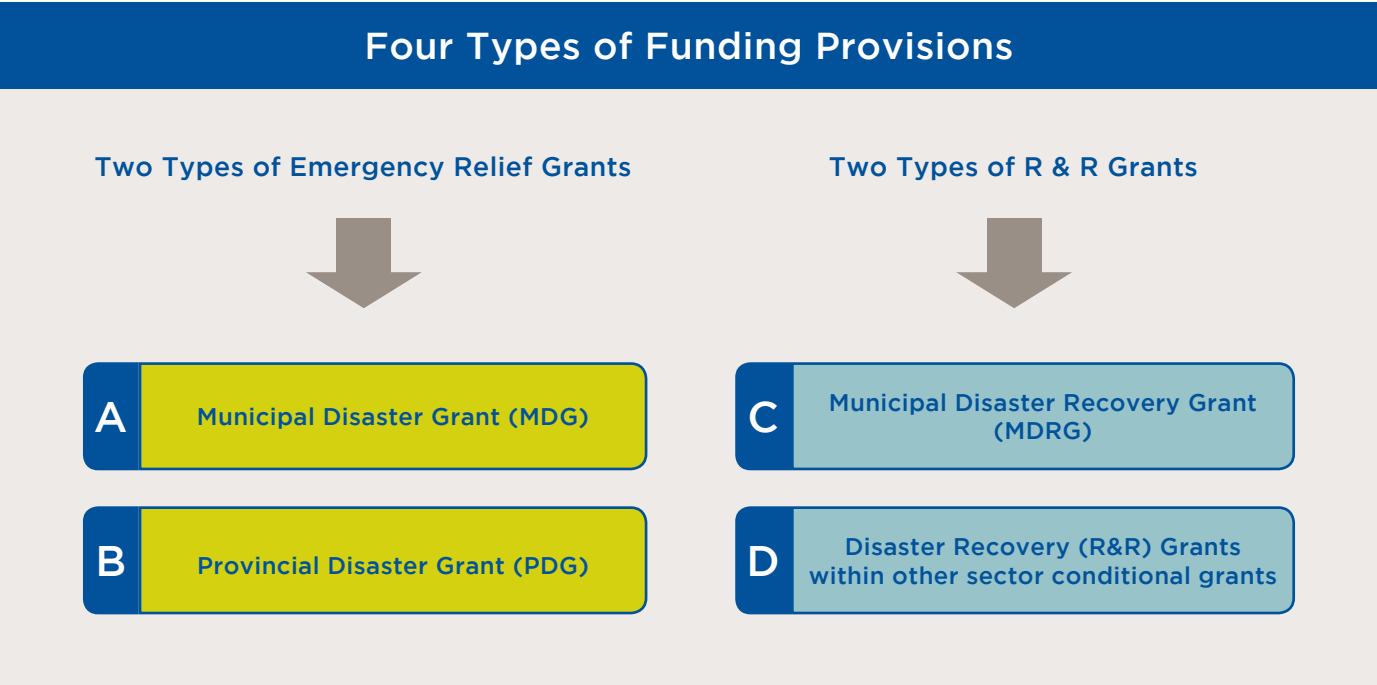


Diagram 1: Type of funding provisions

The requirements and conditions pertaining to each of the above grants will also be explained within this guidance document.

With regards to the MDG and PDG (in cases of emergencies), the following, inter alia, will also apply (see grants frameworks):

- It must be for a declared disaster (therefore the necessary damage assessments, cabinet submission, declaration and classification documents, gazette notice and request for additional national funds must be provided);
- The NDMC will send a delegation to visit the identified emergency projects in terms of further assessment and verification;
- All beneficiary organs of state must submit business plans and project implementation plans (with cash-flow projections) via the PDMC to the NDMC;
- Projects must be for temporary structures and/or shelters to ensure continued basic services, provision of temporary access roads and bridges, and/or large-scale humanitarian and other relief that the sector departments are not responsible for or unable to provide;
- The NDMC will seek approval for the disbursements of funds within 35 days of receipt of the written funding request;
- If the NDMC approves (on a case-by-case basis), the funding will be transferred directly into the bank accounts of the beneficiary organs of state via the NDMC (COGTA);
- organs of state must use their emergency procurement procedures for the purchase of necessary items;
- It should be for a period of 6 (six) months only;
- regular monthly financial expenditure and quarterly reports, signed by the Accounting Officer, must be submitted by the beneficiary organ of state to the PDMC. The PDMC will then forward it to the NDMC;
- Regular site visits must be conducted by the PDMC to evaluate implementation plans;
- The grant framework should be regularly reviewed with inputs from organs of state.

