



LEGAL FRAMEWORKS IN DISASTER RISK REDUCTION AND CLIMATE CHANGE ADAPTATION

Commonwealth of Dominica Country Profile

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Address: Chemin des Crêts 17, Petit-Saconnex, 1209 Geneva, Switzerland

Postal address: P.O. Box 303, 1211 Geneva 19, Switzerland

T +41 (0)22 730 42 22 | **F** +41 (0)22 730 42 00 | **E** secretariat@ifrc.org | **W** ifrc.org

About this Report

This report examines the legal and policy frameworks related to disaster risk reduction (DRR) and climate change adaptation (CCA) in the Commonwealth of Dominica against the ten guiding questions of the Checklist on Law and Disaster Risk Reduction, an assessment tool developed by the International Federation of Red Cross and Red Crescent Societies and the United Nations Development Programme.

This report is based on research and data collected in 2021. The findings and information presented herein are reflective of the state of knowledge as of that year. However, please note that this report is being published in 2023, and subsequent developments or changes may not be accounted for. Readers are advised to consider the timeframe of the research when interpreting the content.

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ACRONYMS

CAP	Common Alert Protocol
CARICOM	Caribbean Community
CARPHA	Caribbean Public Health Agency
CCA	Climate Change Adaptation
CCCCC	Caribbean Community Climate Change Centre
CCORAL	Caribbean Climate Online Risk and Assessment Tool
CDEMA	Caribbean Disaster Emergency Management Agency
CDERA	Caribbean Disaster Emergency Response Agency
CDM	Comprehensive Disaster Management
CDRT	Community Disaster Response Team
CERT	Community Emergency Response Team
CMI	Caribbean Meteorological Institute
CMO	Caribbean Meteorological Organisation
CRA	Climate Resilience Act
CREAD	Climate Resilience Execution Agency for Dominica
CRPB	Climate Resilience Policy Board
CRRP	Climate Resilience and Recovery Plan 2020–2030
DDM	Department of Disaster Management
DEMO	Dominica Emergency Management Organisation
DRCS	Dominica Red Cross Society
DRM	Disaster Risk Management
DRR	Disaster Risk Reduction
EIA	Environmental Impact Assessment
EWS	Early Warning System
GDP	Gross Domestic Product
IFRC	International Federation of the Red Cross and Red Crescent Societies
IHR	International Health Regulations
IMPACS	Implementation Agency for Crime and Security

IOM	International Organisation for Migration
MOU	Memorandum of Understanding
NDP	National Disaster Plan
NEOC	National Emergency Operations Centre
NEPO	National Emergency Planning Organisation
NGO	Non-Governmental Organisation
NRDS	National Resilience Development Strategy 2030
ODM	Office of Disaster Management
OECS	Organisation of Eastern Caribbean States
PDNA	Post-Disaster National Assessment
RSS	Regional Security System
SDG	Sustainable Development Goal
SIDS	Small Island Developing States
UNDP	United Nations Development Programme
UNFCCC	United Nations Framework Convention on Climate Change
USAID/ESC	United States Agency for International Development/ Eastern and Southern Caribbean Mission

Executive Summary

The Commonwealth of Dominica is considered to be one of the most vulnerable countries in the Caribbean. Due to its geographic location, every hurricane season, it is exposed to potential storms that may develop from the Atlantic. Its topography makes it susceptible to landslides and there is also the likelihood of seismic/volcanic activity due to the nine volcanoes present on the island. Within recent years, Dominica has experienced the impact of several major storms. In 2017, it experienced one of the worst impacts in its history after Hurricane Maria destroyed nearly 90% of its infrastructure.

Within this context, the International Federation of the Red Cross and Red Crescent Societies (IFRC) and the Dominica Red Cross Society agreed in 2021 to undertake a research study of the legal and policy frameworks for disaster risk reduction (DRR) and climate change adaptation (CCA). The aim was to identify gaps with the framework as well as opportunities for strengthening and integrating DRR and CCA in laws and policies, while taking into account the ultimate goal of achieving climate resilience.

The research was conducted through a review of legislation, policies, and regulations assessed against the ten guiding questions of ***The Checklist on Law and Disaster Risk Reduction*** (the ***DRR Law Checklist***), as developed by the IFRC and the United Nations Development Programme (UNDP).

Highlighted below are some **key findings** of the report:

- **Laws, policies and plans**

Dominica relies on the powers within its *Constitution* and the *Emergency Powers (Disaster) Act*, as it relates to the legal governance of disaster and emergency management. However, this approach is limited to certain response actions only. Nonetheless, at the policy level there is the National Disaster Plan of 2001 (NDP 2001) which outlines in detail the country's plans for DRM. There is also a Draft Comprehensive Disaster Management Bill of 2019 (Draft CDM Bill 2019) which takes a comprehensive approach to disaster management according to the regional strategy of CDEMA. In relation to climate change, Dominica enacted the Climate Resilience Act of 2018, (CRA 2018) following the passage of Hurricane Maria, which seeks to transform Dominica into a climate resilient country. However, the legislation does not make any express linkages to institutions related to DRR, nor are there any linkages in the Draft CDM Bill 2019 to the CRA 2018.

- **Resources and finance**

A lack of adequate financial and human resources remains a challenge for Dominica to effectively implement DRR and CCA initiatives, particularly at sub-national levels. Additionally, much of the key funding for climate resilience activities is sourced from external donors, which can make it difficult to reliably sustain the efforts.

- **Stakeholder engagement**

While there is some provision in the CRA 2018 for engagement of a wide range of stakeholders in risk reduction decisions and activities, the Draft CDM Bill 2019 omits to include certain key stakeholders such as the Dominica Red Cross Society and various aspects of civil society in key decision-making bodies.

- **Gender considerations and special needs of vulnerable groups**

Considerable progress has been made towards gender mainstreaming in certain laws and policies. In particular, the CRA 2018 outlines a commitment to apply principles of gender-inclusiveness and gender equality. Additionally, it requires the inclusion of vulnerable groups such as women, persons with disabilities, the elderly and Indigenous Peoples through community engagement mechanisms. However, the Draft CDM Bill 2019 only makes limited references to addressing the special needs of 'vulnerable persons', such as in evacuation regulations.

In light of the above, the following are some **key recommendations** outlined in the report:

- Prioritize Cabinet approval and the eventual enactment of the Draft CDM Bill 2019 that provides a comprehensive, holistic and integrated approach to disaster management, and focuses on reducing risk and adopts a “whole of society” approach.
- Establish linkages in the Draft CDM Bill 2019 to laws and institutions related to climate change such as the CRA 2018 and CREAD that will promote better coordination and integration of DRR and CCA.
- Establish a mechanism in the Draft CDM Bill 2019 which makes provision for a set percentage of monies from the Disaster Management Fund to be allocated specifically for DRR activities so as not to compete with funding for disaster response.
- Pursuant to the Growth and Social Protection Strategy, set aside a prescribed percentage of the PSIP for DRR related activities.
- Ensure both the national and sub-national entities responsible for implementing DRR are adequately funded and not merely the central agency and provide financial incentives to attract more highly qualified persons for the respective lead agencies.
- Engage in resource mobilisation efforts for climate resilience activities among private sector and other domestic sources to increase sustainability of programmes.
- Consider including the Dominica Red Cross Society as a member of the Advisory Council based on its unique auxiliary role pursuant to the Dominica Red Cross Society Act, 1983.
- There should be active engagement with academia to address the often-mentioned dearth of data in the Caribbean. Mandate provisions to include academia and the scientific community in key roles and outline key responsibilities in various levels of activity at national and sub-national levels.
- Given the need to strengthen the resilience of indigenous peoples, in matters relating to DRR and CCA, ensure in law and policy that they are adequately represented as a key stakeholder in DRM activities, in particular, the Draft CDM Bill 2019.
- Include express provisions within the Draft CDM Bill 2019 that address the special needs of vulnerable groups and ensure their inclusion in DRM processes and activities.
- Laws and policies should require disaggregated data (by sex, age, nationality, disability, etc.) on vulnerable groups to better understand who is made vulnerable to which hazards and risks and in what situations.
- Laws, policies and plans should ensure meaningful (and not just token) engagement of women, minority groups such as the elderly and persons with disabilities with public authorities responsible for promoting DRR.

Introduction

Every year, countries within the Caribbean are threatened by and sometimes adversely affected by human-induced and natural disasters which, though resulting in minimal loss of life, usually lead to the loss of assets and livelihoods, and cause damage to critical infrastructure as well as the environment. The catastrophic impact of Hurricanes such as Hurricanes Irma and Maria in 2017 and Hurricane Dorian in 2019 which all made landfall as major Category 5 storms is evidence of its vulnerability. As an example, after the passage of Hurricane Maria in 2017, Dominica was left with an estimated USD 930.9 million damages of which most were sustained in the housing sector (38%), followed by transport (20%) and education (8%). The greatest of the USD 380.2 million losses were sustained in the agriculture sector (32%), followed by tourism (19%). Overall, damages and losses are estimated at around USD 1.3 billion, equating to 224% of Dominica's 2016 GDP (PDNA 2017).¹

In addition to dealing with the severe impacts of COVID-19, the Caribbean has had to address a multitude of hazards and disasters including a dengue outbreak, La Soufrière Volcanic eruption, floods, active hurricane seasons, among other natural hazards as it strives to simultaneously continue ongoing recovery efforts from past disasters in some countries.

Apart from already heavy debt burdens as Small Island Developing States (SIDS), Caribbean countries must also deal with weakened food and nutrition security, increased vulnerability, poverty, and the attendant increased health risks. Migration spurred on by political and economic instability and climate related disasters also adds to their challenges as increasing numbers of vulnerable migrants reach their shores.

It is within this context that governments around the world are called to implement the intertwined commitments in the Sustainable Development Goals (SDGs), the Paris Agreement and the Sendai Framework for Disaster Risk Reduction (2015–2030) to reduce vulnerability and enhance resilience (see **Figure 1**). Based on these commitments, it is imperative to continue to strengthen law and policy frameworks that contribute to DRR and CCA and facilitate the entry of international humanitarian assistance.

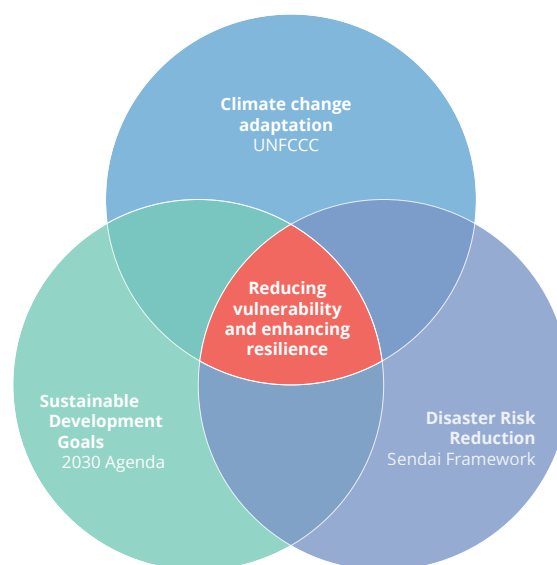


Figure 1 - Inter-relatedness of the UN Sustainable Development Goals, Climate Change Adaptation and Disaster Risk Reduction (Source: UNFCCC 2017)

Both DRM and CCA involve related hazards and have overlapping impacts as shown in **Figure 2**. States wishing to address them both will need to demonstrate strong political commitment to the UN SDGs, the Sendai Framework, and the Paris Agreement.

