



# International Disaster Response Law (IDRL) in Grenada

A Desk Review on Legal Preparedness  
for International Disaster Response

March 2018

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1. Save lives, protect livelihoods, and strengthen recovery from disaster and crises.
2. Enable healthy and safe living.
3. Promote social inclusion and a culture of non-violence and peace.

## About this report

This report was commissioned by the International Federation of Red Cross and Red Crescent Societies (IFRC) and the Grenada Red Cross Society, and prepared by Mrs. Tania Chambers, legal consultant. It analyses Grenada's current legal and policy frameworks for addressing the regulatory issues related to receiving international humanitarian assistance in case of mid- to large-scale disasters.

## About the Disaster Law Programme

The IFRC'S Disaster Law Programme seeks to reduce human vulnerability by promoting legal preparedness for disasters. It works in three areas: (1) collaborating with National Red Cross and Red Crescent Societies and other partners to offer technical assistance to governments on disaster law issues; (2) building the capacity of National Societies and other stakeholders on disaster law; and (3) dissemination, advocacy and research.

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*Cover photo: Grenada National Stadium St. George's, after the impact of the 2004 Hurricane Ivan. National Disaster Management Agency of Grenada*

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# Chapter 1

## Introduction



## 1.1 Background

In a sovereign territory, the right to establish boundaries and barriers that limit, regulate or tax the entry of goods and persons is considered sacrosanct. This right is ordinarily exercised through legal facilities – legislation, rules and regulatory guidelines – which are themselves patterned from and guided by international treaties and principles on trade, cooperation, the cross-border movement of goods and persons, humanitarian law and other factors. In addition to these formal mechanisms, other conditions and barriers to entry emerge from informal practices and the professional and personal factors that drive immigration, customs, port authorities, tax authorities and other key personnel. The humanitarian and disaster relief response that necessarily accompanies a major disaster event must navigate these legitimate and illegitimate, formal and informal barriers to entry. Without the appropriate levels of legal facilitation, international disaster relief actors can lack the lawful authority to enter a sovereign territory, import goods and specialty equipment, obtain the legal status and tax identity needed to navigate the country's commercial and regulatory space, establish an in-country banking and financial presence, register its personnel to provide specialty services to the affected population and partner with local actors.

For these reasons, international disaster relief places a legitimate demand for the variation or abrogation of the ordinary rules and regulations that hinder or restrict the entry of goods and persons. This variation in the application of the law can occur through formal and informal means. The need for special legal facilities increases exponentially during a major disaster event, as both demand for and supply of international relief goods and services will mount in the face of a need that overwhelms national capacity. In addition, the major catastrophic event has the typical impact of introducing new and ad hoc players to the disaster response field. In addition to the national disaster mechanisms and its partners that are typically involved in disaster and emergency management or humanitarian relief, the added influx of relief from ordinary citizens, private sector interests and international NGOs can quickly overwhelm the affected country's ordinary response mechanisms.

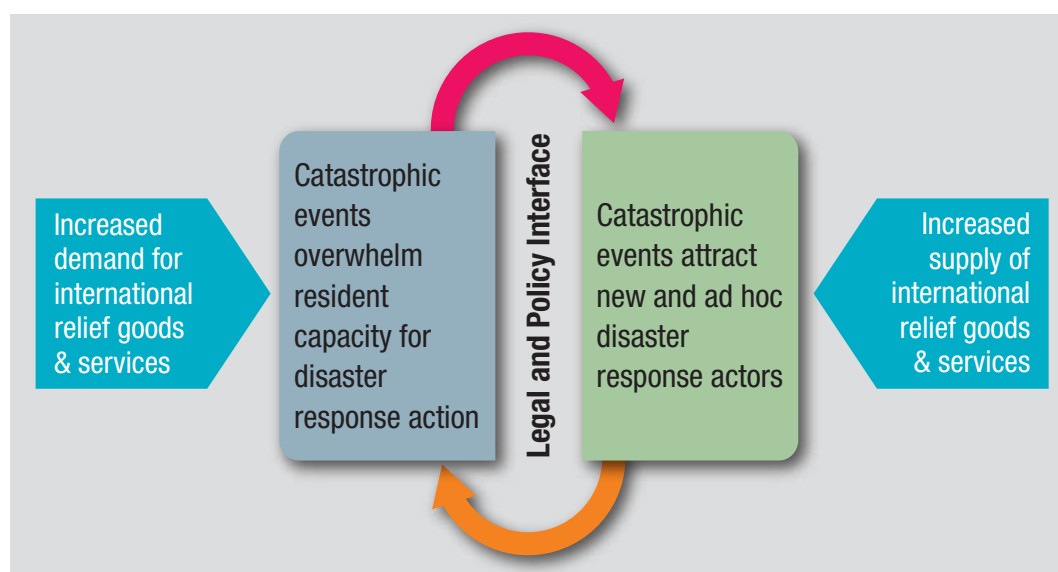


Figure1.1: A catastrophic event places increased pressure on the legal and policy interface between the affected country and international responders.

International Disaster Response Law can be seen as a body of principles that guide how the legal and policy framework of a country ought to be designed, in order to create the right balance of facilitation and regulation between an affected country and disaster relief actors. As a primary global actor in humanitarian and disaster relief affairs, the International Federation of Red Cross and Red Crescent Societies (IFRC) has a history of informing and influencing the legal thinking on this subject. Below is an excerpt from the Terms of Reference document that guided this research project, and which briefly catalogues the recent history of international disaster response law in the IFRC.

*In 2001, the Federation launched its “International Disaster Response Laws, Rules and Principles” Programme to examine the legal issues in international disaster relief and recovery operations. Over the course of several years, the IDRL Programme commissioned over two dozen country and regional studies and contacted governments, National Societies, NGOs and UN agencies to identify common legal issues. It found a common set of legal problems arising in international operations, due mainly to a lack of legal preparedness at the national level. They include both barriers to access (including issues with visas, customs clearance and duties, taxes and charges and legal personality problems) as well as failures of control over the quality, coordination and complementarity of international relief.*

*In 2006-2007, the IDRL Programme spearheaded a global consultation process to develop the “Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance.” These Guidelines were drawn from existing international law and standards and aimed at recommending practical solutions to the common problems noted above. They were unanimously adopted by the state parties to the Geneva Conventions at the 30th International Conference of the Red Cross and Red Crescent in November 2007. The Conference encouraged governments to make use of the Guidelines to strengthen their regulatory frameworks for international disaster response and invited the Federation and National Societies to promote and support such efforts. State parties unilaterally reiterated the urgency to strengthen legal preparedness for international disaster response at the 31st International Conference of the Red Cross and Red Crescent in November 2011, in light of the IDRL Guidelines.*

And thus, was born the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance or IDRL Guidelines. As its name suggests, the Guidelines cover a range of recommendations that are designed to improve how countries develop laws, rules and principles that both facilitate and regulate international relief and initial recovery. The IFRC describes the guidelines as “a set of recommendations to governments on how to prepare their disaster laws and plans for the common regulatory problems in international disaster relief operations”. They are therefore non-binding, and may be considered both instructive and persuasive as to best practice in legal and policy-based methodologies for regulating and streamlining international relief.

In 2015, the 32nd International Conference of Red Cross and Red Crescent unanimously agreed to accelerate progress in the facilitation and regulation of international disaster response. The IDRL Guidelines provide a key mechanism against which both national societies and governments can benchmark their international disaster response regulation, in fulfilment of Resolution 6. Other components of Resolution 6<sup>1</sup> cover issues that are integral to effective disaster response regulation, including support

1 Retrieved from:  
<http://www.ifrc.org/Global/Photos/Secretariat/201506/32IC-Res6-legal-frameworks-for-disaster>.

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for strengthening disaster risk reduction laws, and the provision of supportive legal frameworks for saving lives through first aid.

It is to be noted that, as the IDRL guidelines comprise a non-binding instrument, they can identify and ascribe duties and responsibilities different types of players engaged in international disaster relief and response. These are:

- The recipient state
- The donor state
- Humanitarian organisations
- Other donors/disaster relief providers
- The transit state

Thus, the guidelines set principles for both the demand and supply side of the disaster relief chain. Figure 1.2 identifies some fundamental principles underlying the IDRL.



Figure 1.2: Key principles that inform and are reflected in the IDRL Guidelines.

The key pillars of the IDRL Guidelines cover the issues of:

- Disaster coordination and institutional framework for preparedness
- Early warning mechanisms
- The initiation and termination of disaster relief
- The legal status of international disaster relief actors
- The entry and operations of disaster relief organisations and teams
- The entry and distribution/deployment of relief goods, supplies and equipment

While the guidelines are designed for the regulation of international relief, they operate against a backdrop of improved operational efficiencies surrounding relief coordination. They may thus be said to address certain development indices that are implicit in effective disaster response management.



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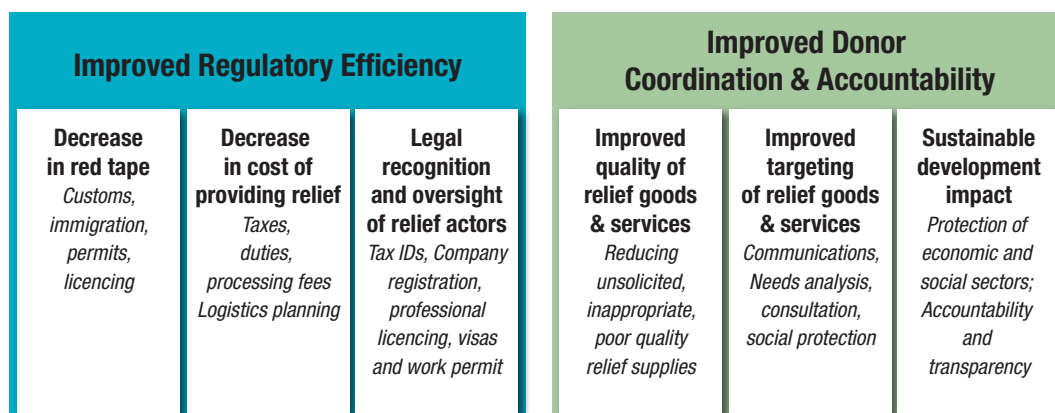


Figure 1.3: Development indicators implicit in the impact of the IDRL Guidelines.

In this way, the application of the guidelines as benchmarks of effective relief coordination provides insight into other factors, including the levels of accountability, transparency and operational efficiency that define the disaster relief and response framework of a given country. In other words, by assessing and analyzing efficiencies in the coordination, regulation and facilitation of international relief, the opportunity is raised to assess and analyse issues relevant to national relief coordination, regulation and facilitation.

## Caribbean Context

The Caribbean constitutes one of the most geographically high-risk regions for natural disasters. From the annual hurricanes, floods, landslides and man-made disasters that proliferate across the region to the earthquakes, volcanoes and tsunamis that threaten some islands, each Caribbean state faces its fair share of disaster risks. This has also resulted in a developed regional disaster response history and a shared capacity to predict and plan for more common risks.

Member countries of the Caribbean Community (CARICOM) have the common advantage of joint participation in and benefit from the treaty-based Caribbean Disaster and Emergency Management Agency (CDEMA)<sup>2</sup>, through which regional structures for disaster response are developed and implemented. CDEMA was formed in 1991 and has left its imprint of decades of disaster policy, law, institutional and systems development on the countries it serves. The countries within the region have several law, policy and institutional advantages that predispose them for effective national and international disaster relief coordination. These common features include:

- National disaster laws, policies and plans that identify a framework for disaster and emergency management. The more recent of these are based on a comprehensive disaster management model that is being promulgated by CDEMA and which moves national systems towards a more balanced approach to disaster risk reduction.
- National Disaster Organisations (NDOs) that centralize coordination of disaster response and recovery procedures.

<sup>2</sup> This was originally known as the Caribbean Disaster and Emergency Response Agency or CDERA. The name change was effected in 2009.

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- National Emergency Operations Centres that are led from the highest level of government, and which integrate the state and non-state actors involved in the disaster response process.
- Access to immediate extra-territorial disaster response activated through CDEMA's four sub-regional focal points<sup>3</sup>, each of which houses a warehouse for storing non-perishable relief supplies for the countries it serves, and has access to the transportation and logistical infrastructure needed to mobilise immediate supply of relief goods and services.
- Access to the Regional Response Mechanism and other units within CARICOM/CDEMA that are available to provide technical support in areas such as emergency centre operations, security and damage assessment and needs analysis.

The CDEMA framework – once activated – provides its member states with what ought to be the first layer of extra-territorial disaster response, and is designed to integrate seamlessly with local disaster coordination mechanisms.

CDEMA is additionally able to synchronise with the development and diplomatic community involved in disaster relief and response. Most of these organisations coordinate their disaster management activities through sub-regional Donor Partner Groups functioning in the Northern and Eastern Caribbean respectively. CDEMA provides technical guidance, partnership and operational coordination functions to these donors. CDEMA also partners with national and regional offices of the Red Cross, integrating several of its comprehensive disaster management strategies with the humanitarian organisation.

What these factors ensure is that there is an existing international disaster relief base that has an ongoing presence on the region, and has impacted its legal, institutional and operational systems over time. This creates a partnership base that is able to plan ahead for and respond swiftly to national disaster events. In the event of a major catastrophe, however, the inclusion of ad hoc and new assisting actors is a common source of diversion from any planned or pre-existing coordination guidelines. In this way, unsolicited donations and impromptu responses can provide both a great resource and a costly risk to effective disaster coordination. The IDRL framework provides a significant opportunity to address these risks and maximize these resources in a sustainable manner.

## 1.2 Research Methodology

This study involved a concurrent analysis of the disaster law framework of two Caribbean countries – St. Vincent and the Grenadines and Grenada – against the benchmarks outlined in the IDRL guidelines. The research question that this study seeks to address can be defined as follows:

*How effectively do the laws and policies of (selected) Caribbean countries facilitate the coordination, deployment and monitoring of international disaster relief and response?*

The prime method applied was a desk review of laws, policies and plans of the two target countries. These were guided by the NDOs and Red Cross National Societies in each country, who were interviewed as part of the process. CDEMA and the regional Red Cross offices also participated.

<sup>3</sup> These are the NDOs in Jamaica, Barbados, Trinidad and Tobago and Antigua.

Several interviews were conducted among other national Red Cross societies, CDEMA staff, NDO representatives for the sub-regional focal points and donor representatives. This ensured that a practical perspective on the implementation of laws and policies was integrated. In a workshop session held in a humanitarian coordination meeting in July 2016, several of these regional stakeholders had the opportunity to identify gaps in regional and national mechanisms, and make specific recommendations for law and policy change. A full list of participating organisations is appended.

In country validation meetings were held in Grenada in July 2016, in which the following departments and agencies participated:

- National Disaster Management Agency (multiple departments)
- Grenada Red Cross Society
- Ministry of Education and Human Resource Development
- Marine Pollution and Oil Spills Subcommittee
- USAID Office of U.S. Foreign Disaster Assistance (USAID/OFDA)
- Central Statistics Office (Ministry of Finance and Energy)
- Grenada Ports Authority
- Immigration and Passport Department (IPD), Royal Grenada Police Force
- Grenada Customs and Excise Department
- Office of the Prime Minister

Not only were the main findings of the report validated by these entities, but their comments, experiences and recommendations have been included in the report. In addition, follow-up discussions were held with representatives from the Office of the Prime Minister, the Ports Authority and the Customs Department to clarify details regarding disaster relief policy and procedures.

### 1.3 Summary Country Findings

Grenada has a well-developed legislative foundation for disaster relief coordination. Several of the prerogatives, privileges and systems recommended under the IDRL guidelines are reflected in Grenadian laws. For example, several laws that put in place systems for regulating and/or costing the entry of goods, personnel and equipment also provide high-level members of the executive with the discretion to define exemptions. These legal facilities could prove useful, should the country ever face a category of disaster that requires significant extra-territorial humanitarian relief input.

Grenada has a developed law revision process that has allowed it the flexibility to enact the primary and subsidiary legislation needed to meet several of the developmental demands that enhance disaster management and relief coordination. This has facilitated the building of more robust systems in the aftermath of 2004's Hurricane Ivan.

