

Background Report
Law and Regulation for the Reduction of Risk from Natural Disasters
in St Lucia
A National Law Desk Survey
September 2012

Acknowledgements

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Law and Regulation for the Reduction of Risk from Natural Disasters in Saint Lucia: A Desk Survey

Executive Summary

The Disaster Risk Reduction legislative and policy framework of Saint Lucia operates as a complex web of infrastructure linking a range of legal, policy and regulatory instruments. The Disaster Management Act 30 of 2006 is the key legislation from which the National Disaster Management Plan derives its force, however because it was designed to direct the formulation of a National Emergency Organisation, its provisions are broad. It is applied through a network of Committees and is reliant on various governmental departments for implementation. By necessity therefore, a large body of supplementary policy documents have been approved to apply the DRR strategy. These policies also build upon existing provisions in earlier legislation adapting them to suit the requirements of the DRR plan.

Consequentially, the Disaster Management Act cannot be read as an all-inclusive legal document, but is rather the legislative insertion of a mandate spread over other institutional bodies, laws and guidelines. This paper provides a report on the legislative, organisational and procedural measures which Saint Lucia has adopted in order to reduce its vulnerability to emergency situations.

Different Ministries have assumed responsibility for different elements and different levels of disaster management, navigating interlinked DRR positions alongside management of their primary functions. Delegation of roles to inspect, regulate, enforce and inform have been spread across the government agencies, the Ministry of Health and Department of Fire assume roles for regulating planning development which is the ambit of the Ministry of Physical Planning. Conducting examination of the legislation connecting these activities revealed that whilst many pieces of DRR related legislation already existed in the official ministerial documents, their provisions are very broad and do not always comfortably fit with the requirements of more specific DRR tasks. In many instances their legal guidelines need to be clearer to permit operational certainty and fairer enforcement of breaches.

The institutional frameworks that apply to support the living standards of St Lucia (such as constitutional guarantees, property, water) often contain provisions which are relevant to DRR but contain inadequate assessment criteria for DRR effectiveness. It is important that where empirical judgements need to be made, that information should be regulated and made available.

It is clear from examining the rules, regulations and policies adopted by the Saint Lucian Government that there is a strong commitment towards improving their approach to Hazards and living standards of its inhabitants, however the legislation is largely silent on community participation in such mechanisms, the policies also tend to make general statements about inclusivity. Many of the policies and draft legislation originate from international bodies such as the Caricom Secretariat or the World Bank; there is little evidence of community consultation which improve the process.

Finally, although topics related to man-made hazards are touched upon, the focus of this research is principally focused upon Natural Hazards. The research has been conducted via desk based methods; therefore its scope by necessity only extends to commentary of the legislation and not its application. This report with its attached legal documentation is intended to be a helpful resource to researchers undertaking additional analysis of Saint Lucian Law and it is hoped that it will provide a useful input to a Global Synthesis project compiling and comparing DRR legislation on a world-wide scale.

List of abbreviations

CARICOM	Caribbean Community
CDERA	Caribbean Disaster and Emergency Response Agency
CDM	Comprehensive Disaster Management
DM	Disaster Management
DMA	Disaster Management Act no. 30 of 2006
DMP	Disaster Management Policy
DRR	Disaster Risk Reduction
HFA	Hyogo Framework for Action 2005-2015
NEMO	National Emergency Management Organisation
WASCO	St Lucia Water and Sewage Company

1) Introduction

The focus of this study is Disaster Risk Reduction, the process by which infrastructure may be developed to manage and risks associated with disasters. For the purposes of this study Disaster Risk Reduction is defined as ‘the concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.’¹

The aim of this National Law Desk Survey is to provide country level information for the IFRC and its partners in compiling a Global Synthesis Study on DRR and legislation. The information gathered has the objective of identifying and analysing relevant laws, regulations, decrees and their implementing policies and guidelines of the subject country.

This paper is a ‘desk survey’, carried out using only online and library sources to answer a pre-set list of questions. In St Lucia there is a main Disaster Management legislation, however other legal and policy instruments are relevant to the Disaster Management Framework.

The research questions take account of the priorities on disaster risk reduction contained in the Hyogo Framework for Action 2005-2015 (HFA). The HFA priorities focus on the need to:

1. Ensure that disaster risk reduction (DRR) is a national and a local priority with a strong institutional basis for implementation, including through “policy, legislative and institutional frameworks”

¹ United Nations Office on Disaster Risk Reduction Terminology list available at <<http://www.unisdr.org/we/inform/terminology>>

2. Identify, assess and monitor disaster risks and enhance early warning
3. Use knowledge, innovation and education to build a culture of safety and resilience at all levels
4. Reduce the underlying risk factors
5. Strengthen disaster preparedness for effective response at all levels
6. capacity building & technology transfer

For the purpose of this study, 'Law and regulation' refers to acts of parliament or legislation, Cabinet Approvals, and any regulations, decrees or similar rules made under such laws, as well as their implementing policies and guidelines. This paper concentrates on these primary sources to describe and analyse the text of the law and regulation concerning DRR and its different aspects, however where primary have been difficult to find, authoritative secondary sources have been consulted, these will be referenced as appropriate.

2) Summary of Main Natural Hazards and Risks in Saint Lucia

St Lucia is an island situated in the Caribbean, between the Caribbean Sea and North Atlantic Ocean. It has a surface area of 539 km² and has an approximate population of 172,000 (2009)². Its capital is Castries. The climate is humid and tropical with mean annual temperatures ranging from 26 °C (78.8 °F) to 32 °C (89.6 °F) at sea level and drop to an average of 13 °C (55.4 °F) in the mountain peaks. St Lucia is vulnerable to a selection of natural and man-made hazards.

Historically, hurricanes, storms and flooding have been the most frequent hazards to affect Saint Lucia. Notably Tropical Storm Debbie in 1994, the Tropical Wave of October 1996 and Tropical Storm Lili in 2002 caused widespread, economic, social and infrastructural damage to the country. Flooding has also been of major concern particularly in low-lying areas and coastal villages. By virtue of its geographical location, Saint Lucia is also susceptible to earthquake (seismic) hazards. Many of the tremors have been insignificant; however, strong shocks of magnitude 7.5 have been recorded. Although its last major eruption was 200 years ago, the Soufriere Volcano has the potential still to cause violent and destructive eruptions causing serious damage to life and property. The climate of St Lucia also exposes it to the risks of slow onset hazards such as Droughts which have resulted in deterioration in agricultural productivity, loss of biodiversity and issues in water regulation.³

The onset of climate change means that these hazards may cause further damage in the future unless mitigated through a legislative and policy framework. The Caribsave Climate Change Risk Atlas produced a 'Climate Change Risk Profile for Saint Lucia'⁴ undertook a climate modelling analysis and predicted that

² UN Data Country Profile St Lucia: <http://data.un.org/CountryProfile.aspx?crName=Saint%20Lucia>

³ Hazard Mitigation Policy (July 8th 2006), Cabinet Conclusion 649/2007 (2 August, 2007)

⁴ THE CARIBSAVE CLIMATE CHANGE RISK ATLAS (CCCRA), *Climate Change Risk Profile for*

St Lucia would suffer from: an increase in average atmospheric temperature; reduced average annual rainfall; increased Sea Surface Temperatures (SST); and the potential for an increase in the intensity of tropical storms.⁵

In order to address these disasters with a holistic approach, St. Lucia has established a Comprehensive Disaster Management framework authorised by the adoption of the Disaster Management Act No. 30 of 2006, developing a strategic approach to hazard mitigation, preparation and responses. This National Desk Survey on the country profile of laws and regulations for the reduction of risk in natural disasters will hopefully provide background knowledge for further research into the disaster risk management law and policy in St. Lucia.

Saint Lucia, March 2012 available at <http://caribsave.org/assets/files/CCCRA%20Final%20Documents/FINAL%20Full%20Risk%20Profile%20CCCRA%20-%20Saint%20Lucia.pdf>

⁵ THE CARIBSAVE CLIMATE CHANGE RISK ATLAS (CCCRA), Climate Change Risk Profile for Saint Lucia, March 2012 (p. xx)

3) Governmental & Law-making structure

St Lucia is a constitutional monarchy and parliamentary democracy. Queen Elizabeth II is the present Head of State and she is represented by a Governor-General who acts as her representative within Saint Lucia. The Governor General exercises largely ceremonial functions, but has discretionary residual powers under the constitution.

The Parliament is the highest authoritative body and consists of The bicameral Parliament consists of the elected House of Assembly and the Senate. Following legislative elections, the leader of the majority party or the leader of a majority coalition is usually appointed Prime Minister by the Attorney General.

Members of parliament have the right to propose legislation. As in most parliamentary systems before any government policy becomes law, it must first be written out as a Bill, or draft Act. That Bill has then to pass through different stages in Parliament and then given Royal Assent to become an official Act of Parliament. Even as the Bill upon assent becomes an Act of Parliament, it only comes into operation when it has been published in the Official Gazette.⁶

Though the constitution makes reference to local government, it contains no specific provisions or protection, in practice Local elections were suspended in 1979, and since then, the functions and responsibilities of local government have been discharged by centralised authorities since 1980. To all extents and purposes therefore, law is regulated at a centralised national level in Saint Lucia.⁷

⁶ St Lucia Parliament document: How is a bill passed into Law available at:
<http://www.stluciaparliament.com/how-is-a-bill-passed-into-law>

⁷ Commonwealth Local Government forum report: St Lucia Country Profile
Available at <http://www.clgf.org.uk/userfiles/1/files/St%20Lucia%20local%20government%20profile%202011-12.pdf>

The legal system is based on English common law and "Code Napoleon" therefore it has a civil code (incorporating Acts of Parliament), a common law system and Constitutional law. The highest judicial body is the Privy Council of the United Kingdom. Both common law and statute law govern St. Lucia. The lowest court is the district or magistrate's court, above which is the Court of Summary Jurisdiction. The Eastern Caribbean Supreme Court sits the High Court and the Court of Appeals. In exceptional cases appeals were carried to the UK Privy Council.

