
EXAMINATION OF INTERNATIONAL LAW AND FLOOD MANAGEMENT*

Abstract

Flood disasters have forced millions of people from their homes, destroyed businesses, polluted water resources and increased the risk of diseases. Flood affects and displaces more people than any other disasters, though not leading in terms of claiming lives. It causes more damages to properties. Numerous human and environmental factors threaten to increase the likelihood and magnitude of floods throughout the world. Presently, the law of international watercourses provides the basic norms by which States cooperate over flood-related matters. Emergency Management being a managerial function is charged with creating the framework which communities and organisations can reduce vulnerability to hazards and cope with disasters. It is the process of preparing for mitigating, responding to and recovering from an emergency like flood that informed this paper. This paper is aimed at evaluating the efficiency and effectiveness of legal and institutional framework on flood related disasters in Nigeria in line with the recently adopted floods directive and the model Provisions of the United Nations Economic Commission for Europe Helsinki Convention. The paper further aims to point out the strength and weakness inherent in the extant law for flood prevention and mitigation. The paper also examines the extent of the involvement of international law flood related issue. This paper finds that disaster risk governance at the national, regional and global levels is of great importance for the effective management of disaster risk governance at the national, regional and global levels is of great importance for the effective management of disaster risk.

Keywords: *International Law, Emergency, Management, Flood Management, Efficiency, Legal and Institutional Framework*

1. Introduction

Disaster is an unexpected event, such as a very bad accident, a flood or a fire that kills a lot of people or causes a lot of damage.¹ Disasters are global occurrences with devastating effects. Certain occurrences are natural as they arise without direct human involvement. These are natural disasters. Though, it is not possible to control the events from occurring, efforts can be made to alleviate the effects on human lives and environment. There are also occurrences that are as a result of human activities, mistakes or malicious intent referred to as some man-made disasters. In certain situations, there are multiple disasters, which are referred to as complex

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¹ A S Hornby, Oxford Advanced Learner's Dictionary, (Oxford: New 9th ed. (2015) p 434

disasters. The severity or effect of any disaster is dependent on the management or response prior, during or after the occurrence.²

Flood is one of these disasters that organizations should seek way to prevent them or should nip in the bud. Disaster management otherwise called Emergency management could be described as the organization and management of resources and responsibility that deals with all aspects of emergencies. This can be done through mitigating, preparedness, responses and recovering.³We shall in the course of this paper look at the relevant institutions responsible for the management of natural disasters in International Law with a view to understanding the adequacy or otherwise of such institutions which include among others, the African Union Convention for the Protection and Assistance of Victims of Disaster, International and Regional Instruments on Human Rights, United Nations High Commission for Refugees (UNHCR), International Committee of Red Cross (ICRC) and the Current Sendai Framework for Disaster Risk Reduction 2015 – 2030). The management of natural disaster is of great significance in international law of recent due to the overwhelming increase of situation of disaster constituting serious challenge of national and global implication.⁴Such implications manifest themselves in the violation of human rights of persons that are particularly affected by the disaster. Persons particularly affected by disasters are vulnerable and often victims of violations of human rights because they suffer from many things such as loss of homes, employment, threat to life and liberty deprivation of food.⁵

It is predicted that the number of people vulnerable to floods will reach two billion by 2050 as a result of climate change, deforestation, rising sea levels, and population growth in flood-prone areas.⁶ Poorly managed floods constitute a major impediment in alleviating poverty and meeting the targets of the Millennium Development Goals.⁷ The negative impacts of floods can be seen throughout the world.⁸ Such events attest to an increase in flood related disasters in recent years.⁹ Floods, however, do not only bring negative impacts. Flood plains provide fertile agricultural lands, replenish wetlands, and recharge groundwater resources.¹⁰ In the Mekong Region, for example, almost 80 percent of Mekong fish species only breed in seasonally flooded areas.¹¹

² O A Bamgbose, ‘An Outline of Natural and Man-Made Disaster’ in O A Bamgbose (ed) *The Law and Practice on Disaster Issues* (Ibadan: Safari Books Ltd, 2018) p 1

