



WORKSHOP REPORT

Strengthening Legal Frameworks for Disasters in the Pacific



Background

The Workshop on Strengthening Legal Frameworks for Disasters in the Pacific was held from 23rd – 24th October 2015 in Suva, Fiji. It was organised by the International Federation of Red Cross and Red Crescent Societies, in partnership with the Secretariat of the Pacific Community (SPC), the Office for the Coordination of Humanitarian Affairs (OCHA) and United Nations Office for Disaster Risk Reduction (UNISDR)

The workshop brought together Pacific National Disaster Management Offices (NDMO) representatives from 12 countries, Leadership from Pacific Red Cross societies and regional organisations such as Pacific Island Forum Secretariat (PIFS) and the Pacific Island Law Officers Network (see Annex One for full Participants List)

The programme (see Annex Two for the Workshop Programme) included thematic presentations and discussions in three key areas i) policy and legal preparedness for international disaster assistance in the Pacific, ii) strengthening disaster risk reduction in the law in the Pacific, and iii) legal and policy issues related to shelter assistance in disasters in the Pacific. The workshop came up with discussion points and recommendations in these areas and also developed a regional framework for strengthening legal and policy preparedness for international disaster assistance and cooperation in the region. It is proposed that these “Regional Guidelines for International Disaster Assistance and Cooperation in the Pacific” be submitted to next year’s Pacific Island Foreign Ministers Meeting for approval before being submitted to the Pacific Island Forum Leaders Meeting in 2016 for final regional endorsement.

Workshop Report

Welcome

Aurelia Balpe, Head of the Pacific Multi Country Office for the International Federation of Red Cross and Red Crescent Societies welcomed government, Red Cross and regional organisation representatives from across the Pacific to the Disaster Law Workshop. Aurelia highlighted the need for continued close collaboration between all actors in the room to strengthen domestic legal and policy frameworks for disaster risk management. She stressed that Pacific Island countries are disproportionately affected by natural disasters, and while there are many initiatives in resilience and preparedness what is often overlooked is the area of legal preparedness. Not only can strong laws help to save lives in a disaster, but they can also contribute to building stronger, safer, more resilient communities. This workshop, she said, is an important milestone in a process over many years, which followed the commitment of Pacific Islands Forum Leaders at their 43rd annual meeting calling upon member countries to “*consider the International Disaster Response Law Guidelines... and to take appropriate measures to strengthen their national policy and institutional and legal frameworks in collaboration with their National Red Cross Societies, IFRC, the UN and other relevant partners.*” Such commitments were also voiced at the recent World Humanitarian Summit Pacific Regional Consultations which were held in Auckland earlier this year.

Session One:

Overview of the International Legal Framework for Disaster Risk Management and the role of the Red Cross

Gabby Emery, the IFRC Disaster Law Programme Coordinator for the Asia Pacific gave an overview of the international legal framework for disaster risk management and some common disaster law issues that often play out during response situations. She also gave an introductory overview of the technical areas of Red Cross expertise on disaster law and some of the tools available to assist Pacific Governments in law and policy reviews, namely the [International Disaster Response Law Guidelines](#) (IDRL Guidelines) which seek to assist governments strengthen their legal preparedness for international disaster response operations and also the [Disaster Risk Reduction and Law Checklist](#), which is a useful tool in assisting government officials and parliamentarians to assess their own legal and policy frameworks for reducing disaster risk.

During this session she also touched on the role and mandate of Red Cross to work in the area of disaster law and provided government representatives with some background on the International Conference of the Red Cross and Red Crescent Movement which has granted this international mandate to the Red Cross ever since 1867, where the components of the Red Cross and Red Crescent Movement have met periodically (usually every four years) with the state parties to the Geneva Conventions at the [“International Conference of the Red Cross and Red Crescent”](#) in order to examine and decide upon humanitarian matters of common interest. Every State in the Pacific is now a party to the Geneva Conventions, and so the entire region is represented at this event. The next International Conference of the Red Cross will be taking place this year, 8 – 10 December 2015 in Geneva, Switzerland.

Starting in 2003, the International Conference also took up, as an ongoing issue of concern, how to strengthen legal preparedness for the management and facilitation of international assistance in the face of non-conflict disasters. Such laws and rules are commonly referred to as “international disaster response laws, rules and principles” or simply “IDRL”. In 2007, [Resolution 4](#) of the 30th International Conference adopted the “Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance” (also known as the “IDRL Guidelines”). In 2011, [Resolution 7](#) of the 31st International Conference reiterated the urgency of IDRL as well as requested the IFRC and NSs to support states on a broader range of disaster law issues such as disaster risk reduction (DRR) and the law, as well as, regulatory barriers to transitional and emergency shelter.

At this year’s conference, participants (including all Pacific States and Pacific Red Cross societies) will be invited to consider a further resolution on [strengthening legal frameworks for disaster response, risk reduction and first aid](#). In addition to the resolution, there will be a commission (workshop) dedicated to this subject and also a Pacific Disaster Law Side Event on disasters law taking place in the margins of this global conference, and Pacific representatives were encouraged to actively participate in these events and continue to show their commitment and support on disaster law issues, both through the development of national or regional pledges and to champion the disaster law resolution.

