# GETTING THE FOUNDATION RIGHT: IN PURSUIT OF EFFECTIVE DISASTER LEGISLATION FOR THE PHILIPPINES

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*ABSTRACT*: In the Philippines, policy, legal and institutional arrangements for disaster management originated in 1941 when the nation's second president, Manuel Quezon, created the Civilian Emergency Administration in anticipation of the war in Europe moving to the Pacific. Almost forty years later, in 1978, the same procedures instigated under Quezon's Executive Order EO335 were transferred by President Marcos via Presidential Decree PD1566. In 2005 these two directives still comprise the basic arrangements for the nation's disaster management system. Efforts to identify approaches that can streamline disaster risk management institutions in the Philippines have recently been embarked on. One of these has concentrated on drafting new disaster management legislation that incorporates features relevant to the Philippines, some of which have been taken from disaster laws recently enacted elsewhere. This draft legislation is discussed below. If the Philippines legislature approves the tenets identified in this draft, it will enable the nation to move beyond its current reactive posture, will facilitate the country's organized resources to effectively coordinate activities in areas that will have the best outcomes for the nation's development, and will be the owner of a model disaster risk management law.

*KEYWORDS*: disaster risk management; legislation, institutional arrangements, national development

## 1. THE ROLE OF LEGISLATION IN DISASTER MANAGEMENT

Policy, legal and institutional arrangements form the foundation for any society's approach to disaster management. Policies are based on information reviews that are drawn on to establish appropriate courses of action; legislation identifies explicit decisions about how a particular policy will be conducted and legitimizes those actions; and institutional arrangements identify specific agencies and their relationships for carrying out the missions and duties associated with the policy. Within this triumvirate, the laws that codify legislation are extremely important because they furnish an immutable "bottom line" on subsequent courses of action.

Laws are one of society's techniques for institutionalizing ideas about society and interpreting its customs. Since they are an integral part of society (Mitchell 1979), laws need to keep abreast of developments within the wider social system if they are to be effective: outdated rulings, regulations, decrees or acts can cause major difficulties not only in terms of administrative harmony, but also in terms of wider issues such as maintaining social control and assisting social systems to adapt to both internal and external change. As other sectors of the social system develop, so must laws. In this respect, laws and the legislative process can help foster creative endeavors by capturing progressive social processes and launching new initiatives. For example, government agencies are often born, restructured or given new duties through legislation (Rainey 1991).

The law is also an expression of a society's power framework and its system of domination (Moore 1985). From this perspective, the law can be very informative in

terms of providing insights about what group makes decisions, what they consider to be important and how those considerations should be enforced. Since societies are pluralistic, that is, are comprised of many groups that have differential access to power, outmoded laws can be a reflection of how the elite is trying to maintain the status quo despite other internal and external changes. Hence, laws can be restrictive by limiting activities and thereby stemming reform. A case in point is the current disaster management law in the Philippines.

How governments deal with risk says a lot about their institutions and political culture. In the Philippines, policy, legal and institutional arrangements for disaster management originated in 1941 when the nation's second president (and first president of the Commonwealth), Manuel Quezon, created the Civilian Emergency Administration in anticipation of the war in Europe moving to the Pacific. Almost forty years later, in 1978, the same procedures instigated under Quezon's Executive Order EO335 were transferred by President Marcos via Presidential Decree PD1566. In 2005 these two directives still comprise the basic arrangements for the nation's disaster management system. As a result, the Philippines has not kept up with international trends in new disaster legislation, and has fallen behind in conducting many sound practices now associated with disaster risk management. As will be explained in more detail in a following section, its system is built upon an outdated and reactive disaster response structure, its organizational and administrative arrangements have not facilitated the country's resources effectively, formal coordination is focused primarily on central government instrumentalities thereby neglecting full integration of vital community-level measures, and the linkage between disaster and development remains unclear even though the association between these two is indisputable – all at a time when the international donors the nation depends upon are tiring of the repeated problems wrought by the existing system and the obstacles it produces.

