



# DISASTER RECOVERY IN THE BAHAMAS

**A Legal and Policy Survey**

**+CIFRC**

*Disaster Law*

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# ACRONYMS

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<b>BBC</b>	Bahamas Building Code
<b>BRCS</b>	Bahamas Red Cross Society
<b>CARICOM</b>	Caribbean Community
<b>CCA</b>	Climate Change Adaptation
<b>CCRIF</b>	Caribbean Catastrophe Risk Insurance Facility SPC
<b>CDEMA</b>	Caribbean Disaster Emergency Management Agency
<b>CDM</b>	Comprehensive Disaster Management
<b>DRA</b>	Disaster Reconstruction Authority
<b>DRMA</b>	Disaster Risk Management Authority
<b>DRR</b>	Disaster Risk Reduction
<b>ECLAC</b>	United Nations Economic Commission for Latin America and the Caribbean
<b>EIA</b>	Environmental Impact Assessment
<b>IDB</b>	Inter-American Development Bank
<b>IDP</b>	Internally Displaced Person
<b>IFRC</b>	International Federation of Red Cross and Red Crescent Societies
<b>IOM</b>	International Organization for Migration
<b>MER</b>	Monitoring, Evaluation and Reporting
<b>MHPSS</b>	Mental Health and Psychosocial Support
<b>MSME</b>	Micro, Small and Medium Enterprises
<b>NEMA</b>	National Emergency Management Agency
<b>NIB</b>	National Insurance Board
<b>NGO</b>	Non-Governmental Organization
<b>OCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>SERZ</b>	Special Economic Recovery Zones
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>UNDP</b>	United Nations Development Programme
<b>UNEP</b>	United Nations Environment Programme
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNFCCC</b>	United Nations Framework Convention on Climate Change
<b>UNICEF</b>	United Nations Children’s Fund
<b>USAID</b>	United States Agency for International Development
<b>VAT</b>	Value-Added Tax
<b>WASH</b>	Water, Sanitation and Hygiene



# Executive summary

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The Caribbean is all too familiar with the impacts of storms and hurricanes, which have been increasing in intensity and frequency within the last decade. Other hazards like volcanic eruptions and earthquakes have also caused major disasters within recent years, compounded by the COVID-19 pandemic, with little breathing room to recover between events. Despite being frequently tested, legal and policy frameworks related to disaster recovery have been relatively underdeveloped in most Caribbean countries.

In September 2019, The Bahamas was impacted by what has been described as a ‘super-storm’, the strongest hurricane on record in the Atlantic basin, causing catastrophic devastation to the islands of Abaco and Grand Bahama. Hurricane Dorian made landfall on September 1, 2019, as a Category 5 hurricane, pounding the islands for 48 hours, resulting in the death of 74 persons, with 281 persons not accounted for, and damage amounting to \$3.4 billion.

Previous disaster events in The Bahamas such as Hurricane Matthew (2016) and Hurricane Joaquin (2015) meant that Bahamians were relatively familiar with hurricane preparedness. At the time of Hurricane Dorian, the legal framework in place included the *Disaster Preparedness and Response Act, 2006*, which established the National Emergency Management Agency (NEMA) and the *National Disaster Plan and Instructions for Emergency Situations (2018–2020)* which contained provisions for preparing and responding to disasters and emergencies. However, none of the existing structures were adequate to deal with the scale of destruction that Hurricane Dorian brought.

Like other Caribbean countries, The Bahamas had previously placed little focus on disaster recovery in its laws and policies. However, by November 2019, following Hurricane Dorian, the government passed legislation to establish the Disaster Reconstruction Authority (DRA) and the Ministry of Disaster Preparedness, Management and Reconstruction was formed. In 2020, the *Resilient Recovery Policy* and the *Resilient Recovery Strategy and Implementation Plan* were developed which demonstrated the government’s commitment to increasing its resilience to future shocks and its capacity to recover, while at the same time addressing the needs of ongoing recovery efforts.

Despite achievements in some sectors, there were several challenges in others, exposing gaps in how critical issues were addressed. For instance, the local authorities based in Abaco and Grand Bahama did not have sufficient capacity to respond to the disaster and had to rely on central government for immediate support. There was a lack of protective safeguards against the risk of sexual and gender-based violence (SGBV) in shelters, with some women reporting that they felt unsafe. Haitian migrants, who were arguably the most impacted by the disaster, faced discrimination at shelters and threats of deportation. Those that lived in informal settlements were prohibited from returning and rebuilding in those areas and lacked options for resettlement or integration into the local communities. As it related to rebuilding and reconstruction, women faced greater challenges due to not having access to the same skills and resources to rebuild their homes as their male counterparts.

In light of the many challenges faced, the government made several commitments to improve the legal and policy framework. In December 2022, the Disaster Risk Management Act, 2022 was enacted which provides for significant advancements to the disaster risk management (DRM) legal framework. Of greatest significance is the creation of a new agency, namely the Disaster Risk Management Authority, which merges the functions of NEMA and the DRA. The new legislation provides for the development of new policies and plans, including a National Disaster Risk Management Policy, a Comprehensive Financial Strategy for Disaster Risk Management, National Disaster Coordination Protocols, National Humanitarian Assistance Standards, among other policies. Specific emphasis is also placed on activities

relevant to recovery such as the conduct of damage and needs assessments as well as the development and implementation of recovery plans. The legislation also speaks to the engagement of non-state entities in DRM through the appointment of the Non-Governmental Consultation Committee.

This report seeks to analyze the strengths and gaps of the legal and policy frameworks related to disaster recovery in The Bahamas, particularly within the context of the ongoing recovery efforts from Hurricane Dorian, as well as examining the provisions of the new *Disaster Risk Management Act, 2022*. Based on the analysis in this report, the following are some key recommendations that can be highlighted. The full statement of recommendations can be found at section 12 of the report.

- Consider amending the definition of ‘recovery’ in the Disaster Risk Management Act to encompass not just the restoration of physical and economic infrastructure, but also social, cultural and environmental assets, while being aligned to the principles of sustainable development and ‘build back better’.
- Consider including in the Disaster Risk Management Act, a provision requiring that recovery plans: (i) address all aspects of disaster recovery, including economic, environmental, and psychosocial recovery; and (ii) include safeguards for the protection of vulnerable groups.
- Build capacities of local and municipal authorities to adequately prepare and respond to emergencies to avoid complete reliance on central government during the response and early recovery phases and to avoid delays in reaching disaster-affected communities.
- Ensure that laws and policies clearly outline the roles and responsibilities of non-state actors including NGOs, the private sector and civil society, as well as the Bahamas Red Cross Society in disaster management, and that they are fully integrated into disaster coordination and recovery mechanisms, as well as in planning and decision-making.
- Clarify the status of The Bahamas National Recovery and Reconstruction Trust Fund in light of the new Disaster Emergency Fund established under the Disaster Risk Management Act. Consider merging the two funds to eliminate overlap and duplication of resources.
- Revise the Bahamas Building Code to bring it up to date with international standards and the requirements necessary to ensure safety within the disaster risk context of The Bahamas, with mechanisms in place for effective enforcement.
- Update the Resilient Recovery Policy, Strategy and Implementation Plan to address aspects of recovery that are not currently addressed such as MHPSS, continuity of education and environmental restoration and rehabilitation.
- Update the Resilient Recovery Policy, Strategy and Implementation Plan to address in more detail the protection of vulnerable groups during the recovery phase. Key initiatives should include:
  - developing programmes that assist in providing access to resources and services for rebuilding homes;
  - designing emergency shelters to protect against the risk of SGBV in accordance with the Sphere Standards;
  - providing access to reproductive health care services;
  - establishing mechanisms to empower vulnerable groups to meaningfully participate in recovery planning and decision-making processes; and
  - developing durable solutions for marginalized displaced populations, by providing options for integration into communities or resettlement.
- Establish transparency, accountability and monitoring mechanisms in relation to disaster recovery programmes and activities, including civil and criminal sanctions for non-compliance.



# Background and context

## Project context



This report analyses the legal and policy framework relevant to disaster recovery in The Bahamas, with a focus on the disaster recovery processes following Hurricane Dorian in 2019. The report is part of a wider research project coordinated by IFRC Disaster Law which involves conducting country-level mappings on disaster recovery to support the development of a comprehensive Checklist on Law and Disaster Risk Management. This new Checklist will consolidate IFRC Disaster Law's existing guidance documents, namely the Checklists relating to International Disaster Response Law, Disaster Risk Reduction and Disaster Preparedness and Response. It will seek to address all phases of disaster risk management, including disaster recovery, which is the subject of this present report.

In keeping with the mandate of IFRC Disaster Law, to support National Societies and their governments to develop climate-smart disaster risk management laws and policies, the purpose of the new comprehensive Checklist on Law and Disaster Risk Management is to provide disaster management practitioners with recommendations for strengthening laws and policies related to DRM. It is also intended to serve as an assessment tool to guide government officials, including law and policymakers, implementing officials and those that support them such as National Societies, through a review process for enhancing the DRM framework.

Within this context, the present report seeks to examine the strengths and gaps relevant to disaster recovery within the existing DRM framework in The Bahamas, by illustrating the challenges faced during recovery operations, and extracting good practices and lessons learned. This analysis will cover a wide range of thematic areas with a view to developing recommendations for strengthening laws and policies on disaster recovery in The Bahamas. These thematic areas include: an examination of institutional arrangements; financing; assessment, planning, monitoring and evaluation; reconstruction and repair of housing and infrastructure; mental health and psychosocial support (MHPSS); education; environmental impacts; protection and inclusion of vulnerable groups; linkages to sustainable development, disaster risk reduction (DRR) and climate change adaptation (CCA); and prevention of fraud and corruption.

## Methodology

The methodology used to prepare this report involved two means of investigation:

**Desktop research:** a review of laws and policies on DRM, as well as sectoral laws on the environment, construction, climate change, development, planning and anti-corruption, among others. Desktop research also included an examination of government reports and press releases, media reports, research studies completed by inter-governmental organizations, humanitarian organizations and NGOs, and academic papers.

**Key informant interviews:** interviews were conducted with key informants from the Bahamas Red Cross Society who provided first-hand knowledge of the emergency response and recovery operations conducted following Hurricane Dorian.

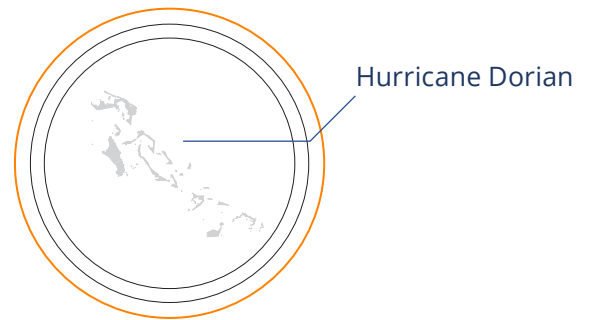
## How to read this report

This report is divided into 12 sections which are described below:

- **Section 1** addresses the background and context to the report including the research methodology and the project context.
- **Section 2** covers the disaster risk profile of The Bahamas and the context of Hurricane Dorian.
- **Section 3** analyses the laws, policies and plans relevant to disaster recovery.
- **Section 4** describes the institutional arrangements established for DRM and how they performed during the response to Hurricane Dorian.
- **Section 5** deals with the financial aspects of disaster recovery and discusses how disaster recovery processes were financed following Hurricane Dorian.
- **Section 6** addresses the processes for assessment, planning, monitoring and evaluation.
- **Section 7** discusses the approaches to reconstruction and repair of housing and infrastructure as well as the management of disaster waste.
- **Section 8** addresses issues of ‘soft’ recovery which pertain specifically to issues of mental health and psychosocial support, return to school post-disaster, restoring livelihoods and economic activity, and environmental impacts of a disaster.
- **Section 9** covers the protection and inclusion of vulnerable groups including protection against the risk of SGBV and disaster displacement. It also addresses some of the issues faced by vulnerable groups such as informal barriers to accessing services and support.
- **Section 10** examines the linkages in laws and policies between disaster recovery and sustainable development, DRR and CCA.
- **Section 11** analyzes the laws related to fraud and corruption and how they apply to disaster recovery processes.
- **Section 12** summarizes and highlights key findings and recommendations arising out of the report.

This report examines the provisions of the now repealed Disaster Preparedness and Response Act, 2006 and the Disaster Reconstruction Authority Act, 2019. Although no longer in force, these Acts provide the context for the response and recovery operations after Hurricane Dorian as they were the key pieces of legislation in force immediately prior and during the recovery period. The recently enacted Disaster Risk Management Act, 2022 is also examined to illustrate the important advancements made to the legal framework since Hurricane Dorian. However, it should be noted that, at the time of writing, its provisions have not yet been tested by a disaster or crisis event.

It should be noted that where value is indicated in monetary terms, such value is reflected in Bahamian dollars (unless otherwise stated), which has a 1:1 ratio with the US dollar.



# 1. Introduction

## 1.1 Disaster risk profile for The Bahamas



The Bahamas extends 760 miles from the coast of Florida on the north-west almost to Haiti on the south-east. It is an archipelago of 700 islands and 2,400 cays (small, low-elevation, sandy islands on the surface of coral reefs) with an area of 5,358 square miles (13,878 square kilometres). Only 30 of the 700 islands are inhabited.<sup>1</sup> Based on World Bank data (2021), The Bahamas has a total population of 396,914,<sup>2</sup> with 70% of the population living on the island of New Providence, where the capital Nassau is located. The economy is primarily based on tourism and international financial services with 14.8% of people living below the poverty line. Relatively higher poverty rates exist on the Family Islands (17.2%), which includes Abaco, compared to New Providence (12.4%).<sup>3</sup>

The location of The Bahamas archipelago in the Atlantic hurricane belt means that the islands are subject to regular hydro-meteorological disasters including hurricanes, storms and cyclones, which occur most frequently between the months of August to November. The low relief of the islands make them particularly vulnerable to flooding caused by storm surges and sea level rise, and while the topography of the islands means that they face limited landslide risk, the calcareous and fragile nature of the soils means that they are vulnerable to soil loss caused by rain and wind.<sup>4</sup>

## 1.2 Hurricane Dorian context



Hurricane Dorian struck the Bahamas on 1 September 2019 as the strongest Atlantic hurricane documented to directly impact a landmass. The islands of Abaco and Grand Bahama and the surrounding cays sustained the worst impacts with a large number of homes, public buildings and other properties swept away or destroyed by massive storm surges. To date, the official total death toll is 74 with 281 people still unaccounted for. The government estimated USD 3.4 billion in loss and damages caused by Hurricane Dorian.<sup>5</sup>

The Abaco Islands were the hardest hit, suffering 87% of the damage. More than 75% of all the homes on the island were either damaged or destroyed.<sup>6</sup> The most impacted areas were primarily inhabited by vulnerable, undocumented migrant populations. In Grand Bahama, satellite data suggested that 76 to 100% of buildings in some areas had been destroyed.<sup>7</sup>

Hurricane Dorian affected about 2,500 small and medium-sized businesses in The Bahamas. On the island of Grand Bahama, 50% of Freeport businesses and all businesses on the east side of the island (which was hardest hit) were forced to close. While floods caused significant damage across the islands, many small and medium-sized businesses had no flood insurance.<sup>8</sup>

The geography of the islands posed significant challenges to search and rescue efforts in that the two most impacted islands were located 150 miles away from the capital Nassau, where the response was being coordinated. Further, all airports were inoperable after the Hurricane resulting in further delays in reaching affected communities. As major aircrafts and vessels had moved out of the jurisdiction in preparation for the Hurricane, it took time for them to receive safety clearance to return, so that evacuation services and assistance could be rendered<sup>9</sup>. Once the 'all clear' was given, damage assessments were done and the government quickly made arrangements for evacuations, including medical evacuations. Defence force vessels shipped relief items such as food parcels, water and essential non-food items in coordination with the Bahamas Red Cross Society and other agencies. However, one key informant in Abaco indicated that, given the magnitude of the destruction brought on by Hurricane Dorian, it took about two weeks for government authorities to establish a structure for the response in Abaco.

