



CARIBBEAN EMERGENCY LEGISLATION PROJECT (CELP)



Legal Framework

Constitution of Belize, 1981

Section 18 of the Constitution provides for the Declaration of a State of Emergency in Belize. According to the Section, 'period of public emergency' means any period during which -

- (a) Belize is engaged in any war; or
- (b) there is in force a proclamation by the Governor-General declaring that a state of public emergency exists; or
- (c) there is in force a resolution of the National Assembly declaring that democratic institutions in Belize are threatened by subversion.

According to Section 18(2) the Governor-General may, by Proclamation which shall be published in the Gazette, declare that a state of public emergency exists. This power to proclaim a state of emergency is effective only in circumstances where the Governor-General is satisfied that, inter alia, a public emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease, or other similar calamity. In which case the Proclamation must contain a declaration that the Governor-General is satisfied that these conditions prevail. A proclamation made under Section 18(2) may be made to apply only to a part of Belize called "the emergency area", in which case regulations made under Section 18(9) shall, except as otherwise expressly provided in such regulations, have effect only in the emergency area.



Further, according to Section 18(9) the Governor-General may make such regulations as are necessary or expedient for securing public safety, the defence of Belize, the maintenance of public order and the suppression of mutiny, rebellion and riot, and for maintaining supplies and services essential to the life of the community. Any such regulations may empower such authorities or persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations are authorised by this subsection to be made and may contain such incidental and supplementary provisions as are necessary or expedient for the purposes of the regulations. Any regulations so made or any order or rule made in pursuance of such regulations may amend or suspend the operation of any law and shall have effect notwithstanding anything inconsistent therewith contained in any law. It is noteworthy that the reference to 'law' does not include the Constitution or any provision thereof or any law that alters the Constitution or any provision thereof.

Disaster Preparedness and Response Act, 2000

The Act defines “disaster emergency” to mean a public emergency declared under Section 18(1)(b) of the Belize Constitution on account of the threat or occurrence of a disaster. Section 3 of the Act establishes the National Emergency Management Organisation (NEMO) as a department of government responsible for the management of disasters in Belize. The section also appoints a National Emergency Coordinator to be responsible to the Minister for coordinating the general policy of the Government of Belize relating to the mitigation of, preparedness for, response to, and recovery from emergencies and disasters in Belize.

The Minister, in accordance with Section 5, gives the National Coordinator directions of special or

general character in relation to his functions and duties as provided in the Act. A National Disaster Preparedness and Response Advisory Committee comprising the Prime Minister as ex officio Chairman is appointed under Section 6. Section 11 requires every Permanent Secretary and Head of a Department of Government to ensure that there is at all times a public officer of his Ministry or Department designated as the liaison officer for communication with the National Coordinator in relation to the procedures of the Ministry or Department related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Belize.

Disaster Preparedness and Response (Threatened Disaster Alert Mobilisation) Regulations, 2000

The Regulations establish the procedure that the National Coordinator should adopt in the event of a threatened disaster alert under Section 27 of the Disaster Preparedness and Response Act, 2000.

According to the Regulations, the National Coordinator shall for the duration of the threatened disaster alert (a) update the Prime Minister with current reports on the state of implementation

of the National Disaster Preparedness Response Plan to meet the threatened disaster; and (b) monitor the progress of the disaster threat so as to provide the Prime Minister with the earliest possible recommendation that the conditions have escalated to the point where a declaration of a disaster emergency was appropriate or that the alert should end. This recommendation is however not binding on the Prime Minister.

Disaster Preparedness and Response (Hazard Inspection) (Procedure) Regulations, 2000.

These Regulations set out, inter alia, the procedure that should be adopted by a hazard inspector, appointed under the Disaster Preparedness and Response Act, 2000.



Disaster Preparedness And Response (National Disaster Preparedness And Response Advisory Committee) (Rules Of Procedure) Regulations, 2000

These Regulations set out the rules of procedure for the Advisory Committee.

Disaster Preparedness and Response (Shelter) By-Laws, 2000.