Over the past decade, prompted in large part by the United Nation's International Decade for Natural Disaster Reduction (IDNDR), a lot of international attention has been given to what constitutes good disaster risk management practice at the national level. These have been summarized well by Mattingly (2002). She states that from the perspective of policy, legal and institutional arrangements effective disaster management relies on:

- A strong legal basis
- Capable nodal agency
- Mechanisms for inter-institutional coordination
- Ongoing planning and capacity-building processes
- Public policies that protect human and economic and natural resources and activities, that integrate risk management into development plans, and
- Community and stakeholder participation

These components have to be knitted into an overarching strategic framework that outlines the rationale of a national disaster risk management requirement and how this fits into other essential governance requirements, especially its relationship with a national development strategy.

It needs to be pointed out that legislation alone will not provide effective disaster management: it is not designed to do so. Rather, its intention is to furnish a suitable foundation upon which other essential structures, practices, procedures and processes will build on in a coordinated manner. Without a comprehensive and binding legal directive that obliges actors and agencies to take action, the natural inertia of bureaucracies mean that non-specified essential tasks are unlikely to be undertaken, initiatives are unlikely to be pursued, and the status quo will be maintained. By contrast, far-sighted legislation will not only 'draw a line' on what is the minimum acceptable level of action and responsibility within a bounded area. It will also enable actors and agencies to take calculated risks and initiate action that meet the purpose to which the legislators who adopted them actually intended. The role of disaster risk management legislation then is pivotal: its place at the top of the list above is intentional.

## 2. CHANGES IN THE PHILOSOPHY OF DISASTER MANAGEMENT

The past decade has witnessed an upsurge of international effort in disaster management, especially in risk reduction. The emphasis has changed from the "disaster" side of the balance sheet to the "management" side. Achieving sustainable hazard mitigation through risk reduction and creating community resilience are key concepts in contemporary disaster management. The term integrated disaster risk management (IDRM) is often used to encapsulate this. IDRM is rapidly becoming the technique of choice in the disaster prevention field by virtue of its many tried and tested attributes for bringing science, technology, policy and community together. Here, current thinking holds that resilience in communities comes from the dual activities of reducing vulnerability to hazard impact and building capacity to deal with them when they occur. Hence, disaster resilient communities have five distinguishing characteristics:

- They have a capacity to *coordinate* responses to respond and recover, wherein responsibilities and contingencies have been debated, agreed on and allocated.
- They have taken measures over time to *reduce vulnerability* through the application of risk management approaches.
- These mechanisms are undertaken within a *whole-of government* (local, regional, national) and a *whole-of-nation* (public, private) approach.
- These actions are underpinned by a *strategic framework* and associated *enabling legislation*.
- *Local communities* are the fundamental building blocks.

Disaster occasions are not problems that can be solved in isolation. Similarly, disaster management is effective only to the extent that it is undertaken as an integrated set of processes, procedures and practices. If done appropriately, disaster management can provide three over-arching benefits for the wider community. It can assist in the development and/or maintenance of:

- *Resilience*: Ensuring communities have systems that reduce the probability and the impact of emergency events.

- *Sustainability*: Ensuring sound decisions for present and future generations on investments in physical and social infrastructure in relation to actual and potential emergency events.
- *Efficient and effective resource allocation*: Day-to-day decision-making that takes into account risk reduction actions, rather than having to expend resources on emergency response, reconstruction, and rehabilitation.

To achieve these ends, two conditions need to be added to the conventional approach of responding to disasters. The first condition is that the application of emergency management should be predicated on integrated risk management principles. There needs to be a process to balance the technical aspects of risk with the social and ethical considerations and choices that accompany the application of those techniques. Encompassing both of these concepts is hazard management and vulnerability assessment, which requires an understanding of the physical properties and hazard profiles of the natural and technological hazards likely to cause large-scale disruption, as well as a comprehensive profile of the community at risk. The risk management process can accomplish important aspects of hazard mitigation. It can, for instance, assist in the provision of analysing key components of hazards by:

- Highlighting serious hazards and their associated risks (a hazard is a source of potential loss or harm, while a risk is the likelihood and consequence of that hazard).
- Exposing inter-relationships (cause and effect).
- Pointing to promising risk reduction options.
- Assisting policy development and regulation.
- Exploring the level of risk tolerance within affected communities.
- Informing decisions about the allocation of resources for risk reduction and the consequences of proceeding with the risky activity.