It was clear that The Bahamas was facing unprecedented circumstances which would test its level of legal preparedness and institutional capacity to respond and recover from the disaster. To undertake this mammoth task, the government began developing a framework focused on recovery. Within a month after Hurricane Dorian, the government created a new ministry called the Ministry of Disaster Preparedness, Management and Reconstruction. By November, it enacted legislation to establish the new Disaster Reconstruction Authority (DRA) under the Disaster Reconstruction Authority Act, 2019. Both NEMA and the DRA were housed in the new Ministry of Disaster Preparedness, Management and Reconstruction. In December 2022, a new piece of legislation was enacted, the Disaster Risk Management Act, 2022. By this new Act, the Disaster Preparedness and Response Act, 2006 and the Disaster Reconstruction Authority Act 2019 were repealed, and the new Disaster Risk Management Authority (DRMA) was established.

## 2. Laws, policies and plans relating to disaster recovery

### 2.1 Legal framework prior to Hurricane Dorian



Prior to Hurricane Dorian, the main disaster risk management legislation in force in The Bahamas was the *Disaster Preparedness and Response Act, 2006*. According to its short title, it was “An Act to provide for a more effective organization of the mitigation of, preparedness for, response to and recovery from emergencies and disasters.” It established the National Emergency Management Agency (NEMA) which was the governmental agency charged with responsibility for disaster relief management. Among other things, the Act also: established a general framework for preparing and responding to disasters such as the creation of a high-level advisory committee; mandated the development of a National Disaster Preparedness and Response Plan; established emergency operations centres; and provided for emergency shelters and procedures for issuing disaster alerts.

Although the legislation made general references to “recovery from emergencies” the vast majority of its provisions focused on measures related to response with limited focus on other areas of the disaster management cycle. Accordingly, there were no provisions that outlined a definition of ‘recovery’ or what this might entail. For example, one of the functions of the Director of the Department of NEMA was to review and assess the various programmes and activities of the Government of The Bahamas which have an impact on the mitigation of, preparedness for, response to and recovery from emergencies and disasters in The Bahamas.<sup>10</sup> However, the Act did not provide any further detail on the kinds of programmes and activities to be undertaken in relation to disaster recovery.

In keeping with the requirement under the *Disaster Preparedness and Response Act* to develop a National Disaster Preparedness and Response Plan, there was the *National Disaster Plan and Instructions for Emergency Situations (2018–2020)*. This is updated annually to provide specific actions to address disasters including the use of Emergency Support Functions (ESFs), Family Island Administrators (FIAs), and Disaster Consultative Committees (DCCs.) While this document was not available for review, according to *The Bahamas National Disaster Preparedness Baseline Assessment Report* from the Pacific Disaster Centre, the National Disaster Plan had a similar approach to the *Disaster Preparedness and Response Act*, in that it placed significant emphasis on response with limited focus or direction given to mitigation, preparedness and recovery.<sup>11</sup>

At the regional level, The Bahamas is also a Participating State to the Agreement Establishing the Caribbean Disaster Emergency Management Agency (CDEMA).<sup>12</sup> This was reflected in the incorporation of the Agreement in the *Disaster Preparedness and Response Act*. This Agreement provides for a regional framework for coordinating disaster response and relief through the Regional Response Mechanism, where Participating States can both receive and provide assistance to other impacted Participating States. They can also benefit from technical assistance and support provided by CDEMA including liaison support to connect international assisting actors to the disaster needs of impacted States. Beyond the Regional Response Mechanism, CDEMA plays an influential role in the development of disaster management laws and policies in its Participating States, namely through the promotion of comprehensive disaster management (CDM). Under this doctrine, CDEMA developed the *Comprehensive Disaster Management Strategy 2014–2024*, which has influenced the development of disaster recovery policy in The Bahamas. The CDM doctrine refers to the management of all hazards through all phases of the disaster management cycle – prevention and mitigation, preparedness, response, recovery and rehabilitation.

## 2.2 Legal and policy changes in response to Hurricane Dorian



Shortly after the devastation of Hurricane Dorian, the government enacted the *Disaster Reconstruction Authority Act, 2019*, to address matters relating to recovery and reconstruction following a disaster. While this legislation did not define ‘reconstruction’ or ‘recovery’, it did provide for the establishment of the Disaster Reconstruction Authority (DRA), which had the specific mandate to assess the reconstruction needs within a designated Disaster Zone and prepare and implement a reconstruction plan. The legislation made provision for the designation of Disaster Zones and Special Economic Recovery Zones. There were also provisions related to accepting assistance from NGOs as well as making requests for international assistance.

In addition to passing new legislation, the government also sought to develop a policy and operational framework to deliver resilient recovery. Thus, in the following year, the *Resilient Recovery Policy, 2020* and the *Resilient Recovery Strategy and Implementation Plan, 2020*<sup>13</sup> were developed. This report uses the term Resilient Recovery Policy, Strategy and Implementation Plan when referring jointly to these two instruments. At the time of writing, both instruments appear to remain the operating policy of the government. The overarching purpose of the Resilient Recovery Policy is to provide the context and guidelines for recovery planning and operations that are timely, efficient, and facilitate a pathway to resilient development. It also outlines the requirements that will inform the organizational and institutional arrangements and establishes a vision and a system of principles to guide decisions within the framework of the National Economic Development Plan.<sup>14</sup> While catalyzed by Hurricane Dorian, the Resilient Recovery Policy, Strategy and Implementation Plan are general instruments designed to guide the recovery from all disasters affecting The Bahamas.

The Resilient Recovery Policy is informed by international and regional frameworks and protocols, such as (among others): the Sendai Framework for Disaster Risk Reduction 2015–30; CARICOM’s Caribbean Pathways to Resilience, 2018; and the Comprehensive Disaster Management Strategy 2014–2024 (CDEMA 2015). Further, the experiences of other Caribbean countries recently impacted by major disaster events such as Hurricanes Maria and Irma in 2017, and the lessons learned from policies, strategies and institutional approaches implemented following those events, also inform the Resilient Recovery Policy.<sup>15</sup> As regards the Resilient Recovery Strategy and Implementation Plan, this Plan is based on the Resilient Recovery Policy and seeks to focus on principles and strategies for recovery rather than detailed guidelines for each hazard or threat. Additionally, it is geared to resilient and sustainable recovery planning, which encompasses more than the restoration of physical structures to pre-disaster conditions and includes guidance on how the whole country re-builds, sustains and coordinates recovery.<sup>16</sup>

Although the term ‘build back better’ was not explicitly mentioned in any of the legislation, it is referred to in the Resilient Recovery Policy, and was also reflected in the Honourable Prime Minister’s statement, upon which the policy documents are based. On September 22, 2019, the Prime Minister defined the essence of the Resilient Recovery Policy’s mission as, “We must and will rebuild and restore Grand Bahama and Abaco stronger and more resilient.”

## 2.3 The new Disaster Risk Management Act 2022



In December 2022, the government repealed the *Disaster Preparedness and Response Act, 2006* and the *Disaster Reconstruction Authority Act, 2019* and passed the *Disaster Risk Management Act, 2022*. This new legislation represents a significant advancement from previous legislations, addressing in more detail all aspects of disaster risk management including matters relating to recovery. Under the new Act, 'recovery' is defined broadly, taking into account restoration and reconstruction of physical infrastructure and natural assets as well as the re-establishment of living conditions and livelihoods. The legislation defines 'recovery' as:

*the process of re-establishing acceptable and sustainable living conditions after the occurrence of a disaster, through the –*

- a.** *restoration and reconstruction of infrastructure and any other physical asset, natural asset, good or service, after the occurrence of a disaster; and*
- b.** *restoration of livelihoods, under conditions of lower risk than those that existed before the disaster*

The *Disaster Risk Management Act* establishes the Disaster Risk Management Authority (DRMA) which replaced and assumed all responsibilities of the former DRA and NEMA. It also provides for the development of a comprehensive policy framework to guide the new disaster risk management regime. These policy instruments and plans include the National Disaster Risk Management Policy, the National Disaster Risk Management Plan, the National Disaster Emergency Plan, National Disaster Coordination Protocols and the National Humanitarian Assistance Standards, among others. In addition, the legislation outlines how disaster risk management should be carried out, not only at the national level, through the DRMA, but also at the local government level, through Administrators. The legislation also makes provision for public participation through the establishment of the Non-Governmental Consultation Council. There are provisions relating to financing as well as the establishment of a Disaster Emergency Fund for response, recovery and rehabilitation activities, and a separate Disaster Prevention Fund.



# 3. Institutional arrangements for disaster recovery

## 3.1 Institutional arrangements prior to Hurricane Dorian



Prior to Hurricane Dorian, there was no institution with a specific mandate for disaster recovery. However, under the *Disaster Preparedness and Response Act*, the functions of the Director of NEMA alluded to disaster recovery broadly. For instance, the Director was responsible for coordinating the general policy of the government in relation to the mitigation of, preparedness for, response to and *recovery from emergencies and disasters* in The Bahamas.<sup>17</sup> There were also more specific functions that made reference to “recovery from emergencies and disasters.” These functions included: (i) reviewing and assessing programmes developed by the government; (ii) developing and recommending to the Prime Minister national policies to foster and promote recovery from emergencies and disasters; (iii) conducting programmes of public information and education; (iv) liaising with persons, institutions and organizations within and outside of The Bahamas; and (v) providing technical advice on draft regulations, among other related functions.

There were also certain roles and responsibilities articulated for sectoral agencies at various levels. At the strategic level, the *Disaster Preparedness and Response Act* established an Advisory Committee of NEMA. This Advisory Committee comprised members from key sectoral agencies including the Royal Bahamas Police Force, the Defence Force, the Fire Service, the Public Hospitals Authority, the Department of Meteorology, the Department of Aviation, the Bahamas Broadcasting Corporation and representatives from various Ministries responsible for public health, the environment, public works, and local government.<sup>18</sup>

Regarding its specific responsibility in disaster recovery, the Advisory Committee had a consultative role in the preparation of the National Disaster Preparedness and Response Plan, which was required to contain arrangements related to “the mitigation of, preparedness for, response to and recovery from emergencies and disasters” in The Bahamas. However, it should be noted that in outlining the various arrangements that the Plan was required to contain, the legislation generally focused on procedures relevant to response, and little on other aspects of the disaster management cycle, including recovery. For example, some of the procedures referred to in the legislation included: procedures for preparing and maintaining inventories of services, systems and supplies and their mobilization; procedures for the protection and restoration of communications, both nationally and internationally; procedures for protecting life and property from the dangers of looting and riotous behaviour; and procedures for accepting and facilitating the distribution of volunteer services and relief supplies, among various other arrangements.

It is important to note that pre-Hurricane Dorian, there was an existing Recovery Subcommittee, that was set up after Hurricane Floyd in 1999, which was responsible for the distribution of emergency supplies, distribution of building material, duty exemption on the importation of replacement items, and the construction of houses for senior citizens and destitute persons who lost houses in the hurricane. This Subcommittee continued to function for subsequent disasters prior to Hurricane Dorian. However, the need to adopt an all-encompassing stakeholder approach evolved in the aftermath of Hurricane Dorian when the government recognized the urgent need for an ‘all-hands-on-deck’ approach.



### 3.2 Institutional changes in response to Hurricane Dorian



After Hurricane Dorian, the DRA was established with a specific mandate to manage the reconstruction and restoration process in declared Disaster Zones. Under the *Disaster Reconstruction Authority Act*, key responsibilities of the DRA included: assessing the reconstruction needs of a Disaster Zone; preparing a reconstruction plan, and overseeing its implementation; monitoring, regulating and administering the management of the reconstruction work in a Disaster Zone; arranging the distribution of funds or materials for reconstruction; and overseeing the restoration of government services, among other responsibilities. While the DRA was established in response to Hurricane Dorian, it was also established as a standing agency with responsibility to lead the reconstruction processes following future disasters in The Bahamas.

The Ministry of Disaster Preparedness, Management and Reconstruction, like the DRA, was established in response to the devastation caused by Hurricane Dorian. According to the Resilient Recovery Strategy and Implementation Plan, the Ministry had administrative oversight and responsibility for DRM initiatives, including oversight of NEMA and the DRA. As such, the Ministry was also responsible for monitoring, evaluating and reporting on actions taken to operationalize the Resilient Recovery Strategy and Implementation Plan.