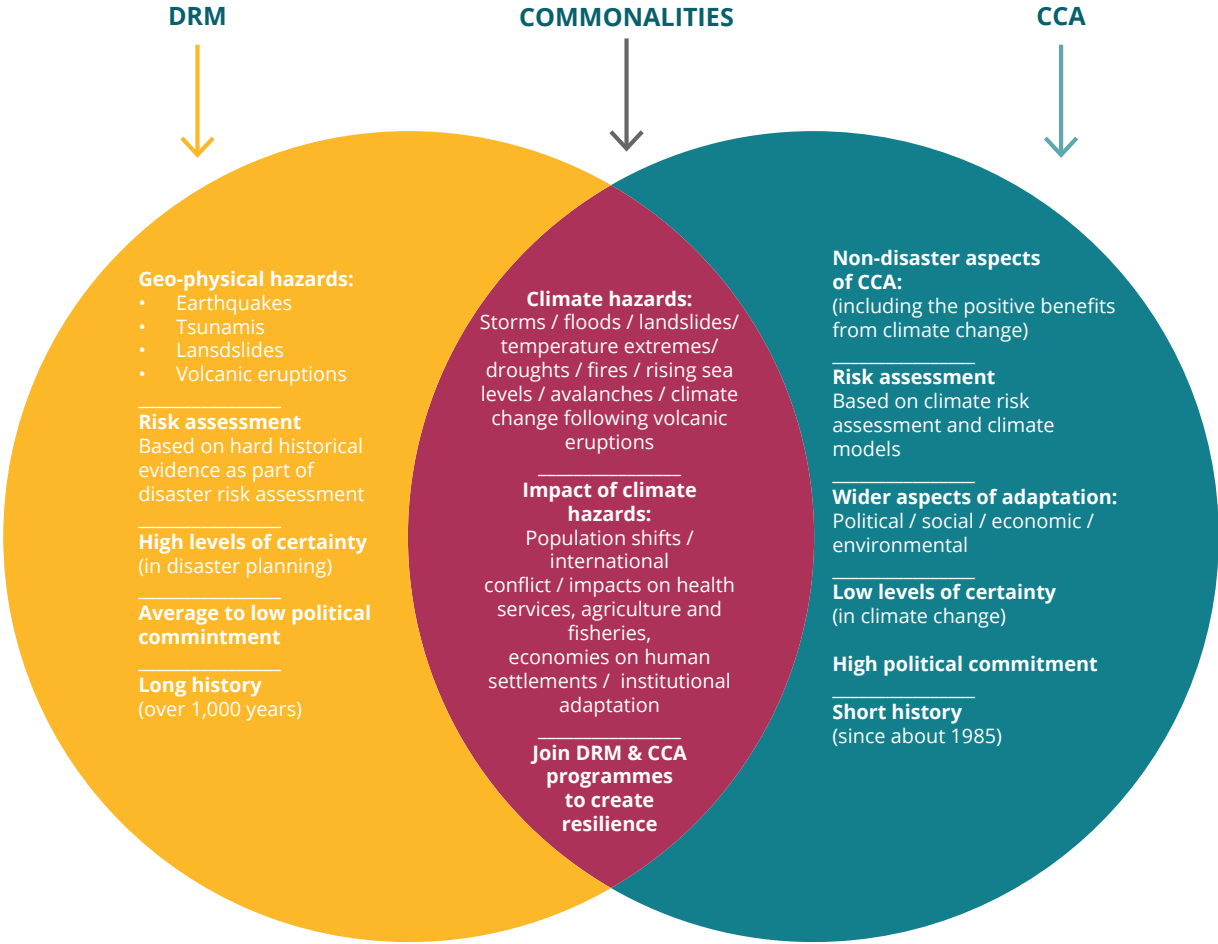


Figure 2 - Intersection of DRM and CCA (Source: <https://www.placard-network.eu/>)

According to the *Global Synthesis Report on law and policies for climate resilience (IFRC 2021)*, the **basic connections between CCA and DRM** are at the core of any effort to enhance ‘climate resilience’. Indeed, the two sectors have partly overlapping goals, namely the reduction of losses due to weather and climate-related hazards (including both slow-onset and sudden events) and the reduction of risks and vulnerabilities in at-risk communities. It is of no surprise, then, if the urgency of greater CCA-DRM coherence has been increasingly reflected in the most relevant instruments, resolutions and reports adopted at the international level in the last few years.²

Broadly speaking, a holistic risk management approach for both States and non-State actors in these fields should ensure complementarity between decisions undertaken as part of each agenda, namely through efforts to reduce those actions that contribute to one set of goals but undermine the other. In this sense, greater climate resilience can be obtained in domestic systems by means of the adoption

of more integrated laws and policies aimed at reducing gaps and mismatches between CCA and DDR objectives and related practices.³

At the 33rd International Conference of the Red Cross and Red Crescent Movement (Geneva, December 2019), the States parties to the Geneva Conventions and components of the Red Cross Red Crescent Movement (RCRC Movement), through the adoption of Resolution 7 on ‘Disaster laws and policies that leave no one behind’ (33IC/19/R7), reiterated the need to “ensure an integrated approach to disaster risk management and adaptation to climate change” in domestic disaster laws, policies, strategies and plans”. A key aspect of the Resolution requested the IFRC “to continue to support National Societies and States in the field of disaster laws, including with respect to the areas of concern mentioned in this resolution, through technical assistance, capacity building, the development of tools, models and guidelines, advocacy, ongoing research and promotion of the sharing of experiences, techniques and best practices among countries.”⁴

Additionally, Resolution 7 (33IC/19/R7) emphasized the significance of climate change as a humanitarian issue, in particular, the need for effective disaster laws, policies, strategies and plans that address climate change, in continuity with prior RCRC resolutions on disaster law (e.g. Resolution 4 of the 30th International Conference, Resolution 7 of the 31st International Conference and Resolution 6 of the 32nd International Conference). In doing so, States and the various components of the RCRC Movement acknowledged the interlinked nature of and need for coherence between the most relevant documents on the topic, such as the Intergovernmental Panel on Climate Change (IPCC) Special Report on the impacts of global warming of 1.5°C of 2018; the UN 2030 Agenda for Sustainable Development; the Sendai Framework for Disaster Risk Reduction 2015–2030; the UN Framework Convention on Climate Change and the Paris Agreement (2015).⁵

In keeping with the foregoing, the IFRC and the Dominica Red Cross Society agreed in 2021, to undertake a policy assessment against the **DRR Law Checklist**, with a view to gaining a better understanding of the articulation of DRR and CCA in laws and policies and to identify recommendations for improvement.

The findings and recommendations are presented in this report in the form of a “DRR and CCA Country Profile” for Dominica.

1. Research Benchmarking Tools: DRR Law Checklist

The research study involved an analysis of the disaster management framework of Dominica against the benchmarks outlined in the *DRR Law Checklist*.

The *DRR Law Checklist*, with its accompanying *Handbook*, was developed in 2015 by the IFRC and the UNDP as a means of providing guidance on laws relating to DRR and was informed by a multi-country report on the DRR-related legislation of 31 countries and extensive consultations. This joint initiative arose out of the urgent need for countries to improve their disaster preparedness in light of the increasing frequency and intensity of disasters and the severe impact they have had on lives and livelihoods.

The Checklist provides a prioritized list of ten key questions that lawmakers, implementing officials, and those supporting them need to consider in order to ensure that their laws provide the best support for DRR. It covers not only dedicated disaster risk management (DRM) laws but also other sectoral laws and regulations that are critical for building safety and resilience, as well as the environment, land and natural resource management. The *Handbook* was developed to provide further detail and practical guidance on how the Checklist can be used as a tool for strengthening laws and regulations and commitments made under the Sendai Framework.⁶

While the Checklist focuses primarily on DRR, it also aims to foster an integrated approach by taking into account climate change and sustainable development considerations within the review of legislation. It is mainly focused on disasters arising from natural hazards and does not cover all of the specific considerations appropriate to industrial accidents, public health emergencies, and situations of generalized violence.⁷

Utilizing the *DRR Law Checklist* as the benchmarking tool and the guidance from the *Handbook*, the laws, policies and plans of Dominica were analysed to identify the strengths and opportunities pertaining to the integration of DRR and CCA.

2. Desk Review

A desk review of laws, policies and plans related to DRR and CCA was conducted. The desk review was further guided by the Dominica Red Cross Society which provided valuable assistance in information gathering. In the case of draft legislation, it is acknowledged that such instruments may be at various stages of review, finalization and approval. Thus, analysis is based on the current versions shared by stakeholders and key informants taking into consideration that such versions may be subject to further amendments before Cabinet approval and submission to Parliament. A list of the main documents reviewed is provided in **Appendix 1**.

3. Key Informant Interviews

To complement the desk review and to ensure that the information gathered was accurate, key informants in various key institutions were identified and interviewed. These included both government agencies and non-governmental institutions.

4. Stakeholder Consultations

Once the initial desk reviews and key informant interviews were completed, a virtual stakeholder consultation was conducted on October 28, 2021. At this consultation, key stakeholders had the opportunity to provide feedback on the preliminary findings and recommendations coming out of the desk research.

A list of key stakeholders including those who participated in the stakeholder consultation and key informant interviews is provided at **Appendix 2**.

5. Impact of ongoing emergencies (COVID-19)

Taking into consideration the highly consultative nature of this project, it is important to also understand the particular and unusual challenges and constraints experienced during the research period (Jun-Dec 2021).

The context in which the research was conducted was heavily influenced by the ongoing impact of COVID-19 such as the public health and emergency measures used by governments to curb the spread of the virus, while balancing the interests of preserving lives and livelihoods. This has involved travel restrictions, border closures, limited domestic movement due to the declarations of states of emergency or disaster, impositions of curfews, staff rotations in the public and private sectors leading to staff shortages, among other challenges.

Furthermore, the rainy and hurricane seasons began as an active one with Hurricane Elsa, impacting Barbados and St. Vincent and the Grenadines and other eastern Caribbean islands in early July 2021. Throughout the period, the region was on alert for several named storms and faced the impact of some other hydrometeorological events that led to flooding in some places.

The foregoing circumstances placed considerable strain on various government agencies which had to operate with small and/or reduced staff numbers due to the physical distancing requirements, quarantine measures to prevent potential exposure and general movement restrictions imposed as a result of the COVID-19 pandemic.

In light of the challenges facing key stakeholders of the project, it was necessary for the IFRC Disaster Law team to employ creative and innovative strategies to capture meaningful consultations and engagement with stakeholders to ensure that the research was completed successfully, and all deliverables submitted on time. These included the expansion of the Team, more effective utilisation of technology, as well as encouraging the National Societies to forge and enhance new relationships and build greater capacity with stakeholders.

Overview of International and Regional DRR and CCA Frameworks

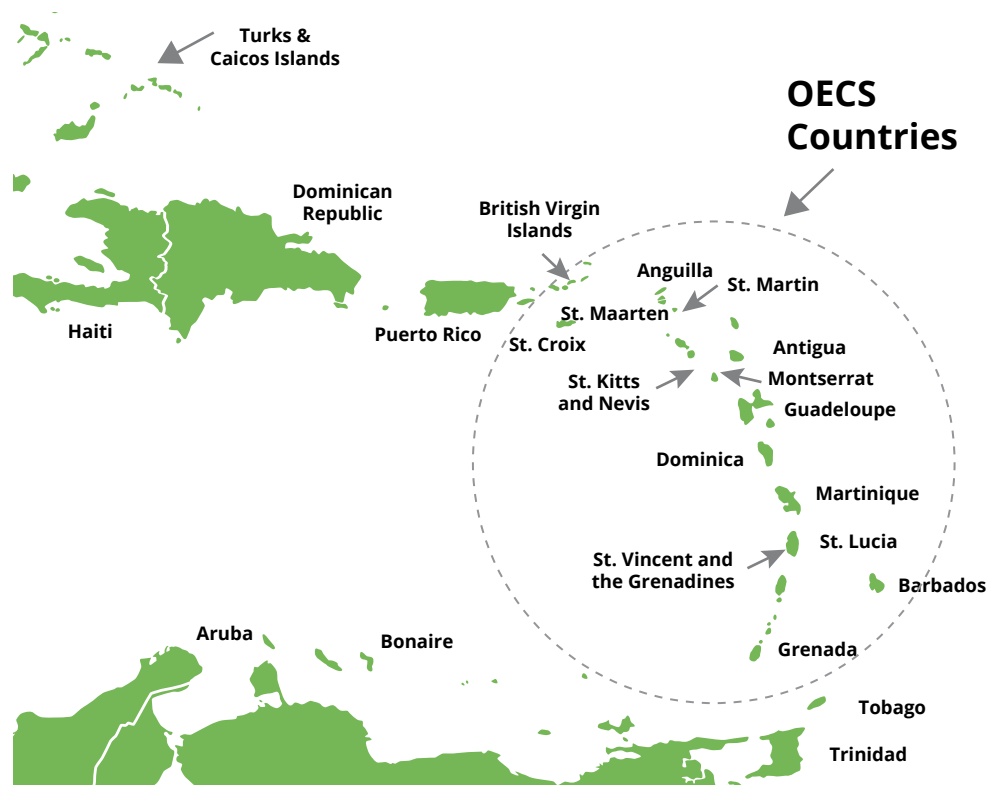


Figure 3 - Map of member countries of the OECS (Source: ILO)

Although this report is focussed on the national legal system Dominica, there are several international, regional, and sub-regional agreements, instruments and developments which are relevant and have been set out below. Please note that this section does not provide a comprehensive overview of DRR or CCA instruments at the international, regional, and sub-regional level, but rather provides a brief overview of the key instruments most relevant to the study.