The second condition is for disaster management to go beyond reducing losses. It has to institutionalise actions consistent with the principles of sustainability, namely:

- *Environmental quality*: Risk reduction actions should enhance the overall environmental quality of the locality.
- *Quality of life*: Risk reduction actions should enhance the quality of life of the community, as the community itself defines it.
- *Disaster resiliency*: Risk reduction actions help achieve resilient communities so that the community can pay for its own disaster losses.
- *Economic vitality*: Risk reduction actions should enhance the overall economic vitality of the locality.
- *Inter-generation equity*: Risk reduction actions should not shift the problem to future generations or to other groups within the community.

In this wider context, the task of disaster management is to facilitate the resources, techniques, and skills that will help a community reduce the probability and impact of extreme events; to bring about recovery and routine as soon as possible following impact; and to encourage measures that will enhance the overall resilience of communities to future

disruptive episodes. To ensure these multiple goals can be achieved and the tasks that are required to be done are appropriately allocated, legislation that captures the necessary prerequisites has to be developed.

## 3. WHAT IS THE CURRENT SITUATION IN THE PHILIPPINES?

Presidential Decree 1566 (PD1566) provides for a National Disaster Coordinating Council (NDCC) as the highest policy-making body on matters pertaining to disasters, advising the President. Chaired by the Secretary of Defence, NDCC is ostensibly a coordinating body. However, it does not have a regular budget and operates through member agencies and regional and local disaster coordinating councils. While membership is large, covering most of central government's twenty instrumentalities, the capacity of the agencies is limited, especially in the area of risk reduction. A decade after the Presidential decree, in 1988, a National Calamities and Disaster Preparedness Plan was prepared as a guide for action.

Completing the main national-level apparatus is the Office of Civil Defence (OCD) housed within the Department of National Defence, the intention of which is to coordinate the activities and functions of government, private institutions and civic organizations. It maintains offices in each of the nation's sixteen regions. While NDCC establishes priorities for allocation of funds, services and disaster relief, sub-national disaster coordinating is undertaken through OCD, which issues guidelines to lower-level committees. OCD is also the lead training agency, although programs are not compulsory for non-military disaster-designated personnel: since its first priority is to train Armed Forces of the Philippines (AFP) officers, little capacity remains to make available programs for local government personnel (World Bank 2004).

In general, disaster management in the Philippines is seen as the responsibility of the central government, with most activities predicated upon a response-oriented practice ideology. Civil society organizations and the private sector have supported these efforts, and while they have primarily been directed to preparedness and response tasks, some work has also been attempted to reduce risk (Luna 2000; World Bank 2004). The passage of the Local Government Code (RA 7160) in 1991 strengthened the role of sub-national government. While there have been some promising initiatives, non-response activities tend to be ad hoc, with little evidence of cumulative effect. The disaster management system is guided by its definition of disaster, stated as "a situation usually catastrophic in nature, in which a number of persons are plunged into helplessness and suffering, and as a result may be in need of food, clothing, shelter, medical care and other basic necessities of life", and purports to support local level activities (NDCC 2005). Guss and Pangan (2004) suggest this definition probably relates to the experience of disasters as frequent and powerful while acknowledging the country's lack of resources and infrastructure. However, while the assumption is that arrangements assist local levels, in reality the structure does the reverse: PD1566 perpetuates an unwieldy centralizing system. The arrangement comprises six levels encompassing almost 46,000 separate administrative units (Figure 1), administered in a top-down manner. It is difficult to effectively operate, and there are few incentives for local level initiatives. For example, under NDCC

