



International Disaster Response Law (IDRL) in St. Vincent & The Grenadines

A Desk Review on Legal Preparedness
for International Disaster Response

October 2017

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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 St. Vincent and the Grenadines Red Cross Society, and prepared by Mrs. Tania Chambers, legal consultant. It analyses St. Vincent and the Grenadines' 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: Flash floods, Sandy Bay, St Vincent and the Grenadines,
December 24th, 2013 / Saint Vincent and the Grenadines Red Cross.

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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.

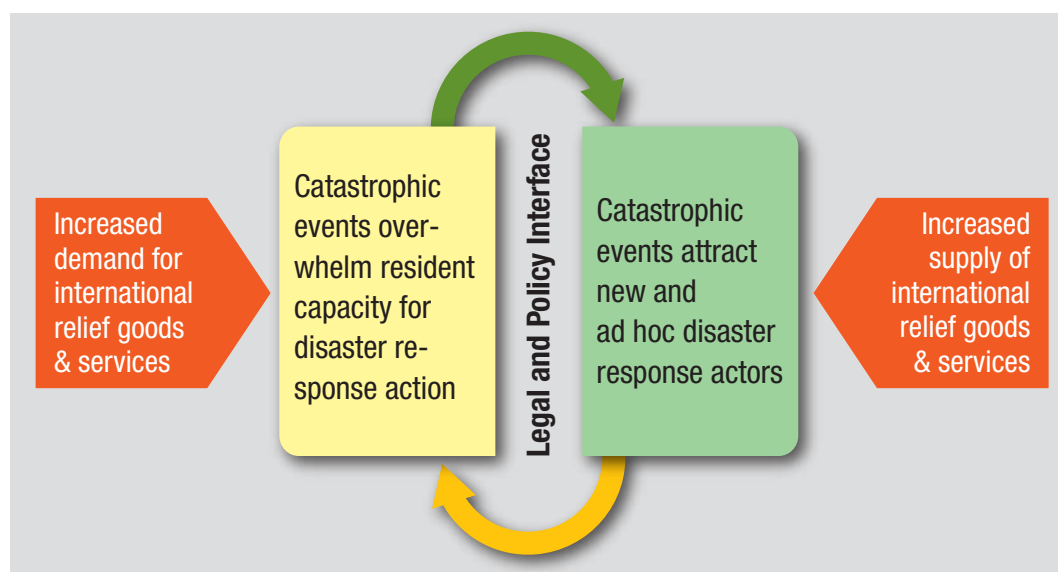


Figure 1.1: A catastrophic event places increased pressure on the legal and policy interface between the affected country and international responders.

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 6¹. Other components of Resolution 6 cover issues that are integral to effective disaster response regulation, including support for strengthening disaster risk reduction laws, and the provision of supportive legal frameworks for saving lives through first aid.

¹ retrieved from http://www.ifrc.org/Global/Photos/Secretariat/201506/32IC-Res6-legal-frameworks-for-disaster_EN.pdf

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It is to be noted that, as the IDRL guidelines comprise a non-binding instrument, they are able to 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)², 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.

² 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 points³, 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.

³ 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.

In November 2016, a validation meeting was convened by NEMO, with a number of high-level government officials participating. This included Permanent Secretaries for the Ministries of Housing and Education, and officials from the Ministries of Health, Foreign Trade and Legal Affairs, as well as the Bureau of Standards. The SVG Red Cross participated, along with NGO representatives including the Salvation Army, and Rotary and Lions Clubs. This meeting contributed many specific details and recommendations to the report's findings. A full list of participants is appended.

1.3 Summary Country Findings

The Saint Vincent and the Grenadines National Disaster Plan has detailed and broad-based provisions for many of the policies and procedures required to ensure efficient and effective disaster relief coordination. The structures established to address disaster coordination, emergency operations, civil society inclusion and community resilience. The inclusion of international relief is more clearly defined in relation to those regional and international groups that form part of ongoing disaster risk reduction activities in the Caribbean, such as the Caribbean Disaster and Emergency Management Agency or the Eastern Caribbean Donor Partner Group.

In a major disaster, where governmental capacity to provide or coordinate relief is most compromised, the need to mobilise and/or integrate relief from a wider sphere of actors is inevitable. SVG's National Disaster Plan includes – directly or by inference – some clear principles regarding how and under what conditions foreign assisting actors are included. These principles are designed to minimize the wastage that can hamper both national and international systems through unmanaged, unsolicited and unwanted donations. These principles can be described as follows:

Donation by Solicitation: The preferred approach of the National Disaster Plan is that donations should be in response to requests for external assistance, made formally through the Ministry of Foreign Affairs, in consultation with the Director of NEMO. Donations should be matched against a circulated list of needs, developed based on damage assessment processes. The onus is on the government machinery to circulate such lists through diplomatic channels and/or donor coordination groups.

Inclusion by Permission: The **National Emergency and Disaster Management Act in s. 27** requires an agency, organisation or person who wishes to assist in disaster management to first seek the permission of the Director of NEMO. The authorization then comes with the caveat whereby assisting actors are required to comply with any instructions given by the Director. Even disaster actors who are exercising powers under the Act are required to consult with the Director beforehand, unless they are exercising a power under another law, or such consultation is difficult based on urgency or logistical issues. This centralizes the coordination of relief efforts, and ensures that any relief organisations on the ground are in the country at the authorization of the state.

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Information Sharing: As foreign actors are included by permission, information sharing becomes more of a mandatory consideration. NEMO, for example, is required to meet with and debrief foreign assisting actors upon their arrival in the country. Conversely, foreign assisting actors are required to develop and submit a work plan to the Director of NEMO.

Coordination: Similarly, NEMO is expected to coordinate foreign assisting actors, appointing a local coordinator to work with all external relief agencies⁴ and preparing work programmes for incoming teams⁵. The coordinator then provides routine updates to the National Emergency Operations Centre on the operations of foreign assisting actors.

Facilitation: Implicit in the above quote is that the NEMO takes responsibility for facilitating foreign assisting actors who are in country by invitation and thereby become part of the national relief coordination network.

Accountability: Accountability requirements apply to both the donor and the recipient. Foreign assisting actors are required to adhere to the relief and distribution policies of the state, as established by the Director of NEMO. The state commits itself under the National Disaster Plan to provide accountability systems to such donors, including auditing the expenditure of funds received from them⁶, and submitting reports to donor organisations. The range of factors promoting accountability in the SVG Disaster Plan are illustrated below. They create together a framework for mutual accountability between the national coordination mechanism and foreign assisting actors, in their respective lead and supporting roles. With shared information and joint strategies, this coordination model depends on transparency to improve efficiency and reduce wastage.

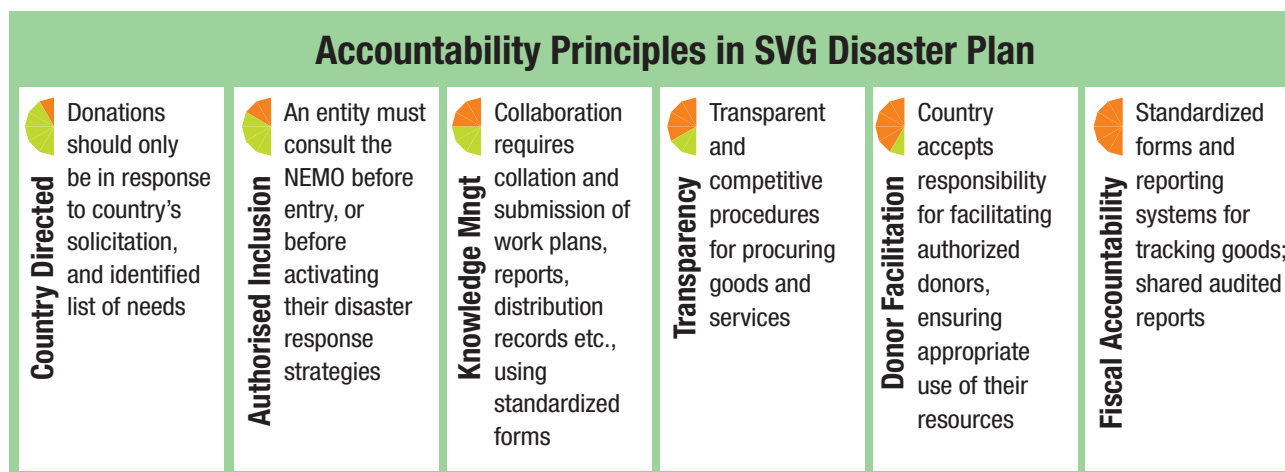


Figure 1.4: Accountability principles evident in the SVG Disaster Plan

- The National Disaster Plan is the most detailed presentation of how foreign assisting actors may be facilitated. It is not always clear what laws support the various provisions of the plan. Those legislative provisions that exist to facilitate international disaster relief goods, equipment and personnel are scattered across several laws and regulations, which can result in lack of clarity or certainty.

⁴ National Disaster Plan, 2005, p.8.

⁵ National Disaster Plan, 2005, p.10.

⁶ National Disaster Plan, 2005, p.10.

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- SVG's disaster plans and laws have strategically integrated several private sector, non-government and civil society groups to support various aspects of disaster relief coordination. This includes using contracts to secure relief goods, transportation and warehousing services which are delivered as and when needed, to integrating media and telecommunications companies in early warning systems, and ham radio and bikers clubs in relief coordination. Volunteer groups, including service clubs and the church, are also specifically included. However strategic these efforts are, they do not necessarily provide a clear mechanism for integrating international civil society with local civil society, nor a process for registration and monitoring of international donors.
- While the disaster plan and law cover several of the disaster events that constitute the greatest risk for SVG, they are not written with a comprehensive disaster management or community risk resilience results in mind. SVG forms part of CDEMA's Comprehensive Disaster Management strategy and results framework, and is in train to upgrade its laws and policies with these goals in mind.

A full list of recommendations, many of which were made by representatives of organisations engaged in disaster relief and coordination, is set out in the final chapter of this report.

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Chapter 2

SVG Country Profile & Disaster Scenarios

2.1 Country Profile

St. Vincent and the Grenadines is a multi-island state comprised of 32 islands, inlets and cays, of which some are privately owned and most uninhabited. The nation has a population of over 102,000 and a total land area of 389 sq. km; much of the land mass and population are on the main island of St. Vincent, which houses the centres of business, commerce and government. Like many of its Caribbean neighbours, this windward island state is a parliamentary democracy, a member of the Commonwealth, the Organization of Eastern Caribbean States (OECS) and CARICOM.

The geology of the main island is dominated by a stretch of volcanic mountains with its peak at Soufriere, an active volcano that takes up most of the northern end of the main island. While St. Vincent is characterized by the numerous rivers that marble its rugged mountains, the Grenadines, smaller and less mountainous, are more dependent on groundwater as a source of fresh water.

St. Vincent and the Grenadines is one of the most vulnerable countries to natural disasters in the Eastern Caribbean, and in the world. The country was classified by the world Bank in 2006 as among the top five most vulnerable countries to natural disasters, as it is susceptible to hurricanes, flooding, landslides, drought, earthquakes (both tectonic and volcanic), tsunamis and volcanic eruptions. Aging infrastructure, particularly in critical sectors such as health and education, and the existence of poor, informal communities heighten the economic exposure and vulnerability that can result from disasters.

