

Overview of Key Issues in Disaster Legislation and The Caribbean Emergency Legislation Project

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Organization of
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National legal-institutional frameworks



- Emerging challenges
 - Trends in the legal approach to disaster response
- Declaration of state of emergency and emergency powers

Establishment and functions of civil protection and emergency
management agencies
Health

Change towards an integrated approach: Overview of trends in the legal
approach to disaster preparedness in the region



Legal Challenges at the National Level



- Legal challenges derived from international collaboration in disaster response
 - Legal status of organizations
 - Identification of assistance personnel
 - Rating, liability
 - Imports of relief goods and equipment
- Legal challenges in the area of governance and accountability
 - Coordination among stakeholders
 - Knowledge



Regional Legal-Institutional Frameworks

- Regional Structures and Soft Law Principles
 - Inter-American Committee on Natural Disaster Reduction (IACNDR)
 - Inter-American Strategic Plan for Policy on Vulnerability Reduction, Risk Management and Disaster Response (IASP)
 - Inter-American Emergency Aid Fund (FONDEM)
 - Inter-American Network for Disaster Mitigation (INDM)
 - Inter-American Committee on Hemispheric Security
 - OAS General Assembly Resolutions*
 - Declaration of Santa Cruz + 10

*Most recent resolution approved by the OAS General Assembly on June 4, 2009: EXISTING MECHANISMS FOR DISASTER PREVENTION AND RESPONSE AND HUMANITARIAN ASSISTANCE AMONG THE MEMBER STATES (AG/RES. 2492 (XXXIX-O/09))



Regional Legal Frameworks

- The Inter-American Convention to Facilitate Disaster Assistance, 1991
 - Requests for, and offers and acceptances of assistance
 - National Coordinating Mechanisms
 - Direction and control of assistance
 - Transport of vehicles, equipment and supplies
 - Access and transit routes
 - Personnel
 - Security
 - Protection of Assistance Personnel
 - Costs
 - Claims and Indemnity
 - Governmental and non-governmental organizations



Moving forward in the region

- Integrated and multidisciplinary approach in strengthening legal frameworks.
- Hyogo included a commitment to develop legal frameworks for disaster prevention and preparedness, including preparation for international assistance when required.
- How can the priority actions of the Hyogo Framework serve as a blueprint for the development and strengthening of the legal approach to natural disasters?



Moving forward in the region

- Ensure that disaster risk reduction (DRR) is a national and local priority with a strong institutional basis for implementation.
 - Legal frameworks should enable resource allocation for the development and implementation of disaster risk reduction policies and mechanisms (ie. Funds, insurance etc).
 - Ratifying relevant international legal instruments and principles, taking steps for their implementation.
 - Promoting community participation through specific provisions and measures in access to information laws or other instruments



CELP: Overview



- Scope: Prevention and Response
- Need of expedite decision making in disaster situations
- Lack of comprehensive legal-institutional framework
- Funded by WB-IDF
- Cross cutting issues: financial, technical and legal and institutional.
- Key financial issues: Planning, appropriation and execution



Development Objective

- Build legislative capacity to enhance legal and institutional framework for state of emergency and appropriation in CARICOM countries.
- Raise awareness among government decision makers and make recommendations to improve legislative channels and administrative procedures during, and immediately after, the occurrence of a natural disaster.





Countries

Antigua and Barbuda

[Barbados](#)

Belize

Dominica

[Dominican Republic](#)

Grenada

[Haiti](#)

[Jamaica](#)

St. Kitts and Nevis

[St. Lucia](#)

St. Vincent and the Grenadines

[Trinidad and Tobago](#)





Project Implementation

- Components:
 1. *Study to improve legal frameworks related to state of emergency and appropriation powers*
 2. *National and regional validation and outreach completed*
- Main Output
 - **a set of recommendations for the implementation of clear and transparent procedures triggered under a state of emergency**



Stakeholders

- National
- National Focal Points – Inter-American Disaster Mitigation Network
- Government offices agencies
 - Ministers of Finance
 - Ministry of Environment
 - Ministry of Justice
 - Offices of Disaster Preparedness and Emergency Management
- Private sector
- NGOs



Stakeholders

Regional

- CARICOM
- CDEMA
- UWI
- CDB
- OECS

International

- OAS
- WB
- IADM
- IFRC

Regional/International

- Steering Committee





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Thank you!

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