The primary gap in the legislative environment is the absence of a comprehensive disaster management law that would centrally locate the legal facilities required to regulate, guide and govern domestic and foreign disaster relief. The development of such

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legislation is expected in the short term, as part of Caribbean wide efforts to strengthen policies and laws that facilitate comprehensive disaster management.

Other gaps noted include<sup>4</sup>:

- Limited legal and policy coordination guidelines for civil society actors, particularly foreign-based or ad hoc donors. Donors that have been integrated in national or regional systems will benefit from established Communications and Coordination Mechanisms. However, in the wake of a significant disaster event, the list of potential donors can exponentially increase, which – if they remain unguided and unregulated – can create an undue burden on national systems.
- Limited vulnerability and risk management in relation to uncommon disasters. With every hurricane season, Grenada can become more and more equipped to handle the wind and rain damage that accompanies tropical storms. For example, some legislation makes specific reference to hurricane-related exemptions to taxes, procedures and limitations. More attention is needed around high risk but low probability events, such as earthquakes or man-made hazards.
- Regulatory issues that affect disaster management and relief coordination are dispersed in a range of laws, regulations and policy instruments. While the coming comprehensive disaster management law will address some of these gaps, efforts should be made to provide information guides to assist donors in navigating the regulatory environment.
- A common communications portal is needed to orient new and ad hoc donors to the in-country coordination mechanisms that guide disaster relief.
- A donor registration system may also be needed, in order to protect the country's resources from the untoward impact of non-strategic donations and non-accountable disaster relief personnel.

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<sup>4</sup> It is worth specifying that this report does not look into the details of the implementation of the IDR legislation in Grenada.

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## **Chapter 2**

# Grenada Country Profile & Disaster Scenarios



## 2.1 Country Profile

Grenada is a three-island archipelagic state at the southernmost end of the Windward Island chain. It is comprised of the islands of Grenada, Carriacou and Petite Martinique, which together have a land mass of approximately 380km<sup>2</sup> and a population of 110,000. The country is a member of three regional bodies - the Organisation of American States (OAS), the Organisation of Eastern Caribbean States (OECS) and the Caribbean Community (CARICOM) – each of which has a level of impact on Grenada’s evolving governance, legal and judicial systems.

Grenada is one of many Caribbean constitutional democracies that are Commonwealth territories, recognizing Queen Elizabeth II as the formal head of state. The British monarchy is represented locally by a Governor General, and the head of government is a Prime Minister, elected through a Westminster style electoral and governance system. The country’s Gross National Income (GNI) per capita is just over US \$7,900.00 (World Bank, 2014), putting it in the category of an upper middle-income economy.

Grenada’s risk exposure to natural hazards ranges from the routine – such as the effect of landslides during the annual rainy season, which lasts from June to December – to the infrequent – such as the potential effects of volcanic eruption from “Kick-‘em-Jenny”, the active undersea volcano located 8 km north of Grenada’s coastline. Given the size and situation of the island, Grenada’s entire population can face risks associated with rain and wind damage during a single storm event. The World Bank estimates that approximately 52.1% of the population is exposed to risk of mortality from 2 or more hazards<sup>5</sup>.

## 2.2 Disaster Scenarios

### Storms and Hurricanes

Like many other Caribbean islands, Grenada’s exposure to hurricanes has increased in the last few decades. Once considered relatively safe from hurricanes due to its location, the island was significantly damaged by Hurricanes Ivan and Emily in 2004 and 2005 respectively. Ivan, in particular, left in its wake 39 deaths and damages amounting to US\$900M, about twice Grenada’s GDP at the time. The unexpectedly severe nature of the damage – resulting from only a Category 3 system – left some government operations immobilized and dysfunctional for an extended period.

For Grenada, Ivan became a worst-case example of the potential impact of the annual hurricane season on vulnerable Caribbean small island states. Key infrastructure and utilities – including water, electricity and telecommunications – were damaged, with service interruptions lasting from days to months. The agricultural sector was practically decimated, with the ‘Spice Island’s’ nutmeg and other tree crops particularly affected. Job losses in the tourism sector amounted to about 60%. An estimated 90% of residential buildings were significantly damaged or destroyed.

### Floods and Landslides

Flood risk is mainly associated with flash flooding from mountain streams coupled with storm surges affecting low lying coastal areas. The capital city of St. Georges is a

<sup>5</sup> Disaster Risk Management in Latin America and the Caribbean Region: GFDRR Country Notes on Grenada, World Bank, USA (2010).

harbor town, and thus particularly vulnerable to this type of hazard. Further, with the impact of climate change causing rising sea levels and sea-surface temperatures, the risk of storm surges is considered to be on the increase.

Grenada is a mountainous country, with little flat land available for development. Much of its construction – both formal and informal – occurs on slopes. This, coupled with the lack of regulatory enforcement of planning and construction codes, increases the losses emanating from landslides. Landslides occur commonly during the seven-month rainy season from June to December each year. The impact is most frequently felt along road networks and near to towns, thus inhibiting commercial activity.

### Earthquakes and Tsunamis

Grenada is classified in seismic zone 2, and its earthquake risk is moderate to low. However, seismic events associated with Kick-'em Jenny, the undersea volcano located only 8km off Grenada's coast, pose significant risk to the island. Kick-'em Jenny, which is located about 180m below the surface, has erupted 12 times since 1939. Grenada has experienced several low intensity earthquakes, related to magmatic displacement in Kick-'em Jenny. In 2009, the University of the West Indies Seismic Research Centre described the volcano as "restless" with seismic activity above historical levels. An eruption could not only cause a significant earthquake, but could result in a major tsunami. The volcano's close proximity to Grenada's shores would render any tsunami warning ineffective.

### Mass Casualty Event

Mass casualty incidents are not unknown in the history of Grenada. The US invasion of the country in 1983 occurred at a time of political unrest that ultimately resulted in an estimated 24 deaths, as well as multiple injuries. The political and social environment has changed significantly since.

Grenada from time to time hosts sporting and music events that attract relatively large, multi-national, multi-lingual and multi-cultural audiences. At these times, the risk and potential impact of a mass casualty event would be significantly different.

### Pandemics<sup>6</sup>

The Eastern Caribbean region ranks highly on global health indices, with high levels of immunization and widespread access to primary health care resulting in low rates of communicable diseases. In more recent years, the region has faced risks from mosquito borne viruses, including dengue fever, and the chikungunya and zika viruses. With tourist populations matching and at times outnumbering the local population of many islands, and with informal movement by boats and small planes from island to island, the region faces the added risks of the spread of diseases originating in other parts of the globe. While recent global outbreaks, such as the Ebola or bird flu crises, have left the region largely unharmed, the dynamics of small populations clustered in coastal towns and villages could mean a disproportionately high degree of impact for any pandemic that affects the Eastern Caribbean.

<sup>6</sup> This paragraph takes an Eastern Caribbean approach, and is repeated in the same or similar language in the IDRL Report for St. Vincent and the Grenadines.

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## **Chapter 3**

# Institutional & Policy Framework for Disaster Risk Management

## 3.1 The Legal and Policy Framework for Disaster Management and Relief Coordination

### a. Laws

At present, Grenada does not have a comprehensive disaster law. Plans to develop same are in an advanced state of progress, and the Caribbean Disaster Emergency Management Agency (CDEMA) is engaged in a process towards assisting a number of Caribbean states (including Grenada) to develop comprehensive disaster risk management related laws and policies.

There are, however, several laws that establish and provide legislative mandates to state entities that have critical roles to play in disaster management. These include:

- the **Fire Brigades Act** that establishes and empowers a firefighting service;
- the **Solid Waste Management Authority Act** that provides functions and powers to a central waste management body;
- The **Public Health Act**, which provides for sanitation and other public services geared towards the prevention of infectious diseases;
- and the **District Councils Act**, which sets up a local government structure that supports fire prevention, road maintenance, the management of local public infrastructure. And other functions complementary to disaster risk reduction.

Over the years, a few pieces of legislation have been passed to off-set the impact of various disasters and create a regulatory instrument for the distribution of national disaster relief and the organisation of recovery funding. The **Agriculture (Hurricane Rehabilitation) Act, 1955** set up a scheme for financing the re-establishment of agricultural properties that have been damaged or destroyed by hurricanes. Funds were distributed as 'advances' or loans, with interest recovered from the restored profitability of the agricultural enterprise. The **Housing (Hurricane Damage) Loans Act, 1957** provided similar loan facilities for houses damaged or destroyed by hurricanes. At a macro-economic level, the **Grenada Reconstruction and Development Fund Act, 2005** was passed after Ivan as the legislative genesis for the government's recovery efforts. The law created and funded an Agency for Reconstruction and Development, to which all private donations were tax exempt. These laws were responsive to the events that preceded national disaster relief in each case, and for those reasons are focused on hurricanes as a specific hazard.

Other laws covering the declaration of an emergency, the mitigation of hazards, and the entry of goods and personnel are outlined throughout this report.

### b. National Policies and Plans

In 2011, a revised National Disaster Management Plan was developed for Grenada, upgrading the pre-existing plans from 2005 and 1985. The plan has since been revised again, and at the time of writing, 2016 revisions are underway. The plan outlines the structure and functions and inter-related roles of disaster organisations at the national, sub-national (district) and community levels. It identifies role and functions under sector and hazard-based groupings, and delineates and defines the roles of key government and non-government entities. The plan is a policy document and therefore its provisions are non-binding.

The aim and function of the plan is to ‘set out the structure and operating procedures for addressing all aspects of Comprehensive Disaster Management... (and) ensure that disaster management is executed in a coordinated and collaborative manner’<sup>7</sup>. Subsumed within this is the thematic objective of securing the mobilization of human and material resources in ‘planning, training and managing the various aspects of a disaster or major emergency in order to return the country to a state of normality as quickly as possible’<sup>8</sup>. The plan outlines the roles and responsibilities of public and private sector entities before, during and after a disaster, and sets a coordination framework for their inter-related functions. It also sets a framework for public education and awareness building, with the intent of building disaster preparedness skills and sensibilities across the general population.

The plan sets out a national and sub-national network of committees through which a number of disaster coordination, management, mitigation and preparedness functions will be collaboratively implemented. This multi-agency structure is intended to have a role in the pre- and post-disaster setting, and is a key part of the risk management and coordination machinery within the country.

In addition to providing core mandate areas for the National Disaster Management Agency, Advisory Council and Office, the National Disaster Management Plan provides mandate areas and disaster-related roles and responsibilities to a number of government entities. Each Ministry and Agency is, for example, required to develop its own sector and/or institutional continuity of operations and emergency response plans. Some entities are accorded special roles during and after a disaster.

### 3.2 Roles and Functions of National Disaster Management and Coordination Institutions

#### Responsibilities of the Affected State

##### *National Coordination of Disaster Relief*

##### IDRL Guideline 3: Responsibilities of Affected States

1. Affected States have the primary responsibility to ensure disaster risk reduction, relief and recovery assistance in their territory. National Red Cross and Red Crescent Societies, as auxiliaries to the public authorities in the humanitarian field, and domestic civil society actors play a key supporting role at the domestic level.
2. If an affected State determines that a disaster situation exceeds national coping capacities, it should seek international and/or regional assistance to address the needs of affected persons.
3. Affected States have the sovereign right to coordinate, regulate and monitor, disaster relief and recovery assistance provided by assisting actors on their territory, consistent with international law.

<sup>7</sup> Grenada National Disaster Management Plan, 2011, p.12.

<sup>8</sup> This was the defined aim of the Grenada National Disaster Plan, 2005 (see p.11).



The national structure for Disaster Risk Management and relief coordination in Grenada involves the following key entities:

#### a. The National Disaster Management Agency (NaDMA)

Formed as the National Emergency Relief Organisation in 1985, this national coordination agency gained its new name in 2004, a year ahead of completing the current, revised National Disaster Management Plan. Its mission is “to reduce the loss of life and property within Grenada, Carriacou and Petite Martinique by ensuring that adequate preparedness, response and mitigation measures are in place to deal with the impact of hazards”.

As its mission implies, NaDMA frames its functions around comprehensive disaster risk management, which is the planning modality supported by the Caribbean Disaster Emergency Management Agency (CDEMA), a regional entity facilitating disaster coordination and risk reduction for CARICOM member states.

NaDMA is a delegated authority under the Office of the Prime Minister, and the Honourable Prime Minister is tasked with providing to the organisation general direction and policy, but its day to day functions are implemented by a Secretariat known as the National Disaster Office (see below).

#### b. National Disaster Management Advisory Council

This advisory body is an interagency group responsible for guiding the Prime Minister on policy issues related to disaster management and emergency preparedness. The council is multi-sectoral, and includes high level representatives from all ministries and agencies, as well as private sector and civil society groups. It is chaired by the Prime Minister. Its membership consists of 33 entities, and private companies, academia, service clubs and the Grenada Red Cross Society are among the non-government members of the council.

The Council is tasked within the National Disaster Management Plan to meet on a monthly basis, and as necessary during a disaster. Its duties and responsibilities are delineated within the plan as:

- To ensure that all disasters and emergency preparedness processes and resources are adequate.
- To mobilise, direct and coordinate preventative, mitigative, preparedness, response, rescue and relief mechanisms for all hazards and emergency situations.
- To promote preventative mechanisms and activities and rapid response techniques by all organisations and agencies with disaster functions or services.
- To prepare for approval by Cabinet, guidelines and administrative policy for all sections of the National Disaster Organisation.
- To ensure the acquisition and dissemination of adequate public information and to promote and approve educational and training activities on emergency situations.
- From this list of duties, it is clear that in addition to policy advice to the Honourable Prime Minister and the National Disaster Management Agency, this council provides general oversight to disaster coordination, mitigation and risk reduction.

### c. National Disaster Management Committees

Under the operations of the Council fall several national committees that pull together public and private sector actors, many of which are also members of the Advisory Council. The Committees are formed around the following subject areas, and their membership and core functions are prescribed by the National Disaster Management Plan:

1. Public Information and Education
2. Damage Assessment and Needs Analysis
3. Transport and Road Clearance
4. Shelter Management
5. Welfare and Voluntary Services
6. Health Services
7. Emergency Telecommunications
8. Disaster Relief Management
9. Public Utilities, Rehabilitation and Reconstruction
10. Search and Rescue - Land and Sea
11. Security Services
12. Marine Pollution and Oils Spills
13. Hazardous Materials and Hazardous Waste

The committees are designed to have coordinating functions, and are required to outline preparedness and preventative measures within their respective mandate areas. Committees are designed to have a strong role in pre-disaster planning, as well as the development of management and coordination systems for the post-disaster relief and recovery phases. Each committee is required to meet regularly and to develop and keep updated their own emergency plans.

### d. National Disaster Office and Network of Sub-National Committees

The NDO is a key implementation arm of the national disaster management and coordination framework. The NDO oversees 18 District Disaster Committees, each of which oversees a geographical territory for disaster coordination and emergency preparedness. Each District Disaster Committee is tasked with coordinating a network of eight sub-sector committees, covering responsibility for the areas of Shelter Management, Safety and Security, Health and Welfare, Public Education and Information, Emergency Works and Transportation, Supplies Management, Damage and Needs Assessment and Telecommunications. These eight functions – and the task of disaster management and emergency preparedness and coordination – are replicated at the community level through Village Sub-Committees.

Representatives of the disaster coordination framework interviewed in 2016 have suggested that the District Committee structure is largely dormant at present, and requires a coordinated approach to resourcing, training and equipping community level actors.

### e. National Emergency Operation Centre

In the event of an emergency, the National Disaster Management Office is converted to an operations centre for emergency coordination, the NEOC. Its functions are:

- To coordinate alert, response and recovery activities;
- To execute emergency plans and procedures as designed and agreed upon in the permanent emergency planning process conducted by the National Disaster Management Advisory Council;
- To arrange to protect and rescue all vulnerable elements in the country;
- To inform the public at all times about the situation, actions taken and measures to protect themselves, their families and belongings;
- To control and coordinate actions generated as a result of orders from the Executive Policy Group;
- To provide direction and support to a disaster incident commander in the field when a disaster is localized (oil spill).