provisions, while each operating level can "submit recommendations as necessary", all are required to adhere to guidelines established by the level above. Similarly, of the 1,645 barangays (the basic political unit and primary implementing unit of government) in the Metro Manila area only 220 have "some kind of disaster management organization" and five of the metropolitan area's 14 cities and three municipalities have operational disaster management bodies with legal support through approved ordinances (Castillo 2005).
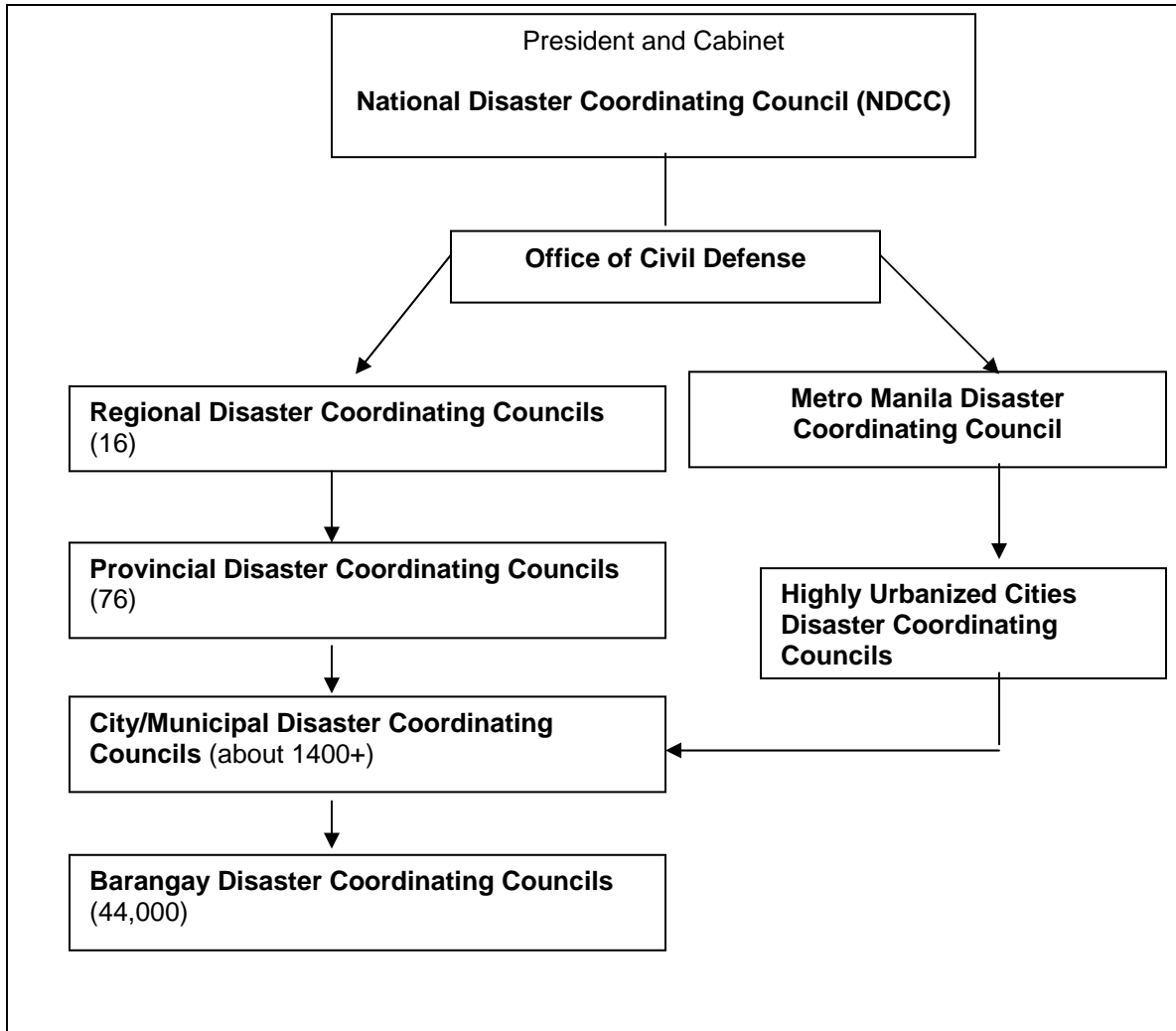


**Figure 1: Institutional arrangements for disaster management**

It is widely acknowledge that the current legislation is outmoded and hinders activity (World Bank 2004), while the government seems in no rush to affect changes. Since 2000 for example, at least two proposals for new legislation have been submitted; with the second bill stalled after being with the legislature for two years. Part of the current impasse appears to be the number of draft versions in circulation (there are at least fifteen versions) and lack of access to them by interested parties.