The vulnerability of the nation to natural disasters is exacerbated by its economic base, which is mainly agricultural, and of which banana production is the mainstay. Banana production, which employs 60% of the workforce and accounts for half of all exports, is particularly imperiled by landslides, flooding or the wind damage that can come from tropical storms. Tourism, another mainstay of the economy, brings into the country over the course of a year, more than twice the total population. This can have a variable effect on the scope of disaster impact.

2.2 Disaster Scenarios

Storms, Hurricanes and Flooding

Tropical storms, and in particular hurricanes, have been responsible for much of the disaster-related devastation that has occurred in St Vincent and the Grenadines. SVG has been affected by 14 hurricanes and storms between 1900 and 2013. Hurricane Janet in 1955 is responsible for the single largest disaster-related death-toll, as an estimated 122 persons died. The hurricane also damaged crops and coastal roads. Hurricanes and storms have also severely affected the housing infrastructure in St Vincent and the Grenadines. Hurricane Tomas in 2010 affected about 1,200 houses. SVG is vulnerable to both flash flooding – which can strike rapidly – as well as the coastal flooding that often accompanies a hurricane or tropical storm.

Hurricane Tomas was also one of the most costly hazard events to date, with damage estimated at about EC\$130 million. Within 6 months of Tomas, heavy rains caused flooding, landslides and further damage estimated at EC\$84 million. Flooding in December 2013 flood had an even more extensive impact, resulting in damage and losses of US\$ 108.4 mil or EC\$291.4 million, equivalent to 15% of the country's gross domestic product.

SVG Country Profile & Disaster Scenarios

Flooding can be common at certain points in the year, requiring national response systems to be at the ready on a continuous basis, to handle low-level, localized relief requirements.

Volcanic Eruptions

La Soufriere, the active volcano on mainland St. Vincent, occupies much of the island's northern end; it is 41,234 metres high and has an open summit crater 1.6 km in diameter. Soufriere has recorded eruptions in recent history in 1718, 1812, 1902, 1971 and 1979. It is considered a relatively young volcano, and likely to erupt in the future with either quiet effusive or violent explosive eruptions⁷.

The 1902 eruption caused about 1600 deaths. The eruptions have caused damage and lost to farming and properties. More recent eruptions have not caused direct deaths, but have resulted in the need to evacuate approximately 20,000 people – nearly one-fifth of the total SVG population – from the northern end of the island. Other damage, displacement and/or death can result from the accompanying hazards from an eruption, including surges, ash fall, mud flows, fires and possibly tsunamis.

Volcanic activity will significantly affect communities and result in hazards to people, animals, crops, and infrastructure. Drinking water and air quality can be polluted by volcanic ash. These factors can pose an eruption to agriculture and tourism, the country's two most critical sectors.

Earthquakes and Tsunamis

Each year, the Eastern Caribbean experiences an estimated 1200 earthquakes greater than magnitude 2.0. It is predicted that the region will experience at least one magnitude 6 earthquake every 3-5 years. SVG is vulnerable to both tectonic and volcanic earthquakes. Volcanic earthquakes can result from the activity of La Soufriere on the main island, or Kick-em Jenny, an underwater volcano located in close proximity to the Grenadines. The most recent significant earthquake affecting SVG and the surrounding eastern Caribbean region occurred in November 2006, and had a recorded magnitude of 7.3. However, as the epicenter of this earthquake was not in SVG, damage was not significant.

It is estimated that in the last half century, over 10 tsunamis have occurred in the Eastern Caribbean. Approximately 350 deaths have resulted from four of these events. Caribbean tsunamis may achieve speeds of between 500km/h and 800km/h, depending on the depth of the water, and can reach multiple islands over a short time span. Tsunamis can occur as a result of volcanic eruption, earthquake, or landslides. The most likely cause is from earthquakes of magnitude 6.5 or higher. Kick-em Jenny, for example, has caused small tsunamis in 1939 and 1955. A tsunami affecting SVG could place much of the population at risk, as the bulk of the country's infrastructure and housing is located in coastal regions.

Seismic activities are tracked by the Seismic Research Unit of the University of the West Indies, however there is no tsunami warning centre in SVG at present. The NEMO is in the process of finalizing the tsunami protocols for St. Vincent and the Grenadines⁸.

⁷ Disaster Risk Reduction Country Profile, St. Vincent and the Grenadines 2014.

Pandemics⁹

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.

⁸ Disaster Risk Reduction Country Profile, St. Vincent and the Grenadines 2014.

⁹ This paragraph takes an Eastern Caribbean approach, and is repeated in the same or similar language in the IDRL Report for Grenada.

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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

The **National Emergency and Disaster Management Act, 2006** is the core law guiding disaster management and relief coordination. The law establishes the primary organisations that are responsible for emergency operations and comprehensive disaster management. These include:

- i. The National Emergency Management Organisation, which is the central state agency for coordinating disaster management.
- ii. The National Emergency Council functions as a high-level, broad-based, multi-sectoral oversight body that guides policy and planning for disaster management. It is chaired by the Prime Minister and includes a wide range of leaders from within the public and private sector.
- iii. The National Emergency Executive Committee functions as the executive or implementation component of the NEC. It is chaired by the Director of NEMO and includes representatives of the key organisations involved in disaster coordination.
- iv. Sub-Committees of the NEC are designed to fulfill specific roles within the disaster coordination structure. There are ten such committees listed in the National Emergency and Disaster Management Act (see below).
- v. District Disaster Management Committees are another major ongoing coordinating system under the Act, and have a geographically defined coordination remit. Each district committee develops its district disaster management plan, which must be in alignment with the National Disaster Management Plan.
- vi. The National Emergency Operations Centre is the headquarters of operations during a disaster alert or disaster.

Not only does the act establish new entities, it provides appropriate mandates, functions and responsibilities to organisations across the government, as well as a few non-government entities. Of note:

- The Prime Minister, who chairs the NEC, is the highest ranked of several high-level government officials (including Ministers, Permanent Secretaries, heads of agencies and departments and the Attorney General) who sit on these coordinating groups and are given specific roles under the Act.
- Ministries and departments not only participate in the NEC and other coordination mechanisms, but they are mandated by law to have their own departmental disaster plans, as well as to provide support and assistance to the NEMO during a disaster alert or disaster.
- The SVG Red Cross Society is named in the Act and is a prescribed member of both the NEC and the NEEC. Civil Society groups such as the Chamber of Commerce and the National Youth Council are also included. Other non-state entities who are statutorily mandated to be included in disaster coordination are non-profit and private sector organisations in the telecommunications sector¹⁰, and utility companies.

¹⁰ These are the Rainbow Radio League, which is a ham radio club, as well as Cable and Wireless Ltd and Digicel SVG, which are phone service providers.

In addition to this core disaster coordination law, there are other laws that impact disaster coordination, as they provide a statutory mandate to the organisations whose work is critical to comprehensive disaster management and relief coordination. These include:

- **The Police Act**, which defines the powers and duties of the Royal Saint Vincent and the Grenadines Police Force. S.13 of this Act sets out conditions under which members of the Force can be inducted into military service, in the event of war or emergency. This is done – through a proclamation of the Governor-General – ostensibly to aid in the defence of the country.
- The **Town and Country Planning Act** establishes a Physical Planning and Development Board, which helps to safeguard communities and towns through appropriate planning regulation. The board is tasked by the act with preparing national, regional and local plans. The Board is required by the National Emergency and Disaster Management Act to identify areas that are particularly vulnerable to disasters, and is integral to the process of declaring a disaster area, based on the impact of a hazardous event on a geographic region.
- The **Environmental Health Act** establishes an Environmental Health Division that has a mandate to investigate and remediate various types of environmental pollution and hazards. The examples of hazards named in the law range from solid, liquid and gaseous waste to rodents and insects. The role of this entity would be critical in managing certain types of epidemics or man-made or industrial disasters. The Chief Environmental Officer has, under the Act, powers to order the abatement of any nuisance or pollution, and powers to enter premises to investigate same. These powers are useful in identifying and addressing the environmental contamination that can result from damage caused by any disaster, particularly to factories or industrial warehouses.

b. National Policies and Plans

The **National Disaster Plan** is the primary policy and planning script for disaster management and relief coordination. The Act sets out the range of disaster prevention, preparedness, response and recovery activities that the plan should cover, and requires that it is updated annually. The National Disaster Plan is comprehensively drafted, containing both policies and procedures for a wide range of disaster-related state, non-state and collaborative functions. The Plan therefore reinforces and supports the National Emergency and Disaster Management Act, providing detailed guidelines, standards and rules for the implementation of the structures created by the Act. For example, the National Emergency Management Organisation, although formed under the NEDM Act, gains a more detailed policy level mandate from the plan, which gives it specific training, informing, warning, coordinating, warehousing and evaluating duties. The National Emergency Operations Centre and District Disaster Committees are other creatures of statute that have their mandate areas expanded by the Plan. In addition a host of government, non-government, treaty-based and private sector organisations are accorded special tasks and responsibilities throughout the plan. Several of these will be referenced throughout this report.

⁷ Grenada National Disaster Management Plan, 2011, p.12.

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

In addition to generalized disaster coordination, the plan sets out policies and procedures for a range of hazard specific actions and includes a Hurricane Plan, A Volcano Plan, a Flood Response Plan and a plan for managing mass casualties. The National Disaster Plan further defines the guidelines and procedures by which critical powers and authorities outlined in statute are implemented. It sets both the policy framework and detailed procedures for early warning, relief coordination and management, donations, evacuations, damage assessment and more long-term recovery efforts, including the management of private donors and integration of foreign assisting actors. These are described in greater detail throughout this report.

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.

The national structure for Disaster Risk Management and relief coordination in St. Vincent and the Grenadines involves the following key entities:

a. The National Emergency Council (NEC)

At the highest level of the network of disaster coordination structures created by the National Emergency and Disaster Management Act sits the National Emergency Council. This is the high-level, multi-sector governance authority at the helm of disaster management. The Council, which is chaired by the Prime Minister, includes several other Ministers of Government, as well as Permanent Secretaries, state officials and functionaries, private sector CEOs and NGO representatives. The NEC provides governance oversight to the National Emergency Management Organisation, and guides policy for all aspects of disaster management. In addition to its routine meetings, the NEC becomes specially activated once a disaster or disaster warning is put into effect. It is through the NEC that requests to foreign assisting actors are processed, with the guidance of the Ministry of Foreign Affairs.

b. The National Emergency Management Organisation (NEMO)

The NEMO was actually launched in 2002, but was statutorily constituted by the National Emergency and Disaster Management Act of 2006. It is the core administrative, coordinating body within the network of management and governance systems created by the Act. The NEMO is an executive body having core staff and year-round functionality in comprehensive disaster management. Its Director is ascribed a statutory mandate under the NEDM Act, and can also be delegated to operate within the discretionary authority that is provided to the Prime Minister and/or Governor General under law.

The NEMO's mandate and functions are further defined under the National Disaster Plan to include the following six categories of activities:

- **Training:** Identifying skills necessary to implement a national disaster management programme and sourcing appropriate trainers.
- **Informing:** Developing and disseminating information packages to help individuals, government entities and private sector to better cope with emergencies.
- **Warning:** Analyzing and forecasting potential hazards.
- **Coordinating:** Coordinating disaster preparedness, response and rehabilitation and enabling resources to be effectively applied during and after a disaster.
- **Warehousing:** Providing and maintaining extraordinary resources and stocks to meet emergency needs.
- **Evaluating:** Conducting annual performance reviews and designing performance improvement measures.