The NEOC involves all government entities that have a role in disaster coordination, including the Office of the Prime Minister and Foreign Affairs units, and thus facilitates the coordination of international response actors.

## 3.3 The Role and Functions of Regional Institutions<sup>9</sup>

The primary regional body in the field of comprehensive disaster risk management is the Caribbean Disaster Emergency Management Agency (CDEMA). This is a regional inter-governmental agency for disaster management in the Caribbean Community (CARICOM). A central role of the organisation is to facilitate the integration of the principles and practice of Comprehensive Disaster Management (CDM) in national law, policy and institutional plans and practices across member states (including Grenada). Comprehensive Disaster Management is an integrated and proactive approach to disaster management and seeks to reduce the risk and loss associated with natural and technological hazards and the effects of climate change to enhance regional sustainable development.

CDEMA's functions are as follows<sup>10</sup>:

1. Mobilising and coordinating disaster relief;
2. Mitigating or eliminating, as far as practicable, the immediate consequences of disasters in Participating States;
3. Providing immediate and coordinated response by means of emergency disaster relief to any affected Participating State;
4. Securing, coordinating and providing to interested inter-governmental and non-governmental organisations reliable and comprehensive information on disasters affecting any Participating State;

<sup>9</sup> This section was co-developed for the SVG IDRL Study, which includes a similar section in near identical language.

<sup>10</sup> Extracted from [http://www.cdema.org/index.php?option=com\\_content&view=article&id=89&Itemid=79](http://www.cdema.org/index.php?option=com_content&view=article&id=89&Itemid=79).

5. Encouraging –
  - i. the adoption of disaster loss reduction and mitigation policies and practices at the national and regional level;
  - ii. cooperative arrangements and mechanisms to facilitate the development of a culture of disaster loss reduction; and
6. Coordinating the establishment, enhancement and maintenance of adequate emergency disaster response capabilities among the Participating States.

CDEMA's Regional Response Mechanism comprises a series of plans, guidelines and the actions of a number of response coordination sub-groups. Part of this system is an Eastern Caribbean Partner Donor Group, and its Disaster Management sub-group. This Disaster Management group is co-chaired by the Executive Director of CDEMA and the UN Resident Representative, and includes UN and other bilateral and multi-lateral donor partners and the International Federation of Red Cross and Red Crescent Societies. The role of these international donors is further discussed below at paragraph 3.5. CDEMA's systems are reflected in and considered counterpart to Grenada's national disaster response mechanisms.

Among other resources, the Eastern Caribbean Donor Partner Group pulls together and deploys a Rapid Needs Assessment Team (RNAT) of local and other experts who can help to assess the scope and impact of a given disaster. The RNAT is typically led by CDEMA and provides Damage Assessment and Needs Analysis (DANA) reports, on which donors can then base their aid budgets and plans.

CDEMA is divided into four sub-regions, each having a Sub-Regional Disaster Emergency Response Operations Group. Grenada fits into the Southern Sub-Region, which is led by Trinidad and Tobago. Part of the function of these sub-regional groups is housing sub-regional warehouses, which store relief supplies to be deployed to member states in the event of a disaster.

Another CDEMA-related resource is the CARICOM Disaster Relief Unit. This is comprised of military, fire and police assets from across CDEMA member states, and may be deployed to any of these states as part of a disaster relief and recovery effort. This is a subset of the Regional Security System, a treaty based facility for military and police collaboration, made effective within Grenadian sovereign territory through the **Regional Security System Act**. CDEMA also has at its disposal a Regional Search and Rescue Team, to be deployed on request, and as needed. CDEMA plays a critical role in not only coordinating and resourcing these specialist units, but also in conducting ongoing training, capacity building and planning, in the pre-disaster seasons.

### 3.4 Nationally Recognised Roles and Responsibilities of Assisting Actors

#### a. The Role and Functions of the Grenada Red Cross Society

The Grenada Red Cross as a National Society of an international humanitarian organisation has high level and long-term roles and responsibilities in the design and implementation of disaster relief, response and recovery efforts. **Red Cross Society Act<sup>11</sup>** is

<sup>11</sup> Chapter 278: Red Cross Society Act, 1981.

the statute that incorporates the Grenada Red Cross Society, giving it broad objectives of improving health, preventing disease and mitigating suffering “in time of peace and war”<sup>12</sup>. Unlike similar legislation forming national societies in other Caribbean territories<sup>13</sup>, the Act makes no reference to the society’s role in disaster management or the provision of disaster relief.

The **National Disaster Management Plan** ascribes a number of roles to the Grenada Red Cross Society. The Society sits on several national disaster committees, and is given the specific responsibilities<sup>14</sup> of:

- Assisting with First Aid training
- Provision and distribution of relief supplies
- Assisting with Emergency Shelters
- Coordinating volunteers
- Assisting in search and rescue
- Psychological support and counselling
- Support around education, water and sanitation, health and other disaster risk management functions.

The Grenada Red Cross has put in place Community Disaster Response Teams in a number of communities, and provides community members with training in First Aid, Emergency Response, Search and Life Rescue, Shelter Management and Damage and Needs Assessment. These skills form part of the resource base for comprehensive disaster management in Grenada.

In addition to building human and community capacity to respond to disasters, the Grenada Red Cross has two warehouses in the country and facilitates the collection, sorting and distribution of relief supplies in the wake of a disaster. The Society also conducts vulnerability and capacity assessments and analysis.

Despite its longstanding record of activity within Grenadian society, the Grenada Red Cross still faces lack of understanding regarding its role as an auxiliary to government, and still risks being treated as an NGO, particularly whenever there are staff or political shifts that change the high-level personnel within various arms of government. For example, unlike other treaty-based entities that are subsumed within the diplomatic community, the Grenada Red Cross must process their exemptions through a shipment-by-shipment Cabinet approval process. This is an issue that requires ongoing communication and advocacy.

## b. The Role and Functions of In Country Civil Society Actors

The National Disaster Management Plan defines roles for a number of civil society, non-government and humanitarian organisations that are ongoing participants in the National Disaster Management machinery. Among the organisations specially named are a number of multi-party groups, such as:

<sup>12</sup> Chapter 278: Red Cross Society Act, 1981, s.4(1).

<sup>13</sup> E.g. the Jamaica Red Cross Act.

<sup>14</sup> Grenada National Disaster Management Plan, 2011, p.44.



- The Chamber of Commerce, tasked with ensuring that its members implement emergency response and continuity of operations plans. The Chamber is the key private sector representative on the Advisory Council and has a coordinating role among business and commercial entities. This includes coordinating private sector donations and relief supplies.
- The Conference of Churches, which will not only assist in coordinating the provision and distribution of relief supplies, but is also tasked with assisting with other comprehensive disaster management roles, such as public awareness programmes, shelter management and rehabilitation.
- Commercial and non-profit telecommunications entities, including cell-phone service providers and ham radio clubs. These have a combined role in supporting the national telecommunications emergency plan.
- Service clubs and youth organisations are collectively assigned a number of voluntary roles, such as public education, evacuation, distribution of relief supplies and contributing manpower to recovery efforts.
- Transportation companies and associations of taxi and bus drivers are an integral part of the Transport and Road Clearance component of the national disaster plan, as well as private construction companies who own much of the heavy equipment that is needed.

### c. The Role and Functions of UN Entities and International Donor Partners<sup>15</sup>

The United Nations Resident Coordinator co-chairs an Eastern Caribbean Donor Partner Group. This is comprised of a number of bilateral donor partners including Global Affairs Canada, the UK's Department for International Development (DFID), the United States Agency for International Development (USAID), and multi-lateral donor partners such as the World Bank and the Pan-American Health Organisation (PAHO). The ECDPG provides a mechanism for determining the scope, objectives and budget of disaster relief efforts in a coordinated and complementary way.

This group has a significant role in coordinating disaster response across the Eastern Caribbean. As key bilateral donors from the Canadian, UK and US governments are members, this is the primary coordination facility for donor aid directed at disaster relief, response and recovery in countries like Grenada. It provides a point of interface for the UN's cluster system, through which the disaster assistance initiatives of various UN agencies are coordinated and deployed. Response mechanisms from this group are triggered in different ways, with some donors setting aside funding for the more routine floods or landslides that may not involve a formal disaster declaration, and others requiring a formal state request in order to access relief and response resources.

The group supports the conduct of damage assessment and needs analysis through a joint Rapid Needs Assessment Team (RNAT), using their reports as the basis of disaster relief plans and budgets.

The group's functions are integrated with CDEMA's, which acts as its co-chair. This allows for seamless collaboration between regional, international and national disaster relief systems. Through this partnership, the development of eligibility criteria for new

<sup>15</sup> This section was co-developed for the SVG IDRL Study, which includes a similar section in near identical language.

international disaster relief actors could be facilitated, in order to regulate the number, type and quality of new donors who are able to access any special coordination or legal facilities following a major disaster.

### 3.5 Framework for Coordinating Government and Non-Government Relief Efforts

As a 33-member entity led out of the Office of the Prime Minister, the National Disaster Management Advisory Council<sup>16</sup> is a high-level coordination mechanism guiding disaster planning, policy and preparedness measures. With its membership including ministries and agencies, private sector and voluntary bodies, as well as the Grenada Red Cross Society, the council facilitates a broad net of disaster risk management coordination.

The National Disaster Committee structure outlined in the National Disaster Management Plan is the key operational mechanism for coordinating multiple entities around pre-disaster planning and emergency response management. It facilitates coordination at the sector level, as well as around specific functions (e.g. security) or types of hazards (e.g. earthquakes, oil spills). Some committees have key coordination roles in the pre-and post-disaster context. The Transport and Road Clearance Committee, for example, has a mandate to ‘develop MoU with private construction companies’<sup>17</sup>. The Disaster Relief Management Committee has an overall critical responsibility to ‘Coordinate NGOs’ supplies from arrival to distribution’<sup>18</sup>. That Committee’s membership includes representatives from the Grenada Red Cross Society, the Grenada Conference of Churches and voluntary organisations. Similarly, membership of the Welfare and Voluntary Services Committee includes the Grenada St. John’s Ambulance Brigade, the Grenada Red Cross, services clubs, including Lions and Rotary clubs, Boy Scouts and Girl Guides associations, the Duke of Edinburgh organisation and the United States Peace Corps.

In addition, several of the functions ascribed to specific agencies under the Disaster Plan require individual government entities to coordinate local actors, including non-government entities. For instance, the Community Development Division is tasked to “assist in the development of a register of all youth organisations as a resource manual for manpower support”<sup>19</sup>. In a similar vein, the Government Information Service has the responsibility to coordinate local media on their internal and public contributions to national disaster preparedness and emergency coordination.

<sup>16</sup> Grenada National Disaster Management Plan, 2011, p.26.

<sup>17</sup> Grenada National Disaster Management Plan, 2011, p.30.

<sup>18</sup> Grenada National Disaster Management Plan, 2011, p.35.

<sup>19</sup> Grenada National Disaster Management Plan, 2011, p.42.

### 3.6 Accountability Systems for Disaster Risk Management and Relief Coordination

#### **Diversion of Resources in International Disaster Relief**

##### *Misappropriating Donations or Diverting from the Intended Use*

##### IDRL Guideline 6: Responsibilities Concerning Diversion and the Intended Use of Resources

1. States and assisting humanitarian organizations should cooperate to prevent unlawful diversion, misappropriation, or fraud concerning disaster relief or initial recovery goods, equipment or resources and initiate proceedings as appropriate.
2. Affected States should use funds and relief goods donated to them, and which they have accepted in relation to a disaster, in a manner consistent with the expressed intent with which they were given.

The issue of public accountability for managing disaster relief goods, donations and resources is governed broadly by anti-corruption legislation. The **Prevention of Corruption Act, 2007** sanctions bribery, soliciting bribes and other corrupt practices among both local and foreign public officials. The act further sanctions corrupt acts related to government tenders and contracts. The Act aims to give effect to the Inter-American Convention Against Corruption.

This is supported by the **Integrity in Public Life Act, 2008**, which establishes a Code of Conduct for public officials covering issues such as conflict of interest, embracing a culture of lawfulness and responding appropriately to improper offers. The Act puts in place a system for the declaration of income, assets and liabilities and establishes an Integrity Commission with the power inter alia to hear and investigate complaints against public officials.

In addition, the **Ombudsman Act, 2007** puts in place an ombudsman with the authority and power to investigate any act of mal-administration or other abuse of power by a public authority. This can be done either on receipt of a complaint by a member of the public, or on the Ombudsman's own motion.

In practical terms and based on post-Ivan experiences, the risks of misappropriation are seen to arise from two main sources (a) the use of ad hoc members of the public (e.g. truck drivers) to carry out relief distribution functions, and (b) the absence of clear guidelines and strategies for targeting caregivers and their families with specific relief and recovery goods and services. The strategies for preventing misappropriation will need to address these factors.

### 3.7 Recommendations for Improving the Institutional and Policy Framework for Disaster Management

- a. The primary gap in the legislative environment is the absence of a comprehensive disaster management law that would centrally locate the legal facilities required to regulate, guide and govern domestic and foreign disaster relief. The development of such legislation is expected in the short term, as part of Caribbean wide efforts to strengthen policies and laws that facilitate comprehensive disaster management.

- b. Regulatory issues that affect disaster management and relief coordination are dispersed in a range of laws, regulations and policy instruments. In particular, the legislative provisions that exist to facilitate international disaster relief goods, equipment and personnel are to be found several laws and regulations, which can result in lack of clarity, predictability or certainty. Consideration should be given to identifying special waivers and contingency measures that are grounded in disaster legislation, and which reflect IDRL and sustainable development principles. In addition, efforts should be made to provide information guides to assist donors in navigating the regulatory environment.
- c. The Eastern Caribbean Donor Group – as a facility co-chaired by CDEMA and the UN – presents an opportunity for integrating new donors and/or setting standards for the recognition of new or ad hoc international donors at either the regional, sub-regional or national levels. The development of eligibility criteria for new international disaster relief actors could be facilitated by this group. This would help to regulate the number, type and quality of new donors who are able to access any special coordination or legal facilities following a major disaster.
- d. The Disaster Relief Management Committee should be resourced and commissioned to provide a more strategic approach to the regulation and coordination of international relief. As such, the mandate of Committee should include the following immediate actions:
  - Facilitate the development, implementation and monitoring of a legal framework for the management of international disaster assistance. This can be integrated in the country's CDM law and related regulations.
  - Follow-up on the recommendations of this report, and identify practical mechanisms for improving the management of international disaster assistance in keeping with recommendations from CDEMA, the Eastern Caribbean Donor Group, the IFRC and other appropriate international/regional policy sources.
  - Meet at least twice a year to develop or confirm preparatory measures for the (potential) entry of international disaster assistance.

In meeting these requirements, the Disaster Relief Management Committee will need to include a regional component to its discussions and deliberations, including routine interface with CDEMA, representatives of the Eastern Caribbean Donor Group and the IFRC to track relevant commitments and goals for improved international relief management in the Eastern Caribbean.
- e. There is a need for additional protocols and guidelines to guide government departments on the range of IDRL and Comprehensive Disaster Management issues that require the input and approval of multiple agencies and departments. These should include (among others) procedural regulations and guidelines that provide certainty and predictability to the following processes:
  - Guidelines for processing relief/recovery-specific immigration waivers at ports of entry; there is a related need for CARICOM-level guidance on the movement of skilled relief volunteers and humanitarian workers.
  - Additional plans and strategies for mobilizing District Committees and ensuring that these are effectively integrated with the national disaster management and coordination system.