The hybrid nature of St Lucia's legal system makes interpretation of the civil code and common law extremely complex. Whilst Constitutional law sits at the highest level of legislation, when conflicts arise between the civil and common law code, often only judicial discretion may determine.

This complication was demonstrated in the case of *Spiricor of St Lucia Ltd v AG of St Lucia and Another*⁸ where the Court of Appeal had to choose between conflicting provisions in relation to the ownership and registration of land: under Articles 957 and 1382 of the Civil Code and the other under the newly enacted Registered Land Act 1984.

Byron CJ held that the 1984 Act had made 'significant changes to the regime of land registration and ownership. The most important is that the transfer of land, contrary to the provisions of the Articles 957 and 1382 of the Civil Code, is no longer based on the consent of the vendor but on the completion of the registration process.'⁹¹⁰

For the purposes of clarity, this report will primarily focus upon Civil law provisions of Acts enacted through Parliament.

⁸ *Spiricor of St Lucia Ltd v AG of St Lucia and Another*, JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL, 1st December 1999 [Privy Council Appeal No. 10 of 1998]

⁹ *IBID* p.29

¹⁰ Case example taken from: Rose Marie Belle Antoine, 'Commonwealth Caribbean Law and Legal Systems', 2nd ed. 2008, Routledge Cavendish Publishing Limited p63

4) Law and Regulation for Risk Reduction in Natural Disasters - Research Questions for National Law Desk Surveys

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1. Background information

Using secondary and legal sources, identify and describe briefly in the table below the governmental structure of the subject country to assist readers understand how the different levels of law and regulation relate to each other.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralisation of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralisation.			
1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)?	Local Government Ordinance 1947 Castries Corporation Act 1967		There are 2 levels of government in St Lucia: Central and Local. Though the constitution makes reference to local government, it contains no specific provisions or protections in relation to it. There are 13 administrative divisions, known as 'quarters', and one city. The 13 quarters comprise three town councils, six village councils and four district councils.
2. Is there a separate law on decentralisation of government functions? How does it decentralise? For example, does it establish new institutions or delegate powers to provincial/local government?			Local elections were suspended in 1979, and since then the Ministry of Physical Development, Housing, Urban Renewal and Local Government is responsible for the nomination of all councils. The functions and responsibilities of local government have been discharged by centralised authorities since 1980. The MPDHURLG is currently reviewing the Local Government Ordinance 1947 in an effort to establish a governing instrument that is appropriate to a new system of local government in St Lucia.
3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters?	The Disaster Management Act No 30 of 2006		After 1990 there was an Office of Disaster Preparedness being run by a National Disaster Coordinator. The Disaster Management Act No 30 of 2006 On 5 th December, 2009 the National Response Centre at Biseé was

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>formally opened and blessed. The building together with a five year Strategic Plan for Disaster Management set a new platform for Disaster Management in Saint Lucia.</p> <p>The National Emergency Management Organisation (NEMO) in Saint Lucia is responsible for preparing the state for an emergency, for responding to the needs of the Nation should such an event occur.</p> <p>It is formed from a collection of governmental, non-governmental, faith and civic society based organisations. During an event NEMO is part of a larger network that is triggered by the instance of a disaster.</p>
4. Is this country a member of any regional organisation(s) that make(s) regulations or agreements or issues guidelines for member states that could impact on disaster management or risk reduction? Is so, please name the organisation(s).			<p>Applicable international Treaties</p> <p>Articles Establishing the Caribbean Disaster Emergency Management Agency (CDEMA) [replaces 1991 articles (CDERA)] [replacing the Pan Caribbean Disaster Preparedness and Prevention Project (established in 1981)]</p> <p>Association of Caribbean States - Agreement to Create the Special Committee on Natural Disasters</p> <p>International Ship and Port Facility Security Code (ISPS Code)</p>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>Memorandum of Understanding between International Federation of Red Cross and Red Crescent Societies and United Nations Office for the Coordination Of Humanitarian Affairs in regards to the International Federation assuming a Leading Role in Emergency Shelter in Natural Disasters</p> <p>St George's Declaration of Principals</p> <p>United Nations Convention on the Law of the Sea of 10 December 1982</p> <p>Membership of international organisations relevant:</p> <p>Organisation of American States United Nations The Commonwealth of Nations The Caribbean Community (CARICOM) Organisation of Eastern Caribbean States (OECS).</p>

2. Institutional frameworks, resourcing and community participation in DRR:

The aim is to identify laws that establish the governmental institutions and structures relevant to DRR, and which set out their mandates, and resource allocation mechanisms, including the extent of involvement of communities and civil society. These may include specialist disaster management institutions, bodies established to implement the Hyogo Framework for Action, or authorities charged with planning for adaptation to climate change, as well as government bodies responsible for planning and oversight, public administration at all levels, land use planning, building controls, environmental management, and telecommunications. However, to avoid repetition, the sectoral institutions are not included in this question but are part of the data requested in the section on reducing underlying risks.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Part One. Disaster Management Law & Institutions			
The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian response).			
A. Disaster Management Institutions			
5. Is there a national disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe.	Disaster Management Act no 30 2006 Emergency Powers (Disasters) Act No. 5 of 1995 Other legislation also incorporates elements of disaster risk management.		The National Emergency Management Organisation (NEMO) is responsible for disaster management at the national level. This is part of the wider Comprehensive Disaster management plan as conceptualised by the Caribbean Disaster Response Agency as a comprehensive approach which incorporates disaster mitigation. It is formed out of a collection of government, non-governmental, civil society and faith based organisations. NEMO is structured according to three tiers: the National Emergency Management Advisory Committee, National and District Disaster Committees and the NEMO secretariat which co-

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			ordinates these efforts and organises their collaboration.
6. Is there also a national disaster management policy? Is this established by a law? Provide details.	<p>Disaster Management Policy Framework for Saint Lucia, August 24, 2004</p> <p>Cabinet Conclusion No. 1151/2009 (24 September, 2009)</p>		<p>The NEMO secretariat produced a document outlining the policy framework for the St Lucia disaster management program. This was approved by the Cabinet as part of the NEMO plan.</p> <p>Broadly speaking the policy sets out an approach which sets out its overall objectives as: minimising human suffering, reducing economic losses, protecting the integrity of the terrestrial and marine environments and reducing loss and damage over the short and long term.</p> <p>The strategy for doing so</p> <ol style="list-style-type: none"> 1. Provide an enabling environment for disaster management. 2. Promote proactive comprehensive disaster management through risk reduction programmes. 3. Improve Saint Lucia's ability to manage emergencies or disasters and their consequences in a coordinated, efficient and effective manner. 4. Promote integrated and coordinated disaster management through partnerships between different stakeholders and through cooperative relations between all sectors of government. 5. Ensure that adequate financial arrangements are in place. 6. Outlining the general terms for sourcing external assistance in times of disaster. 7. Promote disaster management training and community awareness.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
7. Is the DM law a national law applicable throughout the territory of the subject country? If so, does it establish an integrated national system with elements at provincial, local and/or community level?			Yes The DM law is both national and integrated with different governmental and non-governmental bodies which exist at national and district levels.
8. Are there separate provincial or local DM laws? Are these connected with the national DM law in any way? e.g., is there a hierarchy of laws between them, or a common institutional structure?			No The DM law does not distinguish between the applicable laws at national and district levels; there is a hierarchy of institutions but not a hierarchy of laws.
9. Does the DM or other law establish one or more specialist DM institutions? What are they (i.e. what are their names and what type of body are they) and what are their mandates?			The DM established an infrastructure of Specialist DM institutions. The NEMO secretariat was set up to co-ordinate all of the disaster management activities, harmonising the individual responses between the different agencies to prevent duplication of effort and improve efficiency. The National Emergency Management Organisation is part of a larger network that collectively operates for the purposes of DM in St Lucia. National Emergency Management Advisory Committees have also been set up as specialist committees whose composition is determined by the kind of disaster they must respond to.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			National and District Disaster Committees
10. Does the DM policy use the same or different implementing institutions from the DM law? Describe.			The same.
11. Does the DM law or other law deal with: a. Disaster response? b. Disaster preparedness? c. Disaster mitigation and prevention? d. Disaster risk reduction (DRR)? e. If it includes DRR, how is it defined? (include definition)			The disaster management infrastructure deals with aspects of disaster response, preparedness, mitigation and prevention.
12. Does the DM law (or any other law) or policy allocate DRR responsibilities in one or more government ministries? If so, which ministries? Describe their allocated roles.	Disaster Management Act 2006 Fourth schedule		The DM law largely focuses upon the creation, responsibilities and mandate of the National Emergency Organisation. The NEMO secretariat is responsible for the co-ordination of the disaster management efforts. These Disaster risk reduction activities are carried out by a range of ministries including : The Police - enforcement The Fire Department – enforcement, inspection, emergency response The Ministry of Health – inspection, emergency response

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>The Ministry of Finance –planning, resources</p> <p>The Ministry of Public Service – planning, resources</p> <p>The Ministry of Foreign Affairs – co-ordinating international efforts and projects</p> <p>The Ministry of Planning – inspection, regulation of planning and engineering, allocation of land, clearing of land</p> <p>The Ministry of Tourism – inspection</p> <p>The Ministry of Agriculture - inspection, regulation of planning and engineering, allocation of land, clearing of land</p> <p>The Social Transformation - education</p> <p>The Meteorological Services - monitoring</p>
<p>13. Does the DM law or policy prescribe a role in DM institutions for civil society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>			<p>The DMP policy does mention involvement with civil society however it is unspecific as to their roles .</p>
<p>14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p>			<p>The Director General of the St Lucia Red Cross is listed as one of the members of NEMO in the DMA, however his role is undefined.</p> <p>Within the DM Policy it states that the Government will support and maintain the necessary administrative arrangements to allow for the full participation of residents in DM activities including supporting the disaster management related activities of the Saint</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
c. Municipal/local?			Lucia Red Cross and all other service organizations. Its role on the whole is undefined by either Policy or Law.
15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At what levels does the law provide for women's participation in DM institutions? a. National? b. Provincial/state? c. Municipal/local?			No
16. Does the DM law or policy prescribe a role in DM institutions for communities? If so, how defined and what is the role? Does it specify any mechanisms to ensure a voice for all elements of the community in DRR, e.g. a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities?			No

