

Injects for Phase 1 – National Response

National Disaster Management Committee (NDMC)

NDMC Inject 1 –

Emergency declaration


Task: The President/Cabinet has asked you prepare a brief description of the appropriate emergency declaration to be put in place. Specifically this should include:

- Which emergency declaration is appropriate for this situation and why eg. State of Emergency, Disaster Declaration (describe any criteria regarding levels of disaster etc)
- To which geographical area the declaration applies
- What emergency powers this provides to different levels of government
- How long the declaration should remain in place.

Upon completion the emergency declaration should immediately be sent out as a brief to all the sub-groups for inclusion in their activities.

Discussion questions:

(See Reference DPR Checklist)

	Q5	Do your country's laws establish 'states of emergency' and 'states of disaster' that are tailored and proportionate to differing degrees and types of risk?
<u>States of disaster and states of emergency</u>		
<input type="checkbox"/> Does the law establish a range of SoDs suitable for different disaster scenarios that are proportional and tailored to differing degrees and types of risk?		
<input type="checkbox"/> Does the law establish an SoE to be used to respond to extreme and/or unforeseeable disasters?		
<input type="checkbox"/> Does the law clearly specify:		
<ul style="list-style-type: none"> ○ the legal trigger(s) for making a declaration of each type of SoE/SoD; ○ the person or entity who has authority to make each type of declaration of SoE/SoD; ○ the governance arrangements and/or governmental powers that arise once each type of SoE/SoD has been declared; and ○ whether pre-emptive declarations may be made when a risk is sufficiently serious, likely and proximate as part of early action? 		

Safeguards, transparency and accountability

- Does the law require a declaration of an SoE to specify the legal basis, territorial scope and duration of the declaration, and the emergency powers that will be available to government during the SoE/SoD?
- Does the law require the repository of a declaratory power to 'act on advice' or 'upon request' of another entity (e.g. disaster management institutions or sub-national governments)?
- Does the law prohibit government from limiting or derogating from rights during an SoE/SoD except to the extent permitted by international human rights law?
- Does the law provide for effective judicial and/or legislative supervision of the declaration of an SoE/SoD and of decisions or actions made under an SoE/SoD?

Check laws and policies related to:

- Disaster management / emergency management / civil protection / humanitarian assistance
- Constitutional laws
- Human rights / civil rights

Notes for Traffic Light exercise:

- Consider the extent to which current laws and policies address the issues raised and whether they have the level of detail required.

NDMC Inject 2 –


Humanitarian Principles


A media report has claimed that a number of disaster-affected communities are in a dire situation, but no assessment teams have visited and they have received no assistance from government or other relief providers. The article further claims that a local crime gang, with links to a prominent local leader, has been demanding bribes from relief agencies to allow access into the area. One NGO had reportedly decided to hand over their relief supplies to the gang to sell affected populations.

Task: What action should be taken by the government? What recourse is available under existing laws and policies?

Discussion questions:

(See Reference DPR Checklist)

	Q1	Do your country’s laws establish a strong institutional framework for disaster preparedness and response?
<p><u>Principles and protections</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Do disaster laws provide, or import by reference, relevant human rights protections? <input type="checkbox"/> Do disaster laws provide, or import by reference, rights to humanitarian assistance and to essential relief supplies? <input type="checkbox"/> Do disaster laws recognize and detail the specific needs of vulnerable groups in DPR? 		

	Q9	Do your country’s laws contain measures to ensure that vulnerable groups are included in, and protected by, disaster preparedness and response activities?
<p>General measures to include and protect vulnerable groups</p> <p><u>Non-discrimination</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Does the law guard against all forms of discrimination in all aspects of DPR? <input type="checkbox"/> Does the law contain a recognition of the rights and specific needs of vulnerable groups during disasters? <input type="checkbox"/> Does the law create a general obligation for disaster responders to protect and include vulnerable groups in DPR activities? <p><u>Needs of vulnerable groups</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Does the law and/or policy mandate that risk, needs and vulnerability assessments as well as contingency plans identify vulnerable groups and their specific needs? <input type="checkbox"/> Does the law and/or policy mandate that planning processes outline key actions, resources and responsibilities for meeting the needs of vulnerable groups? <input type="checkbox"/> the military) to participate in training about the specific needs of vulnerable groups? 		