In terms of the respective roles of these three agencies in the recovery phase, the Resilient Recovery Strategy and Implementation Plan explained as follows:

*The National Emergency Management Agency (NEMA) will have primary responsibility for immediate response focusing on life-saving activities, essential service restoration as well as relief and welfare issues. The Disaster Reconstruction Authority will have responsibility for reconstruction initiatives in declared disaster zones. Long-term resilient development and sustainable development will be coordinated by the Ministry of Disaster Preparedness, Management and Reconstruction in collaboration with other central government, local government and non-government entities.*<sup>19</sup>

At the implementation level, the Resilient Recovery Strategy and Implementation Plan emphasizes the need for a “whole of government” and “whole of society” approach integrating both state and non-state actors at a horizontal and vertical level. As one of its key aims, the Plan seeks to:

*Enable, promote and sustain multi-disciplinary, multi-sectoral linkage and integration across the whole of government and whole of society as the whole country collaborates, coordinates and delivers on the policy goals and strategic objectives.*<sup>20</sup>

It also seeks to:

*Outline pre- and post-disaster roles and responsibilities for recovery stakeholders and recommend leadership roles across all levels of government and the entire multi-island jurisdiction.*<sup>21</sup>

Roles and responsibilities are organized around five outcomes, which aim to cover all aspects of a recovery process, with outputs, activities and lead and supporting agencies (both state and non-state) outlined under each. The five outcomes are:

- **Outcome 1** - Culture of Safety, Security and Personal Empowerment is realized throughout The Bahamas
- **Outcome 2** - Access to SMART and Resilient Infrastructure and Services

- **Outcome 3** - Resilient Livelihoods realized through inclusive and diverse economic development practices
- **Outcome 4** - Effective Institutional and Capacity Development programme enhanced
- **Outcome 5** - Inclusive Community Engagement and Partnership programmes developed and maintained

To illustrate how each outcome is broken down into outputs and activities with lead and supporting agencies, *Figure 1* shows an example. The key activity identified is to establish a “From shelter to resilient housing programme,” and the lead agency identified is the Ministry of Housing, with supporting agencies such as the Ministry of Education, the private sector, non-governmental organizations and residents. This key activity sits under Output 1.4, which sits under Outcome 1.



Figure 1: Adapted from the Resilient Recovery Strategy and Implementation Plan for the Bahamas

The critical role played by civil society, NGOs, the private sector, communities and individuals is highlighted throughout the Resilient Recovery Strategy and Implementation Plan and, more specifically, under Outcome 5 and its strategic objectives. Outcome 5 takes into account the archipelagic and dispersed nature of the islands in The Bahamas and the need for resilient recovery to be built at the local level, that is, at the level of the islands, the community, the local authorities, civil society and the private sector, which need to be empowered with dedicated resources, incentives and responsibilities for planning and decision-making.<sup>22</sup> As it relates to the role of the Bahamas Red Cross Society (BRCS), the Resilient Recovery Strategy and Implementation Plan identifies the BRCS as having a supporting role to NEMA in the conduct of activities under Outcome 5, which relates to the development and maintenance of inclusive community empowerment and partnership programmes. According to *The Bahamas National Disaster Preparedness Baseline Assessment Report*, in practice, formal mechanisms for integrating NGO capabilities into the disaster management system have only recently started, and there is no defined role or structure for the private sector in emergency functions.<sup>23</sup>

As it relates to the involvement of vulnerable groups in disaster recovery activities and planning, the Resilient Recovery Policy makes reference to addressing the needs of vulnerable and special groups such as women, youth, the disabled, the chronically sick and the indigent.<sup>24</sup> However, it falls short of outlining any mechanism or specific actions that would support their meaningful participation beyond being a beneficiary.

One key informant noted that, in the immediate aftermath of Hurricane Dorian, the scale of the destruction in Abaco was so extensive that NEMA and the local authorities on the island, were

unprepared to deal with the impacts of the disaster. In the first two weeks of the response, there were no structures in place for coordination or proper communication, creating a chaotic and somewhat hazardous environment. All capacities on the island were non-operational and as such one had to wait for, and completely rely on, outside help from New Providence and other islands.

During the Caribbean International Disaster Response Law (IDRL) Workshop, facilitated jointly by IFRC and CDEMA in November 2021, the National Disaster Coordinator for NEMA noted the geographical challenges in responding to the destruction in Grand Bahamas and Abaco, namely that the most impacted islands were located 150 miles away from the capital in Nassau, where the response was being coordinated. In the weeks and months following, NEMA and other government authorities managed to establish a structure for the response and recovery operations, however key informants indicated that local residents ultimately felt the response was too slow. The foregoing information from the key informants and the National Disaster Coordinator for NEMA underlines the critical importance of developing local capacity for disaster response and recovery, as recognized by Outcome 5 of the Resilient Recovery Strategy and Implementation Plan.

### 3.3 Institutional arrangements under the new Disaster Risk Management Act 2022



As mentioned previously, the DRMA was established under the new *Disaster Risk Management Act, 2022* as the lead institution for all matters relating to DRM including the coordination of rehabilitation and recovery after the declaration of a disaster emergency.<sup>25</sup> The Act essentially merged the responsibilities of NEMA and the DRA into a single institution to eliminate any overlap in functions. The Minister of State with responsibility for the DRA explained that, although there were distinct mandates for NEMA and the DRA, in practice, there were overlapping roles and many silos existing between the two agencies. To address this issue, the new *Disaster Risk Management Act* would merge government entities that deal with DRM and remove the overlap in functions.<sup>26</sup> The specific roles and responsibilities of the DRMA in relation to disaster recovery include: directing and coordinating damage and loss assessments; conducting assessments to identify disaster zones after a disaster; developing and implementing recovery plans that address the restoration of livelihoods and the repair and rebuilding of affected houses; advising on restrictions on the use of land in disaster zones and the relocation of persons, businesses, and infrastructure; and ensuring that rehabilitation efforts focus on the rapid restoration of essential services to the population affected by the disaster, among other responsibilities.<sup>27</sup>

Other persons, agencies and sectoral bodies also have important roles under the *Disaster Risk Management Act*. At the national strategic level, there is the Inter-Ministerial Committee on Disaster Risk Management, comprising Ministers with responsibility for DRM, finance, national development planning, tourism, housing, transport, public works, health, agriculture, the environment, foreign affairs, public utilities, social welfare, communications and national security. This Committee is responsible for advising the Prime Minister on key issues and decisions relating to disaster recovery and other aspects of DRM. These include: making recommendations on the development of the National Disaster Risk Management Policy; advising on the activation of disaster emergency measures; advising on the designation of disaster zones, approving plans and protocols such as the National Disaster Risk Management Plan, the National Disaster Emergency Plan, and the National Disaster Coordination Protocols, among others; functioning as the National Disaster Emergency Council; and collaborating with the DRMA, to facilitate the coordination of the disaster response, rehabilitation and recovery by the government, among other responsibilities.<sup>28</sup> Also at the national strategic level, the Prime Minister has responsibilities under the Act to: declare a disaster alert; declare a disaster emergency; activate disaster emergency measures;

designate a disaster zone; issue evacuation orders; make certain orders in relation to relief such as rebates on business license fees, waivers on value added tax and tax exemptions on the import of specified goods; and designate the DRMA to coordinate disaster response, among other functions.<sup>29</sup>

At the sectoral level, the Minister of Finance has specific responsibilities under the Act in relation to the financing of disaster risk management activities. Although these responsibilities may fall generally within the scope of risk reduction and preparedness, they may also have an impact on disaster recovery. These functions include: developing and implementing, in consultation with the DRMA, the Comprehensive Financial Management Strategy for DRM; preparing the aspects of the National Disaster Risk Management Plan and the National Disaster Emergency Plan that are related to financial protection and budgeting; and approving donations, grants or loan agreements for allocation to the Disaster Emergency Fund and the Disaster Prevention Fund, among other functions.<sup>30</sup>

At the sub-national level, the legislation speaks to the appointment of Disaster Risk Management Consultative Committees which are responsible for advising Administrators on DRM for their respective areas. However, after a disaster, the Administrator is responsible for conducting a needs assessment, and reporting such information to the DRMA.<sup>31</sup> Similarly, at the local level, entities owned or controlled by the government, or “public bodies” as they are referred to under the Act, have the responsibility to conduct damage and loss assessments in relation to goods and facilities under their responsibility to determine the extent of the recovery and rehabilitation needs and report back to the DRMA.<sup>32</sup>

Another significant change under the new *Disaster Risk Management Act* is in relation to the engagement of non-governmental entities. Under the Act, the DRMA is required to appoint a Non-Governmental Consultation Council, which shall consist of persons who have skills, qualifications and experience in the management of disaster risk as well as community-based organizations, non-profit organizations, corporations and other private organizations who specialize in the management of disaster risk. However, in terms of engagement, it appears that the DRMA is only required to consult the Council on an ad-hoc basis at the DRMA’s discretion.<sup>33</sup>

## 4. Financing and financial support for disaster recovery

### 4.1 Financial provisions for recovery prior to Hurricane Dorian



The *Disaster Preparedness and Response Act* did contain some provisions relating to financing, however these were narrow and related specifically to funding for NEMA to carry out its functions relative to the preparation for, the mitigation of and the recovery from emergencies and disasters. The Act stated that the funds of NEMA would consist of monies provided by Parliament and donated by persons.<sup>34</sup> However, it did not specify whether ‘persons’ might include organizations, either domestic or international.

### 4.2 Financing and financial support for recovery post Hurricane Dorian



On the other hand, the financial provisions under the Disaster Reconstruction Authority Act were broader in scope and more detailed. Firstly, the Act stated that the funds of the DRA shall consist of funds allocated to it by Parliament as well as sums arising from grants, covenants, donations and other receipts from persons, including national and international bodies. It also gave the DRA the power to borrow, in consultation with, and the approval of, the Minister of Finance. Secondly, the Act outlined how the monies were to be spent in relation to its disaster recovery mandate, namely, on: restoration and reconstruction works in a Disaster Zone; purchasing, securing and maintaining equipment necessary for restoration works; for costs associated with any survey, assessment, reconstruction and restoration plan, architectural drawing, structural drawing or other work requisitioned or produced by or on behalf of the Authority; and public safety education. Interestingly, the Act also stated that the remuneration of the members of the Board of the Authority were to come solely from funds allocated by Parliament.<sup>35</sup>

Although not specifically limited to financial assistance, the Act also provided that the DRA may accept assistance from NGOs and empowered the Prime Minister to engage assistance from international contributors in response to a disaster, such as any foreign state, international organization, entity or individual contributing to the reconstruction and restoration efforts on behalf of the Authority.<sup>36</sup>

The *Disaster Reconstruction Authority Act* also outlined that one of the functions of the DRA was to establish The Bahamas National Recovery and Reconstruction Trust Fund.<sup>37</sup> Following Hurricane Dorian, various pronouncements were made by the Prime Minister regarding the purposes of the Fund. It was described as an independent and non-political body to help fund home and building repairs. Specifically, the Fund would provide vulnerable residents with up to \$10,000 in grant money per household to assist families with building supplies, labour, or a combination of both. Further it was stated that the government would provide the initial start-up funds, but moving forward, the independent trust would be responsible for collecting and distributing funds for recovery efforts to ensure transparency and full accountability.<sup>38</sup> While this Fund was referred to in the *Disaster Reconstruction Authority Act*, there was no accompanying legislation or regulation outlining the purposes of the Fund, how the funds would be sourced, and how it would be managed.

Another important financial mechanism in the *Disaster Reconstruction Authority Act* was the designation of Special Economic Recovery Zones (SERZ). Under this mechanism, the Prime Minister may designate

a part or the whole of a Disaster Zone to be a SERZ for a period of time not exceeding five years. During that period, the Minister of Finance may by Order declare any concession or tax exemption to apply to any SERZ.<sup>39</sup>

In the aftermath of Hurricane Dorian, a *SERZ Order 2019* was made. According to the Acting Comptroller of Inland Revenue, this would allow persons impacted by the Hurricane to rebuild their lives more affordably and with greater speed. Under the SERZ Order there were six main tax benefits available, which could be applied at the border, the cash register and with the tax collector. These benefits included: (i) tax free importation of goods directly into the recovery zones, which applied to cargo directly imported into Grand Bahama, Abaco and the surrounding cays; (ii) VAT-free purchase of goods inside the recovery zones, which applied to goods purchased inside the zone; (iii) Duty-free and VAT-free replacement of vehicles and boats; (iv) relief from all business license fees; (v) Real Property Tax relief for improved property; and (vi) discounted VAT on the sale of real property.<sup>40</sup>

In terms of applicable goods, these included a wide range of items from building supplies, furniture and office equipment to fishing and farming supplies, medicine and personal hygiene products, as well as water, fruits and vegetables and other unprepared and prepared foods, including food sold at restaurants. At the cash register in Abaco and Grand Bahama, consumers effectively paid no VAT on most items available locally. However, for direct cargo imports at the border in Grand Bahama, Abaco and the surrounding cays, only certified individuals and businesses had the benefit of tax-free imports on approved items.<sup>41</sup>

From time to time, SERZ Orders were amended to take into account the changing needs and circumstances. The most recent order, at the time of writing, *SERZ Order 2022* made provision for relief from taxes on goods imported into the SERZ until December 1, 2022. Tax exemptions applied to taxes and fees under the *Customs Management Act, 2011*, the *Excise Act, 2018*, the *Tariff Act, 2018*, and the *Value Added Tax Act, 2014*. Applicable goods included household furniture, furnishings and appliances, hardware supplies, building materials, and electrical and plumbing fixtures and materials.