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
d. Socially isolated groups and the very poorest people?			
17. Describe the main differences in the scope of the DM law and the DM policy concerning prevention and disaster risk reduction.			As stated in Q6 above, the law provides the authority for the policy, whilst the policy is more specific on the provisions of the DM law, their scope is not substantially different.
18. Does the DM law or policy, or other legislation, provide for oversight mechanisms on DRR implementation, including reporting and/ or parliamentary oversight?	DMA 2006 DM Policy 2009 Risk Management Benchmarking tool	3(a) 10 P16	The Director of NEMO is tasked to review and appraise the various programmes and activities of the government and make recommendations. He must also prepare an Annual report related to mitigation of, preparedness for and recovery from emergencies and disasters. All national level contingency plans are supposed to be updated annually This was a program developed to evaluate risk to and from disasters
B. Hyogo Framework for Action & Climate Change Institutions			
19. Does legislation establish any institutions (including committees), or allocate to an existing body, implementation of the Hyogo Framework for Action? What institutions? What are their designated roles in DRR?			No

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
20. Does legislation establish any institutions (including committees), or allocate to an existing body, planning and implementation for adaptation to climate change? What institutions? What are their designated roles in DRR?			No
21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are their mandates complementary or do they overlap? Describe.	National Environmental Policy and Environmental Management Strategy 2005 National Hurricane Plan appendix		There are no explicit separate implementation mechanisms for the Hyogo framework however, climate change considerations are incorporated into various parts of the disaster policy and plans e.g. the National Hurricane Plan mentions climate change in the Engineering Guidelines.
C. DRR priority and resource allocation in government			
22. Does the budgetary process provide for any dedicated budget line items for DRR and/or minimum percentages for DRR expenditure by government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed?			No
23. Is there a budget allocated to DRR at provincial/state level (if relevant)? How is this prescribed?			No

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
24. Is there a budget allocated to DRR at municipal or local level? How is this prescribed?			No

Part Two. Responsibility, accountability and liability for natural disaster risk reduction

The aim is to identify relevant constitutional or other guarantees that may underpin government responsibility, liability and affected persons’ rights to compensation. These may include rights to: safety /life; not to be discriminated against; protection of livelihoods; health; compensation; and to information relevant to DRR. One specific issue on the question of liability, is whether governments are liable for failure to prevent natural disasters affecting the population, including for failure to warn, or for making an erroneous warning. A second, related, issue is whether private individuals are liable for damage caused to others from their property during natural disasters, or for faulty advice/warnings given. A third element is whether there is any system of compulsory insurance against the effects of natural disasters.

A. Constitutional Rights & Guarantees for the Population

<p>25. Are there any guarantees in the constitution or another law relating to individual or collective rights that may underpin government responsibility or liability, and affected persons’ rights to compensation for damage from natural disasters? If so, do these relate to:</p> <ul style="list-style-type: none"> a. DRR in general? b. Safety /Life c. Right to Food? d. Right to adequate shelter or housing? 	<p>Constitution of St Lucia, Statutory Instrument 1978 No. 1901 (U.K.), Schedule 1 .. in force 22 February 1979 Amended by Act 17 of 1980 in force 26 September 1980; revised edition December 2001</p>		<ul style="list-style-type: none"> a) no b) yes generally: Chapter 1(2) c) no d) no e) yes Chapter 1 Art 13 provides Protection from discrimination on the grounds of sex, race, place of origin, political opinions, colour or creed. f) no g) yes: Chapter (1) Article (6)(2)(d) and Emergency powers Act 1995 (5) which provide for compensation for property which has been appropriated in the event of an emergency or the national interest.
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2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> e. Non-discrimination, (and other relevant civil and political rights)? f. Livelihoods, Health (and other economic, social and cultural rights)? g. Compensation for losses due to natural disasters? h. Information? 			h) no
<p>26. Do the above constitutional or other guarantees give residents any personal right of action against the state if the government breaches these rights? E.g. access to a constitutional court, or a claim in a human rights court or tribunal? If so, explain how the law enables this to occur, and who has the right to make such claims. E.g.</p> <ul style="list-style-type: none"> a. Is it an individual or a collective right? b. Can claimants represent themselves? c. Are there costs that mean the poorest people cannot access the remedy? d. Are there financial limitations on any such claims (minimums or 	Constitution of St Lucia, Statutory Instrument 1978	Articles 6, 8, 16	<p>Articles within the Constitution which directly refer to personal right of action against the State are:</p> <p>Article 6(2) Every person having an interest in or right over property that is compulsorily taken possession of or whose interest in or right over any property is compulsorily acquired shall have a right of direct access to the High Court.</p> <p>Article 8 guarantees individuals to the 'secure protection of the law' in respect of criminal proceedings which includes the right to fair trial and access to information.</p> <p>Article 16 concerns enforcement of the protective provisions within the constitution. It sets out the right of individuals to apply to the high court, the jurisdiction of the High Court to hear cases, the right of referral to the High Court by any lower court, the right of appeal from the High Court (Now the Eastern Caribbean High Court).</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
maximums)?	Civil Procedure Code 2000 Legal Aid Act, St Lucia, no 30. Of 2007	Rule 63	<p>a) The constitution provides for individual rights</p> <p>b) Yes. Rule 63 of the Civil Procedure Code 2000, sets out the procedure by which an individual may choose to be a 'party acting in person'</p> <p>c) Yes there are court costs. However St Lucia has a legal aid system which may be applied to for both civil and criminal cases.</p> <p>d) The application for Legal aid is decided by the disposable, income and capital of the claimant, if they have a disposable income or capital of over 2000 dollars, they may have to contribute to the costs of their litigation. There is however, no defined upper or lower limit for which costs may be claimed.</p>
B. Liability & Insurance			
27. Does legislation (including case law, where applicable) make government agencies liable for failure to prevent natural disasters affecting the population?	Not specifically, only failure to fulfil their duty. Criminal Code 2004 arts. 106-107 Crown Proceedings Act UK 1947		<p>There is no specific legislation which sets out governmental liability for failure to prevent natural disasters from affecting the population, however there are legal documents which indicate civil or criminal liability where an individual has failed to act in accordance with his duties i.e. The Criminal Code 2004 arts 106-107 set out the individual crime of failing to prevent harm if an individual is under a duty to do.</p> <p>The Crown Proceedings Act provides for civil liability to be</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			attached to the crown. This Act allows for breaches of tort, statutory duties and common law. Under Section 2(3) of the Act, it states that where an officer commits a tort when performing their official duties, the crown will be liable.
28. Are government agencies liable for failure to warn or for making an erroneous warning of natural disaster? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?			<p>No. There is no specific provision stating liability for failure to warn or making an erroneous warning, however a failure to act or making an erroneous warning could result in tortious liability.</p> <p>Legal redress would be through application to the Eastern Caribbean High Court. This is an individual and collective right.</p> <p>See Q27.</p>
29. Do government agencies that fail to warn or make an erroneous warning have legal immunity? If governments have immunity from liability, how extensive is this and/or how and where in law is it defined? Does it apply to all levels of government?			<p>No</p> <p>See Q27</p>
30. Are private persons (individual or corporate) liable for faulty disaster-related advice or warnings given? Does this apply to volunteers? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to	Disaster Management Act 2006	Art 25 (5)	<p>Yes</p> <p>Private individuals may be liable for faulty disaster-related advice: depending on the seriousness of the offence this can be both civil and criminal.</p> <p>A Volunteer who exercises the duties assigned to them (in respect of the DMA 2006) in good faith is not liable for injury to persons or</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
seek redress? Are these individual or collective actions, or both?			loss to property caused as a result of these duties. There are no specific mechanisms listed for this offence, however redress may be sought through filing a claim at the Eastern Caribbean Court.
31. Are private persons (individual or corporate) liable for damage caused to others from their property during natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?			Yes. See Q31.
32. Is there any system of compulsory insurance against the effects of natural disasters? If so, how is this established by law and what are the main elements of the scheme?			No.