The need for greater coordination is well recognized by almost all disaster-relevant agencies within the Philippines (Carlos 2001). The type of coordination operators' state they need is a proactive, participatory and enabling one and not the top-down oversight orientation they have. Greater organizational, management and task synchronization are identified as prerequisites that should extend across-the-board at all levels of the Philippines disaster management system. Related to this is the promotion of a risk reduction approach: many stakeholders have expressed concern that the current system is too *ad hoc* (World Bank 2004), and lacks a strategic framework. Carlos (2001) asserts that the critical issues raised by key actors indicate that what is actually happening on the ground may not be what is stipulated in national-level disaster management initiatives and laws: she points out that the Philippine is continuously confronted with new disaster challenges and concerns which require anticipatory measures and strategies rather than a reactive approach and a culture of concentrating on response. On this note, one encouraging sign is to note that the nation's disaster management system is highly dependent on donor and multi-lateral institutional assistance. A noticeable shift is being articulated, if not actioned, by the international community which is becoming less supportive of repeatedly providing relief assistance and is realizing the value of integrating disaster risk management into development efforts. If this direction is maintained it is likely to force fundamental changes in the Filipino system.

This links to the two main challenges facing the Philippines in the medium-term, which are the reduction of poverty and overcoming institutional inertia in recognizing natural hazards as an obstacle for long-term sustainable development (World Bank 2004), while at the same time dealing with substantial practical problems of organization, finance, inefficiency and incompetence (Bankoff 2003). The Philippines Government has been embarking on a process of integrating disaster mitigation and sustainable development issues since 1991, within its Medium Term Philippine Development Plans, under the Development Sector Administration. Progress is very slow, however: the most recent "Medium-Term Philippine Development Plan 2004-2010" (NEDA 2004) has statements acknowledging the damage natural disaster does to the nation but not how this vulnerability jeopardizes national economic goals; and offers no guideline for action. Local governments are required to integrate disaster management plans into local development plans, but few have done so. Notwithstanding these initial positive developments, however, the effectiveness of disaster management in the Philippines is still being seriously challenged (Bankoff and Hilhorst 2004).

While there are positive aspects to the Philippines disaster management system, its full potential has yet to be realized. Future scenarios suggest that the hazardousness of the Philippines will increase, especially as its urban population is expected to rise from 59% in 2001 to 79% in 2030 (World Bank 2005). The increased population concentration, lack of effective land use planning, and unregulated environmental laws will further deteriorate current conditions, and demand a more systematic risk management approach. Improving the current disaster management system would make a very significant contribution to the national development goals of the nation. To achieve this goal, the World Bank (2004) identified four main areas that need to be addressed by legislation as well as by consequent practices:

- Emphasis on proactive risk management
- Emphasis on a bottom-up decentralized approach
- Consolidation of the current system
- Improved coordination among the relevant actors and agencies.

## 4. RECENT INITIATIVES TO UPGRADE PHILIPPINE DISASTER LEGISLATION

A review of Philippine legislation was undertaken in conjunction with a major earthquake mitigation study conducted in 2003-04 under the auspices of the Japan International Cooperation Agency (JICA), Metropolitan Manila Development Authority (MMDA) and the Philippine Institute of Volcanology and Seismology (PHIVOLCS). Chapter 10 in the final report of the Earthquake Impact Reduction Study for Metropolitan Manila (MMEIRS 2004) provides an overview of current disaster management laws, with chapter 16 discussing legal and institutional arrangements in more detail. While directed to the metropolitan area, the information is relevant for the nation as a whole, explaining all existing laws, regulations and codes, as well as the roles of each major disaster-relevant agency and commenting on functions at city and barangay levels. This is probably the most comprehensive description to date of the current legal structure as it pertains to disaster management. In its recommendations summary section (chapter 3), the first high priority area to be noted was strengthening the legal basis for disaster management at the national level by replacing PD1566. However, noting (in chapter 16-13) the lack of progress in this area the report stated that "generally speaking", Congress does not consider this as a high priority.