³L I Nwokike, ‘Security Education for Junior Secondary Schools with Workbook SS2’ (Awka: Arise and Shine Printing Press, 2019) p 64

⁴ I F Akande, International Law and Disaster Management in O A Bamgbose (ed), *op.cit.*, p. 81

⁵*Ibid*

⁶Press Release, United Nations University, Two Billion People Vulnerable to Floods by 2050, *available at* <http://www.unu.edu/news/ehs/floods.doc>. accessed on 20/01/21

⁷World Water Assessment Programme, Water A Shared Responsibility: The United Nations World Water Development Report 2, *available at* <http://unesdoc.unesco.org/images/0014/001454/145405E.pdf>. accessed on 23/01/21

⁸Tarek Merbtene & Junimc Yoshitani, PWRI technical memo. No. 3985, Technical Report on Global Trends of Water-Related Disasters, (2005), *available at* <http://www.icharm.pwri.go.jp/html/research/pdf/no3985.pdf>.

⁹I F Akande, f.n 4

¹⁰See ASSOCIATED PROGRAMME ON FLOOD MGMT., INTEGRATED FLOOD MANAGEMENT 7 (2003), *available at* http://www.apftn.info/pdf/concept_paper_e.pdf. accessed on 23/01/21

¹¹World Wildlife Fund, WWF Working Towards "Fish for Tomorrow," http://www.panda.org/about_wwf/where_we_work/asia_pacific/where/cambodia/index.cfm?uNewsID=93420 accessed on 24/01/21

While traditional measures relating to flood management focused on reducing the negative impacts of floods, recent thinking has shifted towards a more holistic and integrated approach.¹² The concept of integrated flood management (IFM) identifies four key elements that should be present in order to ensure that floods are managed successfully within the greater context of integrated water resources management.¹³ These elements include:

- (i) ensuring the water cycle is managed as a whole, thus recognizing the linkages between groundwater and flood water;
- (ii) the integration of land-use planning in water management and the adoption of the best mix of strategies, both structural and non-structural, depending on the characteristics of the river system and the region;
- (iii) a participatory approach involving users, planners, and policymakers at all levels; and
- (iv) the adoption of integrated hazard management approaches whereby members from all sectors—fisheries, agriculture, forestry, industry, hydropower, and so forth—are involved in the process and carrying out activities to ensure implementation of disaster management plans.¹⁴

Within the context of watercourses shared by more than one country, an integrated approach to flood management poses unique challenges as the flood related land and water policies within one state may have negative consequences on other states. For example, large-scale deforestation upstream might increase the likelihood and severity of floods downstream. Similarly, urbanization may increase overland flow volume causing harm to downstream states. When dealing with issues of flood management, the significance of international watercourses should not be underestimated. There are 263 international river basins around the world.¹⁵ These international river basins account for nearly one-half of the world's land surface, generate around 60 percent of global freshwater flow, and are home to approximately 40 percent of the world's population.¹⁶

Research has shown that the presence or absence of laws and institutions is one of the most important factors influencing relations between States sharing trans boundary waters. In fact, the importance of legal and institutional factors exceeds that of more traditionally cited factors, such as climate, water availability, population density, political orientation, and levels of economic development.¹⁷ Unfortunately, in many trans boundary waters, international agreements are either weak or absent, significantly hindering efforts to promote flood management principles at the trans boundary basin level.¹⁸

¹²See, e.g., Associated Programme on Flood Mgmt., A New Approach to Flood Management, <http://www.apfm.info/index.htm> (last visited Jan. 5, 2009); World Meteorological Org., International Flood Initiative, <http://www.wmo.ch/pages/prog/hwrp/IFI.html> accessed on 23/01/21.

¹³A S Rieu-Clarke, 'A survey of International Law relating to Flood Management: Existing Practices and Future Prospects,' available at <http://www.apfm.info> accessed on 21/01/21.

