
**RIGHT TO DISASTER PROTECTION THROUGH THE PRISM OF CRISIS
MANAGEMENT SYSTEMS IN SELECTED COUNTRIES (N.MACEDONIA, SPAIN,
AND BULGARIA)**

Biljana Karovska-Andonovska

Military Academy "General Mihailo Apostolski" – Skopje, N. Macedonia, biljana.karovska@ugd.edu.mk

Nikola Kletnikov

Military Academy "General Mihailo Apostolski" – Skopje, N. Macedonia, nikola.kletnikov@ugd.edu.mk

Abstract: In this paper we elaborate the preconditions of realisation of the right to protection in situations of disasters in three European countries - N. Macedonia, Spain, and Bulgaria, through overview of crisis management systems in those countries. Thus, regarding prevention, the risk assessment, the planning and the risk awareness raising, were analyzed, separately in each of these countries. Within emergency preparedness, the early warning systems were also analyzed. In addition, one of the research questions was the current emergency response, which was also analyzed in each of these countries.

The aim of this paper is to identify the basic indicators of the current situation regarding disaster management, as well as to find out whether there is a need for improvement in some parts, in order to achieve full realization of the right to protection in situation of disaster. The research is based on analysis of the legal frameworks, official reports, and semi-structured interviews with representatives of the relevant state institutions in each of the countries.⁹

Keywords: Right to protection, crisis management system, prevention, preparedness, response.

1. INTRODUCTION

Although natural disasters have been seen primarily as situations that create challenges mainly of a humanitarian nature, nowadays increasingly, it is recognized that human rights protection also needs to be provided in the context of disaster management. Having in mind that in the forthcoming decades climate change is expected to cause increase of the frequency of disasters, it is necessary for countries to consolidate the efforts of all responsible institutions and their activities, in order to full realization of the right to protection in situation of disaster. The human rights violations in situations of disasters are not intended or planned, but often they result from insufficient resources, capacities and inappropriate policies to adequately respond to the consequences of the disasters. Although disasters take a great toll on people, their impact is not outside of humanity's control. While scientists increasingly link severe weather events to human-made climate change, experts also recognize the importance that proper planning can have in mitigating the impact of a disaster.¹⁰ Hence, violations of human rights could be avoided if both national and international actors took the relevant human rights guarantees into account from the beginning.¹¹ Since disasters rob human beings of their rights to life, security of person, healthy living and well-being, and the right to own property, therefore follows that to adequately safeguard these rights, all humans must work together to prevent disasters from happening, or at least reduce the risks they pose to vulnerable human populations and their livelihoods.¹² Disaster prevention, risk reduction and emergency response are an expression of moral and social responsibility of all management levels. Because of these reasons, within prevention, the first step is risk assessment as a systematic approach in identifying the potential risks. The next step is risk management planning, which means developing organizational and procedural measures that support and assist public administrations in civil protection emergencies. On the other hand, preparedness according to the UN International Strategy for Disaster Reduction, is knowledge, capabilities, and actions of governments, organizations, community groups, and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or

⁹ Some parts of the content in this paper are created in the framework of the ERASMUS+ Project: Prevention of Disaster ICT (Informatics and Computer Technology) regarding the final document for Intellectual output 1, available at: <http://www.projectpredict.eu/framework.php>

¹⁰ Casabat, C. (2017) Human security and natural disasters, United Nations Development Programme, Human Development Reports

¹¹ Human rights and natural disasters (2008) Operational Guidelines and Field Manual on Human Rights Protection in Situations of Natural Disaster, Brookings-Bern Project on Internal Displacement, p.1

¹² Rawinji, F., Claiming the human Right to protection from Disasters - The case for Human Rights - based Disaster Risk reduction

conditions.¹³ In other words, preparedness is the process of turning awareness of risks and natural hazards into actions that improve its capability to respond to disasters.