With regards to the normal reconstruction and rehabilitation (recovery) grants, the following, inter alia, will apply (see grant frameworks):

- It must be for a declared disaster (so the necessary damage assessments, cabinet submission, declaration and classification documents, gazette notice, request for additional national funds must be provided).
- The NDMC will appoint a service provider to conduct an independent verification.
- The appointed service provider (verifier) will meet with the PDMC and all relevant and potential beneficiary organs of state in order to discuss their briefing, obtain the necessary contact details of relevant officials, plan and arrange logistics to undertake site visits to ALL the identified projects in line with the project lists.
- The appointed service provider will submit a draft report to NDMC, who will forward it to PDMC for scrutiny by all relevant stakeholders.
- The final Verification Report will be tabled with the HOD of Local Government for provincial approval and sign-off.
- The NDMC will include the signed verification report in their submission to National Treasury to consider allocating funds in line with the final recommendations of the appointed service provider.
- Should National Treasury approve the disaster recovery funding, the NDMC will be duly notified.
- National Treasury will publish allocations and disbursements in the Division of Revenue Act (DORA) of each concerned financial year.
- The NDMC will provide an Allocation of Funds (letter with the requisite allocations breakdown) to the PDMC who will in turn distribute it to all relevant beneficiary organs of state.
- All beneficiary organs of state must submit business and project implementation plans, and cash-flow projections via the PDMC to the NDMC.
- Business plans must take due regard of the National Environmental Management Act (NEMA), National Water Act (and Water User Licence Applications (WULA)), the Heritage Act and other applicable legislation, and ensure that provision is made for Environmental Impact Assessments (EIAs) and other authorisations.
- The NDMC (COGTA) will transfer the allocated funds directly to relevant municipalities.
- National Treasury will transfer other allocated funds (conditional grants) to the various sector departments' national departments, who will make the funds available to the provincial sector departments.
- Regular monthly financial expenditure reports must be sent to the NDMC and National Treasury via the PDMCs.
- Regular quarterly reports must be sent to the NDMC and National Treasury via the PDMCs.
- Regular site visits to identified projects must be undertaken by the PDMC to monitor projects progress.

## 2. Legal & Administrative Disaster Recovery Process

Disaster recovery (including rehabilitation and reconstruction) focusses on the decisions and actions in the aftermath of a disaster to restore lives and livelihoods, services, infrastructure and the natural environment to the pre-disaster living conditions of the stricken community. In addition, by developing and applying risk reduction measures at the same time, the likelihood of a repeated disaster event should be reduced or mitigated. Disaster recovery includes:

- rehabilitation of the affected areas, communities and households;
- reconstruction of damaged and destroyed infrastructure; and
- recovery of losses sustained (including humanitarian support) during the disaster event, combined with the development of increased resistance and resilience to similar occurrences in the future.

**A step-by-step process needs to be followed as indicated:**

### A) Damage Assessment:

As soon as possible after the disaster incident/event has occurred (in some cases even as it happens, e.g. prolonged rain and floods), preliminary rapid assessments should be undertaken by the affected municipalities and/or national/provincial departments to ascertain the severity and magnitude of the event, as well as the likely losses and damage that could be suffered. Each affected organ of state should conduct its own assessment in accordance with their line and core functions. The PDMC also provides a standard **template** for **initial assessments**, attached to this document.