Turning to the issue of progress on disaster laws in the Pacific, Gabby highlighted that the region had seen steady progress on the legal and policy framework for more effective disaster risk management in the Pacific, but much more remains to be done. Since 2011, Red Cross has been supported **four** technical reviews for legal preparedness for international disaster assistance in the Pacific, in Samoa,

[Tonga](#), Cook Islands and [Vanuatu](#). So far, however, this has only resulted in legal/policy change in the Cook Islands. In late 2014, the National Council of the Cook Islands adopted new “standard operating procedures” for managing incoming disaster assistance based on advice emerging from a project by the Cook Islands Red Cross. Legal change (on international disaster assistance) in the Kingdom of Tonga is also on the cards by the end of the 2015 in the form of IDRL Regulations and Samoa is also hopeful to have a new mechanism in place in due course. During the TC Pam response in Vanuatu, the IFRC Pacific Humanitarian Diplomacy & Disaster Law Delegate, Finau Limulua, had also supported the Government of Vanuatu to develop some Standard Operating Procedures to better regulate and coordinate the international disaster assistance flowing into the country, and will now work with the Government of Vanuatu to see how such procedures can be better integrated into the domestic framework.

Turning to Disaster Risk Reduction and the Law, the recently developed DRR and Law checklist was used as part of the recent review of the Cooks Islands Disaster Law and Arrangements. IFRC encouraged all Pacific countries to also utilize this checklist when undertaking a review or assessment of national and local arrangements on disaster risk reduction.

Session Two:

Disaster Law Mapping Exercise in the Pacific

Workshop participants undertook a disaster law mapping exercise to identify and map out key laws and policies relevant to disaster risk management in their countries, including identifying relevant Red Cross laws. Participants were then asked to grade their domestic frameworks against three thematic areas:













- (i) Do laws /policies contain provisions to effectively facilitate and manage international disaster assistance?
- (ii) Do laws/policies adequately provide for/ promote disaster risk reduction?
- (iii) Do laws/ policies contain provisions related to the management of shelter assistance in times of disaster?














A traffic light system was then overlayed to mark progress against these three areas:




	Good inclusion in domestic laws and policies
	Partial inclusion – but more attention required
	No inclusion – urgent attention required





Country Name	Overarching Disaster Law /Policy	Red Cross Law	Thematic Areas and Ranking
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<p>Nauru</p>	<p>Disaster Management Act 2008 Disaster management Plan</p> <ul style="list-style-type: none"> • Defines roles and responsibilities for Police, NDMO and identifies types of hazards • DM arrangements in Nauru currently under review 	<p>No Red Cross-National Society in Nauru</p>	<p>International Assistance </p> <p>No international assistance provisions in law or policy – only have bilateral arrangements with Taiwan, Cuba and Australia</p> <p>DRR </p> <p>Making progress, more remains to be done</p> <p>Shelter </p> <p>No mention / provisions for shelter assistance in disasters in law /policy</p>
<p>Kiribati</p>	<p>National Disaster Act 1999 National Disaster Management Plan</p>	<p>Kiribati Red Cross Act 1999 (has provision for Red Cross role in DM)</p>	<p>International Assistance </p> <p>DRR </p> <p>Shelter </p>
<p>Vanuatu</p>	<p>National Disaster Act 2000 DDR and DM National Action Plan 2006 DDR/CCA National Policy</p> <ul style="list-style-type: none"> • National Disaster Act will be reviewed in 2016 (currently recruiting for consultant) 	<p>Vanuatu Red Cross Society Act 1996 (has provision for Red Cross role in DM)</p>	<p>International Assistance </p> <p>Have regional FRANZ arrangements IDRL Study complete for Vanuatu, however recommendations have not been implemented Have TC Pam International Assistance SOPs</p> <p>DRR </p> <p>Shelter </p> <p>Need to review TC Pam Report</p>
<p>Cook Islands</p>	<p>Disaster Risk Management Act Disaster Risk Management Arrangements 2009 joint national action plan (JNAP) comes to an end 2015 and now in process of developing a 2016 – 2020</p> <ul style="list-style-type: none"> • currently law/arrangements under review to be finalised 	<p>Cook Islands Red Cross Society Act 2002 (has provision for Red Cross role in DM)</p>	<p>International Assistance </p> <p>National Council adopted SOPs for international assistance in 2014</p> <p>DRR </p> <p>Progress made, however risk reduction approaches to be strengthened in law, not only policy</p> <p>Shelter </p>