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- f. There are limited legal and policy coordination guidelines for civil society actors, particularly foreign-based or ad hoc donors. Donors that have been integrated in national or regional systems will benefit from established communications and coordination mechanisms. However, in the wake of a significant disaster event, the list of potential donors can exponentially increase, which – if they remain unguided and unregulated – can create an undue burden on national systems.
- g. Consideration should be given to assigning an International Humanitarian Assistance (or International Disaster Relief) Coordinator within NaDMA. This would provide a clear liaison point for the development of standards and communication processes for new and ad hoc donors. Similarly, a Special Coordinator for Disciplined Forces would provide guidance for military and similar types of relief. Both of these roles are included in CDEMA's Model Comprehensive Disaster Management Legislation.
- h. There are limited protocols and procedures addressing vulnerability and risk management in relation to uncommon disasters. With every hurricane season, Grenada can become more and more equipped to handle the wind and rain damage that accompanies tropical storms. For example, some legislation makes specific reference to hurricane-related exemptions to taxes, procedures and limitations. More attention is needed around high risk but low probability events, such as earthquakes or man-made hazards.

There is a clear need for strengthened communication with actual and potential donors, such as through internet-based resources. A common communications portal is needed to orient new and ad hoc donors to the in-country coordination mechanisms that guide disaster relief. For the information and guidance of assisting actors – particularly those located outside of the country – a clear and concise summary of local laws, policies and procedures that support or impact international relief should be accessible online. In addition, specific procedures and protocols are needed to provide guidance to internal and external stakeholders on the cost-benefit of providing relief in cash, rather than in kind. This requires advocacy on the part of the state, as well as its key partners.

- i. A clear monitoring framework is needed to track the implementation of the laws, policies and procedures that facilitate and regulate international relief. This could be included as part of the country's Comprehensive Disaster Management Strategy.



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# **Chapter 4**

## Disaster Preparedness and Early Warning Systems

## 4.1 The Institutional and Policy Framework for Disaster Preparedness and Risk Reduction

### Preparedness

#### *Building Resilience and Domestic Disaster Response Capacity*

##### IDRL Guideline 8: Legal, Policy and Institutional Frameworks

1. As an essential element of a larger disaster risk reduction programme, States should adopt comprehensive legal, policy, and institutional frameworks and planning for disaster prevention, mitigation, preparedness, relief and recovery which take full account of the auxiliary role of their National Red Cross or Red Crescent Society, are inclusive of domestic civil society, and empower communities to enhance their own safety and resilience. States, with the support, as appropriate, of relevant regional and international organizations, should devote adequate resources to ensure the effectiveness of these frameworks.
2. These frameworks should also adequately address the initiation, facilitation, transit and regulation of international disaster relief and initial recovery assistance consistent with these Guidelines. They should allow for effective coordination of international disaster relief and initial recovery assistance, taking into account the role of the United Nations Emergency Relief Coordinator as central focal point with States and assisting humanitarian organizations concerning United Nations emergency relief operations. They should also clearly designate domestic governmental entities with responsibility and authority in these areas. Consideration should be given to establishing a national focal point to liaise between international and government actors at all levels.
3. Where necessary and appropriate, national governments should encourage other domestic actors with authority over areas of law or policy pertinent to international disaster relief or initial recovery assistance, such as provincial or local governments and private regulatory bodies, to take the necessary steps at their level to implement the Guidelines.

##### IDRL Guideline 9: Regional and International Support for Domestic Capacity

1. With a view to increasing resilience and reducing the need for international disaster relief and initial recovery assistance, the international community, including donors, regional and other relevant actors, should support developing States, domestic civil society actors and National Red Cross and Red Crescent Societies to build their capacities to prevent, mitigate, prepare for and respond to disasters domestically.
2. The international community should also support developing States to build the capacity to adequately implement legal, policy and institutional frameworks to facilitate international relief and initial recovery assistance. This support should be provided to States in a coordinated manner among the relevant actors.

Disaster risk reduction and preparedness activities are built into the Comprehensive Disaster Management framework of the National Disaster Management Plan and the national disaster management machinery. Much practical emphasis has been placed on disaster preparedness, particularly in relation to hurricanes and storms. Spurred by its international commitments, Grenada has seen a shift in emphasis towards addressing

disaster risk reduction and increased resilience, through inter alia a climate change lens. The Hyogo Framework of Action has informed much of the development in policy and institutional capacity, and Grenada has benefitted from the support and input of CDEMA, the World Bank, the Inter-American and Caribbean Development Banks and other entities, in providing a more sustainable approach to risk resilience.

A National Hazard Mitigation Policy was developed in 2003, and sets the policy context for developing an integrated approach to hazard risk reduction and reducing vulnerability. The policy attempted to integrate the risk resilience influences of preceding laws and policies, including the Physical Planning, Agriculture and Fisheries and Tourism Product Development, laws, plans and Policies that had been completed in the late 1990s to early 2000s. However, given the timing of the Hazard Mitigation Policy, the framing of Grenada's disaster measures from 2004 and beyond would necessarily have been superceded by the post-Ivan (and post-Emily) recovery efforts.

In light of this, efforts at preparedness through public awareness building would have increased since Hurricane Ivan<sup>20</sup>, but with an emphasis on building public understanding of hurricane preparedness and risk mitigation. These efforts are led through the public education machinery in place at the national and community levels, through NaDMA.

In addition, following the widely destructive impact of Ivan on both public and private buildings, multiple risk and vulnerability assessments have been conducted in the agriculture, tourism, education and health sectors, and the country has placed its reconstruction focus on improving the resilience of physical infrastructure.

Within Grenada's legislative and regulatory framework, there are several laws that are geared towards the prevention of certain man-made hazards or risk factors that can be spread or curtailed by human behaviour. These include hazards that may result from the spread of infectious diseases or other biological threats, pollution, fires, or noxious substances. Among these types of laws, the following are notable:

- **Mosquito Destruction Act, 1952** sets a framework for mosquito eradication and control and is an important tool in the control of mosquito-borne diseases.
- **Quarantine Act, 1947** and its subsidiary legislation together set out processes for detaining air and sea vessels that are affected by an infectious disease.
- **Animals (Diseases and importation) Act, 1953** creates a system for the quarantine and control of diseased or infected animals. It includes special regulations regarding the treatment of animals – and animal carcasses – where the infection is linked to rabies, anthrax, swine or bird flu etc.
- **Agricultural Fires Act** limits the use of fires as an agricultural practice by requiring an application for a permit before one can light a fire on private land.
- **Public Health Act, 1925** creates a state-run system for preventing and controlling infectious diseases.
- The **Chemical Weapons Act, 2013**, **Pesticides Control Act, 1973**, the **Explosives Act, 1956** and **Poison Sales Act, 1908** can together be used to limit the importation, sale, storage or distribution of a number of noxious substances, explosives and chemical weapons.

<sup>20</sup> Disaster Risk Management in Latin America and the Caribbean Region: Global Facility for Disaster Risk Reduction Country Notes, World Bank, p.164-165.

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- The **Civil Liability for Oil Pollution** and Oil in **Navigable Waters Acts, 1979** together create sanctions and penalties for the deliberate or accidental release of oil in Grenada's territorial waters.

In addition, there have been legislative and regulatory moves to strengthen physical planning and the built environment, as a strategy for improving infrastructural and community resilience to disasters.

- The **Physical Planning and Development Control Act, 2002** was passed to ensure sustainable use of all land, as well as improve the standard of building construction. The Act creates a permit system for land development, which involves resorting to Environmental Impact Assessments when these are deemed necessary.
- The **Grenada Building Code** has been more recently developed to lift the standard of building construction and general infrastructure development. The Code makes reference to mandatory preparation requirements when a hurricane watch is in places.

A more comprehensive review of building and other codes may be needed in order to gauge their alignment with the Sendai Framework for Disaster Risk Reduction, 2015-2030.

## 4.2 Early Warning Mechanisms

### Early Warning

#### *Sharing Information with IDRL Partners Prior to a Disaster*

#### IDRL Guideline 7: Early Warning

In order to minimize transboundary impacts and maximize the effectiveness of any international assistance that might be required, all States should have procedures in place to facilitate the expeditious sharing of information about disasters, including emerging hazards that are likely to cause disasters, with other States and assisting humanitarian organizations as appropriate, including the United Nations Emergency Relief Coordinator.

The disaster preparedness infrastructure in Grenada includes:

- The Grenada National Meteorology Office, which monitors and forecasts weather and provides disaster alert warnings. The office is connected to regional and North American partner entities, giving it access to advanced forecasting inputs.
- Networked Seismic Action Stations monitored by the University of the West Indies Seismic Research Centre. These monitor activities of Kick-'em Jenny in real time.
- A Water Information System within the Ministry of Agriculture that facilitates information sharing on the potential for droughts and floods. The Ministry provides 3-month projections for precipitation levels and/or drought.

Early warning mechanisms – including notification and coordination of donors – are most developed around hurricanes and tropical storms. Warnings are issued through NaDMA's public education and information sharing systems, which includes linkages with the media and private sector. In addition, there are flood warning systems in selected communities. While there is much information collated from the seismic

stations and a volcano warning system is in place, Grenada is considered too close to Kick-'em Jenny for a tsunami warning to have much effect.

### 4.3 Recommendations for Improving Disaster Preparedness and Early Warning Systems

The discourse on disaster preparedness benefits greatly from emerging policy on Comprehensive Disaster Management and Disaster Risk Reduction. Both of these areas have given rise – through for example the Sendai Framework and IFRC Resolutions at the international level or CDEMA's Strategic Framework at the Regional level – to the need for legislative development. While these issues will not be treated fully in this report, it is important to point out that planning laws and codes and other preparedness mechanisms will need to be reviewed against the more comprehensive and holistic law and policy benchmarks provided by these agreements.

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# Chapter 5

## Initiating International Disaster Relief



## 5.1 The Institutional and Legislative Framework for Declaring an Emergency or National Disaster

### **Initiation and Termination of International Disaster Relief**

#### *Including International Donors in a Disaster Response and Recovery Process*

##### **IDRL Guideline 10: Initiation**

1. Disaster relief or initial recovery assistance should be initiated only with the consent of the affected State and in principle, on the basis of an appeal. The affected State should decide in a timely manner whether or not to request disaster relief or initial recovery assistance and communicate its decision promptly. In order to make this decision, the affected State should promptly assess needs. Consideration should be given to undertaking joint needs assessments with the United Nations and other assisting humanitarian organisations.
2. Requests and offers for assistance should be as specific as possible as to the types and amounts of goods as well as the services and expertise available or required, respectively. Affected States may also wish to indicate particular types of goods and services likely to be offered that are not needed.
3. Affected States should make available to assisting actors adequate information about domestic laws and regulations of particular relevance to the entry and operation of disaster relief or initial recovery assistance.

##### **IDRL Guideline 12: Termination**

When an affected State or an assisting actor wishes to terminate disaster relief or initial recovery assistance, it should provide appropriate notification. Upon such notification, the affected State and the assisting actor should consult with each other, bearing in mind the impact of such termination on disaster-affected communities.

The formal declaration of an emergency or national disaster is often a necessary precursor to the release of certain disaster funds. Once an emergency is formally declared by a government authority, donor partners are able to mobilise a greater level of resource through their internal and external funding mechanisms. However, such a declaration is not without its negative impacts.

There are two levels of declaration provided for in Grenadian law. These are supported by the Constitution, which gives the power to suspend certain fundamental rights and freedoms upon the declaration of a national emergency. The Emergency Powers Act, 1987 gives the Governor General the power to declare a state of emergency, by way of a proclamation published in the Gazette. This is conditioned by a number of factors:

- The declaration is deemed applicable where the actions or immediate threat of action by a person or body – based on the nature or scale of such actions – is deemed likely to endanger the maintenance of public order or safety, or the defense of Grenada, or the supplies and services essential to life in a community.
- The Governor General exercises this function upon the advice of the Cabinet.

The declaration of an emergency may apply to the whole island, or a part of the country. During a state of emergency, it becomes prohibited for any person to carry explosives,

## Initiating International Disaster Relief

knives, arms, sticks or other weapon. The Cabinet may then make a number of regulations regarding the control of communication, transport, fuel, food and liquor supplies and the supply of electricity and water. Emergency regulations may also be made to curtail human actions and impose extra-constitutional restrictions on all or part of the populace. These extend to the suspension of certain civil rights through the power to detain or deport persons, search, seized or take possession of property.

Based on its scope, nature and potential impact, the Emergency Powers Act can be deemed to be reserved for the type of human action (or threat) that can result in civil unrest or an act of terrorism. More in keeping with the routine types of hazards facing the country is the **National Disasters (Emergency Powers) Act, 1984**. Defining a national disaster as a “disaster occurring as a result of earthquake, hurricane, flood, fire, outbreak of pestilence or infectious disease or other calamity...”<sup>21</sup>, the Act allows the Prime Minister to declare a national disaster once such an event endangers the supplies and services essential to life in the community. The disaster may implicate the whole or part of the country, and thus the declaration may be specific to a geographic location. Both the declaration and its ultimate revocation are put into effect by the Prime Minister publishing an order in the Gazette. The declaration will typically precede the country’s request for either regional or international disaster assistance, and act as a trigger point for any statutory power or right that is predicated on an emergency or disaster.

Under the National Disasters Act, the Prime Minister (or any other person he authorizes), acquires a range of emergency powers once a national disaster is declared. These include:

- The power to take control of and regulate:
  - Communication, transportation and fuel.
  - Food and liquor supplies.
  - Water supplies.
  - The use of electricity and gas.
- The power to take measures deemed necessary to maintain supplies and services essential to the life of the community.
- The power to requisition property, in service of the above.

Based on the nature of the suspension of rights and freedoms arising from both laws and the scope of powers thereby accorded to the government, the exercise of the power to declare an emergency or national disaster should be treated with utmost restraint. The risks attendant to the property rights of individuals and the commercial sector should be weighed in the balance with the desire to benefit those in need of post-disaster relief.

The current system does not allow for a graduated approach or for the declaration of a lower level disaster in which the relief and initial recovery support of the international community may be needed but the option to disrupt property rights or commercial operations are considered unnecessary.

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<sup>21</sup> Cap 203: the National Disaster (Emergency Powers) Act, 1984, s.2.

## 5.2 Initiating International Disaster Relief

### a. National Mechanisms for Initiating Relief

As noted above, the declaration of a disaster or emergency is the starting point for the activation of national disaster coordination mechanisms. Within these mechanisms the National Emergency Operations Centre will be led by the Prime Minister, and will include, among other state agencies, the department of Foreign Affairs. This will facilitate the issuing of international appeals, both through regional mechanisms as well as diplomatic channels.

### b. Initiating Relief through Public and Treaty Bodies<sup>22</sup>

Through the role of the Eastern Caribbean Donor Partner Group, there can be coordination of efforts and mobilization of support whether or not an official declaration of a disaster is made. The Group (which does not have a separate local arm in Grenada) is required to keep track of impending hurricanes and storms, and to this end can begin to mobilize its efforts during the pre-disaster phase. Through its partnership with CDEMA, the group deploys a Regional Needs Assessment Team in the immediate wake of a disaster, and uses their initial reports to determine the size and scope of the relief effort required.

Because of the ongoing nature of these donor programmes and efforts, they can in fact be mobilized independently of a formal declaration from the state. However, in practice, established donor partners will not normally initiate relief except at the request of the government, or in some cases, state entities which have established sector level partnerships with donors (e.g. PAHO in its ongoing support of health sectors). Due to the quick turn-around time for these pre-established plans to be put into effect, they can precede the full activation of the NEOC and other national coordination mechanisms, but are eventually integrated into these mechanisms.

In addition to UN and bi-lateral entities, the IFRC<sup>23</sup> and the Red Cross represent another significant treaty body and international donor that is integrated in the country's comprehensive disaster management machinery. The Red Cross has an even bigger footprint on the ground, at both the community and national coordination levels. The Grenada Red Cross sits on the country's disaster committees, and will thus be an integral part of the national mobilization of disaster relief support. Through its local warehouses and ongoing mobilization of volunteers, the Red Cross is viewed as a significant resource in the immediate aftermath of a disaster. The Red Cross can mobilize some level of support whether or not a formal disaster has been declared, but will typically receive greater inputs from its regional support systems and other national societies if a disaster has been declared.

### c. Private Donors and Civil Society

In the weeks and months after a major disaster event, it is not uncommon for local and foreign private sector donors – whether individuals, charities, service clubs,

<sup>22</sup> This section was co-developed for the SVG IDRL Study, which includes a similar section in near identical language.