As a major disaster incident occurs, it is expected that the local municipality coordinates such an incident until it exceeds their capacity, or spills over into two or more municipalities, then the Municipal Disaster Management Centre (MDMC) must establish a Joint Operations Centre (JOC) or a Forward Command Post (FCP) in line with the Incident Command System (ICS). Various situational reports are produced (about two per day) and submitted to the PDMC. The PDMC might also decide to activate its disaster centre as an Emergency Operating Centre (EOC) in accordance with the Incident Management System (IMS) to co-ordinate emergency operations at a level away from the actual on-the-ground incident. It needs to be emphasised that disaster risk planning leads to disaster response in cases of emergencies or disaster incidents. Flowing out of the emergency response, the disaster recovery processes should be implemented. This is normally a long and slow process, and also touches on disaster mitigation and disaster risk reduction initiatives. See the diagram below:



Diagram 2: Disaster Continuum

Depending on the duration of the activation and response to the disaster, many situational reports might be produced. For the purpose of the declaration, classification and funding request, only one summarised situational report should be produced by the PDMC and attached to the cabinet submission, as well as later included in the funding application package sent to the NDMC. The minimum requirements for disaster assessments must include:

- a co-ordinated response and consideration of disaster management plans to identify/determine the areas, communities, households and individuals that have been damaged, affected or destroyed;
- a determination of immediate response and relief priorities for search and rescue, evacuation, emergency shelter, food, medical care, water and sanitation, trauma and/or bereavement counselling, as well as emergency livelihood support and protection;
- a determination of local resources and capabilities available for immediate response so as to minimise the severity of impacts by considering mitigation and disaster risk reduction initiatives, including human resources and facilities, as well as logistical, communications and organisational capabilities; and
- determine/identify possible/potential future risks both to those immediately affected as well as other areas, communities, households, individuals, infrastructure and services to 'knock-on' or indirect impacts

However, a standard assessment template regarding initial assessments and costing of infrastructure damage is also provided in order for all to populate and send to the PDMC, preferably within the first week following the incident. This assessment must be updated in the few weeks following the initial rapid assessment. This damage assessment must also indicate any items covered by insurance or not, as well as own contributions. If losses are not covered by insurance, reasons should be provided.

There will be disaster incidents on a relatively small scale, localised to a particular geographical area. In such incidents it might **NOT** be necessary to proceed to the declaration of a local disaster, as it could be contained and addressed by the local municipality and/or relevant line department.

For example: damage to a few RDP housing dwellings (such as roofs blown off or windows broken). The line department (Human Settlements), in conjunction with the local municipality, can conduct the damage assessment and recoup the losses from the Emergency Housing Programme (EHP) Fund, which is also a conditional grant. The necessary EHP applications and administrative forms need to be completed in order for the EHP fund to be accessed. In other incidents, vulnerable and affected communities could be supported with social relief provisions directly from the resources of the Department of Social Development (DSD) and the South African Social Security Agency (SASSA).

Furthermore, in cases where a disaster incident might necessitate some organisations to consider possible job lay-offs, applications to the Department of Labour and the Commission for Conciliation, Mediation and Arbitration (CCMA) could be done to access the Training Lay-Off Scheme (TLS). In these cases, a small-scale disaster incident report should be completed and a Memorandum of Agreement (MoA) should be signed by the relevant stakeholders.

## **B) Damage Verification:**

Information provided in preliminary assessments and damage assessments must be verified at various levels to check accuracy, quality, quantity, estimated cost of damages, progress and risks. In terms of infrastructure damage (for example, municipal buildings, road networks, bridges, agricultural assets, river systems, dams, raw-water pipelines, sewerage pump stations and reticulation networks, schools, informal housing units, etc.), it is expected that expertise is sought from specific engineers and relevant professionals to assist in the assessments and verification process using universally accepted standards and measures.

The PDMC will also co-ordinate a team of experts to assist with verification visits to affected areas. The PDMC relies heavily on guidance and advice from provincial engineers within the Head Office of the Provincial Department of



Local Government (MIG Engineers), as well as experts from the Department of Environmental Affairs (DEA&DP) and the Department of Water and Sanitation (DWS) with whom a close working relationship exists.

The damage assessment/verification sessions will be conducted after municipalities and/or provincial departments have submitted their preliminary damage and loss reports. The purpose of these sessions and site visits to the affected areas will be to verify the extent of the damage, as well as to determine the validity of a possible classification of either a local or provincial disaster. The NDMC will also arrange to either conduct verification visits directly (in cases of emergency relief applications) or commission independent service providers to conduct independent verification assessments or evaluations as the last phase of verifications.