Do disaster contingency plans identify key actions, resources and responsibilities for ensuring that SGM have safe access to post-disaster shelter and water, sanitation and hygiene facilities?



Q10

Do your country's laws contain measures to promote quality and accountability and to prevent fraud and corruption, in disaster preparedness and response?

Quality

- Does the law and/or policy establish minimum standards for the provision of food, water, sanitation, hygiene, health care, shelter and other critical services and assistance during disaster response?
 - If yes, does and/or policy the law require DPR actors to use such minimum standards when developing and reviewing disaster contingency plans?
 - If yes, does the law and/or policy require DPR actors to use such minimum standards when monitoring and evaluating DPR activities?
- Does the law and/or policy establish a process for managing mass casualties during a disaster?

Post-disaster assessments

- Does the law mandate and assign institutional responsibilities for:
 - rapid and ongoing needs assessments, which are also used to inform the ongoing response?
 - assessments of losses and damages?
- Does the law and/or policy establish a coordinated, harmonized approach to post-disaster assessments across sectors?
- Does the law and/or policy require the establishment of public grievance mechanisms?

Prevention of fraud and corruption

- Does the law mandate DPR actors to adopt measures to promote institutional resilience to corruption and fraud, such as codes of conduct, whistleblowing mechanisms and training?
- Does the law mandate DPR actors to implement function-specific controls to prevent fraud and corruption in finance, human resources, procurement, asset management and transport?

Check laws and policies related to:

- Disaster management / emergency management / civil protection / humanitarian assistance
- Local government
- Sea and river defence
- Human rights / civil rights / anti-harassment
- Fiscal management and accountability
- Fraud / corruption

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- Monitoring / evaluation

Notes for Traffic Light exercise:

- Consider the extent to which current laws and policies address the issues raised and whether they have the level of detail required.

NDMC Inject 3 –


NGO Coordination

Reports from the field indicate that most of the relief efforts are focused around the main disaster-affected areas, which have received an influx of relief organisations, charities and individual volunteers, many of which are not coordinating at local level, resulting in significant duplication of effort and wasted resources. Moreover, there are reports that some communities in hard to reach locations have yet to receive any assistance because they are too expensive to reach. The local government is requesting instructions about how to manage this, including whether they can issue legal sanctions against those organisations not coordinating. They also want to order some organisations to shift their relief activities to the under-served areas and issue legal penalties if they do not comply.

Task: Identify the nationally authorized coordination entity responsible for overseeing disaster response efforts. Provide guidance to the local government about how to manage the situation, including advice on what they (and other government agencies) are legally able to require of relief providers to ensure good coordination.

Discussion questions:

(See Reference DPR and IDRL Checklists):

	<p>Q1</p>	<p>Do your country's laws establish a strong institutional framework for disaster preparedness and response?</p>
<p><u>Institutional mandate</u></p>		
<p><input type="checkbox"/> Does the law create institutions that have a clear mandate for DPR?</p> <p><input type="checkbox"/> Does the law clearly set out the roles and responsibilities of all-hazard DPR institutions?</p> <p><input type="checkbox"/> When viewed collectively, do the mandates of DPR institutions encompass:</p> <ul style="list-style-type: none"> <input type="radio"/> all jurisdictions, from the local to the national level (both horizontally and vertically); <input type="radio"/> all types of hazards, including both slow- and sudden-onset hazards; and <input type="radio"/> all types of DRM functions (policy, operations etc)? 		
<p><u>Sub-national institutions</u></p>		
<p><input type="checkbox"/> Does the law establish DPR institutions in sub-national jurisdictions?</p> <p><input type="checkbox"/> Does the law grant sub-national institutions adequate powers and resources (assets, financial and human resources) to implement their mandates for DPR including resources for capacity building?</p> <p><input type="checkbox"/> Does the law clearly set out the roles and responsibilities of non-governmental actors and civil society in DPR?</p>		
<p><u>Coordination</u></p>		
<p><input type="checkbox"/> Does the law establish mechanisms for coordinating DPR activities?</p>		

- Does the law mandate that coordination mechanisms include representatives from all relevant governmental and non-governmental actors?
- Does the law require coordinating bodies to meet regularly, including when there is no active response operation?
- Does the law establish coordination mechanisms for all types of disasters, including nuclear and health emergencies?



