

**GS/OAS - CARIBBEAN EMERGENCY
LEGISLATION PROJECT/Activity: Assessment of
national legal and institutional frameworks related
to state of emergency and budget appropriation,
including budget execution and procurement**

*Proposal of the Caribbean Law Institute Centre,
Faculty of Law, University of the West Indies,
Cave Hill Campus, Barbados*

CONTACT INFORMATION

Name:	The Caribbean Law Institute Centre
Address:	Faculty of Law The University of the West Indies Post Office Box 64/Bridgetown, Barbados BB11000 Tel: (246)417-4559/Fax: (246) 424-4138
Country:	Barbados
Telephone:	Tel: (246)417-4561
Fax:	(246) 424-4138
Email:	charles.anderson@cavehill.uwi.edu
Website:	http://www.cavehill.uwi.edu/clic/

ABSTRACT OF THE PROPOSAL:

The Caribbean Law Institute Centre will develop a Report on the emergency legislation of the following Caribbean countries, who are among the Anglophone full members of the Caribbean Community (hereafter referred to as “the target countries”):

Antigua and Barbuda
Barbados
Belize
The Commonwealth of Dominica
Grenada
Jamaica
The Federation of St. Christopher and Nevis
St. Lucia
St. Vincent and the Grenadines
Trinidad and Tobago.

That Report will assess and make recommendations to enhance the adequacy of that legislation and its administrative infrastructure for responding to a disaster. The Report will be based on analysis of the relevant legal texts and jurisprudence and on interviews with key personnel with responsibilities for disaster response in the countries studied. The resource persons engaged in the process will be Professor Winston C. Anderson and Professor A. Ralph Carnegie.

A: RELEVANT EXPERIENCE:

The Caribbean Law Institute Centre is a Centre in the Faculty of Law of the University of the West Indies at the University's Cave Hill Campus in Barbados. Its mission includes the delivery, by means of legal consultancy and research, of outreach service to the countries to which this proposal relates. The Centre has the potential to access, on suitable terms, all the range of skills in the Faculty in which it is located.

The Caribbean Law Institute Centre has developed model disaster preparedness legislation for adaptation *inter alia* by the countries which are to be the subject of the report, as well as versions adapted for Belize and Grenada. The Reports undertaken by the Centre for this purpose considered the issues related to emergency powers and the drafts have included provision for the exercise of such powers in emergency situations.

Quite apart from this very specific experience of direct relevance to the core objectives of the Activity, the Centre has also published a general study of the environmental law of the region concerned, and has on its agenda the updating of that study in due course. The Executive Director of the Centre, Professor Winston Anderson, is himself a scholar and author of books and articles which include books and articles dealing with aspects of environmental law. Both Professor Anderson and the former Executive Director of the Centre, Professor Emeritus A. Ralph Carnegie, who is expected to assist the present Executive Director in the execution of the work to be done if this proposal is accepted, have undertaken consultancies in the field of environmental law in countries among those be studied. The work on model disaster preparedness legislation which the Centre has undertaken was done by Professor Carnegie during his period of service as former Executive Director of the Centre.

Both Professor Anderson and Carnegie have academic and professional experience of dealing with matters of the public law of the countries concerned. Professor Anderson has in particular been concerned with those issues in his former post as General Counsel of the Caribbean Community. Professor Carnegie has taught and published articles on aspects of public law, has served on Constitution Review Commissions in three of the targeted countries, and has been a consultant on constitution reform implementation in a fourth.

B: APPROACH, METHODOLOGY AND WORK PLAN

a: Technical Approach and Methodology

The region in which the countries to be studied are located is one which has extensive experience of natural disasters. All the countries have experience of damage from hurricanes. Jamaica has had experience of disastrous earthquakes during its centuries of colonial history. And, of course, there is always the threat of man-made disasters, which have not so far occurred in the target countries on a large scale.