In addition to coordinating the disaster management activities of state entities, NEMO has a number of MOUs with charitable, religious, private sector and volunteer organisations, and uses this modality to integrate non-state actors into disaster management while maintaining predictability and reliability of services.

c. The National Emergency Executive Committee (NEEC) and Sub-Committees

While the NEC is at the helm of inter-agency coordination for disaster management, it works through a network of sub-committees which secure the implementation of disaster prevention, preparedness, response and recovery at varying levels. Core among these is the National Emergency Executive Committee, which is chaired by the Director of NEMO. The NEEC is tasked by the NEDM Act with implementing the plans and policies of the National Emergency Council. While it is a voluntary structure, it is comprised primarily by state entities that are required under the Act to provide support to disaster management. These statutory requirements provide some degree of accountability to the committee system.

Reporting to the NEEC are a total of ten sub-committees created by the NEDM and covering each of the following issues:

1. Public Education, Training and Information.
2. Damage and Needs Assessment.
3. Transport and Road Clearance.

4. Emergency Shelters and Shelter Management.
5. Emergency Supplies.
6. Health Services.
7. Emergency Telecommunications.
8. Search and Rescue (Land and Sea).
9. Rehabilitation and Reconstruction.
10. Voluntary Services.

Each sub-committee may be assigned special mandates through the NEEC and/or NEC, and the National Disaster Plan identifies the organisations and functionaries that make up each committee. The Disaster Plan goes on to spell out the key functions of each sub-committee, and the state or non-state entities involved in their implementation.

d. District Disaster Management Committees

Each district disaster management committee covers a specific geographic area, and develops disaster management plans for that area. Their existence is critical within the SVG territory, which is comprised of 32 islands, islets and cays, with differing disaster profiles, evacuation schemes, localized resources etc. Each district is required to have disaster alert and response mechanisms that can – if required – function independently. Each committee is led by a district coordinator, and reports to the National Emergency Executive Committee.

District committees must ensure that their plans are in alignment with the National Disaster Plan. The National Disaster Plan ascribes to these committees the work of managing shelters and First Aid stations and distributing relief supplies throughout their territory. They are designed to be heavily involved in a wide range of disaster management activities, from public education and hazard mapping prior to a disaster, to search and rescue activities and rehabilitation works afterwards. During a disaster, the committees report in to the National Emergency Operation Centre, and can become part of a network of communications and damage assessment information sharing, as well as provide evacuation and rapid response teams to disaster areas.

Each district committee has a Chairman, planning coordinator, sub-committees and headquarters, to facilitate their ongoing operations. The district structure is intended to be replicated at the village level in order to secure community involvement in disaster risk reduction.

The district committees are not uniformly effective, and some have fallen into relative dormancy.

e. National Emergency Operations Centre

During a disaster alert or disaster, the NEOC is convened and becomes the hub of communications and coordinated activities. It is formed as a structure that operates primarily during an alert or disaster, and to manage initial relief coordination. The NEOC therefore includes executive personnel from the state entities that drive disaster response, relief and recovery, and can also have the support and input of non-state disaster relief actors, as well as the media. The Act further provides for supplementary

operations centres, which can be used to establish on-site coordination at or near the location most affected by a disaster.

While the NEOC becomes especially activated during an alert or disaster, it is to be maintained in a state of readiness. Under the National Disaster Plan, the EOC is equipped with emergency power supply and communications systems, which are to be tested monthly.

3.3 The Role and Functions of Regional Institutions¹¹

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 St Vincent and the Grenadines). 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 follows¹²:

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.
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.
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 Donor Partner 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

¹¹ This section was co-developed for the Grenada IDRL report, and is repeated there in nearly identical language.

¹² Extracted from http://www.cdema.org/index.php?option=com_content&view=article&id=89&Itemid=79.

Societies. 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 St. Vincent and the Grenadines. CDEMA's systems are reflected in and considered counterpart to SVG'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. St. Vincent and the Grenadines fits into the Eastern Sub-Region, which is led by Barbados. 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. 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 SVG Red Cross Society

The SVG 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. The Red Cross is mentioned on both the **National Emergency and Disaster Management Act** and the **National Disaster Plan**. The Act identifies the Red Cross as a statutorily established representative on the National Emergency Council, as well as the National Emergency Executive Committee. This gives the National Society long-term input in disaster coordination, and makes for sustainable integration into disaster planning, communications and programme development.

The **National Disaster Plan** ascribes a number of roles to the SVG Red Cross Society. The Society sits on several national disaster committees and, under the National Disaster Plan, are named members of the following: Damage and Needs Assessment, Emergency Supplies, Health Service and Voluntary Services committees. Under the plan, the Red Cross is given the specific responsibilities of:

- Damage assessment, through organizing surveys in disaster areas, and assessing relief requirements.
- Collating and maintaining damage statistics.

- Developing estimates of financial and other relief and rehabilitation resources needed.
- Maintaining and supporting the administration of emergency shelters and training shelter staff.
- Assisting District Disaster Committees in ensuring the delivery of First-Aid kits to emergency shelters and First Aid stations.
- Preparing Training Manuals for shelters and First Aid stations, and training First Aid personnel.
- Providing care to the indigent, old and children.
- Arranging for the movement of the aged, disabled and incapacitated to emergency shelters, and them with clothing and care.
- Providing relief supplies, and assisting with distribution.
- Coordinating volunteers and voluntary organisations.
- Assist in search and rescue.

This is not an upper limit on the types or extent of support that the SVG can provide before, during or after a disaster.

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

Both the **National Emergency and Disaster Management Act** and **National Disaster Plan** identify roles for civil society or non-government organisations who have an ongoing role to play as participants in the National Disaster Management machinery. Among the organisations specifically named in either document are the following:

- The ex officio membership of the National Emergency Council statutorily includes the National Youth Council and SVG Chamber of Industry and Commerce. A representative of a voluntary organisation must be included, as well as a workers organisation representing public sector employees.
- Private sector telecommunications providers Cable and Wireless Ltd and Digicel SVG are both named members of the National Emergency Council, and the Rainbow Radio League – a club of ham radio operators – is named in the National Emergency Executive Committee.
- The National Disaster Plan takes an inclusive approach to mobilizing resources for disaster planning and relief coordination. It utilizes the sub-committee structure to commission or secure private resources and volunteerism in the disaster management process. The Chamber of Industry and Commerce is one of several private sector representatives named in the National Disaster Plan to provide specific input through the disaster sub-committee structure. Media organisations, insurance companies, telecommunications and cable service providers, the Minibus, Farmers and Construction Associations are all specifically identified and tasked with supporting one or more sectors of disaster intervention.
- Several voluntary or civic groups and associations are also included in the roles and responsibilities set out in the National Disaster Plan. They include the Christian Council and service clubs such as the Rotary and Lions Clubs, Jaycees, scouts,

cadets, brigades and guides, and ham radio and motorcycle clubs. The specific duties ascribed to such organisations vary from providing direct support to transportation and telecommunications post-disaster, to assisting in evacuation, shelter management and relief supplies and distribution.

c. The Role and Functions of UN Entities and International Donor Partners¹³

The SVG Disaster Plan is designed to manage foreign assisting actors and disaster relief very strategically, in order to minimize duplication of effort, avoid unwanted donations and minimize potential negative impact on the private sector. The Plan sets out a clear process for coordinating both existing and new donors, using the communication network of the diplomatic communities. The plan requires communication and coordination to ad hoc and existing donors, through SVG embassies and consulates in foreign territories, as well as through the embassies and consulates of other countries that are located in the SVG.

In addition, 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. 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.

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 is 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'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 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

All structures formed under the National Emergency and Disaster Management Act represent widescale coordination of efforts. They are designed to facilitate collaboration,

¹³ This section is co-developed for the Grenada IDRL report, which includes a similar section with nearly identical language.

information sharing, joint planning and relief coordination, ensuring a combined approach to disaster prevention, preparedness, response and recovery.

More significantly, the Act and the National Disaster Plan that supports it, are based on a public-private partnership for the supply of relief goods, equipment and personnel. Memoranda of Understanding are used to commit the resources of private sector partners, including hardware suppliers – who then are mobilized during a disaster to fulfill relief requirements. The National Emergency Management Organisation thus has developed MOUs with several religious, charitable and private sector organisations. MOUs can be used in place of warehousing to ensure that relief and rehabilitation supplies are available when needed. The stated public policy intention, as expressed in the National Disaster Plan, is to safeguard the private sector from the unfair competition that can be brought into the market by the importation of relief goods.

Similarly, the National Disaster Plan seeks to reduce the incidence or quantum of unsolicited donations. Both local and foreign assisting actors are encouraged to consult with SVG's network of diplomatic and other communication systems in order to ensure that their contributions are specific to the assessed needs and requirements of the disaster relief effort. Ad hoc donors are encouraged to contribute cash resources, or to make donation through their government or through the nearest SVG embassy or consulate. Established donors, including foreign governments, are encouraged to commit to specific components of the relief and rehabilitation resource list, which are then rationalized against the requests made of other donors. This reduces the risk of duplication, and ensures that assisting actors provide the most strategic level of resources, according to their capacity.

During a disaster, coordination occurs through the National Emergency Operations Centre (NEOC), which is convened by the Disaster Coordinator, who is the head of NEMO, or his/her delegate. Through the NEOC, continuous reporting and communication with assisting actors can occur. The NEOC can become a base of operations, particularly for Regional Response Systems, and its staff is required to outline work programmes for incoming teams of foreign assisting actors, facilitating collaboration between the national mechanism and volunteers¹⁴. The Disaster Coordinator is required to facilitate incoming briefings with relief and response teams.

In addition to the NEOC, a disaster alert or disaster will trigger meetings of UN donor groups, who will coordinate with each other, as well as with NEMO and the Caribbean Disaster and Emergency Management Agency¹⁵.

¹⁴ National Disaster Plan, 2005, p.10.

¹⁵ National Disaster Plan, 2005, Hurricane Plan, p. 48.

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 accountability structure for disaster relief benefits both from the checks and balances within the Disaster Plan, as well as from the overall environment of anti-corruption regulation within SVG law and policy. The distribution framework is centralized, with the state aiming to structure, inform, and direct the distribution of relief, even from ad hoc or one-off donors. With this centralization comes increased accountability. Under the Management of Donations and Relief Supplies protocol to the National Disaster Plan, the government accepts responsibility for ensuring that all relief goods are accounted for, and to prepare audit reports for the benefit of donors. Thus, irrespective of the source of donations, the use of government channels is intended to provide improved accountability and to safeguard against misappropriation.

Within the National Disaster Plan, the following additional transparency and accountability mechanisms are included:

- A robust reporting structure is included, with daily reports being shared among national and (where involved) regional response systems.
- During the disaster response period, interim financial and material reports are required to be prepared by the accountant for NEMO.
- A comprehensive financial and material audit of relief funds is required after the termination of relief activities. This is to be done by the Accountant General and Director of Audit, and should be submitted to funding agencies six months after the termination of relief.
- The National Disaster Plan contains forms and logs for tracking disaster relief distribution, shelter inhabitants and other forms of resources, donations and supplies. This includes stock cards, requisition cards, consignment notes and stock reports¹⁶ used for the movement of relief supplies in and out of warehouses, as well as distribution lists and distribution reports which are prepared at the point of collection¹⁷. This paper work will facilitate reporting and auditing.

¹⁶ National Disaster Plan pp. 102-107.

¹⁷ National Disaster Plan pp. 119-121.