### C) Cabinet Resolution Supporting a Declaration:

The affected local municipality will take a council resolution with regards to the declaration of a local disaster. This process can be for ALL hazards (including fire). The affected local municipality will submit the council resolution to their District Disaster Management Centre (DDMC) and District Municipality Council. If the DDMC and District Municipality support the decision, they will forward their district council resolution, together with that of the local municipality, to the PDMC.

The PDMC will assess/appraise the situation in order to support or not support the request for a declaration. The PDMC will recommend or oppose the declaration process in a detailed submission for consideration to the Provincial Cabinet. Depending on the scale and magnitude of a disaster incident, the PDMC can decide to request a provincial disaster declaration without waiting for council resolutions from local or district municipalities; although it is expected that supporting signed letters from affected municipal managers are received. In such cases, the disaster incident could spread over a wide geographical area involving two or more municipal districts. The PDMC will submit the signed Provincial Cabinet Resolution (endorsement), as well as the comprehensive submission, to the NDMC for classification of either a local or provincial disaster.

### D) Classification:

Once the NDMC has received all the necessary documentation and familiarised itself with the request, it will be decided to issue a disaster classification. Only the NDMC in terms of section 23 (1) (b) of the Act is authorised to classify a disaster as a local, provincial or national disaster. The NDMC will communicate the decision of the disaster classification (i.e. local or provincial) with the PDMC in a signed letter. The PDMC will communicate the classification outcome to the relevant District and Local Municipalities and/or relevant provincial departments.

If it is classified as a local disaster, the Local Municipality must take responsibility to publish the declaration in the Provincial Gazette. If it is classified as a provincial disaster, the PDMC will take the responsibility of publishing in the Provincial Gazette.

In terms of the Act section 23 (4) and (5), a disaster is a **local disaster** if:

- (a) It affects a single metropolitan, district or local municipality only
- (b) The municipality concerned or, if it is a district or local municipality, that municipality either alone or with the assistance of local municipalities in the area of the district municipality is unable to deal with it effectively

A disaster is a **provincial disaster** if:

- (a) It affects
  - i. More than one metropolitan or district municipality in the same province

- ii. A single metropolitan or district municipality in the province and that metropolitan municipality, or that district municipality, or that district municipality with the assistance of the local municipalities within its area, is unable to deal with it effectively
- iii. A cross-boundary municipality in respect of which only one province exercises executive authority as envisaged by section 90 (3) (a) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and

(b) The province concerned is able to deal with it effectively.

Until a disaster is classified in terms of the Act, the disaster must be regarded as a local disaster.

The classification of a disaster in terms of the Act designates primary responsibility to a particular sphere of government for the co-ordination and management of the disaster, but an organ of state in another sphere may assist in dealing with the disaster and its consequences.

## **E) Declared State of Disaster**

In the event of a local disaster, the council of a municipality, having primary responsibility for the co-ordination and management of the disaster, may, by notice in the Provincial Gazette, declare a local state of disaster in terms of section 55 (1) of the Act. If a local state of disaster has been declared, the municipal council may make by-laws or issue directions to prevent an escalation of the disaster, or to alleviate, contain and minimise the effects of the disaster amongst others. A municipal state of disaster that has been duly declared lapses three months after it has so been declared, together with any by-laws attached thereto. It may also be extended one month at a time by notice in the Provincial Gazette.

In the event of a provincial disaster, the Premier of a province, after consultation with Cabinet, may declare a provincial state of disaster by notice in the Provincial Gazette in terms of section 41 (1) of the Act. If a provincial state of disaster has been declared, the Premier may make regulations or authorise the issue of directions concerning the release of resources or other steps that may be necessary to prevent an escalation of the disaster, or to alleviate, contain and minimise the effects of the disaster amongst others. A provincial state of disaster that has been duly declared lapses three months after it has so been declared, together with all regulations or directions attached thereto. It may also be extended one month at a time, by notice in the Provincial Gazette.