2. OVERVIEW OF THE NATIONAL DISASTER SYSTEM IN N. MACEDONIA

The existing Crisis management system in N. Macedonia is highly influenced by the concept of civil defence approach with emphasized Government's role during execution.¹⁴ The two main authorities in the Crisis management system are the Crisis Management Centre (CMC) and the Protection and Rescue Directorate (PRD) as independent governmental agencies. The risks management approach from local to national level is regulated by the Law on Crisis Management enacted in 2004. The first circle in the crisis management concept constitutes a Steering Committee and Assessment Group. The second circle starts with the CMC which has operational functions and a strategic position within the coordination of activities upon a declared crisis situation. Protection and rescue are organized as a single system for tracking, preventing, and mitigating consequences caused by natural disasters or other emergencies. Protection and rescue are organized and implemented by state bodies, municipalities, public enterprises, institutions and services, trade companies, citizens' associations, protection and rescue forces, and citizens. There are three levels of protection. The first one is secured and provided by the local municipalities. The second is organized and performed by the Government with the PRD as the responsible authority. The third level is the international assistance in the cases of major natural disasters. In general, according to the interviewed representatives of the mentioned relevant national institutions, the budget for disaster protection in N. Macedonia is not satisfactory, there is always a need for more funds, and the funds that the relevant entities have mostly comes from donations.

2.1. Prevention

Disaster prevention expresses the concept and intention to avoid potential adverse impacts through action taken in advance. The legislation in N. Macedonia provides both the PRD and the CMC with roles in assessing risk, without clearly establishing which organization is responsible for publishing a national assessment. The CMC risk assessment identifies the presence and expected dangers to which the territory of the country is exposed, their description, analysis, assessment of the likelihood of their occurrence, expected intensity, and impact strength, possible consequences, as well as the exposure, vulnerability, and resilience of the population in the face of disasters. It has made a concrete link of the causative circle between the danger and the damages expressed in regard to the population, the environment, infrastructure, or other valuables on state territory. The PRD assesses the risks through established measures for all natural disasters and other accidents. The risk assessment is one of the segments of the Protection and rescue plan and it is based on the knowledge of previous hazards and potential new hazards.

Disaster risk management plans set out the specific objectives for reducing disaster risks along with related actions to accomplish these objectives. As a result of the complex economic, social and political situation in N. Macedonia, risk management planning is mostly organized as an ad hoc activity. Most of the activities in this area are carried out within the different relevant institutions and in accordance with the competencies defined by law. There are elements of cooperation in management planning between public institutions, but this issue is not legally regulated by a single regulation. The PRD's Emergency response plan is firstly developed locally, and after that the plans are united on a national level. The plan sets out the forces, means, and resources that will be used in the process of evacuation. The measures set out in the plan are at three levels: Preparedness; Mobilization of forces, means, and equipment; and Plan for protection and rescue.

Regarding public awareness, the existing documents that are operatively accepted as risk assessments at different levels are available to broader user groups through printed material or through websites of the competent institutions. Each institution within their own jurisdiction, have certain programs of a mostly temporary nature that are used to raise public awareness. Thus, the PRD mainly informs the population through the electronic and social media. The CMC communicates through the media and informs the public and the media on the Standard Operating Procedures for communication, coordination, and cooperation between the entities in the event that a state of emergency is declared.

2.2. Preparedness

Preparedness is actually the implementation of the measures that ensure the organized mobilization of personnel, funds, equipment, and supplies within a safe environment for an effective relief. Within the regular activities, with

¹³ United Nations International Strategy for Disaster Reduction, 1999, Geneva

¹⁴ See: Hadji-Janev, M. and Jovanovski, V., 2012, Disaster Risk Management Concept in the Republic of Macedonia, Challenges and Recommendations for the future, Crisis Management Days, University of Applied Science, VelikaGorica, Croatia

extremely modest capacities and financial resources, planned and executed trainings and exercises are also modest.¹⁵ International trainings are carried out under the Union Civil Protection Mechanism, bilateral cooperation with the countries in the region and through cooperation with the international actors in the country (NATO, US, International Trust Fund).