- The NEMO is bound by the National Disaster Plan to conduct the distribution of relief in a fair and impartial manner, using the information garnered through its damage assessment and needs analysis processes¹⁸.
- The procurement of relief goods through the private sector should be done through a competitive procurement system, where multiple quotations are obtained. This is done through the Emergency Shelters and Supplies sub-committee. The rubric for evaluation of bids is included in the National Disaster Plan¹⁹.
- The Transport Contract and Vehicle Management Forms annexed to the National Disaster Plan are designed for tracking vehicles that are procured or commissioned specifically for disaster or emergency-related interventions²⁰. The vehicle management system seeks to ensure that vehicles are used for their intended process, and standardised vehicle index cards and log books are included²¹.
- The Plan provides for the disposal of unused or unwanted relief goods, which it recommends are either warehoused or sold/bartered in lots to the commercial sector, to free up resources for other relief or rehabilitation goods that are needed. The latter option, however, can only be done with the consent of the donor²².

In practice the common arrangements are:

- a. Cash donations made to the consolidated fund.
- b. Cash donations made directly to suppliers (supermarkets, hardware stores etc.) allowing NEMO to collect goods in small and large quantities until funds are expended.
- c. A government entity conducts a procurement process, obtaining suitable quotations from suppliers, and the donor approves and pays the selected supplier directly.

Procurement systems are conducted transparently, however selection can be based on a range of factors, including past experience with suppliers and their reliability. More importantly, the NEMO and other agencies must give account for all direct and indirect donations, and keep updated records on their distribution. This allows for transparency, and has resulted in established partnerships between different aspects of governments and international donor partners.

Within the general regulatory framework against corruption, the following may be noted:

- St. Vincent and the Grenadines is a signatory of the Inter-American Convention Against Corruption, and is reviewed from time to time by the Organisation of American States on issues of corruption in the public service²³. This provides policy guidelines for the prohibition and punishment of acts of corruption and conflicts of interest among public bodies and officials.

¹⁸ National Disaster Plan, 2005, p.91.

¹⁹ National Disaster Plan, 2005, p.100.

²⁰ See Annex 8 to the National Disaster Plan.

²¹ National Disaster Plan pp. 133, 138-139.

²² See Annex 5 to the National Disaster Plan: The Management of Donations and Relief Supplies.

²³ See <http://www.oas.org/juridico/english/vct.htm> for reports submitted by SVG to the OAS under this convention. For a report from the OAS' review of SVG in 2014, see: http://www.oas.org/juridico/PDFs/mesicic4_final_svg_en.pdf.

- Public servants are governed by the Public Service Regulations and Civil Service Orders, which, among other things, sanctions graft, bribery, acts of corruption and conflicts of interest by public officials. The Public Services Commission is a constitutionally constituted body, which provides oversight and disciplinary regulation of the activities of public servants.
- There are draft Integrity in Public Life and Prevention of Corruption Bills that, when put into full effect, will give greater legal weight to anti-corruption rules and penalties.
- SVG has a constitutionally enshrined Department of Audits that has investigative functions in relation to all public accounting procedures and records. Part of the responsibility of ensuring that all disaster funding that is routed directly or indirectly through the SVG government is directed at the purposes for which it is intended.
- The draft Civil Society Organisations Bill creates a regulatory framework for civil society groups, ensuring that they operate within the standards of good governance expected of this sector. The Bill includes a Code of Conduct which, when it comes into full force, will guide the integrity and accountability systems applicable to non-profit entities.

3.7 Recommendations for Improving the Institutional and Policy Framework

- a. The SVG National Disaster Plan is the most detailed presentation of how foreign assisting actors may be facilitated. The principles on which the plan is based create a sound, comprehensive and effective framework for relief facilitation. However, it is not always clear what laws support the various provisions of the plan, nor what legal provisions ground the waivers and other powers within the plan. This could leave ambiguity regarding the extent to which the plan binds the state, or may be overlooked at the preference of a head of state/NEMO director. Those legislative provisions that exist to facilitate international disaster relief goods, equipment and personnel are scattered across several laws and regulations, which can result in lack of clarity, predictability or certainty. Consideration should be given to moving from informal discretionary systems to special waivers and contingency measures that are grounded in disaster legislation, and which reflect IDRL and sustainable development principles. For example, the statement in the plan allowing the government to waive taxes, fees and duties once a disaster has been declared should be included in legislation.
- b. SVG's disaster plans and laws have strategically integrated several private sector, non-government and civil society groups to support various aspects of disaster relief coordination. This ranges from using contracts to secure relief goods, transportation and warehousing services which are delivered as and when needed, to integrating media and telecommunications companies in early warning systems, and ham radio and bikers clubs in relief coordination. Volunteer groups, including service clubs and the church, are also specifically included. However strategic these efforts are, they do not necessarily provide a clear mechanism for integrating international civil society with local civil society, nor a process for registration and monitoring of international donors. Further, the use of MOUs and supply contracts can be undermined by weaknesses in the procurement system, and the absence of a guaranteed payment deadline or schedule in the draft MOUs. It is recommended

Institutional & Policy Framework for Disaster Risk Management

that these systems be strengthened and formalized in order to create greater predictability in the deployment of resources in the future.

- c. While the disaster plan and law cover several of the disaster events that constitute the greatest risk for SVG, they are not written with a comprehensive disaster management or community risk resilience results in mind. SVG forms part of CDEMA's Comprehensive Disaster Management strategy and results framework, and is in train to upgrade its laws and policies with these goals in mind. Such a framework should provide an integrated context for grounding IDRL principles in law, with clear parameters for facilitating and regulating international relief and assisting actors. IDRL or Humanitarian Relief laws and regulations are recommended, and should be done by creating a local adaptation of both the CDEMA Model Law on Disaster Management and the IFRC Model IDRL Legislation.
- d. 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.
- e. SVG should have an International Disaster Relief Management sub-component of its Disaster Committees. This Committee should be specifically 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.

- f. Consideration should be given to assigning an International Humanitarian Assistance (or International Disaster Relief) Coordinator within the NEMO. 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.

- g. There is a clear need for strengthened communication with actual and potential donors, such as through internet-based resources. 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. This should include procedures for international relief actors to access legal and other facilities, as well as guidance from NEMO on the best methods and modalities for giving to SVG's ongoing or crisis-based disaster and emergency management needs. These could outline the accountability principles guiding the country's disaster coordination machinery, as well as a clear and concise explanation of the policy preference for cash-based assistance. With the level of interest shown by the diaspora in the past, these types of communication efforts would be helpful in streamlining the inevitable supply of small and ad hoc donations, and encouraging compliance with the overall goals of the country's disaster response mechanism.
- h. 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.
- i. A conflict or dispute resolution mechanism would be a useful inclusion in the National Disaster Plan, as there is currently no formal mechanism for hearing grievances and complaints outside of appealing to political figures. An internal grievance mechanism could assist in establishing the fairness and accountability with which the coordination mechanism seeks to give effect to its roles and duties. Communication systems should also be used to reduce the misconceptions and unhelpful public practices surrounding disaster relief management.
- j. There is some indication of overlapping or competing roles and responsibilities during the relief phase, particularly where new or ad hoc donors take on specific tasks. There is a need for communicating more effectively the public-private partnerships that currently work well (e.g. with organisations such as the Red Cross or ADRA), as well as the need to ensure a coordinated approach to disaster management and relief coordination.
- k. The communication and training systems around disaster relief coordination should be widened beyond the net of persons who have disaster liaison functions. Personnel across the government sector should be tutored on the content and principles of the Disaster Plan, to ensure that all state actions are in alignment with this key policy document.
- l. There should be a strengthened focus on risk management and analyzing the social impact and development implications of all disaster-related actions. This will emerge more specifically once discussions on Comprehensive Disaster Risk Management Laws and Procedures are advanced.
- m. 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.

**International Disaster Response Law (IDRL) in
St. Vincent & The Grenadines**
A Desk Review on Legal Preparedness for International Disaster Response

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.

St. Vincent and the Grenadine's National Emergency and Disaster Management Act and National Disaster Plan were drafted with a focus on the disaster events that pose greatest immediate risk, based on the island's geographic location. The plan contains relatively detailed provisions for disaster response, particularly from the point of a disaster alert, for hurricanes and earthquakes. Work in comprehensive disaster

Disaster Preparedness and Early Warning Systems

management, climate change adaptation and disaster risk reduction have been advanced more recently. The core policy guiding sustainable development is the country's **National Economic and Social Development Plan 2013-2025**, which includes in its priority goals, 'Improving Physical infrastructure and Preserving the Environment'. This has been buttressed by a number of disaster risk management programmes, including community resilience building activities conducted by NEMO and the SVG Red Cross.

The country by its membership in CARICOM benefits from the CARICOM Strategy and Results Framework for Comprehensive Disaster Management, which is administered and supported by the CARICOM Disaster and Emergency Management Agency (CDEMA). As part of CDEMA's regional emphasis on Comprehensive Disaster Management, St. Vincent and the Grenadines is expected to develop more holistic disaster laws and policies, upgrading its existing legislative system to place a more balanced and integrated focus on disaster risk reduction.

While more developed policies are in train, the existing **National Disaster Plan** sets some disaster preparedness processes and systems in place. Of note:

- The NEOC is expected to conduct monthly checks to ensure that its operational systems are ready for any eventuality.
- Ongoing training is routinely conducted by NEMO and the SVG Red Cross among a wide range of public sector and private organisations, including community groups. While national capacity for disaster risk reduction is considered sub-optimal²⁴, the contribution of these and other entities keeps the national discussion on disaster preparedness and risk resilience ongoing.
- The SVG government has pre-arranged MOUs for private sector organisations for the provision of relief supplies and equipment on demand, which can allow for the rapid mobilization of resources beyond what is held in local warehouses.
- Local Disaster Committees are required to provide their emergency shelters and local First Aid stations with ongoing capacity building, including First Aid kits and First Aid training. This can facilitate the mobilization of on-the-ground disaster response teams, particularly in remote areas or on smaller islands, which may become cut off during a disaster.
- The Hurricane Plan annexed to the National Disaster Plan requires the ongoing inspection and preparation of Rural Warehouses, Emergency Shelters, as well as the identification of Relief Distribution Points, to decentralize emergency response and relief operations.

Additionally, there are other policies and plans that impact disaster preparedness and risk reduction in SVG, including the following:

- A **Resettlement Policy Framework** has been developed in conjunction with the World Bank funded Regional Disaster Vulnerability Reduction Project. This sets out guidelines for the resettlement of persons within a geographical region affected by climate change or a disaster, including relocation and compensation arrangements. This will facilitate the movement of persons – including squatters – from flood-prone and other high risk areas. It is estimated that between 5 and 30% of the population reside in high-risk, unplanned urban settlements, and the rise of squatting has been noted²⁵.

²⁴ Disaster Risk Reduction Country Document: St Vincent and Grenadines, 2014, UNISDR.

- National Environmental Management Strategy.

- National Hazard Mitigation Policy.

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 **National Emergency and Disaster Management Act, 2006** lays the statutory foundation for the issuing of disaster alerts. A Schedule of attached to the Act sets out alert timeframes for certain disasters, particularly tropical storms and volcanic eruptions. In addition to a procedure for declaring a disaster alert, the Act sets out a process for declaring an agency that has particular technical expertise to be an Accredited Disaster Notification Service, for the purposes of a particular type of disaster.