<sup>23</sup> The IFRC signed a Memorandum of Understanding with the the ACS covering disaster management post-natural disaster rehabilitation, logistics cooperation, capacity-building in the Caribbean region.

## Initiating International Disaster Relief

corporations, churches or other civil society entities – to become motivated and mobilized to support disaster relief. This can range from critical human resources through a recognized NGO such as Doctors Without Borders to sacks of groceries or small monetary gifts from the average householder. The task of establishing a mechanism for initiating, directing and coordinating private donor relief efforts is a significant aspect of emergency management.

For those established donors that have an ongoing role in the country's disaster management machinery – either directly or through representative groups – the communication and coordination efforts are simplified. These groups include the Salvation Army, St. John's Ambulance, major Service Clubs and youth organisations, members of the Chamber of Commerce and Council of Churches and professional bodies such as the Grenada Association of Professional Engineers. Other private sector interests – primarily cell phone, media and communications companies, transportation associations, private construction companies and gas distributors – are also given specific inclusion in disaster committees. The private sector therefore becomes part of a wider net of available resources for communications, security, transportation and other essential services in the post-disaster operations. Mobilisation of these resources can be done through established MoU, or through the direct participation of these organisations as volunteers in the National Emergency Operations Centre and its range of sub-committees.

For other private donors and individual volunteers, coordination with these groups and with the Emergency Operation Centre would be the most effective mechanism for ensuring that their donations are effectively deployed and distributed.

#### d. Initiating Military Relief

##### Initiation of Military Relief

###### *Special Arrangements for Foreign Military Aid*

###### IDRL Guideline 11: Initiation of Military Relief

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.

The Caribbean's Regional Security System is a treaty based facility for military and police co-operation. In Grenadian law, this facility is supported by the **Regional Security System Act**. This becomes a key modality for the inclusion of military relief in Grenada's sovereign territory. Part of the RSS is a CARICOM Disaster Relief Unit, through which military, police and fire brigade support from the region may be mobilized and deployed.

Under the **Military Uniforms (Prohibition) Act, 2000** it is an offence for anyone other than a member of the Royal Grenada Police Force or a member of a bona fide foreign military force or police force on a visit to Grenada to wear or distribute military

(including police) uniforms or gear. The act also makes it an offence to enter Grenada dressed in military uniform without lawful authority.

### 5.3 Terminating International Disaster Relief

The systems that exist to initiate international disaster relief can be instrumental in the termination of relief. The emergency powers available to the government under law are typically accompanied by the power to revoke the declaration of an emergency. In effect, in the past, emergency orders are typically time-bound and introduced for a relatively short period, subject to being extended by a subsequent order.

Donor coordination through the Eastern Caribbean Donor Partner Group can result in the sharing of information in the post-disaster period.

### 5.4 Recommendations for the Initiation and Termination of International Disaster Relief

- a. There is need for regulatory clarity in the identification of formal categories of “disasters” or “emergencies” that do not involve abrogation of civil rights and freedoms.
- b. There is a need for guidelines for targeting/escalating a disaster request, with clear guidelines for when a request should move beyond bilateral and regional capacity, and how requests should be communicated to minimize unsolicited or inappropriate donations.
- c. Disaster requests should ideally be issued in writing or should direct persons to communications portals that facilitate the informed targeting of disaster relief. The express preference for monetary donations should be fully explained in a way that engenders the buy-in of donors (particularly Grenadians in the diaspora) for nation building and long-term recovery efforts.
- d. There is a need for regulatory clarity on the regulation of military relief, particularly where the circumstances of a disaster may require military or security support beyond that which CARICOM provides.
- e. There is a need for procedures on terminating the disaster relief period, and identifying and communicating any changes in legal status or facilitation that will result from such termination.
- f. Special facilities and mechanisms should be adopted for relief and early recovery periods after disasters.

**International Disaster Response Law (IDRL) in Grenada**  
A Desk Review on Legal Preparedness for International Disaster Response

# Chapter 6

## Legal Status of Foreign Assisting Actors



## Legal Status and Arrangements for Assisting Actors

### *Determining Which Organisations Should Benefit from Special Legal Arrangements*

#### IDRL Guideline 13: Facilities for Assisting States

It is recommended that transit and affected States grant, at a minimum, the legal facilities described in Part V (Guidelines 16-24) to assisting States with respect to their disaster relief or initial recovery assistance.

#### IDRL Guideline 14: Facilities for Assisting Humanitarian Organizations

1. Subject to existing international law, it is the prerogative of originating, transit and affected States to determine which assisting humanitarian organizations will be eligible to receive the legal facilities described in Part V (Guidelines 16-24) with respect to their disaster relief or initial recovery assistance.
2. It is recommended that States establish criteria for assisting humanitarian organizations seeking eligibility for legal facilities. These criteria should include a showing by the organization of its willingness and capacity to act in accordance with the responsibilities described in paragraph 4 of these Guidelines.
3. Any additional requirements imposed on assisting humanitarian organizations should not unduly burden the provision of appropriate disaster relief and initial recovery assistance.
4. Determination of eligibility by the State granting the facilities should be possible in advance of a disaster, or as soon as possible after its onset. Applicable procedures and mechanisms should be as simple and expeditious as possible. They should be clearly described and information about them should be made freely available. They might include the use of a national roster, bilateral agreements or reliance upon international or regional systems of accreditation, if available.
5. Retention of the legal facilities in Part V (Guidelines 16-24) should be made dependent on ongoing compliance with the provisions of subsection 2 of this paragraph. However, entitlement to legal facilities should not be changed arbitrarily, retroactively or without notice appropriate to the circumstances.

#### IDRL Guideline 15: Facilities for Other Assisting Actors

Affected States may also wish to extend, upon request, some of the legal facilities in Part V (Guidelines 16-24) to assisting actors other than those covered by paragraphs 0 and 0, such as private companies providing charitable relief, provided this does not negatively affect operations of assisting humanitarian organizations or assisting States. Any actor receiving such facilities should be required to abide, at a minimum, by the same conditions described in paragraph 0.

## 6.1 Legal Status of Public and Treaty Bodies

Foreign assisting actors may need to obtain local legal recognition in order to qualify to operate in the country, particularly for the longer term relief and recovery efforts necessitated by a major disaster. Several international organisations and treaty bodies are covered under the **Diplomatic Privileges and Immunities Act, 1979** and

## Legal Status of Foreign Assisting Actors

its regulations.<sup>24</sup> The Act gives articles of the Vienna Convention the force of law in Grenada. Its provisions cover tax exemptions and other immunities from the operation of local law to diplomatic missions and their key officials. Through regulations to the Act, as well as other legislation, similar immunities and privileges are accorded to a range of international (including treaty-based) organisations. By way of example, these include regulations under the Act extending immunities and privileges to:

- The Food and Agriculture Organisation.
- The International Civil Aviation Organisation.
- The International Labour Organisation.
- The United Nations.
- The International Court of Justice.
- The United Nations Educational, Scientific and Cultural Organisation.
- The World Health Organisation.
- The Inter-Governmental Maritime Consultative Organisation.
- The International Telecommunications Union.
- The Universal Postal Union.
- The World Meteorological Organisation.

The Grenada Red Cross is established and recognised by the **Red Cross Society Act, 1981**, which gives the organisation corporate legal status.

## 6.2 Legal Status of Foreign NGOs and Corporations

Outside of organisations having diplomatic immunity, other foreign assisting actors seeking to obtain legal status or have access to in-country disaster coordination mechanisms may have difficulty being legally recognized under Grenadian Law.

The **Companies Act** is the primary law for the registration of corporate entities, including non-profit companies, which have a distinct registration protocol under s: 326 of the Act. Further, Grenadian law regulates persons involved in the management of a company, who will require a licence under the **Company Management Act, 1996**. The requirement does not specifically extend to other representatives or technical officials within a company, and so would not cover all types of international experts deployed during a disaster operation.

In addition to the registration and regulation of local companies, the Companies Act facilitates the legal recognition and registration of foreign corporate entities (including non-profits) that are carrying on business in Grenada. These external companies become eligible for registration if they have established an office in Grenada from which business is regularly transacted, or have within the country significant commercial assets used for profit or gain. An external company, as they are called under the Companies Act, must register under the Companies Act before they can do business

<sup>24</sup> It is worth mentioning that Grenada is neither Party to the 1946 Convention on the Privileges and Immunities of the United Nations, nor to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations.

in Grenada, and can cancel their registration when they cease to do business locally. The Minister has the discretion to waive the registration requirement for any foreign company, and this exemption is effected by an Order. During the course of the registration process, the external company will file copies of its incorporation documents, and provide details of its incorporation status from its primary legal jurisdiction. The company will be required to execute a power of attorney, appointing an agent resident within Grenada to receive notices on its behalf.

During the registration process, the powers of an external company can be restricted. The right to refuse registration is also built into the law. These powers could be used – in the event of a major disaster – to filter which humanitarian or charitable groups are allowed legal status within the country.

Once an external company is registered, it acquires the duty of filing annual returns to the Registrar of Companies, and the payment of attendant fees. It is also legally bound to update the Registrar on any significant changes, including the appointment of new directors or a change in name.

Under the **Aliens (Land-Holding Regulation) Act, 1922**, a person who is not a citizen of Grenada (or a Company under the directorship of such a person) must obtain a licence to own land or have an interest in land through a mortgage. A non-Grenadian needs to obtain a licence to become a director or shareholder in a company, and once that licence is obtained, the company becomes an alien for the purposes of land ownership. In the last few decades, a number of subsidiary regulations under the Act have been passed to declare certain entities – typically regional or international financial institutions and lending agencies – as ‘non-aliens’, thereby exempting them from the operations of this Act. A 2006 regulation similarly exempts persons who are citizens of any Commonwealth Caribbean territory and who are purchasing securities on a licensed securities exchange.

### 6.3 Recommendations on the Legal Status of Foreign Assisting Actors

- a. There is a need for procedures for regulation of private donors, through appropriate registration and accountability systems. These should promote linkages with locally based civil society, private sector or humanitarian organisations. This will reduce the risk of displacement of local NGOs and civil society movements, through duplication of effort and unsustainable practices.
- b. Selection criteria should be established to ensure that only qualified international actors can register and benefit from legal facilities. Ideally, the pre-selected actors could automatically benefit from the registration exemption. As an example, eligible international actors vetted by the donor partner group could automatically benefit from legal facilities, simplified procedures and exemptions in Grenada (registration, visa, customs and tax exemption).
- c. There should be a security-based screening process for certain types of volunteers, particularly from ad hoc donors, with procedures in place for refusing or recalling volunteers. This has to be linked to a volunteer registration system.
- d. Public information on the legal status of the Red Cross is an area that requires increased attention. This should include joint NaDMA/GRC presentations to senior officials in the wider government on the content of the Geneva conventions and related documents.

# **Chapter 7**

## Entry and Operations of International Disaster Relief: Goods, Equipment & Personnel

## 7.1 Disaster Relief Personnel

### Disaster Relief Personnel

#### *Special Legal Facilities for the Entry of Relief Personnel*

##### IDRL Guideline 16: Personnel

1. With regard to disaster relief and initial recovery personnel of assisting States and eligible assisting humanitarian organizations, affected States should:
  - a. Grant visas and any necessary work permits, ideally without cost, renewable within their territory, for the time necessary to carry out disaster relief or initial recovery activities.
  - b. In disaster relief operations, waive or significantly expedite the provision of such visas and work permits.
  - c. Establish expedited procedures for temporary recognition of professional qualifications of foreign medical personnel, architects, and engineers, drivers licences and other types of licenses and certificates that are necessary for the performance of disaster relief or initial recovery functions and that have been certified as genuine by the concerned assisting State or eligible assisting humanitarian organization, for the time necessary to carry out disaster relief or initial recovery activities.
  - d. Facilitate freedom of access to and freedom of movement in and from the disaster-affected area, bearing in mind the safety of disaster relief and initial recovery personnel.
2. Upon request, originating and transit States should likewise waive or promptly issue, ideally without cost, exit or transit visas, as appropriate, for the disaster relief and initial recovery personnel of eligible assisting humanitarian organizations.
3. Assisting States and eligible assisting humanitarian organizations should consider to what degree disaster relief and initial recovery objectives can be met through hiring local staff.

### Immigration Controls: Visas and Entry Requirements

The **Immigration Act** regulates the movement of non-Grenadians into and out of the country, and typically requires the clearance of the individual by an immigration officer, on presentation of a passport and visa. A visitor who disembarks at a place that is not a port of entry, or without the permission of an immigration officer, or without the requisite passport or visa can be deemed a prohibited alien. There are a number of exemptions to this general statement in either the body of the Immigration Act, or in the several regulations under the Act, or by virtue of the operation of other complementary laws. Among these are the following considerations:

- A citizen of a member State of the Organisation of Eastern Caribbean States (OECS) may enter the country using a national photograph identity card, such as a Driver's Licence. [Immigration Act, s.5 (3A)]. Citizens of CARICOM may also enjoy free movement within the region, once they meet immigration requirements.

**Entry and Operations of International Disaster Relief: Goods, Equipment & Personnel**

- Members of Her Majesty's naval, military or air force cannot be deemed as prohibited aliens, for the purposes of immigration. [Immigration Act, s.7]
- Leave to enter from an immigration officer is not required for the crew of a vessel who while the vessel remains in port, nor for in transit passengers who remain within the precincts of the port. [Immigration Act, s.12]
- Visitors who are citizens of the United Kingdom, United States of America or Canada are exempt from the requirement to produce a passport, provided they have a return ticket and are visiting for no more than 6 months. [Immigration (Passport Exemption) Regulations, r.2].
- Citizens of several countries are exempt from visa requirements for stays up to 90 days. They include most European countries (Denmark, France, Iceland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, San Marino, Sweden, Switzerland are listed in the law), British Commonwealth and most Caribbean countries and the United States of America. Citizens of Venezuela are also exempt if they have a valid return or onward ticket. [Immigration (Visa) Regulations r.3]<sup>25</sup> Citizens of other countries must be pre-approved, or may be granted a visa at the port of entry.
- An immigration officer has the authority to allow visitors to disembark at a place that is not a port of entry on a case by case basis. [Immigration Act, s.11]. This can be used to facilitate emergency entry, in the event that the ports are down.
- A visitor can be issued a temporary permit and deemed to be 'in transit' for a period of up to twelve months. The visitor will need to submit a security bond, and a permit for a period exceeding one month requires the approval of the Chief Immigration Officer. The Minister may extend a permit beyond the twelve month maximum timeframe. [Immigration Act, s.14 and Immigration (Restriction) Regulations, r.10]

Grenadian law therefore provides a number of avenues for persons to enter the country without undue formality, and some of these facilities can be used to accommodate disaster relief workers on a short-term basis. These arrangements typically apply to temporary stays, and are more readily available to citizens of Caribbean, North American or European countries, and are distributed across a number of laws and regulations. Beyond their leave to remain, entrants to the country will then have to arrange work permits and other requirements, including any licensing under the Companies Act. There are no documented special recognitions or accommodations for disaster relief actors.

### Entry and Exit Taxes and Fees

Equally scattered across the legislative landscape are the legal bases for the fees and costs that can be levied against visitors entering the country. Some of these laws are location specific or are used to ground a number of minor fees and taxes that may in practice be collected together. Any attempt to waive entry fees and taxes payable by disaster relief workers will require amendment to several pieces of legislation. The laws that are implicated will include:

<sup>25</sup> A list of countries and their respective visa requirements can be retrieved from: <http://www.grenadaembassyusa.org/wp-content/uploads/2015/12/Complete-Visa-Requirements-List-Dec-2015.pdf>. See also <http://www.puregrenada.com/plan/getting-here/>.