The early warning and alert system is part of the State operations centre, within the CMC, which functions at the national level 24 hours a day, 7 days in the week. The national alerting arrangements include sirens and national broadcasters (TV and radio), but these arrangements had lacked investment and there is a need to develop a means to alert all mobile users in the country or a specific geographic area. In order to appropriately deliver the necessary alert, the CMC established a cooperation network with a number of institutions, as national institutions responsible for monitoring hydro-meteorological, seismic, and radiological hazards. However, the most common way of informing the public is through the media which provide the first information about such events.

2.3. Response

After a crisis situation is declared, the CMC provides inter-departmental and international cooperation. The operational role of CMC fully comes to light when it delegates crisis management responsibility by establishing additional regional crisis management centres, through which CMC monitors the situation, exchanges information, and makes assessments. On the other side, the PRD performs activities of protection and rescue in case of natural disasters and other accidents. The Directorate uses its state units for protection and rescue, which have an active and a reserve component. At the state level, there is a national head quarters (with the relevant institutions). At the local level, there are 35 regional headquarters. The evacuation of the population is under the responsibility of the PRD.

3. OVERVIEW OF THE NATIONAL DISASTER MANAGEMENT SYSTEM IN SPAIN

The Civil Protection system in Spain is based on four key pillars: a comprehensive and actionable legal framework; the coordinating bodies; civil protection planning; and training activities. The Directorate General of Civil Protection and Emergencies plays an essential role at a national level. The Law on the National Civil Protection System (NCPS) ensures the coordination, cohesion, and efficiency of civil protection public policies. The NCPS integrates all public or private organizations, and citizens, participating in civil protection activities. Autonomous communities are responsible for the direction and coordination of the emergencies on their territory, unless declared as a national emergency. There are also many other laws and regulations in this regard. However, the main regulation is Royal Decree 393/2007 which constitutes the legal framework that guarantees adequate levels of safety, efficiency and administrative coordination, in terms of prevention and control of risks. The Basic self-protection standard establishes the obligation to draw up, materially implement and keep the self-protection plans operational, and determines the minimum content that these plans must incorporate. It affects not only the actions to be taken in such situations, but also the analysis and assessment of risks, the adoption of preventive measures and risk control, and the integration of emergency actions in the corresponding Civil protection emergency plans. However, in general, according to the interviewed representatives of the relevant institutions, the needs are not sufficiently covered in terms of self-protection and prevention, and there is need for updating of existing resources.

3.1. Prevention

There is no horizontal organization in Spain responsible for all prevention plans, but the prevention policy is organized following a sectorial approach, under the authority of the Ministry (central level) or the Regional Government Counsellor (water management, dam safety, meteorology, environment, climate change, chemical industry, nuclear energy). According to Decision 1313/2013/EU of the European Parliament and of the Council, EU Member States need to provide the Commission with studies on national risk analysis. This risk assessment is reviewed periodically. Cross-border agreements on civil protection that Spain has with Portugal, France, and Morocco, also include risk assessment. According to the classifications, the most commonly established risk profiles are the natural risks; technological risks; and anthropic risks.

Territorial plans deal with emergencies that affect the territory of an autonomous community or a municipality. Each of the natural disasters requires special plan which include the coordinated participation of civil protection, police, fire, and health services. Additional public services may be incorporated on an educational level, fire brigade, the Red Cross and the local police. The legislation in Spain also requires the elaboration of a self-protection plan for schools.

Regarding population awareness, it is raised through dissemination of explanatory videos about how to behave in case of emergency, posters, brochures, and guides adapted to children, teenagers, and adults. Numerous prevention and awareness initiatives are carried out throughout Spain, organized by autonomous communities. Civil protection is also carried out in schools, with the collaboration of the Red Cross, local police, and firemen. Different public

¹⁵ Peer review report North Macedonia, 2018

administrations promote in a coordinated way the self-protection, establishing the necessary means and resources. In addition, social media is used to disseminate information on risks and emergency information in real time.