Q1

Do your country's laws establish a strong institutional framework for disaster preparedness and response?

Principles and protections

- Do disaster laws provide, or import by reference, relevant human rights protections?
- Do disaster laws provide, or import by reference, rights to humanitarian assistance and to essential relief supplies?
- Do disaster laws recognize and detail the specific needs of vulnerable groups in DPR?



Q9

Do your country's laws contain measures to ensure that vulnerable groups are included in, and protected by, disaster preparedness and response activities?

General measures to include and protect vulnerable groups

Non-discrimination

- Does the law guard against all forms of discrimination in all aspects of DPR?
- Does the law contain a recognition of the rights and specific needs of vulnerable groups during disasters?
- Does the law create a general obligation for disaster responders to protect and include vulnerable groups in DPR activities?

Needs of vulnerable groups

- Does the law and/or policy mandate that risk, needs and vulnerability assessments as well as contingency plans identify vulnerable groups and their specific needs?
- Does the law and/or policy mandate that planning processes outline key actions, resources and responsibilities for meeting the needs of vulnerable groups?
- Does the law and/or policy require all government emergency responders (including sectoral agencies, the police and the military) to participate in training about the specific needs of vulnerable groups?
- Do disaster contingency plans identify key actions, resources and responsibilities for ensuring that SGM have safe access to post-disaster shelter and water, sanitation and hygiene facilities?



Q2

Do your country's laws and regulations clearly set out a focal point for coordinating international disaster assistance?

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- Is there a specific governmental focal point identified in your country's laws for the coordination of international disaster assistance (including governmental and non-state actors)?
- Are there adequate and efficient procedures in place to ensure the coordination of international and domestic efforts among all levels of the government (national, regional and municipal) and across all governmental agencies?

Check laws and policies related to:

- Disaster management / emergency management / civil protection / humanitarian assistance / coordination / immigration
- Local government
- Sea and river defence
- Defence Act
- Monitoring / evaluation
- Regional Response Mechanism

Notes for Traffic Light exercise:

- Consider the extent to which current laws and policies address the issues raised and whether they have the level of detail required.

NDMC Inject 4 –

Displacement Options

A large number of people have been displaced from their homes, some are living in makeshift shelters near their damaged homes, some have moved in with nearby host families, others have moved towards urban areas and are living in cramped conditions in new slums on city fringes. Local community have been complaining about the strain the displaced population is putting on already limited community resources.




Several proposals have been tabled for consideration, on the best ways to address the needs of displaced communities, subject to approval and coordination with the nationally authorised entity:

- (a) Requesting the Guyana Red Cross Society to establish and manage a large tented camp to accommodate all those who have been displaced, with share shared communal facilities for cooking, washing and sanitation.
- (b) The payment of host families an amount of money sufficient to cover the rent, food and amenities for each person they are accommodating.
- (c) Requiring all people living in the urban slum areas to relocate back to their original land and setting up security checks to ensure they, and any others, do not return.

Task: Review the merits of each proposal, outlining the key reasons they should/should not be accepted. Identify the nationally authorized entity/body and/or individual(s) responsible for approving/deciding the appropriate course of action. Consider the extent to which current laws and policies provide guidance for this process.

Discussion questions:

(See Reference DPR Checklist)

	Q1	Do your country's laws establish a strong institutional framework for disaster preparedness and response?
<u>Principles and protections</u>		
<input type="checkbox"/> Do disaster laws provide, or import by reference, relevant human rights protections?		
<input type="checkbox"/> Do disaster laws provide, or import by reference, rights to humanitarian assistance and to essential relief supplies?		
<input type="checkbox"/> Do disaster laws recognize and detail the specific needs of vulnerable groups in DPR?		
	Q2	Do your country's laws support the implementation of an effective disaster risk financing strategy?
<u>Financial response tools</u>		
<input type="checkbox"/> Does the law and/or policy provide for and facilitate the use of cash and vouchers programmes across all relevant sectors to assist affected people?		
<input type="checkbox"/> Does the law and/or policy provide for and facilitate the adaptation of social protection programmes and mechanisms to channel assistance before and after disaster events, in particular for meeting the needs of vulnerable groups?		
	Q7	Do your country's laws establish a comprehensive framework for addressing disaster displacement and planned relocation?

