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Project Name: Caribbean Emergency Legislation Project (TF 091037)

Funding Agency: International Bank for Reconstruction and Development

Implementing Agency: Organization of American States

Project Value: US \$350,000.00

Project Duration: 17 months (extended from original 12 month timeline)

Project Document: Semester II Report: July 2009 – December 2009

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## **1.0 Brief Project Description:**

The Department of Sustainable Development (DSD) of the General Secretariat of the Organization of American States (GS-OAS), with the support of the World Bank ('the Bank'), is the executing agency for the Caribbean Emergency Legislation Project ('CELP'). The objective of the project is to build legislative capacity to enhance legal and institutional frameworks for state of emergency and budget appropriation in eleven CARICOM countries and the Dominican Republic. Further, the project aims to make recommendations on how to improve legislative channels and administrative procedures during, and immediately after, the occurrence of a natural disaster.

Pursuant to these objectives, the project will assess current legal-institutional frameworks in the Caribbean applicable under a state of emergency, review global best practices, and promote dialogue with national and regional stakeholders, in order to ascertain areas for improvement and make recommendations that are best suited for the Caribbean region.

## **2.0 Project components and Expected Outcomes:**

The project consists of the following components:

### **1. Improving the Legal and Institutional Frameworks Related to State of Emergency**



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The activities of this component will support the development of recommendations to improve the legal and institutional frameworks related to state of emergency, and budget appropriation and execution in emergency situations by: (a) analyzing the existing legal and institutional frameworks in the countries; (b) conducting a comparative analysis of these frameworks in other regions; and (c) identifying best practices and formulating recommendations to revise state of emergency legislation and administrative procedures. The expected outcome from the execution of these activities is that needs will be identified and recommendations made to improve legal and institutional frameworks during a state of emergency.

### **2. National and Regional Outreach and Validation of Findings**

This component involves initiating dialogue at both the national and regional levels on how to improve state of emergency legislation. The dialogue will be guided by the analytical findings and recommendations arising out of Component 1, and will manifest through: (a) conducting national workshops in select countries, with experts engaged in natural disaster emergency management, budget appropriation, and legislative reform; and (b) conducting a regional workshop to discuss: the findings and recommendations of the legal and institutional framework analysis, and the steps that may be taken to implement reforms. It is expected that activities under this component will yield a participatory assessment of the state of the legal and institutional frameworks in the Caribbean, with recommendations for improvement offered.

#### **2.1 Description of Results**

The following is a summary of the results achieved at the outcome level and related to project governance between July 2009 and December 2009.

##### 2.1.1 Improving the Legal and Institutional Frameworks Related to State of Emergency

Pursuant to the project's work plan, the following three activities are being executed towards achieving this expected outcome:

- Activity 1.1. Assessment of national legal and institutional frameworks related to state of emergency, budget appropriation, including budget appropriation and execution.
- Activity 1.2. Comparative analysis of international legal and institutional frameworks
- Activity 1.3. Identification of best practices and recommendations for improving national and international legal-institutional frameworks.

With a view to improving the legal-institutional frameworks related to state of emergency in the project countries, extensive field research on the frameworks was ongoing during



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the reporting period. Further, consultations were conducted with national and regional stakeholders. The stakeholders consulted included: government agencies and ministries of Planning, Disaster Management, Finance, Health and Environment; and the Caribbean Disaster Emergency Management Agency.

A comparative analysis of relevant legal-institutional provisions from civil and common law countries around the world was also being conducted during the reporting period. Thus far, sixty-two domestic laws from thirty-six countries worldwide, and constitutional provisions from seventy-two countries, which contain key provisions pertaining to state of emergency and budget appropriation and execution, were identified. Two multilateral, eleven regional and eighteen bi-lateral instruments that pertain to disasters were also identified along with twenty United Nations resolutions.

Further, benchmarked jurisdictions were selected for the identification of best practices. These jurisdictions were selected as they met three of the following criteria: disaster type, geographic conditions, governance structures, Small Island Developing States (SIDS), economic conditions, and disaster-related developments. They were also classified as either developed or developing. Eleven developing and three developed countries were benchmarked.

For the eleven benchmarked developing countries, fifteen constitutional provisions, thirty-five legislative provisions, twenty-three policy documents and nineteen institutions were identified as relevant for further examination. Regarding the benchmarked developed countries, two constitutional provisions, seven legislative provisions, ten policy documents, and five institutions, were identified as pertinent for further examination.

A comparative analysis of best practices, pre and post disaster, in the following operational and legislative areas in the benchmarked jurisdictions was also conducted: accountability and authority (including use of state of emergency declarations); funding, infrastructure and investment; institutional and local government functions; communication systems; international aid, relief and recovery efforts; and national security and health.