3. Early warning and reduction of underlying risk factors through regulation

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if relevant)? Such regulations may include some specific laws on rapid-onset disasters – Part One – such as fire regulations and fire service, as well as building codes (e.g. earthquake, fire, hurricanes/cyclones), land zoning and land use planning regulations (e.g. flood plain exclusions, unstable land) , disaster management / civil protection laws, and environmental management laws concerning rivers and forests (flood mitigation, erosion prevention against landslides and floods). There may be similar or a different range of laws concerning slow-onset disasters such as drought and other food security issues – Part Two. There may therefore be some overlap with the subsequent sections, but the main aim of Parts One and Two of this section is to identify which risks have separate regulation in the subject country, and in which laws.</p>			
<p>Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation</p>			
<p>A. Cyclones, tornadoes, or storms?</p>			
<p>33. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	<p>Policy plan: Hurricane Response Plan approved by Cabinet Conclusion 467/2007 (2 August 2007)</p>		<p>No The Disaster Management system of St Lucia largely derives its authority from the Disaster Management Act 2006 which acts as the authority for the establishment of the system. There are however specific guidelines, policy documents and plans in respect of this hazard.</p>
<p>34. Does this law specify how management of this risk is financed? If so, describe.</p>			<p>No. The funding for Disaster Management in St Lucia comes from a variety of sources, this. The Saint Lucia Hurricane Plan 2002 was created with funding from the World Bank/OECS Emergency Recovery and Disaster Management Project.</p>
<p>35. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk?</p>			<p>No</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>b. failure to take preventive action including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>36. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>No. The National Hazard Mitigation Council has responsibility for co-ordinating government programs for vulnerability reduction, fostering scientific and engineering endeavours to close gaps in knowledge, develop measures for the assessment, prediction, prevention and mitigation of natural disasters and to prepare the St Lucia National Hazard Mitigation Plan.</p> <p>The Policy Framework indicates that when an emergency occurs, the National Emergency Management Organisation (NEMO) Secretariat transforms into the National Emergency Operations Centre which is then responsible for distributing information as well as co-ordinating the disaster management strategy.</p>
<p>37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p>			<p>No</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
<p>38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			<p>No. The Disaster Management Policy Framework for Saint Lucia (2004) sets out the early warning system as being the responsibility of the Saint Lucia Meteorological Services which is comprised of:</p> <ol style="list-style-type: none"> 1. Satellite Imagery Reception: A GVAR Meteorological Satellite Receiving System is currently in operation at the Hewanorra Met Office. Images from the system are extremely important to weather forecasters in analysing and diagnosing weather systems. 2. Local Flood Warning System: This system consists of fourteen Automatic Weather Stations (AWS) equipped with rain gauges deployed at strategic locations around the island. The AWS report via VHF radio to base computers at the two local Met Offices and alarms are triggered when certain thresholds in rainfall intensity are reached. 3. Local Observational Network: This network consists of two manned weather stations, the Local Flood Warning System (described above) and the HAM Radio Weather Network which comprises four AWS deployed to the north, south, east and west of the island. 4. Communications Channels: These channels provide the Met Service with alternate means of acquiring meteorological data and information as well as means for disseminating critical weather

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>bulletins, warnings and advisories. The main communication channels are: Internet, Phone, Fax and HF Radio.</p> <p>The Ministry of Physical Development is responsible for conducting projects regarding vulnerability mapping, including the identification on maps of vulnerable elements and key response facilities.</p> <p>Though parts of the early warning system may involve private individuals and companies, there is no community involvement specifically referred to in the policy, legislation or plans.</p>
<p>39. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ol style="list-style-type: none"> Assist in the design of local and community EWS? Establish or maintain EWS? Provide information for the EWS? Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			<p>No</p>
<p>B. Earthquake/Tsunami?</p>			
<p>40. Is there a specific law about this hazard (i.e. not the main DM law)? If</p>			<p>No</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Policy Plan: Earthquake Contingency Plan; Cabinet Conclusion 649/2007 (2 August 2007)		See Q 34.
41. Does this law specify how management of this risk is financed? If so, describe.			No
42. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			No
43. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			No See Q 34.
44. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
<p>45. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			See Q.39
<p>46. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological 			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
or seismological data and analysis)?			
C. Fire?			
47. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	<p>Forest Soil and Water Conservation Act (1946)</p> <p>National Conservation Authority Act (1999)</p> <p>Land Conservation and Improvement Act (1992)</p> <p>The Waste Management Act (No. 8 of 2004)</p> <p>Wildfire Management Plan; Cabinet Conclusion 1151/2009 Authorised the 2007 National Emergency Plan for St Lucia</p>	Sec.17 (c)	<p>A number of pieces of legislation deal with the management of the risk of fire. These include:</p> <p>It is unlawful to kindle, keep or carry any fire on crown lands without the permission of the Chief Forest Officer.</p> <p>It is unlawful to do anything likely to cause damage to a beach or protected area.</p> <p>A protection order may be issued by the Land Conservation Board to prohibit, regulate, and control the lighting of fires and the burning of vegetation.</p> <p>Requires that the unauthorized burning of waste is illegal</p>
48. Does this law specify how management of this risk is financed? If so, describe.			No
49. Does this law attribute liability for damage caused by:			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			
<p>50. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			No
<p>51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? 			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
d. Socially isolated groups and the very poorest people?			
52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			<p>Alongside the monitoring of weather conditions (see Q.39 for more details), the Wildfire Management Plan sets out four operational phases:</p> <ol style="list-style-type: none"> 1. Warning Call Out Procedures and Notification. 2. Alert at the National Emergency Operations Centre (N.E.O.C.) and incident site 3. Plan Activation 4. Debriefing, analysis and deactivation <p>The first phase is that: Anyone sighting a wildfire should call the nearest Fires station, National Emergency Management Organization, Police station or Forestry Department. It is clear that some community involvement might occur in this process.</p>
<p>53. If communities are involved in EWS, does this law provide that they:</p> <ol style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio 			<ol style="list-style-type: none"> a. No b. No c. If an individual has reported a fire, the person taking down the report is recommended to ask them for: <ol style="list-style-type: none"> 1. Description of the Fire 2. Location and time 3. Threats/danger to the environment or public or to agriculture 4. Areas need to be restricted

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>or internet access to meteorological or seismological data and analysis)?</p>			<p>5. Diversion of vehicular traffic needed 6. Evacuation needed 7. Immediate needs for response, address and contact numbers 8. Name of agency/ person reporting and contact numbers 9. Any injuries and status 10. Actions taken</p> <p>d. no</p>
D. Floods?			
<p>54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>			<p>No</p>
<p>55. Does this law specify how management of this risk is financed? If so, describe.</p>			<p>No</p>
<p>56. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty</p>			<p>No</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>warnings of this risk?</p> <p>b. failure to take preventive action including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>57. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>See Q.37</p>
<p>58. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very</p>			<p>No</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
poorest people?			
59. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			See Q.39
60. If communities are involved in EWS, does this law provide that they: <ol style="list-style-type: none"> Assist in the design of local and community EWS? Establish or maintain EWS? Provide information for the EWS? Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 		No	
E. Heat/cold waves?			
61. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Water & Sewerage Services Act No. 14 of 2005		There is no legislation to respond to cold waves, but a water management framework exists to counter-act a drought. See Q.91
62. Does this law specify how			no

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
management of this risk is financed? If so, describe.			
<p>63. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			no
<p>64. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>yes</p> <p>The Water Resources Management Agency (see Q.62) is the lead responder to Drought situations.</p> <p>Where an emergency situation occurs, NEMO will co-ordinate with the other governmental body to respond to risk and distribute information.</p>
<p>65. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? 			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
<p>66. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			<p>Yes. Where monitoring water levels indicates a potential risk of drought, a national “Drought task force” will hold a meeting, intensify selected monitoring activities and initiate an awareness program. Information will then be transferred to Water Suppliers, industrial manufacturers and private sector groups to increase monitoring activities.</p> <p>There is community involvement to the extent that private sector groups such as those in Agriculture and Tourism participate in monitoring water use and anticipating demand.</p>
<p>67. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological 			<ul style="list-style-type: none"> a. No b. No c.No d. yes

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
or seismological data and analysis)?			
68. Describe form of regulation, and institutional responsibility.			Institutional responsibility of the NEMO ministry. Regulated under the DMA 2006 at national level.
F. Insect Infestations?			
69. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			No
70. Does this law specify how management of this risk is financed? If so, describe.			No
71. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			No
72. Does this law regulate the collection and distribution of information on			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			
<p>73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			No
<p>74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			No
<p>75. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and 			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			
G. Landslides and avalanches?			
76. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			No
77. Does this law specify how management of this risk is financed? If so, describe.			No
78. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk?			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			
<p>79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			No
<p>80. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			No
<p>81. Does this law provide for Early Warnings Systems (EWS) for this risk?</p>			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
If so, does it require community involvement in EWS?			
<p>82. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			No
H. Volcanoes?			
83. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			No
84. Does this law specify how management of this risk is financed? If so, describe.			No
85. Does this law attribute liability for damage caused by:			No

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			
<p>86. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			No
<p>87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? 			No

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
d. Socially isolated groups and the very poorest people?			
88. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			
89. If communities are involved in Early Warning Systems (EWS), does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			No
Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation			
I. Drought and related famine?			
90. Is there a specific law or institutional mandate for drought preparedness and risk reduction, especially for agriculture and related industries? In particular:	Water & Sewerage Services Act No. 14 of 2005		The Water Utility functions in Saint Lucia are performed by a Government owned corporation: the Water and Sewerage Company In (WASCO). It has primary responsibility for the provision of water supply services, which includes the abstraction, treatment and distribution. The company is also responsible for

