



ASSOCIATION OF CARIBBEAN STATES (ACS)

20th MEETING OF THE SPECIAL COMMITTEE ON DISASTER RISK REDUCTION
Port of Spain, Trinidad-and-Tobago, 22nd-23rd November, 2012

**IMPROVING THE LEGAL FRAMEWORK FOR
INTERNATIONAL DISASTER ASSISTANCE PROJECT
The Jamaica Red Cross and The Office of Disaster
Preparedness and Emergency Management
Jamaica**

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OUTLINE

1. Work Flow of Project
2. Current Institutional Arrangements
3. Findings
4. Benefits

IDRL PROJECT – JAMAICA : APPROACH



CURRENT INSTITUTIONAL FRAMEWORK

- ODPEM formed by the Disaster Preparedness and Emergency Management Act to play a coordinating role for Disaster MANAGEMENT
- National Disaster Plan establishes:
 - National Disaster Committee - MAINLY policy
 - Sub-Committees for planning at a sector-level
 - Parish Disaster Committees for planning and coordination at the local government and community levels

OPERATIONS

National Emergency Operations Centre (NEOC)

Assumes the coordinating role for all threats

Public, private and voluntary sectors represented

Bilateral partners and IDPs coordinated by Min. Foreign Affairs and UNDP

NEOC coordinates overall relief assistance from all sources to Govt. of Jamaica, but lead agencies coordinate sectoral efforts

e.g. Military assistance coordinated by Army,
Health aspects by Ministry of Health

FINDINGS

- Legislative description of ODPEM's role does not detail many of the organisation's current functions which have evolved over time.
- Some functions have been shifted as other organisations take on some roles
(e.g. Planning Institute of Jamaica – impact assessment, Ministry of Foreign Affairs – bilateral coordination)

FINDINGS

National Disaster Plan and its systems are not enshrined in law and are open to administrative changes

FINDINGS

Different documents identify different coordination mechanisms

e.g. Sector Plans vs. UN Cluster-based Plan
Harmonisation needed among national and external plans.

FINDINGS

Plans are not routinely reviewed and updated so operational aspects may change based on experience but changes not reflected in plans

National Plans don't necessarily match the internal plans and protocols of participating organisations

FINDINGS

- Process of allowing efficient and timely management of donations through , for example getting tax concessions, are not standardised:
 - May give rise to different arrangements, varied concessions or processes for accessing concessions, etc.

FINDINGS

No established permanent communication mechanisms for unsolicited donations (e.g. web communiques, standing national fund for cash relief donations – (not to be confused with National Disaster Fund))

Procedures are publicised with each event

FINDINGS

- No set process for registration, regulating and monitoring public and private donor agencies **in an emergency situation**
- However, special arrangements for donors who have existing, ongoing partnerships with the government exist:
 - Jamaica Red Cross given tax exemption and special status under the Red Cross Act
 - UN and Embassies enjoy diplomatic exemptions
 - NGO partners can access concessions as a charitable corporation registered under Jamaica's Companies Act

FINDINGS

No set eligibility process for new donors to access concessions **in an emergency situation.**

- Donors have to be locally registered to have bank accounts etc.

Note: Overseas groups can work through partnerships with locally based UN agencies, embassies, humanitarian agencies, local NGOs etc.

FINDINGS

- Established donors are often able to access concessions and special processes for the entry of goods and equipment, based on **existing status** (e.g. diplomatic status, registered NGOs)
- Nationals of many countries (e.g. North America, Caribbean, Western Europe, some Commonwealth territories) are able to enter Jamaica without a visa, or have a visa processed at the airport.

FINDINGS

Ministries, through their Ministers have the Authority to grant waivers in emergency situations :-

e.g. Cadaver dog brought in to search for missing US national

FINDINGS

- New donors partnering with existing donors , ODPEM or other state agency can often access logistical support for (e.g.):
 - Arrangements with MOH to certify doctors, nurses etc. to work locally
 - Arrangements with Ministry of Labour to waive or expedite work permits
 - Access to tax exemptions etc. by consigning goods to state/humanitarian agencies

FINDINGS

- Prohibitions on entry of dogs limit countries from which rescue/cadaver dogs can be sourced (UK only)

FINDINGS

Many procedures are not enshrined in Disaster legislation, although they may be found in other laws

NEXT STEPS

- Further research is being conducted through questionnaires to determine specific arrangements that have been made/used, particularly where laws and policies are limited
- A final stakeholder seminar will be held to present findings and obtain feedback before a final report is produced.

BENEFITS

Comprehensive review of relevant laws for relief management – identification of areas which require updating or new legislation

Jamaica currently revising Disaster Preparedness and Emergency Management Act – this exercise can inform the revision

BENEFITS

Research from the IDRL project suggests need for harmonisation and updating of plans and standard operating procedures and clearly identifies those areas

BENEFITS

Clearly stated legal and procedural requirements

Will allow better planning and preparedness by donors – know what is required, can abide by laws of the country, assured of consistency in approach by recipient countries

BENEFITS

An international framework, *adapted to the requirements of countries* also has the benefit of providing a level of standardisation which can be useful in facilitating common understanding. Particularly useful within Sub-region/Region?.

THANK YOU FOR YOUR ATTENTION