In accordance with these by-laws a person seeking admission to a shelter shall provide information in such form as the National Coordinator may require under the Disaster Preparedness and Response Shelter Regulations 2000. The by-laws set out the circumstances under which a person may be refused admission to a shelter. The by-laws prohibit any person from bringing any pet or other animal into the shelter except with the prior approval of the shelter manager.

The By-Laws sets controls on, inter alia, attire while in the shelter, pets, alcohol, inflammables being brought into the shelter, and makes it an offence for any person to use obscene language while in a shelter. Section 19 gives the shelter manager the power to suspend or expel from the shelter any person who commits a serious breach of or persistently breaches any of the By-laws.

National Hazard Mitigation Policy, 2003

The Policy identifies several pieces of legislation as supporting hazard mitigation. They include the Environmental Protection Act, the Merchant Shipping Act, the Land Utilization Act and the Coastal Zone Management Act. The Draft Building Bill is also included. Among its objectives is the control of the building processes in Belize, particularly the development of construction standards for residential buildings. The main

purpose of the policy is to provide an integrated approach to hazard risk management and sustainable development, at national, sectoral and community levels. It also provides an important benchmark for stakeholder cooperation and a useful platform for pro-actively addressing hazard reduction issues within the context of development planning.

National Building Standards

The Belize City Building Code was established in 1963. Building and planning regulations are also established for Belmopan, the seat of government. However, there is no national building code. Draft technical standards for Belize building construction and a residential construction guide have been completed by the Belize Chamber of

Commerce and Industry with the assistance of OAS/CDMP. These standards were completed in December 1999 and are still being reviewed for legislative approval.

Institutional Framework

National Emergency Management Organisation (NEMO)

NEMO was established in response to the devastation left by Hurricane Mitch in 1998. Its key objective is to preserve life and property in Belize in the event of an emergency, threatened or real, and to mitigate the impact on the country and its people.

NEMO's membership comprises the Cabinet, with the Prime Minister as the Chairperson, the Cabinet Secretary, as Secretary, the NEMO Secretariat and the 10 Operational Committees (chaired by Permanent Secretaries). The ten Operational Committees are as follows:

Education, Communication and Warning; Medical and Relief Measures; Housing and Shelter; Search, Rescue and Initial Clearance; Collection Control and Distribution of Food and Material; Assessment and Evaluation of Damage; Foreign Assistance; Transport; and Environment and Utilities.

The other permanent members are the: Belize Red Cross, Belize Teachers Union, Chief Meteorological Officer, Commandant of the Belize Defense Force, and Commissioner of Police. Integral to NEMO are its 9 District Emergency Committees (chaired by the senior Minister in each District) representing Belize, Corozal, Orange Walk, Cayo, Stann Creek, Toledo, Belmopan, San Pedro and Caye Caulker.

European Community Humanitarian Office (ECHO)

ECHO has been financing disaster prevention, mitigation and preparedness operations throughout the developing world including Belize since 1994. ECHO established a regional programme, called DIPECHO (Disaster Preparedness-ECHO), to increase the impact and improve the effectiveness of ECHO operations. In the first phase of the programme, the three regions selected were Central America, the Caribbean and Southeast Asia.

Budget appropriation and execution

NEMO as the entity responsible for emergency management in Belize receives an annual sum of BZ. 250,000.00 allocated by the Ministry of Finance. The sum is to cover NEMO's general operating costs in a given year. A sum of no more than BZ. 300,000 is allocated for taking preventive measures regarding disasters. These measures include training, public awareness campaigns, and equipment.

There is no allocation for disasters in the formal national budget. Should a disaster occur NEMO makes an assessment of damage and on this basis submits an application for an allocation to

the Ministry of Finance. The allocation must be approved by the Prime Minister. The Ministry of Finance also makes grants or loans available to NEMO to cover expenses related to the occurrence of a disaster. It is noteworthy that the Prime minister is the ex officio Chairman of NEMO which makes NEMO accessible to him and assures the expeditious approval of applications for allocations in the event of disaster.

Voluntary contributions are made directly to NEMO, and it is usual for organizations to make such contributions in the form of services rather than cash.



Recommendations

Specific

- Establish a national building code and more stringent zoning rules.
- Establish reliable funding arrangements to include disaster prevention 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



Organization of
American States