	end of 2015, initial findings is that there are numerous gaps in legislation		Currently DRM Act has shelter provisions but needs reviewing
Palau	Disaster Risk Management Act 2010 <ul style="list-style-type: none"> The domestic DRM framework in Palau is currently being reviewed by SPC 	No Red Cross Law yet but Palau Red Cross has a seat on the international disaster committee	International Assistance  DRR  Shelter 
Tokelau	Emergency Management Act 2014 National emergency management rules National DM plan <ul style="list-style-type: none"> Tokelau does not have an NDMO or national disaster unit, but does have a national disaster committee which comes together <p><i>*note that Tokelau is a territory of New Zealand</i></p>	No Red Cross National Society in Tokelau	International Assistance  Have arrangements in place with NZ DRR  Shelter 
Samoa	Disaster and Emergency Management Act 2007 National DM Plan <ul style="list-style-type: none"> Have review of DM law and plan coming up in 2016 (led by SPC) 	Samoa Red Cross Act 1992 (has provision for Red Cross role in DM)	International Assistance  Have nearly completed IDRL study, looking to include recommendations in DM Law review process DRR  Shelter 
Tonga	Emergency Management Act 2007 Joint National Action Plan for DRM and CCA 2010	Tonga Red Cross Act (has provision for Red Cross role in DM)	International Assistance  Have completed IDRL study and now drafting regulations should be in place by end of 2015, DRR  Shelter 
Tuvalu	National Disaster Management Act of 2007	Tuvalu Red Cross Society Act 2008	International Assistance 

	National Strategic Action Plan for CC and DRM 2012 - 2016	(has provision for Red Cross role in DM)	DRR  Shelter 
Marshall Islands	Disaster Management Act 1987 Joint national action plan for DRR and CCA).	Marshall Islands Red Cross Act 2013 (has provision for Red Cross role in DM)	International Assistance  Compact of free association with US has provisions that the international assistance needs to request and the then the US would need to declare to provide assistance to the Marshall Islands. DRR  Have policy in place, but needs to be better integrated into law Shelter 
Federated States of Micronesia (FSM)	Disaster Relief Assistance Act 1989 FSM Compact (with US) FSM Standard Hazards Mitigation Plan 2005	Congressional Resolution 2000 (has provision for Red Cross role in DM)	International Assistance  DRR  Shelter 
Fiji	Natural Disaster Management Act 1998 National DM Plan 1995	No Red Cross Law (although Red Cross a member of the National Disaster Management Council)	International Assistance  DRR  Shelter 
Solomon Islands	National Disaster Council Act 1999 National Disaster Management Plan of 2010 <ul style="list-style-type: none">National disaster council Act and DM Plan is currently being reviewed	Solomon Islands Red Cross Act 1983 (has provision for Red Cross role in DM)	International Assistance  DRR  Shelter 
Papua New Guinea	Disaster Management Act 1984 National DM Plans	Papua New Guinea Red Cross Society Act 1986 (has provision for Red Cross role in DM)	International Assistance  DRR  Shelter 
New Zealand	Civil Defence and Emergency Management Act 2002 CDEM Guidelines International Assistance SOPS	No Red Cross Law -have legal status under Incorporated	International Assistance  Have international assistance SOPS, but nothing in law

	<ul style="list-style-type: none"> Review of acts and policy after 2011 earthquake, higher priority to risk reduction 	Societies Act and also role in Guidelines	<p>DRR </p> <p>Shelter </p>
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Session Three:

Introduction to key Disaster Law Concepts and Red Cross areas of Focus

i) Legal Preparedness for International Disaster Assistance

Finau Limuloa, the IFRC Pacific Humanitarian Diplomacy and Disaster Law Delegate, kicked off the session by giving an overview of why legal preparedness for international disaster assistance was important for the Pacific. She highlighted that the chances of Pacific Island countries requiring international assistance in the aftermath of a major disaster is very high. Managing such assistance can be extremely challenging. Unintentional red tape can tie aid efforts in knots, with urgently needed goods stuck behind “business as usual” procedures. On the other hand, gaps in national oversight over international efforts in the chaotic atmosphere after a disaster can result in poor quality, poor coordination and poor accountability. Finau gave an overview of the IDRL Guidelines, their main principles and how some countries in the Pacific have been looking to better integrate them into their domestic frame works. She also gave an overview of the types of support Red Cross can provide, including through technical assistance projects, drafting, and also emergency support to governments with legal / policy aspects of managing large disaster response operations. Finau stressed, however, that is important for Pacific countries to have strong domestic framework *before* a disaster strikes which sets out domestic procedures and expectations of international assistance. She was hopeful the session on day two of the workshop would result in template guidelines that could be endorsed in the Pacific.

Anthony Blake, the Pacific Island Emergency Management Alliance Officer, from the Secretariat of the Pacific Community (SPC) gave an overview of regional mechanisms for disaster response and coordination in the Pacific. Pre-2015 the focus in the Pacific was to translate Hyogo Framework for Action, Pacific Plan of Action and DDR/CCA into the national Climate Change and DRM plans. However, the post 2015 agenda also brings with it new approaches in the Pacific with governments looking at how implement the Sendai Framework for Action, the Pacific Plan for Regionalism and the Strategy for Resilient Development in the Pacific in a more integrated way, particularly in regard to climate change adaptation and disaster risk reduction. SPC and regional partners will be reviewing national DRM Legislation and Plans over the next 5 years.

Palau is the first country to be reviewed, and this will be followed by reviews in Fiji and Samoa. Anthony stated that international assistance provisions must be better reflected in Pacific laws and policy documents, as foreign aid continues to be key challenge for disaster response in the Pacific. Preconceived response plans can often be ill-equipped for the needs of the State in question and insensitive to local behaviours. Anthony noted that recent disaster responses demonstrate that foreign aid organisations (and assisting governments) can often exclude the host government from the decision-making processes.