International Framework

Sendai Framework for Disaster Risk Reduction

The Sendai Framework for Disaster Risk Reduction (2015-2030) was adopted by UN Member States on 18 March 2015 at the Third UN World Conference on DRR in Sendai City, Japan. The successor to the Hyogo Framework (2005-2015), the Sendai Framework is the first major agreement of the post-2015 development agenda.

With seven targets, four priorities for action and thirteen principles to guide implementation, the Sendai Framework aims to strengthen social and economic resilience to disasters caused by natural, biological and technological hazards, which are further exacerbated by climate extremes and slow onset events.

In so doing, it would achieve the substantial reduction of disaster risk and losses in lives, livelihoods and health and in the economic, physical, social, cultural and environmental assets of persons, businesses, communities and countries by 2030.

Of most relevance to this Report is Priority 2 which speaks to strengthening disaster risk governance to manage disaster risk. It emphasizes that disaster risk governance at the national, regional and global levels is vital to the management of DRR in all sectors and promotes the coherence of national and local frameworks of laws, regulations and public policies that, by defining roles and responsibilities, guide, encourage and incentivize the public and private sectors to take action and address disaster risk.⁸

United Nations Sustainable Development Agenda

DRR cuts across the United Nations Sustainable Development Agenda which was adopted at the United Nations Sustainable Development Summit in September 2015. The plan recognises the importance of eradicating poverty, especially extreme poverty in all its forms, as a requirement for sustainable development. The 17 SDGs and 169 targets seek to build on the Millennium Development Goals and complete those unattained. There are 25 targets that directly or indirectly relate to DRR in 10 of the 17 SDGs. On this basis, DRR serves as a core development strategy. (Figure 4 shows linkages of the Sendai Framework with the SDGs.)

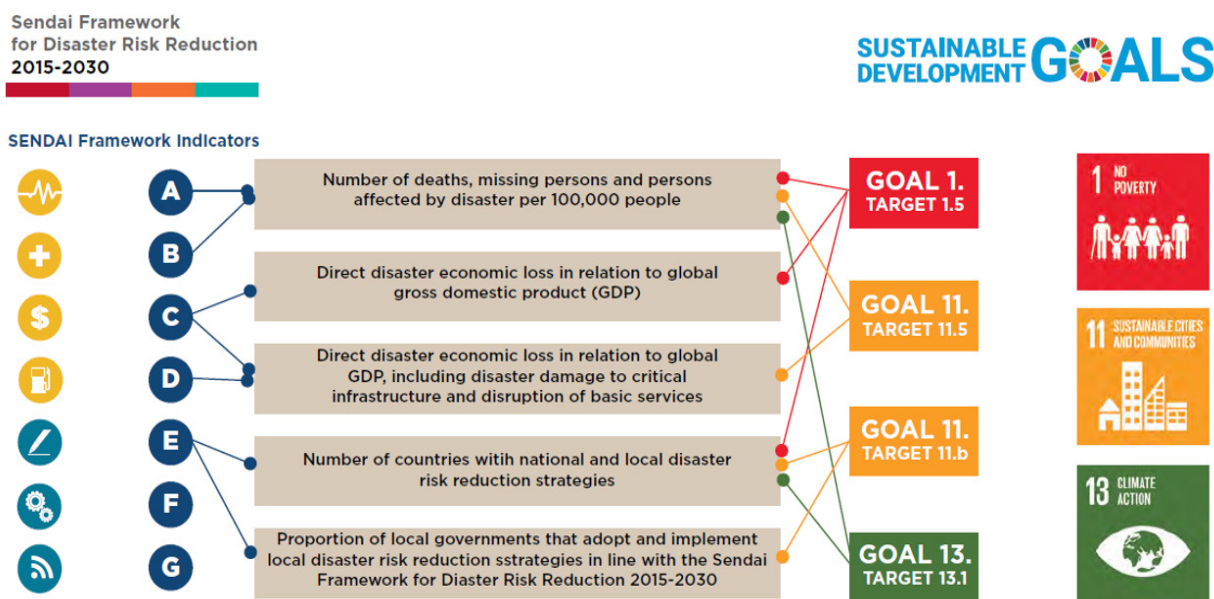


Figure 4 - Overview of Sendai Framework targets and linkages with the SDGs (Source: PreventionWeb)

United Nations Framework Convention on Climate Change

In December 2015, countries adopted the Paris Agreement at the 21st Conference of Parties to the United Nations Framework Convention on Climate Change (UNFCCC). The Agreement is legally binding, and the parties agreed to hold the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the increase to 1.5 °C – recognizing that this would significantly reduce the risks and impacts of climate change. It also includes the first ever global goal on adaptation, building on the 2010 Cancun Adaptation Framework which is anchored in DRR.

It was also agreed to enhance understanding, action and support with respect to loss and damage associated with the adverse effects of climate change with focus on early warning systems (EWS) and emergency preparedness, comprehensive risk assessment and management and risk insurance facilities, climate risk pooling and other insurance solutions.⁹

Since 2015, efforts have been made in each of the Project countries to streamline the goals targeted under the Sendai Framework, the UN SDGs and the Paris Agreement. However, there have been significant challenges especially where the governance structure for each area is different resulting in a lack of coherence in implementation.

In many instances, government agencies share no or very few common facets, compete for budget allocations and, due to a general absence of centrally located data repositories on disaster events, exchange little knowledge. Only through dedicated effort and the use of multi-sectoral and inter-ministerial committees and multi-disciplinary strategies, do we see in the region success in breaching the silos of the public sector.

Regional Framework

Dominica is a member of the Organisation of Eastern Caribbean States (OECS) as well as a member of the Caribbean Community (CARICOM). As a member of CARICOM, it is a Participating State of the Caribbean Disaster Emergency Management Agency (CDEMA), the Caribbean Community Climate Change Centre (CCCCC), and the Caribbean Public Health Agency (CARPHA).

Having come into being in 1973 with the signing of the Treaty of Chaguaramas, CARICOM is the oldest surviving integration movement in the developing world. The Treaty was later revised in 2002 to allow for the eventual establishment of a single market and single economy. CARICOM is founded on four (4) pillars of integration – Economic Integration, Foreign Policy Coordination, Security, and Human and Social Development. To achieve the objectives of CARICOM, there exist many institutions, each with its own governance arrangements, among them being the aforementioned CDEMA, CCCCC and CARPHA.

CDEMA is a regional inter-governmental agency for disaster management that falls directly under CARICOM. CDEMA's main function is to make an immediate and coordinated response to any disastrous event affecting any member-state of CARICOM, once the state requires such assistance.¹⁰ Participating States to the CDERA Agreement 1998 (replaced by the CDEMA Agreement of 2008,¹¹ which entered into force in 2013) commit to develop internal systems in common in areas of disaster management, have the option to adopt the comprehensive disaster management strategy and results framework (2014-2024)¹² that CDEMA promotes, and benefit from the shared regional support to develop legislation in the area of disaster risk management. In most Project Countries the dedicated DRM law gives the CDERA Agreement the force of law in the country and it is intricately embedded into the legal landscape of the territory.

The CCCCC coordinates the Caribbean region's response to climate change, working on effective solutions and projects to combat its environmental impacts and global warming. It provides climate change-related policy advice and guidelines to the CARICOM Member States through the CARICOM Secretariat and to the UK Caribbean Overseas Territories. It is an archive and clearinghouse for regional climate change data and documentation.¹³ The Centre also developed the Caribbean Climate Online Risk and Assessment Tool (CCORAL) which allows Caribbean countries to assess whether a proposed activity, policy or plan is influenced by or vulnerable to climate change. It then creates pathways for the identification and implementation of adaptation and mitigation measures.

In particular, CCCCC works with international and regional organisations such as CDEMA and CARPHA in achieving common goals such as increasing climate resilience. As recently as June 16, 2021, a Memorandum of Understanding (MOU) was signed between the United States Agency for International Development/ Eastern and Southern Caribbean Mission (USAID/ESC), the CCCCC, the Caribbean Institute for Meteorology and Hydrology and CDEMA re-affirming their commitment to protect the region's human and natural assets against the impacts of climate change.¹⁴

In relation to public health matters, Dominica is a member of CARPHA which was legally established in July 2011 by an Inter-Governmental Agreement signed by CARICOM Member States and began operation in January 2013. Among its many roles and functions, CARPHA coordinates responses to public health crisis in the Caribbean by, inter alia, (a) Coordinating health input for emergency situations in countries after natural disasters e.g. post flood provision of medical staff and supplies, environmental health issues; (b) Providing support for specific planning for food security (especially important given food price crisis, climate change and the move towards biological fuels); and (c) Providing staff for prompt help and advice on disease prevention and control strategies in outbreak and epidemic situations.

CARPHA is part of a Security Cluster within the CARICOM structure and has close collaboration with CDEMA, RSS and IMPACS. At this regional level they work closely to decide strategies to address threats to the region and to advise regional governments to address those threats from a public health perspective. In this advisory capacity, pursuant to the inter-governmental agreement with CARICOM Heads of Government, CARPHA was able to advise regional leaders how to reduce their possible exposure to COVID-19 in the early stages of the crisis. While the International Health Regulations (IHRs) encourage the free flow of travellers regardless of a destination country's health sector capacity, in early 2020 CARPHA was able to advise leaders to impose restrictions on entry into their respective territories of persons from high COVID-19 infected nations in prescribed circumstances.

In order to address the threat posed by COVID-19, CARPHA rewrote their systems to ensure there was greater collaboration among all stakeholders and recommended a whole-of-society approach.¹⁵ For example, in respect to the important tourism sector, it interacted with international, regional as well as national tourism stakeholders to ensure sustainable tourism measures were developed and strategies were devised to enable tourism-dependant states to maintain safety protocols, while positioning themselves as viable destinations for international tourists when travel restrictions such as border closures were lifted.

Other institutions of CARICOM having some bearing on issues of climate, weather, and the region's response thereto include the Caribbean Meteorological Organisation (CMO) and the Caribbean Meteorological Institute (CMI).

As members of CARICOM, each project Country is committed to the CARICOM Liliendaal Declaration on Climate Change and Development, the Regional Framework for Achieving Development Resilient to a Changing Climate and its Implementation Plan (2011-2021)¹⁶ and the Comprehensive Disaster Management (CDM) Strategy 2014-2024. The Regional Framework, which is spearheaded by the CCCCC, reflects the region's strategic direction for climate change response. It outlines 4 key objectives including (i) mainstreaming climate change adaptation into the sustainable development agendas of Members of CARICOM; (ii) promoting actions to reduce greenhouse gas emissions through energy efficiency and conservation and renewable energy sources; (iii) encouraging action to reduce the vulnerability of natural and human systems in CARICOM countries to the impacts of climate change; and (iv) promoting the sustainable management of standing forests in CARICOM countries. The CDM Strategy, which is led by CDEMA, outlines the regional response for operationalising the Sendai Framework.