- **Airport Service Charge Regulations** under the **Airports Authority Act**: Every traveler from an airport is required to pay an airport service charge of \$50.00. Named state officials, police and military personnel on official travel and the official representatives of any government, UN organisation or any other international organisation that has diplomatic privileges (and their spouses and under-aged children) are all exempt.
- **Airport Security Service Recovery Charge Regulations** under the **Airports Authority Act**: Similar provisions to the above, but the fee applied is \$10.00.
- **Point Salines International Airport (Aircraft Fees) Regulations** under the **Airports Authority Act**: These regulations apply a weight-based landing fees to civil aircraft landing within its precincts.
- **Embarkation Tax Act**, 1969: Every traveler embarking on a ship that is destined for a port outside of Grenada is liable to pay this tax. Exemptions include some state officials, police and military personnel on official travel, ministers of religion and the official representatives of any government, UN organisation or any other international organisation that has diplomatic privileges (as well as their spouses and children under 21).
- **Ticket Tax Act**: Every traveler coming in or out of Grenada is liable to pay 10% of the cost of his/her ticket as a tax. Exempt categories of travelers include named state officials, police and military personnel on official travel and the official representatives of any government, UN organisation or any other international organisation that has diplomatic privileges (and their spouses and under-aged children), as well as persons travelling for medical treatment.

The exemptions under these laws can automatically cover some disaster relief workers, such as those travelling on a diplomatic passport, or military relief workers. A ministerial prerogative to waive taxes and fees is built into some of these laws, or can be processed by application to the Prime Minister's Office.

## Work Permits

A work permit is necessary for any non-Grenadian to be employed in Grenada, or to engage in any occupation for reward or profit. These requirements are set out in the **Foreign Nationals and Commonwealth Citizens (Employment) Act**, which criminally penalises any employer hiring a foreign national who does not have a valid work permit. Under s: 3(4) of the Act, the Minister retains the discretion to exempt any person or class of persons from the work permit requirement. The regulations under the Act list a number of categories of such exempt workers. In addition to some short-term business travelers (e.g. consultants, foreign directors or sales persons), the list includes members of named public or non-profit entities including:

- a. "persons employed in Grenada by the Save the Children Fund, the United States Peace Corps, the United Kingdom Programme for Voluntary Service Overseas, the Canadian University Service Overseas or the University of the West Indies;
- b. persons employed in Grenada by the United Nations Organisation or any United Nations Specialised Agency or any similar international organisation of which the United Kingdom is itself a member and for membership of which Grenada is eligible;"<sup>26</sup>

<sup>26</sup> Foreign Nationals and Commonwealth Citizens (Employment) (Exempted Persons) Order, r.2(a) and (b).

While these listed organisations represent a mere percentage of the international donor partners or NGO representatives at work in Grenada, they may be indicative of the categories of individuals who may be considered eligible for work permit waivers, under similar conditions.

Another principal exemption to this act is the **Caribbean Community Skilled Nationals Act**, which facilitates the registration of skilled CARICOM citizens for indefinite leave to stay and work in Grenada. Where such registered skilled nationals form part of a disaster relief team, they can participate in relief and recovery efforts as if they were nationals or residents.

### Recognition of Professional Qualifications and Licensing Arrangements

A number of the professionals who may foreseeably be involved in a major disaster relief or recovery team are subject to professional regulation and licensing laws. Some examples of these regimes are summarized as follows:

- The **Health Practitioners Act** regulates the licencing of doctors, dentists and allied health professionals, through Medical and Dental Councils. It is an offence to practice medicine or dentistry in Grenada without a practicing certificate issued by the appropriate Council. However, the act provides for Emergency Registration procedures (applicable during and for the life of a state of emergency), as well as Temporary Registration as a general or specialist practitioner. These facilities are dependent on administrative discretion and could be used to accommodate disaster relief and recovery workers. However, their linkage to a State of emergency, rather than a disaster could prove problematic.
- The **Nurses and Midwives Registration Act, 2003** provides a process for registering nurses and midwives. It applies to both citizens and non-citizens, and sets out procedures for recognizing persons who have completed overseas training. Streamlined procedures are included for any person registered as a nurse in the United Kingdom. Nurses registered to practice in any Commonwealth or foreign country can also be registered in Grenada, by sitting and passing a final examination.
- Similarly regulated professions include pharmacists, who are regulated by a Pharmacy Council under the **Pharmacy Act** and Land Surveyors, regulated by a Land and Surveys Board under the **Land and Surveys Act, 1990**. An Engineers Registration Bill (2014) is under discussion, and will regulate inter alia construction-related activities.

### Drivers Licences

The holder of a valid foreign driver's licence can obtain a temporary driver's licence to drive in Grenada, from any police station and from some car rental companies. The foreigner can – if they hold a work permit or have student status – apply to the Traffic Department to obtain a permanent driving permit.

### Freedom of Movement

- Freedom of movement can be curtailed during an emergency, under either the **Emergency Powers Act** or the National Disaster (Emergency Powers) Act. This can include restricting movement in or out of a specific geographic area, including areas

most affected by a disaster. This and other constitutional freedoms will only be curtailed while the emergency is in force.

## 7.2 Disaster Relief Goods

### Disaster Relief Goods and Equipment

#### *Special Legal Facilities for the Entry of Relief Goods and Equipment*

#### IDRL Guideline 17: Goods and Equipment

1. With regard to disaster relief and initial recovery goods and equipment exported or imported by, or on behalf of, assisting States and eligible assisting humanitarian organizations, originating, transit and affected States should:
  - a. Exempt them from all customs duties, taxes, tariffs or governmental fees.
  - b. Exempt them from all export, transit, and import restrictions.
  - c. Simplify and minimize documentation requirements for export, transit and import.
  - d. Permit re-exportation of any equipment or unused goods which the assisting State or assisting humanitarian organization owns and wishes to retain.
2. With regard to disaster relief goods and equipment only, originating, transit and affected States should additionally:
  - a. Waive or reduce inspection requirements. Where waiver is not possible, clear relief goods and equipment rapidly and as a matter of priority, through a “pre-clearance” process where feasible.
  - b. Arrange for inspection and release outside business hours and/or at a place other than a customs office as necessary to minimize delay, in accordance with the safety regulations of the affected State. Assisting States and eligible assisting humanitarian organizations should respect any routes and delivery points prescribed by the affected State.
3. In order to benefit from the facilities above, assisting States and assisting humanitarian organizations should, in accordance with agreed international standards, appropriately pack, classify and mark disaster relief and initial recovery goods and equipment, and include detailed manifests with each shipment. They should additionally inspect all such goods and equipment to ensure their quality, appropriateness for the needs in the affected State, and conformity with the national law of the affected State and international standards.
4. Assisting States and eligible assisting humanitarian organizations should assume responsibility for removing or disposing of any unwanted and unused relief and initial recovery goods, particularly if they may pose a threat to human health or safety, or the environment.

### Customs Duties, Import Fees and Other Administrative Requirements

There are a number of laws applying fees and duties on the importation of goods. They include:

- **The Customs Duties Act, Customs (Control and Management) Act, and Customs (Service Charge) Act:** These Acts, read together, regulate the entry of goods into the country, and set duties. There are several classes and categories of exemptions to customs duties, including goods imported by certain Grenadian state entities, by the police or military, and by UN agencies. Under CARICOM treaties, goods originating in a CARICOM member state are allowed duty free entry into the Grenadian market. Goods are also exempt if imported temporarily, such as for emergencies.
- **Excise Tax Act, Value Added Tax Act, 2009:** The Excise Act imposes added taxes on the importation of a scheduled list of goods. While many of these are luxury items (e.g. tobacco or liquor products), some others (e.g. motor vehicles) may form a part of a disaster relief shipment. The Value Added Tax Act imposes an additional tax of 15% on applicable imported goods, with the exception of temporary imports for the purpose of emergencies.
- **Point Salines International Airport Cargo (Through-Put) Charge Regulations** under the Airports Authority Act: These regulations impose a charge on any goods that pass through these airport facilities.
- **Ports Authority Act:** This is the legislative basis for Grenada's Tariff Book, as well as a number of charges and fees attendant to the use of Grenada's Ports.

Import licences are needed for the importation of several food, household items, building materials and housing fixtures<sup>27</sup>. In order to process unaccompanied imported goods through the ports, an importer will need a Tax Identification Number from Grenada's Internal Revenue Department. Consigning goods to local disaster relief agencies – such as government entities or the Grenada Red Cross – is one method of simplifying import administrative processes.

It should be noted that the **Emergency Powers** and **National Disaster (Emergency Powers) Acts** also empower the government to make emergency regulations or impose special measures to control or regulate the distribution of food supplies and other necessities<sup>28</sup>. If these powers are put into effect, they could have an impact on the importation, warehousing or distribution of applicable goods.

In relation to the quality control of food and other disaster relief items, it should be noted that the **Food and Drugs Act, 1986** makes it an offence to package, prepare or store food, drugs or cosmetic items in unsanitary conditions. The act further sets regulatory requirements for food labelling, and prohibits the distribution of wrongly labelled foods.

In practical terms, there is much to be learned from the post-Ivan experiences in processing the influx of relief goods. In the immediate aftermath, most relief came by sea<sup>29</sup> into the Port of St. Georges<sup>30</sup>, on commercial sea cargo or via 'huxter boats' that

<sup>27</sup> A list is available on the webpage of the Grenada Customs agency, retrieved from:

<http://grenadacustoms.com/images/pdf/Grenada%20list%20of%20goods%20requiring%20an%20import.pdf>.

<sup>28</sup> Emergency Powers Act, 1987, s.4 (1)(a) and National Disaster (Emergency Powers) Act, 1984 s.4(1)(b).

<sup>29</sup> For example, 2 of the biggest donors after Ivan were the Government of Trinidad and Tobago and CDEMA, both of whom sent their cargo by sea.

<sup>30</sup> This is the largest of Grenada's 3 ports.

filled up in nearby CARICOM countries. At the time, the sea port was re-opened within 2 days of the hurricane, while the airport remained closed for much longer (except to receive military and relief planes). It was estimated that in the week following Ivan, the number of ships and other vessels coming into the country per day doubled. In addition to waiving port and cargo fees and dues, all intangible costs were waived after Ivan. Some workers (e.g. stevedoers) provided services to incoming ships at a reduced rate or waived their overtime fees in relation to relief cargo. It may be noted that these types of decisions are not made unilaterally at a policy level, and may involve trade unions. This validates the inclusion of trade unions and professional bodies in the National Disaster Committee structure.

### Medicines and Similarly Restricted Products

The **Medical Products (Regulations) Act, 1995** restricts and regulates the manufacturer, importation and exportation of medicinal products – including veterinary medicines. It is an offence under this act to ‘*manufacture, import, export, compound, store, dispense, sell or distribute a medicinal product unless such person has a valid licence granted by the Registrar or is otherwise legally entitled to engage in any such activity*’<sup>31</sup>. This Act puts in place a Registrar for developing standards and a licensing system, in order to regulate the manufacture, importation, exportation, distribution, storage etc. of medicinal products. The Pharmacy Council (under the **Pharmacy Act**) provides guidance on the conditions put in place by the Registrar for the importation, sale and distribution, manufacture and storage of medicinal products.

The **Food and Drugs Act** makes it an offence to distribute sample drugs to end users. The act further imposes standards on the preparation, packaging and storage of drugs and other items (e.g. foods and cosmetics) to ensure that sanitary standards are maintained. There are no documented exemptions for disaster operations, which under some models<sup>32</sup> are allowed to utilise use sample drugs, foreign language labelled drugs and similar supplies that are not appropriate for distribution, provided they utilize these in the medical assistance provided directly to persons rather than distribute them widely across the population.

Other restrictions are found in the **Penicillin and Sulphonamide Control Act**, the **Poisons Act** and the **Pesticides Act**, which together restrict the sale and distribution of a number of chemical compounds and other items.

### Removing, Disposing or Re-exporting Unused Goods

Any goods imported for emergencies, and which will be destroyed or re-exported after use, are allowed to be imported free of duties. There are procedures laid out in the **Customs Acts** for the re-exporting of imported goods; however international donors have the option of utilizing locally-based warehouses (such as those stocked by the Grenada Red Cross Society) so that goods can be used for relief after future disaster events. Re-exportation will require the use of a broker, in order to access an export licence to complete the process.

<sup>31</sup> Medicinal (Regulation) Act, s.14(1).

<sup>32</sup> See IFRC Model Act on IDRL retrieved from [http://www.ifrc.org/PageFiles/88609/Pilot%20Model%20Act%20on%20IDRL%20\(English\).pdf](http://www.ifrc.org/PageFiles/88609/Pilot%20Model%20Act%20on%20IDRL%20(English).pdf).



## 7.3 Use of Animals in Disaster Relief Efforts

### Cadaver/Search and Rescue Dogs: Importation, Quarantine and Licensing

The use of trained canines in search and rescue efforts introduces veterinary policies in the framework of international disaster relief law. **The Dogs (Registration and Control) Act, 2002** is the primary act regulating the ownership and management of dogs. It requires dog-owners to register their dogs with the Chief Environmental Officer. The act bans the entry of breeds deemed dangerous, which at present are listed as Pit Bull Terriers and the Fila Brasileiro and Japanese Tosa breeds.

The importation of dogs under ordinary circumstances requires an import permit obtainable from the Government Veterinary Officer at the Ministry of Agriculture, through an application process that involves submitting a recent Certificate of Health and proof of rabies vaccination within the 6 weeks prior to arrival. Upon importation, the import permit is presented to customs and customs duties may be payable. These procedures are not designed, however, for the facilitation of military relief. It is envisaged that some or all of these requirements could be waived for dogs traveling as part of a military, police, fire or urban search and rescue teams.

## 7.4 Disaster Relief and Recovery Equipment

### Licences and Barriers to Importation or Use of Equipment

The **Excise Act** puts in place duties as high as 45% in some cases, to be collected on the importation of motor vehicles. However, certain special purpose vehicles, such as firetrucks, mobile radiological units and lorries, appear to be excluded from the definitions of taxable goods. Similarly, the **Environmental Levy Act, 1997** imposes a special duty on a range of white goods, as well as motor vehicles. The Minister has a statutory discretion to exempt any person or government department from the payment of the environmental levy. The **Food and Drugs Act, 1986** provides a legislative basis for regulatory standards imposed on therapeutic devices.

### Entry of Specially Regulated Goods and Equipment

#### *Vehicles, Telecommunications and Medical Equipment, Drugs and Food*

#### IDRL Guideline 18: Special Goods and Equipment

In addition to the facilities described in paragraph 0:

1. Affected States should grant temporary recognition to foreign registration and plates with regard to vehicles imported by assisting States and eligible assisting humanitarian organizations or on their behalf in disaster relief and initial recovery assistance.
2. Affected States should waive or expedite the granting of any applicable licenses and reduce any other barriers to the use, import or export of telecommunications and information technology equipment by assisting States and assisting humanitarian organizations or on their behalf in disaster relief and initial recovery assistance. Without discrimination against or negative impact to



domestic relief actors, affected States should also grant (or where, appropriate, encourage other domestic actors to grant) assisting States and eligible assisting humanitarian organizations priority access to bandwidth, frequencies and satellite use for telecommunications and data transfer associated with disaster relief operations.

3. Originating, transit and affected States should reduce legal and administrative barriers to the exportation, transit, importation and re-exportation of medications and medical equipment by assisting States and eligible assisting humanitarian organizations or on their behalf in disaster relief and initial recovery assistance, to the extent consistent with public safety and international law. Assisting States and eligible assisting humanitarian organizations should take all reasonable steps to ensure the quality, appropriateness and safety of any such medications and equipment and in particular:
  - a. Any medications they import should be approved for use in the originating and affected State;
  - b. Medications they use in their own operations should be:
    - i. transported and maintained in appropriate conditions to ensure their quality and;
    - ii. guarded against misappropriation and abuse.
  - c. Any medications they donate for use by others in the affected State should be:
    - i. at least twelve months from their expiration date upon arrival, unless otherwise agreed by receiving authorities;
    - ii. transported and maintained in appropriate conditions to ensure their quality until they reach the affected State; and
    - iii. (appropriately labelled in a language understood in the affected State with the International Nonproprietary Name or generic name, batch number, dosage form, strength, name of manufacturer, quantity in the container, storage conditions and expiry date.
4. Originating, transit and affected States should consider whether normal requirements regarding fumigation and prohibitions and restrictions on food imports and exports by assisting States and eligible assisting humanitarian organizations in disaster relief operations can be modified or reduced.