Early warning systems in St. Vincent and the Grenadines are further developed and described at the level of policies and plans. The National Disaster Plan identifies early warning systems under three sub-plans:

- The **Hurricane Plan** includes a detailed system of advisories and warnings for various types of storm and flood events. These are first issued by the Meteorological Office at the international airport. Officially, the National Emergency Management Organisation issues two types of early warnings to the public: Cautionary using the mass media and cellular phone networks to issue emergency warnings.
 - Cautionary Warnings involve the use of a single flag flown from a local police station, in both urban and rural areas, as well as community loudspeakers and mass media advertising.
 - A Final Warning involves doubling the flags flown from police stations, and adding of five-minute long auditory signals through the ringing of church bells and the blowing of sirens. This will also be accompanied by mass media announcements.

In addition to radio and television public service announcements, cellular phone providers also issue announcements through text messages across their networks. Prior to any official warning, information on impending storms will likely

25 Disaster Risk Reduction Country Document: St Vincent and Grenadines, 2014, UNISDR, p.81.

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be issued via the media through the Meteorological Office. The activation of the National Emergency Operations Centre is designed against the backdrop of an early warning system that activates a phased disaster alert and coordination process from 72 hours prior to the impact of a tropical storm. NEMO will begin the process of alerting various functionaries and members of the NEOC at this point.

- The **Volcano Plan** references the early warnings²⁶ that will be issued by the Soufriere Monitoring Unit and the University of the West Indies Seismic Research Unit, prior to the eruption of the Soufriere Volcano. The successful implementation of the plan is predicated on the evacuation of at-risk communities, which depends on these early warnings being issued.
- The **Flood Response Plan** includes similar provisions for early warning as the Hurricane Plan, requiring the early involvement of the Meteorological Office and NEMO. However the Flood Response Plan gives greater details of the mobilization required by state entities and communities, in relation to flood prone communities, and the National Disaster Coordinator is required to maintain a 24-hour hotline for receiving disaster-related information. A list of vulnerable communities is listed in the plan.

Through communications and disaster coordination networks in the Eastern Caribbean, any early warnings issued through the NEMO will be communicated to CDEMA as well as the Eastern Caribbean Donor Partner Group. This will facilitate the inclusion of UN agencies and other regional donors in the disaster response process. There are other communications networks facilitated by SVG's membership in CARICOM and the Organisation of Eastern Caribbean States. Through these and other public sector and media communications channels, news of any disasters having a potential extra-territorial impact will be communicated to other Eastern Caribbean territories.

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 ICRC 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 with 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.

²⁶ National Disaster Plan, 2005, p.75.

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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.

As the IDRL guidelines indicate, the effective mobilization of post-disaster humanitarian relief requires clear statements from a recipient country as to (a) the declaration of a disaster; (b) the impact of the disaster and quantification of loss; and (c) the scope of relief being requested.

The laws and policies of St. Vincent and the Grenadines allow for the declaration of an emergency, as well as a disaster. Both declarations have different levels of impact. An emergency can be declared under the **Constitution of St. Vincent and the Grenadines**, read in conjunction with the **Emergency Powers Act**. Under these provisions, the government may declare a state of emergency under a range of extraordinary circumstances, including a public emergency resulting from volcanic eruption, hurricane, earthquake, flood, fire, outbreak of pestilence or of infectious disease or other calamity²⁷. Other types of crises can also result in a state of emergency if they pose a significant threat to public safety. A declaration of emergency can be made by the Governor General, but can lapse as soon as seven days unless it is approved through a resolution of the House. The latter resolution can give effect to a state of emergency for as long as twelve months, and can be extended by further resolutions.

²⁷ Constitution of Saint Vincent and the Grenadines, 197, s. 17(2).

Under the Constitution, during the course of a state of emergency, laws can be enacted that derogate from the ordinary protection of personal liberty that is provided by the constitution. This will allow for the introduction of powers of detention and arrest that would not normally be deemed constitutional. Section 15 of the Constitution places some limitations on the powers of detention used in an emergency, but these are still less rights-friendly than the constitutional protection that is ordinarily available outside of an emergency period. During an emergency, constitutional protection from discrimination can also be suspended, once this is deemed reasonably justifiable for dealing with the circumstances that exist at the time. For these reasons, the use of emergency powers ought to be limited.

Under the National Emergency and Disaster Management Act, 2006, a disaster can be declared at the discretion of the Minister with responsibility for disaster management. The Act defines a disaster as follows:

“an actual or imminent situation, whether natural or otherwise, which requires a significant and coordinated response and is caused by an occurrence such as volcanic eruption, earthquake, hurricane, flood, tidal wave, landslide, fire or epidemic and which causes or threatens to cause widespread loss or damage to property, widespread loss of human life, injury or illness to human beings, or damage to or degradation of the environment, but excluding events occasioned by war or military confrontation”

This definition can include a wider range of circumstances than those leading to the declaration of emergency powers, and can include an imminent or pending disaster. The objective of a declaration of disaster is prompt a disaster management response, i.e. to facilitate the exercise of disaster management powers under the Act, ‘to prevent or minimize loss of human life, illness or injury to humans, property loss or damage or damage to the environment’²⁸. The declaration of a disaster can apply to the entire country, or can be limited to a geographical area.

While the derogation of constitutional protections and freedoms is far less prominent during the declaration of a disaster, it can give rise to certain extended state powers. Freedom of movement can be limited through evacuations, the exclusion of persons from particular areas or the imposed limitation of access to certain roads or parts of the country²⁹. These powers fall within the purview of the Minister with responsibility for disaster management, and can be practically implemented through the Director of NEMO or the Royal SVG Police Force. They will ordinarily require an Order or subsidiary legislation to put these powers into effect, however, for the sake of expedience and if time is insufficient to allow for subsidiary legislation to be published, the Minister may give effect to the power to evacuate a community or exclude persons from a physical area by issuing written or oral instructions³⁰.

5.2 Initiating International Disaster Relief

National Mechanisms and Procedures for Initiating International Disaster Relief

The procedures for initiating disaster relief can be seen to be triggered in law through the use of a disaster declaration under s.32 of the **National Emergency and Disaster**

²⁸ National Emergency and Disaster Management Act, 2006, s.31 (1) (b).

²⁹ National Emergency and Disaster Management Act, 2006, ss. 33-34.

³⁰ National Emergency and Disaster Management Act, 2006, s.40.

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Management Act, 2006. This is a ministerial declaration that officially determines the date and time a disaster takes effect and the area affected by a disaster. While the declaration is required to be published in the Gazette as soon as practicable, it does not require such publication in order to take effect. A disaster that has been put in effect for a certain period can be extended by Notice in the Gazette. Under s.37 of the Act, it is a criminal offence for an unauthorised person to make, extend or end a declaration of a disaster.

Once a disaster has been declared, the National Emergency Operations Center becomes the focal point of strategic national coordination of the disaster response, under the direction of the Director of NEMO. Based on any damage assessment and needs analysis information processed by the NEMO, the Director consults with the Ministry of Foreign Affairs in order to make an official request for foreign assistance.

The first point of activation of extra-territorial relief as named in the National Disaster Plan is the Regional Response System. This activation is done by the Director – in consultation with the Minister of Foreign Affairs – ‘once it has been ascertained that the impact of the event is beyond the capacity of the country to cope’³¹.

Principles for Initiating International Disaster Relief

The principles on which foreign assistance is initiated under the laws and policies of St. Vincent and the Grenadines can be seen to create boundaries and limitations, regulating in particular ad hoc donors or unsolicited donations. The basis of this principle is described in the Management of Donations and Relief Supplies annex to the **National Disaster Plan**, in the following way:

“the government recognizes that external donations can overwhelm the capacity of NEMO to respond effectively to a disaster and is interested in averting this.”³²

The Plan goes on to state what appears to be the premise of the above position:

“In the aftermath of any disaster, relief goods received by the affected country have certain hidden costs which must be borne by the host. These costs have been estimated by the UN at US\$4.00 for every US\$1.00 dollar (sic) of aid received and consisted of transportation, security, storage, sorting and the disposal of unwanted items.”³³

The aim behind the integration of foreign disaster relief is therefore the avoidance of public waste through having to manage unsolicited and unwanted donations or donations of questionable value. This factor undergirds the approach in law and policy to the inclusion of foreign assisting actors in a disaster relief effort. The resultant principles by which foreign assisting actors are included can be described as follows:

Donation by Solicitation: The preferred approach of the National Disaster Plan is that donations should be in response to requests for external assistance, made formally through the Ministry of Foreign Affairs, in consultation with the Director of NEMO. Donations should be matched against a circulated list of needs, developed based on damage assessment processes. The onus is on the government machinery to circulate such lists through diplomatic channels and/or donor coordination groups.

³¹ National Disaster Plan, 2005, p.10.

³² National Disaster Plan 2005, Annex 5: Management of Donations and Relief Supplies, p.91.

³³ National Disaster Plan 2005, Annex 5: Management of Donations and Relief Supplies, p.91.

Inclusion by Permission: The National Emergency and Disaster Management Act in s. 27 requires ‘an agency, organisation or person who wishes to assist in disaster management’ to first seek the permission of the Director of NEMO. The authorization then comes with the caveat whereby assisting actors are required to comply with any instructions given by the Director. Even disaster actors who are exercising powers under the Act are required to consult with the Director beforehand, unless they are exercising a power under another law, or such consultation is difficult based on urgency or logistical issues. This centralizes the coordination of relief efforts, and ensures that any relief organisations on the ground are in the country at the authorization of the state.

Information Sharing: As foreign actors are included by permission, information sharing becomes more of a mandatory consideration. NEMO, for example, is required to meet with and debrief foreign assisting actors upon their arrival in the country. Conversely, foreign assisting actors are required to develop and submit a work plan to the Director of NEMO.

Coordination: Similarly, NEMO is expected to coordinate foreign assisting actors, appointing a local coordinator to work with all external relief agencies³⁴ and preparing work programmes for incoming teams³⁵. The coordinator then provides routine updates to the National Emergency Operations Centre on the operations of foreign assisting actors.

Facilitation: Implicit in the above quote is that the NEMO takes responsibility for facilitating foreign assisting actors who are in country by invitation and thereby become part of the national relief coordination network.

Accountability: Accountability requirements apply to both the donor and the recipient. Foreign assisting actors are required to adhere to the relief and distribution policies of the state, as established by the Director of NEMO. The state commits itself under the National Disaster Plan to provide accountability systems to such donors, including auditing the expenditure of funds received from them³⁶, and submitting reports to donor organisations.

Implicit in the National Disaster Plan is that the nature of facilitation and coordination experienced by a foreign assisting actor may depend on the nature of the organisation, and its prior relationship to the comprehensive disaster management machinery operating within the country. Priority is given to those entities that form part of the regional response system. This is described further below.

Initiating Relief through Public and Treaty Bodies

Through the Eastern Caribbean Donor Partner Group³⁷, there can be coordination of efforts and mobilization of support whether or not an official declaration of a disaster is made. The group is co-chaired by the United Nations, and includes all major bilateral and multilateral funders working in disaster relief within the Eastern Caribbean. This allows the country to streamline communications to potential donor partners who are already active in the region. The group is required to keep track of impending

³⁴ National Disaster Plan, 2005, p.8.

³⁵ National Disaster Plan, 2005, p.10.

³⁶ National Disaster Plan, 2005, p.10.

³⁷ This section was co-developed for this report and the Grenada IDRL report, and is repeated there in nearly identical language.

Initiating International Disaster Relief

hurricanes and storms, and to this end can begin to mobilise 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. This represents a system of integrated donor partnership that is effective throughout the Caribbean, particularly for the annual hurricanes and tropical storms that are the most common – and predictable – potential hazard.