¹³The Associated Programme on Flood MGMT., *supra*

¹⁴The Associated Programme on Flood MGMT., *supra*

¹⁵Aaron T. Wolf et al. *International River Basins of the World*, 15 INTL J. Water Resources Dev. 1999, p 387

¹⁶*Ibid* at p 389.

¹⁷M A Giordano & T A Wolf, *Sharing Waters: Post-Rio International Water Management*, 27 NAT. Resources F. 163,170 (2003)

¹⁸Global International Waters Assessment, Challenges to International

2. Clarification of Terms

For the purpose of this paper, we shall clarify certain terms by way of defining them for accurate understanding, to wit:

1. Prevention: This refers to actions taken to stop an emergency or disaster from occurring.
2. Mitigation: This refers to actions taken to reduce the adverse impacts of disaster. For instance, the construction of storm sewer to prevent flooding.
3. Preparedness: This refers to actions taken prior to an emergency or disaster to ensure an effective response.
4. Response: This refers to the provision of emergency services and public assistance or intervention during or immediately after an incident in order to protect people, property and the environment.
5. Recovery: This refers to a process of restoring people, properties and environment to a pre-disaster level of functioning. More also, it can attempt to put in order what has been destroyed by¹⁹
6. Flood: Flood can be defined as an overflow of large quantities of water onto a normally dry land. Floods make an enormous impact on the environment and society.
7. Disaster: disaster is perceived as hazard.
8. Hazard is defined in the Hyogo Framework for Action as:

A potentially damaging physical event, phenomenon or human activity that may cause the loss of life or injury, property damage, social and economic disruption or environmental degradation. Hazards can include latent conditions that may - represent future, threats and can have different origins, natural (geological, hydro meteorological and biological) or induced by human processes (environmental degradation and technological hazards).²⁰In specific terms, the Internal Displacement Monitoring Centre (IDMC), Norwegian Refugee Council defines disaster as a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceed the ability of the affected community or society to cope using its own resources. It results from the combination of hazards, conditions of vulnerability and insufficient capacity or measures to reduce the potential negative consequences of risk.²¹ Section 2 (2) of the National Emergency Management Act²² defines disasters to include any disaster arising from any crisis, epidemic, drought, floods, tornado, earthquake, train, aircraft or other accidents and mass deportation or repatriation of Nigerians from abroad. Thus, in broad categories, some of these disasters may further be categorized as natural or man-made in the global contexts.

2.1. Types/ Classification of Flooding

There are different types of flood or classification of flooding. Floods may be classified as flash floods, rapid on-set floods and slow on-set floods.²³Flash floods are extremely dangerous.

waters:regionalassessmentsinaglobalperspective13(2006) available at http://\vvrw. preventionweb.net/files/2365_giwafinalreport.pdf. accessed on 24/01/21.

¹⁸ L I Nwokike, *op.cit*

¹⁹ L I Nwokike, *ibid*.

²⁰World Conference on Disaster Reduction 2005-2015, UNGA Resolution 46/182 (accessed on 21/01/21).

²¹Internal Displacement Monitoring Centre (IDMC),www.internal-displacement.org, (accessed on 22/01/21)

²²National Emergency Management Act, 1999

²³C Dolan, 'Hazard-Wise: Classroom Resources for Teachers on Natural Hazards & Disasters' available in <https://books.google.com.ng/books?isbn=0788127314>-accessed on 23/01/21.

Flood is also classified as coastal, urban, riverine, fluvial, reservoir and pluvial flooding.²⁴ Flood has also been classified as riverine, dam failure and storm surge.²⁵

Flooding happens in many ways due to overflow of streams, rivers, lakes or oceans or as a result of excessive rain.²⁶ Flooding may be caused by a number of natural causes or physical factors. Floods destroy drainage systems in cities, causing raw sewage to spill out into bodies of water, buildings can be significantly damaged and even destroyed, toxic materials such as paint, pesticide and gasoline can be released into the rivers, lakes, bays, and ocean, killing maritime life. Floods may also cause millions of dollars' worth of damage to a city, both evicting people from their homes and ruining businesses. Floods cause significant amounts of erosion to coasts, leading to more frequent flooding if not repaired. Loss of livestock and farmland are serious effects in countries that are dependent on agriculture. There are benefits that may accrue from flooding. Floods do make a slight positive impact on the environment. Floods spread sediment containing beneficial nutrients to topsoil that might never arrive there otherwise. Countries prone to flood include Bangladesh, China, India, and Cambodia. Any plain low-lying area adjacent a river, lagoon or lake is also more likely to have floods anytime the water level rises.