Finally, the OAS-DSD created and maintained a database with relevant constitutional and legislative provisions on the declaration of state of emergency and disaster management, from the twelve project countries. The database is expected to serve as a valuable resource in building legislative capacity to enhance legal and institutional frameworks for state of emergency in the Caribbean and is available in the following link:

[http://www.oas.org/dsd/EnvironmentLaw/CaribbeanLegislationProject/Disaster&StateEmergency/car\\_eme\\_leg\\_e.htm](http://www.oas.org/dsd/EnvironmentLaw/CaribbeanLegislationProject/Disaster&StateEmergency/car_eme_leg_e.htm) .



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### 2.1.2 National and Regional Outreach and Validation of Findings

The OAS-DSD has identified, tentatively, Grenada and Jamaica as the countries where national workshops will be conducted on March 16, 2010 and March 19, 2010 respectively. The regional workshop will be held in Saint Vincent and the Grenadines from April 28-29, 2010. Final confirmation of these venues and dates will be given after consultation with the project's Steering Committee.

The OAS-DSD is in the process of preparing the agenda for the national workshops, and identifying workshop participants. Once the details have been finalized, the OAS-DSD intends to share this information with the Steering Committee for their review and comments.

Regarding further outreach, the OAS-DSD is also in the process of preparing a proposal to present best practices from the project at the 'Second Hemispheric Encounter - National Mechanisms and Networks for Risk Reduction' to be held in Santa Marta, Colombia from April 14-16, 2010.

### 2.1.3 Project Governance

During the reporting period the OAS-DSD identified the successful candidates to conduct work as consultants under the project. Activities 1.1 and 1.3 selections were based on the Consultants' Qualifications (CQS) method. Environmental Advisors Inc. emerged as the successful candidate for Activity 1.1, and Fraser and Housty, Attorneys-at-Law, and WatsonWebley, Advisors and Consultants Ltd., for Activity 1.3. Regarding Activity 1.2 the consultant, Tomme Young, Independent Consultant and International Environmental Lawyer, was selected via the Individual Selection Method.

Further, during the reporting period the Bank provided no-objections to contract the successful candidates under Activities 1.1 and 1.3. Given the selection method used for Activity 1.2, the contract was one that would be subject to post-review and thus a no-objection to contract was not required.

Regarding contract negotiations, contracts were drafted and submitted to each consultant for review and comment. Upon receiving input from each consultant, final drafts were submitted to them for final review and initials. The initialed negotiated contracts (Activities 1.1 and 1.3) were then submitted to the Bank for no-objection. Upon receipt of the Bank's no-objection, the contracts were sent to the consultants for signature. The following table indicates the timeline for the production of deliverables under each contract.



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Consultants	Activity	Deliverable	Due Date
Environmental Advisors Inc.	1.1	1	Feb. 15, 2010
		2	Mar 31, 2010
		3	Apr 26, 2010
Tomme Young	1.2	1	Mar 10,2010
		2	Mar 19, 2010
		3	Mar 29, 2010
		4	Apr 6, 2010
Fraser &Housty and WatWeb	1.3	1	Oct 31, 2009
		2	Jan 11, 2010
		3	Jan 15, 2010
		4	Feb 1, 2010

The timeline for the general execution of the project, as expressed in the Semester I report, has been revised. It was revised to take into account the gap between the project's design and approval as well as administrative delays. These delays in project execution extended the time for the project's ultimate conclusion. Given this fact, a no-objection was requested from the World Bank to extend the contract of the Project's Coordinator to June 30, 2010 and to reallocate funds from those programmed for National Workshops under the Training Expenditure category to the Consultants category.

Finally, regarding coordination efforts under the project, the OAS-DSD initiated and conducted a conference call with all the consultants to provide an opportunity information sharing and exchange. In addition to sharing information on initiatives being undertaken for each Activity, there was an agreement to share, throughout the course of the project, information relevant to any activity, which was gleaned from research conducted under each activity.

## 2.2 Performance Indicators

The activities of the project conducted thus far have had a positive effect on propelling the project towards a successful implementation. The positive effects are shown by reference to the following indicator:

- Number of national and regional participants engaged in pursuing the project's objectives

Over twenty national participants have been engaged during the project particularly in the exercise of Activity 1.1. There have been extensive communications with the relevant ministries and agencies of Planning, Disaster Management, Health, Finance, and Environment, along with the Caribbean



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Disaster Emergency Management Agency (CDEMA), to provide insight on current national and regional legal-institutional frameworks.

Regarding all other indicators stipulated in the project documents, it is submitted that the Semester III report will address them more comprehensively as results from the upcoming deliverables are gleaned.

### **3. Conclusion**

During the period of this report, the OAS-DSD has been making steady progress in facilitating the production of results by concluding contract negotiations, coordinating with consultants, and reviewing deliverables as they are submitted. Preparations for the national and regional workshops are underway, and opportunities for further outreach have been identified. The OAS-DSD will continue to work assiduously to ensure the successful implementation of the project