

# Injects for Phase 2 – Regional and International Assistance

## NDMC/NEOC

### NDMC Inject 1 –



#### Customs, duties, anti-corruption


A number of international relief organisations have reported that customs officials are demanding large on-the-spot cash payments of import duties on their food relief items arriving at the international airport, for which no receipts are being issued. They are seeking advice on the legality of these payments, and express concern that if such payments are required, they will be required to significantly scale back their activities.


**Task:** Advise the organisations about the applicable laws and policies and what action can be taken.


#### Discussion questions:


(See Reference IDRL Checklist; IDRL Provisions for the Model CDM National Legislation)

	<p>Q5</p>	<p><b>Do your country’s laws and regulations provide for necessary legal facilities to be provided to international assisting actors?</b></p>
<p><u>Customs arrangements for specialized goods and equipment</u></p> <p><i>Food, medication and quarantine</i></p> <p><input type="checkbox"/> Does the food safety law provide for any special or simplified procedures in disaster settings regarding food imports?</p> <p><u>Tax and currency exchange for disaster relief activities</u></p> <p><input type="checkbox"/> Does existing law provide for exemptions from VAT, income tax, corporate tax and other tax for humanitarian organizations and personnel providing disaster relief and initial recovery assistance?</p>		
	<p>Q8</p>	<p><b>Do your country’s laws and regulations establish a specialized unit for expediting the entry of international disaster assistance?</b></p>
<p><input type="checkbox"/> Are there any procedures in place in the law which provide for a consolidated, ‘One Stop Shop’ approach to international disaster response?</p> <p><input type="checkbox"/> Do your laws provide for the establishment of a disaster preparedness taskforce that considers issues related to international assistance?</p>		

	<b>Q9</b>	<b>Do your country’s laws and regulations provide adequate transparency, safeguards and accountability mechanisms governing international disaster relief and initial recovery assistance?</b>
<input type="checkbox"/> Are specific procedures in place to guard against diversion, misappropriation or fraud concerning foreign disaster relief and early recovery goods/funds?		

	<b>Q1</b>	<b>Does your country have a clear legal framework for disaster risk management which includes procedures relating to international disaster assistance?</b>
<input type="checkbox"/> Does your country have a disaster risk management/emergency management/civil protection law?		
<input type="checkbox"/> Do either of these laws mention international disaster assistance? Are procedures and protocols in place for the management of international disaster assistance?		
<input type="checkbox"/> Do the relevant sectoral laws (as listed below) contain any provisions relating to international disaster assistance?		
<input type="checkbox"/> Does the law or policy specify a procedure to report to other governments/regional organizations/ United Nations about emerging hazards that could lead to disasters and/or emergencies in the country and/or in a neighbouring country?		

	<b>Q2</b>	<b>Do your country’s laws and regulations clearly set out a focal point for coordinating international disaster assistance?</b>
<input type="checkbox"/> 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)?		
<input type="checkbox"/> 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?		

	<b>Q8</b>	<b>Do your country’s laws and regulations establish a specialized unit for expediting the entry of international disaster assistance?</b>
<input type="checkbox"/> Are there any procedures in place in the law which provide for a consolidated, ‘One Stop Shop’ approach to international disaster response?		
<input type="checkbox"/> Do your laws provide for the establishment of a disaster preparedness taskforce that considers issues related to international assistance?		

**Check laws and policies related to:**

- Disaster management / emergency management / civil protection / humanitarian assistance
- Foreign Affairs

## Injects Phase 2 – Regional and International Assistance

- Customs
- Taxation
- Finance
- Regional and global cooperation mechanisms

**See Model IDRL Provisions for the Model CDM National Legislation**

### **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 –**



**Legal status and registration**

A number of international teams received approval to deploy to the disaster and have just arrived in-country however they have arrived after regular business hours and senior personnel from the relevant authorities are not on duty. The staff on duty are unsure of the required visa and if/how to register the organisations' presence. One is a team from a UN agency, another is an international NGO, and the other is a foreign government team.

**Task:** Advise on the processes that the relief providers are required to follow upon arrival in-country. Are there any differences in their requirements or legal status?