2.2 Examples of Disaster As A Result of Flooding

In 1928, the Saint Francis Dam in Los Angeles was filled with 12.5 billion gallons of water — enough water for one year for a population of 1.2 million people. However, on March 12th 1928, the dam broke, unleashing a 78 foot wall of water. It obliterated houses, ranches, automobiles, animals, and people. In roughly one hour, more than 500 people were killed and Santa Paula was overrun by water.²⁷ On Friday, April 18th 1997, the Red River flooded over the dikes into Grand Forks, North Dakota²⁸ spreading over a large area of Grand Forks and East Grand Forks. About 60,000 people were rendered homeless and downtown Grand Forks was left in Sames. The damage was so extensive that it was weeks before people could return and rebuild their homes, and their lives.²⁹ The Mozambique flood that took place between February and March 2000 after very heavy claimed over 800 lives.³⁰ Another Flood claiming lives took place in January 2013,³¹ and in February 2017, there are another disaster in Mozambique as a result of flood.³²

²⁴J Hubbard 'Types of Flood and Flooding Impact' *Ambient Environment assessment*, accessed on 20/01/21 <http://www.ambiental.co.uk/types-df-flood-and-flooding-impact/> accessed on 19/01/21.

²⁵'Types of Flooding' State Emergency Service Available in <https://www.ses.vic.gov.au/get-ready/floodsafe/types-of-floods>, accessed on 20/01/21.

²⁶River Flooding and Management BBC Available in http://www.bbc.co.uk/schools/gcsebitesize/geOgraphy/water_rivers/Tiver_flooding_manageTnent_rev1.shtml, accessed on 19/01/21.

²⁷ Case Study: St. Francis Dam (California, 1928) Available in <http://damfailures.org/case-study/st-francis-dam-california-1928/> accessed on 20/01/21.

²⁸ '1997 Floods in the Red River of the North and Missouri River Basins in North Dakota and Western Minnesota' US Geographical Survey Available in <https://pubs.usgs.gov/of/1997/0575/report.pdf> accessed on 20/01/21.

²⁹ *Ibid*

³⁰ A Powell! February 2 'Deadly Floods Hit Mozambique' Available in <https://www.voanews.com/a/united-nations-reports-devastating-damages-after-mozambique-flood/1595319.html> Accessed on 23/01/21.

³¹ *Ibid*

³² T Cumbana, 'Mozambique: Storm Dineo Kills Seven and Destroys 20,000 Home', *Newsweek* 17 February 2017 available on <http://www.newsweek.com/Mozambique-storm-dineo-557810> accessed on 21/01/21

3. Principles of Emergency Management

The following are the law, rule and theory of emergency management under which emergency management are based.

1. Comprehensive emergency managers consider and take into account all hazards, all phases, all stakeholders and all impacts relevant to disasters.
2. Progressive emergency managers anticipate future disasters and take preventive and preparatory measures to build disaster-resistant and disaster-resilient communities.
3. Risk-Driven emergency managers use sound risk management principles (hazard identification, risk analysis, and impact analysis) in assigning priorities and resources.
4. Integrated emergency managers ensure unity of effort among all levels of government and all elements of a community
5. Collaborative emergency managers create and sustain broad and sincere relationships among individuals and organizations to encourage trust, advocate a team atmosphere, build consensus, and: facilitate communication.
6. Coordinated emergency managers synchronize the activities of all relevant stakeholders to achieve a common purpose.
7. Flexible emergency managers use creative and innovative approaches in solving disaster challenges.
8. Professional emergency managers value a science and knowledge-based approach based on education, training, experience, ethical practice, public stewardship and continuous improvement.