There is also a substantial common element in the public law of the countries concerned, which has survived the differences between the monarchical forms of government (in the majority of the target countries) and the republican forms of government in three of the target countries. The fundamentals of constitutional law are common to all the countries. There has even in the past been a history of common legislation on emergency powers in some of the countries.

In all the cases, the Constitution will contain the authority for dealing with emergency situations. The extent to which the provisions of the Constitution alone, without supporting legislation, can effectively be deployed in emergency situations is in some degree controversial.

In all instances, the proposals for reform will have to take account of the dangers to democracy which may be run by removing in emergency situations the legal safeguards against abuse of executive power.

The Report will necessarily have to be prepared on a country by country basis, but the common features of the relevant law will provide synergies in undertaking the research, and which will facilitate the successful completion of the study. Some of the research will be desktop or library research at base, but this will need to be complemented by country visits and interviews.

b: Work Plan

The work will entail an investigation stage and a report writing stage.

The investigation stage will commence with the compilation, from sources available online and in the Faculty of Law Library of the University of the West Indies, of the relevant provisions of the Constitutions and other legislation of the countries. This sub-stage will be completed within a period of three weeks.

GS/OAS - CARIBBEAN EMERGENCY LEGISLATION PROJECT/Activity: Assessment of national legal and institutional frameworks related to state of emergency and budget appropriation, including budget execution and procurement

There will also be, as a distinct sub-stage overlapping with the compilation of materials sub-stage, country visits to interview the heads of the disaster preparedness agencies or departments in all the countries. Those visits will also include interviews with government lawyers. This sub-stage will commence within two weeks and be completed within twenty weeks.

The report writing stage will commence before the completion of the country visits. An analytical matrix will be completed within two weeks after the completion of the investigation stage, and the final report within another three weeks.

Given a possible starting date of Monday August 3, the work plan schedule would be as in the following table:

GS/OAS - CARIBBEAN EMERGENCY LEGISLATION PROJECT/Activity: Assessment of national legal and institutional frameworks related to state of emergency and budget appropriation, including budget execution and procurement

WORK SCHEDULE (Form 1)¹		
Week beginning Monday	Stage	
03-Aug-09) 10-Aug-09) 17-Aug-09)	Investigation: compilation	
24-Aug-09) 31-Aug-09) 07-Sep-09) 14-Sep-09) 21-Sep-09) 28-Sep-09) 05-Oct-09) 12-Oct-09) 19-Oct-09) 26-Oct-09)		Investigation: country visits
02-Nov-09) 09-Nov-09) 16-Nov-09) 23-Nov-09) 30-Nov-09) 07-Dec-09) 14-Dec-09) 21-Dec-09) 28-Dec-09)	Report writing	
04-Jan-10) 11-Jan-10) 18-Jan-10) 25-Jan-10) 01-Feb-10)	(Completion of the analytical matrix)	

¹ The chart is vertical rather than horizontal in order to provide more detail.

c: Organization and Staffing

The work will be undertaken personally by the Executive Director of CLIC, Professor Winston Anderson, with the assistance of Professor Ralph Carnegie, Professor Emeritus, who is also based in the CLIC office.

The issues of the adequacy of the legislative framework are all legal issues, and the members of the team will bring to bear on the task their expertise as researchers and teachers in law. Their experience in the preparation of consultancy reports would also equip them to comment on the adequacy of the institutional arrangements in place for the purpose of the implementation of legislation.

GS/OAS - CARIBBEAN EMERGENCY LEGISLATION PROJECT/Activity: Assessment of national legal and institutional frameworks related to state of emergency and budget appropriation, including budget execution and procurement

Attachment No. 2 - Financial Proposal				
No.	Description	Unit	Unit Cost	
12	Remuneration Staffmonth	Staff months	4000.00	48,000.00
25	Per diem allowances	Days	300.00	7,500.00
10	International flights (return)	Trip	712.00	7,120.00
10	Miscellaneous travel expenses	Trip	100.00	1,000.00
	Drafting, reproduction of reports			1,000.00
Total				64,620.00