The OECS is an International Inter-governmental Organisation dedicated to regional integration in the Eastern Caribbean. The vision of the organisation for 2020-2024 is “A better quality of life for the people of the OECS” and its Mission Statement is: “To drive and support sustainable development through regional integration, collective action and development cooperation”. Among the Strategic Objectives of the OECS is to mainstream *climate*, economic, environmental, and social resilience.¹⁷

In 2011, OECS Member States signed the Revised Treaty of Basseterre establishing the OECS as a single financial and economic space where goods, people and capital move freely. It also allows the harmonisation of monetary and governmental policies relating to taxes and revenue. The countries of this economic union continue to adopt a common approach to trade, health, education, and the environment, as well as the development of critical sectors such as agriculture, tourism, and energy.

Specifically, for DRR and CCA, the OECS implements multifaceted programmes aimed at increasing the resilience of its Member States. In relation to DRR, the Disaster Response and Risk Reduction Programme works towards building national and community resilience to hazard impacts. This has been achieved to a large extent through strengthening of the capacity of public sector agencies and community households to undertake vulnerability and post impact damage assessments and to implement hazard risk reduction measures.¹⁸

As it relates to climate change, the OECS Climate Change Programme aims to create an enabling environment and enhance the capacity of institutions and stakeholders at the community, national and regional levels to effectively manage natural resources and reduce the risks associated with climate change through the adoption of climate change adaptation mechanisms and removing the barriers to implementation. Interventions are made in several areas including policy, legal and institutional frameworks, sustainable land management, coastal zone management, watershed management, sustainable energy, education and capacity building among others.¹⁹

To accomplish the aims of its programmes, the OECS works to mobilize resources and strengthen regional collaborative strategic partnerships, in particular with CDEMA, to develop more effective and harmonized protocols for reducing vulnerabilities and integrating DRR into national environmental management strategies.²⁰

Additionally, the OECS Commission and member states have been working towards a comprehensive resilience framework. This framework includes the St. George’s Declaration of Principles of Environmental Sustainability in the OECS (SGD) and the supporting OECS Environmental Management Strategy. Principle No. 8 of the St. George’s Declaration addresses the causes and impacts of climate change, and several other topics related to energy efficiency, renewable energy and disaster risk reduction are included in its outcomes and targets.²¹ The SGD was recently revised for the period 2020-2040.

The Commonwealth of Dominica Country Profile



National Flag and Map of Commonwealth of Dominica (Source: The World Factbook 2021)

COUNTRY INFORMATION



The Commonwealth of Dominica, also referred to as Dominica, the largest of the Windward Islands, is situated in the Eastern Caribbean between the French Departments and Regions of Guadeloupe to the north and Martinique to the south. The island has 91 miles of coastline and comprises a land area of 291 square miles,²² with an approximate population of 72,000 people,²³ including 3,000 indigenous persons, known as Kalinagos.²⁴ English is the official language and French Patois is spoken widely. There is a growing migrant population of Haitian and Dominican Republic nationals.

Having gained its independence from the United Kingdom in 1978, Dominica is a Parliamentary Democracy. Legislation is passed in a bicameral parliament comprising elected members and appointed senators. The country has a President as Head of State with largely ceremonial functions while governance is vested in a Prime Minister and members of Cabinet.

As mentioned earlier, Dominica is a member of CARICOM and is also a member state of the sub-regional OECS. In addition, the country is either a Member Country or Participating State of several regional bodies that are aligned with CARICOM including the CDEMA, CCCCC, and CARPHA. These memberships have relevance for the country in terms of its DRR and CCA obligations.

DISASTER RISK PROFILE



In terms of non-biological risks, Dominica is one of the most at-risk countries in the Caribbean. According to the INFORM Risk Index 2021, Dominica is at low risk for droughts (0.0) and floods (0.1), low to medium risk for earthquakes (4.0) and epidemics (3.8), and at high risk for hurricanes (7.6) and tsunamis (8.5).²⁵ Having 9 volcanoes on land, the country is also at risk of volcanic/seismic activity.

The EM-DAT Disaster Database shows that Dominica experienced 9 significant disasters within the period of 1990 and July 2021.²⁶ All but one of these was or originated from natural hazards and most of them were hydro-meteorological in nature.

Dominica's vulnerability was clearly demonstrated in 2015, when Tropical Storm Erika caused damage equivalent to 90% of the country's GDP.²⁷ However, Erika's impact paled in comparison to the devastation wrought by the Category 5 Hurricane Maria two years later. Approximately 90% of the housing stock was either damaged or destroyed impacting 80% of the population. A similar 90% of crops and livestock were damaged or destroyed and 65 persons perished.²⁸ The damage from this event alone amounted to 226% of the country's GDP and was the worst impact of a natural hazard recorded globally since 1980.²⁹

The cumulative effect of these climate-related disasters has been to significantly impact the country's agriculture and tourism sectors, damage its infrastructure that had taken decades to build, and hinder its development agenda. However, shortly after the catastrophic impact of Hurricane Maria, Prime Minister Roosevelt Skerrit announced at the UN General Assembly, the Government's commitment to rebuild the country as the first climate resilient nation in the world.³⁰

The DRR Law Checklist Assessment

This Report analyses the legal and institutional frameworks of the Commonwealth of Dominica through the lens of the *DRR Law Checklist*, which comprises 10 broad questions. Each question is examined in turn, outlining the findings and recommendations drawn from the desk research, key informant interviews and stakeholder consultations.

Question 1 - Does Dominica have a dedicated law for disaster risk management that prioritises disaster risk reduction and is tailored to its country context?

At present, there is no dedicated law for DRM in Dominica, a shortcoming that was highlighted after Hurricane Maria in 2017. Since then, a Draft Comprehensive Disaster Management Bill, 2019 (“Draft CDM Bill 2019”) was developed, and at the time of writing, was being considered by Cabinet, and is discussed in more detail below.

As the law currently stands, for disasters and emergencies, Dominica relies on the powers of the Constitution, 1978 (as amended) and the provisions of its Emergency Powers (Disaster) Act, 1987, which generally takes a limited and responsive approach to disasters.

According to the Constitution³¹, a state of public emergency may be declared where the President is satisfied 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 calamity whether similar to the foregoing or not.”

Under the Emergency Powers (Disaster) Act the President is also empowered to declare a state of emergency and may also make orders necessary for “securing the essentials of life to the community and for the preservation of the health, welfare and safety of the public.” These orders might include requisitioning all forms of transport, requisitioning private property and regulating the supply and distribution of food, clothing, water, fuel, light and other necessities of life, among other orders.

On the other hand, the Draft CDM Bill 2019 proposes to overhaul the existing framework with a new comprehensive approach to disaster management that is “holistic, comprehensive, integrated and proactive in lessening the negative socio-economic and environmental impacts of disasters including climate change.” As one of its primary purposes the Bill seeks to focus on “reducing risks, that is to say, reducing the risk of loss of life, economic disruption and damage to the environment and property, especially to the sections of the population that are most vulnerable by reason of poverty and a general lack of resources.” Furthermore, the Bill aims to take a “whole of society” approach through promoting the involvement of all sectors and stakeholders, including local communities.³²

Following the devastation of Hurricane Maria, the Government enacted the Climate Resilience Act, 2018 (CRA 2018). Defined as the first of its kind globally, this legal instrument aims at promoting not only a “swift and cost-effective recovery of Dominica from climate-related disasters” but also to “disaster-proof” all aspects of public and private life.³³ In concrete terms, such a goal is expected to be obtained by ensuring that any kind of infrastructure damaged or destroyed during a climate-related disaster is reconstructed or restored “to a state that is better than before”, and to better equip public and private sectors and civil

society to manage the risk and recover from the event, avoiding duplication and maximising available resources, including through a reduction of critical gaps in funding.³⁴

To accomplish the objectives of the Act, two public institutions were created, namely the Climate Resilience Policy Board (CRPB) and the Climate Resilience Executing Agency of Dominica (CREAD). The former is a centralised political body, chaired by the Prime Minister, which provides overall policy direction by defining measures to be taken and reviewing and approving short-to-medium term operational and business plans. The latter is mandated to lead and coordinate multi-sectoral, best practice flagship initiatives that translate into action the Government's stated vision for Dominica to become the world's first climate resilient nation.

Although there are overarching common goals of resilience between the Draft CDM Bill 2019 and the CRA 2018, there appears to be no direct linkages in either instrument with respect to the implementation and integration of DRR and CCA nor linkages between the relevant institutions established under each legislation.

Apart from legislation, at the operational level, Dominica also has a detailed National Disaster Plan, 2001 (NDP 2001) that seeks to address all aspects of the disaster management cycle. As stated in the Foreword, it is intended to provide the framework upon which disaster management operations and training are predicated, and under which government officers can be held accountable for disaster responsibilities supported by the Emergency Powers (Disaster) Act.

While the NDP 2001 includes reference to prevention and mitigation activities and stipulates that it reflects up-to-date thinking and technologies relating to disaster management in the wider context of sustainable national development, there is no explicit reference to DRR or climate-related hazards in the Plan.

FINDINGS

1. For the management of disasters and emergencies, Dominica relies on the powers of its Constitution and the Emergency Powers (Disaster) Act, which takes a responsive and limited approach to disaster management. However, at the policy level there is the NDP 2001 which outlines in detail the country's plans for DRM.
2. As regards climate change, Dominica enacted the CRA 2018, which seeks to transform Dominica into a climate resilient country.
3. While the CRA 2018 is progressive in nature in terms of its ambitious approach to resilience and "building back better" it does not make express links to laws or institutions related to DRR, nor are there linkages in the Draft CDM Bill 2019 to the CRA 2018 or to CREAD.

RECOMMENDATIONS

1. Prioritize Cabinet approval and the eventual enactment of the Draft CDM Bill 2019 that provides a comprehensive, holistic and integrated approach to disaster management, and focuses on reducing risk and adopts a "whole of society" approach.
2. Establish linkages in the Draft CDM Bill 2019 to laws and institutions related to climate change such as the CRA 2018 and CREAD that will promote better coordination and integration of DRR and CCA.

Question 2 - Do Dominica's laws establish clear roles and responsibilities related to risk reduction for all relevant institutions from national to local level?

As mentioned earlier, there is currently no law in force dedicated to DRR or disaster management that outlines roles and responsibilities for key institutions in DRR.

However, the Draft CDM Bill 2019 proposes to correct this gap by outlining roles and responsibilities for key institutions in disaster management from the highest advisory level to the national and community level. These institutions include the Dominica Emergency Management Organisation (DEMO), the Department of Disaster Management (DDM), the Disaster Management Advisory Council (Advisory Council) and the Disaster Management Committees.

Regarding the DEMO, this is established as the high-level policy organisation and is responsible for providing a policy for CDM in Dominica. It is led by an Executive Committee, chaired by the Prime Minister and comprises of key ministers and heads of government agencies with roles in DRM. The Advisory Council is responsible for advising the DEMO on the CDM policy and it is the body in which ministries, departments of Government, statutory bodies, Disaster Management Committees, communities, private sector entities, NGOs, international organizations, relief agencies, consult with each other and coordinate their actions on DRM. It is noted that along with other international organisations such as UNDP and UNHCR, the Advisory Council has the power to co-opt the IFRC as it sees fit, however, the Dominica Red Cross Society (DRCS) is not specifically mentioned.

As it relates to the DDM, the Draft CDM Bill 2019 firmly establishes it with the mandate to give effect to the Government's CDM policy by facilitating and coordinating the development and implementation of integrated DRM systems and it is responsible for acting as the national coordinating and monitoring body for DRM and promoting a uniform approach to DRM ministries, departments of Government, Disaster Management Committees, statutory bodies, communities, private sector entities and NGOs among other responsibilities. At the community level, the Disaster Management Committees have the primary responsibility to develop and coordinate an effective CDM plan for the district or the community and regularly review and assess the plan.

Despite not having roles and responsibilities yet outlined in the current legislative framework, Dominica has a detailed policy framework within the NDP 2001 with respect to its DRM institutions.