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 entities, the Red Cross represents 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 SVG Red Cross sits on several of the country's disaster coordination committees, and will thus be an integral part of the national mobilization of disaster relief support. Through its local warehouses, capacity development activities and ongoing mobilization of volunteers, the Red Cross is viewed as a significant resource in the immediate aftermath of a disaster.

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, 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.

As discussed in the preceding section, SVG policy seeks to specifically discourage and limit the incidence of unsolicited donations. Further, even for items that are needed as part of the relief effort, the stated policy preference is for purchasing items on the local market so as not to damage the island's small private sector interest by flooding the market with local goods³⁸. Effective collaboration with and facilitation of private and civil society donors will involve the state providing clear and descriptive information on the specific scope and content of relief resources that are required from foreign donors, and updating that information from time to time. Foreign assisting actors are then required to make appropriate references to the information issued by the state – through diplomatic and other channels – that will indicate the nature of relief resources that are required at a given time. For private donors, civil society groups and individual volunteers, therefore, coordination with SVG embassies and consulates in their home territories and/or with their government's embassy or consulate in SVG would be the

³⁸ National Disaster Plan, 2005.

most effective mechanism for targeting and integrating their relief efforts strategically. Groups seeking to provide assistance in small or ad hoc ways can benefit from partnership with those civil society entities who are included in the ongoing disaster management process, such as service clubs, the SVG Christian Council or the SVG Red Cross.

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. This becomes a key modality for the inclusion of military relief in SVG's sovereign territory. The RSS operates at both the CARICOM and OECS levels. Part of the RSS is a Disaster Relief Unit, through which military, police and fire brigade support from the region may be mobilized and deployed in the immediate aftermath of a disaster to provide first response services.

Outside of these regional facilities, persons interviewed do not recall any military operation involving international military forces in St. Vincent, nor any instance in which military relief would have been initiated by the SVG government.

5.3 Terminating International Disaster Relief

The mechanisms used to initiate international disaster relief are equally useful in the termination of relief. For example, the emergency powers available to the government under law are typically accompanied by the power to revoke the declaration of an emergency, and such emergencies are time bound and have expiry periods built into the Constitution. The National Emergency and Disaster Management Act similarly requires the issuance of a ministerial notice declaring the end of a disaster once it is no longer necessary to exercise disaster powers under the Act.

It is not clear, however, what facilities may continue to apply to international or local relief actors after the termination of disaster declaration. In particular, it is not clear from the disaster law or plan whether special waivers or exemptions would continue to apply during more long-term recovery and rehabilitation efforts. Once a Comprehensive Disaster Management law is developed it should more fully address these aspects of the disaster planning cycle.

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 Improving the Initiation and Termination of International 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. Related to this is the need for regulatory clarity on when and how evacuations will be effected.
- 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. Practically, this could involve the use of communication tools (e.g. internet and social media) as a strategy to ensure that global and/or diaspora requests are more targeted and effective.
- c. 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. Examples from post-Hurricane Ivan Grenada give an indication of the lack of coordination that can result from not having a clear chain of command or common disciplinary procedures when multiple security or military groups are involved.
- d. There is a need for clarified procedures on terminating the disaster relief period, and identifying and communicating any changes in legal status or facilitation that will result from such termination. Once the disaster response moves from relief to recovery and rehabilitation, will the waivers, exemptions and special considerations listed in the National Disaster Plan continue to apply, even in modified form?

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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

As a party to the Vienna Convention on Diplomatic relations, SVG recognizes and extends diplomatic status to a number of foreign governments and treaty bodies. This convention is incorporated in local law through the **Diplomatic Privileges and Immunities Act, 1989**. There are a number of foreign missions and other applicable

entities that have worked in SVG on projects related to comprehensive disaster management, and thus have an operational history in the country. These include the United Nations, through the UN Office for Disaster Risk Reduction (UNISDR) and the UN Development Programme (UNDP), as well as the European Union, through its European Commission's Humanitarian Aid and Civil Protection department (ECHO).

Other bilateral, multi-lateral and regional organisations (e.g. WHO/PAHO and US, UK, Canadian and Australian Development Funders) have funded or managed DRR projects in SVG. They have access to legal and/or diplomatic recognition within the country, and may participate in coordination groups such as the Eastern Caribbean Donor Partner Coordination Group. This status provides them access to donor coordination mechanisms and information sharing in the pre and post disaster context.

The SVG Red Cross is recognized under its own act, and has corporate legal status under SVG law.

6.2 Legal Status of Foreign NGOs and Corporations

In order for any entity – being a corporation or non-profit organisation – to become recognized under the laws of SVG, there are a number of registration options under the **Companies Act of 1994**:

- An entity can register as a local company under the Companies Act, which does not place any restrictions on the scope and type of business undertaken, once they remain legitimate within the laws of the land. A company can be formed by one or more persons, being at least of the age of 16, and there are no limitations within the Act on the nationality of the incorporator. The company can have its annual meetings conducted in any country – once its articles allow for this – but must have a registered office within the state of SVG³⁹. However under the **Aliens (Landholding Regulation) Act**, a foreign company, or a company owned or controlled by foreign nationals, must obtain a licence before the company can own land, or an interest in land, in SVG.
- A non-profit company can also be formed under the Act⁴⁰, but there are added requirements. The non-profit's articles must be approved by the Attorney-General prior to registration and its business must be restricted to a “patriotic, religious, philanthropic, charitable, educational, scientific, literary, historical, artistic, social, professional, fraternal, sporting or athletic nature” or “the promotion of some other useful object”. A non-profit company must have a minimum of three directors, and those directors can develop detailed bye-laws governing the arrangements of the company, within its not-for-profit purposes.
- The Act also facilitates the registration of foreign-based or ‘external’ companies to do business in SVG. The external company should register under the Act before starting to carry on any business in SVG. Activities such as having an office in SVG from which a company regularly transacts business or having assets in SVG which it uses to do business or make a profit are included in the Act's definition of circumstances that should give rise to such registration. In the registration process the company will be required to submit key information, including its incorporation instruments, the address it will have in SVG and the business it intends to carry on within the country. A power of attorney should be submitted, identifying a local

³⁹ Companies Act, 1994, s.175.

⁴⁰ Companies Act, 1994, Part III, ss.330.

party who will accept notices on behalf of the company. Before approving registration, the Registrar may place limitations on the powers that the external company may exercise within SVG, and the authorities also have the power and discretion to refuse registration of any company. During its operation, the registered external company will need to file documents with the Registrar, including informing the state whenever there has been any significant changes in (e.g.) its name, address, shareholders etc. Through the Minister of Legal Affairs the requirement for registration may be waived, allowing an external company to conduct business in SVG without registering under the Companies Act.

In addition to carrying on its business or engaging in profits in SVG, a foreign corporation – or individual – may not readily own land in the country without first acquiring regulatory permission. This limitation is established by the **Aliens (Land-Holding Regulation) Act**, which requires the prospective landowner to obtain a licence. The licence is processed through the office of the Prime Minister, via a detailed application process that requires several personal details and records of the applicant, including Police Records, bank references and a medical report.

6.3 Recommendations Regarding 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 Easter Caribbean Donor Partner group could automatically benefit from legal facilities, simplified procedures and exemptions (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 and awareness building on the legal status of the Red Cross is an area that requires ongoing attention. This should include joint NEMO/SVGRC presentations to senior officials in the wider government on the content of the Geneva conventions and related documents and the Red Cross' role as an auxiliary to government.

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

For most non-nationals, entry visas are not required prior to visiting the country, but are processed by immigration officials upon arrival. Such visitors must show a valid passport and return ticket, and will be provided with a visitors permit. The visitors permit allows for a non-national to remain within the country, usually for a period of one month that can be extended for up to one year from arrival. Citizens of any of the Organisation of Eastern Caribbean States are allowed to live and work in the country indefinitely, and persons holding a CARICOM skilled nationals CSME certificate are issued with a six-month permit in the first instance, renewable through the Ministry of National Security.

There are some countries whose nationals require visas prior to entry. They include nationals of the Dominican Republic, Iran, Iraq, Jordan, Lebanon, Nigeria, People's Republic of China and Syria. Applications are made to the Ministry of National Security in SVG, but can be processed via fax.

Entry and Exit Taxes and Fees

A departure tax of EC\$50.00 is levied against persons leaving the country; however this is sometimes included in the cost of airline tickets.

Work and Residency Permits

Any non-national wishing to be employed in SVG, or to conduct business while there, must obtain a work permit. These requirements are set out in the **Foreign Nationals and Commonwealth Citizens (Employment) Act, 1979**, and applications are processed through the Office of the Prime Minister. While the work permit typically lasts for one year, a non-national wishing to reside and work within the country for longer than six months must also apply for a Residency Permit. Applications for work permits must typically include proof of employment, in the form of an employer's letter or (for persons who will be going into business) proof of registration/incorporation of a company. Residency Permit applications will need to be accompanied by police, banking and medical records, and they are submitted to Cabinet for approval.

Residents of the OECS and persons registered as skilled CARICOM citizens will have easier access to long term residency within SVG, based on OECS and CARICOM treaties, respectively.

Recognition of Professional Qualifications and Licensing Arrangements

There are several regulations and laws under which professionals who could be involved in a disaster relief effort are regulated. These include the following:

- Chief Engineers Act.
- Land Surveyors Act.
- Medical Officers Act.
- Medical Registration Act.
- Nurses, Midwives and Nursing Assistants Act.
- Professions Licensing Act.
- Veterinary Surgeons Act.

While the nature of disasters that St. Vincent has faced in the past make it unclear how foreign professionals would be treated locally, there is an argument for including clear provisions in the disaster law that provide temporary and conditional terms on which such skilled volunteers could provide needed services. These should be weighed with the need to protect the population from unsafe practices. One approach would be to encourage and facilitate regional volunteers, who could provide skills and/or supervise their international counterparts.

Drivers' Licences

Visitors can receive a temporary driving permit from police headquarters and/or at any port of entry in the Grenadines. An application for a driving permit requires the applicant to have a valid driver's licence from their country of residence.

Freedom of Movement

Under the **Constitution**, freedom of movement can be curtailed during an emergency. The **National Emergency and Disaster Management Act, 2006** also facilitates limitations to the freedom of movement during a disaster or disaster alert. This can facilitate evacuations and/or limited access to disaster areas.

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; and
 - 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

Several of the types of goods often included in relief supplies, such as food or household items, are ordinarily taxed under the **Customs Duties Act and Customs Regulations**. Goods originating in a CARICOM member state will typically be assigned a lower rate of duty than those originating outside of the region. The **Customs (Control and Management) Act** gives the Minister the discretion to grant exemptions from customs duties to any person entering the country, as he or she sees fit⁴¹. The exemption can apply in totality, or as a discount applied to reduce the total amount of the duties payable. The Cabinet has the added discretion to apply a refund to a party who has already paid duties on goods⁴².

In addition to specific waivers under the customs laws, the **National Disaster Plan** provides, for the waiver of all duties and fees once a disaster has been declared. The Plan does not specifically indicate the legislative source of such a waiver, however the **Duties and Taxes Exemption in the Public Interest Act** would provide such statutory authority. Under that law Cabinet may, if it deems same to be in the public interest, grant immunity to any person or class or category of persons from all or any duties or taxes. This waiver can include conditions.

While the exemption from taxes or duties at the policy level does not specifically speak to the type of donor, it may be inferred that unsolicited donations would be least likely to benefit from such incentives. The **National Disaster Plan** specifically discourages unsolicited donations for the harmful impact that an excess of free goods may have on the island's small commercial sector.