In addition to tax concessions and exemptions, significant portions of the National Budget were dedicated to financing the recovery efforts. There were, however, considerable losses in revenue due to the impact of Hurricane Dorian to the economy, as well as the tax revenues forgone (estimated at over USD 200 million). As such, in order to finance the recovery process and to make up for the shortfall in revenue, the government increased its borrowing beyond the USD 72.4 million approved at the time of the 2019/20 budget communication.<sup>42</sup> Accordingly, government expenditure increased to an estimated USD 2,687.6 million, of which USD 82.7 million was associated with Hurricane Dorian and included:

- \$23.1 million in costs associated with clean-up activities;
- \$12.9 million to facilitate food and accommodation assistance programmes;
- \$11.4 million to fund the extension of the unemployment benefit to eligible persons;
- \$11.1 million in allowances for affected public staff;
- \$5.4 million for the acquisition of supplies and materials;
- \$1.5 million allocated to the new Ministry of Disaster Preparedness, Management and Reconstruction; and
- the remaining \$17.3 million allocated to primarily cover contingencies, consultancy services, security and other costs.<sup>43</sup>

Given that the loss and damage from Hurricane Dorian was calculated around USD 3.4 billion, a significant portion of funding and resources for recovery came from non-state and international sources. During the Hurricane Dorian Private Sector Pledging Conference, held in January 2020, governments, NGOs,



multilateral institutions, companies and individuals pledged USD \$1.5 billion in recovery funding and in-kind services. The pledges included initiatives in homebuilding and repair, educational assistance, renewable energy partnerships, relief aid, grants, direct assistance to storm victims, parks restoration, loans and financing.<sup>44</sup>

The Bahamas received various international sources of funding, some within days of the impact of Hurricane Dorian. These included USD 13 million from the Caribbean Catastrophe Risk Insurance Facility SPC (CCRIF), half of which was paid to the government within seven days following the storm with the remainder being paid within 14 days.<sup>45</sup> The Inter-American Development Bank (IDB) also provided USD 100 million, through a contingency loan signed in April 2019, to cover unexpected public expenses arising from emergencies caused by severe or catastrophic natural disasters. In addition, an emergency donation of USD 200,000 was also provided by the IDB.<sup>46</sup> As at September 30, 2019, USAID provided more than USD 25 million to the Hurricane Dorian response, bringing the total US Government contribution to nearly USD 34 million, as one of the largest donors to the response.<sup>47</sup> From the International Federation of Red Cross and Red Crescent Societies (IFRC), between 2019 and 2022, over CHF 26 million was raised through its Emergency Appeal.<sup>48</sup>

In February 2020, the Deputy Prime Minister revealed in Parliament that, as at January 31, 2020, approximately only USD 9.4 million had been received by the government as actual cash donations, and that another USD 2.8 million of in-kind assistance had been received, based on data reported by NEMA. It was noted that many of the public pledges made were actually for in-kind assistance and not yet received, and that many of the pledges were for donations to private sector organizations and not the government. This represented a significant shortfall in the funding required for the recovery of Abaco and Grand Bahama. As the Deputy Prime Minister stated: "When you compare \$9 million in donated funding to cover over \$400 million in Dorian expenses and revenue losses, it is plain to see that our own resources are not enough for this massive response."<sup>49</sup>

As regards the payment of insurance for reported losses, according to the Insurance Commission of The Bahamas' Annual Plan for 2021, insurers paid USD 1.8 billion in claims following Hurricane Dorian. By September 2020, the number of claims had grown to 14,157 with losses at USD 2.1 billion.<sup>50</sup> However, while the number of insurance claims had grown exponentially, it was noted by the Central Bank that in The Bahamas the practice of insuring business and personal cash flows was still undeveloped.<sup>51</sup> According to the RF Merchant Bank and Trust (Bahamas) Limited, statistics have shown that many of the homes and properties affected by Hurricane Dorian were either uninsured or underinsured, and rebuilding could, therefore, be a much more protracted process.<sup>52</sup> Given this context, the Central Bank highlighted several lessons learned from Hurricane Dorian, namely that protective measures should be considered holistically and should include purchasing better insurance coverage, building up savings, and ensuring that buildings meet relevant codes for catastrophic damage. Additionally, the Central Bank stated that increased consideration should be given to how collective action schemes, such as national catastrophe insurance and reinsurance programs, might increase national financial resilience.<sup>53</sup>

In light of the significant challenges in funding recovery and reconstruction, the government ensured that finance would be a key component in the Resilient Recovery Policy. Under Goal 2 ("Access to Infrastructure and Services"), the Policy refers to the need to revisit financing arrangements and mechanisms and proposes the establishment of a recovery to resilience financing programme. However, it does not further outline what this programme will entail.<sup>54</sup> The Resilient Recovery Strategy and Implementation Plan goes a little further and identifies several options for sourcing financing following a disaster, which will form part of a National Risk Financing Strategy. These sources include:

- ex-post instruments such as budget reallocation, domestic credit, external credit, tax increase and donor assistance;

- ex-ante risk financing instruments such as donor assistance, reserves or calamity funds, budget contingencies, contingent debt facility and risk transfer mechanisms;
- risk transfer instruments such as traditional insurance and reinsurance, CCRIF parametric insurance and catastrophe (CAT) bonds; and
- development programme investments financed from fiscal measures and multilateral financing to ensure resilient development.<sup>55</sup>

However, it is not clear whether the National Risk Financing Strategy was developed.

### 4.3 Financial provisions for recovery under the new Disaster Risk Management Act 2022



Given the serious financial challenges faced by The Bahamas during the recovery phase after Hurricane Dorian, the Disaster Risk Management Act, puts significant emphasis on ensuring adequate financing after a disaster. It defines “financial protection” as:

*the use of financial instruments to facilitate access to economic resources, as required, to allow for the timely response to and rehabilitation and recovery from, a disaster, and includes: (a) risk retention instruments such as reserve funds, budget reallocation, contingent lines; and (b) risk transfer instruments such as insurance, catastrophic bonds.*

In that regard, the *Disaster Risk Management Act*, tasks the Minister of Finance with responsibility for the financial protection component of the National Disaster Risk Policy, and other instruments such as the National Disaster Risk Management Plan and the National Disaster Emergency Plan. The Minister is also responsible for adopting financial protection instruments to protect public assets and the fiscal balance of the country and to facilitate the adoption of financial protection instruments by public bodies and Administrators. Further, the Minister is required to develop guidelines and standards for the insurance of public and private assets, including concessions, and provide advice in the adoption of risk transfer instruments, among other functions.<sup>56</sup>

Another key responsibility of the Minister of Finance is developing the Comprehensive Financial Management Strategy for Disaster Risk Management. This Strategy combines financial instruments to finance risk analysis, disaster risk reduction, disaster preparedness, financial protection, disaster response, rehabilitation and recovery. It will also establish the fiscal responsibility of the government in relation to disaster response, rehabilitation and recovery, including the livelihoods and private assets damaged or destroyed by a disaster.<sup>57</sup>

The Disaster Emergency Fund is another important financial mechanism under the *Disaster Risk Management Act* which is established for the purpose of funding disaster response, rehabilitation, recovery and the adoption of financial protection instruments. This Fund will be managed by the DRMA and it will consist of funds appropriated by Parliament, donations, grants, loan agreements, and funds obtained by the DRMA through its activities, organized for that purpose. The legislation also provides that in any given year, where it is not necessary to spend the monies from the Fund, the monies are to be accumulated for use at a later date.<sup>58</sup> It should be noted that although there is also a Disaster Prevention Fund, the legislation expressly provides that both Funds are to be separate with independent allocations. In other words, no monies from one fund shall be used for any purpose related to the other fund. Notwithstanding, if no money is spent from the Disaster Emergency Fund after a prescribed period of time, such monies may be used for a purpose related to the Disaster Prevention Fund.<sup>59</sup>



Notably, the designation of SERZs, under the previous *Disaster Reconstruction Authority Act*, was not replicated under the new *Disaster Risk Management Act*. Nevertheless, the Prime Minister can, by Order, declare and make provisions for relief where there has been a declaration of a disaster emergency or an activation of disaster emergency measures. This Order may include a rebate of business licence fees to licensees under the *Business Licence Act*; a waiver, refund or reduction of VAT or zero rating on the importation of specified goods; exemptions on taxes and tariffs on specified imported goods; and waivers of any other fees, duties or taxes payable under any other law.<sup>60</sup>

## 5. Assessment, planning, monitoring and evaluation

### 5.1 Assessment and planning prior to Hurricane Dorian



*The Disaster Preparedness and Response Act* did not directly refer to damage assessments following a disaster. However, the legislation did incorporate, at the Second Schedule, the *Agreement Establishing the Caribbean Disaster Emergency Response Agency* ("CDERA Agreement")<sup>61</sup> and this Agreement refers to an undertaking by Participating States to conduct damage assessments. Article 13 (o) states: "Participating States undertake...to develop a system and procedure for damage assessment in order to facilitate rapid and effective post impact evaluation." Additionally, where the domestic capacity of a

Participating State is overwhelmed following a disaster, the CDEMA Regional Response Mechanism is activated to provide technical support to an impacted Participating State, and this includes damage assessments and needs analysis.

*The National Disaster Plan and Instructions for Emergency Situations*<sup>62</sup> contains some guidance in relation to the conduct of disaster assessments. However, based on the analysis conducted by the Pacific Disaster Center in *The Bahamas National Disaster Preparedness Baseline Assessment*, damage assessment capacities remain underdeveloped and inadequate for major disasters.

The damage assessment procedure began with an Initial Situation Overview with the intent of informing the Prime Minister, Cabinet Ministers, Permanent Secretaries, and various organization heads of departments of the initial extent of damage caused by a hazard. This overview was conducted "based on observations reported by key organizations and officials through general reconnaissance." According to the National Disaster Plan, damage assessments were coordinated by NEMA and were broken into four categories: Initial Damage Assessments, Damage Assessment and Needs Analysis, Agency Specific Assessments, and Social and Physical Assessments. Government agencies were expected to conduct their own assessments according to their respective sectors (e.g. transportation, communication, housing etc.) and report back to NEMA. However, it appeared that these assessments were conducted in silos and there was no language in the National Disaster Plan directly linking assessment outcomes to post-disaster decision-making processes or protocols.<sup>63</sup>

### 5.2 Assessment and planning post Hurricane Dorian



*The Disaster Reconstruction Authority Act* contained more detailed provisions regarding the conduct of damage assessments in relation to reconstruction efforts. At section 5, it outlined as a main function of the DRA, "to assess the reconstruction needs of a Disaster Zone and to prepare a reconstruction plan." Further, in assessing the needs of the Disaster Zone, the legislation required the DRA to develop a reconstruction plan,<sup>64</sup> having regard to the reconstruction and restoration needs of: electricity, water and communication; health and

educational facilities; roads, bridges and ports; and, residential, business and other establishments.<sup>65</sup> so there are not bullet points directly under the icon.<sup>65</sup>

Following Hurricane Dorian, it was clear that the domestic capacities to respond were overwhelmed and, as such, the CDEMA Regional Response Mechanism was quickly activated. As early as August 31, 2019, before Hurricane Dorian made landfall in The Bahamas, CDEMA pre-deployed two Rapid Needs

Assessments Teams (RNAT) who conducted assessments in the affected islands on September 4, 2019, immediately after the all-clear was issued. Some of the critical areas examined included rapid damage assessment of the airports and seaports, electricity, emergency telecommunications, housing and critical facilities, roads, food security, and water.<sup>66</sup>

After the provision of initial emergency services, the government of The Bahamas asked the Inter-American Development Bank (IDB) to assess the resulting damage, losses and additional costs. This assessment was also supported by the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), which provided technical assistance for the assessment. The assessment examined costs in three areas, namely, direct physical damage, revenue and other income losses and additional costs (e.g. debris removal). These costs were calculated for the four primary sectors on the affected islands (social, infrastructure, productive and environment) and amounted to approximately \$3.4 billion.<sup>67</sup>

In regards to planning, there are two main types of recovery planning that can be undertaken: (i) pre-event recovery planning, which outlines the general planned arrangements for recovery including the key activities that will be implemented and the roles and responsibilities of different actors; and (ii) post-event recovery planning, which outlines the specific measures that will be taken to recover from a disaster over the short, medium and long term based on needs and damages assessments. For The Bahamas, the Resilient Recovery Strategy and Implementation Plan effectively serves as the country's pre-event recovery plan. As discussed above, following a disaster, the DRA was required to prepare a reconstruction plan. This constituted a form of post-event planning, albeit restricted to one element of recovery. There was no requirement in any applicable law or policy to develop a more comprehensive post-event recovery plan addressing the many other critical components of recovery (e.g., psychosocial, economic and environmental recovery, protection of vulnerable groups etc).

### 5.3 Assessment and planning under the new Disaster Risk Management Act, 2022



Under the new *Disaster Risk Management Act*, the responsibility for conducting assessments following a disaster is held by Administrators, public bodies and the DRMA. At the national level, the DRMA is the main coordinating entity for executing post-disaster assessments. The DRMA's responsibilities in this regard include: directing a public entity to conduct a damage and loss assessment of essential services; coordinating the execution of damage and loss assessments, in collaboration with the appropriate public body; and determining the nature, scope and content of the recovery on the basis of a damage and loss assessment.<sup>68</sup>

At the local level, an Administrator is responsible for conducting a needs assessment, as soon as reasonably practicable after the occurrence of a disaster, upon the advice and with the assistance of the DRMA, to determine the immediate humanitarian needs of the population affected by the disaster in the local government districts under his or her responsibility.<sup>69</sup> Similarly, public bodies are required to assess the damage and loss to goods and facilities under their responsibility, and to determine the rehabilitation and recovery needs based on the assessment.<sup>70</sup> Administrators and public bodies are also required report back to the DRMA on the findings of their assessments.

As regards the issue of planning, the *Disaster Risk Management Act* refers to the preparation and implementation of post-disaster recovery plans. In collaboration with Administrators and public bodies, the DRMA is responsible for preparing and implementing recovery plans, which shall identify

the duration of time proposed for the: (i) restoration of livelihoods; (ii) repair or rebuilding of affected houses; and (iii) any other activity identified through the damage and loss assessment.<sup>71</sup>

In terms of pre-disaster recovery planning, the *Disaster Risk Management Act* does not specifically refer to such plans. However, it provides for Disaster Risk Management Plans and Disaster Emergency Plans to be developed at the national and local levels which are required to include aspects relevant to recovery. At the national level, the DRMA is responsible for developing the National Disaster Risk Management Plan and the National Disaster Emergency Plan. Specifically, the National Disaster Emergency Plan establishes the actions and contingency arrangements required to manage alerts and disaster emergencies in order to safeguard life, protect property and restore normalcy to society during the disaster response, rehabilitation and recovery phases and it is aimed at coordinating the technical, financial and operational capacities of a public body and an Administrator, to effectively manage alerts and disaster emergencies.<sup>72</sup> At the local level, public bodies are required to prepare a Public Body Disaster Risk Management Plan and a Public Body Disaster Emergency Plan.<sup>73</sup> Similarly, Administrators are required to prepare a Local Disaster Risk Management Plan and a Local Disaster Emergency Plan.<sup>74</sup> All plans developed at the local level must contain the same information as outlined in the National Disaster Risk Management Plan and the National Disaster Emergency Plan in relation to the public body or the local district respectively.

## 5.4 Monitoring and evaluation



As it relates to monitoring and evaluation of recovery activities, the Resilient Recovery Policy, Strategy and Implementation Plan speaks to the establishment of a monitoring, evaluation and reporting (MER) framework for the implementation of the Policy, Strategy and Implementation Plan. In addition, there is to be a Resilient Recovery Committee that will oversee the roll out of the Policy, Strategy and Implementation Plan. However, while the Resilient Recovery Committee and MER framework are important mechanisms for monitoring and evaluating the implementation of the Resilient Recovery

Policy, Strategy and Implementation Plan, they do not appear to involve monitoring and evaluation of ongoing recovery activities more generally. Moreover, as at the time of writing, neither mechanism appears to have been established. In the case of ongoing recovery activities post-Hurricane Dorian, media reports suggest that recovery in Abaco remains slow, with many persons still remaining without homes 2 years after the Hurricane, and with the Marsh Harbour port still needing to be reconstructed.<sup>75</sup> Taking into account that recovery and reconstruction were also hampered by challenges related to the COVID-19 pandemic, it is critical that a clear monitoring and evaluation framework for recovery activities be implemented to ensure accountability in the recovery process.