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>a. Rain and river water storage, distribution and conservation measures?</p> <p>b. Development and maintenance of ground water extraction, storage and distribution?</p> <p>If so, describe the forms of regulation. At what level(s) of government is this regulated?</p>			<p>water allocation and overall management that become increasingly important and visible during drought periods</p> <p>The National Water and Sewerage Commission (NWSC) was established to regulate sector-wide policy making, they have broad decision making powers however as of 2009 have made little progress in establishing a coherent framework to exercise these powers.</p> <p>Water Resources Management Agency (WRMA) was also established, it has the specific functions of managing the water resources policy:</p> <ul style="list-style-type: none"> i) Considering applications for abstraction licenses and permits for use of water in control areas and permits for waste discharge. ii) Promoting the sustainability of water resources. iii) Undertaking water resources assessment and planning including surveying, monitoring, research and development. iv) Developing watershed management plans and facilitating regulation accordingly. v) Undertaking the preparation of water master plans and allocation schemes. vi) Advising the Minister in relation to water control areas and waste control areas. <p>There is no legislation or regulatory instrument which specifically</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>deals with rain and river water storage or ground water.</p> <p>Section 3 Emergencies: Section 10-1 Where on the advice of the agency the Minister is satisfied that by reason of an exceptional shortage of rain, or contamination of water, a serious deficiency of supplies of water exists or is threatened, the Minister shall forthwith, by Order published in the Gazette, in at least two newspapers in the general weekly circulation in Saint Lucia and by any other media declare a water-related emergency</p>
<p>91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular:</p> <ol style="list-style-type: none"> Is an institution legally mandated to issue drought early warnings? If so, how is this regulated? Is an institution legally mandated to impose water use restrictions? If so, at what level(s) of government? Is there legal provision for diversion, piping or transporting water to drought-affected areas? If so, at what level(s) of government? 	<p>Water & Sewage Act No. 14 of 2005</p> <p>Division 3 Emergencies</p>	<p>Section 10-1</p>	<p>In the case of a Water related emergency the Minister may:</p> <ol style="list-style-type: none"> permit the taking of water from any source specified in the Order; prohibit or limit the use of water for any purpose specified in the Order; prohibit or limit the taking by any person of water from a source specified in the Order if the Minister is satisfied that the taking of water from that source depletes or otherwise affects the supplied available to the public; prohibit any activity which may cause the contamination of the water; and (e) cater for any other matter as appears to the Minister to be expedient to meet the water-related emergency. <p>(3) A person who contravenes a provision of an Order made pursuant to sub-section (1) (b), (c) or (d) commits an offence and upon summary conviction is liable to a fine of not less than three thousand dollars or to imprisonment for a term of not less than six</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>months or to both and to a further fine of not less than fifty dollars for each day during which the breach continues</p> <p>a) Where monitoring water levels indicates a potential risk of drought, a national “Drought task force” led by the Director of WASCO will hold a meeting, intensify selected monitoring activities and initiate and awareness program. Information will then be transferred to Water Suppliers, industrial manufacturers and private sector groups to increase monitoring activities.</p> <p>b) The Prime Minister is empowered to declare an Emergency/Disaster by executive order. If ordered, WASCO may adopt and enforce emergency water conservation restrictions that limit lawn sprinkling, vehicle washing, golf course and park irrigation, and other nonessential uses.</p> <p>c) Not specifically. Infrastructure projects are being carried out to improve water transportation and storage but it is unclear at what stage of development they are currently at.</p>
92. Do the above laws or mandates specify how management of drought and famine risk is financed? If so, describe.			No
93. Do the above laws or mandates			See Q.91 and Q.92

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate?			
<p>94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			<p>There is community involvement to the extent that private sector groups such as those in Agriculture and Tourism participate in monitoring water use and anticipating demand.</p> <ul style="list-style-type: none"> a. No b. No c. No d. No
A. Other food security risks?			
95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change,			No

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>such as inundation of agricultural land and/or mass migration).</p> <p>a. If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility</p> <p>b. At what level(s) of government is this regulated?</p>			
<p>96. Does the above law or mandate specify how management of food security is financed? If so, describe.</p>			No
<p>97. Does the above law or mandate regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production? If so, what authority is responsible and what is their mandate?</p>			No
<p>98. Does the above law or mandate provide for community consultation and/or participation about risk reduction from threats to food security? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p>			No

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<ul style="list-style-type: none"> b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
Part Three. Early Warning, Hazard Mapping and Risk Information			
A. Early Warning			
<p>99. In addition to the sectoral laws above, is there any general obligation to establish early warning systems (EWS) in the disaster management law?</p> <ul style="list-style-type: none"> a. If so, does this include institutional mandates on EWS? b. Which institution(s) are involved and what are their mandates on EWS? c. Is there legal provision for financing of EWS? 	Disaster Management Act 2006		<p>The Disaster Management Act forms the authority for the production of the National Emergency and Disaster Response Plan.</p> <p>In Section III (11)(3) it sets out the strategic elements which the plan will include. Those relevant to the establishment of an early warning system are:</p> <p><i>(a) procedures related to preparedness for, mitigation of, response to and recovery from emergencies and disasters by public officers, Ministries and Departments of Government, statutory bodies, local government units, and persons or organizations who volunteer or are required by law to perform functions related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia.</i></p> <p><i>(c) procedures for informing persons referred to in paragraph (a) and the public in Saint Lucia and elsewhere of the existence of an alert, a declaration of disaster, a declaration of state of emergency or a notice of evacuation, or the existence of an emergency or</i></p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p><i>disaster;</i></p> <p><i>(f) procedures for the protection and restoration of communications during an alert, a declaration of disaster, a declaration of state of emergency, a notice of evacuation or in the event or the aftermath of an emergency or disaster;</i></p> <p><i>(g) procedures for informing persons under paragraph (a) and the public in Saint Lucia and elsewhere of the state of affairs during an alert, a declaration of disaster, a declaration of state of emergency, a notice of evacuation or in the event or the aftermath of an emergency or disaster;</i></p> <p>a. + b. There is no clear institutional mandate on EWS, however the Saint Lucia Meteorological Services is responsible for carrying out the EWS. See</p> <p>c. There is no legal provision for its financing</p>
<p>100. Does EWS regulation include requirements for community consultation and participation in development of EWS? Describe.</p>			<p>No</p>
<p>101. Does EWS regulation provide for community-based early warning data collection? Describe.</p>			<p>No. The EWS is largely based on information gathered from the Saint Lucia Meteorological Services which include but are not limited to:</p> <p>1. Satellite Imagery Reception: A GVAR Meteorological Satellite Receiving System is currently in operation at the Hewanorra Met Office. Images from the system are extremely important to weather forecasters in analyzing and diagnosing weather systems.</p>

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			<p>2. Local Flood Warning System: This system consists of fourteen Automatic Weather Stations (AWS) equipped with rain gauges deployed at strategic locations around the island. The AWS report via VHF radio to base computers at the two local Met Offices and alarms are triggered when certain thresholds in rainfall intensity are reached.</p> <p>3. Local Observational Network: This network consists of two manned weather stations, the Local Flood Warning System (described above) and the HAM Radio Weather Network which comprises four AWS deployed to the north, south, east and west of the island.</p> <p>4. Communications Channels: These channels provide the Met Service with alternate means of acquiring meteorological data and information as well as means for disseminating critical weather bulletins, warnings and advisories. The main communication channels are: Internet, Phone, Fax and HF Radio</p> <p>There is no specific community based early warning data collection regulation, however the disaster management plans incorporate some community involvement for slower placed disasters such as droughts. See Q.95</p>
<p>102. Does EWS regulation provide for timely and reliable access for at-risk communities to EWS, meteorological or seismological data (as relevant)? Describe.</p>			<p>The EWS strategy provides for meteorological or seismological data to be communicated to the NEMO secretariat and other relevant government bodies as well as local authorities. The NEMO secretariat will co-ordinate public notices to disseminate relevant information which may be facilitated by local authorities.</p>
<p>103. Does the law regulating</p>	<p>The Telecommunications</p>		<p>The primary law regulating the telecommunications infrastructure</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>telecommunications infrastructure and delivery include any DRR criteria in general, or any specific measures such as:</p> <ul style="list-style-type: none"> a. geographical coverage of telecommunications to include remote and/or at-risk areas? b. priority access to communications technology for at-risk communities and responders to disaster? c. access for vulnerable groups such as the elderly and persons with disabilities? d. Support for early warning systems? 	Act no 27 of 2000		<p>and delivery is largely commercial in nature and does not specifically include any DRR criteria.</p> <p>It imposes a framework for the licensing and supply of telecommunications across the island, however Part I Art 6 submits that:</p> <p>6.— (1) This Act shall not apply to —</p> <ul style="list-style-type: none"> (a) the program content and scheduling, as opposed to the transmission aspects of broadcasting networks and services; (b) telecommunications networks and services operated or provided exclusively by the armed forces, police force, public security, and civil aviation authorities except in relation to the requirement to have a frequency authorisation; <p>At present there does not appear to be a regulation exclusively managing the telecommunications and DRR.</p>
<p>104. Does the above law impose, or allow for the imposition, of any restrictions on use of certain types of telecommunications equipment</p> <ul style="list-style-type: none"> a. Generally throughout the territory? b. In specified areas? c. Under specified circumstances? 			<p>The law permits restrictions on certain types of communication, however not equipment.</p>
J. Risk identification, assessment and monitoring			
105. In addition to the sectoral laws	Disaster Management Act		PART II – 5. (3) (c) gather timely and authoritative information

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<p>above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk mapping)? If so, what authority is responsible and what is their mandate?</p>	<p>No.30 of 2006</p>		<p>concerning the conditions and trends in the quality of the environment, both current and prospective, as these relate to the likelihood of disasters in Saint Lucia;</p> <p>PART IX 26.— (1) The Director may certify any agency, whether within Saint Lucia or otherwise, which he or she considers to have a high level of technical expertise in the prediction or assessment of risk of any kind of disaster, as an Accredited Disaster Notification Service for the purposes of this Act.</p> <p>As part of the Disaster Management Plan, several initiatives and projects have been undertaken to collect information on hazards and risks. Whilst NEMO is responsible for the co-ordination of these efforts, certain ministries have a strong functional role in this. In particular the Ministry of Physical Planning, Environment and Housing takes a direct role in the production of hazard maps.</p> <p>The National Hazard Mitigation Council also takes a role in reviewing and regulating these projects.</p> <p>The policy and legislation is unclear as to which bodies are directly responsible for the distribution of information, but the Disaster Management Plan indicates that the Minister will generally issue official warnings via the Official Gazette or any other forms of media if the situation is urgent.</p>
<p>106. Does the disaster management law,</p>			<p>See Q.106</p>

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<p>or another law, regulate the collection and publication of seismological, meteorological and climatic data relevant to natural disasters? If so, what does it require and who is responsible for this, and under what law?</p>			
<p>107. Does the disaster management law, or another law, regulate the collection and publication of baseline population data, especially in high risk areas? If so, what does it require and who is responsible for this, and under what law?</p>			<p>No</p>

Part Four. Regulation of the Built Environment

The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers' rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements.

A. Building Codes

Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements.

