



Fact Sheet

CARICOM Institutional and Legal Framework for Regional Humanitarian Response in case of Disaster

20 September 2017

This document has been prepared to provide information to Red Cross and Red Crescent National Societies, the IFRC and their partners on the CARICOM institutional and legal framework for regional humanitarian response in case of disaster, which is currently being tested in the context of the response to Category 5 Hurricane IRMA and Category 4 Hurricane MARIA that strongly impacted the Caribbean region.

It describes (I) the Regional Response Mechanism (RRM)¹ currently being implemented by the Caribbean Disaster Emergency Management Agency (CDEMA), and (II) highlights the 2008 “Agreement establishing CDEMA” salient provisions on facilities to be provided to Assisting Participating States’ humanitarian personnel and equipment in case of appeal for humanitarian assistance from an Affected Participating State.

It is relevant for humanitarian assistance being deployed in response to Hurricanes IRMA and MARIA in the following most affected jurisdictions covered by CDEMA: Anguilla, Antigua and Barbuda, Bahamas, Dominica, Haiti, Montserrat, St. Kitts and Nevis, Turks and Caicos Islands, Virgin Islands.

Background

Considered as one of the most powerful hurricanes to hit the Americas, Category 5 Hurricane IRMA has caused widespread devastation across the Caribbean region. Packing winds of 295 km/h, it impacted several Eastern Caribbean countries over 6-13 September 2017. Preliminary reports on initial damages and needs assessments indicate that most affected territories include the CDEMA Participating States of Anguilla, Antigua and Barbuda, Dominica, Haiti, Montserrat, St. Kitts and Nevis, Turks and Caicos Islands, Virgin Islands, and outside of the CDEMA Participating States: Saint Martin, St Maarten, Saint Barthélemy and Cuba.

Since 18 September 2017, another major Category 4 Hurricane MARIA with sustained winds speed of 250 km/h is bringing new misery to the Eastern Caribbean previously affected by Hurricane IRMA, devastating the CDEMA Participating States of Dominica, Montserrat, St. Kitts and Nevis, and outside of the CDEMA Participating States, the territories of Martinique, Guadeloupe, and Puerto Rico.

¹ Based on the information provided in the CDEMA Booklet on the RRM.



Disaster response systems have been activated at all levels, mobilizing notably, *at the national level*: countries' EOC and National Red Cross and Red Crescent (RCRC) Societies; *at the regional level*: CDEMA Coordinating Unit (CDEMA CU), Regional Security System (RSS), Caribbean Public Health Agency (CARPHA), Caribbean Development Bank (CDB), Caribbean Institute of Meteorology and Hydrology (CIMH); *at the international level*: UK AID, USAID/OFDA, Governments of Canada, European Commission, European Civil Protection and Humanitarian Aid Operations (ECHO), Pan American Health Organizations (PAHO), UN Agencies including IOM, UNDAC, UNWomen, UNICEF, WFP, as well as RCRC Partner National Societies and the IFRC, which issued Emergency Appeals for Antigua and Barbuda, Saint Kitts and Nevis, Cuba and Dominica. Emergency Plan of Actions have also been issued for the Dominican Rep. and Haiti.

I. Regional Institutional Framework for the *coordination* of humanitarian assistance and response in case of disaster

- The Caribbean Disaster Emergency Management Agency (CDEMA)² was established by the **2008 Agreement** as the **regional inter-governmental agency for disaster management** in the Caribbean Community³ (CARICOM). Enjoying international legal personality, it is tasked with **coordinating regional and international assistance efforts and serving as intermediary with other governmental and non-governmental actors in the provision of relief.**
- CDEMA membership is based on an *opt in* system, open to CARICOM member States and CARICOM associate States (as listed in the Annex of the 2008 Agreement), as well as to other States within the Caribbean region upon recommendation for membership by the CDEMA Management Committee of the Council (MCC)⁴. To date, the 18 CDEMA Participating States include: Anguilla, Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts & Nevis, Saint Lucia, St. Vincent & the Grenadines, Suriname, Trinidad & Tobago, Turks and Caicos Islands, Virgin Islands.
- CDEMA's main objectives are: **(i)** mobilizing and coordinating disaster relief; **(ii)** mitigating or eliminating immediate consequences of disasters in Participating States; **(iii)** providing immediate and coordinated response by means of emergency disaster relief to any affected Participating State; **(iv)** securing, coordinating and providing to interested inter-governmental and non-governmental organizations reliable and comprehensive information on disasters affecting any Participating State; **(v)** promoting the adoption of disaster loss reduction and