Under the NDP 2001 clear roles and responsibilities are established for various arms of Government at national, regional and local levels in its strategy to address disasters. However, the Plan does not make specific reference to DRR, instead placing emphasis on preparedness, mitigation, response, and recovery.

Critical roles are outlined in the NDP 2001 for the National Emergency Planning Organisation (NEPO) and the Office of Disaster Management (ODM). The former is a government organisation that holds the responsibility to plan and organise counter-disaster measures at a central level, while the ODM works closely with NEPO to coordinate the overall disaster management programme based upon the principles of prevention, mitigation, preparedness, response and recovery.

The Prime Minister is Chairman of NEPO, whose Advisory Committee meets once annually to approve disaster policy matters, and which has an Executive that oversees the management of its Secretariat, the ODM and the NEOC when the latter is activated.³⁵ The ODM also plays a pivotal role in the implementation

of the NDP 2001 once it is activated. It is required to monitor and supervise any activity which may have bearing on the level of preparedness, prevention, and safety in the society. In performance of its functions, ODM coordinates with the various departments of government and other institutions and organisations which may vary depending on the disaster or emergency to be addressed.

The NDP 2001 creates many other entities including an advisory council, district committees, emergency operation centres, and places the responsibility on various sectors of Government and entities created under the Plan to develop sector plans, district plans, community plans, or sub-plans. At the local level, the NDP 2001 outlines roles and responsibilities for various NGOs and community-based organisations such as the Lions and Rotary Club and the DRCS. For the DRCS, these responsibilities include *inter alia*, developing plans and training programmes for effective post-disaster relief distribution, assisting with the tracing of missing persons, development and testing of disaster plans, first aid training, coordination of volunteers, among several other responsibilities.

However, it is notable that while the existing NDP 2001 outlines clear roles and responsibilities for the DRCS, this is not translated in the proposed new framework under the Draft CDM Bill 2019.

During consultation with stakeholders, mention was made of the challenge to collaborate among DRM agencies due to the absence of a central repository of disaster related data. It was felt that a creation of the repository would be prudent and should be done in collaboration with the national statistical office.

As regards its climate change agenda, the recently enacted CRA 2018, defines clear roles and responsibilities in relation to the CRPB as the high-level Board giving overall policy direction and CREAD as the agency with the mandate to implement the policy and ensure the climate resilience of Dominica. CREAD's responsibilities include *inter alia*, coordinating recovery action following a climate related disaster, including the construction, reconstruction or restoration of physical or other infrastructure; preparing and implementing a Dominica Climate Resilience and Recovery Plan and promoting the development of Dominica as a climate resilient nation through the dissemination of information in the public and private sectors.

FINDINGS

1. While the existing legislative framework that governs disasters and emergencies does not outline roles and responsibilities for key actors, the NDP 2001 appears to fill this gap within the policy framework. However, the proposed Draft CDM Bill 2019 also intends to improve on this gap, outlining in law, the roles and responsibilities for key DRM institutions.
2. Every State department or division in the environmental sector has a clear mandate. However there remain gaps that need to be addressed. One gap is the absence of a central repository of data related to DRM.
3. Cross references in laws to help improve the integration of the two thematic areas are missing, leading to less-than-optimal interaction among the various agencies.
4. Although the IFRC is named as an international organisation from which the Advisory Council may co-opt as a member, roles and responsibilities for the DRCS, as a key stakeholder, are not included under the Draft CDM Bill, 2019.

RECOMMENDATIONS

1. Prioritise the approval and enactment of the Draft CDM Bill 2019 that establishes roles and responsibilities for institutions responsible for DRR and DRM.
2. Establish a central repository for data related to DRM in collaboration with the central statistical office.
3. Ensure there are cross references in legislation so that there will be optimal interaction between and among the agencies and entities established respectively under the CRA 2018 and the Draft CDM Bill 2019.
4. Include the DRCS on the Advisory Council in keeping with the principles of the Dominica Red Cross Society Act, 1983 and the DRCS's auxiliary role to the public authorities in the humanitarian field.

Question 3 – Do Dominica's laws ensure that adequate resources are budgeted for disaster risk reduction?

Regarding funding for DRR, the Parliament of Dominica appropriates monies toward disaster management within the annual budgetary allocations to governmental entities. Under the NDP 2001, a contingency budget is also made available to DRM institutions. Should a disaster occur, the Ministry of Finance issues funds to agencies based on the responsibilities they discharge, and the amount of the disbursement is also based on the results of an assessment of the disaster.

In light of the lack of an existing legislative mandate for funding of DRR institutions, the Draft CDM Bill 2019 makes an improvement as it relates to the financing of DRM. Under section 54, it establishes the Disaster Management Fund which is resourced through monies appropriated by Parliament, donations and grants made by persons and organisations approved by the Minister of Finance, sums of money raised by way of loans, or through activities organised by the DDM. Additionally, the Bill makes specific provision for how the Fund is to be applied in relation to DRR, which includes the funding projects and programmes in relation to the mitigation of and preparedness for emergencies and disasters and the adoption and promotion of preventative measures before, during and after a disaster or an emergency.³⁶

Additionally, the Growth and Social Protection Strategy 2014-2018 indicated that the Government will seek to reduce environmental vulnerability and improve disaster prevention and management, through a combination of risk reduction, impact mitigation and other measures, including:

"Establishing a Natural Disaster Contingency Fund. Provision will be made within the public investment programme for a fund to cover the costs of repairs and environmental enhancements necessary after such environmental mishaps. As soon as it is deemed feasible, the Ministry of Finance will set aside five per cent of the PSIP for purposes of starting such a fund and make a similar annual allocation to it. Efforts will be made to supplement the resources of this fund from external sources."³⁷

Regarding the provision of human resources, a representative from a community-based organisation expressed the view, during stakeholder consultations, that manpower resourcing in some Government departments was a challenge that has faced the country for some time. Other key informants opined during interviews that Dominican nationals may be disincentivised to seek employment in the public service after obtaining higher education in foreign universities as the rate of remuneration offered to them is too low to sustain them. Hence, the informants were of the opinion that the public service was not attracting "the best and the brightest".

With respect to climate resilience, the means for the financial resourcing of CREAD is identified under the recently enacted CRA 2018. This includes budgetary allocations provided by the Government, grants made to CREAD by individuals or international organisations, with the approval of the Minister of Finance, and all other monies which may become payable to or vested in CREAD.³⁸ Based on its 2019 End of Year Report, much of the work of CREAD is project-based and the Agency seeks most of its funding from external sources. It is perhaps for that reason the economic fallout of COVID-19 reportedly had minimal impact on the operations of CREAD, as stated by key informants.

FINDINGS

1. The proposed mechanism to fund DRR activities as contained in the Draft CDM Bill 2019 may unintentionally pit these activities in competition with funds for disaster response.
2. Inadequate funding sources are in place for ensuring that DRR efforts at the sub-national level are sustainable and to attract the most qualified candidates for jobs in the public sector.
3. Although all Ministries and their line agencies are mandated to incorporate climate change impacts and methods of mitigating them, as part of their programming, to increase resilience at all levels, financing has always been and remains a challenge.
4. Much of the key funding for climate resilience activities is sourced from external donors, which can make it difficult to reliably sustain the efforts.

RECOMMENDATIONS

1. Establish a mechanism in the Draft CDM Bill 2019 which makes provision for a set percentage of monies from the Disaster Management Fund to be allocated specifically for DRR activities so as not to compete with funding for disaster response.
2. Pursuant to the Growth and Social Protection Strategy, set aside a prescribed percentage of the PSIP for DRR related activities.
3. Ensure both the national and sub-national entities responsible for implementing DRR are adequately funded and not merely the central agency and provide financial incentives to attract more highly qualified persons for the respective lead agencies.
4. Engage in resource mobilisation efforts for climate resilience activities among private sector and other domestic sources to increase sustainability of programmes.

Question 4 - Do Dominica's relevant sectoral laws include provisions to reduce existing risks and prevent the creation of new risks?

Several sectoral laws make provisions to reduce existing risks and prevent the creation of new risks. Among them are:

- The Fire and Ambulance Services Act, 1991 – that provides the framework for reducing the risks from fire hazards and essentially complying with regulations for the protection of lives and property.
- The Physical Planning Act, 2002 – provides the legislative framework for integration of the EIA process into planning.

- The Dominica Litter Act, 1990 – makes provision for the abatement of nuisances caused by the littering of premises and public places for purposes in relation to protection of the environment and proper disposal of waste.

Dominica's policy framework also makes provision for DRR and CCA. Policies that are specific to DRR are mainly contained in the NDP 2001 and are supported by the various established procedures and protocols within varying Government agencies. Some of Dominica's policies on DRR and CCA include:

- National Resilience Development Strategy 2030
- Climate Resilience and Recovery Plan 2020–2030
- Biodiversity Strategy and Action Plan (2001–2005)
- Dominica Policy and Strategy on Disaster Management (Draft)
- Shelter Policy (Draft)
- National Land Use Policy (Draft)
- Integrated Water Resource Management Policy (Draft)

By virtue of being a member of CCCCC, Dominica is also able to access the CCORAL Tool which allows Caribbean countries to assess whether a proposed activity, policy or plan is influenced by or vulnerable to climate change. It then creates pathways for the identification and implementation of adaptation and mitigation measures.

In the Dominican National Resilience Development Strategy 2030 (NRDS) of 2018, climate resilience is taken as a “developmental paradigm” to address any aspect of the country's development process in a coherent and integrated way, including both climate and non-climate considerations. Thus, a ‘Resilient Housing Scheme’ to be delivered by the end 2023 was introduced by the country's Climate Resilience and Recovery Plan 2020–2030 (CRRP). The Scheme's goal is to relocate low-income populations currently living in vulnerable areas and transform the structural reliability of the nation's housing to extreme weather through a combination of: construction of new resilient homes for vulnerable citizens; updating of current building standards; subsidised home insurance; and fiscal incentives to assist homeowners to ensure that their homes are structurally resilient to a major storm event.³⁹

In the aftermath of Hurricane Maria, 90% of Dominica's housing stock was destroyed. In light of the extensive damage, the Ministry of Planning and Economic Development sought to revisit the building regulations (Building Code and Building Guidelines) and the Physical Planning Act, 2002 with the aim to update and amend so as to adequately and effectively respond to the need for recovery in the housing sector. In that regard, the Ministry sought assistance to develop a new “Guide to Dominica's Housing Standards”⁴⁰ as a first response mechanism to address the need for climate resilient residential housing construction and to ensure compliance to prevent new risks from earthquakes and hurricanes of which the country is known to be at relatively high risk. Based on this Guide, a new Building Code will be approved, followed by amendments to the Physical Planning Act.⁴¹

However, in discussions with key informants in the business and insurance sectors they revealed that there is no mandate for persons to purchase insurance for their homes or businesses, unless specifically required to do so by the terms of a mortgage or similar facility. Therefore, any loss from disasters can become total losses from which they are slow to recover.

The issue of reducing risk and preventing new risk is also an important discussion as it relates to the indigenous Kalinagos. The culture of the Kalinago people⁴² in Dominica is based on a way of life that relies heavily on sustenance from the surrounding land in which they live. They occupy the 3,782-acre Kalinago Territory on the east of the island, which is governed by the Kalinago Territory Act, 2015.⁴³ As a significant part of their revenue is derived from visiting tourists, wanting to capture a glimpse of the history and culture of the people, it is important to maintain the authenticity of their communities and way of life. Therefore, there is a need to strike a balance in construction of buildings to maintain an authentic look with some thatched roofs while also putting measures in place to have safer, more climate resilient homes.

To achieve this balance, the Kalinago Council may play a role to ensure that homes are built according to national building codes in alignment with the requirements of the Physical Planning Division, which also has the responsibility for sanctioning construction plans in the Kalinago Territory. The application of national building codes in Kalinago Territory is already taking place with respect to various projects conducted by external donors. For example, the European Union is building 50 homes and there is also a World Bank project to build homes in Kalinago Territory. These projects are utilising the national building codes and EIAs and are being supervised by the Public Works department.