Anthony discussed Cyclone Pam in Vanuatu as a case study in which the control centre included mainly foreign aid workers operating under the cluster system, which did not align with the local system. Although the government of Vanuatu had devised a plan for coordinating relief and response, this plan was not implemented in practice and the coordination structure caused great confusion. He concluded that existing domestic systems within each country should be built upon rather than ignored in times of crisis, and national governments should retain control over the disaster response process.

At the conclusion of his presentation, Anthony highlighted five main points:

- Need to respect sovereignty
- Need to work within pre-established country systems
- View government as the coordination lead for all aspects (all actors must share information)
- Respect country's traditions and culture, particularly with the sending of goods/ personnel.
Look at Pacific solutions first
- Governments must be empowered to lead the process

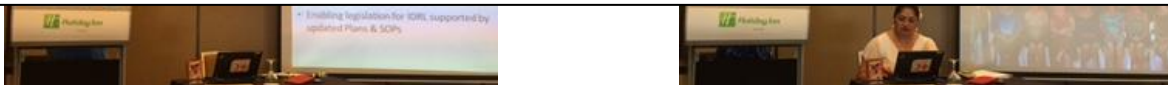
On the second day of the workshop Florent Chane from the recently opened World Food Programme (WFP) Office in Suva delivered remarks on logistics issues in the Pacific. Florent explained that the Suva office has opened to allow WFP to fulfil its mandate of lead cluster agency for Logistics and Telecom and to implement a coordination mechanism to bring together all the logistics initiatives and activities being undertaken today that currently remain little more than "ad- hoc". He reported that there is growing momentum in the Pacific to address logistics issues. Recent disasters in the region have highlighted again that although some progress has been made on logistics capacity, more remains to be done, particularly in the light of the needs and the difficulties existing in the Pacific due to geographical and remoteness factors, amongst other things. WFP is prioritising five countries in the region to strengthen logistics capacity, these are Fiji, Vanuatu, Samoa, Tonga and the Solomon Islands

Florent further stated that the Red Cross promotion of IDRL compliments WFP logistics focus, and he saw that much more could be achieved if we better coordinate our efforts in identifying common issues and propose coordinated solutions with partner governments and NDMOs. Many of the Logistics and Telecom issues WFP is working on resonate with IDRL. Florent gave some particular issues in the Pacific that need attention. The first being: **customs barriers and import of specialized equipment:** It can always be sensitive to import telecommunications equipment but with appropriate explanation of their usage and added value we can work on simplifying their import at times of disasters. **Unsolicited Bilateral Donations (UBDs) is** a challenging issue in the Pacific, Florent asked the group how we can better work together to manage this on arrival and more importantly, how can we raise awareness to avoid them from departing in the first place.

Group Discussion and Recommendations on Legal Preparedness for International Disaster Assistance in the Pacific

Discussion Points and Recommendations

- Surge support – international assisting actors need to commit to a longer period to assist, at least 3 – 6 months. Draining on capacity of small States to be repeatedly familiarising with domestic processes and bringing international actors up to speed
- Not one sizes fit all – in the Pacific international assistance needs to be in scale to the realities in the Pacific
- Accreditation - how to ensure pre accreditation/ registration of trusted organisations and actors in the region. Want to prioritise support from within the region first and from trusted local actors and their partners
- Need more formal mechanisms to facilitate manage international assistance, both to better coordinate internally and also externally
- Unsolicited Goods – how to engage with diaspora communities/ emerging donors to raise awareness/ educate on damage and bottle necks caused by unsolicited goods. Culturally difficult to say “no” in Pacific, more formal mechanisms for managing international assistance could empower the affected states
- Promote Pacific peer to peer exchange first in disaster response
- The host government needs to be empowered to coordinate
- **Overall recommendation:** Need to have standardised guidelines and mechanisms in place for the management and facilitation of international disaster assistance in the Pacific



*Left: Anthony Blake from SPC talking about international assistance and the Pacific and
Right: Fine Tu'itupou-Arnold , Cook Islands talking about using the DRR and Law
Checklist in the Cook Islands*

ii) Disaster Risk Reduction and the Law Checklist

The IFRC presented the Disaster Risk Reduction and the Law Checklist and also some of the main outcomes from the [Global Study](#) it had undertaken with UNDP, on how to strengthen risk reduction approaches in the law. This study found that there has been significant global progress in updating disaster management acts to include more focus on DRR and that a number of states had good examples to show of legal enhancements improving their effectiveness in reducing risks. However, there were also gaps, including with regard to the mismatch of significant responsibilities for the implementation of DRR activities mandated to local authorities without corresponding funds, lack of rules to ensure the engagement of communities and civil society organizations in decision-making about DRR, and a lack of inclusion of DRR approaches in key sectoral laws, including those related to land use, building permits, environmental protection and natural resource management. There were also significant gaps in the implementation of existing laws and few formal mechanisms available to ensure accountability and oversight when rules and mandates were not followed. Many of these issues also play out in the Pacific context.

