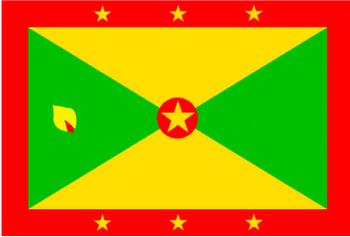




CARIBBEAN EMERGENCY LEGISLATION PROJECT (CELP)



Legal Framework

Grenada Constitution Order, 1973

The Grenada Constitution Order of 1973, makes provision for the declaration of a state of emergency in Chapter I (Protection of Fundamental Rights and Freedom).

Section 17 (1) provides that the Governor General has the Constitutional authority to declare a state of emergency by making a Proclamation to that effect. This power was exercised as recently as 2004, due to the passage of Hurricane Ivan in Grenada (Statutory Rules and Orders No.20 of 2004.) The Constitution provides that a resolution of the House of Parliament or an extension of such a resolution shall not be passed unless it is supported by a majority vote of all the members of the House. Every declaration of emergency shall lapse in the case of a declaration made when Parliament is sitting, at the expiration of a period of seven days beginning with the date of publication of the declaration. In other cases the declaration of emergency shall lapse at the expiration of a period of twenty one days beginning with the date of

publication of the declaration unless it has in the meantime been approved by a resolution of both Houses of Parliament.

A proclamation of emergency must be approved by a resolution by both the Houses of Parliament. Once approved by Parliament the emergency remains in force for a period of six months from the date of proclamation or for a shorter period. In the event that it is extended beyond six months another resolution has to be passed by Parliament. This Resolution may however, be revoked at any time by a resolution of the House of Parliament.

Emergency Powers Act No. 17 of 1987

The Emergency Powers Act supports provision 17 of the Constitution.

Section 2 of the Emergency Powers Act defines the term “period of emergency” by linking it to Section 17 of the Constitution of Grenada. In this Act “period of emergency” is defined as “*a period beginning with a declaration made by the Governor General of the State that a state of emergency exists therein and ending either with a declaration so made that a state of emergency no longer exists therein or in accordance with the provisions of section 17 of the Constitution of Grenada.*” Section 3 (1) provides for instances when a state of emergency shall be declared.

Section 3(2) is similar to the Constitutional

provision in vesting the Governor General with the power to revoke a declaration of emergency at any time. The Governor General must however act on the advice of Cabinet when exercising his powers in section 3(1) and (2).

The Section 4 empowers the Cabinet to make regulations during a period of emergency in Grenada. Regulation-making powers include prohibiting persons from being out of doors between specific hours or even traveling. However, the Cabinet in its discretion may order that monies be paid to persons suffering loss or damage by reason of the exercise of Section 4 of this Act. Section 5 outlines the procedures for Gazetting regulations.

National Disaster (Emergency Powers) Act Cap 3 of The 1990 Revised Laws Of Grenada.

This Act makes provision for emergency powers specifically for the maintenance of supplies and services essential to the life of the community of the occurrence of a national disaster. Accordingly the Prime Minister has authority to declare that a national disaster has occurred in Grenada when he is satisfied that supplies and service essential to the life of the community are likely to be endangered. A declaration of this nature shall remain in force until revoked by the Prime Minister by notice published in the Gazette.

According to Section 2, ‘-“national disaster”-’ is defined as “a disaster occurring as a result of an earthquake, hurricane, flood, fire, outbreak of pestilence or of infectious disease or other calamity””.

Section 4 provides that the Prime Minister or a person authorized by him may regulate specific areas such as water supplies, electricity and gas and food and liquor supplies and all other measures necessary to maintain supplies and services essential to the life of the community. These regulations are to be published in the Gazette, and in cases where this can not be done, it shall be published by means of notices affixed to public buildings or distributed amongst the public or by oral public announcement by radio or otherwise.



Agriculture (Hurricane Rehabilitation) Act Cap.11 Rev.

This Act provides for measures to be followed to ensure the prevention of disasters as well as, post-disaster actions to assist persons affected by hurricanes.

Institutional Framework

National Disaster Management Agency

The National Disaster Management Agency (NADMA) is the body responsible for the overall management of disasters and emergency situations in Grenada. NADMA's mission is to reduce the loss of life and property within Grenada, Carriacou and Petite Martinique by ensuring that adequate preparedness, response and mitigation measures are in place to deal with the impact of the hazards.