Regarding monitoring and evaluation under the *Disaster Risk Management Act*, the DRMA is responsible for advising and assisting Administrators and public bodies on monitoring and evaluation of their Disaster Risk Management Plans and Disaster Emergency Plans. However, there are no specific requirements regarding monitoring and evaluation of recovery plans or activities.

## 6. Reconstruction and repair of housing and infrastructure

### 6.1 Reconstruction laws and policies



As mentioned previously, the *Disaster Reconstruction Authority Act* empowered the DRA to oversee the reconstruction plan and its implementation in a Disaster Zone. While it did not speak directly to increasing the resilience of new infrastructure in the reconstruction process, the legislation did refer to specific oversight of structural designs in reconstruction. At section 21 (2), it stated that an order approving reconstruction in a Disaster Zone may specify the size, height, character or other design requirement for structures permitted to be constructed, or any such other requirements or prohibition

that the Minister responsible for the environment deems necessary in the interest of public health, public safety or national security. Additionally, the Minister, in consultation with the DRA, may also make regulations for the establishment, construction, alteration, safety, maintenance and repair of facilities impacted by a natural disaster.<sup>76</sup> At the same time, the legislation prohibited any person from carrying out any building or reconstruction in a Disaster Zone unless that zone had been approved for reconstruction by the Minister.<sup>77</sup> This suggested an attempt to prevent or regulate reconstruction in perceived high-risk areas.

Following Hurricane Dorian, the Ministry of Housing and Environment issued an order prohibiting the construction of new residential or commercial buildings in the Mudd, Pigeon Pea, Sand Bank and Farm Road communities of Abaco. This area was one of the most vulnerable and heavily impacted areas where more than 1,000 homes were completely destroyed by the Hurricane. The prohibition was valid for six months, with the possibility to extend for an additional six months. The government also stated that the purpose of the order was to allow for recovery efforts and the removal of storm debris.<sup>78</sup>

There was also a *SERZ Order 2022* in place for the Islands of Abaco, the Abaco Cays, Grand Bahama Island, Sweetings Cay, Deep Water Cay and Water Cay. This Order provided for construction services to have a VAT zero rating, provided that they were invoiced by December 31, 2021, and paid for in full by March 31, 2022.<sup>79</sup> Additionally, there was also an exemption on building permit fees, up until December 1, 2022, provided that the building does not exceed 900 feet, is built for residential use, and is Bahamian owned.<sup>80</sup>

In relation to the Resilient Recovery Policy, one of the key pillars of the policy is Safety and Security. Under this pillar the goal is to “Ensure the safety and security of all people and communities of the Bahamas through risk awareness and education, multi-hazard planning, relevant legislation, standards and regulatory procedures and inclusive and resilient recovery and development planning.” As such, the Policy states that new or revised building standards must consider not just the impact of the wind but also storm surge, and that new construction and refurbishments must be done to more appropriate standards to ensure greater resilience to future events. In addition, the Policy calls for the development of programmes to assess and retrofit all existing buildings.<sup>81</sup>

In terms of access to infrastructure and services, the Resilient Recovery Policy refers to, “Promot[ing] the restoration and development of resilient infrastructure and utilities and access to essential social services by all communities in the Bahamas.” Under this pillar, the Policy calls for a multi-pronged approach that includes: a) better design; b) construction in areas of lower risk and possibly even relocation of selected communities to accommodate this; c) green and alternative energy solutions;

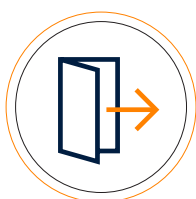
d) evidenced-based decision making in planning and implementing infrastructure and services; and  
e) inclusive decision making and priority setting for development at both the national level and the islands levels.<sup>82</sup>

In addition, the Policy refers to certain strategic actions as it relates to critical infrastructure. These include improving the reliability and availability of communications and power during times of emergency and crisis across the islands of The Bahamas, making use of alternate and renewable energy technologies, and developing a comprehensive and integrated water management system for all the islands. The latter includes the elements of surface and ground water management, and WASH services that are cognizant of climate change and disaster risk.<sup>83</sup>

The Resilient Recovery Strategy and Implementation Plan goes further to outline specific activities to implement these policy goals. These include: updating and developing codes and standards for the built environment and the strengthening of enforcement measures; establishing a “From shelter to resilient housing programme”; undertaking a risk-informed evidence-based infrastructure enhancement programme; and rebuilding, repairing and retrofitting sustainable and smart schools on Grand Bahama and Abaco.

It should be noted that both the *Disaster Reconstruction Authority Act* and the Resilient Recovery Policy, Strategy and Implementation Plan were developed in response to the devastation of Hurricane Dorian. While the Resilient Recovery Policy, Strategy and Implementation Plan call for the development of resilient infrastructure and utilities and the implementation of specific activities such as retrofitting smart schools, among other things, it is not clear to what extent these activities and initiatives are being implemented in the ongoing post-Hurricane Dorian relief efforts.

## 6.2 Building regulation and enforcement



As it relates to building codes, there is the *Building Regulations Act, 1971*, which provides for the construction, alteration and repair of buildings, the re-instatement or removal of dangerous or dilapidated buildings, and authorizes the publication of a building code. This Act also establishes the offices of the Buildings Control Officer and the Deputy Buildings Control Officer who are responsible for implementing building regulations and enforcing the building code. The Act also allows for the designation of qualified inspectors who are assigned specific duties under the Act and the building code.

The Bahamas Building Code (BBC), which closely follows the standards of the South Florida Building Code, is considered to be one the best building codes in the Caribbean. In 2003, the BBC was updated to make provision for an increase in wind speeds from 120 to 150 mph and the mandatory installation of hurricane shutters for all applicable new buildings. However, according to engineers Aman Karamlou and Karthik Ramanathan, in their article “*What Hurricane Dorian Taught Us about the Bahamas Building Code*”, the BBC still lacks thorough specifications and construction detailing requirements for some critical regions and elements of the roof, such as ridges and overhangs, which typically contribute considerably to the vulnerability of not only the roof but also the building as a whole.<sup>84</sup> Nevertheless, after Hurricane Dorian, it was discovered that the high wind speeds in which Dorian made landfall exceeded the design requirements of the BBC. In other words, even with strict compliance to the BBC, it was likely that infrastructure would not have been able to completely withstand the impact of the Hurricane.<sup>85</sup>

Another significant contributor to the vulnerability of the housing stock in Abaco and Grand Bahama was the lack of enforcement of the existing building code. According to a November 2019 Report of the

Buildings Control Officer, which was tabled in Parliament by the Minister for Works and Utilities, many of the Abaco and Grand Bahama-based properties that were destroyed and severely damaged during Hurricane Dorian exhibited a “glaring absence” of building code compliance.<sup>86</sup> This could be due in part to a lack of resources for the Buildings Control Division coupled with a lack of training for inspectors, leading to inspections not being stringent and resulting in deficiencies.<sup>87</sup>

In addition to a lack of enforcement of the building code, the Prime Minister acknowledged in Parliament that there has also been uneven enforcement of the laws governing construction. He presented a scenario where one person was given a permit to build but went outside the scope of the permit. Consequently, he was not permitted to occupy the building. At the same time, there have been no sanctions for people living in informal settlements who have been allowed to build hundreds of homes that are far below the standard of the building code.<sup>88</sup>

Given these circumstances, the government committed in its Resilient Recovery Policy to review and update the building code to ensure new construction would be resilient to ‘super storms’ like Hurricane Dorian and that existing buildings would be retrofitted to the required standards, with emphasis on greater enforcement. In February 2022, the Minister for Works and Utilities announced that the government would be bringing a revised building code to Parliament and will undertake consultation with all relevant stakeholders.<sup>89</sup> However, up until the time of writing, the revised building code has not yet been adopted.

The *Disaster Risk Management Act* contains some provisions regarding building regulations and new construction. For instance, where a person wishes to apply for a building permit, he must conduct an analysis of the risk to which the proposed construction may be exposed, and the risks that may be generated or exacerbated by the proposed construction, before making the application. Additionally, the application, together with the risk analysis, must be sent to the DRMA for comment, before being considered and approved by the Building Control Officer.<sup>90</sup>

Further, under the new legislation, the DRMA has some specific functions in relation to the integration of disaster risk measures in new developments. For instance, the DRMA, in coordination with the relevant national agency responsible for the approval of public investment projects, is required to develop disaster risk management guidelines and standards for public investment projects. The DRMA is also responsible for establishing, reviewing, and periodically updating benchmarks of acceptable risk for natural hazards in relation to buildings and construction, in coordination with the Ministry responsible for public works and housing. The DRMA is also empowered to validate an area that is prone to disaster, which requires the implementation of land use restrictions or action to facilitate disaster risk reduction.<sup>91</sup>

### 6.3 Reconstruction and repair of housing post-Hurricane Dorian



There were several approaches taken to reconstruction and home repair after Hurricane Dorian. In the immediate aftermath of the Hurricane, the government sought to provide temporary shelters in the form of dome housing units for persons whose homes were severely damaged or totally destroyed. In addition, the government launched the Small Home Repair Programme, where persons could receive grants up to \$10,000 for home improvement materials, labour or both. The programme was also intended to

support the local economy, with the grants being available for work carried out by approved tradesmen and materials purchased from approved vendors in The Bahamas.

In 2022, the government launched its Homeowners Assistance Relief Programme (HARP) which appears to be a revamped version of the previous Small Home Repair Programme managed by the DRA. Under



this programme, assistance was provided to homeowners in need of roof repair, window and siding repair, and plumbing and electrical repair. The government committed \$2 million to the programme with the intention of seeking donations for additional funding and engaging with NGOs to provide assistance to the initiative.<sup>92</sup> In terms of home repair, various humanitarian organizations and NGOs also partnered with the government to provide supplies and logistical and technical assistance, while the government paid for the home repair labour.

In order to access most programmes, however, it was necessary to show proof of ownership of the property and proof of residence as at August 31, 2019. This would have represented a significant challenge for affected persons, as many Bahamians rely on paper-based records, that may have not been properly lodged with a central registry.<sup>93</sup> Where those records were washed away in the storm, it was likely to create difficulties or delays in meeting the requirements for assistance.

Humanitarian organizations like the BRCS and the IFRC sought to alleviate these difficulties by adopting a due diligence approach in relation to generational land (meaning land that is jointly owned by many different descendants of the original owner). If the target household was not the official owner of property, but instead an older generation family member owned the property, the target household could generally still access assistance under this due diligence approach. As part of this approach, BRCS and IFRC also sought to obtain statements from siblings confirming that they did not object to the repair or that the target household had permission to undertake the repairs and live in the house. This approach allowed certain vulnerable households to have access to BRCS' and IFRC's shelter assistance programmes who might have ordinarily been excluded.<sup>94</sup> It is not clear whether this due diligence approach was adopted in relation to government assistance programs.

Another approach adopted by humanitarian organizations and NGOs was cash assistance programmes, where unconditional cash was given to support basic needs related to food, water, housing, utilities, furniture, clothing, transport, communication, education, and health costs.<sup>95</sup> One key benefit of the cash assistance programme was that it was able to reach vulnerable populations, namely migrant and undocumented persons, who may not have been able to access other kinds of relief assistance.<sup>96</sup> Humanitarian organizations and NGOs also implemented rental assistance programmes to enable access to safe and appropriate housing of a permanent standard (rather than an emergency standard) and to 'buy time' while households recovered their livelihoods, rebuilt their homes or found alternative arrangements. However, rental assistance programming in Abaco was generally limited as the damage from the Hurricane resulted in a shortage of adequate rental accommodation on the housing market.<sup>97</sup>

While there were various opportunities for affected people to apply for housing and shelter assistance, there continued to be a significant shortfall in distribution and access to these programmes, with many households still being without permanent housing solutions at the time of writing. One key informant noted that the government's Small Home Repair Programme faced many challenges, including shortages in funding and supply chain difficulties, resulting in the temporary shutdown of the programme at various intervals. Another challenge was that nearly all NGOs and humanitarian organizations chose to undertake programmes that targeted small and minor home repair, rather than fully damaged homes. This was due to the high cost of reconstruction (estimated at between USD 60,000 and USD 100,000 for a new build small home, excluding land costs). The rationale for this decision was to find a balance between assisting more people versus assisting a small number of people with larger needs.<sup>98</sup>

According to IFRC's report *"Bahamas Hurricane Dorian Response, Shelter and Settlements"*, the quality of construction was found to be generally good, given the high quality of materials available and the requirement under the programmes to use contractors from government approved lists. However, it is not clear whether there was any requirement for inspectors appointed under the *Building Regulations Act* to do a final inspection to ensure repairs were done according to the building code.



Key informants indicated that due to a lack of durable solutions or a resettlement strategy, informal settlements continued to re-emerge even after being flattened by Hurricane Dorian. These informal settlements remain extremely vulnerable as they exist outside of any construction or land-use law in The Bahamas. This disproportionately impacts migrants, especially undocumented migrants, who constitute a significant portion of the population of informal settlements.

## 6.4 Disaster waste management



In The Bahamas, there is no legislation, policy or plan that specifically addresses disaster waste management.

Hurricane Dorian produced large quantities of debris and rubble. Preliminary estimates from the United Nations Development Programme (UNDP) quantified a total of two million cubic metres of waste produced by the Hurricane in Abaco alone.<sup>99</sup> Environmental concerns were identified by the authorities as a key priority, given the threat that disaster waste poses to safety, human health and the surrounding environment, and the need to restore access to buildings, infrastructure and land to enable recovery efforts.

According to the report prepared by the UNEP/OCHA Joint Environment Unit, *“Rapid assessment of acute environmental risks after Hurricane Dorian”*, in addition to destroyed houses and uplifted trees, Hurricane Dorian also led to damaged industrial complexes, power plants, fuel and chemical storage facilities, petrol stations and electrical grids, all of which could potentially leak toxic material in the wake of the storm and in the face of subsequent tropical storm alerts, threatening life and the environment. Additionally, there were no measures implemented to segregate waste and safely handle hazardous materials in Abaco, posing challenges for post-disaster management.