In another 2004 study, the World Bank (2004) noted that efforts to reduce poverty in the Philippines will "simply not be sustainable without more effective disaster risk management". It recommended that major consideration be given to "determine policy and legal changes required to support implementation of an integrated strategy."

Given these conclusions, it is interesting that replacing the outdated legislation is taking such a long time and its importance is being sidelined even though several efforts have been made to replace it. However, it must be said that the fifteen (15) Bills currently before the nation's politicians that have been generated internally are extensively response-oriented. Several of the proposed bills largely duplicate existing agencies and their present functions. In fact, all of the 15 Bills assume a structural status quo – none of them recommend substantive alterations to the existing National Disaster Coordinating Council, Office of Civil Defence, or the complex hierarchical arrangements throughout the country that have been heavily criticized by outside observers for over a decade as being major barriers to effective disaster risk management. None of the drafts are comprehensive, if by that term it means the attributes outlined elsewhere in this paper have all been taken into account. There is little, if any, direction given to hazard management, hazard mitigation or risk reduction, and no discussion on institutionalizing risk management. Moreover, none of the Bills go beyond the disaster relief phase, thereby failing to address the immensely important issue of long-term disaster recovery;

and twelve of the 15 Bills are single-issue proclamations, directing attention only to matters such as secondary school curriculum revision or the installation of a telephone hotline.

## 5. THE CURRENT PROPOSAL

### 5.1. Origin and Process

Under the framework of the Earthquake and Megacities Initiative (EMI) and its Cross-Cutting Capacity Development (3cd) program that is being piloted in metropolitan Manila (see Britton 2005; Mattingly et al. 2005), a group of Filipino specialists and an international representative from EdM-NIED met in Manila for three days in August 2004 to review the 15 bill submissions. One bill, sponsored by NDCC and submitted to the House of Representatives at its Twelfth Congress, was identified as the most likely to be transformed, and the group spent the second day identifying areas in that submission that could be enhanced so as to enable the draft to be changed into a comprehensive disaster risk management bill.

When the group commenced its work, it was aware that there is a "time and place" for some initiatives to be accepted and implemented and not others. The initial thinking of members was that while some areas of disaster risk management have been deliberately institutionalized within new legislation of other nations, it was not expected that the next generation of Philippines disaster legislation needed be "state of the art". Rather, it was anticipated that the Act to replace PD1566 would simply reflect the fundamentals of disaster risk management, and to suggest urgently needed structural changes. However, by the third day it was clear that neither the strategy for amending the NDCC-sponsored bill nor the "evolutionary" approach was going to produce a satisfactory outcome. As a result, Filipino members of the working group agreed the best strategy would be to start afresh (while working within the framework of the NDCC-sponsored bill as much as possible) and produce a draft document that would intentionally contain the key components needed for a comprehensive disaster Act.

During the discussions, it was also revealed that another strategic direction should also be undertaken: it would be highly desirable to embed disaster risk management within the Medium Term Philippine Development Plan (MTPDP – see NEDA 2004). While the current national development strategic document has statements acknowledging the damage natural hazards do to the nation, there is no overarching commentary about how hazard vulnerability jeopardizes the nation from achieving its economic goals. At the advice of representatives attending the working group from the National Economic Development Authority (NEDA), it was suggested that a statement be developed and submitted for the annual Socio-Economic Report (SER), which essentially updates the MTPDP. This statement needed to be submitted through the National Disaster Coordinating Council (NDCC), which is the responsible government office for disaster management. The international representation (this author) agreed to undertake follow-up research and drafting for both the legislation and the policy statement.