Outside of a declared disaster, the **Diplomatic Immunities and Privileges Act** provides certain missions with tax exempted importation privileges.

Should a foreign assisting actor for any reason fall outside the scope of any duty waivers provided, the range of applicable fees can include (in addition to customs duties):

- Taxes payable under the **Excise Tax Act**, for items such as motor vehicles and types of fuel. According to the list of goods and applicable tax rates in the First Schedule to the Act, these excisable items attract between 35% and 50% tax.
- Taxes payable under the **Value Added Tax Act**.
- Special additional levies are imposed on uncertain aerated beverages, or beverages in non-returnable (non-recyclable) bottles under the **Imported Aerated Waters (Special Levy) Act** and the **Environmental Levy Act**, respectively.

In addition to fee payments, the **Import and Export (Control) Regulations, 2008** identifies a listing of food items, toiletries, hardware and furniture for which import licences are needed. For some of these lists, no licence is needed for goods originating in OECS and/or CARICOM countries. Licences are processed through the Ministry with responsibility for trade, and the application attracts a stamp duty of \$5.00.

In order to access customs duty and tax exemptions under the National Disaster Plan, the shipment must be consigned to the NEMO. This means the goods within the shipment will be in the custody of the NEMO, and will be subject to their distribution arrangements. The preferred approach is therefore for donors to liaise with NEMO

⁴¹ Customs (Control and Management) Act, s.69.

⁴² Customs (Control and Management) Act, s.71.

prior to shipping goods, as opposed to trying to shift arrangements while the goods are in port. The latter is often done, due to lack of clarity among diaspora and other private donors on the specifics of disaster relief logistics requirements. Established donors however will either work from their own tax exempt status or integrate their plans with NEMO.

Medicines and Similarly Restricted Products

Within the context of disasters, medicinal shipments are typically consigned to the Ministry of Health or the NEMO, thus triggering state-initiated testing, cataloguing, storage and distribution of pharmaceuticals. The preference of the Ministry of Health matches the stated principles of the National Disaster Plan for local procurement and cash donations. Through its established partnership with the Pan-American Health Organisation (PAHO), SVG's Ministry of Health typically receives relief in the form of cash paid directly to suppliers, following its own procurement processes. This allows the country the freedom to mobilise the quantity and type of goods that match disaster needs precisely, using trusted and known brands and suppliers.

Concerns have been raised, however, regarding the ad hoc importation of medicines, hospital supplies and equipment by civil society. It is not uncommon for persons within the diaspora to donate medicines, hospital equipment and other products, some of which may be incompatible with existing protocols and practices within the health sector. Both the Ministry of Health and Bureau of Standards have raised concerns regarding the importation, distribution or use of unlabeled or expired medication, a risk that is heightened during a disaster period. This points to a need for public education in order to combat the cultural acceptance of self-diagnosis, drug sharing and other potentially harmful practices. The integration of donations into the national health procurement system (e.g. making cash deposits to suppliers to fund the cost of supplies procured from time to time by the Ministry of Health), would further reduce the risk of inappropriate medical supplies being sent into the market.

Removing, Disposing or Re-exporting Unused Goods

The National Disaster Plan puts policies and procedures in place for the disposal of unused or unwanted relief goods by the state. With the permission of donors, the state will auction unused items to the local commercial sector in large lots and use the proceeds to purchase or barter for goods that are needed. Small-scale bartering has been done in the past (e.g. exchanging items that are nearing their expiry date for others with a longer lifespan), however the preference to date has been to distribute unused items through national and NGO welfare or social programmes, or to re-appropriate goods to other government departments. This would avoid the costs of re-exportation and other strategies.

The SVG policy preference is for donations to be made in cash, allowing the national disaster coordination mechanism to purchase items on the local market. This is done through pre-existing, competitively secured contracts whereby goods are only delivered after the damage assessment information is quantified. This will aid in preventing wastage and ensuring that goods acquired meet the precise needs of the particular disaster event.

Foreign assisting actors should be able to re-export their own goods. No export licence is needed for the majority of exported items. Alternatively, goods can be stored in the state-owned warehouses or those owned by non-state entities such as the SVG Red Cross, and used in or for other disaster events.

7.3 Use of Animals in Disaster Relief Efforts

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

There is no clear legal framework for the entry of dogs into the country as part of a disaster relief team. However it may be assumed that the legislative systems that facilitate the waiver and/or expedition of entry requirements for personnel and supplies within the public interest can by extension apply to animals.

7.4 Disaster Relief and Recovery Equipment

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

Licences and Barriers to Importation or Use of Vehicles and Equipment

Motor vehicles and other heavy duty equipment imported as part of a relief crew's resources may attract duties under the **Excise Act** and, if the vehicle is over 4 years old, a surcharge under the **Customs Duties Act**⁴³. These are subject to three potential types of waivers:

- exemptions applicable to certain types of utility vehicles under customs legislation,
- exemptions applicable under Customs laws for items that are to be re-exported
- the generalized waivers that can be applied to all disaster relief goods and equipment under (e.g.) **Duties and Taxes (Exemption in the Public Interest) Act**.

It should be noted that where any duty on a motor vehicle is waived under the **Duties and Taxes (Exemption in the Public Interest) Act**, the transfer of that vehicle within four years of importation can result in the re-imposition of the original tax. A public interest waiver would then need to be sought in relation to the transferee, if the circumstances merit same.

Under the Customs **(Control and Management) Act**:

- A permit is needed from the Cabinet in order to import a vehicle that is driven from the left side.
- A permit is needed from the Ministry of Agriculture to import a chainsaw.

⁴³ See the 2008 Amendment to the Act, which puts in place new schedules and rates.

Telecommunications Equipment and Radio Frequency⁴⁴

Under the **Customs (Control and Management) Act** an importer of any radio or television transmitting equipment must first obtain a licence from the Minister with responsibility for communications. These requirements are further detailed under the **Telecommunications (Spectrum Management) Regulations 2007**. These regulations establish a Commission to manage the spectrum, assign radio frequencies and monitor their use. The terms of these regulations are similar for the Eastern Caribbean organisations that subscribe to the Eastern Caribbean Telecommunications Authority (ECTEL). The regulations recognize the regulatory jurisdiction of ECTEL in SVG, as well as ECTEL's Regional Radio Spectrum Plan and the Regional Plan of Frequency Allocation. Special consultations with appropriate bodies are envisaged in the event of the use of the spectrum for police, military or public security matters, or for civil aviation.

The **Telecommunications (Spectrum Management) 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, however, after consultation with ECTEL. Depending on time frames involved, this may be more relevant to a longer term disaster response initiative.

At the policy level, foreign assisting actors will find an established Emergency Telecommunications Sub-committee, which has ongoing roles and functions under the **National Disaster Plan**. This committee is chaired by the Telecommunications Officer, and has representatives from the Airports, Ports and Police. Members of the committee include ham radio clubs, as well as other telecommunications and media organisations, such as providers of telephone, cable and television services. Through this plan, as well as the **National Emergency and Disaster Management Act**, ham radio clubs are included in the planning and roll-out of various disaster relief and response activities, and are included in disaster management structures at all levels. This should facilitate ease of coordination among regulators and private or public users, when reliance on these systems is required.

Re-Exporting Equipment

SVG does not impose export duties on goods leaving the country, nor will the state require a licence or permit for re-exporting goods or equipment⁴⁵.

⁴⁴ Some parts of this section were co-developed for the Grenada IDRL Report, and are repeated there in near identical language.

⁴⁵ Export licences are needed under the Import and Export (Control) Regulations (Schedule 3) for exporters of lobster and conch.

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.

The **National Disaster Plan** provides for the waiver of duties for incoming relief items by decision of Cabinet. However there is a wider provision under the **Duties and Taxes (Exemption in the Public Interest) Act**, whereby Cabinet can grant a waiver of any or all duties and taxes to any person or category or class of persons. This waiver can apply generally, or in relation to a particular transaction, event or obligation, and can be attached to conditions which, if breached will nullify or reverse the waiver.

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.

On the ground and inter-island transportation of relief goods is coordinated under the **National Disaster Plan**. The main modality used is for the use of contracts with private rental and equipment companies, to make various vehicles available for use during an emergency. Similarly, commitments are made by public sector entities having a fleet of vehicles to make these available to the NEMO during a disaster event. This has worked effectively in the past, particularly in the immediate aftermath of a disaster event when other government functions are suspended or reduced. Standard contracts are included in the annexes to the National Disaster Plan, however at the time of writing there are no set MOUs in place for trucks or other equipment.

Motorcycle clubs and other private citizens do provide a high level of input during a disaster, and are able to extend the relief distribution chain to parts of the country that are remote, or which have been cut off. The role of these clubs are written into the National Disaster Plan.

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.

The National Emergency and Disaster Management Act envisages a role for national police personnel in the implementation of disaster management efforts. This is particularly relevant to evacuations and the limitation of access to disaster areas. Under the National Disaster Plan, the Royal Police Force of Saint Vincent and the Grenadines is tasked with more detailed and specific security roles, including:

- Arranging security where emergency supplies are being stored.
- Protecting life and property and preventing vandalism.
- Controlling traffic, particularly in relation to disaster areas and hospitals.
- Crowd Control.

The Royal Police Force covers all national security requirements, including police, military and firefighting services, and is 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.

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.

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

3. Affected States should allow assisting States and eligible assisting humanitarian organizations to legally hire and terminate the contracts of local personnel.

The facilities identified above for the legal status of foreign assisting actors would likely apply to any longer term relief effort. Otherwise, foreign assisting actors are at times encouraged to work in partnership with local NGOs or other counterpart organisations that already have a presence in country. In addition, the NEMO is organized to facilitate authorized donor entities who can access to the NEOC, and may (under the terms of the National Disaster Plan) be facilitated and housed through the NEMO. As the SVG's disaster coordination experience has largely involved CDEMA, the Red Cross and donors who already have a presence in the region, there is no history of facilitating foreign donors in significant donors.

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.

Arrangements for extended hours have been reflexively made in the post-disaster context and some government services have been expedited to facilitate foreign assisting actors. The latter is more likely to occur for donors who are part of the NEOC and/or for shipments that come in the name of the NEMO.

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.

Once a donor integrates its efforts with the NEOC, access to state resources for transportation, security and logistics becomes expected. Cost of supplying relief (e.g. fuel

costs) from members of the CDEMA sub-region may be covered by CDEMA or billed to the SVG government. This is typically arranged by agreement.

The responsibility for underwriting the cost of disaster relief has, in the past, placed an unnecessary burden on the SVG government. This arises in relation to the inefficient use of transportation or equipment, or through the cost of collection of inappropriate or unnecessary goods. Examples of such inefficiencies or unnecessary costs have included having to pay fuel for vessels that are sent half-empty; or to pay trucking costs for collecting supplies that are later discovered to have expired; or to pay shipping costs for containers of used and in some cases unusable goods that are sent cash-on-delivery. The policy preference for cash donations is in part designed to avoid these issues.

7.9 Recommendations Regarding the Entry of Relief Goods, Equipment and Personnel

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 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.
- 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 volunteers, who should be able to access a member country at no cost, through civil society or NDO mobilization of volunteers⁴⁶. Such a Regional/Sub-Regional Roster of Skilled Emergency Volunteers may need to be developed at the CARICOM and/or OECS level.
- c. 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. These should state the conditions and timeframes for which persons who are skilled and certified in their home jurisdiction can function temporarily and voluntarily in the post-disaster context.
- 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 Plan. This can be integrated in the country's Comprehensive Disaster Management Strategy, which should place reporting duties on the civil society organisations engaged in disaster planning and relief distribution.
- e. There is the need for clear guidelines and SOPs for the temporary importation for cadaver/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.