4. National Policy on Flood and Erosion

Flooding in one form or the other affects at least 20% of the nation's population. It cuts across the society from the urban residents to the rural dwellers. Flooding is a threat to physical infrastructures, including residential accommodation, commercial, and industrial properties, roads, rail lines, bridges, port installations, etc. It also destroys farmlands, including standing crops. Losses due to flooding run into many billions of naira per year.³³ On the other hand, 85% of the total land area of Nigeria is under severe sheet, rill and gully erosion with over 2000 active gully erosion sites spread and around the country. Erosion leads to impoverishment of the soil as nutrients are washed away, loss of livelihood as farmlands become wasteland thus increasing the menace of rural urban migration, and pollution and siltation of available sources of drinking water. Human lives and properties, especially buildings are endangered as they collapse into gullies.

Coastal erosion is widespread along the nation's 800km long coastline with estimated mean shoreline retreats of 2 - 30 metres per year. The worst affected areas include Victoria Beach in Lagos, Awoye/Molome in Ondo State, Ogborodo/Escravos and Forcados in Delta State, Brass in Bayelsa State and Ibeno - Eket in Akwa Ibom State.³⁴ To achieve effective management of urban, river and coastal, flooding and stabilise all gully and coastal erosion sites and enforce management practices aimed at preventing/minimizing the incidence of erosion, the following strategies are required:

- a. enforce compliance with planning/urban laws/edicts;
- b. build embankments and levees along rivers and coastline prone to flood;
- c. establish rainstorm early warning system;
- d. establish and monitor weather stations, river and tidal gauges;

³³ O A Bamgbose, 80 'An Outline of Natural and Man-Made Disaster' in O A Bamgbose (ed) *The Law and Practice on Disaster Issues* (Ibadan: Safari Books Ltd, 2018) p 1

³⁴ *Ibid*

- e. ensure appropriate management of dams;
- f. ensure proper maintenance of existing urban drainage channels; and
- g. enforce environmental sanitation laws in towns and cities.

For soil and coastal erosion, it will be necessary to:

- a. prepare and implement a comprehensive national policy on soil and coastal erosion and flood control;
- b. formulate and enforce regulations for soil and water conservation, especially in erosion-prone areas;
- c. carryout national watershed delineation and characterization for use as a basis for development of an aggressive management and enforcement programme to protect and maintain the quality of the nation's lands water and coastal resources and implement the programme;
- d. prepare periodic master plan on the management of soil and coastline erosion and flood, and advise the federal government on the financial requirements for the implementation of such plans;
- e. carry out feasibility and scientific studies on soil erosion and related flood problems for the design of appropriate integrated remedial control measures;³⁵
- f. carry out public enlightenment campaigns on environmental degradation arising from poor land and water management practices;
- g. provide and promote training on environmental issues as they relate to flood, erosion, land degradation and water conservation;
- h. promote integrated ecosystem management with other agencies connected with agriculture, land use, soil and water conservation, development and coastal resources management including environmentally sound recreational use;
- i. strengthen national capacity through personnel development, provision of training facilities and research on combating climate-related ecological problems;
- j. strengthen capacity of the Environmental Management Support System (EMSS) for Remote Sensing data gathering, GIS facilities and development of disaster/ environmental data bank;
- k. support agro-forestry and integrated Coastal Zone Management;
- l. encourage planted fallow in abandoned farmland using soil enriching species;
- m. promote conservation farming and use of organic fertilizer and soil conditioners; and
- n. establish viable contingency plans for tackling socio-economic and other problems resulting from coastal and other erosional disasters.³⁶

Among the natural ecological disasters briefly discussed, some are peculiar to Nigeria. These are windstorms or line squalls, dust-spells, droughts, erosion, flood, wildfires and desertification.³⁷

5 The Law of International Watercourses and Flood Management

5.1 The Evolution and Current Status of the Law of International Watercourses

There have been various multilateral efforts to codify and progressively develop international law in the field of international watercourses, including the work on the 1997 U.N.