In order to address such issue, IFRC and UNDP have developed a [Checklist on law and disaster risk reduction](#), which provides a prioritized and succinct list of ten key questions that lawmakers, implementing officials, and those supporting them need to consider in order to ensure that their laws provide the best support for DRR. The Cook Islands is one of the first countries in the world to pilot the checklist, and Cook Islands Red Cross Secretary General, Fine Tu'itupou-Arnold presented the main findings from the pilot study.

In her opening remarks, Fine stated that while the law can be a useful tool in disaster response management, in many micro-States in the Pacific Islands there is insufficient human capacity to enforce the existing laws and insufficient financial resources to implement these laws, as climate change resilience programmes are often underfunded. The Cook Islands was no exception. Very few countries in the Pacific have integrated disaster risk management principles into their national legislation across all sectors and states are limited in how they can respond to disasters due to the remoteness of many locations in the Pacific.

The Pacific has a strong history of self-reliance and community responsiveness, and many communities will seek to respond to disasters on a local level if they receive adequate support from the government. Local capacity is needed to respond effectively to disasters and communities should be included in decision-making processes. A bottom-up approach will ensure that disaster law is sensitive to local communities and their capacity. Any proposed disaster management strategy must incorporate local custom and traditions and build on existing decision-making structures within the community. She found that the checklist had been a really useful way to kick start the thinking and to assess where the gaps and opportunities are, including ensuring the participation of the community in decision making processes.

Group Discussion and Recommendations on Disaster Risk Reduction and the Law in the Pacific

Discussion Points and Recommendations

- The Pacific has a strong history of self-reliance and community responsiveness, and many communities will seek to respond to disasters on a local level. Examples of crop production, food preservation techniques
- Also newer methods for risk reduction being employed in the islands, including establishing early warning systems, cyclone-proof housing
- In order to manage risk, must understand it first – from the national level to the local level
- Need to compliment the resilience of local actors not strip them of their resilience
- Important to get the message across to all government ministries, local authorities that risk reduction is everyone's business – currently seen as the domain only of NDMOs
- Need to use the law to ensure funding allocated for risk reduction at the local level
- Need to raise awareness of importance of DRR with politicians and also the economic imperative to invest in risk reduction
- **Main recommendation:** DRR needs to be mainstreamed across all legislation and policy. There could be practical ways to ensure better mainstreaming like ensuring DRR is a prerequisite consideration, before permission granted on allocation of resources – need to ensure financial resources are allocated for DRM activities and that capacity is built on this particularly at the local level.

iii) Legal and Policy Frameworks for Equitable Shelter Assistance in the Pacific

Peter Lawther, the IFRC Pacific Regional Shelter Coordinator gave an overview of some of the typical types of legal and policy issues that present a barrier to effective shelter provisions in the Pacific.

Ownership and mainstreaming of Shelter within Governments. This is typically a stumbling block in response because shelter (and particularly emergency shelter) often does not readily fall into Ministerial mandates (as opposed to WASH, Health, Education etc). The result is that it often gets delegated to a Ministry that has little capacity (and at times appetite) to take it on board. The result is ill-prepared shelter responses that rely upon external support and lack government impetus once that support has gone. Hence national level shelter clusters struggle with sustainability. NDMO's have a large role to play in addressing this (ensuring shelter is included in policy and legal frameworks such as National Disaster Management Plans) and have to be resourced to do this both, as do NS in their auxiliary role to advocate, and perhaps co-lead shelter clusters. It should be noted that only 3 Pacific Island Countries have shelter clusters (with a fourth in formation), but regardless the needs apply across other Pacific countries as well.

Formalising the Pacific Shelter Cluster. The Pacific Shelter Cluster is technically made up of National level clusters. But if they are weak and disparate, then the regional collective is reflective of this. There is huge scope to take this forward but we need to build it on the back of ownership at the national level and have champions to take it forward. Those champions will most likely be cluster leads and co-leads. Again, NDMOs and NS have a role to play in this.

Preparedness. Shelter is consistently the biggest single ticket damage sector in monetary terms following natural disasters in the Pacific, usually far ahead of other sectors. Shelter normally accounts for a quarter of all monetary damage after a disaster, second only to tourism in the region and has long term implications in recovery. However, it also receives the least amount of funding for longer term reconstruction (as opposed to response). The prime reasons for lack of funding are complexity of implementation, land difficulties, private ownership seen to undermine resilience, and shelter being considered a non-economic asset (as opposed to say roads). Essentially, this means that shelter vulnerability is largely ongoing. So, given this, greater emphasis needs to be placed on personal shelter preparedness to reduce vulnerability. We have seen some progress here (e.g. Fiji) but far more needs to be done. Risk reduction and shelter is a policy issue that needs to be given more attention, both for Governments and NS.

Informal Settlements. Increasing rural-urban migration is a key issue for impact of disasters upon vulnerable people's shelter in the Pacific. Governments do attempt to address this issue (from a development perspective) which of course is not easy and cannot be resolved on the back of a disaster response. However, sustained emphasis on this issue is required to ensure adequate shelter and settlement solutions in response are being sought in an appropriate and equitable manner. For example, in Fiji we had a situation where the Government refused to provide assistance to informal settlements after TC Evan (leaving it NGOs), and in the Solomon Islands after the 2014 floods, the Government refused to allow people to return to unsafe areas, but without a solid alternative. Peter emphasises that this is a complex issue and will require more collective thinking and well thought through policy.