² The Agency was originally established in 1991 as CDERA (Caribbean Disaster Emergency Response Agency) with primary responsibility for the coordination of emergency response and relief efforts to Participating States that require such assistance. It transitioned to CDEMA in 2009 to fully embrace the principles and practice of Comprehensive Disaster Management (CDM).

³ Member States of CARICOM include: Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Lucia, St Kitts and Nevis, St Vincent and the Grenadines, Suriname, Trinidad and Tobago. Associate Members include: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Turks and Caicos Islands.

⁴ 2008 Agreement establishing CDEMA, art. 4.



mitigation policies at national and regional levels, as well as cooperative arrangements and mechanisms to facilitate the development of a culture of disaster loss reduction; and **(vi)** coordinating emergency disaster response capabilities among Participating States⁵.

- CDEMA adopted the **Regional Response Mechanism (RRM)**, which has been fully activated in response to Hurricanes IRMA and MARIA. The RRM is an evolving set of arrangements for the **coordination of disaster response among CDEMA signatory States, regional and international agencies**.
- The RRM is based on the collaboration and cooperation of CDEMA and key regional organizations including the Eastern Caribbean Partner Donor Group (ECPDG), the Eastern Caribbean Partner Donor Group/Disaster Management (ECPDG/DM), the North Western Caribbean Donor Group (NWCDG), the Regional Security System (RSS) as well as other international partners, including UN agencies and the IFRC. The RRM rests on Agreements, MoU and Protocols for the provision of assistance to CDEMA Affected Participating States.
- The RRM is executed by the **CDEMA Coordinating Unit (CDEMA CU)** on behalf of CDEMA Participating States. Within the CDEMA CU, the **Regional Coordination Centre (RCC)** is the central focal point within the CDEMA response system for the coordination and management of any declared emergency or disaster event in an Affected Participating State.
- In the framework of the RRM and upon receipt of assistance request, **CDEMA solicits and coordinates humanitarian assistance from governments, organizations and individuals both within and outside the region**.
- The extent to which CDEMA involves in disaster response operations in Participating States depends on the severity of the situation, as well as of the type of assistance required by the Affected Participating State. Three levels of regional response are being defined: *Level I* – no regional response required; *Level II* – limited or specialized regional response; *Level III* – full activation of regional response (currently activated in the context of the response to Hurricane IRMA).
- CDEMA is divided into **four sub-regions, each one being led by a Sub-Regional Focal Point (SRFP)**: The North-Western Sub-Region led by Jamaica, the Eastern Sub-Region led by Antigua and Barbuda, the Southern Sub-Region led by Trinidad and Tobago, the Central Sub-Region led by Barbados. Each sub-region relies on a Disaster Emergency Response Operational Unit and warehouses to maintain basic levels of first response items.

⁵ *Ibid.*, art. 5.



- CDEMA also operates through its **RRM Response Units** including: **(i) the CDEMA Technical Support Teams** which consists of a pool of disaster management specialists from across the 18-member States to provide technical expertise on EOC Management, Relief Supply Management, Logistics and Damage Assessment. Countries requiring assistance after an event can request one or more specialists, one or more teams. **When teams are deployed to an impacted State, they come under the command of the NEOC of that State;** **(ii) the CARICOM Disaster Relief Unit (CDRU)** which mission is to conduct disaster response and relief operations on behalf of CDEMA in support of any Participating States stricken by a natural disaster. Its main task include the management of relief supplies, emergency telecommunications and the provision of appropriate personnel for repairing critical lifeline facilities; **(iii) the Rapid Need Assessment Team (RNAT)** which is the mechanism for the initial, independent verification of the impact of a disaster event in an affected country and which provides the information for the necessary early response by external agencies; **(iv) the Regional Search and Rescue Team (RSAT)** which conducts urban light-level search operation in teams of six persons to support local SAR teams of the affected State.