³⁵ *Ibid*

³⁶ See Nigerian National Policy on the Environment 2016

³⁷ O A Bamgbose, 'An Outline of Natural and Man-Made Disaster' in O A Bamgbose (ed) *The Law and Practice on Disaster Issues* (Ibadan: Safari Books Ltd, 2018) p 1

The 1997 U.N. Watercourses Convention, while not yet in force, is the most authoritative statement of international law in the field because it was drafted by leading legal experts and then negotiated by state representatives within the U.N. General Assembly. While some disagreements remain between the States have carefully negotiated text of the U.N. Watercourses Convention represents a significant consensus among many states around the world as to the current status of international law in the field. Such consensus is reflected in the voting record, which shows that 103 States voted in favor of the Convention, while only three states voted against it.³⁸

Support for the 1997 U.N. Watercourses Convention is also found at the regional and basin level. The Southern African Development Community, for example, revised their regional 1995 Protocol on Shared Watercourse Systems in light of the 1997 U.N. Watercourses Convention.³⁹ At the basin level, the 1995 Mekong Agreement,⁴⁰ the 2002 Sava River Basin Agreement,⁴¹ and the 2005 Zambezi Watercourse Commission Agreement⁴² all reflect provisions similar to the 1997 U.N. Watercourses Convention.

5.2 Rules and Principles Relating to International Watercourses

There are four key areas where international law plays a central role in the management of transboundary waters: (1) scope; (2) substantive norms; (3) implementation mechanisms; and (4) dispute settlement mechanisms.⁴³

Scope refers to the geographical and functional application of a treaty. Within the transboundary waters context, provisions related to scope should determine *who* is entitled to *what* water. Most importantly, provisions related to scope identify the resource in question, for example, groundwater, a watercourse, or a drainage basin. While the substantive rules and principles set out the general rights and obligations pertaining to management of transboundary waters, effective application of such norms is only possible if accompanied by a set of implementation mechanisms. Implementation mechanisms should be designed to ensure that the substantive norms are both transposed into national law and policy, and monitored and reassessed in light of changed circumstances. Finally, dispute settlement mechanisms seek to ensure that any disputes between states, both on points of law and fact, are resolved in a peaceful manner.

³⁸Press Release, General Assembly, General Assembly Adopts Convention on the Law of Non-Navigational Uses of International Watercourses, U.N. Doc. GA/9248 (May 21, 1997), at annex, *available at* <http://www.un.org/News/Press/docs/1997/19970521.ga9248.html>. accessed on 21/01/21.

³⁹Southern African Development Community, Revised Protocol on Shared International Watercourses, Aug. 7, 2000, 401 L.M. 321 (2001); *See also* Salman M. A. Salman, *Introductory Note to SADC; Revised Protocol on Shared Watercourses in the Southern African Development Community*, 41 L.M. 317, 318 (2001) accessed on 20/01/21.

⁴⁰Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin, Apr. 5, 1995, 341 L.M. 864 (1995) [hereinafter Mekong Agreement], accessed on 14th November, 2019

⁴¹Framework Agreement on the Sava River Basin, Dec. 3, 2002, *available at* <http://faolex.fao.org/docs/pdf/mul45452.pdf>, accessed on 20/01/21.

⁴²Agreement on the Establishment of the Zambezi Watercourse Commission, July 13, 2004, *available at* <http://www.zacpro.org/downloads/ZAMCOM%20AGREEMENT.pdf>, accessed on 12/01/21.

⁴³*See* P Wouters *et al.*, *Transforming Potential Conflict into Conflict Potential: The role of International Water Law* 46 (2003), *available at* <http://unesdoc.unesco.org/images/0013/001332/133258e.pdf>

6 The National Emergency Management Agency (Establishment, etc.) Act and Flood Management in Nigeria

The major enabling law for disaster management and control in Nigeria is the National Emergency Management Agency (Establishment, etc.) Act, 1999, which is an Act to establish a National Emergency Management Agency (NEMA) and a State Emergency Management Committee for each state in the federation; and to make provision for other related matters.⁴⁴The mission and vision of NEMA is to coordinate resource towards efficient and effective disaster prevention, preparation, mitigation and response in Nigeria; and to build a culture of preparedness, prevention, response and community resilience to disaster in Nigeria.