Enhancing DRR and CCA capabilities through the use of nature-based solutions⁴⁴ is also an area that can be explored through Dominica's legislative and policy framework. The strong attentiveness to nature is a core component of the Draft CDM Bill 2019. According to section 12(e) the Director of the DDM will have the duty "to participate in programmes to conduct investigations, studies, surveys, research and analysis relating to ecological systems" and "to define changes in the natural environment as such changes relate to the likelihood of the occurrence of disasters in Dominica". Similarly, under the CRRP, reforestation and specific activities such as 'Forest Enrichment Planting' of areas impacted by extreme weather events and Agroforestry/ Silvopastoral systems on degraded lands are planned to provide multiple types of benefits, including socioeconomic growth. These range from maintaining soil stability and fertility, to enhancing ecosystems and biodiversity, therefore providing increasing opportunities for nature/eco-tourism, agricultural production, sources of wood and raw material for small-scale industrial use, and consequently more work opportunities for community members.⁴⁵

FINDINGS

1. There are sectoral laws and policies that include provisions and initiatives to reduce existing risks and prevent new risks, for example, the Physical Planning Act incorporates the use of EIAs in developmental processes; and the CRRP adopted a "Resilient Housing Scheme" to be delivered by 2023.
2. Since Hurricane Maria, there has been a concerted effort to improve national building codes for residential housing and increasing resilience through the development of the new Guide to Dominica's Housing Standards.
3. Despite the existence of laws and policies to the effect, there is not always consistency in compliance with laws to reduce risk such as adherence to building codes and enforcement of the regulations.
4. There is no mandatory disaster risk insurance in the country. The law omits sufficient incentives to encourage risks to be shared by individuals through risk financing mechanisms, including disaster risk insurance. Some of these insurance policies may be costly to low income groups, poor hence the low rate of application for such protections.

5. With respect to the Kalinago people, there is a need to strike a balance between maintaining the authenticity of their culture and way of life, and also ensuring that they build safer homes that are more climate-resilient.
6. Opportunities exist within Dominica's policy and legislative framework (i.e. the CRRP and the Draft CDM Bill 2019) for the implementation of nature-based solutions to enhance DRR and CCA.

RECOMMENDATIONS

1. Ensure provisions seeking to address the reduction of natural hazard risks are added to sectoral laws and policies.
2. Continue efforts to adopt and enforce national building codes based on the new Guide to Dominica's Housing Standards and amend the Physical Planning Act accordingly.
3. Provide incentives for disaster risk insurance or other risk finance mechanisms and, if necessary, provide special incentives for the Kalinago people.
4. To ensure a minimum standard of public safety, legal sanctions should be included within laws and regulations on building and construction and incentives provided to the Kalinago people that will support the construction of safer homes, while maintaining the authenticity of their communities.
5. Take advantage of the scope of the CRRP and implement nature-based solution initiatives based on the CRRP and the Draft CDM Bill 2019, once passed.

Question 5 - Do Dominica's laws establish clear procedures and responsibilities for conducting risk assessments and ensure risk information is considered in development processes?

The use of responsibility for conducting risk assessments is outlined in the NDP 2001. It encourages various sectors to conduct risk assessments and the Prime Minister of Dominica as Chair of NEPO has overall responsibility for conducting hazard and risk assessments under the mitigation element of the plan. The Permanent Secretary of Ministry of Planning also has responsibility to use the hazards and risk assessments of the Country as special planning tools.

The ODM also has specific responsibility under the NDP 2001 to arrange hazard and risk assessments and use the information to design, implement and review hazard/loss reduction programmes, focusing on key areas such as critical facilities, housing, agriculture, tourism, ports and shipping.

Similarly, the proposed legislative framework under the Draft CDM Bill 2019 requires that the DDM collaborate with governmental and non-governmental actors to conduct vulnerability and risk assessments and investigations as may be required to determine vulnerable areas for each hazard. The Director of the DDM is required to participate in programmes to prepare and review disaster risk assessments and is also responsible for considering hazard mitigation and risk assessment in preparing the CDM Strategy.

Despite these provisions in the Draft CDM Bill 2019, there appears to be a lack of integration and coordination between agencies responsible for conducting risk assessments and developmental processes. Although risk assessments are required to be conducted to determine vulnerable areas, it is not clear to what extent this information is required to be considered in development and planning.

Further, it was noted from Key Informant interviews that stakeholders who engaged in community risk assessments did not always receive feedback on the results of those exercises.

FINDINGS

1. Both the NDP 2001 and the Draft CDM Bill 2019 make provision for the conduct of risk assessments. However, the laws do not mandate the frequency with which risk assessments are to be conducted, nor provide clarity on the extent to which risk information should be considered in developmental processes.
2. Feedback to stakeholders on the results and outcomes of community risk assessments was sometimes lacking as a result of a lack of coordination among the line agencies responsible for the conduct of risk assessments and those which are to use the information in developmental processes.

RECOMMENDATIONS

1. The requirements for conduct of risk assessments can be strengthened by indicating the regularity with which they are to be performed and the extent to which they are to be considered in developmental processes.
2. Make provision for better collaboration between the DDM and non-governmental and other stakeholders to in the conduct vulnerability and risk assessments that will result in feedback to the participants as to the outcome of those assessments and the sharing of risk information to stakeholders involved in development and planning.

Question 6 – Do Dominica’s laws establish clear procedures and responsibilities for early warning?

Procedures and responsibilities for early warning do not currently exist under legislation. However, under the NDP 2001, it is stated that the National Strategy for combating disasters is to continuously educate and inform the general public and emergency service agencies about disaster management issues and to adequately equip and regularly exercise NEPO in their response roles. This is achieved by various initiatives:

- Rigorous Mitigation, Prevention and Preparedness programmes
- Disaster education starting at primary school through tertiary institution levels
- Local and overseas training courses for disaster management personnel
- Provision of information at all levels before, during and after a disaster, using the best available technology
- Providing disaster response agencies with appropriate state of art equipment
- Early warning of slow onset disasters, and
- Pre-positioning of human and material resources where sufficient notice is given.

The Draft CDM Bill 2019 aims to vastly improve upon the NDP 2001 through the incorporation of EWS into legislation and regulations. At section 2 of the Bill, EWS is defined as, “the set of capacities needed to increase risk knowledge, detect and monitor a hazard and to generate and disseminate timely and meaningful warning information to enable individuals, communities and organizations threatened by a hazard to prepare and to act appropriately and in sufficient time to reduce the possibility of harm or loss”.

Further, the Bill makes provision for EWS to form part of a National Multi-Hazard Alert System to be operated under the supervision of the Director of the DDM.⁴⁶ To further outline the procedures and administration of EWS, the Draft CDM Bill 2019 contains details as to how the systems are to be administered and the contents of the warnings and alerts to be issued in different scenarios. They address the most common and dangerous of hazards in the country's risk profile. Provisions also refer to Standard Operating Procedures for relevant hazards such as Hurricanes and the use of indigenous knowledge in DRM.⁴⁷

At the operational level, Dominica is part of the regional CAP⁴⁸ based EWS that is also used for Anguilla, Antigua and Barbuda, Sint Maarten, Saint Lucia, and St. Vincent and the Grenadines. The interface uses a smartphone application so it is restricted to persons who own or can access a smartphone and Internet connection. There are also technological tools being deployed as EWS in conjunction with the UNDP and funded from external sources. These are to provide a much-needed link for the sharing of information to more remote parts of the island.

A few EWS are located within Kalinago Territory. These are maintained by professionals outside of the Territory such as The Meteorological Office and personnel from the Ministry responsible for Telecommunications and private sector companies.

FINDINGS

1. Clarity is required in existing law and regulations as to who is responsible for all steps of the early warning process.
2. While the Draft CDM Bill 2019 refers to the use of indigenous knowledge in DRM, provision is not made to empower community members to maintain or operate EWS based in their communities.
3. Existing laws and policies do not fully incorporate indigenous, community-based EWS.

RECOMMENDATIONS

1. Ensure that, whether in laws, policies or plans there is clarity as to the entities assigned responsibilities for all steps of the early warning process from assessing the hazard, to making decisions to issue warnings, to initiating early action.
2. Enact the Draft CDM Bill 2019 and the Early Warning Regulations to give effect to the procedures and responsibilities outlined for early warning.
3. Make provision for the empowerment through training and support for members of the community to operate and maintain EWS.
4. Ensure the incorporation of indigenous community-based EWS into law and policies.

Question 7 - Do Dominica's laws require education, training and awareness-raising to promote a whole of society approach to DRR?

While there are no legislative mandates for education, training and awareness-raising for DRR, at the policy level, the NDP 2001 emphasises education and training of governmental and non-governmental actors, especially members of disaster service agencies in disaster prevention, mitigation, preparedness, response, rehabilitation and recovery.

In this regard, public education is done through a collaborative approach with different agencies from departments responsible for health, communications, welfare etc. There is a Public Information and Education Task Force that is responsible for public information and press briefings, warning dissemination and control of broadcasting, organisation of on-going public awareness and education programmes on all types of disasters as well as preventive measures to be taken, dissemination of information, timely and factual, through briefings, bulletins and interviews before, during and after a disaster. Additionally, the Task Force is responsible for alerting the population of any impending disaster and precautionary measures to be taken and arranging for training of disaster personnel at all levels.

As it relates to the proposed legislative framework, the Draft CDM Bill 2019 outlines the obligations of public officers involved in CDM, that is, in every ministry, department of Government, critical facility agency and statutory body to conduct annual exercises and training for its staff.⁴⁹ The Bill also requires that the policy on CDM, to be developed by the DEMO, facilitates capacity building, training and education in DRM for schools.⁵⁰

By incorporating the CDEMA Agreement into Dominica's laws, the Draft CDM Bill 2019 also requires Dominica, as a Participating State of CDEMA, to develop and implement a comprehensive disaster public awareness, information and education programme involving media houses, schools, voluntary agencies, and other institutions to ensure public participation and community involvement in the disaster management system.

At the regional policy level, Dominica has also signed on to the Antigua and Barbuda Declaration on School Safety in the Caribbean and the agreed Road Map on School Safety.⁵¹ By this Declaration, Caribbean Ministers of Education and other High-level officials in the education sector committed to engage in the multi-stakeholder "Worldwide Initiative for Safe Schools" by supporting the implementation of the Comprehensive Safe School Framework and the Model Safe School Programme in the Caribbean being implemented by CDEMA for public and private facilities at all levels. Under the Caribbean Safe School Initiative, a safe school is defined as a school combining the elements of Safe Learning Facilities (disaster-resilient infrastructure), School Disaster Management, and Disaster Risk Reduction and Resilience Education.

Regarding training and education in aspects of CCA, CREAD engages in training to improve climate resilience with all sectors of the population, including the Kalinago people, through in-person as well as online education.

FINDINGS

1. Public education and awareness in DRR are built in across various sectors including in the NDP 2001.
2. The Draft CDM Bill 2019 makes provision for annual training of public officers as well as for the CDM Policy to facilitate training and capacity building in DRM for schools.
3. While there is reference to provide training in schools, mandates to incorporate disaster resilience or climate resilience in the secondary school curricula are absent.

RECOMMENDATIONS

1. Enact the Draft CDM Bill 2019 that mandates the training of public officers and incorporates training and capacity building for schools.
2. To complement the requirement for training to be done in schools under the Draft CDM Bill 2019, include DRR as part of school curricula in keeping with the country's support of the Caribbean Safe Schools Initiative.
3. Broaden, strengthen and institutionalise the disciplines of Community Emergency Response Teams (CERT) and Community Disaster Response Teams (CDRT).

Question 8 - Do Dominica's laws ensure the engagement of all relevant stakeholders, including civil society, the private sector, scientific institutions and communities in risk reduction decisions and activities?

Although not outlined in legislation, various policies and plans make allowance for the engagement of a wide range of stakeholders in risk reduction activities and for prescribed stakeholders in decision making on DRR.

