



CARIBBEAN EMERGENCY LEGISLATION PROJECT (CELP)



Legal Framework

Constitution of Barbados, 1966

Section 25 of Barbados' Constitution provides for the declaration of a state of emergency by the Governor General where a public emergency arises as a result of earthquake, hurricane, flood, fire, outbreak of pestilence, or outbreak of infectious disease. This declaration may remain in force for a maximum of six months unless it is extended or revoked at any time by a majority of the members of the House of Assembly. The Constitution also provides for the protection from deprivation of private property. However, Section 16 of the Constitution allows for the confiscation of property in circumstances where the environment is threatened.



Emergency Powers Act, Cap. 161

The purpose of this Act is to make exceptional provision for the protection of the community in cases of emergency. The Act empowers the Governor General to declare a state of public emergency by proclamation. Once the declaration has been made the Governor General is mandated to communicate this fact to the Parliament and to summon both Houses.

Once a declaration is in force the Cabinet of Barbados is authorised to make orders to provide for the supply of specified essentials such as food, water, light etc; maintaining transportation; taking possession or control of property other than land; and paying compensation.

Disaster Management Act, 2006

The main purpose of this recent enactment is to provide for the effective organization and management of disasters and other emergencies. Under the Act, the Governor General is empowered to declare a disaster or other emergency by proclamation after he has been advised by the Prime Minister and after consultation with the Director of the Department of Emergency Management (DEMA). The Act establishes the DEMA and secures the appointment of a Director to administer the Act. It also establishes an

Emergency Management Advisory Council. DEMA is responsible, inter alia, for the development of the National Multi-hazard Disaster and Emergency Management Plan which must be prepared annually.

The Act is quite comprehensive as it sets out several procedures which are required to be contained in the Disaster Management Plan and they include: preparedness and response to disasters and emergencies; and coordination and implementation of the Emergency Management Plan (EMP).

Prevention of Floods Act, Cap. 235

This Act provides for the execution of works necessary to prevent and control floods and inundations caused by excessive rains and by high tides. The Act also empowers the Minister to declare flood areas. However in exercising his

functions the Minister is required to have regard to the Coastal Zone Management Plan in accordance with the Coastal Zone Management Authority.

Draft Barbados National Building Code (1993 Edition) –

The Barbados National Building Code (1993 Edition) establishes various technical requirements and standards governing the design and construction of buildings in Barbados. The Building Code addresses issues relating to structural sufficiency and durability, fire safety, health and amenity. The Building Code has not yet been incorporated into law and is therefore not underpinned by the force of law. It is expected that the Building Code will be implemented through the enactment of a proposed Building Control Act. The Government has established a Building

Authority whose primary functions will include the administration and enforcement of the Building Code and the proposed Building Control Act. The Building Code does not affect the operation of any law concerning the use of public land, buildings, structures or roads. The Barbados National Standard Institution (BNSI) is responsible for the preparation, review, amendment and interpretation of the Building Code.



Institutional Framework

Department of Emergency Management (DEMA)

DEMA was established to develop, promote and maintain a comprehensive National Disaster Plan to take account of both natural and man-made hazards. According to the Act under which the Department is established, its key functions are to

(a) Create mechanisms to promote and advance disaster management activities at all levels of society, and;

(b) Promote the development and maintenance of effective warning, response and recovery

Budget appropriation and execution

The Department of Emergency Management is financially supported by budgetary allocations from the central government. These monies which are taken from the Consolidated Fund are voted on

by the Parliament of Barbados. The Table below shows the budgetary allocations for the past three years in US currency:

Table 1 Annual Budgetary Allocations for the DEM (US \$ for 2007 -2010)

FINANCIAL YEAR	DEM BUDGETARY ALLOCATION	VOLUNTEERS OPERATING EXPENSE
2007 - 2008	\$827,000.00	\$83,000.00
2008 - 2009	\$930,000.00	\$ 81,000.00
2009 -- 2010	\$918,000.00	\$91,000.00

In addition to budgetary allocations to the DEM, the sum of US \$5,000.00 is allocated annually to be divided among 30 District Emergency Management Centers and US\$5,000.00 per annum for roving response. The sum of US\$ 25,000.00 per annum is also allocated for contingencies.

Recommendations

Specific

- Review and update the provisions of the Disaster Management Act (2006) to consider emerging issues such as climate change policy and the proposed adaptation plan which have a direct link to hazard management in the island.
- Incorporate the Draft Building Code into law

General

- Establish adequate legislative authority for disaster management
- Enact legislation to promote the implementation of improved standards for all buildings and infrastructure
- Establish adequate funding mechanisms for disaster management
- Create mechanisms for transparency and accountability of external agencies
- Promote capacity building and strengthen institutional arrangements
- Enhance risk management and insurance coverage for disasters
- Promote the transfer and exchange of disaster information
- Improve access to information and promote effective communication
- Update National Emergency Plans and Procedures
- Strengthen Community Committees
- Improve capability of disaster and emergency personnel



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