Given the serious environmental concerns arising in the aftermath of the Hurricane, the Ministry of the Environment, through the Department of Environmental Health Services (DEHS), has been working on the development of a disaster waste management plan to address all types of waste, including debris removal and hazardous waste.<sup>100</sup> This also coincides with a commitment made by the DRA to develop a comprehensive waste management plan.<sup>101</sup> However, to date, it is not clear whether any such plan has yet been developed. As such, given the serious threat disaster waste poses to safety, security and public health and the obstacles it imposes on recovery efforts, it is critical that a disaster waste management plan be integrated into emergency coordination mechanisms to be addressed in the immediate aftermath of a disaster.

## 7. 'Soft' recovery

### 7.1 Mental Health and Psychosocial Support



Prior to Hurricane Dorian, there were no specific plans or strategies to address mental health and psychosocial support (MHPSS) in disasters. However, there was the *Mental Health Act, 1969*, which made general provision for the care and treatment of people with serious mental illness with respect to their property and affairs. This included provisions for compulsory admission to hospital, guardianship, treatment, duration of detention and admission and treatment of persons in criminal proceedings.

Following Hurricane Dorian, it was evident that MHPSS would need to be a core component of recovery given the shock and trauma experienced by survivors. The Ministry of Health partnered with various humanitarian organizations such as the IFRC and the BRCS and local and international NGOs to provide mental health support services. However, when the Resilient Recovery Policy, Strategy and Implementation Plan were developed, there was no specific mention of MHPSS in disasters. While these instruments speak to increasing the resilience of people and communities, one clear gap is in relation to addressing mental health issues following a disaster, and putting in place policies, programmes and activities to treat the stress and trauma caused by a catastrophic event.

In July 2022, the Minister of Health announced the roll out of a new *Mental Health Bill 2022* which was subsequently passed in the Senate in December 2022.<sup>102</sup> The new *Mental Health Act 2022* seeks to focus on protecting human rights and moves away from criminalization.<sup>103</sup> The legislation would also seek to help persons dealing with post-traumatic stress disorders associated with COVID-19 and previous hurricanes like Hurricane Dorian and Hurricane Matthew.<sup>104</sup> Although the new *Mental Health Act 2022* does not explicitly make reference to matters relating to mental health issues following a disaster, it does place strong focus on protecting the rights and dignity of persons with mental illness. Some of the guiding principles include:

- ensuring treatment is voluntary, wherever possible;
- ensuring participation of the diagnosed person in decisions about his care, treatment and recovery;
- promoting dignity and autonomy;
- preventing exploitation and abuse; and
- ensuring that the best interests and welfare of children and young persons is the primary consideration of mental health service providers.

### 7.2 Education



Hurricane Dorian displaced thousands of students and caused significant damage to the majority of schools on Grand Bahama and Abaco, requiring millions of dollars' worth of repairs to be carried out. In these circumstances, the Ministry of Education mobilized interim plans, with the support of UNICEF, to register 10,000 displaced children in schools in New Providence.<sup>105</sup> Additionally, displaced students also benefited from services from other Ministries such as medical screenings required for school enrolment, uniform

and lunch assistance, referrals for counseling services and referrals for enrolment in social, sporting and extra-curricular activities, with free bus transportation where needed.<sup>106</sup>

In terms of reconstruction and repair, the Ministry of Education also indicated its intention to rebuild, repair and retrofit sustainable and smart schools on Grand Bahama and Abaco. This intention is reflected in the Resilient Recovery Strategy and Implementation Plan at Outcome 2, “Access to SMART and Resilient Infrastructure and Services”. Key activities, for the short and medium term, include rebuilding, repairing and retrofitting sustainable and smart schools on Grand Bahama and Abaco, in keeping with the Sustainable Development Goal 4a to design safe learning facilities that consider safe site selection, updated building codes, disaster resilient and ‘green’ design, and infrastructure needed to improve performance standards.

Although the Resilient Recovery Strategy and Implementation Plan refers to plans to reconstruct, repair and retrofit schools to improved standards, it is noted that neither the Resilient Recovery Policy nor the Strategy and Implementation Plan include provisions or contingency plans to ensure school can resume as soon as possible following a disaster. It is essential that return to school, in the shortest possible time, forms an integral part of the recovery process. In circumstances of a disaster involving physical, mental and emotional trauma, schools provide a safe space for healing and rebuilding which can support not only children, but also communities.

### 7.3 Restoring economic activity and livelihoods



The Resilient Recovery Policy, Strategy and Implementation Plan make certain provisions for the restoration of livelihoods and economic activity. According to “Goal 3 – Resilient Livelihoods and Economic Development,” it states that, “recovery should promote and support sustainable and resilient economic activities and livelihoods in all the islands of the Bahamas and for all sectors and levels of the society.” Further, the Strategy and Implementation Plan outlines various outputs and key activities to achieve this goal. Some of the key activities include:

- a. rationalizing the process and measures related to reconstruction in Disaster Zones with those for Special Economic Recovery Zones;
- b. supporting micro, small and medium enterprises (MSMEs) in a process linked to tourism, fishing and agriculture to strengthen the economy and local multipliers;
- c. compiling a comprehensive registry of all MSMEs;
- d. establishing initiatives that facilitate access to recovery resources by the most vulnerable for improvement in quality of life;
- e. establishing a safe and secure community livelihood initiative;
- f. establishing a sustainable MSMEs Grant, Equity Financing Program and Loan Guarantee Program that allows MSMEs to operate and thrive in an economy supported by locals and tourists.

Following Hurricane Dorian, the government announced specific interventions to stimulate economic recovery in its budget presentation of February 2020. These interventions were meant to allow businesses to be restarted faster and the process easier, as well as supply more jobs, provide unemployment relief and stimulate the economy. It should be noted that when the COVID-19 pandemic impacted The Bahamas several months into the Hurricane Dorian recovery, these interventions were positioned to also support recovery during COVID-19, with additional economic packages added for the wider economy.

Under the SERZ programme, the government waived business licence fees for all new businesses, and existing businesses with an employee count of at least 60% of their pre-Hurricane Dorian level by December 2020. There were also extended provisional licences to all businesses in Abaco and Grand Bahama with the exception of potentially hazardous undertakings. Real Property Tax was waived on properties that met specified criteria to ensure they were restored, and VAT credit was extended up to 50% on the sale of qualifying real property.<sup>107</sup> Under the *SERZ Order 2019*, relief from business licence tax was available for an entire year. Other tax concessions were allowed initially up to June 2020, and then extended until 2021 with various amendments.<sup>108</sup>

As regards unemployment relief, the government committed \$11.4 million towards unemployment benefits from the National Insurance Board (NIB) for eligible persons.<sup>109</sup> As the COVID-19 pandemic hit, the government made provisions for NIB unemployment benefits for self-employed persons. This allowed for a payment of \$200 weekly for up to eight weeks of unemployment.<sup>110</sup> The government also implemented the MSME Business Disaster Recovery Programme,<sup>111</sup> which was designed to support the redevelopment of businesses in Grand Bahama and Abaco. Under this programme, businesses were provided with: (i) resources for the revision of business plans; (ii) the set-up of a formal accounting system; (iii) access to funding for renovations; and (iv) capital, vehicle, material and stock purchases.

There were, however, challenges in the operation of the MSME Business Disaster Recovery programme. By January 2020, only 2% of all MSMEs in Grand Bahama and Abaco had submitted requests for assistance. The total requested from these applicants was \$8.6 million which represented 87% of all funding allocated by the government for the programme. Out of those that applied, there were 36 MSMEs that were approved by the government to receive support. It was expected that the recovery of these companies would generate an economic impact of \$6.7 million in the first year and a combined retention and creation of 138 jobs. Although the total amount of support approved by the government for the approved applicants was \$2.17 million, by the first quarter of 2020, only \$647,000 had been distributed. By June 2020, the Minister of Finance reported that the current total disbursement to MSMEs in Abaco and Grand Bahama after Hurricane Dorian now totalled \$3.4 million.<sup>112</sup>

As the COVID-19 crisis evolved, it was clear that a more focused approach was needed to stimulate economic recovery. As such, the government established a multi-sector Economic Recovery Committee with responsibility to provide recommendations to the government about strategies and actions that could stimulate local economic activity in the short and medium term. Some of these recommendations<sup>113</sup> included:

- Significantly expanding access to capital for Bahamians, through supporting small business development and expanding micro-grants and microloans for small scale Bahamian entrepreneurs and tradespersons.
- Making the less developed islands of the Bahamas into Special Economic Zones for an initial period of 10 years. Under these provisions, special tax and land access concessions should be provided for investors in those islands, including lower or no Real Property Tax, Business License Fees or Duty on commercial assets and supplies.
- Creating incentives for locally produced goods (e.g. raw materials/parts) in the form of tax concessions, export subsidies, increased import tariffs and legislative and policy reforms. Additionally developing, introducing, and providing ongoing support for a specific and professional brand identity for locally grown food products.
- Creating new incentives geared toward Bahamians specifically for investment in reserved areas, as well as in the fintech space, through the creation of a FinTech Incubator program, and concessions to attract Bahamian investors/talent from abroad through research and development grants, among other incentives.

- Pursuing Public-Private Partnerships that foster the development of the creative economy while also promoting The Bahamas as a UNESCO designated creative city.

The Economic Recovery Committee's Report provided detailed recommendations over a wide range of sectors. However, it is not clear whether these recommendations have been adopted by government and to what extent they will inform substantive government policy to be implemented in the short and medium term.

The *Disaster Risk Management Act* makes reference to the restoration of livelihoods as part of the recovery process. Although measures for restoring economic activity are not specifically mentioned, it may be arguably implied that the restoration of livelihoods will also contribute to the restoration of economic activity. For instance, 'recovery' is defined as the process of re-establishing acceptable and sustainable living conditions after the occurrence of a disaster, including through the restoration of livelihoods. In addition, the Act mandates that the principle of the supremacy of life, security and health of a person, his property and livelihood should guide the development of the National Disaster Risk Management Policy.<sup>114</sup> Similarly, the Act also outlines that the Comprehensive Financial Strategy for Disaster Risk Management should establish the fiscal responsibility of the Government in relation to the disaster response, rehabilitation and recovery, including the livelihoods and private assets damaged or destroyed by a disaster.<sup>115</sup> In terms of recovery plans to be developed by the DRMA, the restoration of livelihoods, and the duration of such interventions, are identified as key components of such plans.<sup>116</sup> The powers of the Prime Minister to grant certain relief such as rebates on business licence fees, as well as tax exemptions on specified imported goods, will also play a role in supporting economic activity during the recovery period.<sup>117</sup>

## 7.4 Environmental impacts and considerations



As it relates to addressing environmental considerations in disaster recovery, the Resilient Recovery Policy speaks to climate and environmental resilience as one of its guiding principles. Under the Resilient Recovery Strategy and Implementation Plan, Output 3.4 is that "Natural and cultural assets of the society are protected, effectively managed and utilized in a sustainable and resilient manner." Under this output, several activities are mentioned:

- remediating and restoring the impacted forest ecosystems of Grand Bahama and Abaco;
- restoring the land and marine environments of Grand Bahama and Abaco;
- developing a debris management programme with appropriate plans that deliver a pristine, healthy and diverse environment to support the desired standard of living; and
- developing resilient reforestation programs that build the country's awareness and capacity to maintain green islands while ensuring there is a habitat for wildlife capable of withstanding future environmental shocks.

The Economic Recovery Committee also included in their Report recommendations relating to environmental conservation and opportunities for economic investment in the environment. These include:

- Investing in protecting natural areas to ensure that natural assets are maintained. Examples of such investments include Abaco National Park and Andros Blue Holes National Park, where the government has the opportunity to improve park infrastructure and increase employment opportunities through staffing and entrepreneurship to advance park management and visitor experiences, thereby creating economic opportunities for residents.

- Initiating research on and development of a market-oriented approach to conserving and restoring the natural lands and waters of The Bahamas through economic approaches, such as mitigation offsets, transfer of development rights, and other payment for ecosystem services strategies. This will provide for increased environmental resiliency and sustainability of the Bahamas through incentive-based collaboration with the development community by ensuring that the environmental impacts of proposed projects can be offset in an economically feasible manner.<sup>118</sup>

While the above-mentioned strategies and recommendations provide good grounding for enhancing environmental resilience, it is also necessary to consider actions and strategies that directly link disaster recovery efforts to environmental strengthening, as it relates to what is needed to restore and enhance the environment to pre-disaster conditions and above. For instance, considering opportunities for reusing and recycling disaster waste where possible and engaging in ongoing environmental monitoring to prevent additional environmental damage during recovery.

Following Hurricane Dorian, there was significant damage to natural ecosystems in The Bahamas. According to the Bahamas National Trust's *"State of the Environment: Post Hurricane Dorian Report"* there was significant damage to the pine forests, mangroves and coral reefs. There was also reported damage to 40% of mangrove habitat on Abaco and 73% of mangrove habitat on Grand Bahama. In relation to forests, the Ministry of Environment and Housing's Forestry Unit reported that 24% of forests on Abaco were damaged and 77% of forests on Grand Bahama were damaged. In those forests, the Bahamas National Trust (BNT) documented a significant decline in bird populations in storm-affected areas of Grand Bahama and Abaco.<sup>119</sup>

Further, in Grand Bahama, there was inland spill of crude oil from the Equinor's oil storage facility, which was damaged by the storm. Even after clean-up efforts, Waterkeepers Bahamas recorded petroleum concentrations of up to 1,910 mg/kg in the soil and 9.3 mg/L in standing water near the Equinor oil storage facility, which likely resulted in negative physical and toxicological impacts on the organisms in those habitats.<sup>120</sup> To address the oil spill, there is the *National Oil Spill Contingency Plan of the Commonwealth of The Bahamas* as well as *The Bahamas National Requirements and the Bahamas National Maritime Policy*. Nevertheless, it was observed in the UNEP/OCHA Joint Environment Unit report, *"Rapid assessment of acute environmental risks after Hurricane Dorian"*, that this incident exposed the need to strengthen national monitoring and oversight mechanisms and to develop standard operating procedures for the implementation of existing policies and plans to enhance readiness in the event of future similar incidents.

In light of these environmental impacts, the government, through the Department of Environmental Planning and Protection, conducted a series of environmental impact assessments (EIAs) in Grand Bahama and Abaco. These EIAs were being used as baseline guides for environmental restoration of affected areas. As part of the EIAs, Department officials surveyed the forestry impact, creek systems impact, waste contamination and hazardous and pollution issues, among other key indicators of the storm's damage.<sup>121</sup>

The *Disaster Risk Management Act* makes general reference to the environment in terms of its principled approach to DRM. For example, one of the objectives of the Act is to develop, promote and implement an approach to DRM that is holistic, comprehensive, integrated, and proactive in lessening the socio-economic and environmental impacts of disasters.<sup>122</sup> Additionally, the Inter-Ministerial Committee on Disaster Risk Management includes, as one of its members, the Minister responsible for the environment.<sup>123</sup> However, the legislation does not go further to address key environmental issues during recovery such as the enforcement of environmental regulations, the use of EIAs, or other measures related to environmental management and restoration.