### Telecommunications Equipment and Radio Frequency

Telecommunications equipment – including any technology that utilizes radio frequency – are managed under the **Telecommunications (Spectrum Management) Regulations** under of the Telecommunications Act. The act recognizes the regulatory jurisdiction of the Eastern Caribbean Telecommunications Authority (ECTEL) and its Regional Radio Spectrum Plan and the Regional Plan of Frequency Allocation. These regulatory instruments are under the management of a Commission, which is authorized to monitor the use of radio frequencies in Grenada. Special consultations with

appropriate bodies are envisaged in the event of the use of the spectrum is for police, military or public security matters, or for civil aviation.

The Telecommunications Regulations provides for the temporary use of frequencies outside of the scope of the Regional Radio Spectrum Plan for emergencies or projects of short duration. This is done via a recommendation made by the Commission to the Minister with responsibility for Telecommunications, if the Commission considers that exceptional circumstances justify such a decision. Outside of these temporary authorizations, all frequency authorizations are submitted to ECTEL for advice or comments prior to being issued. Frequency authorizations made during an emergency are submitted to ECTEL thereafter, for their information.

Another provision that can facilitate the use of radio frequencies in an emergency, is found in r.7. Under the recommendation of the Commissioner, the Minister may permit a non-government entity to utilize the radio frequency of a government entity. This can only be done after consultation with ECTEL.

### Re-Exporting Equipment

Once equipment is imported for temporary use – such as for emergencies – for 18 months or less they are considered temporary imports, should be allowed into the country duty-free, and re-exported after use. Exporting an item will involve the services of a broker, who will have the requisite export licence.

## 7.5 Taxation

### Taxation

#### *Tax Exemptions for Relief Operations*

##### IDRL Guideline 21: Taxation

Affected States should provide exemptions to assisting States and eligible assisting humanitarian organizations from value-added and other taxes or duties directly associated with disaster relief and initial recovery assistance.

Several of the tax imposing laws can impact the importation of international disaster relief goods or equipment, and the entry and operations of relief personnel. These included taxes imposed on goods at the point of importation, such as the value added tax and excise tax, each grounded on laws bearing their respective names. The **Value Added Tax Act** automatically exempts many of the items that would be imported for disaster relief purposes, such as some food items, medicines and ‘hurricane mitigating devices’<sup>33</sup>. Outside of any special exemptions, and unless the organisation has access to tax immunities and privileges, assisting actors would be liable to pay Value Added Tax on goods and services that they acquire in the course of their operations in country.

Similarly, income tax could be deemed deductible from the payments accrued to some disaster relief personnel. The listed exemptions under section 25 of the Income Tax Act include emoluments paid diplomatic and international organisations, and the non-profit income generated by religious, charitable or educational institutions, may however cover a number of key disaster relief organisations. Otherwise, an individual resident

<sup>33</sup> Value Added Tax Act, s.23.

within the country for 183 days or more during a fiscal year will be liable to pay income tax for any income earned from Grenada, and non-residents for any income earned in Grenada.

The basis for application for exemptions under tax laws has very recently shifted away from open ministerial discretion, to a more predictable and formulaic approach. This is in keeping with Grenada's fiscal and tax reform programme. Justification for waivers related to disaster relief would need to be approved by the Prime Minister's office.

## 7.6 Transportation Arrangements for Disaster Relief

### Transport

#### *Special Arrangements for Transportation*

##### IDRL Guideline 19: Transport

1. Originating, transit and affected States should grant, without undue delay, permission for the speedy passage of land, marine and air vehicles operated by an assisting State or eligible assisting humanitarian organization or on its behalf, for the purpose of transporting disaster relief or initial recovery assistance and, ideally, waive applicable fees.
2. In particular, permission should be granted for overflight, landing and departure of aircraft. Such aircraft should also be authorized to operate within the territory of the affected State as required for the delivery of assistance.
3. Any applicable exit, transit and entry visas for the operating personnel of such transport vehicles should be promptly issued.

Under the National Disaster Management Plan, transportation arrangements are coordinated through a Transport and Road Clearance Committee. This allows collaborative troubleshooting of transportation and logistics issues, and facilitates access to both state and privately owned transportation resources. These facilities will benefit those foreign assisting actors who are integrated into the National Emergency Operations Centre.

Among the responsibilities of the Transport and Road Clearance Committee – as detailed in the **National Disaster Management Plan** – are the requirements to develop MoU with private construction companies, and to inventory privately owned vehicles and equipment and arrange for their release during a disaster. This methodology allows the national system to rely on wider, privately held resources to meet relief and recovery needs. In fact, in the post-Ivan period, there was strong reliance on private trucks and utility vehicles to distribute relief goods across the country. This method, while effective in moving resources to a wide range of recipients within a short time frame, creates a higher risk of misappropriation or inequitable distribution of goods. The current Disaster Plan, by putting in place a framework for the use of MoU and therefore the planned and controlled deployment of private vehicles, attempts to mitigate such risks.

## 7.7 Security Arrangements for Disaster Relief

### Security

#### *Safety and Security of Relief Personnel and Operations*

##### IDRL Guideline 22: Security

Affected States should take appropriate measures to address the safety and security of disaster relief and initial recovery personnel of assisting States and eligible assisting humanitarian organizations and of the premises, facilities, means of transport, equipment and goods used in connection with their disaster relief or initial recovery assistance. Assisting States and assisting humanitarian organizations should also take appropriate steps in their own planning and operations to mitigate security risks.

National security functions – including police, military and firefighting services – are subsumed within the Royal Grenada Police Force, and governed by the **Police Act**. The act provides for specially extended services during an emergency, which could become the basis for providing added security to a disaster relief team. Under the National Disaster Management Plan, the Security Services Committee provides oversight and intervention to the safety and security concerns that arise in the emergency operations context.

The resources available to the National Emergency Operations Centre can include:

- Members of the national security services.
- Joint Caribbean Battalions, mobilized through the Regional Security System.
- Private Security Firms, which sign MoU with the state to provide voluntary security services in the wake of a disaster.

Through these resources, the NEOC can receive and respond to requests for security, for example in the distribution, warehousing and transportation of relief goods.

## 7.8 Special Logistical Arrangements: Temporary Status, Extended Hours and Reduced Costs

### Temporary Domestic Legal Status

#### *Providing Legal Recognition and Capacity to Eligible Donors*

##### IDRL Guideline 20: Temporary Domestic Legal Status

1. Affected States should grant relevant entities of assisting States and eligible assisting humanitarian organizations, upon entry or as soon as possible thereafter, at least a temporary authorization to legally operate on their territory so as to enjoy the rights, inter alia, to open bank accounts, enter into contracts and leases, acquire and dispose of property and instigate legal proceedings, for the purpose of providing disaster relief and initial recovery assistance.

2. Assisting States and eligible assisting humanitarian organizations should also be granted the right to freely bring the necessary funds and currencies in or out of the country through legal means and to obtain legal exchange rates in connection with their disaster relief or initial recovery assistance.
3. Affected States should allow assisting States and eligible assisting humanitarian organizations to legally hire and terminate the contracts of local personnel.

There is no indication that the law explicitly allows for any temporary legal status, except that which is permitted under the Companies Act for registration of foreign-owned companies. A foreign-owned entity which intends to do business in Grenada can register to have their incorporated status recognized for the sake of functioning as a company within Grenada.

### Extended Hours

#### *Extending Business Hours to Facilitate Relief Operations*

##### [IDRL Guideline 23: Extended Hours](#)

Affected States should endeavour to ensure, when necessary, that State-operated offices and services essential to the timely delivery of international disaster relief function outside of normal business hours.

The National Disaster Office is sparsely staffed under ordinary circumstances, and only two of its permanent staff members have detailed duties during an emergency operation. Other administrative and auxiliary staff have no ongoing contractual obligation to provide support during a post-disaster context, and only do so voluntarily and at their own discretion.

At the same time, past experience with Hurricane Ivan suggests that voluntary services from staff and others can be mobilized at critical points, with personnel working extended hours to facilitate disaster relief. In the immediate aftermath of the disaster event however, the experience of Ivan suggests that more work is needed on business continuity preparations, to ensure that customs, immigration and other essential services are resumed within as short a timeframe as possible. Anecdotal accounts show that in some cases goods and personnel entering the country in the immediate aftermath of a major incident can face an open port with little or no systems for processing in place. This can open the territory to risks.

Among the concerns raised by public officials in relation to extended hours of service is the notion of ‘caring for caregivers’ or providing special support for emergency workers and their families. This was seen to be a limitation or operational gap in the post-Ivan period.

## Costs

### *Off-setting the Cost of Providing Disaster Relief*

#### IDRL Guideline 24: Costs

1. The costs of providing international disaster relief or initial recovery assistance pursuant to these Guidelines should normally be borne by the assisting State or assisting humanitarian organization. However, assisting States may agree in advance with the affected State for the reimbursement of certain costs and fees, or for the temporary loan of equipment.
2. Affected States should consider, when it is in their power and to the extent possible under the circumstances, providing certain services at reduced or no cost to assisting States and eligible assisting humanitarian organizations, which may include:
  - a. In-country transport, including by national airlines;
  - b. Use of buildings and land for office and warehouse space; and
  - c. Use of cargo handling equipment and logistic support.

Through the NEOC and CDEMA machinery, the costs of providing foreign disaster relief can at times be subsumed by national or regional budgets. This can cover the operational costs of providing relief, such as costs associated with transportation. For example, the National Disaster Office has signed MoU to provide for the fueling of vehicles in the wake of a disaster. These agreements cover not only state-owned vehicles, but identified vehicles from the fleets of organisations – such as the Grenada National Red Cross Society – that are likely to be involved in the disaster response effort.

Similarly, port and wharf workers have in the past waived overtime rates and other fees in order to bring the overall cost of logistics down, for all relief suppliers.

## 7.9 Recommendations on the Entry and Operations of Disaster Relief Goods, Equipment and Personnel

### General Recommendations

- a. The case by case waivers that have served Grenada during small scale disaster relief activities can open the country to the risk of inefficiencies and uncertainties during a major disaster. It is recommended that the country move towards a system of standardized exemptions, expedited processes, privileges and waivers provided to approved or eligible international relief entities. This will require a system for vetting and determining the eligibility of entities; setting standards for their operation; monitoring their activities through reporting requirements and compliance checks and sanctioning non-compliance where necessary. This new system should then be marketed to diaspora groups, private sector entities, churches, local charities, diplomatic organisations and any other entity that is likely to partner with ad hoc donors during a disaster. Groups should be encouraged to pre-qualify for approval or eligibility prior to a disaster, and thereby support a system that provides standards and accountability to donors, in exchange for the increased efficiency and aid effectiveness from the reduction of bureaucracy and the removal of costs and fees.



- b. Patterns for how such systems can be organised are set out in IFRC's Model International Disaster Relief Law, which can be integrated in regulations or other operational rules and procedures. This Model Law can be reviewed for local application, and could be adapted to provide IDR regulations and standards under the proposed new Comprehensive Disaster Management Law for Grenada.

### Entry and Operations of Relief Organisations and Personnel

- a. There is a need for clarification of the principles and procedures for facilitating and regulating skilled humanitarian workers. This can be streamlined according to the probable timing of the need for various skills in the wake of a major disaster, for example:
  - Immediate needs e.g. Medical teams; Search and Rescue teams.
  - Long-term needs e.g. Engineers, architects and construction teams.
- b. The facilities available through CARICOM and OECS to access professional and other volunteers should be maximized. This may require special SOPs for the registration and/or rostering of regional humanitarian workers, who should be able to access a member country at no cost, through civil society or NDO mobilization of volunteers<sup>34</sup>.
- c. There is need for clarification and/or standardization of the permits, licences, waivers and exemptions regarding humanitarian workers from regulated professions (medical, engineering, architectural and other professions), particularly those from outside of the region.
- d. There are limited systems for monitoring organisations and personnel, and no clear process for evaluating the effectiveness of the accountability systems outlined in the National Disaster Management Plan. This can be integrated in the country's Comprehensive Disaster Management Strategy.
- e. There is the need for clear guidelines and SOPs for the temporary importation of search and rescue dogs. These should recognize medical and immunization records, in place of quarantine requirements, and should facilitate swift entry and deployment of canine units.
- f. Donor monitoring and accountability systems are needed, as well as coordination procedures that promote clear and continuous communication on damage assessment, needs analysis, relief activities, distribution of supplies and other factors requiring mutual collaboration and support. These should be linked to the reporting and auditing functions of the EOC, to ensure the targeted and sustainable use of relief resources, as well as to CDEMA's Regional Response Mechanism, which provides wider accountability frameworks and agenda-setting opportunities at the regional and sub-regional levels.
- g. International humanitarian organisations and NGOs should have clear requirements regarding the nature of the information, documentation and quality standards that is required of them. They should be required to keep records regarding

<sup>34</sup> The Jamaica Red Cross, for example, has a developed psycho-social support team who can provide crisis counselling and related interventions in the wake of a disaster. While similar skilled teams are often deployed through the CDEMA system, there is no clear framework for skilled civil society teams to mobilise post-disaster.

key activities (e.g. number and type of medical procedures conducted in country) and the onus should be on the organisation to ensure that legal and other documents are in order. Linked to this, international NGOs and volunteer organisations should be required to submit an exit report once a disaster request/declaration has been terminated.

- h. There should be a clear procedure for integrating international humanitarian workers, organisations or NGOs in the national disaster coordination mechanism, and providing some direction in relation to prioritizing and coordinating the deployment of humanitarian workers. The coordination point for volunteers can be delegated (if necessary) to civil society organisations or other actors within the NaDMAC. International humanitarian workers should therefore contribute to national priorities in disaster response and recovery.

### Entry and Distribution of Goods and Supplies

- a. There is a need for a readily accessible communications portal targeting potential donors (e.g. Grenadians resident in the diaspora) and which provides reliable and updated data and guidance on how to contribute to a disaster relief effort. This can include information for special trust-based accounts utilized for disaster relief efforts, as well as information on the most economically, socially and environmentally sustainable and responsible methods of supporting the relief effort. For example, the relative advantages of sending donations in cash should be clearly noted, as well as guidelines for those donors who still opt for in kind donations and material support.
- b. There is a need for commonly available guidelines for accessing waivers related to a disaster relief effort. This should not be subsumed under legislation or procedures for private sector-targeted fiscal incentives, as the goals and recommended conditionalities are quite different.
- c. There is a need for common and/or commonly available technical guidelines and simplified standard operating procedures for controlled or regulated substances (food, medicines, building materials, pesticides). These guidelines should be accessible to new and ad hoc donors, through the various communications portals utilized by the NADMA.
- d. There is a need for documenting and publicizing any technical specifications regarding equipment and supplies.
- e. There is a need for documented specifications and mapping of logistics resources, for the information of existing and new donor entities.
- f. There is a need for an information-sharing system that facilitates coordinated relief distribution. This is particularly important for the inclusion of private sector personnel and resources (e.g. truck drivers), as well as international donors. The aim should be to ensure equitable distribution of relief goods, and preventing misappropriation or diversion of resources.
- g. Guidelines are needed for consigning shipments to NaDMA to facilitate the smooth entry of goods. These should be clearly communicated to existing and potential donors (including members of Grenada's diaspora) and should be linked to an updated needs list. Guidelines should include quality standards for goods (particularly medical and food items) to safeguard against unwanted or unusable donations.

**International Disaster Response Law (IDRL) in Grenada**  
A Desk Review on Legal Preparedness for International Disaster Response

# Chapter 8

## Gaps and Recommendations

## Gaps and Recommendations

The following recommendations have been developed through the research process and are informed by the comments of the public officials and civil society representatives interviewed during that process. They are included throughout the document under relevant headings, but are compiled together here for emphasis.