The Act created the National Emergency Management Agency (NEMA) vested the authority of managing disasters in Nigeria. The enabling law; the Agency shall among the other things to;

- (a) formulate policy on all activities relating to the disaster management in Nigeria and co-ordinate the plans and programmes for efficient and effective response to disasters at national level;
- (b) monitor the state of preparedness of all.

Specifically, section 6 of the Act bestows NEMA with the following responsibilities. The Agency shall:

- (a) formulate policy on all activities relating to disaster management in Nigeria and co-ordinate the plans and programmes for efficient and effective response to disasters at national level;
- (b) co-ordinate and promote research activities relating to disaster management at the national level;
- (c) monitor the state of preparedness of all organizations or agencies which may contribute to disaster management in Nigeria;
- (d) collate data from relevant agencies so as to enhance forecasting, planning and field operation of disaster management;
- (e) educate and inform the public on disaster prevention and control measures;
- (f) co-ordinate and facilitate the provision of necessary resources for search and rescue and other types of disaster curtailment activities in response to distress call;
- (g) co-ordinate the activities of all voluntary organizations engaged in emergency relief operations in any part of the federation;
- (h) receive financial and technical aid from international organizations and non-governmental agencies for the purpose of disaster management in Nigeria;
- (i) collect emergency relief supply from local and foreign sources and from international and non-governmental agencies;
- (j) distribute emergency relief materials to victims of natural or other disasters and assist in the rehabilitation of the victims where necessary;
- (k) liaise with State Emergency Management Committees established under section 8 of this Act to assess and monitor where necessary, the distribution of relief materials to disaster victims;
- (l) process relief assistance to such countries as may be determined from time to time;
- (m) liaise with the United Nations Disaster Reduction Organisation of such other international bodies for the reduction of natural and other disaster;

⁴⁴ National Emergency Management Agency (Establishment, etc.) Act, is an Act of the National Assembly of the Federal Republic of Nigeria, 1999

- (n) prepare the annual budget for disaster management in Nigeria; and
- (o) perform such other functions which in the opinion of the Agency are required for the purpose of achieving its objectives under the Act.⁴⁵

7. The Four Phases of Emergency Management⁴⁶

Since World War II, emergency management has focused primarily on preparedness. Often this involved preparing for enemy attack. Community preparedness for all disasters requires identifying resources and expertise in advance and planning how these can be used in a disaster. However, preparedness is only one phase of emergency management. Current thinking defines four phases of emergency management: mitigation, preparedness, response, and recovery. There are entire courses on each of these phases. The four phases of emergency management include:

- (i) **Mitigation** Preventing future emergencies or minimizing their effects; this Includes all activities that prevent an emergency, reduce the chance of an emergency happening, or reduce the damaging effects of unavoidable emergencies. And buying of flood and fire insurance. Mitigation activities take place before and after emergencies.
- (ii) **Preparedness** Preparing to handle an emergency; this includes plans or preparations made to save lives and to help response and rescue operations. Evacuation plans and stocking food and water are both examples of preparedness. Preparedness activities take place before an emergency occurs.
- (iv) **Recovery** Recovering from an emergency; this includes actions taken to return to a normal or an even safer situation following an emergency.
Recovery includes getting financial assistance to help pay for the repairs.
Recovery activities take place after an emergency.