## 8. Protection and inclusion of vulnerable groups in disaster recovery

### 8.1 Accessing services and support



In The Bahamas, there are several vulnerable groups that have been impacted disproportionately by Hurricane Dorian. Arguably the most marginalized of the vulnerable groups were Haitian migrants and persons of Haitian descent. Within this group, women and girls are further marginalized, facing discrimination by reason of both their gender and ethnicity. Haitians represent a significant migrant population in The Bahamas as Haitians continue to flee social and political unrest in their own country, while being attracted to the thriving tourism sector in The Bahamas. However, they have experienced persistent exclusion and discrimination, resulting in limited educational and employment opportunities and higher poverty levels.<sup>124</sup>

The Abaco population was particularly vulnerable to disaster displacement following Hurricane Dorian due to its large Haitian community living in informal settlements. In these areas, homes were poorly constructed and prone to flooding, usually without basic utilities such as running water, sanitation or electricity. The Mudd and Pigeon Peas area in Abaco, which housed thousands of Haitian nationals, in informal settlements, was completely destroyed by Hurricane Dorian. Despite being especially vulnerable, many Haitian residents preferred to stay in their homes rather than seek refuge in shelters in advance of the storm, due to fears of deportation and discriminatory treatment. This fear appeared to have been well founded as there were reports of ‘illegal immigrants’ being unwelcome in government shelters.<sup>125</sup> It was also reported that the risk of deportation drove Haitians to go into hiding by living in bushes in New Providence during the recovery phase.<sup>126</sup> Even where reporting and referral mechanisms for victims of abuse existed, Haitian women with irregular status may have been more hesitant to make use of them due to the presence of immigration authorities in their return communities.<sup>127</sup>

In terms of access to resources for rebuilding and reconstruction, there were significant barriers for women and girls. First, there were fewer options for women, in terms of employment on return to their homes and communities. One key informant noted that while men could easily be employed in the construction sector and utilize their own skills to rebuild their homes, women were much less equipped in this regard. Over a third of women in The Bahamas work in the tourism, service and sales sectors, which either collapsed or came to a temporary standstill following the disaster. In these circumstances, women were less able to recover from the financial losses brought on by Hurricane Dorian. Men were also more likely to own property and had better access to credit.<sup>128</sup>

Sexual and gender minorities have also historically faced gender-based discrimination and violence in The Bahamas. With support from NGOs, some displaced persons from the LGBTQI community chose to seek private accommodation instead of public shelters due to fear of violence. Those with sufficient resources also took the opportunity to permanently migrate to Canada.<sup>129</sup>

In terms of older people and persons with disabilities, key informants indicated that they faced barriers to accessing support due to challenges in mobility and personal capacities. For instance, it was necessary for such persons to rely on trusted neighbours, family and friends to receive relief and support on their behalf.

The *Disaster Risk Management Act* makes reference to the protection of the most vulnerable as part of one of the objectives of the Act. Specifically, it states that the purpose of the Act is to develop, promote and implement an approach to DRM that focuses on reducing risk, including the risk of loss of life, health, physical integrity, economic disruption and damage to the environment and property, especially to those members of the population who are most vulnerable by reason of age, disability, poverty, lack of resources, physical displacement or gender.<sup>130</sup> The protection of vulnerable groups is also addressed in provisions of the Act relating to the provision of humanitarian assistance. Specifically, the Act provides that humanitarian assistance is to be carried out in accordance with the National Humanitarian Assistance Standards that will be developed, giving due consideration to the needs of persons who are vulnerable on account of their age, disability, poverty, lack of resources, physical displacement or gender.<sup>131</sup> While it is significant that the legislation seeks to ensure consideration of the needs of certain vulnerable groups, the list is exhaustive and does not, therefore, encompass other vulnerable groups such as sexual minorities, marginalized racial and ethnic groups and migrants.

## 8.2 Sexual and gender-based violence



Although there is the *Sexual Offences Act, 1991* in The Bahamas, there are no specific provisions that relate to protection against sexual and gender-based violence (SGBV) in disasters.

The Resilient Recovery Policy, Strategy and Implementation Plan do make reference to gender responsiveness as a cross-cutting theme for the five goals of the policy. In addition, Outcome 1 is that a “Culture of Safety, Security and Personal Empowerment is realized throughout The Bahamas.” Under this Outcome, output 1.2 speaks to the enhancement and revitalization of social protection and support for the most vulnerable, marginalized and neglected communities. Key activities under this output include: (i) reviewing social protection mechanisms and developing the interface with relief policy and other humanitarian measures; and (ii) assessing and classifying marginalized communities.

During the response to Hurricane Dorian, there were significant concerns raised by the IFRC that the seven shelters managed by the government did not adhere to the Sphere Standards, which are the most widely used humanitarian guidelines for gender-responsive shelter planning and management. IFRC also raised concerns about the construction of a new relief centre that was intended to accommodate displaced persons for a period of two years. It was not clear whether the Sphere Standards would be implemented for that relief centre.<sup>132</sup>

Based on assessments done by IFRC, the risk of SGBV was high in shelters in New Providence due to persons sleeping in open spaces and a lack of safe spaces for women and girls to access toilet and bathing facilities.<sup>133</sup> Additionally, there were reports of inadequate lighting in some shelters.<sup>134</sup> Women also reported feeling insecure in Nassau and preferring to stay with family and friends instead of at government shelters citing that they felt unsafe with their children.<sup>135</sup> In terms of security, there was security personnel such as the military or local police in all government shelters. Although no specific security incidents were reported, the true extent of SGBV incidents remains unclear, since underreporting is common in The Bahamas.<sup>136</sup>

While there was access to basic health care for shelter populations, there was a lack of adequate access to sexual and reproductive health services, including adequate access to obstetric and new-born care, access to contraception and safe abortion care, clinical management of rape, and treatment and referral for sexually transmitted infections.<sup>137</sup> There were also reports of a lack of privacy for health consultations.



In terms of protection for children, there were no child protection checks performed for shelter volunteers, despite the presence of social workers in all emergency shelters in New Providence. This situation increased the risk of SGBV for children interacting with shelter volunteers. Further, there was a lack of adequate counselling and specialized services to support the psychosocial well-being of the displaced children.<sup>138</sup>

### 8.3 Disaster displacement



Given the scale of the destruction from Hurricane Dorian there were large numbers of internally displaced persons (IDPs) from Abaco and Grand Bahama. People evacuated by sea and air to other islands including New Providence, Eleuthera, Andros and other home islands. It was estimated that Hurricane Dorian caused 9,840 new displacements within The Bahamas.<sup>139</sup> There was also a relatively small number of cross-border displacements to the United States and Canada, primarily facilitated by extended family networks.

Approximately between 600 and 700 persons are thought to have gone to the United States.<sup>140</sup>

Categories of IDPs included Bahamian residents, Haitians, and expatriates from various countries including Jamaicans, US nationals, Canadians, and Cubans among others.<sup>141</sup> As for Bahamians, most who were evacuated initially went to government shelters. However, due to the unsatisfying conditions, many subsequently chose to seek alternative accommodation with relatives and friends, as well as in hotels and apartments. Some of those without strong social and familial networks received support from the private sector and NGOs.<sup>142</sup>

On the other hand, the Haitian displaced population were concentrated in government shelters in New Providence, as their homes were mostly destroyed, and they had more limited social contacts.<sup>143</sup> Fear of deportation also drove many of them to go into hiding by living in bushes in New Providence. Government authorities also made attempts to prevent undocumented migrants from returning to Abaco by implementing document checks at boat docks and at the entrances to informal settlements.<sup>144</sup> Just a little over a month after the Hurricane, 112 Haitians were deported.<sup>145</sup> Among those deported were Haitians born in The Bahamas who never acquired Bahamian nationality and well-established migrants with little or no connection to Haiti.<sup>146</sup> In terms of displaced nationals from the US and Canada, they were able to freely repatriate. Other nationals such as Jamaicans and Cubans relied on established networks and were mostly able to be absorbed by those networks in New Providence.<sup>147</sup>

In terms of the length of displacement, one key informant indicated that, to date, most persons who evacuated, but intended to return, have already returned. However, the slow pace of reconstruction and restoration, as well as the high cost to rebuild homes, and the lack of availability of building materials caused significant delays for persons who wanted to return. Those who did not return include older people who have been taken in by family members, those whose homes were not insured or who had no income or resources to rebuild, and those who found jobs and other opportunities in New Providence.

Women and girls also faced significant barriers to return. In addition to not having adequate access to the skills and resources needed to reconstruct their homes, there were also security concerns. Restoration of infrastructure such as sanitation and sewage services was slow and, as a result, many persons would have had to attend to toiletry needs in public spaces, resulting in an unsafe environment for women and girls. As much as a year later, some Abaconians were still living in tents, as a consequence of not being able to rebuild their homes.<sup>148</sup>

In addition, one key informant reported that there was an influx of persons coming to Abaco that were not originally from Abaco, but from other places such as Nassau, in search of opportunities for construction work. Many of them were also living in tents and informal settlements among IDPs, with some seeking to take advantage of assistance and support meant for IDPs.

In terms of durable solutions to displacement, persons with strong family and social contacts have generally been able to reintegrate, finding new jobs and places to live. However, for those among more vulnerable groups, there appears to be no resettlement policy or strategy. Those who lost documentation experienced barriers in finding employment or accessing housing assistance. Those who did not own land or resided in informal settlements also faced significant challenges in securing sustainable living situations. As a consequence, many persons remain at high risk for the next disaster event.

## 9. Links with sustainable development, disaster risk reduction and climate change adaptation.

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*The Disaster Preparedness and Response Act* had a strong focus on preparedness and response in relation to disasters and makes certain linkages to DRR. However, connections between disaster recovery and DRR were less clear. For instance, in relation to DRR, the Act referred to the designation of “specially vulnerable areas” for the purposes of the mitigation of, preparedness for, response to and recovery from emergencies. However, it did not clearly outline how such DRR actions were linked to disaster recovery processes or activities.

The *Disaster Reconstruction Authority Act* made no reference to any direct linkages between disaster recovery, DRR, CCA or sustainable development. On the other hand, the Resilient Recovery Policy, Strategy and Implementation Plan do make several linkages between these issues and seek to integrate DRR and CCA actions into recovery processes.

First, the Resilient Recovery Policy refers to several key instruments which have informed its development. Among these are the Sendai Framework for Disaster Risk Reduction 2015–2030, and the Sustainable Development Goals (2015–2030). Second, the guiding principles of the Policy also reflect the linkages to DRR and CCA, which further inform the five goals of the policy. These principles include: a whole of society, multi-hazard approach to sustainable development; climate and environmental resilience; enforceable land use and building regulations; engaged and resilient communities; protection of natural resources and cultural identity; sustainable livelihoods and quality of life; and SMART, green and resilient infrastructure.

Third, the Strategy and Implementation Plan refer to integrating mitigation, resilience and sustainability into The Bahamas’ short and long-term recovery goals. This integration is reflected in the outcomes and strategic objectives as well as in the outputs and key activities. For example, Outcome 2 refers to “Access to SMART and Resilient Infrastructure and Services”. Under this outcome, strategic objectives include (among other things): promoting risk-informed and evidence-based infrastructure designs and construction; and developing a comprehensive and integrated water management system for all the islands, including the elements of surface and ground water management, and WASH services that are cognizant of climate change and disaster risk. Additionally, under Outcome 2, key activities include:

- undertaking a risk-informed evidence-based infrastructure enhancement programme that can inform the transition from recovery to resilience; and
- rebuilding, repairing and retrofitting sustainable and smart schools on Grand Bahama and Abaco, in keeping with the Sustainable Development Goal 4a to design safe learning facilities that consider safe site selection, updated building codes, disaster resilient and ‘green’ designs and infrastructure needed to improve performance standards.

The *Disaster Risk Management Act’s* stated purpose has a strong focus on reducing risk. Its purpose is to develop and promote an approach to disaster risk management that is holistic, comprehensive, integrated, and proactive in lessening the socio-economic and environmental impacts of disasters including climate change.<sup>149</sup> Regarding recovery specifically, the Act does not make any direct or explicit linkages between recovery, DRR, CCA and sustainable development, although some linkages with DRR are implied. For instance, as part of its responsibilities in disaster recovery, the DRMA is

mandated to ensure that the recovery process is so resilient that it avoids the creation or exacerbation of vulnerabilities to future disasters.<sup>150</sup>

In addition, the legislation requires that the National Disaster Risk Management Policy is consistent with other public policies related to disasters, sustainable development, CCA, local development, land use planning, environmental management and water resource management.<sup>151</sup> As such, the DRMA and the Inter-Ministerial Committee have the responsibility to ensure that such cohesion and consistency is achieved.<sup>152</sup>

Apart from laws and policies related to disaster management and disaster recovery, there are other sectoral laws and policies that make reference to environmental restoration in the context of enhancing resilience, although not specifically referring to disaster recovery.

For example, one of the principles of the *National Policy for Adaptation to Climate Change, 2005* recognizes the resilience of the natural environment as key to coping with climate change, and commits to do everything possible to enhance, maintain and, where necessary, restore the integrity of ecological processes.<sup>153</sup> Further, this Policy refers to: increasing the resilience of coastal ecosystems, such as through restoration of coastal wetlands; and promoting the restoration of damaged or destroyed coastal resources and ecosystems where possible and technically feasible.<sup>154</sup> Similarly, the *Second National Communication Report of the Bahamas under the UNFCCC* speaks to the need to restore and rebuild ecosystems along the coast such as mangroves and coral reefs which act as natural buffers to storm surge. However, it does not expressly refer to restoration in the context of ecosystems that have been already damaged by previous storm surges or disaster events.

As it relates to environmental laws, the *Ministry of the Environment Act, 2019* establishes an Environmental Administration Fund<sup>155</sup> that has as one of its purposes to restore and enhance the environment of The Bahamas. However, it does not expressly indicate whether this would include restoration in the context of disaster recovery. Also, the *Environmental Planning and Protection Act, 2019* speaks to the restoration of the environment where damage was done by human activity. For instance, damage to a coral reef from a vessel that has run aground, or where the environment was damaged due to the release of hazardous substances or waste. This would be relevant specifically to environmental damage caused by technological disasters.