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108. Is there a national building and construction law? If so, what authority is responsible for its implementation?	The Physical Planning Act no 29 2001 (amended in 2005) ¹¹		The Act set up the authority of the Physical Planning and Development Division of the Ministry with responsibility for planning and development; it has regulatory authority over-seeing all aspects of construction and planning. The Division may provide for the development of land, the assessment of the environmental impacts of development, the grant of permission to develop land and for other powers to regulate the use of land and for related matters. ¹²
109. If there is not a national building and construction law, is this issue regulated at provincial/state or local level? If sub-national regulation only, can you find an example of such a law?			See Q.109
110. Does the building and construction law include detailed building codes, regulations or rules? Are these codes mandatory and binding? What areas			The Act itself is active and in force, however the regulations within it are not presently legislation, merely guidelines. They do not have the force of law but breaches can be enforced.

¹¹ Due to difficulties in obtaining a copy full of the primary legislation, some of this information has been extracted from secondary sources, where possible I have referred to official St Lucian Governmental publications and other authoritative texts.

¹² GENERAL PROCEDURES FOR NATIONALS AND NON-NATIONALS PURCHASING PROPERTY IN SAINT LUCIA, United Nations Consular website, available at <<http://www.un.int/stlucia/consularservices/purchasingproperty.htm>>

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do they cover (e.g. fire, earthquake, general building design and construction, health requirements, water & sanitation etc.)? List these categories of regulation.			<p>The regulations are organised according to 'use'. The regulatory requirements differ depending on the use of the building (residential, commercial, touristic or industrial).¹³</p> <p>The regulations cover:</p> <ul style="list-style-type: none"> - structural engineering - fire - water - health - communications - electricity - access
111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this?			The Development Control Authority is responsible for evaluating and making individual building approvals. Additional approvals are required from other ministries such as the Ministry of Public Health. ¹⁴

¹³ Ministry of Physical Planning 'Checklist and Fees', produced by the Physical Planning Unit of the Development Control Authority, Available here <<http://www.physicalplanning.gov.lc/checklist.php>>

¹⁴ The International Bank for Reconstruction and Development / The World Bank, 'Doing Business: Economy Profile: St Lucia' 2012 <http://www.doingbusiness.org/~media/FDPKM/Doing%20Business/Documents/Profiles/Country/LCA.pdf>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for this? Does it apply to:</p> <p>a. New buildings?</p> <p>b. Renovations / extensions of existing buildings?</p> <p>c. Existing buildings where there is no building application, such as old buildings that may no longer be safe?</p>			<p>The Act gives the Physical Planning Unit the discretionary right to conduct building inspections, however due to resource limitations preliminary inspections are often carried out by private contractors certified by the DCA.</p> <p>Planning Applications for commercial use may have to include approval from:</p> <ul style="list-style-type: none"> -the Ministry of Public Health -WASCO - a site management plan (certified by a registered engineer), - Electrical approval from the Ministry of Communications, - Solid Waste Management Plan approval -The fire department <p>These individual ministries apply their own mechanisms and responsibility for inspection, however the DCA is responsible for final grant of planning permission</p> <p>Approval for planning must be sought (and consequentially inspected) where there is¹⁵</p> <p>a) A new building or a change of use for a building</p>

¹⁵ Ministry of Physical Planning 'Checklist and Fees', produced by the Physical Planning Unit of the Development Control Authority, Available here <<http://www.physicalplanning.gov.lc/checklist.php>>

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			<p>b) where there is a building extension</p> <p>c) in theory where there is an old building with no building application it should be possible to inspect, however there are no mechanisms specified for this.</p>
<p>113. Does this law include mechanisms for enforcement of codes, including sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which institution(s) have responsibility for this?</p>	<p>Physical Planning Act 2001 (Amended 2005) S.37. ENFORCEMENT NOTICES¹⁶</p>		<p>The Director may serve an enforcement notice specifying the development breach. If no appeal is requested (under S. 38 of the Act) a Stop Notice may be served.</p> <p>41. NON-COMPLIANCE WITH ENFORCEMENT OR STOP NOTICE(1) Where(a) an enforcement notice has been served on a person who was, when the enforcement notice was served on that person, the owner of the land to which the enforcement notice relates; and (b) within the period specified by the notice or such extended period as the Head of the Physical Planning and Development Division may allow any steps required by the enforcement notice to discontinue any operations or to remove, demolish or alter any buildings or other works on that land have not been taken, that person commits an offence and is liable on summary conviction to a fine of \$10,000.00 and, in the case of a continuing offence, to a further fine</p>

¹⁶ Case law example of an Injunction Application: Development Control Authority V Rayneau Gajadhar, 23rd June 2010, Easter Caribbean Court [SLUHCV 2010/0324] available at <http://www.eccourts.org/judgments/decisions/2010/DevelopmentControlAuthority_v_RayneauGajadhar.pdf>

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			<p>42. INJUNCTIONS</p> <p>In addition to any other remedy provided by this Act, the Head of the Physical Planning and Development Division may in any case institute a civil action for an injunction by way of a fixed date claim to prevent any person from violating the provisions of this Act, or to enforce any enforcement notice or stop notice, whether or not the Head of the Physical Planning and Development Division has exercised or proposes to exercise any of his or her other powers under this Act. (Amended by Act 3 of 2005)</p>
<p>114. Do the building regulations have special standards or requirements for:</p> <ul style="list-style-type: none"> a. schools? b. hospitals? c. fire stations? d. other public buildings that may also be required as collective centres in case of disaster (e.g. ministries, sports complexes, churches, mosques etc.)? 			<p>There are special regulations in respect of buildings which are designated emergency shelters; these are often, schools, hospitals and other public buildings.</p> <p>Under the Disaster Management Plan, properties which are designated shelters must undergo regular inspections by the Ministry of Works, Ministry of Fire, WASCO and others.</p>
<p>115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings and developments (such as multi-storey shopping centres, office buildings and</p>	<p>Physical Planning and Development Act 2001 Cap. 5:12</p>		<p>Yes</p> <p>Art 16 (1)</p> <p>Subject to this Act, a person shall not commence or carry out the development of any land in Saint Lucia without the prior written permission of the head of the Physical Planning and Development</p>

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factories)? Identify & describe.			Division. Commercial developments are subject to different requirements for planning permission, including permits from other ministries.
116. Do the building laws/regulations include large, multi-storey apartment buildings? Identify & describe.			See Q.116
117. Do the building laws/regulations include small self-built constructions? Identify & describe.			Yes See Q.116
118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations are different in rural settings, what are the main differences compared with urban settings? E.g. a. the extent of regulation? b. the level of government at which it is regulated? c. other?			Residential and agricultural distinctions within the regulations but no distinction between urban and rural. The regulations primarily deal with urban issues.
119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what form of regulation and which institution(s) have responsibility for	Disaster Management Act 2006 Emergency Shelter Plan, August 7th 2006 [approved		No. However there is a framework for the management of emergency shelters which applies in addition to the Physical Planning Act requirements: The Ministry of Works is responsible to the Director NEMO for

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
this?	by National Shelter Committee 10th August 2006]		<p>shelter inspection.</p> <p>"1 - Ensure shelter inspection is completed.</p> <ul style="list-style-type: none"> a. Inspection tasks assigned to appropriate personnel b. Provide reports to Director NEMO c. Certify Shelters <p>2 - Check structure for suitability and defects.</p> <ul style="list-style-type: none"> a. Identify and locate shelters b. Carry out inspection c. Carry out detailed inspection and vulnerability analysis d. Check that structure contains necessary amenities. e. Check structure and location is safe from environmental hazards. <p>3 - Recommend approval/disapproval based on inspection.</p> <ul style="list-style-type: none"> a. Inspect and ensure that all defects are made good, maintenance needs are addressed, <p>Agency: Fire, Police, Environmental Health and WASCO Ensure compliance with statutory provisions.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			a. Carry out on-site routine inspections. b. Send reports with recommendations to NDO. c. Certify compliance. . ¹⁷
120. Do the building laws/regulations include: a. Inspections? b. programmes and/or incentives for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or funding incentives for owners to fortify buildings)? If so, what form of regulation and which institution(s) have responsibility for this?			See Q.119
121. What if any provision is there for planning, approval and construction of public roads, bridges and related public works? – describe the authority(s) & mandate(s).			No

¹⁷ Emergency Shelter Plan, August 7th 2006 [approved by National Shelter Committee 10th August 2006] P24

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject country?</p>	<p>Physical Planning and Development Act No. 29 of 2001</p>		<p>S35. (3) Where and area is declared to be a disaster area by the Minister, the Head of Physical Planning and Development Division may, with the approval of the Minister, in the interest of the safety of persons, give notice of the intention to demolish buildings and may demolish such buildings subject to the payment of adequate compensation, in accordance with Part V, to the owners.</p> <p>S43.—(1) Notwithstanding anything contained in the provision of this Act the Ministry may, for the purpose of preventing squatting or other forms of unauthorized development, by Order published in the Gazette, declare any area to be a special enforcement area.</p> <p>(2) Without prejudice to the provisions of section 51, where an area is declared to be a special enforcement area under subsection (1) the Head of the Physical Planning and Development Division may upon service of a notice on the owner or occupier of the land, not less than fourteen days before the intended action, remove, demolish or alter any development where such development has commenced without the written permission of the Head of the Physical Planning and Development Division and where the Head of the Physical Planning and Development Division is satisfied that</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			permission would not have been granted for that development.
B. Land Use Planning Laws			
<p>The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers).</p>			
<p>123. Are there national laws and statutory authorities with responsibility for land zoning and/or land use planning?</p>	<p>Physical Planning and Development Act No. 29 of 2001 (Amended 2005)</p> <p>Land Conservation and Improvement Act No. 10 of 1992</p> <p>The Land Acquisition Act 1946</p>		<p>The Act provides for the development of land, the assessment of the environmental impacts of development, the grant of permission to develop land and for other powers to regulate the use of land. A variety of other provisions are contained in the Act: making general development orders and permitting building operations.</p> <p>An Act to provide for the conservation of land in Saint Lucia, for the establishment of a Board to be known as the Land Conservation Board, for conferring on that Board functions as to land, and for connected purposes.</p> <p>The Land Acquisition Act 1946 sets out procedures by which the state can acquire land for a ‘public purpose’</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Crown Lands Ordinance No. 7 of 1945		This Ordinance contains provisions for the appointment of a Commissioner of Lands, it consolidated the law relating to the survey and disposal of crown lands and of vacant lands and authorizes the Government to make rules regarding the sale, occupation and allotment of Government land. ¹⁸
124. Is this issue regulated at provincial/state or local level? If so, can you find an example of such a law at each level?			Regulated at national level.
125. Does the land use planning and/or zoning law include processes for: a. Formal release of land for new developments? b. Approval of each new urban development? c. Approval of major commercial developments?			The Physical Planning Act deals with all land and development authorisations. a. Is unspecified but it would fall under the authority of the DCA b. + c. Would have to apply for development permission from the DCA
126. Does the land use planning and/or zoning law include prohibitions on development of high risk sites (e.g. unstable land prone to subsidence,			Yes, they can demolish property in high risk areas (s35) and declare certain areas 'special enforcement areas' where unauthorised developments may be destroyed (s43)