## **F) Reviews & Reporting**

Comprehensive reviews (or debriefings) must be conducted routinely after all significant events and/or disasters. The reviews will provide the information against which to assess the application of the principles of sections 56 and 57 of the Act. The findings will directly influence the review and update of disaster risk management plans and will also serve as valuable training aids.

Once either emergency funds (MDG or PDG) or recovery funds have been allocated to beneficiary organs of state, it is expected that regular monthly financial expenditure, as well as quarterly progress reports, be sent to the NDMC via the relevant PDMC until all the allocated funds have been spent. The PDMC is also expected to conduct regular site visits to the identified projects and could be joined by officials from the NDMC. In this regard, it is also recommended that the MDMCs assist in the monitoring process. Regular in-house project team meetings must also be conducted by beneficiary organs of state to monitor the progress of projects. Besides this, the PDMC will also conduct recovery meetings and workshops with all provincial beneficiaries from time to time or with dedicated regional beneficiaries, depending on the need.

### 3. Financial Provisions

Legislative Framework: The following primary legislation provides the context within which funding arrangements for disaster risk management should be designed:

- Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) – section 23
- Disaster Management Act, No. 57 of 2002 – sections 56 & 57
- Public Finance Management Act, No.1 of 1999 (PFMA) – sections 16 & 25
- Municipal Finance Management Act, No. 53 of 2003 (MFMA) – section 29
- Municipal Systems Act, No. 32 of 2000 – section 10
- Disaster Management Framework, 2005

Most disasters are first experienced locally, hence section 23 (7) of the Act provides that until a disaster is classified it must be regarded as a local disaster. Municipalities must respond to disasters within their jurisdictions and, even if a disaster should be classified as a provincial disaster, the municipalities affected will need to continue to deal with it.

The general order of access to funding sources is:

- i. Municipal budget (re-prioritisation)
- ii. Provincial budgets (re-prioritisation)
- iii. Provincial Treasury Contingency Reserve
- iv. National Departmental budgets
- v. National Treasury Emergency Reserve

**Access to contingency funds:** In keeping with the NDMF's suggested procedure for assessment, classification, declaration and review of disasters, it is further suggested that contingency funds should only be accessed if a state of disaster is declared within a particular municipality or province.

**Application for disaster grants:** As already mentioned elsewhere in this guideline, there needs to be a full package of documents included with the application for national government contribution through accessing the various disaster grants. Thus, applications for the different disaster grants could either be for emergency projects or for longer-term recovery projects or a combination of the different types of grants which will be considered on a case-by-case basis. A letter signed by the Head of Department (HOD) of the Department of Local Government requesting disaster funds should be prepared with crucial documents (listed in the checklist that follows).

## 4. Checklist/Documents

- Application for funding letter signed by the HOD of Local Government;
- Initial Rapid Assessment Report (one summarised situational report) of the disaster event;
- Relevant and digitally dated photographs of damaged infrastructure and situations;
- Preliminary and verified damage assessment template (indicating insured/non-insured items) completed and signed by the accounting officer, Chief Financial Officer (CFO), Project Manager or engineer;
- Cash flow template of estimated infrastructure damage costing;
- Cabinet Submission signed by all relevant provincial senior administrators;
- Project lists of damaged infrastructure signed by the accounting officers;
- Signed Council & Cabinet Resolution of disaster declaration;
- Support letters from Municipal Managers and/or Mayors;
- Classification letter signed by the Head of Centre (HOC) from NDMC;
- Provincial Gazette Notice.