In terms of sustainable development, the *Draft National Development Plan or Vision 2040*, like the Climate Change Policy, speaks to the restoration of land and marine ecosystems to enhance resilience to support sustainable development. However, this is not expressly linked to the context of a previous disaster.

## 10. Prevention of fraud and corruption during disaster recovery

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Disaster risk management laws and policies, including those relating to disaster recovery, do not specifically contain provisions on the prevention of fraud and corruption. However, there are general anti-corruption laws that may apply in relation to the prevention of fraud and corruption in the administration of funds and resources relating to disaster recovery. It should also be noted that laws primarily focus on offences related to the public sector and liabilities for public officials, rather than fraud and corruption in relation to private individuals and transactions.

*The Prevention of Bribery Act, 1976* makes it an offence to give a bribe to, or accept a bribe from, a government official. A person guilty of this offence is liable to pay a fine of \$10,000 or a maximum prison term of four years, or both. There is also the *Public Disclosure Act, 1976* which mandates all senators and members of Parliament to declare their assets, income and liabilities, up to December 31, to the Public Disclosure Commission, by March 1, every year. There are also relevant Bills that have been drafted but not debated and passed in Parliament. These include: the *Integrity Commission Bill*, which would create a politically independent body to receive and investigate corruption allegations; the *Anti-Corruption Bill*, which would include asset confiscation and public disclosure; and the *Ombudsman Bill*.

Recently, the government enacted the *Public Procurement Act, 2021*, which seeks to modernize the public procurement process with increased transparency. Under this Act, there is established the Public Procurement Department which is responsible for enhancing the economy, efficiency, transparency and due process in public procurement and the management of government resources. The Act also establishes the Public Procurement Board with responsibility to make recommendations to the Minister for the award of contracts required by the government in excess of \$50,000 but not exceeding \$250,000, among other functions. However, the Act does not apply in circumstances where the procurement rules of a donor or funding agency conflict with the provisions of the Act. In this case, the procurement rules of the donor or funding agency would take precedence. This also includes procurement contracts for the direct purpose of providing international assistance, including development aid.

Various sectors have raised concerns about the ineffectiveness and lack of enforcement of anti-corruption legislation in The Bahamas. Matt Aubry, from the Organization of Responsible Governance (ORG), was reported by the Tribune as saying that The Bahamas lacks an “integrated anti-corruption” strategy that pulls all such legislative and regulatory reforms together in a coordinated package.<sup>156</sup> The US Government also stated its concerns in the Department of State 2020 Investment Climate Statement on The Bahamas, where it noted that The Bahamas’ anti-corruption laws have been “inconsistently applied”. Further it noted that in October 2015, the government charged and convicted a former state energy company board member under the *Prevention of Bribery Act*, but this was the first significant case brought under the Act since 1989.<sup>157</sup>

As regards fraud and corruption during the recovery from Hurricane Dorian, one key informant stated that there were reports of persons who made double claims for relief assistance. However, this was almost impossible to track, as agencies had to rely on individuals’ good faith, as many persons who sought relief had their official documents washed away by the storm. Additionally, the Chairman of the DRA, Alex Storr acknowledged the existence of reports on the misuse of funds under the previous Small Home Repair Programme. For instance, it was discovered that funds that were supposed to be used for home repair were used to purchase high-end mattresses costing as much as \$2,500 and interior mirrors.<sup>158</sup> Although there were some reports of alleged fraudulent and corrupt practices during

the Hurricane Dorian operations — that is, beneficiary fraud as well as fraudulent practices within government-run programmes — it is not clear whether there were effective mechanisms in place to properly investigate these reports, and to identify and prosecute offenders. Based on the existing framework for the prevention of fraud and corruption, this remains a significant gap in The Bahamas.

# 11. Key findings and recommendations

## 11.1 Key findings

Although The Bahamas had experienced and recovered from the impacts of several major storms in its history, the level of damage and destruction brought on by Hurricane Dorian was unprecedented. This was then compounded by the COVID-19 pandemic which followed only a few months after. Based on the analysis in this report, several key findings can be made regarding the legal and policy framework for disaster recovery in The Bahamas.

### 1. Lessons learned have led to the development of more robust systems

The Bahamas' disaster risk management legal and policy framework has been one of the most tested in the Caribbean, prompting the development of more robust systems, such as the newly enacted *Disaster Risk Management Act, 2022* and a relatively strong building code. It is also one of the few countries in the Caribbean that have developed institutions dedicated to recovery, as well as a comprehensive framework that seeks to integrate DRR and CCA considerations into recovery processes, while taking a whole-of-government and whole-of-society approach to implementation.

### 2. Recovery processes after Hurricane Dorian were mostly reactive and ad-hoc

Prior to Hurricane Dorian, existing structures, laws, policies and plans for recovery were either non-existent or inadequate for such a large-scale disaster. As such, to deal with the massive recovery, reconstruction and rehabilitation needs following Hurricane Dorian the government had to develop a new legal, policy and institutional framework. This is seen in the development of the Resilient Recovery Policy, Strategy and Implementation Plan, the enactment of the *Disaster Reconstruction Authority Act*, the establishment of the DRA and the creation of the new Ministry of Disaster Preparedness, Management and Reconstruction. Although these new institutions served important functions, in practice there were significant challenges in managing the operations of NEMA and the DRA. The two agencies did not function cohesively together resulting in overlapping functions and operational 'silos'. Disaster management capacities at the municipal and local level of the islands were also insufficient, leaving Abaco and Grand Bahama to rely on central government to respond, resulting in a chaotic environment and long delays during the initial days and weeks of the emergency. Government programmes such as the Small Home Repair Programme were developed in response to the needs of the affected population but faced several institutional challenges and had to be suspended and re-launched at various intervals.

### 3. Critical issues affecting vulnerable groups were not adequately addressed

One consequence of having a reactive versus a proactive approach was that several critical issues were not adequately managed and addressed. This was most prominently observed in how vulnerable and marginalized populations were disproportionately impacted by the disaster and the challenges they faced in accessing services and support. For instance, durable solutions were not developed for residents living in informal settlements, whose homes were completely destroyed, and who were prohibited from rebuilding in those areas. There were inadequate safeguards for women and children against the risk of SGBV in shelters, and sexual and gender minorities did not feel safe in public shelters and felt compelled to seek alternative accommodation. In general, laws and policies relating to recovery place limited emphasis on the needs of vulnerable populations in disasters, and little consideration is given to their involvement in planning and decision-making, giving rise to continued exclusion and persistent or even exacerbated vulnerabilities.

#### **4. New policy commitments to be realized**

Recognizing that there were many lessons to be learned from Hurricane Dorian, the government made various commitments and proposals to ensure it could recover effectively and be better prepared for the next major disaster. For example, the government introduced the Resilient Recovery Policy, Strategy and Implementation Plan, which contemplated the development of a National Risk Financing Strategy for disasters and a monitoring and evaluation framework. A similar policy commitment is reflected in the new *Disaster Risk Management Act, 2022* which provides that the Minister of Finance is responsible for developing a Comprehensive Financial Strategy for Disaster Risk Management. Similarly, the Resilient Recovery Policy referred to the significant role played by non-state actors in disaster management, such as the private sector, NGOs, civil society and communities. In an effort to create a mechanism for the participation of non-state actors in DRM, the *Disaster Risk Management Act* speaks to the appointment of a Non-Governmental Consultation Council. However, the legislation only refers to ad-hoc engagement between the Council and the DRMA. As such, involvement of non-state actors in disaster coordination mechanisms may still remain unstructured and rudimentary. The establishment of an Economic Recovery Committee was indeed a progressive advancement leading to useful recommendations to revitalize the economy. However, it is not clear to what extent these recommendations are influencing policies and development moving forward.

## **11.2 Recommendations**

In light of the analysis and key findings above, the following are recommendations for legal and policy reforms to support disaster recovery in The Bahamas, including the recovery from Hurricane Dorian.

### **1. Laws, policies and plans relating to disaster recovery**

- Consider amending the definition of ‘recovery’ in the Disaster Risk Management Act, to encompass not just the restoration of physical and economic infrastructure, but also social, cultural and environmental assets, while being aligned to the principles of sustainable development and ‘build back better’.

### **2. Institutional arrangements for disaster recovery**

- Build capacities of local and municipal authorities to adequately prepare and respond to emergencies to avoid complete reliance on central government and to avoid delays in reaching disaster-affected communities.
- Ensure that laws, policies and plans clearly outline the roles and responsibilities of non-state actors including NGOs, the private sector and civil society, as well as the BRCS in disaster management, and that they are fully integrated into disaster coordination and recovery mechanisms, as well as in planning and decision-making.
- Consider amending the Disaster Risk Management Act in relation to the Non-Governmental Consultation Council to allow for regular instead of ad-hoc engagement between the DRMA and the Council.

### **3. Financing and financial support for disaster recovery**

- Clarify the status of The Bahamas National Recovery and Reconstruction Trust Fund in light of the new Disaster Emergency Fund established under the Disaster Risk Management Act. Consider merging the two funds to eliminate overlap and duplication of resources.



- Develop and implement the Comprehensive Financial Strategy for Disaster Risk Management, which should clearly identify the financial instruments and mechanisms that can be used to fund a disaster recovery process.
- Create incentives for home and business owners to obtain insurance coverage and/or increase their financial resilience through improved insurance coverage and savings.

#### **4. Assessment, planning, monitoring and evaluation**

- Ensure that the DRMA, Administrators and public bodies have the capacity to conduct damage and needs assessments, as per their responsibilities under the Disaster Risk Management Act. Methodologies for conducting assessments should be standardized, with mechanisms and structures in place for inter-agency communication, collaboration and sharing of information.
- Consider including in the Disaster Risk Management Act, a provision requiring that recovery plans: (i) address all aspects of disaster recovery, including economic, environmental, and psychosocial recovery; and (ii) include safeguards for the protection of vulnerable groups.
- Establish the Resilient Recovery Committee to monitor and oversee implementation of the Resilient Recovery Policy, Strategy and Implementation Plan, and also the performance of ongoing recovery efforts more generally.
- Establish the Monitoring, Evaluation and Reporting Framework to measure not only the performance of the Resilient Recovery Policy, Strategy and Plan, but also the performance of ongoing recovery efforts more generally.

#### **5. Reconstruction and repair of housing and infrastructure**

- Fully implement the reconstruction and rehabilitation measures contemplated in the Resilient Recovery Policy, Strategy and Implementation Plan, including the establishment of a risk-informed evidence-based infrastructure enhancement programme, as well as rebuilding, repairing and retrofitting sustainable and smart schools.
- Consider developing expedited procedures for replacing land title documents that have been lost or destroyed in the disaster.
- Consider developing mechanisms that allow for alternative means of verification of tenure such as community verification or community-based land mapping, where land title documents have been lost or destroyed in a disaster.
- Consider developing programmes that can assist persons living in informal settlements or with insecure tenure to regularize their tenure.
- Enforce adherence to building codes for new construction and provide incentives to property owners to bring existing structures up to code.
- Revise the Bahamas Building Code to bring it up to date with international standards and the requirements necessary to ensure safety within the disaster risk context of The Bahamas. The revised Code should be adopted as soon as possible with mechanisms in place for effective enforcement.

#### **6. Disaster waste management**

- Develop and implement a comprehensive disaster waste management plan to ensure the rapid management of disaster waste and safe handling of toxic waste immediately after a disaster.

## **7. 'Soft' recovery**

- Update the Resilient Recovery Policy, Strategy and Implementation Plan to address aspects of recovery such as MHPSS, continuity of education and environmental restoration and rehabilitation. Regarding these particular aspects of recovery, initiatives may include:
  - developing programmes that provide and encourage victims of disaster to access mental health and psychosocial support, while also promoting the importance of mental health and removing stigma;
  - developing a contingency plan for continuity of education and the re-opening of schools as soon as possible;
  - examining opportunities for reusing and recycling disaster waste where possible and engaging in ongoing environmental monitoring to prevent additional environmental damage during recovery; and
  - developing strategies and plans and engaging with non-state agencies such as civil society organizations and the private sector to restore damaged and destroyed land and marine ecosystems.
- In line with the Resilient Recovery Strategy and Implementation Plan, ensure schools are rebuilt, repaired and retrofitted according to updated building codes with disaster resilient and 'green' designs and infrastructure.
- Consider developing an Economic Recovery Strategy and Plan to implement the recommendations of the Economic Recovery Committee and establish an oversight body for the monitoring and evaluation of such implementation.

## **8. Protection and inclusion of vulnerable groups in disaster recovery**

- Consider amending the Disaster Risk Management Act to ensure that consideration is given to the needs of all kinds of vulnerable groups in the provision of humanitarian assistance or other activities related to DRM. The types of vulnerable groups to be considered should not be exhaustive but should include sexual minorities, marginalized racial and ethnic groups, and migrants.
- Update the Resilient Recovery Policy, Strategy and Implementation Plan to address in more detail the protection of vulnerable groups during the recovery phase, including safeguards against the risk of SGBV. Key initiatives should include:
  - developing programmes that are targeted to vulnerable groups such as women, older people and persons with disabilities to assist them in accessing resources and services to rebuild their homes;
  - designing emergency shelters with appropriate safeguards to protect against the risk of SGBV in accordance with the Sphere Standards;
  - providing access to reproductive health care services including access to obstetric and new-born care, contraception and safe abortion care, clinical management of rape, and treatment and referral for sexually transmitted infections;
  - establishing mechanisms to empower vulnerable groups to meaningfully participate in recovery planning and decision-making processes; and
  - developing durable solutions for marginalized displaced populations such as Haitian migrants and those of Haitian descent, by providing options for integration into communities or resettlement, thereby reducing further exposure to disaster risk.

## **9. Sustainable development, disaster risk reduction and climate change adaptation**

- Finalize the National Development Plan or Vision 2040 and ensure that it links disaster recovery to sustainable development, DRR and CCA. Vision 2040 should be the overarching policy document that aligns all other sectoral policies (e.g. environmental and climate change policies) and that informs the development of new laws or amendment of existing laws.

## **10. Prevention of fraud and corruption during disaster recovery**

- Enact anti-corruption legislation such as the Anti-corruption Bill, Integrity Commission Bill and Ombudsman Bill and ensure appropriate infrastructure is in place for enforcement and prosecution.
- Establish transparency, accountability and monitoring mechanisms in relation to disaster recovery programmes and activities, including civil and criminal sanctions for non-compliance.

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