¹⁸ U.S Agency for International Development , ' Property Rights and Land Markets in St Lucia', USAID, February 2005 <http://pdf.usaid.gov/pdf_docs/PNADI942.pdf>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
flood plains, and contaminated sites)?			
127. Does the planning / zoning law include public open space for evacuation?			Yes there are access requirements to commercial developments
128. Does the planning / zoning law allocate or require allocation of land for emergency or transitional shelter in preparation for potential disaster?			No
129. Does the planning / zoning law include provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments?			Yes, in some instances, in order for the DCA to approve the planning permission, a Traffic Management Plan will need to be approved by the Ministry of Communications, Works, Transport and Public Utilities.
130. Does the planning / zoning law include street width regulations for future traffic flow and to ensure access for emergency services such as fire and ambulance?			Access requirements are factors into planning permission applications
131. Does the planning / zoning law differ as between urban and rural settings? If different in rural settings, what are the main differences compared with urban settings? E.g. a. the extent of regulation? b. the level of government at which it is regulated?			No

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
c. other?			
132. Does the planning / zoning law include any other matters relevant to disaster risk reduction?			No
C. Land tenure			
<p>133. Is there a national system of land title registration established under law?</p> <p>a. If sub-national regulation, at what level of government does this occur, if at all? If sub-national, can you find an example of such a law?</p> <p>b. Does the legal mandate for this system require computerisation and/central record at national level? If not, how and where does it require records to be kept?</p>	<p>The National Land Registration Titling Program</p> <p>The Land Registration Act (No. 12 of 1984)</p> <p>The Land Adjudication Act (No. 11 of 1984)</p> <p>The Land Surveyors' Act (No. 13 of 1984, with Amendments Nos. Land 8 of 1986)</p> <p>The Agricultural Small Tenancies Act</p>		<p>a. The program is regulated at national level</p> <p>b. There is no specific legal mandate for computerisation however this is the means by which it is stored.</p>
134. Are there institutions mandated to survey land and/or register title? Does this mandate:			The Land Registry Section is headed by the registrar of Lands. The duties of the Registrar of Lands and the Functions of the Department are guided by the Land Registration Act No. 12 of

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> a. require or allow community participation in land mapping or surveying for the purpose of establishing titles and/or occupancy and/or usage rights? b. establish a timeframe for the conclusion of land mapping? c. allocate resources for land mapping? 			<p>1984.</p> <ul style="list-style-type: none"> a. limited community participation in settling boundary disputes and disputes which may arise with owners in common in the partitioning of lands. b. no c. no
<p>135. Does the land title system allow anyone to purchase or own land, or does it exclude anyone? E.g. can the following own and inherit land under this system:</p> <ul style="list-style-type: none"> a. Women? b. All ethnic or religious groups? c. Non-nationals? 			<p>a + b – yes c – Non-nationals may also own land but they must do so via the Aliens Landholding License. Approval is obtained by the Ministry of Physical Development, environment and Housing</p>
<p>136. If there is no standardised land title, is there another way to legally recognise land tenure rights (e.g. indigenous title based on ancestral lands, or established occupation or use, or other traditional rights to use resources such as gathering or hunting or water rights)? Describe.</p>			<p>There is standardised land title.</p>
<p>137. Is there any legal recognition of traditional or customary law and</p>			<p>Family land ownership is recognised within St Lucia, but due to the lack of formal documentation is difficult to manage, prescriptive</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>practice regarding land occupation or ownership, or community or collective management of land? If so, describe the relevant legislation or case law.</p>			<p>title attached to occupancy of over 30 years is recognised. Under the Land Registration Act, procedures are in place to formally register the title.</p> <p>A case dealing with a dispute over prescriptive occupation and family inheritance is :</p> <p>Victor Delices V Lindley Lubin et al, Judgement, High Court of Justice, Saint Lucia, June 27 2011 [SLUHCV 2007/0431]</p> <p>Available at: http://www.eccourts.org/judgments/decisions/2011/270611VictorDelicesvLindleyLubinetal.pdf</p>
<p>138. Is there legislation or case law that recognises land tenure as a result of occupation, such as:</p> <p>a. adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a change of ownership)?</p> <p>b. 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)?</p>			<p>a. yes prescriptive title exists for when there has been peaceful occupation for over 30 years. However, the rights associated with that occupation and title are only available if registered.</p> <p>See for a discussion of this: SPIRICOR OF SAINT LUCIA LIMITED v THE ATTORNEY-GENERAL OF SAINT LUCIA and HESS OIL ST.LUCIA LIMITED, Judgement, Court of Appeal, Saint Lucia, May 26 1997 [CIVIL APPEAL NO.3 OF 1996]</p> <p>http://www.eccourts.org/judgments/decisions/Older/COA/1997/SpiricorofSaintLuciaLimited_v_AttorneyGeneral.pdf</p> <p>b. There is a Program for Programme for the Rationalization of Unplanned Development (PROUD) (Bill is currently</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			being debated in Parliament). However currently there is no legislation surrounding them. Where they have needed to be relocated as a matter of policy the Ministry of Physical planning has : - provided a relocation site or a relocation budget -in the case of indigent persons the state has provided a lifetime interest in the developed property ¹⁹
139. If there are parallel systems for recognition of land tenure, such as customary law vs. registered freehold title, does one type of legal claim take precedence over the other?			No
140. Is there any law or legal mechanism that allows government authorities to compulsorily purchase or requisition land for public purposes? If so, do these purposes include: a. risk reduction from natural disasters? b. land to be kept for evacuation or emergency or transitional shelter?	Physical Planning Act 2001 Emergencies Act 1995 Land Acquisition Act 1946		Where lands have been declared a Special enforcement area under s 43(1) of the Physical Planning Act 2001 land can be requisitioned for disaster risk reduction. The Emergencies Act permits requisition for disaster management in an emergency. The Land Acquisition Act 1946 sets out procedures by which the

¹⁹ Resettlement Action Plan for the Construction of a Second Communal and Recreational Facility at Dennery Village, *Second Disaster Management Project, Government of St Lucia p4-5 available at <www.finance.gov.lc/resources/download/357>*

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			state can acquire land for a 'public purpose'
<p>141. Is there a land tribunal or other dispute resolution mechanism that provides for resolution of land tenure disputes? If so, is this accessible to communities? – to individuals?</p> <p>a. Can people without financial means access this system? E.g. are there fees, or requirements to engage lawyers?</p> <p>b. Are such tribunals or mechanisms available throughout the territory, including in rural areas?</p>	<p>The Land Registration Act (No. 12 of 1984)</p> <p>The Land Adjudication Act (No. 11 of 1984)</p>		<p>a) Adjudicatory actions are available via the Land Registry department. There are some fees, however the requirements to engage lawyers is discretionary. St Lucia has national Legal Aid available.</p> <p>b) No legal specification.</p>
D. Informal and precarious settlements			
<p>Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.</p>			
<p>142. Is there a law that mandates clearing of slums / informal or</p>			<p>a. See Q.141</p> <p>b. See Q.139</p>

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<p>precarious settlements?</p> <p>a. If so, what is the policy reason given (if any) for such clearance?</p> <p>b. Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</p> <p>c. If residents are to be moved, does this law require the provision of alternative housing? If so, how is this financed?</p> <p>d. If mandated, is there a process for eviction? E.g. notice periods, dispute resolution through land tribunals?</p> <p>e. Are there any other protections for the human rights and livelihoods of residents who are evicted or relocated?</p>			<p>c. See Q.139</p> <p>d. See Q.139</p> <p>e. No</p>
<p>143. Is there a law that mandates recognition and/ or regularization of slums / informal settlements?</p> <p>a. If so, describe the legal regime for regularization, including the responsible institutions.</p> <p>b. Does regularization include the introduction of building codes? Are</p>			

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<p>these mandatory and binding?</p> <p>c. Does regularization include the construction of public infrastructure? If so, how is this financed?</p> <p>d. Does this law authorise or mandate the provision of social services to informal settlements?</p> <p>e. Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural disasters?</p>			
<p>144. Does any law require that informal settlements are included in:</p> <p>a. Early Warning Systems?</p> <p>b. Community based DRR education and training?</p>			No
<p>145. Does any law provide a mechanism for recognition of tenure for residents of informal settlements?</p> <p>a. If so, what types of tenure (e.g. full title, right to occupy or use, right to purchase, tenancy)?</p> <p>b. If so, and such settlements are on privately owned land, is there provision for compensation of those</p>			See Q.138 and Q.139