Group Discussions and Recommendations on Shelter Assistance in the Pacific

Discussion Points and Recommendations

- Shelter issues need to be given more priority in government policy and law and for shelter to be better taken into account in risk reduction/ preparedness thinking
- Land issues in the Pacific are complex and governments in the region will have to deepen thinking and engagement on transitional housing / shelter issues
- Management of shelters and evacuation centres, Pacific would also like more guidance on this
- Revise and contextualise building codes (integrating traditional methodology) into building codes Raise more awareness (community-based awareness) and capacity building

Session Four:

Development of Regional Guidelines for International Disaster Assistance and Cooperation in the Pacific and Next Steps

The second day of the workshop was dedicated to the development and negotiation of Regional Guidelines for International Disaster Assistance and Cooperation in the Pacific. The end of the session concluded with the workshop's endorsement of the guidelines (see annex four), it was agreed that these guidelines would be introduced at the Pacific Humanitarian Partnership Meeting the following week in Suva.

In order to ensure the needed political buy-in, was suggested to get endorsement of these guidelines through relevant regional mechanisms. The Pacific Island Forum Secretariat spoke of the growing recognition and importance placed on disaster risk management collaboration in the region. Nola Faasau, Legislative Drafting Officer, referred to the [2012 Pacific Island Forum Leaders' Communique](#) which endorsed and recommended utilisation of the IDRL Guidelines. Strengthening Pacific partnerships in disaster risk management was the main theme of this year's [Pacific Island Foreign Minister's Meeting](#). During this meeting Pacific Foreign Ministers reaffirmed the need to continue and enhance collaboration on disaster management arrangements including telecommunications, transportation and early warning systems as well as expand measures that would promote faster and better coordinated responses to events in the region. This included a commitment to strengthen legal and policy frameworks to better manage disaster response and recovery in the Pacific, in line with members' commitments under the Sendai Framework. This outcome statement was endorsed by Pacific Leaders at their 46th Pacific Island Forum Leaders Meeting in September of this year. Building on this regional momentum, it was suggested that the Regional Guidelines for International Disaster Assistance and Cooperation in the Pacific could be considered and endorsed at the 2016 Foreign Ministers Meeting and 47th Leaders Meeting. IFRC will continue to work with NDMOs and relevant regional organisations in the Pacific to take this forward.

The Draft Regional Guidelines are attached as Annex Three to this report.

Annex One: Participants List

Disaster Law Workshop 23 – 24 October 2015 PARTICIPANTS LIST			
	Name	Position/Organisation	Country
Country Reps			
1	Phoebe Wynn-Pope	Director IHL and Movement Relations, Australia Red Cross	Australia
2	Charles Carlson	NDMO	Cook Islands
3	Fine Tu'itupou-Arnold	Secretary General, Cook Islands Red Cross Society	Cook Islands
4	Eseroma Ledua	Disaster Management Coordinator, Fiji Red Cross Society	Fiji
5	Dr. Setareki Macanawai	Programme Coordinator, Fiji Red Cross Society	Fiji
6	Isao Frank	Executive Director, Micronesian Red Cross Society	FSM
7	Nena William	NDMO	FSM
8	Roland Couprie	WASH/DRR Project Manager, French Red Cross	France
9	Michael Foon	NDMO	Kiribati
10	Meaua Tooki	Secretary General, Kiribati Red Cross Society	Kiribati
11	Antonio Eliu	NDMO	Marshall Islands
12	Divine Waiti	Board Member, Marshall Islands Red Cross Society	Marshall Islands
13	Roy Harris	NDMO	Nauru
14	Celso Dageago	NDMO	Nauru
15	Caroline Preston	General Manager Humanitarian Services, New Zealand Red Cross	New Zealand
16	Tu Tangi	Senior Development Programme Coordinator, New Zealand High Commission, Suva	New Zealand
17	Clarence Masayos	Executive Director, Palau Red Cross Society	Palau
18	Priscilla Subris	NDMO	Palau
19	Allison Dage	Secretary General, PNG Red Cross Society	Papua New Guinea
20	Tautala Mauala	Secretary General, Samoa Red Cross Society	Samoa
21	Molly Nielson	NDMO	Samoa
22	Loti Yates	NDMO	Solomon Islands
23	Joanne Zoleveke	Secretary General, Solomon Islands Red Cross Society	Solomon Islands
24	Jewel Toloa	Tokelau Apia Liaison Office	Tokelau