NADMA's operations reflect the mandate of the (Caribbean Disaster Emergency Management Agency) in adopting a holistic approach that includes preparedness and response. NADMA has five main affiliated bodies:

1. Executive Council
2. The National Emergency Advisory Council (NEAC)
3. Management Committees
4. District Committees
5. Village or Community Committees

National Disaster Management Advisory Council (NADMAC)

This body is responsible for ensuring that all committees are working regularly and revising emergency plans periodically. Its duties include

- Ensuring that all disasters and emergency preparedness processes and resources are adequate.
- Mobilizing, directing and co-ordinating preventative, mitigative, preparedness, response, rescue and relief mechanisms for all hazards and emergency situations.
- Promoting preventative mechanisms and activities and rapid response techniques by all organizations and agencies with disaster functions of services especially Police, Fire, and Health Services.
- Preparing for approval by Cabinet, guidelines and administrative policy for all sections of the National Disaster Organization.
- Ensuring the acquisition and dissemination of adequate public information, and promoting and approving educational and training activities on emergency situations.

Other governmental agencies

All Government agencies and ministries are responsible for designing their own continuity of operations and emergency response plans. These plans must be submitted to the National Disaster coordinator of NADMA not later than April 30 each year for submission to the National Emergency Disaster Management Council within one week of its receipt. As a general rule, Government agencies and officers will continue to exercise their normal functions during a disaster, but in some cases, special additional responsibilities will be assigned. Several government bodies are vested with powers and responsibilities during disaster and emergency situations. They include the Office of the Prime Minister as Chair of the National Disaster Management Council with responsibility to

- Co-ordinate all response, relief and rehabilitation activities from the Emergency Operation Centre during emergencies and disasters.
- Declare a National Disaster when necessary.
- Co-ordinate all the reconstruction activities.

The Police, Fire Services, Coast Guard secure essential services and vulnerable points; conduct crowd and traffic control, evacuation and fire and rescue.

It is important to note the following:

1. In cases where a Department or Statutory Body is assigned specific responsibilities in the agency document, ultimate responsibility rests with the Permanent Secretary of the Ministry concerned. The Permanent Secretary must ensure that all members of staff involved are familiar with the plan.
2. Where more than one agency is involved with the same area of activity, it is the responsibility of the first listed Permanent Secretary or Head of Department, unless otherwise indicated herein, to arrange meetings to arrive at a common line of action.
3. Where an agency has to liaise with another organization it must make sure that inter-communication is well established, e.g. by exchange of telephone numbers of relevant personnel and a code for recognition.

Budget appropriation and execution

Currently, the national annual estimates of revenue and expenditure allocates resources to NADMA for disaster and emergency situations. Monies are allocated for recurrent expenditure only. The 2010 estimates of revenue and expenditure allocated EC\$ 165,000.00 to the Agency. The details of the expenditure are in the table below.



GRENADA

Estimates of Revenue and Expenditure for the year 2010 (EC\$)

Vote 10- Prime Minister's Ministry

NADMA

Capital Requirement

Estimates 2010

Items

Supplies and Materials	5,000
Purchase of Equipment	5,000
Purchase of Furniture and Fixtures	10,000

Projects

NADMA's Emergency Operations Center Repairs	50,000
Support for Disaster Management Coordination	20,000
NADMA Mitigation Programme	75,000

165,000

The Ministry of Finance, Planning & Development provides budgetary support for emergency expenditure to design, update, test and evaluate continuity of operations and emergency response plans and procedures. The Ministry provides estimates for the amounts of financial and other relief and rehabilitation requirements; collects, collates and maintains damage statistics and assists with co-ordination of supplies and other assistance received by government and non-governmental organizations.

CDEMA, the OAS and other international agencies such as USAID provide assistance to Grenada for pre and post disaster emergency situations. Assistance is also received by government and non-governmental organizations to provide relief, rehabilitation and reconstruction assistance to victims of natural and man made disasters and emergency situation. These programmes¹ have instituted their own system of budget and accountability which operates outside of the governmental framework.

¹ Caribbean Hazard Mitigation Capacity Building Programme (CHAMP), Grenada Hurricane Resilient Home Reconstruction Project, Emergency Recovery and Disaster Management Project

Recommendations

Specific

- Establish NADMA in law
- Review the National Disaster Preparedness Plan particularly in terms of telecommunications and electrical systems
- Conduct inventories and training on how to operate some communications equipment
- Address the possible legislative conflict between the authority of the Governor General to declare a state of emergency in the event of a natural disaster and the Prime Minister's authority to make a disaster declaration.
- Amend relevant legislation to include clear and comprehensive provisions on the initiation and termination of international aid relief; privileges and immunities with respect to immigration and customs, goods and equipment, transportation (freedom of movement, waiver of restrictions, tolls), tariffs, taxes and duties.

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



Organization of
American States