



CARIBBEAN EMERGENCY LEGISLATION PROJECT (CELP)



Legal Framework

The legal framework for state of emergency and disaster management in Haiti is very limited. At the constitutional level there is no provision regarding disaster management in Haïti.



2008 Law on the Declaration of the State of Emergency.

This law was revised in 2010 and voted by the Parliament and sets out mechanisms for dealing with disasters.

1990 Decree

A decree in 1990 seeks to institute an early warning system. According to the decree the Haitian Government gives full responsibility to Civil Protection Directorate (DPC) of the Ministry

of Interior and DPC, since 2001 for a national Disaster Plan. The Plan requires parliamentary endorsement which is still outstanding and it has therefore not yet entered into force.

Institutional Framework

Organization of Pre Disaster and Assistance (OPDES)

OPDES was established in 1983 as a permanent structure which, with the support of the Red Cross, was responsible for intervention in the event of catastrophes in Haiti. However national Red Cross Societies from other countries collaborated to reinforce the capacities of the Haitian Red Cross (HRC).

An institutional reform process regarding disaster and risk management was started in 1999, and led to the development of a National Plan on Risk Management and Disasters (PNGRD). Further, other specific tools such as the National Plan of Intervention (PNI) and an Action Plan for the Hurricane season were also developed. The

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PNGRD stresses the principles of participation of the various partners, decentralization of the activities and distribution of the responsibilities among the institutions for the State and the local authorities. The PNGRD was validated in November 2001 by the then government.

Group of Support of International Cooperation (GACI)

In 1998 Haitian authorities initiated activities to better coordinate international assistance from organizations and international institutions during catastrophes. Within GACI, UNDP acts as coordinator within the System of the United Nations. The Civil Protection Directorate (DPC) of the Ministry of Interior coordinates meetings of

this group. GACI was integrated into the PNGRD and the PNI, to support the structure. The first document was approved and the second though used in the event of a disaster has not yet been approved by the government.

Haitian Red Cross

Founded on May 29, 1932, the Haitian Red Cross (HRC) was the first institution officially recognized by the Government of the Republic of Haiti as an auxiliary of state authorities having the objective of rendering assistance to the population during catastrophe. In support of this institution, an ad hoc committee was created at the highest level of the State to manage each emergency which occurred.

Only the Haitian National Red Cross has mandates for national emergency responses activities during emergencies. The National Plan clearly establishes the roles of each Ministry with Haitian Red Cross under the leadership of the Interior Ministry. However, the Plan does not have the force of law.

The national system for disaster management under the Civil Protection Directorate has established Committees of civil protection at departmental and local levels. These Committees are coordinated by the local authorities



Recommendations

Specific

- Adopt legislation to create a National System of Risk Management and Disasters.
- Secure Parliamentary endorsement for the National Disaster Plan
- Establish a funding mechanism for not only disaster response, but also preparedness and mitigation

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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