Disaster displacement

- Does the law and/or policy address the reduction of the risk of disaster displacement?
- Do the laws and/or policies relating to internal displacement include persons displaced by disasters and the effects of climate change?
- Does law and/or policy mandate contingency planning for internal displacement caused by disasters and the effects of climate change?



Q9

Do your country's laws contain measures to ensure that vulnerable groups are included in, and protected by, disaster preparedness and response activities?

General measures to include and protect vulnerable groups

Non-discrimination

- Does the law guard against all forms of discrimination in all aspects of DPR?
- Does the law contain a recognition of the rights and specific needs of vulnerable groups during disasters?
- Does the law create a general obligation for disaster responders to protect and include vulnerable groups in DPR activities?

Needs of vulnerable groups

- Does the law and/or policy mandate that risk, needs and vulnerability assessments as well as contingency plans identify vulnerable groups and their specific needs?
- Does the law and/or policy mandate that planning processes outline key actions, resources and responsibilities for meeting the needs of vulnerable groups?
- Does the law and/or policy mandate that assessment and planning processes include the participation of vulnerable groups?
- Does the law and/or policy ensure restoring family links is an element of disaster response, including by making use of the services of the National Society, in its role as auxiliary to the public authorities in the humanitarian field?

Participation of vulnerable groups

- Does the law mandate multi-stakeholder institutions to include representatives of vulnerable groups?
- Does the law mandate DPR actors to directly consult with vulnerable groups and promote their meaningful participation in relation to the design, planning, implementation, monitoring and evaluation of all aspects of DPR?
- Does the law and/or policy create quotas or targets for the recruitment of members of vulnerable groups as civil servants in DPR institutions?
- Does the law and/or policy mandate monitoring, evaluation and public reporting on the participation and inclusion of vulnerable groups in DPR?

SGBV Protection

- Does the law and/or policy mandate contingency planning for SGBV during disasters?

- Does the law and/or policy require post-disaster shelter to be designed and managed in a manner that prevents and mitigates SGBV?
- Does the law and/or policy require all government emergency responders to participate in training about SGBV?

Specific measures to include and protect vulnerable groups

Women, girls, adolescents and young adults

- Do disaster contingency plans identify key actions, resources and responsibilities in relation to sexual and reproductive health and menstrual hygiene management?
- Does the law and/or policy promote gender equality and encourage women and girls in leadership and decision-making roles?

Children

- Does the law and/or policy mandate contingency planning for child protection during disasters?

Migrants, displaced persons and refugees; racial and ethnic minorities

- Does the law and/or policy demand participation of migrants, displaced persons and refugees in the elaboration of plans and strategies preventing, preparing for and recovering after disasters?

	Q10	Do your country's laws contain measures to promote quality and accountability and to prevent fraud and corruption, in disaster preparedness and response?
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Quality

- Does the law and/or policy establish minimum standards for the provision of food, water, sanitation, hygiene, health care, shelter and other critical services and assistance during disaster response?
 - If yes, does and/or policy the law require DPR actors to use such minimum standards when developing and reviewing disaster contingency plans?
 - If yes, does the law and/or policy require DPR actors to use such minimum standards when monitoring and evaluating DPR activities?

Monitoring and accountability

- Does the law and/or policy require DPR actors to conduct monitoring and evaluation at the activity and program levels, taking into consideration vulnerable groups opportunities to equally benefit from services? Are there gender specific indicators included in M&E frameworks?
- Does the law and/or policy require the establishment of public grievance mechanisms?

Check laws and policies related to:

- Disaster management / emergency management / civil protection / humanitarian assistance
- Monitoring / evaluation
- Social protection

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- Internal displacement / relocation
- Land use planning / informal settlements / urban settlements
- Human rights
- Fiscal Management and Accountability Act
- Natural Resource Fund Act

Notes for Traffic Light exercise:

- Consider the extent to which current laws and policies address the issues of planned relocation.