25	Leveni Aho	NDMO	Tonga
26	Sione Taumoeofolau	Secretary General, Tonga Red Cross Society	Tonga
27	Olioliiga Iosua	Secretary General, Tuvalu Red Cross Society	Tuvalu
28	Jacqueline de Gaillande	Chief Executive Officer, Vanuatu Red Cross Society	Vanuatu
29	Shadrack Welegtabit	NDMO	Vanuatu
30	Wojciech Dabrowka	NDMO	Vanuatu
31	Michael Gloeckle	NDMO	Vanuatu
Regional/International partners			
32	Lorraine Kershaw	International Legal Advisor	PIFS
33	Nola Faasau	Legislative Drafter	PIFS
34	Kerryn Kwan	Secretariat Coordinator	PILON
35	Tema Buatok	Assistant Coordinator	PILON
36	Taito Nakalevu	BSRP Project Manager	SPC
37	Anthony Blake	PIEMA Officer	SPC
38	Noa Tokavou	DRM Officer, North Pacific	SPC
39	Elizabeth Tagi	Law Student	USP
40	Grace Henao	Law Student	USP
41	Florent Chane	Head of WRP Pacific Office	WFP
42	Kevin Vang	Consultant	World Animal Protection
IFRC & ICRC			
43	Anne-Maree Delany	Disaster Management/Health in Emergencies Delegate	IFRC, Suva
44	Gabrielle Emery	Asia-Pacific Disaster Law Programme Coordinator	IFRC, Suva
45	Valerie Hunnam	Federation Rep, North Pacific	IFRC, North Pacific
46	Leith Johnson	Disaster Management Coordinator	IFRC, KL
47	Navinesh Kumar	Advocacy & Communications Manager	IFRC, Suva
48	Peter Lawther	Pacific Regional Shelter Cluster Coordinator	IFRC, Suva
49	Finau Limuloa	Regional Humanitarian Diplomacy & Disaster Law Delegate	IFRC, Suva
50	Leimor Penjueli	Admin Support	IFRC, Suva
51	Christine Reddy	Regional Cooperation Officer	ICRC, Suva
52	Glenn Rose	Disaster Management	IFRC, Suva
53	Ahmad Sami (Sana)	Regional National Society Development Delegate	IFRC, Suva
54	Maraia Vanuaca	Admin Support	IFRC, Suva
55	Nicolas Verdy	Operations Coordinator	IFRC, KL
56	Natasha Verma	Disaster Management Officer	IFRC, Suva
57	Ma Wembo	National Society Development Advisor	IFRC, KL
58	Stephanie Zoll	Regional Disaster Management Coordinator	IFRC, Suva

Annex Two: Workshop Programme

**Strengthening Legal Frameworks for Disasters in the Pacific
Training Workshop
23rd – 24th October 2015
Holiday Inn, Suva, Fiji**

AGENDA

Day One – Friday 23 October 2015

0830 Registration and Coffee

0900 Official Welcome – Ms. Aurelia Balpe, Head of Pacific Multi-Country Office, IFRC

0915 Overview of international and regional disaster law frameworks with a special focus on Pacific arrangements –

International and Regional Developments in the Pacific – what commitments have been made? What more needs to be done?

Facilitator: Gabrielle Emery, **IFRC**, Anthony Blake, **SPC**

1000 Exercise: Mapping Disaster Law in the Pacific

Participants will be invited to map and rank their disaster law frameworks according to three main criteria – international disaster response law, risk reduction and shelter issues

Facilitator: Gabrielle Emery, Finau Limulua, **IFRC**

1030 Group Photo & Coffee break

1100 Legal Preparedness for International Disaster Assistance in the Pacific

What is this? Why is it relevant for the Pacific? Introducing Concept of Regional Mechanisms

Facilitators: Finau Limulua, **IFRC**, Anthony Blake, **SPC**: Case Study Vanuatu

1200 Using the DRR Law and Checklist in the Pacific

Facilitators: Gabrielle Emery, **IFRC**, Fine Tu'itupou-Arnold, **Cook Islands Red Cross**

1300 Lunch

1400 Legal frameworks for equitable shelter assistance during disasters in the Pacific

Facilitators: Peter Lawther, **IFRC**

1500 Group discussions and feedback on thematic areas

Group 1: Disaster Risk Reduction and Law Checklist

Group 2: International Disaster Response Law

Group 3: Regulatory Barriers to Shelter

Facilitator: Gabrielle Emery, Peter Lawther, Finau Limuloa, **IFRC**

1600 Coffee break

1630 Assessment presentations and discussion on disaster law in the Pacific

Presentation of key priorities, findings and recommendations from the three thematic discussions.

Facilitator: Gabrielle Emery, Finau Limuloa, **IFRC**

1700 Introduction of Draft Standard Operating Procedures for International Disaster Response Assistance in the Pacific

1730 End of Day

1800 Workshop reception

DAY 2 – Saturday 24 October 2015

0900 Opening and Recap from Day One

0915 Legal and Policy Preparedness for International Disaster Response in the Pacific –

Consideration of the Draft Standard Operating Procedures for International Disaster Response Assistance in the Pacific and thematic group discussion in the four areas

Group One: Initiation and termination of international disaster assistance

Group Two: Relief Goods: Customs barriers, unsolicited goods and specialized equipment

Group Three: Relief Personnel – visas/ transit and legal personality

Group Four: Certification, pre-registration of personnel

Facilitator: Gabrielle Emery, Finau Limuloa, **IFRC**

1030 Coffee break

11:00 *Thematic group analysis continues*

12:00 Next steps for International Disaster Assistance in the Pacific and partnerships on disaster law in the Pacific

Exercise where participants will have an opportunity to provide feedback on the draft SOPs as a document and identify next steps.