⁴⁶ 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.

Entry and Distribution of Goods and Supplies

- a. There is a need for commonly available guidelines for accessing waivers related to a disaster relief effort. Any special requirements – such as the need to consign goods to the local NEMO – should be readily available.
- b. There is a need for common and/or commonly available technical guidelines 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 NEMO. The importance of having clearly labelled pharmaceuticals, and sending goods well before their expiry dates should be underscored in communication and public education.
- c. There is a need for clear communications strategy targeting diaspora groups and emphasizing why the national policy preference for cash-based donations is so critically important to sustainable development. This should be evidence-based, highlighting the cost to the government of clearing, storing and sorting unsolicited and inappropriate goods (e.g. cumulative brokerage fees), as well as the potential cost to the economy of shipping in ‘free’ items that are manufactured locally (e.g. undermining of water bottling companies). Case studies of the international organisations that use cash-based donations (e.g. highlighting the PAHO/MOH partnership) and how local procurement can secure the best goods at the best prices, can help to allay any fears regarding the use of funds.
- d. There is a need for documenting and publicizing any technical specifications regarding equipment and supplies, as well as the types of construction materials that are used by the Ministry of Health in its reconstruction programmes. This documentation should emphasize the provisions of the National Disaster Plan that allow for bartering unused or inappropriate supplies with (for example) local hardware stores and other commercial entities.
- e. There is a need for documented specifications and mapping of logistics resources, for the information of existing and new donor entities. Sharing information on the growing network of warehouses and the inventory management systems that are currently in place could help to secure diaspora support for cash donations, or integrating their ad hoc relief effort through the diplomatic service or with other agencies within the formal coordination mechanism.

**International Disaster Response Law (IDRL) in
St. Vincent & The Grenadines**
A Desk Review on Legal Preparedness for International Disaster Response

Chapter 8

Gaps and Recommendations

8.1 Institutional and Policy Framework

- a. The SVG National Disaster Plan is the most detailed presentation of how foreign assisting actors may be facilitated. The principles on which the plan is based create a sound, comprehensive and effective framework for relief facilitation. However, it is not always clear what laws support the various provisions of the plan, nor what legal provisions ground the waivers and other powers within the plan. This could leave ambiguity regarding the extent to which the plan binds the state, or may be overlooked at the preference of a head of state/NEMO director. Those legislative provisions that exist to facilitate international disaster relief goods, equipment and personnel are scattered across several laws and regulations, which can result in lack of clarity, predictability or certainty. Consideration should be given to moving from informal discretionary systems to special waivers and contingency measures that are grounded in disaster legislation, and which reflect IDRL and sustainable development principles. For example, the statement in the plan allowing the government to waive taxes, fees and duties once a disaster has been declared should be included in legislation.
- b. SVG's disaster plans and laws have strategically integrated several private sector, non-government and civil society groups to support various aspects of disaster relief coordination. This ranges from using contracts to secure relief goods, transportation and warehousing services which are delivered as and when needed, to integrating media and telecommunications companies in early warning systems, and ham radio and bikers clubs in relief coordination. Volunteer groups, including service clubs and the church, are also specifically included. However strategic these efforts are, they do not necessarily provide a clear mechanism for integrating international civil society with local civil society, nor a process for registration and monitoring of international donors. Further, the use of MOUs and supply contracts can be undermined by weaknesses in the procurement system, and the absence of a guaranteed payment deadline or schedule in the draft MOUs. It is recommended that these systems be strengthened and formalized in order to create greater predictability in the deployment of resources in the future.
- c. While the disaster plan and law cover several of the disaster events that constitute the greatest risk for SVG, they are not written with a comprehensive disaster management or community risk resilience results in mind. SVG forms part of CDEMA's Comprehensive Disaster Management strategy and results framework, and is in train to upgrade its laws and policies with these goals in mind. Such a framework should provide an integrated context for grounding IDRL principles in law, with clear parameters for facilitating and regulating international relief and assisting actors. IDRL or Humanitarian Relief laws and regulations are recommended, and should be done by creating a local adaptation of both the CDEMA Model Law on Disaster Management and the IFRC Model IDRL Legislation.
- d. 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.

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- e. SVG should have an International Disaster Relief Management sub-component of its Disaster Committees. This Committee should be specifically 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.

- f. Consideration should be given to assigning an International Humanitarian Assistance (or International Disaster Relief) Coordinator within the NEMO. 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.
- g. There is a clear need for strengthened communication with actual and potential donors, such as through internet-based resources. 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. This should include procedures for international relief actors to access legal and other facilities, as well as guidance from NEMO on the best methods and modalities for giving to SVG's ongoing or crisis-based disaster and emergency management needs. These could outline the accountability principles guiding the country's disaster coordination machinery, as well as a clear and concise explanation of the policy preference for cash-based assistance. With the level of interest shown by the diaspora in the past, these types of communication efforts would be helpful in streamlining the inevitable supply of small and ad hoc donations, and encouraging compliance with the overall goals of the country's disaster response mechanism.
- h. 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.
- i. A conflict or dispute resolution mechanism would be a useful inclusion in the National Disaster Plan, as there is currently no formal mechanism for hearing grievances and complaints outside of appealing to political figures. An internal

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grievance mechanism could assist in establishing the fairness and accountability with which the coordination mechanism seeks to give effect to its roles and duties. Communication systems should also be used to reduce the misconceptions and unhelpful public practices surrounding disaster relief management.

- j. There is some indication of overlapping or competing roles and responsibilities during the relief phase, particularly where new or ad hoc donors take on specific tasks. There is a need for communicating more effectively the public-private partnerships that currently work well (e.g. with organisations such as the Red Cross or ADRA), as well as the need to ensure a coordinated approach to disaster management and relief coordination.
- k. The communication and training systems around disaster relief coordination should be widened beyond the net of persons who have disaster liaison functions. Personnel across the government sector should be tutored on the content and principles of the Disaster Plan, to ensure that all state actions are in alignment with this key policy document.
- l. There should be a strengthened focus on risk management and analyzing the social impact and development implications of all disaster-related actions. This will emerge more specifically once discussions on Comprehensive Disaster Risk Management Laws and Procedures are advanced.
- m. 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. Related to this is the need for regulatory clarity on when and how evacuations will be effected.
- 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. Practically, this could involve the use of communication tools (e.g. internet and social media) as a strategy to ensure that global and/or diaspora requests are more targeted and effective.
- c. 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. Examples from post-Hurricane Ivan Grenada give an indication of the lack of coordination that can result from not having a clear chain of command or common disciplinary procedures when multiple security or military groups are involved.
- d. There is a need for clarified procedures on terminating the disaster relief period, and identifying and communicating any changes in legal status or facilitation that will result from such termination. Once the disaster response moves from relief to recovery and rehabilitation, will the waivers, exemptions and special considerations listed in the National Disaster Plan continue to apply, even in modified form?

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 Easter Caribbean Donor Partner group could automatically benefit from legal facilities, simplified procedures and exemptions (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 and awareness building on the legal status of the Red Cross is an area that requires ongoing attention. This should include joint NEMO/SVGRC presentations to senior officials in the wider government on the content of the Geneva conventions and related documents and the Red Cross' role as an auxiliary to government.

8.4 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 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.
- 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 volunteers, who should be able to access a member country at no cost, through civil society or NDO mobilization of volunteers⁴⁶. Such a Regional/Sub-Regional Roster of Skilled Emergency Volunteers may need to be developed at the CARICOM and/or OECS level.
- c. 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. These should state the conditions and timeframes for which persons who are skilled and certified in their home jurisdiction can function temporarily and voluntarily in the post-disaster context.
- d. There are limited systems for monitoring organisations and personnel, and no clear process for evaluating the effectiveness of the accountability systems outlined in

⁴⁶ 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.

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the National Disaster Plan. This can be integrated in the country's Comprehensive Disaster Management Strategy, which should place reporting duties on the civil society organisations engaged in disaster planning and relief distribution.

- e. There is the need for clear guidelines and SOPs for the temporary importation for cadaver/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.

8.5 Entry and Distribution of Goods and Supplies

- a. There is a need for commonly available guidelines for accessing waivers related to a disaster relief effort. Any special requirements – such as the need to consign goods to the local NEMO – should be readily available.
- b. There is a need for common and/or commonly available technical guidelines 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 NEMO. The importance of having clearly labelled pharmaceuticals, and sending goods well before their expiry dates should be underscored in communication and public education.
- c. There is a need for clear communications strategy targeting diaspora groups and emphasizing why the national policy preference for cash-based donations is so critically important to sustainable development. This should be evidence-based, highlighting the cost to the government of clearing, storing and sorting unsolicited and inappropriate goods (e.g. cumulative brokerage fees), as well as the potential cost to the economy of shipping in free items that are manufactured locally (e.g. undermining of water bottling companies). Case studies of the international organisations that use cash-based donations (e.g. highlighting the PAHO/MOH partnership) and how local procurement can secure the best goods at the best prices, can help to allay any fears regarding the use of funds.
- d. There is a need for documenting and publicizing any technical specifications regarding equipment and supplies, as well as the types of construction materials that are used by the Ministry of Health in its reconstruction programmes. This documentation should emphasize the provisions of the National Disaster Plan that allow for bartering unused or inappropriate supplies with (for example) local hardware stores and other commercial entities.
- e. There is a need for documented specifications and mapping of logistics resources, for the information of existing and new donor entities. Sharing information on the growing network of warehouses and the inventory management systems that are currently in place could help to secure diaspora support for cash donations, or integrating their ad hoc relief effort through the diplomatic service or with other agencies within the formal coordination mechanism.

Appendix

A. List of Laws Related to Disaster Management in St. Vincent and the Grenadines Reviewed

1. Aliens (Landholding Regulation) Act
2. Companies Act, 1994
3. Constitution of St. Vincent and the Grenadines
4. Custom Duties Act
5. Customs (Control and Management) Act
6. Customs Regulations
7. Diplomatic Privileges and Immunities Act, 1989
8. Duties and Taxes (Exemption in the Public Interest) Act
9. Emergency Powers Act
10. Environmental Health Act
11. Environmental Levy Act
12. Excise Tax Act
13. Foreign Nationals and Commonwealth Citizens (Employment) Act, 1979
14. Import and Export (Control) Regulations, 2008
15. Imported Aerated Waters (Special Levy) Act
16. National Emergency and Disaster Management Act, 2006
17. Pesticides Act
18. Police Act
19. Telecommunications (Spectrum Management) Regulations 2007
20. Town and Country Planning Act
21. Value Added Tax Act

B. List of Government Agencies and Other Organisations Participating in Validation Process

1. National Emergency Management Office
2. Caribbean Disaster and Emergency Management Agency
3. St. Vincent and the Grenadines Red Cross
4. Ministry of Education

Appendix

5. Ministry of Foreign Affairs & Trade
6. Ministry of Health
7. Ministry of Housing
8. Ministry of Legal Affairs (representing the Attorney General)
9. Bureau of Standards
10. Immigration and Customs Department
11. Salvation Army
12. Lion's Club of St. Vincent and the Grenadines
13. Rotary Club of St. Vincent and the Grenadines



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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