

Consultation on Strengthening Legal Preparedness for International Disaster Assistance in Bangladesh

Dhaka, Bangladesh / Date 16 April 2017

Background

Representatives of different ministries from the Government of Bangladesh (GoB), armed forces division, UN, INGOs, academicians, Bangladesh Red Crescent Society (BDRCS) and the International Federation of Red Cross and Red Crescent Societies (IFRC) participated in a Consultation on *Strengthening Legal Preparedness for International Disaster Assistance in Bangladesh* held in Dhaka, Bangladesh, on 16 April 2017. Discussions were held on legal challenges and opportunities in providing and receiving humanitarian assistance in emergencies, including recommendations on amendment on Disaster Management Act and other rules through incorporating relevant points from the IDRL Guidelines into the Bangladesh Framework.

Bangladesh is one of the most disaster-prone countries in the world, and through years of experience is now a model in disaster risk management in South Asia and globally. Bangladesh is not only managing disaster risk domestically; it also provides support and technical assistance to neighboring countries in the wake of disaster; Bangladesh supported Nepal after the 2015 earthquake. However, Bangladesh encountered some regulatory issues in aiding its neighbors. The lack of clear processes in Nepal and communication to external actors caused a large proportion of the Bangladesh aid to go to waste. Due to congestion and management issues at the airport, many carriers were not able to land in Nepal and had to return. Other experiences in Nepal were shared first hand with Bangladesh, during a peer learning opportunity last month, where the legal and accountability Manager of Nepal Red Cross, Mr Bijay Dahal, visited Bangladesh and discussed some of the regulatory challenges that were experienced in the aftermath of the Gorkha earthquake as well as to update on the measures taken by Nepal Red Cross and its Government in the development of an international assistance directive.

The experience of its northern neighbor, Nepal, has served as a wakeup call to the authorities and humanitarian community of Bangladesh to examine and strengthen its own preparedness measures for foreign disaster assistance. Bangladesh Red Crescent Society, IFRC and the Ministry of Disaster Management and Relief (MoDMR) have partnered up to look at current legal and policy preparedness measure and make recommendations for future action. Through a research team at University of Dhaka, a preliminary desk review of Bangladesh's framework for management of international disaster assistance has been undertaken, and this consultation was designed to extract further information and feedback on the preliminary findings.

The consultation began with an overview of the context in Bangladesh, with a strong case put forward by Bangladesh Red Crescent Society's Secretary General, Mr. BMM Mozharul Huq, ndc, to take heed of IDRL issues in Bangladesh, particularly in light of ongoing earthquake concerns in Dhaka. Professor Mahbuba Nasreen, from the Institute of Disaster Management and Vulnerability Studies (IDMVS), University of Dhaka commenced her session with a presentation on hazard profile of Bangladesh, improvement of disaster management in the country, why IDRL is needed, and the scopes of research. Dr. Nasreen emphasized on the legal status of foreign entities, customs arrangement for aid, and management of foreign personnel in her presentation.

Mr. Md. Shah Kamal, Secretary, and Satya Brata Saha, Additional Secretary, MoDMR, highlighted that there are many preexisting rules in Bangladesh that guide foreign assistance during emergencies, like the NGO Affairs Rules, the Bangladesh Investment Development Authority (BIDA) Act 2016, which need to be considered in any future developments. Professor M. Nazmuzzaman Bhuiyan, Department of Law, University of Dhaka, outlined the scope and format of the day, emphasizing that this consultation served an important platform to get a consolidated picture of humanitarian response channels into Bangladesh.

Group discussions were initiated by categorizing the participants in three groups:

1. Government: (MoDMR, Ministries of Health and Family Welfare; Law, Justice and Parliamentary Affairs; Women and Child Affairs, Planning; Department of DM; Directorate General of Health Services; Fire Services and Civil Defense; and Armed forces division)
2. International Humanitarian Responders (UN Humanitarian Representative, WHO, Save the Children, WFP, JICA, and others)
3. Local actors (BDRCS)

The outcomes of the overall discussion are given below:

Recommendations and Comments from Consultation

- **Bangladesh Red Crescent Society's roles and responsibilities:** BDRCS should be specifically involved in the National Disaster Management Council, it is understood that Government can nominate any volunteer organization for a council meeting. Also, discussion was held on line ministry for BDRCS; whether this should be the Ministry of Health or Ministry of Disaster Management and Relief
- There should be a **help desk established** and operated. The process should be initiated in regular times so that during a large-scale emergency operation there is a functional mechanism to coordinate foreign disaster assistance
- **Relief Goods:** There needs to be fast track procedures to process humanitarian aid as well as to deter and reject unsolicited goods. There also needs to be mechanisms and process to check expiry of date of all stock in the inventory. This also needs to include inspection of food items that are donated in emergencies to ensure they meet quality standards. There should be tax exemptions on goods and vehicles arriving from other countries for humanitarian assistance. Emergency communications equipment and vehicles should be assessed upon discussion with National Board of Revenue and should be considered for tax exemption. UN, JICA, and some other organizations are tax exempted through bilateral agreements. MoDMR can refer organizations for tax exemptions.
- **Volunteer management** systems need to be institutionalized to streamline deployment and registration systems. Up to date data base should be in place indicating the detail information of the volunteers contact and location.
- Emergency activities and decision-making should be legally distributed among ministries so that all workload is not borne by the state head.
- Explore how to encourage more international assistance through established government funding channels. Currently there is about 1 billion BDT reserved for emergency operations in the DM fund. An outline for using DM fund should be provided.
- **Institutional Arrangements:** MoDMR is currently revising the Standing Orders on Disasters (SoD) to make it more smart and contemporary – potentially international assistance provisions could be strengthened in the SODs.
- Recommended to have consolidated **International Assistance Guidelines** (with provisions guiding how to receive aid and how to give aid). It would be helpful to have other countries' laws and mechanisms compiled and provided for comparative analysis. Bilateral agreements with donor countries and development organizations should be explored to clarify procedures and expectations in international disaster assistance. An International Relief Assessment Manual should be produced to keep all required information regarding disaster management in Bangladesh
- Need to explore **registration/eligibility systems** for humanitarian responders and manage spontaneous arrivals in mega disasters. In the past, confusions have arisen about registration forms (either FD7 or FD1). Registration/eligibility systems would also ensure that humanitarian professionals with the required skills are given priority. Doctors and medicines that are being sent in to Bangladesh must have valid license in the originating country. As part of eligibility requirements, it was recommended that "reserve provisions" of

organizations are considered, to ensure scope and sustainability of work. As part of this also discussed what role UN plays in accreditation of “relief teams”

- The current Overseas Employment and Migration Act 2013 of Bangladesh is sufficient to provide security and liability of foreign aid providers.
- Although there have been cases of courts of Bangladesh in facilitating customs, there should be a formalized procedure for this.
- There should also be clarification needs to in the DM Act / SODS on **initiation and termination of international disaster assistance** period as well as discussions on classification of disasters and links to disaster declarations. The trigger point for response should be stated in the Bangladesh law
- **Roles of other actors** – discussions also looked at roles and responsibilities of other actors in disaster relief, including media organizations (how to ensure that they broadcast correct information) Private organizations must take clearance from the government to operate. They must have a contingency plan.

Feedback from the consultation will be incorporated into the final IDRL Research report for Bangladesh which will be finalized in the coming months. This research will form for the evidence base to inform future legislative and policy revision for Bangladesh.



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Group discussion



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