- Based on the framework of the RRM described:
 - **CDEMA is currently coordinating the response and humanitarian assistance with national authorities (NEOC), regional and international organizations providing humanitarian assistance;**
 - Based on the information gathered and shared by the CDEMA Participating States' NEOCs, **CDEMA provides lists of priority needs in terms of emergency relief supplies and regular updates on the situation in each country affected by the disaster;**
 - **CDEMA informs on actions that are being undertaken at all levels of response, national** (notably by NEOCS, Red Crescent and Red Cross National Societies), **regional** (notably by the CDEMA CU), **and international** (notably by Global Affairs Canada, DFID/UK, OIM, PAHO, UN OCHA, UNDP, UnWomen, WFP, IFRC). All information being included in a Situation Report ([Situation Report No. 9 on Hurricane IRMA](#); [Situation Report No. 2 on Hurricane MARIA](#)) accessible through the CDEMA website (www.cdema.org);
 - In an effort to purchase locally relief supplies and support early recovery, CDEMA launched on 15 September 2017 a campaign to collect monetary donations through the [CDEMA Hurricane Relief Fund/Emergency Assistance Fund \(EAF\)](#).

To avoid delays or rejection by local authorities while providing humanitarian assistance to the affected States covered by CDEMA, it is recommended that international humanitarian organizations



ensure a proper coordination of their operations, both at regional and national levels, with the CDEMA CU and NEOCs.

II. Regional Legal Framework for the *provision of humanitarian assistance in case of disaster*

- Pursuant to the 2008 Agreement establishing CDEMA, the Affected Participating State requesting assistance from another Participating State shall provide to its humanitarian personnel and equipment certain **facilities, privileges and immunities** for the performance of the humanitarian mission⁶.
- It is worth mentioning that the facilities contemplated in the Agreement apply to Assisting Participating States within the CARICOM region, **international humanitarian organizations being excluded from the scope of application of the Agreement**⁷.
- The facilities to be granted by an Affected Participating State requesting assistance from another Participating State include:
 - To the extent of the Affected Participating State capabilities, local facilities and services for proper and efficient administration of communication assistance. In particular, it shall be ensured that any ground stations brought into the territory be duly licensed to transmit and receive information;
 - Guarantee of ownership and facilitations for prompt return of equipment and materials dispatched;
 - Protection of personnel, equipment and materials;
 - Privileges, immunities and facilities for the performance of the mission of the Sending Participating State personnel acting on its behalf;
 - Immunity from arrest and detention, immunity from legal process “in respect of words spoken or written and of all acts and omissions in rendering assistance” for the Sending Participating State personnel acting on its behalf;
 - Exemptions from taxes, duties and other charges for the Sending Participating State personnel and equipment to fulfill the humanitarian mission;
 - Facilities to the entry, stay and departure shall be granted to such personnel;
 - Immunity from equipment seizure;

⁶ *Ibid.*, art. 27.

⁷ Article 20 of the Agreement provides that “CDEMA [its Executive Director] may conclude agreements with governmental, inter-governmental and non-governmental organizations or agencies in order to achieve its objectives”.



- Facilitation to access to medical care in case of injury.
- The competent authority and contact point authorized to make requests for and accept offers of assistance is the Head of the National Disaster Management Agency. The CDEMA CU shall immediately inform Participating States and relevant international organizations.
- It is the CDEMA Executive Director who, after consultation with the Requesting Participating State, determines the period of response to the disaster.

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