Emergency management works when you and your local, State and Federal government fulfill emergency management responsibilities. Voluntary organizations also have important responsibilities during disasters. This next section describes responsibilities at each of these levels. These include Personal, Local Government, State and Federal responsibilities. One of the most important voluntary organizations in terms of disasters is the American Red Cross. The American Red Cross is a humanitarian organization, chartered by Congress and led by volunteers, that provides relief to victims of disasters. Each local chapter is responsible for providing disaster relief services in the community it serves. In large-scale disasters, volunteers from across the country may respond. The American Red Cross provides individuals and families with food, shelter, first aid, clothing, bedding, medicines and other services.⁴⁷ Voluntary organizations like the Salvation Army, Catholic Charities, Mennonite Disaster Services, and other local church and civic organizations often help disaster victims by distributing food, medicine and supplies, and by providing temporary shelter. Many voluntary organizations also conduct fund-raising drives to provide financial assistance to disaster victims.

8 Challenges of Disaster Management

In view of what has been discussed in this paper, the following challenges are identified:

1. Lack of concerted effort at the international level through the establishment of a viable machinery to coordinate and monitor the usages of the resource designated for disaster

⁴⁵ *Op.cit*, p 268

⁴⁶ L I Nwokike, Security Education, *op.cit*, 73

⁴⁷ *Ibid*, p 83

management at the local levels. For example, during the 2017 Muslim Ramadan fasting, the Kingdom of Saudi Arabia donated 200 tons of dates to the federal government of Nigeria for distribution to the victims of disaster (that is, the internally displaced persons as the sole beneficiaries of the gifts). Unfortunately, the dates were reported to be mismanaged and found in the open market for sale to the general public contrary to the intent of the donor (the Kingdom of Saudi Arabia). This event generated a lot of regrets by the donor and even the federal government of Nigeria due to lack of proper monitoring and coordination.⁴⁸

2. Financial constraint militates against effective implementations of policies and guidelines for disaster risk management at the local levels.
3. Lack of uniform coordination strategy within the institutions responsible for implementing policies and guidelines for disaster risk management at all levels (that is at the international, regional and local levels). As a result, there is inconsistencies in implementation strategy. For example, international instrument and policy provide high standard for logistic implementation of disaster risk management which is difficult to attain at the regional levels and particularly at the local levels. However, simply having safe structure and processes may not be comprehensive enough or may not apply to a given situation. For example, countries with very weak economies could not expect to have a state of the art safe society in a decade.
4. Lack of adequate cooperation within the local mechanism for implementation. This is because their roles seem to be interwoven and there is no specification for limitation of duties on disaster risk management.
5. There is inadequate practical initiative by the United Nations for engagement with private sectors and business on disaster risk management and reduction. Currently, at best the policy guideline on the role of organizations is not educative enough because their role is greatly undermined by government agencies.

9 Conclusion

Disaster risk governance at the national, regional and global levels is of great importance for the effective management of disaster risk. Clear vision, plans, competence, guidance and coordination within and across sectors, as well as participation of relevant stakeholders, are needed. Strengthening disaster risk governance for prevention, mitigation, preparedness, response, recovery and rehabilitation is therefore necessary and fosters collaboration and partnership across mechanisms and institutions for the implementation of instruments relevant to disaster risk reduction and management so as to achieve an effective, sustainable development.

Thus, international, regional, sub-regional and transboundary cooperation remains pivotal in supporting the efforts of states, their national and local authorities, as well as communities and business must also be safety streamlined in order to reduce disaster risk.

Existing mechanisms may require strengthening in order to provide effective support and achieve better implementation. Developing countries, in particular the least developed countries, small island developing states, landlocked developing countries and African countries, as well as middle-income countries facing specific challenges, need special attention and support to augment domestic resources and capabilities through bilateral and multilateral channels in order to ensure adequate, sustainable, and timely means of implementation in

⁴⁸Kingdom of 2017; Saudi Arabia Premium Times Reports. Availavle at [http:// www.The Kingdom of Saudi Arabia](http://www.The Kingdom of Saudi Arabia) Accessed on 21/01/21.

capacity-building, financial and technical assistance, and technology transfer, in accordance with international commitment.

10 Recommendations

This paper recommends that government at all levels should develop and implement effective emergency flood management policy.

Nigeria has efficient and effective legal and institutional framework on emergency Management. This however needs effective implementation.

This in line with international practice assure an efficient, effective and productive administration of emergency management and for sustainable development.