3.2. Preparedness

The National civil protection school (NCPS) in Spain is a major center for strategic management that provides specialized training for national and international staff, first responders of civil protection agencies, and volunteers. Each year NCPS approves a training plan with an average of 160 courses, 6000 students, and 4000 teaching hours.¹⁶ National exercises test the plans to cope with the different risks at local, regional, and state levels and to practice emergency management and intervention tasks. Emergency drills shall be performed at least once a year with purpose to verify and check the effectiveness of the emergency response organization.

For the purpose of early warning, The National meteorological agency issues warning bulletins related with meteorological hazards. The National water office and the river basins offices provide hydrological information and submit it to the civil protection authorities. The National seismic network is responsible for detection, monitoring, and alert triggering to all civil protection and government authorities in order to allow response plans activation against seismic and volcanic risk.

3.3. Response

There are three levels regarding emergency situations in Spain. The first one is an emergency situation at a local level, when the local territorial plan is activated, and local resources are used. The second level is activated when the local level is unable to tackle the situation and the emergency management responsibility is taken over by the community's civil protection authority, which provides its own resources. The third level is activated in a situation of nuclear emergency or war, when the Minister of Interior may declare a national emergency and take over the overall coordination of the activities. The emergency response procedures include: detection and alert; alarm mechanisms; emergency response mechanisms; provision of First Aid, etc. In all emergency situations, the international assistance could be requested through the EU Civil protection mechanism or in accordance with the bilateral agreements.

4. OVERVIEW OF THE NATIONAL DISASTER MANAGEMENT SYSTEM IN BULGARIA

The policy for disaster protection in Bulgaria at a national level is determined by the Council of Ministers which acts as a national platform for disaster risk reduction (DRR). The Council is assisted by the Disaster Risk Reduction Council (DRRC), which acts as the national DRR platform. The Council includes relevant ministries, Academy of sciences, universities, the municipalities association, the Bulgarian Red Cross, and other organizations working on DRR. At a regional level, the regional governors organize and manage the disaster management in the region, assisted by Regional DRRC. At a municipal level, the mayors organize and manage the disaster protection within the municipalities, assisted by the Municipal DRRC. An integral part of the unified rescue system is also 233 voluntary formations and 3138 registered volunteers who are under the direct authority of the mayor.¹⁷ In general, according to the interviewed representatives of the institutions, the budget for these activities is not satisfactory.

4.1. Prevention

The legal framework of the disaster management in Bulgaria contains acts that cover the question regarding disaster protection, spatial planning; protection of water, forest and environment, use of nuclear energy, as well as the regional development. Risk assessments are a mandatory part of the regional and municipal disaster protection plans. The risk assessments are developed by the methodology in preparedness for the implementation of disaster protection plans and guidelines. Competent authorities that carry out disaster risk analysis and assessment are: the Ministry of Regional development and public works for seismic and geological risk; the Chairman of the Nuclear regulatory agency for nuclear and radiation accident risks; the Ministry of Environment and water for flood risk; Ministry of agriculture, food and forestry for the forest fires risk. The DRR planning includes development of a national DRR strategy, national DRR programs, sectoral, regional, and municipal DRR programs. The vision, expected results, strategic goals, and priority areas for DRR are defined in the national DRR Strategy 2018-2030. The national disaster protection plan is developed by the DRR Council. The bodies of the central executive power and the constituent parts of the unified rescue system develop disaster protection plans for the implementation of the tasks raising from the national plan for the disaster protection and plans at the regional and municipal level.