## 5. Workflow Diagram

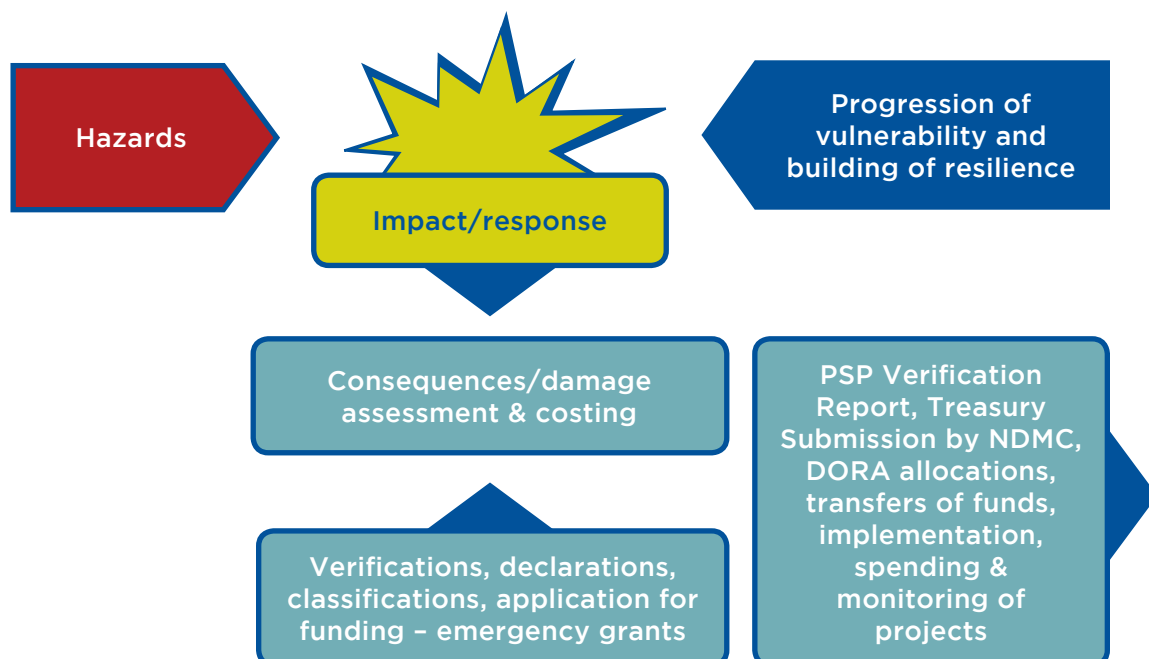


Diagram 3: Workflow



## 6. Forms & Templates (some required at a later stage)

- A. Initial Rapid Assessment template of the disaster event (one summarised report);
- B. Small-scale undeclared disaster damage assessment report (in cases where no disaster declaration will be required);
- C. Template of infrastructure damage and costing (indicating insured/non-insured items) indicating own contribution and reprioritisation of funding;
- D. Disaster Grants Frameworks together with conditions (to be reviewed from time to time);
- E. Business Plan template ;
- F. Relevant MoAs;
- G. Cash flow template ;
- H. Request for the National Contribution form.

## 7. Notice

Please note that amendments to the Act, as well as relevant regulations, are currently underway and should be expected during the course of 2015/16.

## 8. List of Acronyms

DMA	Disaster Management Act, No. 57 of 2002
NDMF	National Disaster Management Framework, of 2005
KPAs	Key Performance Areas
PFMA	Public Finance Management Act, No. 26 of 1999
PDMC	Provincial Disaster Management Centre
NDMC	National Disaster Management Centre
MDG	Municipal Disaster Grant
PDG	Provincial Disaster Grant
MDRG	Municipal Disaster Recovery Grant
CASP	Comprehensive Agricultural Support Programme
COGTA	Department of Cooperative Government and Traditional Affairs
HOD	Head of Department
HOC	Head of Centre (Disaster Management)
DORA	Division of Revenue Act
NEMA	National Environmental Management Act
WULA	Water User Licence Applications
EIA	Environmental Impact Assessment
MDMC	Municipal Disaster Management Centre
JOC	Joint Operations Centre
FCP	Forward Command Post
ICS	Incident Command System
IMS	Incident Management System
EOC	Emergency Operations Centre
DSD	Department of Social Development
SASSA	South African Social Security Agency
CCMA	Commission for Conciliation, Mediation and Arbitration
TLS	Training Lay-Off Scheme
MOA	Memorandum of Agreement
MIG	Municipal Infrastructure Grant
DEA&DP	Department of Environmental Affairs and Development Planning
DWS	Department of Water and Sanitation
DDMA	District Disaster Management Centre

## Signatures:

**Compiled by:**

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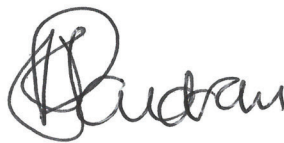


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