Prior to the August meeting of the working group the international representative had developed a check-list for reviewing the process and content of new legislation, based on guidelines produced by the New Zealand Legislation Advisory Committee (2001). In addition, the international representative reviewed recent disaster legislation generated in other countries and, on the basis of political system compatibility (in particular its application of a non-federal governance model), reviewed recent disaster management legislation enunciated in two similar non-federal nations, namely New Zealand (the Civil Defence Emergency Management Act 2002) and the Republic of South Africa (Disaster Management 2002).

## 5.2 Key aspects of the draft legislation

Two factors need to be taken into consideration when reviewing the current output of the working group. The first factor is that under the Philippines procedure, a two-pronged, or "two-tiered" system, exists for developing new legislation, especially if there are controversial components that might jeopardize the survival of the proposal. The first tier is the development and passage of a policy statement that offers a generic encapsulation of what is intended and why it is important. In a case such as new disaster management legislation, this statement would typically contain material on what is working well with the current system, what is not, and how the new proposal will resolve matters. Once this has been passed in both the House and the Senate, and signed by the President, a second level of activity begins which focuses on the details. The activities of the working group are focused on this second level: others, including some members of the working group, have been working on the first tier activity. In this context, the working group's efforts can be described as providing an "ideal type" finished legislation incorporating current sound practice that can be referred to by those tasked with developing the new legislation.

The second factor that needs to be considered when looking at the working party's activities is that at the time of submitting this paper for the ACEE Conference, the working group's deliberations had not been completed, and in particular the group's second working session in Manila had not taken place. The account discussed here is therefore a status report and some aspects of the draft will change as deliberations proceed. For this reason, broad comments only on the draft's contents will be made.

Taking lessons from both the New Zealand and the South African experience in developing new disaster risk management legislation, a major emphasis in the draft legislation produced by the working group has been on aligning key structural components to develop an integrated system and in coordinating the activities of the national and sub-national systems. A key suggestion is for the disaster legislation to be more closely woven into a national development planning framework so as to improve coordination between these major government portfolios. To further assist coordination the draft suggests the development of a national disaster risk management framework as an overarching guide for practices and processes (and suggests what the purpose of the framework could be), and that this be integrated into the National Development Plan and its budgetary structure. This linkage with national development is so significant for the future wellbeing of the nation that it is the reason why the working group took on the

additional task of developing a statement about reducing development disruption through disaster risk management that it recommends be inserted into the next edition of the Medium-Term Philippine Development Plan.

Key definitions and terms have been revised and several new ones, especially those dealing with risk management, have been introduced. The draft also recommends that it should be the policy of the state to:

- Provide for an integrated and co-ordinated *disaster management policy* that focuses on preventing or reducing the risk of disasters, mitigating the severity of disasters, undertaking emergency preparedness, and initiating rapid and effective response to disasters and post-disaster recovery
- Achieve excellence in civil protection through hazard reduction and disaster management at all levels of the Philippine society by establishing a coherent, integrated, proficient and responsive *disaster risk management system*, where national and regional development plans incorporate hazard risk reduction management as components of an integrated and co-ordinated strategy for sustainable development.
- Strengthen the *institutional structures* for coordination, implementation and enforcement of policies for the promotion of hazard management and disaster management by providing a basis for aligning local planning with a national framework and a national plan.
- Recognize, support and strengthen *local community* capacities, by encouraging them to achieve acceptable levels of risk for undertaking the primary responsibility in reducing risk from hazards and managing disasters.
- Support, strengthen and encourage the coordination of *local government units* when reducing risk from hazards, preparing for, responding to , and recovering from disasters or emergencies, whether natural or man-made.
- Enhance the participation of the *private sector*, particularly the lifeline utilities, non-government organizations, and other community-based organisations in the development and delivery of disaster risk management and "bayanihan" among the citizenry,
- Adopt in full the *universal norms and principles* in humanitarian assistance as one of the concrete steps in preventing or alleviating human suffering due to disasters or calamities.