**Discussion questions:**

*(See Reference IDRL Checklist)*

	<p>Q2</p>	<p><b>Do your country's laws and regulations clearly set out a focal point for coordinating international disaster assistance?</b></p>
<p><input type="checkbox"/> 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)?</p>		
	<p>Q5</p>	<p><b>Do your country's laws and regulations provide for necessary legal facilities to be provided to international assisting actors?</b></p>
<p><u>Immigration</u></p> <p><input type="checkbox"/> Do the immigration or disaster risk management laws have any specific provisions, expedited processes or waivers for visas for international disaster relief personnel?</p> <p><input type="checkbox"/> Are there specific and simplified procedures in place regarding the migration status of international humanitarian assistance staff (including work permit)?</p> <p><input type="checkbox"/> Does the law provide for specific procedures to recognize privileges and immunity to diplomats and consular officials consistent with the Vienna Convention?</p> <p><input type="checkbox"/> Are there special and expedited procedures in place for the recognition of foreign/international drivers' licenses?</p> <p><u>Registration of international assisting actors</u></p> <p><input type="checkbox"/> Does the law or policy set out a special and simplified system for the registration of international assisting actors?</p> <p><input type="checkbox"/> Are the legal requirements stipulated clearly and is the information accessible to international assisting actors (e.g. need to register with multiple agencies or different ministries, focal point for registration, types of registration such as association, foundation, corporation)?</p> <p><input type="checkbox"/> Does the law or policy indicate how these organizations can become eligible to obtain the relevant legal facilities for their assistance and recovery work (such as demonstrating that the organization has the experience and the capacity required)?</p>		

Additional facilities for international disaster relief

- Do national laws, policies or plans provide for extended opening hours for key governmental offices/service (such as customs inspection, immigration, dock and airport management) necessary for international relief?

**Check laws and policies related to:**

- Disaster management / emergency management / civil protection / humanitarian assistance
- Foreign Affairs
- Immigration
- Customs
- Registration of charity/not-for-profit/corporations

**See Model IDRL Provisions for the Model CDM National Legislation**

**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 –**


**Civil/military Coordination**

Responding to government requests for international assistance, a neighbouring country has deployed a military unit to support with logistics and relief distributions. Their teams are being deployed in uniform and fully armed, which has confused and alarmed affected communities. It has been noted that women in particular, have been too scared to come to distribution points to collect relief items. A prominent local politician has been denouncing the assistance as "foreign interference" and is calling on the government to send the unit home. The Commanding Officer of the military unit is seeking your advice.

**Task:** Provide advice to the Commanding Officer about the rules for foreign militaries providing humanitarian assistance and how to ensure that communities, and women in particular, are comfortable receiving assistance.

**Discussion questions:**

*(See Reference IDRL Checklist)*

	<p><b>Q6</b></p>	<p><b>Do your country’s laws and regulations set out quality standards for international assisting actors?</b></p>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Do the country’s national laws and regulations provide for minimum standards in humanitarian/early recovery activities?                             <ul style="list-style-type: none"> <li>○ Are assisting actors and their personnel abiding by the country’s domestic laws and applicable international law?</li> <li>○ Are they coordinating with domestic authorities and other assisting actors?</li> <li>○ Are they respecting the human dignity of disaster-affected persons at all times?</li> </ul> </li> <li><input type="checkbox"/> Is the disaster relief and initial recovery assistance provided in accordance with the principles of humanity, neutrality and impartiality?</li> <li><input type="checkbox"/> Are there minimum standards set out in your laws and regulations in line with international quality standards?                             <ul style="list-style-type: none"> <li>○ Is the support responsive to the special needs of vulnerable groups and adequate for the needs identified?</li> <li>○ Is it provided by competent and adequately trained personnel, in a transparent manner?</li> <li>○ Is it carried out with the appropriate involvement of affected persons, in a manner that is sensitive to cultural, social and religious customs and traditions?</li> <li>○ Is it carried out so as to minimize negative impacts on the local community, economy, job markets, development objectives and the environment?</li> </ul> </li> </ul>		

**IDRL Guidelines**

**Art. 11. Initiation of Military Relief**

1. Military assets should be deployed for disaster relief or initial recovery assistance only at the request or with the express consent of the affected State, after having considered comparable civilian alternatives. Prior to any such deployment, terms and conditions (including such issues as the duration of deployment, whether they must be unarmed or may be armed the use of their national uniforms, and mechanisms for cooperation with civilian actors) are to be agreed by the affected and assisting States.

**Check laws and policies related to:**

- Disaster management / emergency management / civil protection / humanitarian assistance
- Foreign Affairs
- Foreign disciplined forces / military relief

**See Model IDRL Provisions for the Model CDM National Legislation**

**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.