For example, the NDP 2001 mandates that each District shall have a District Emergency Chairman, who shall be, in each case, appointed by the Coordinator of the ODM in consultation with the Executive and the appropriate Ministry of Government, and who shall be responsible to the Coordinator for providing District Emergency Committees, government and private sector agencies and voluntary organizations, with the necessary advice and assistance in implementing disaster preparedness measures, and for ensuring that they are fully conversant with, and understand the sectors of the Plan that relate to their particular organization or community.

There is also provision for the private sector to be co-opted to the National Emergency Executive Committee, as well as to be part of a network of stakeholders facilitated by ODM that includes government agencies and NGOs for the purpose of disaster prevention, mitigation and preparedness activities.⁵²

Under the NDP 2001 there are multiple references to the Red Cross, assigning it specific roles and responsibilities in DRM activities and giving it the opportunity to be part of decision-making coordinating mechanisms.

The Draft CDM Bill 2019 proposes to ground in legislation the inclusion of a wide range of stakeholders and seeks to incorporate a “whole of society” approach. For example, the Bill requires the involvement of the private sector, NGOs, volunteers and community participation in DRM for the development of the CDM policy.⁵³ Similarly, the DDM is required to promote a uniform approach to DRM that involves government agencies, civil society, the private sector and other stakeholders including the adoption of common standards and best practices.⁵⁴

It is notable that the Draft CDM Bill 2019 is conspicuously silent on the specific role to be played by the Red Cross National Society. Arguably it may be categorized as an NGO, however, this proposed legislative framework may appear to provide the National Society with a reduced space within the DRM context from what currently exists under the NDP 2001. On the other hand, express mention is made of the IFRC, with respect to being co-opted to the Advisory Council.

With respect to the inclusion of other kinds of stakeholders such as the scientific community and academia, the Draft CDM Bill 2019 makes little attempt to mandate their involvement, except for a provision that allows the Chief Technical Officer or the Chief Medical Officer or any other person or organisation to be co-opted to the Advisory Council if they can provide scientific and technological advice or support in respect of DRM.⁵⁵

In keeping with the Government’s ratification of the United Nations Convention on the Rights of Indigenous People, there has been a concerted effort to include the Kalinago people of Dominica in laws and policies. Since 2000, a Government Ministry was set up dedicated to Kalinago Affairs which promotes the inclusion of the Kalinago in all matters concerning them. However, the Draft CDM Bill 2019 makes no specific reference to the Kalinago as a stakeholder group for inclusion. Although, it may be argued that the Kalinago Council is considered an NGO and may still fall within the scope of the legislation.

As regards the issue of climate resilience, according to the CRA 2018, CREAD is required to meet with stakeholders at least twice per year to engage in dialogue with, and receive feedback from, civil society, the private sector, and other interested individuals on its work and proposed work plan.⁵⁶

It is also important to note that CREAD is required under the Act to efficiently and effectively carry out its annual operation plan and business plan in accordance with the highest standards of community engagement which involves community engagement in the design, implementation and evaluation of all projects managed by it.⁵⁷ As per the definition of “community engagement”, the Act defines it as “discussions with representatives of Indigenous Peoples, non-governmental organisations, women, persons with disabilities and the elderly”.⁵⁸

FINDINGS

1. There is provision made in existing law (e.g. the CRA 2018) and practice for engagement with a wide range of stakeholders in risk reduction decisions and activities.
2. There is no express inclusion of the DRCS to the Advisory Council under the Draft CDM Bill 2019, although IFRC may be co-opted as member of the Council.
3. There is no specific requirement for the scientific community or academia to be included in the main decision-making bodies under the Draft CDM Bill 2019. This is regrettable having regard to the challenges experienced in the region of lack of data collection and analysis.
4. Although there have been political advances made to promote the inclusion of the Kalinago people in laws and policies concerning them, no express mention is made of them in the Draft CDM Bill 2019.

RECOMMENDATIONS

1. The DRCS should be explicitly named to the Advisory Council based on the auxiliary role it is required to play pursuant to the Dominica Red Cross Society Act, 1983.
2. There should be active engagement with academia to address the often-mentioned dearth of data in the Caribbean. Mandate provisions to include academia and the scientific community in key roles and outline key responsibilities in various levels of activity at national and sub-national levels.
3. Given the need to strengthen the resilience of the Kalinago in matters relating to DRR and CCA, ensure in law and policy that they are adequately represented as a key stakeholder in DRM activities, in particular, the Draft CDM Bill 2019.

Question 9 - Do Dominica's laws adequately address gender considerations and the special needs of particularly vulnerable categories of persons?

Gender mainstreaming has been ongoing throughout Government agencies including in the disaster risk reduction and climate change adaptations spheres in keeping with the international obligations of the Government of Dominica. Additionally, the UNDP and other international organisations have promoted opportunities for women, and special needs groups in climate change initiatives as well as during the rebuilding phase if their homes were destroyed by Hurricane Maria.

The NDP 2001 identifies men, women, children, infirmed, sick, hospitalised, visitors/tourists and non-English speaking persons among those vulnerable to natural and man-made disasters.⁵⁹ Some reference is made to them as being in receipt of welfare in the event of a disaster. Roles are assigned to specified entities to provide for the needs of vulnerable categories of persons.

In the preamble to the CRA 2018, a clear intention to give due consideration to persons who are vulnerable on account of their age, gender or disability is highlighted. Further, the preamble indicated CREAD's commitment to apply principles of gender equality, gender-inclusiveness and community engagement. As mentioned earlier, under the CRA 2018, "community engagement" is defined to include discussions with representatives of Indigenous Peoples, non-governmental organisations, women, persons with disabilities and the elderly. In this regard, CREAD is required to undertake community engagement in the design, implementation and evaluation of all projects managed by it, which includes all the vulnerable groups mentioned in the Act as well as Indigenous Peoples such as the Kalinagos.

In relation to vulnerable or minority persons, the Draft CDM Bill 2019 makes reference to "vulnerable persons" in the heading of Part VI, but there are no actual provisions that address their needs. However, under the Draft Evacuation Regulations 2019, section 9 requires that Disaster Management Committees and in particular the persons with responsibility for evacuation and emergency operation plans, notification protocols, shelter identification, emergency medical care and other emergency response and recovery programmes must develop a relationship with and get to know the special needs demographics of the persons residing within the community including elderly persons and persons with different types of disabilities so they can identify and plan for their medical, communication, transport and other needs. Additionally, section 4 states that all notices of evacuation must state the procedures to evacuate persons with special needs.

Overall, there are no express provisions in law or policy nor within the Draft CDM Bill 2019 that speak to the empowerment of minority groups such as persons with disabilities to become leaders in DRM. Nor

are there clear policies stating that Dominica is seeking to mainstream age or disability-informed DRR or CCA in the same way it is mainstreaming gender.

In interviews with civil society organisations representing vulnerable groups, they revealed that there was a fair degree of engagement between them and the ODM. Most of them report having been trained in some elements of DRM and in the case of the Dominica Association for Persons with Disabilities, they were consulted, with respect to emergency shelter arrangements. It was highlighted during stakeholder consultations that the needs of the elderly are sometimes overlooked and considered as the same as persons with disabilities, when in fact they are different. Therefore, there was a need for public authorities to engage more often with representative groups for the elderly to understand how to better prepare and provide for their unique requirements at emergency shelters and in evacuations.

There is an ongoing project being executed by International Organisation for Migration (IOM) in Dominica to enhance human mobility governance related to climate change in the 6 independent member states of the OECS. Apart from this project, there is no strong evidence of regular engagement between ODM and migrant communities, despite the presence of a sizeable Haitian migrant community on the island.

FINDINGS

1. There has been considerable progress towards gender mainstreaming in various laws and policies e.g. the CRA 2018 emphasizes a commitment to apply principles of gender-inclusiveness and gender equality.
2. Through means of community engagement, the CRA 2018 requires the inclusion of vulnerable groups such as women, persons with disabilities, the elderly and Indigenous Peoples.
3. Though the term “vulnerable persons” is mentioned in the Draft CDM Bill 2019, the Bill fails to meaningfully address their needs in its provisions. However, the Draft Evacuation Regulations 2019 that supports the Bill does refer to the need to consider the special circumstances of the elderly and persons with disabilities in evacuation plans, although there is no mandate to collect disaggregated data on these groups or the establishment of a mechanism in which to do so.
4. In practice, the needs of the elderly are not being considered to the same extent as those of persons with disabilities and their unique special needs may not be understood, planned, and provided for by public authorities.

RECOMMENDATIONS

1. Include express provisions within the Draft CDM Bill 2019 that address the special needs of vulnerable groups and ensure their inclusion in DRM processes and activities.
2. Laws and policies should require disaggregated data (by sex, age, nationality, disability, etc.) on vulnerable groups to better understand who is made vulnerable to which hazards and risks and in what situations.
3. Laws, policies and plans should ensure meaningful (and not just token) engagement of women, minority groups such as the elderly and persons with disabilities with public authorities responsible for promoting DRR.
4. In keeping with the international obligations of Dominica under the Convention on the Rights of Persons with Disabilities, adopt a disability-inclusive approach to DRR and CCA. At the same time, public authorities need to engage more with representative groups for the elderly as they have unique needs and should not all be considered as being in the same category as persons with disabilities.

5. Develop plans that speak in some detail as to how the government will empower minority groups to allow for them to become leaders in the field of DRM and not merely recipients of aid.

Question 10 - Do Dominica's laws include adequate mechanisms to ensure that responsibilities are fulfilled, and rights are protected?

Chapter 1 of the Constitution Order of Dominica 1978 provides protections of citizens' fundamental rights and freedoms.

"1. Whereas every person in Dominica is entitled to the fundamental rights and freedoms, that is to say, the rights whatever his race, place of origins, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely-

a. life, liberty, security of the person and the protection of the law;

b. freedom of conscience, of expression and of assembly and association; and

c. protection for the privacy of his home and other property and from deprivation of property without compensation"

Persons aggrieved by the compulsory acquisition of their property can approach the High Court to seek redress and ensure adequate compensation is received.

The position of Ombudsman is referred to in Chapter IX of the Constitution as Parliamentary Commissioner. "The principal function of the Parliamentary Commissioner shall be to investigate any decision or recommendation made, including any advice given or recommendation made to a Minister, or any act done or omitted by any department of Government or any authority which this section applies, or by officers or members of such a Department or authority, being action taken in exercise of the administrative functions of that department or authority".

As it relates to matters of climate resilience, parliamentary oversight is mandated for CREAD under the CRA 2018. According to section 13(5), the Chief Executive Officer of CREAD is required to report at least once every six months to a Committee of the House of Assembly or a CREAD Parliamentary Oversight Committee established under the Standing Orders of the House of Assembly. Conversely, no such parliamentary oversight is required under the Draft CDM Bill 2019, apart from the report of the audited accounts of the Disaster Management Fund.⁶⁰

The NDP 2001 makes mention of vulnerable systems which include population, facilities, services, information, environment, and economy. All committees have shared responsibilities for ensuring the protection of vulnerable persons and their rights.

Public servants and some professionals (e.g., engineers) can be held accountable under existing structures that are entrenched in law, such as the Public Services Commission that is established under the Constitution. These systems allow for a judicial-type inquiry into their conduct being complained of and empower those who exercise such functions to impose or recommend disciplinary action to be taken against them, subject to appeal to the Public Services Appeal Board in the case of public servants and to the Courts.

The Courts are avenues open to aggrieved citizens for judicial review applications, civil suits for negligence and other torts, and where applicable, criminal prosecutions by Fiat or by the Director of Public Prosecutions.

Some key informants expressed concern over the slow pace with which some judicial bodies that exist to hold professionals accountable for failure to fulfil their responsibilities are staffed, to be able to hear complaints and adjudicate on the matters.

Other informants refer to a lack of enforcement under existing laws and regulations where public officers as well as private citizens are not often held accountable for non-compliance or for failure to fulfil their responsibilities. There was also a public perception that political interference in capital projects may contribute to non-compliance with laws and regulations.