Another significant initiative in the draft is the introduction of hazard and risk management responsibilities into national and sub-national activities in addition to existing response requirements. In this respect, it is recommended that national and sub-national units identify, assess and manage hazards and risks; consult and communicate with key stakeholders about risks; and identify and implement cost-effective risk reduction measures. The phrase 'cost-effective' is used on several occasions in the draft: it is not proposed (and neither is it feasible) that the Philippines consider implementing risk reduction measures that cannot be sustained economically or technically: the intention is to not only broaden the basis of the legislation away from its current response-focused posture but to also develop a systematic approach to managing hazards.

This element is strongly emphasized in the New Zealand and South African legislation, and is pivotal in the recent Disaster Mitigation Act in the United States (US Govt. 2000).

At the national level, the draft puts forward alternatives to the current stance on the selection and appointment of senior disaster management positions, the specific tasks of key agencies, the links between key agencies including a clearer distinction on assigning key tasks as well as elaborating on the range of tasks that need to be incorporated into a comprehensive disaster risk management system. In addition, diversifying the stakeholders who should play a role in disaster risk management decision-making is dealt with.

Two further areas included in the recommended draft legislation are, first, an orientation that will encourage innovation rather than simple compliance in the practices and processes of applying disaster risk management in all spheres of governance; and second, the introduction of a monitoring, evaluation and review mechanism to encourage all responsible parties to further the aims of risk reduction and management. It should be noted that the key word here is 'encouragement': the monitoring and evaluation mechanism is not intended to be an audit or compliance control device but rather a method to assist all parties to get attain optimum levels of activity in their respective portfolios. To help reach the best possible outcomes, the draft legislation also identifies the need for relevant research to be actively encouraged, and the development of a more systematic professional development program.

Discussion has yet to be finalised on options for structuring the sub-national level although there is consensus that rationalization is necessary. To this end, and borrowing from the New Zealand legislation, the draft recommends that local government units may unite with other similar units that have common borders and to act as a joint local unit.

## DISCUSSION AND CONCLUSION

Many countries, particularly developing nations, have a view that disaster management and disaster management legislation are luxuries. They are not: they are fundamental. They are fundamental to good governance from a management perspective as well as from the moral and ethical obligations governments have toward their citizens. It is not good management, and it is certainly unethical, to have backward or ill-fitting disaster systems. Once the social and economic impacts of hazard impact are documented and understood, it becomes very clear that disaster risk reduction is a major governance commitment. Some observers, such as Waugh (2000) go so far to say that disaster management is the quintessential government role: it is the role for which communities were formed and governments were constituted in the first place – that is, to provide support and assistance when the resources of individuals and families are overwhelmed.

Legislators in the Philippines have tended to ignore, or perhaps to not understand, the significance of having a good disaster management system in terms of the role it plays in maintaining the nation and enhancing national development goals. The failure of the legislator, up till now at least, to pick up the clarion call emanating from some quarters

that PD1566 be replaced with more modern and robust legislation will hopefully soon be an historical footnote. The Philippines has the opportunity of creating state-of-the-art disaster risk management legislation, certainly within the Asian sphere and certainly from the perspective of a developing nation. Apart from the potential kudos this will bring, it will, over time, bring hope and fulfillment to millions of Filipinos who will survive – or fail to survive – on the whim of nature and on the whim of those fellow citizens who are tasked to look after their welfare.

Enacting appropriate legislation will not resolve all the outstanding issues relating to the Philippines disaster management system, although it will move things along substantially. Other significant structural issues remain, such as the location of the Office of Civil Defence (OCD) within the Department of National Defence and its secretary (who also chairs the NDCC), along with the close, probably too close, association with the Armed Forces of the Philippines (while not tackling this issue directly, the draft legislation does suggest some ways to deal with these matters). There is also the topic of ensuring that the paramount disaster risk management agency (whatever it is called, and a name change is strongly recommended) has sufficient regular funds to undertake the necessary activities that will enable key tasks to be systematically practiced.

These issues alone, along with the long-term task of bedding down a new approach to managing risks and disasters, will not be easy, but they are essential. Many others will follow. One thing is clear, however: whatever the issues might be and whatever the disruption their remediation might cause the status quo, they have to be done – the strategy of continuing to avoid them and maintaining weak institutions is rapidly losing ground.

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