¹⁶ Spain - Overview of the National Disaster System, 2019

¹⁷ Bulgaria - Overview of the National Disaster Management System, 2019

A big challenge in Bulgaria is that the society is not informed enough on the principles, purposes, and activities for disaster risk reduction, as well as on response activities before, during, and after disasters.¹⁸ At a national level, the dissemination of information is mainly conducted through electronic media and social networks, via the press centre of the Ministry of Interior, the web page of the Directorate-General Fire Safety and Civil Protection (FSCP), and the online FSCP magazine SOS 112. The regional and municipal FSCP directorates also use regional and local mass media and interact with regional and municipal administrations. Civilians are informed on disaster risks through information campaigns such as leaflets, banners, handbooks, videos, and TV and radio spots. Children and students receive five school hours per year dedicated to disaster risk awareness training.

4.2. Preparedness

The current Disaster risk reduction strategy in Bulgaria identifies strategic goals for disaster risk reduction and priority areas of action to achieve those goals. Implementing all actions laid down in the Strategy shall ensure sustainable management for disaster protection.¹⁹

The training of FSCP staff is carried out in the Centre for specialization and professional training in fire safety and rescue in Varna, and the Centre for professional qualification in Montana. The training includes initial training for fire-fighters, specialized rescue training, and training for team commanders and head of operational teams. The Centre in Montana is also involved in international training and exercises within the EU framework, but also in NATO, IAEA and regional initiatives.

Early warning systems in Bulgaria are developed to inform the population, governmental agencies, and different units of the unified rescue system. The early warning and population alert system (siren system) is designed to simultaneously alert a large group of people throughout the country and to provide instructions on necessary measures and actions through acoustic signals and "live" voice information for citizens for acting in emergencies. The sirens can be operated locally by the local FSCP operational center or centrally by the National operational centre.

4.3. Response

The response to disasters in Bulgaria is organized through the unified rescue system, which includes structures of ministries, municipalities, companies, and the organizations of volunteers, and the armed forces. The national operational centre of the FSCP operates as a point of coordination and information for the unified rescue system and is in constant connection with the 28 regional operational centres in the country. The NCP carries out a round-the-clock duty for forces and resources of the Directorate-General Fire Safety and Civil Protection.²⁰

5. CONCLUSION

Undoubtedly, human rights have to be the legal underpinning of all humanitarian work pertaining to natural disasters. The overview of the national disaster management systems identify the basic indicators of the current situation in N. Macedonia, Spain, and Bulgaria, regarding disaster management as an important precondition for protection of basic human rights in case of disaster. Each of these three European countries has its legal framework that regulates the disaster management system, defines authorities in that system, as well as their responsibilities and the measures that can be used in crisis situations. The disaster management concept in these countries follows the basic idea promoted by the UN and the Hyogo Framework for Action: Building the Resilience of Nations and Communities to Disasters. Generally, executive power has a central role in disaster management in each of these countries. The legal competencies, governments perform through the special agencies and institutions which are directly responsible for dealing with different kinds of crisis situations.

However, our explanations above show that there is a need for improvement in some parts of the crisis management systems. Limited financial resources are challenge in each of the countries. Sometimes risk management is mostly organized as an ad hoc activity. One of the reasons could be a lack of coordination at a higher level. In addition, building public awareness for disaster prevention and protection should be stronger and permanent.

Having all of this in mind, we can suggest consolidation of the efforts of all responsible institutions in order to provide long-term risk management planning, particularly in peacetime, which will result with preparedness in a time of natural disasters. One of the most important tasks is long-term risk management planning where relevant and responsible institutions should ensure the use of good practices. Consequently, consistent systematic approach to public awareness building should be developed with different campaigns, and other appropriate forms of raising awareness. In addition, the means to deliver alerts for the whole country or a specific geographic area should be updated, and in the same time adapted for vulnerably categories of citizens.

¹⁸ Republic of Bulgaria Disaster Risk Reduction Strategy

¹⁹ See: Republic of Bulgaria Disaster Risk Reduction Strategy

²⁰ Bulgaria - Overview of the National Disaster Management System, 2019

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