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
with prior legal tenure?			
E. Urban Water and Flood Management			
146. Is there one or more national laws regulating and allocating institutional responsibility for water storage, distribution and quality control for human consumption? Is urban water management principally a national, or provincial/state or local responsibility?	The Water and Sewerages Act 1999 The Water and Sewerages Act 2005		The National Water and Sewerage Commission was established to regulate the various actors in the sector. It regulates water abstraction, treatment, and storage in catchment areas. ²⁰ WASCO the national water company maintains water intakes and reservoir and treats and the delivery of water. Other institutions such as the Ministry of Health perform water maintenance and monitoring functions. Urban water management is largely a national responsibility.
147. If there is a national water authority, does its mandate include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters?			Yes

²⁰ Cletus Springer, 'Cost Pricing for water production and water protection services in St Lucia', October 2005, Report for the Caribbean Natural Resources Institute <http://www.canari.org/CANARI%20REPORT%20ON%20SAINT%20LUCIA.pdf>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
148. Does a national law allocate responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject country)? If so, what authority is responsible?	Disaster Management Act 2006		Flood mitigation construction would fall under the mandate of NEMO, however commercial and industrial building permits require inspections from WASCO (the water authority) to ensure that they adhere to water safety guidelines.
149. If flood mitigation and water management against urban flooding is regulated at the sub-national level, at what level of government does this occur? Can you find an example of such a law?			They are regulated at the national level.
Part Five. Regulation of the Natural & Rural Environment			
Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods, earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification.			
A. Human Risks in Environmental Change			
150. Is there legislation on environmental protection? If so, what institution has responsibility?			There is a body of legislation which deals with environmental protection; however there is no centralised institution which manages the issue holistically

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			Legislation includes: Public Health Act No. 8 of 1975 St. Lucia Solid Waste Management Authority Act No. 20 of 1996 Oil in Navigable Waters Act No. 8 of 1929 Pesticides Act 1975 Litter Act No. 24 of 1983 Beach Protection Act No. 2 of 1967 Fisheries Act No. 10 of 1984 Marine Areas Act No. 6 of 1984 Land Conservation and Improvement Act No. 10 of 1992 Agricultural Small Tenancies Act Tourist Industry Development Act Saint Lucia National Trust Act No. 16 of 1975 Forest, Soil and Water Conservation Act No. 6 of 1945 Water and Sewerage Authority Act No. 13 of 1999 Wildlife Protection Act No. 9 of 1980 Conservation Authority Act No. 16 of 1999
151. Does the above mandate include environmental management from the perspective of: a. human safety? b. preservation of livelihoods? c. food security, especially concerning protection of crops and livestock?			a) yes many of the pieces of legislation approach from the perspective of human safety. Notably: Public Health Act No. 8 of 1975 St. Lucia Solid Waste Management Authority Act No. 20 of 1996 Oil in Navigable Waters Act No. 8 of 1929 Pesticides Act 1975

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			<p>b) yes: Tourist Industry Development Act Saint Lucia National Trust Act No. 16 of 1975</p> <p>c) yes: Agricultural Small Tenancies Act Fisheries Act No. 10 of 1984 Water and Sewerage Authority Act No. 13 of 1999</p>
152. Does this law provide for environmental impact assessments (EIAs) of any proposed new private and public industrial developments?			There is a requirement for the DCA to take into account environmental impacts however the legislation does not provide empirical tests in respect of this.
153. If there are EIAs, do the criteria include: a. human risk factors from changes to the environment, including life and health as well as livelihoods and food security? b. assessment in light of the known natural hazards affecting the relevant locality, or downstream communities (where relevant)?			No
154. Is there a law that makes any authority responsible for the			No

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial sites during flooding, or control of extraction methods to manage flooding and/or erosion?</p>			
B. Forests			
<p>155. Is there legislation on forest management (if relevant to the subject country)? If so, what institution has responsibility?</p>	<p>Ordinance on Forest, Soil and Water Conservation (no.6 of 1945)</p> <p>Amended by Forest, Soil and Water Conservation (Amendment) Act 1983 (no.11 of 1983)</p> <p>Implemented by Forest, Soil and Water Conservation (Declaration of Forest Reserves) Order (no.31 of 1984)</p> <p>And</p> <p>Forest, Soil and Water</p>		<p>There is legislation on forest management, however it is quite old, the Forestry Department under the Ministry of Agriculture, Forestry, Lands and Fisheries. Other ministries share the mandate of environmental protection and have provisions related to forests.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Conservation (Declaration of Protected Forests) Order (no.31 of 1986) Wildlife Protection Act 1980		
<p>156. Does the above mandate include forest management from the perspective of natural disaster risk reduction, such as:</p> <ul style="list-style-type: none"> a. prevention of wildfires? b. deforestation and erosion relevant to prevention of landslides and floods? c. other hazards, (such as encroachment by wildlife into agricultural land or villages)? <p>Describe the scope.</p>	Forest, Soil and Water Ordinance Act No. 6 of 1946	S. 21	<p>Yes</p> <p>It shall be lawful for the Minister by Order from time to time to declare any lands other than Crown Lands to be a Protected Forest whenever in his opinion this appears to be necessary for any of the following purposes:-</p> <ul style="list-style-type: none"> (a) For the protection against storms, winds, rolling stones, floods and landslides; (b) For the prevention of soil erosion and landslip, of the formation of the ravine and torrents, and of the deposit of mud, stones and sand upon agricultural land; (e) for the maintenance of water supplies in springs, rivers, canals and reservoirs; (f) For the protection of roads, bridges, railways, and other lines of communications; and (g) For the preservation of health <p>Several Ministries contain elements of forest management from the perspective of wildfire prevention and hazard mitigations such</p>

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			<p>as :</p> <p>National Conservation Authority Act (1999) (National Conservation Authority) Unlawful to do anything likely to cause damage to a beach or protected area.</p> <p>Land Conservation and Improvement Act (1992) (Land conservation Board) A protection order may be issued by the board to prohibit, regulate, and control the lighting of fires and the burning of vegetation.</p> <p>The Waste Management Act (No. 8 of 2004) (Solid Waste Management Authority) requires that the unauthorized burning of waste is illegal (Sec. 17 (c))</p>
157. Does the law recognize customary laws and practices as to the use and management of forests and their resources?			No
158. Does the law provide for use, or management of forests and their resources by communities?			No
C. Rivers and watercourses			
159. Is there legislation on river and	The Water and Sewerages		The National Water and Sewerage Commission was established to

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>watercourse management (if relevant to the subject country)? If so, what institution conservation has responsibility?</p>	<p>Act 1999</p> <p>The Water and Sewerages Act 2005</p>		<p>regulate the various actors in the sector. It regulates water abstraction, treatment, and storage in catchment areas.</p> <p>WASCO the national water company maintains water intakes and reservoir and treats and the delivery of water.</p> <p>Other institutions such as the Ministry of Health perform water maintenance and monitoring functions.</p>
<p>160. Does the above mandate include river management from the perspective of natural disaster risk reduction, such as:</p> <ul style="list-style-type: none"> a. Riverbed management relevant to flood prevention and mitigation? b. Water storage and distribution for human, agricultural and industrial consumption in rural areas? <p>Describe the scope.</p>			<p>a) No specific laws to deal with flood prevention and mitigation in relation to river-bed management however, this issue would fall under the mandates of NEMO and the Physical Planning Departments.</p> <p>b) See Q.160</p>
<p>161. Does the law recognize customary laws and practices as to the use and management of rivers and their resources?</p>			<p>No</p>
<p>162. Does the law provide for use, conservation or management of rivers and their resources by communities?</p>			<p>No</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
D. Drought and food security			
163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if relevant)? If so, does this include any institutional mandate or responsibility to protect people, livestock or crops in the face of drought?			None specific to Drought
164. Does the above mandate include the construction and maintenance of water reserves, including against the risk of drought?			No
165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)?			No

4. Information management and exchange, community level DRR education & awareness

Most elements of information, education and awareness will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note 'see above' and refer to the relevant question number.]

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>	Disaster Management Act 2006		<p>a) The collection of data relevant to natural disasters is mandated as part of the Disaster Management Plan, however there is no legislation which deals with the mechanisms or regulation of this data. The St Lucia Meteorological Office is responsible for the gathering of data in relation to changes in the climate. The Physical Planning Department is responsible for risk mapping.</p> <p>b) not specifically. The St Lucia Meteorological Offices publish the official weather reports on their website. At http://www.slumet.gov.lc/</p>
<p>167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>			No
<p>168. Does the education law or regulations require inclusion of DRR</p>			There is no legislation which requires education in DRR awareness.

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
awareness in the school curriculum? Does this law or another law such as the DM law also require community DRR education?			
169. If there is a national disaster management policy, does this require any public authorities to conduct public education and awareness on DRR? a. If so, which authorities and what are they required to do? b. In particular does it require DRR education in schools?	Hazard Mitigation Policy, Rev. May 25 th 2006; July 8, 2006 Cabinet Conclusion 649/2007 (2 August, 2007)		There is a national disaster management policy articulated through the production of individual policy plans including the Hazard Mitigation Plan, however it does not directly require public authorities to conduct public education on these issues, merely sets it out as priority to 'Increase public awareness and outreach at every level of society and encourage their involvement in hazard risk reduction' (Hazard Mitigation Policy 8.3.3 at p10). It does not however specify any mechanisms therefore: a. No b. No
170. If the above law or the national disaster management policy requires public education, does this provide for community level DRR awareness? If so, does this make any provision for community participation in the development and delivery of public education and awareness campaigns?			No
171. Does legislation provide for any designated role for the Red Cross or			No

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Red Crescent National Society as an auxiliary to government in DRR education and awareness at community level?			
172. Does legislation provide for any designated role for Civil Society in DRR education and awareness at community level?			No
173. Does any law provide for community-level results in DRR, such as: <ul style="list-style-type: none"> a. Natural disaster warnings that extend to community level? b. Implementation of incentives to carry out community based DRR, or disincentives to ignore or increase risks from natural disasters? c. Community involvement in land-use and urban planning? d. Community involvement in and education concerning building codes? 			No

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