## 8.1 Institutional and Policy Framework

- a. The primary gap in the legislative environment is the absence of a comprehensive disaster management law that would centrally locate the legal facilities required to regulate, guide and govern domestic and foreign disaster relief. The development of such legislation is expected in the short term, as part of Caribbean wide efforts to strengthen policies and laws that facilitate comprehensive disaster management.
- b. Regulatory issues that affect disaster management and relief coordination are dispersed in a range of laws, regulations and policy instruments. In particular, the legislative provisions that exist to facilitate international disaster relief goods, equipment and personnel are to be found several laws and regulations, which can result in lack of clarity, predictability or certainty. Consideration should be given to identifying special waivers and contingency measures that are grounded in disaster legislation, and which reflect IDRL and sustainable development principles. In addition, efforts should be made to provide information guides to assist donors in navigating the regulatory environment.
- c. The Eastern Caribbean Donor Group – as a facility co-chaired by CDEMA and the UN – presents an opportunity for integrating new donors and/or setting standards for the recognition of new or ad hoc international donors at either the regional, sub-regional or national levels. The development of eligibility criteria for new international disaster relief actors could be facilitated by this group. This would help to regulate the number, type and quality of new donors who are able to access any special coordination or legal facilities following a major disaster.
- d. The Disaster Relief Management Committee should be resourced and commissioned to provide a more strategic approach to the regulation and coordination of international relief. As such, the mandate of Committee should include the following immediate actions:
  - Facilitate the development, implementation and monitoring of a legal framework for the management of international disaster assistance. This can be integrated in the country's CDM law and related regulations.
  - Follow-up on the recommendations of this report, and identify practical mechanisms for improving the management of international disaster assistance in keeping with recommendations from CDEMA, the Eastern Caribbean Donor Group, the IFRC and other appropriate international/regional policy sources.
  - Meet at least twice a year to develop or confirm preparatory measures for the (potential) entry of international disaster assistance.

In meeting these requirements, the Disaster Relief Management Committee will need to include a regional component to its discussions and deliberations, including routine interface with CDEMA, representatives of the Eastern Caribbean Donor Group and the IFRC to track relevant commitments and goals for improved international relief management in the Eastern Caribbean.

- e. There is a need for additional protocols and guidelines to guide government departments on the range of IDRL and Comprehensive Disaster Management issues that require the input and approval of multiple agencies and departments. These should include (among others) procedural regulations and guidelines that provide certainty and predictability to the following processes:
  - Care for the caregiver programmes that secure the protection and provision of relief resources to emergency workers (including port, customs and immigration personnel processing international relief) and their families; this can include providing temporary shelter and related supplies on or near to ports for emergency workers.
  - Guidelines for processing relief/recovery-specific immigration waivers at ports of entry; there is a related need for CARICOM-level guidance on the movement of skilled relief volunteers.
  - Additional plans and strategies for mobilizing District Committees and ensuring that these are effectively integrated with the national disaster management and coordination system.
- f. There are limited legal and policy coordination guidelines for civil society actors, particularly foreign-based or ad hoc donors. Donors that have been integrated in national or regional systems will benefit from established communications and coordination mechanisms. However, in the wake of a significant disaster event, the list of potential donors can exponentially increase, which – if they remain unguided and unregulated – can create an undue burden on national systems.
- g. Consideration should be given to assigning an International Humanitarian Assistance (or International Disaster Relief) Coordinator within NaDMA. This would provide a clear liaison point for the development of standards and communication processes for new and ad hoc donors. Similarly, a Special Coordinator for Disciplined Forces would provide guidance for military and similar types of relief. Both of these roles are included in CDEMA's Model Comprehensive Disaster Management Legislation.
- h. There are limited protocols and procedures addressing vulnerability and risk management in relation to uncommon disasters. With every hurricane season, Grenada can become more and more equipped to handle the wind and rain damage that accompanies tropical storms. For example, some legislation makes specific reference to hurricane-related exemptions to taxes, procedures and limitations. More attention is needed around high risk but low probability events, such as earthquakes or man-made hazards.
- i. There is a clear need for strengthened communication with actual and potential donors, such as through internet-based resources. A common communications portal is needed to orient new and ad hoc donors to the in-country coordination mechanisms that guide disaster relief. For the information and guidance of assisting actors – particularly those located outside of the country – a clear and concise summary of local laws, policies and procedures that support or impact international relief should be accessible online.
- j. Specific procedures and protocols are needed to provide guidance to internal and external stakeholders on the cost-benefit of providing relief in cash, rather than in kind. This requires advocacy on the part of the state, as well as its key partners.

## Gaps and Recommendations

- k. A clear monitoring framework is needed to track the implementation of the laws, policies and procedures that facilitate and regulate international relief. This could be included as part of the country's Comprehensive Disaster Management Strategy.

### 8.2 Initiation and Termination of Relief

- a. There is need for regulatory clarity in the identification of formal categories of “disasters” or “emergencies” that do not involve abrogation of civil rights and freedoms.
- b. There is a need for guidelines for targeting/escalating a disaster request, with clear guidelines for when a request should move beyond bilateral and regional capacity, and how requests should be communicated to minimize unsolicited or inappropriate donations.
- c. Disaster requests should ideally be issued in writing or should direct persons to communications portals that facilitate the informed targeting of disaster relief. The express preference for monetary donations should be fully explained in a way that engenders the buy-in of donors (particularly Grenadians in the diaspora) for nation building and long-term recovery efforts.
- d. There is a need for regulatory clarity on the regulation of military relief, particularly where the circumstances of a disaster may require military or security support beyond that which CARICOM provides.
- e. There is a need for procedures on terminating the disaster relief period, and identifying and communicating any changes in legal status or facilitation that will result from such termination.

### 8.3 Legal Status of Foreign Assisting Actors

- a. There is a need for procedures for regulation of private donors, through appropriate registration and accountability systems. These should promote linkages with locally based civil society, private sector or humanitarian organisations. This will reduce the risk of displacement of local NGOs and civil society movements, through duplication of effort and unsustainable practices.
- b. Selection criteria should be established to ensure that only qualified international actors can register and benefit from legal facilities. Ideally, the pre-selected actors could automatically benefit from the registration exemption. As an example, eligible international actors vetted by the donor partner group could automatically benefit from legal facilities, simplified procedures and exemptions in Grenada (registration, visa, customs and tax exemption).
- c. There should be a security-based screening process for certain types of volunteers, particularly from ad hoc donors, with procedures in place for refusing or recalling volunteers. This has to be linked to a volunteer registration system.
- d. Public information on the legal status of the Red Cross is an area that requires increased attention. This should include joint NaDMA/GRC presentations to senior officials in the wider government on the content of the Geneva conventions and related documents.



## 8.4 General Recommendations for the Entry of Relief Goods, Equipment and Personnel

- a. The case by case waivers that have served Grenada during small scale disaster relief activities can open the country to the risk of inefficiencies and uncertainties during a major disaster. It is recommended that the country move towards a system of standardized exemptions, expedited processes, privileges and waivers provided to approved or eligible international relief entities. This will require a system for vetting and determining the eligibility of entities; setting standards for their operation; monitoring their activities through reporting requirements and compliance checks and sanctioning non-compliance where necessary. This new system should then be marketed to diaspora groups, private sector entities, churches, local charities, diplomatic organisations and any other entity that is likely to partner with ad hoc donors during a disaster. Groups should be encouraged to pre-qualify for approval or eligibility prior to a disaster, and thereby support a system that provides standards and accountability to donors, in exchange for the increased efficiency and aid effectiveness from the reduction of bureaucracy and the removal of costs and fees.
- b. Patterns for how such systems can be organised are set out in IFRC's Model International Disaster Relief Law, which can be integrated in regulations or other operational rules and procedures. This Model law can be reviewed for local application, and could be adapted to provide IDR regulations and standards under the proposed new Comprehensive Disaster Management Law for Grenada.

### Entry and Operations of Relief Organisations and Personnel

- i. There is a need for clarification of the principles and procedures for facilitating and regulating skilled volunteers. This can be streamlined according to the probable timing of the need for various skills in the wake of a major disaster, for example:
  - Immediate needs e.g. Medical teams; Search and Rescue teams
  - Long-term needs e.g. Engineers, architects and construction teams
- j. The facilities available through CARICOM and OECS to access professional and other volunteers should be maximized. This may require special SOPs for the registration and/or rostering of regional volunteers, who should be able to access a member country at no cost, through civil society or NDO mobilization of volunteers<sup>35</sup>.
- k. There is need for clarification and/or standardization of the permits, licences, waivers and exemptions regarding volunteers from regulated professions (medical, engineering, architectural and other professions), particularly those from outside of the region.
- l. There are limited systems for monitoring organisations and personnel, and no clear process for evaluating the effectiveness of the accountability systems outlined in the National Disaster Management Plan. This can be integrated in the country's Comprehensive Disaster Management Strategy.

<sup>35</sup> The Jamaica Red Cross, for example, has a developed psycho-social support team who can provide crisis counselling and related interventions in the wake of a disaster. While similar skilled teams are often deployed through the CDEMA system, there is no clear framework for skilled civil society teams to mobilise post-disaster.



## Gaps and Recommendations

- m. There is the need for clear guidelines and SOPs for the temporary importation of search and rescue dogs. These should recognize medical and immunization records, in place of quarantine requirements, and should facilitate swift entry and deployment of canine units.
- n. Donor monitoring and accountability systems are needed, as well as coordination procedures that promote clear and continuous communication on damage assessment, needs analysis, relief activities, distribution of supplies and other factors requiring mutual collaboration and support. These should be linked to the reporting and auditing functions of the EOC, to ensure the targeted and sustainable use of relief resources, as well as to CDEMA's Regional Response Mechanism, which provides wider accountability frameworks and agenda-setting opportunities at the regional and sub-regional levels.
- o. International volunteer organisations and NGOs should have clear requirements regarding the nature of the information, documentation and quality standards that is required of them. They should be required to keep records regarding key activities (e.g. number and type of medical procedures conducted in country) and the onus should be on the organisation to ensure that legal and other documents are in order. Linked to this, international NGOs and volunteer organisations should be required to submit an exit report once a disaster request/declaration has been terminated.
- p. There should be a clear procedure for integrating international volunteer organisations or NGOs in the national disaster coordination mechanism, and providing some direction in relation to prioritizing and coordinating the deployment of volunteers. The coordination point for volunteers can be delegated (if necessary) to civil society organisations or other actors within the NaDMAC. International volunteers should therefore contribute to national priorities in disaster response and recovery.

## Entry and Distribution of Goods and Supplies

- a. There is a need for a readily accessible communications portal targeting potential donors (e.g. Grenadians resident in the diaspora) and which provides reliable and updated data and guidance on how to contribute to a disaster relief effort. This can include information for special trust-based accounts utilized for disaster relief efforts, as well as information on the most economically, socially and environmentally sustainable and responsible methods of supporting the relief effort. For example, the relative advantages of sending donations in cash should be clearly noted, as well as guidelines for those donors who still opt for in kind donations and material support.
- b. There is a need for commonly available guidelines for accessing waivers related to a disaster relief effort. This should not be subsumed under legislation or procedures for private sector-targeted fiscal incentives, as the goals and recommended conditionalities are quite different.
- c. There is a need for common and/or commonly available technical guidelines and simplified standard operating procedures for controlled or regulated substances (food, medicines, building materials, pesticides). These guidelines should be accessible to new and ad hoc donors, through the various communications portals utilized by the NADMA.

## Gaps and Recommendations

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- d. There is a need for documenting and publicizing any technical specifications regarding equipment and supplies.
- e. There is a need for documented specifications and mapping of logistics resources, for the information of existing and new donor entities.
- f. There is a need for an information-sharing system that facilitates coordinated relief distribution. This is particularly important for the inclusion of private sector personnel and resources (e.g. truck drivers), as well as international donors. The aim should be to ensure equitable distribution of relief goods, and preventing misappropriation or diversion of resources.
- g. Guidelines are needed for consigning shipments to NaDMA to facilitate the smooth entry of goods. These should be clearly communicated to existing and potential donors (including members of Grenada's diaspora) and should be linked to an updated needs list. Guidelines should include quality standards for goods (particularly medical and food items) to safeguard against unwanted or unusable donations.

# Appendix

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## List of Laws and Regulations Reviewed

1. Agricultural Fires Act, 1951
2. Agriculture (Hurricane Rehabilitation) Act, 1955
3. Airport Security Service Recovery Charge Regulations
4. Airport Service Charge Regulations
5. Airports Authority Act, 1985
6. Aliens (Land-Holding Regulation) Act, 1922
7. Animals (Diseases and Importation) Act, 1953
8. Caribbean Community Skilled Nationals Act, 1997
9. Chemical Weapons Act, 2013
10. Civil Liability for Oil Pollution Damage (International Convention) Act, 1995
11. Companies Act, 1994
12. Company Management Act, 1996
13. Customs (Control and Management) Act, 1995
14. Customs (Service Charge) Act, 1993
15. Customs Duties Act, 2015,
16. Diplomatic Privileges and Immunities Act, 1979
17. District Councils Act, 1995
18. Dogs (Registration and Control) Act, 2002
19. Embarkation Tax Act, 1969
20. Emergency Powers Act, 1987
21. Excise Act
22. Excise Tax Order, 2014
23. Value Added Tax Act, 2009
24. Explosives Act, 1956
25. Fire Brigades Act
26. Food and Drugs Act, 1986
27. Foreign Nationals and Commonwealth Citizens (Employment) Act, 1968
28. Grenada Constitution Order, 1973

**Appendix**

29. Grenada Reconstruction and Development Fund Act, 2005
30. Health Practitioners Bill, 2008
31. Housing (Hurricane Damage) Loans Act, 1957
32. Immigration Act
33. Income Tax Act, 1994
34. Integrity in Public Life Act, 2008
35. Land and Surveys Act, 1990
36. Military Uniforms (Prohibition) Act, 2000
37. Mosquito Destruction Act, 1952
38. National Disasters (Emergency Powers) Act, 1984
39. Nurses and Midwives Registration Act, 2003
40. Oil in Navigable Waters Acts, 1979
41. Ombudsman Act, 2007
42. Penicillin and Sulphonamide Control Act, Cap. 230
43. Pesticides Control Act, 1973
44. Pharmacy Act, Cap. 241
45. Physical Planning and Development Control Act, 2002
46. Point Salines International Airport (Aircraft Fees) Regulations
47. Point Salines International Airport Cargo (Through-Put) Charge Regulations
48. Poison Sales Act, 1908
49. Police Act, 1965
50. Ports Authority Act, Cap. 247
51. Prevention of Corruption Act, 2007
52. Public Health Act, 1925
53. Quarantine Act, 1947
54. Red Cross Society Act, 1981
55. Regional Security System Act, 1998
56. Solid Waste Management Authority Act, 1995
57. Telecommunications (Spectrum Management) Regulations, 2011
58. The Poisons Act
59. Ticket Tax Act, Cap. 319

### List of organisations participating in individual and group interviews:

- Barbados National Disaster Management Agency
- Caribbean Disaster and Emergency Management Agency
- Foreign Affairs Canada
- French Red Cross
- Grenada National Disaster Management Agency (multiple departments)
- Grenada Red Cross Society
- Grenada Central Statistics Office (Ministry of Finance and Energy)
- Grenada Ports Authority
- Grenada Customs and Excise Department
- Immigration and Passport Department (IPD), Royal Grenada Police Force
- International Federation of Red Cross and Red Crescent Societies – Operations and Resilience Coordination and CADRIM Team Members
- Jamaica Office of Disaster Preparedness and Emergency Management
- Marine Pollution and Oil Spills Subcommittee, Grenada
- Ministry of Education and Human Resource Development, Grenada
- Office of the Prime Minister, Grenada
- Trinidad & Tobago Office of Disaster Preparedness and Management
- Regional Security System (RSS) Representative
- United Nations Development Programme
- USAID Office of U.S. Foreign Disaster Assistance (USAID/OFDA)

# The Fundamental Principles of the International Red Cross and Red Crescent Movement

**Humanity** / The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

**Impartiality** / It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

**Neutrality** / In order to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

**Independence** / The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

**Voluntary service** / It is a voluntary relief movement not prompted in any manner by desire for gain.

**Unity** / There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

**Universality** / The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.



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