Dominica has ratified the United Nations Convention on the Rights of Indigenous People. While it is yet to draft national legislation to give effect to the Convention, the existing structure of Kalinago Affairs and related protection mechanisms will form part of the eventual domestic laws based on the Convention and will seek to protect the rights of the Kalinago people.

FINDINGS

1. Structures exist under the Constitution and other laws to encourage the fulfilment of responsibilities and to protect the rights of citizens from abrogation by the State. However, some stakeholders were of the view that these general provisions were limited in application to DRR and climate change issues.
2. There is a lack of enforcement in relation to non-compliance of public officers or private citizens to fulfil their responsibilities under laws and regulations.
3. Parliamentary oversight is not required for the DDM under the Draft CDM Bill 2019, however, reporting by CREAD to a parliamentary oversight committee is required under the CRA 2018.
4. While there are well respected protections for the rights of Indigenous people in the country under various policies and the work of the ministry responsible for Kalinago Upliftment, no law to give effect to the United Nations Convention on the Rights of Indigenous People has yet been enacted.

RECOMMENDATIONS

1. Review the Constitution and all other DRR-related laws by which fundamental rights are protected and redress is given, to ensure they include mechanisms to protect rights that relate to DRR such as the right to disaster information.
2. Establish legal and/or administrative sanctions (as appropriate) for public officials, individuals and businesses for a gross failure to fulfil duties. These can be under provisions of civil and/or criminal law.
3. Require in law that public authorities responsible for DRR activities should be subject to parliamentary oversight or other public reporting mechanisms.
4. Prioritize the development and enactment of national legislation to give effect to the Convention on the Rights of Indigenous People.

Conclusion

The devastation brought on by Hurricane Maria in 2017 and the experience of COVID-19 is a harsh reminder of the vulnerabilities that exist within Dominica and the Caribbean region. There is an urgent need to prepare for the unthinkable in the form of compound hazard events that can take a heavy toll on human life, livelihoods and whole economies. Increasing climate impacts are being felt worldwide, particularly so among SIDS, and the findings of the Intergovernmental Panel on Climate Change Sixth Assessment report that these impacts will worsen with every fraction of a degree of warming. This has caused the UN Secretary General to sound an alert for UN Member States to act now before it is too late.

In the face of this climate emergency, national governments and regional agencies such as CDEMA and CCCCC must continue to engage in effective programmes to identify, prevent and reduce risks while seeking greater partnership with the private sector, civil society, and other key stakeholders to advance climate action and bolster access to affordable finance.

In the face of this crisis, the restoration of ecosystems is a means whereby we can secure a healthier planet and region. The current **UN Decade on Ecosystem Restoration** (2021-2030) aims to prevent, halt and reverse the degradation of ecosystems on every continent and in every ocean. It can help to end poverty, combat climate change and prevent a mass extinction. It is building a strong, broad-based global movement to ramp up restoration and put the world on track for a sustainable future.⁶¹ As such, this is a call for SIDS in the Caribbean such as Dominica to place greater emphasis on nature-based solutions such as Eco-DRR and Ecosystem-Based Approaches to accomplish their aims to reduce disaster risk and address the impact of climate change in a sustainable, long-term, cost-effective, and inclusive manner.

In fulfilling these obligations, it is also necessary to highlight the need for more proactive social protection legislation and policymaking around the needs of the elderly, migrants, persons with disabilities, and other vulnerable groups. It cannot be overemphasised that the heaviest burden from disasters tends to fall on those who are already most vulnerable in society. COVID-19 revealed and exacerbated existing inequalities and vulnerabilities of certain sectors of society. These are some of the people groups for whom the impacts of disasters and climate change are felt the most and for whom little is provided by way of policies and laws for the promotion and protection of their rights.

While public officials may be cognisant of gaps and weaknesses within legal and policy frameworks, this awareness should be followed up with concrete actions to strengthen those frameworks and to implement needed solutions to new and existing challenges.

It is hoped that this report will serve not only as a confirmation of previous reports and studies but will provide clear guidelines to governments and policymakers to enable them to bring their legal and institutional frameworks in alignment with international standards such as the Sendai Framework, as well as support public authorities with a pathway for achieving their Sustainable Development Goals.

Appendices

APPENDIX 1

LIST OF DOCUMENTS

Climate Resilience Act, 2018
Climate Resilience and Recovery Plan 2020-2030
Constitution Order of Dominica, 1978 (as amended)
CREAD 2019 End of Year Report
Commonwealth of Dominica Disaster Risk Reduction Country Profile, Office for Disaster Management (ODM), September 2014
Dominica Red Cross Society Act, 1983
Draft Comprehensive Disaster Management Bill, 2019
Draft Early Warning Systems Regulations, 2019
Draft Evacuation Regulations, 2019
Emergency Powers (Disaster) Act, 1987
Growth and Social Protection Strategy 2014-2018
Kalinago Territory Act, 2015
National Disaster Plan, 2001
National Resilience Development Strategy 2030 (NRDS) of 2018

APPENDIX 2

KEY INFORMANTS AND STAKEHOLDERS INTERVIEWED

Adventist Development and Relief Agency
Climate Resilience Execution Agency for Dominica (CREAD)
Dominica Association for Persons with Disabilities
Dominica Business Forum
Dominica Council on Ageing
Dominica Red Cross Society
Geo-Tourism Stewardship Council
Honourable Cozier Frederick, Minister of the Environment, Rural Modernisation and Kalinago Upliftment
The Meteorological Office

ENDNOTES

- ¹ ACAPS Disaster Profile Dominica, January 2018: <https://reliefweb.int/report/dominica/dominica-impact-hurricane-maria-disaster-profile-january-2018>
- ² Global Synthesis Report on law and policies for climate resilience, IFRC, 2021, p. 11
- ³ Ibid.
- ⁴ International Conference on RCRC Movement, (Geneva, December 2019), Resolution 7 on 'Disaster laws and policies that leave no one behind', para. 11 (33IC/19/R7)
- ⁵ Laws and policies that protect the most vulnerable against climate-related disaster risks, IFRC, 2020, p.13
- ⁶ The Checklist on Law and Disaster Risk Reduction, IFRC and UNDP, 2015, p.4
- ⁷ Ibid, p.5
- ⁸ <https://www.preventionweb.net/sendai-framework/sendai-framework-at-a-glance>
- ⁹ United States Committee of the International Council on Monuments and Sites
- ¹⁰ <https://www.cdema.org>
- ¹¹ https://www.cdema.org/cdema_agreement.pdf
- ¹² https://www.cdema.org/CDM_Strategy_2014-2024.pdf
- ¹³ <https://www.caribbeanclimate.bz/>
- ¹⁴ <https://cdema.org/news/1/2184-caribbean-organisations-usaid-sign-mou-to-fight-climate-change>
- ¹⁵ Dr. Joy St. John, CARPHA Director, at Caribbean IDRL Workshop, November 19, 2021
- ¹⁶ <http://www.caribbeanclimate.bz/the-regional-climate-change-strategic-framework-and-its-implementation-plan-for-development-resilient-to-climate-change-us2800000/>
- ¹⁷ <https://www.oecs.org/en/who-we-are/strategic-objectives>
- ¹⁸ <https://www.oecs.org/en/component/sppagebuilder/?view=page&id=576>
- ¹⁹ Ibid
- ²⁰ Ibid
- ²¹ National Climate Change Policy of St. Vincent and the Grenadines, 2019
- ²² Commonwealth of Dominica Disaster Risk Reduction Country Profile, Office for Disaster Management (ODM), September 2014 p 13
- ²³ World Bank estimate, January 1, 2020, <https://data.humdata.org/m/group/dma> (Accessed 29 September 2021).
- ²⁴ 11 Facts about Dominica that will Surprise You <https://www.discoverdominica.com> (Accessed 28 September 2021).
- ²⁵ <https://drmkc.jrc.ec.europa.eu/inform-index/Portals/0/InfoRM/2021/INFORM%20Annual%20Report%202021.pdf>.
- ²⁶ <https://www.emdat.be> (Accessed 5 August 2021).
- ²⁷ Tommaso Natoli, "Integrating CCA and DRR laws and policies towards a climate-resilient development: lessons from The Commonwealth of Dominica", IFRC, Geneva (2021) p 13.
- ²⁸ ACAPS, Dominica: The Impact of Hurricane Maria - Disaster Profile (January 2018).
- ²⁹ Government of the Commonwealth of Dominica, PDNA Post-Disaster Needs Assessment Hurricane Maria September 18, 2017 (2017) xiv and ff.
- ³⁰ Dominica's road to climate resilience by 2023, sponsored by CBI, Government of the Commonwealth of Dominica, 2019
- ³¹ Section 17(3)
- ³² Draft CDM Bill 2019, section 3 – on file with the author.
- ³³ Climate Resilience Act, 2018, section 3
- ³⁴ Global Synthesis Report on Law and Policies for Climate Resilience, IFRC, July 2021, p.17
- ³⁵ The National Emergency Planning Organisation, National Disaster Plan 2001, p 11.
- ³⁶ Draft CDM Bill 2019, section 56 – on file with the author.
- ³⁷ Growth and Social Protection Strategy 2014-2018, p 65
- ³⁸ CRA 2018, section 16

- ³⁹ Global Synthesis Report on Law and Policies for Climate Resilience, IFRC, July 2021, p.26
- ⁴⁰ The Guide was developed in collaboration with the UNDP, Engineers Without Borders, the World Bank and China Aid.
- ⁴¹ Guide to Dominica's Housing Standards, Ministry of Planning and Economic Development, Dominica, 2018, p.3
- ⁴² The indigenous Caribs (Kalinago) who are a minority in Dominica are unique in being the last community in the Caribbean that claims direct descent from the indigenous Kalinago who originally populated the entire region before the arrival of European colonizers. See: <https://www.refworld.org/docid/49749d2f2.html>
- ⁴³ Formerly the Carib Reserve Act, 1978
- ⁴⁴ Nature-based Solutions (NbS) are defined by IUCN as "actions to protect, sustainably manage, and restore natural or modified ecosystems, that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits". See: <https://www.iucn.org/commissions/commission-ecosystem-management/our-work/nature-based-solutions>
- ⁴⁵ Global Synthesis Report on Law and Policies for Climate Resilience, IFRC, July 2021, p.34
- ⁴⁶ Draft CDM Bill 2019, section 50(2)(ii) – on file with the author.
- ⁴⁷ Ibid, section 7(o)
- ⁴⁸ Common Alerting Protocol (CAP), a smartphone-based initiative for EWS that is being used in the OECS region.
- ⁴⁹ Section 35
- ⁵⁰ Section 7(l)
- ⁵¹ <https://www.undrr.org/caribbean-safe-school-initiative-cssi#ab-dd>
- ⁵² NDP 2001, p.55
- ⁵³ Draft CDM Bill 2019, section 7(i) and (j) – on file with the author.
- ⁵⁴ Ibid, section 10(1)(b)
- ⁵⁵ Ibid, section 28(1)(h)(ii)
- ⁵⁶ Section 11(3)(c) – CRA 2018
- ⁵⁷ Ibid, section 11(2) and (3)(a)
- ⁵⁸ Ibid, section 2
- ⁵⁹ The National Emergency Planning Organisation, National Disaster Plan 2001, p 15.
- ⁶⁰ Section 59(3)
- ⁶¹ <https://www.decadeonrestoration.org>

THE FUNDAMENTAL PRINCIPLES OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

Humanity

The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

Impartiality

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality

In order to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence

The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary service

It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity

There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality

The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.



The International Federation of Red Cross and Red Crescent Societies (IFRC) is the world's largest humanitarian network, with 191 National Red Cross and Red Crescent Societies and around 16 million volunteers. Our volunteers are present in communities before, during and after a crisis or disaster. We work in the most hard to reach and complex settings in the world, saving lives and promoting human dignity. We support communities to become stronger and more resilient places where people can live safe and healthy lives, and have opportunities to thrive.

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