Facilitator: Gabrielle Emery, Finau Limuloa, **IFRC**, Nola Faasau, **PIFS**

12:45 Closing remarks

1300 Lunch

CLOSE OF MEETING

Annex Three: DRAFT Regional Guidelines for International Disaster Assistance and Cooperation in the Pacific

Regional Guidelines for International Disaster Assistance and Cooperation in the Pacific (DRAFT)

Guidance Note on Implementation

These Guidelines are a tool designed to support fast, effective and well-coordinated disaster response and coordination in the Pacific. These Guidelines will require domestic implementation both in domestic legal and policy frameworks. Technical support to guide domestic implementation is available from relevant regionally based organizations, including International Federation of Red Cross and Red Crescent Societies (IFRC), Pacific Island Forum Secretariat (PIFS), Secretariat of the Pacific Community (SPC), and Pacific Islands Legal Officers Network (PILON).

*These Guidelines draw on the Outcomes of the 2015 Pacific Island Forum Foreign Ministers Meeting, where Ministers **reaffirmed** the need to continue and enhance collaboration on disaster management arrangements including telecommunications, transportation and early warning systems as well as expand measures that would promote faster and better coordinated responses to events in the region. This included a commitment to strengthen legal and policy frameworks to better manage disaster response and recovery in the Pacific, in line with members' commitments under the Sendai Framework.*

This followed an earlier commitment of Pacific Islands Forum Leaders at their 43rd annual meeting which Called upon member countries to “consider the International Disaster Response Law Guidelines.... and to take appropriate measures to strengthen their national policy and institutional and legal frameworks in collaboration with their National Red Cross Societies, IFRC, the UN and other relevant partners.”

Article One: Purpose and Scope of the Guidelines.

- 1.1 These Guidelines seek to support the facilitation and regulation of incoming international assistance in disaster response in [country name] in order to enhance the expediency, effective coordination and quality of the disaster response and initial recovery operation.
- 1.2 The Government of [country name] has the primary responsibility to address the humanitarian needs caused by a disaster within its borders. The [country name] Red Cross Society and other domestic civil society actors play a key supporting role. International assistance when welcomed should be designed and implemented so as to be complementary to the efforts of these domestic actors, rather than displace them.
- 1.3 These Guidelines sets out procedures, roles and responsibilities related to the facilitation and regulation of International Disaster Assistance provided to [country name] in the event of a Disaster on its territory, as well as for International Disaster Assistance transiting through [country name]'s territory to aid another affected state.

Article Two: Definitions

For the purposes of these Guidelines:

“Assisting Actor” means any Assisting International Actor and any Assisting Domestic Actor responding to a Disaster in *[country name]*.

“Assisting Domestic Actor” means any not-for-profit entity established under the laws of *[country name]*, which is responding to a Disaster in the territory of *[country name]*.

“Assisting International Actor” means any foreign state, organization, entity or individual responding to a Disaster on the territory of *[country name]* or transiting through the territory of *[country name]* to respond to a Disaster in another country.

“Assisting State” means any foreign government that is providing Disaster Relief or Initial Recovery Assistance to *[country name]*, whether through its civilian or military institutions.

“Disaster” [is defined as set out in *[Article *** of the national disaster management act of country]*

“Disaster Relief” means the Goods, Equipment, Services and internationally donated funds provided to meet the immediate humanitarian needs of Disaster-affected communities, including rescue.

“Domestic Non-Governmental Organisation” or “Domestic NGO” means any non-governmental, not-for-profit entity, which has its headquarters in *[country name]* and whose mandate and activities are focused on humanitarian relief, recovery or development, including churches and diaspora community groups who are registered in their country of domicile

“Eligible Actor” means any Assisting Actor that has been determined to be eligible to receive Legal Facilities, in accordance with Articles 4 and 5 of these Guidelines. Actors who are deemed “Ineligible” shall not benefit from any of the legal facilities contained in these Guidelines.

“International Disaster Assistance” means Disaster Relief and Initial Recovery Assistance that is provided by Assisting International Actors or imported or otherwise brought to *[country name]* from abroad by or on behalf of Assisting Domestic Actors.

“International Disaster Relief Period” means the period following a Disaster, as described in Article 7 and Article 8 of these Guidelines during which the relevant Legal Facilities described in Article 14 are made available to Eligible Actors for the purpose of providing Disaster Relief.

“International Initial Recovery Period” means the period following a Disaster, as described in Article 7 and Article 9 of this Guidelines during which the relevant Legal Facilities described in Article 14 are made available to Eligible Actors for the purpose of providing Initial Recovery Assistance.

“International Non-Governmental Organization” or “INGOs” means any non-governmental, not-for-profit entity not headquartered in *[country name]*, whose mandate and activities are focused on humanitarian relief, recovery or development, including churches and diaspora community groups who are registered in their country of domicile

“**Legal Facilities**” means the special entitlements and exemptions that are made available to Eligible Actors under Article 14 of these Guidelines.

“**Locally Engaged Personnel**” means nationals of or persons domiciled in *[country name]* who are recruited as staff or volunteers by Assisting International Actors to provide Disaster Relief or Initial Recovery Assistance.

“**Services**” means activities undertaken by Assisting Actors to assist Disaster-affected communities with their relief or initial recovery, such as search and rescue activities, medical care, protection activities and information

“**Transit Facilities**” means the special entitlements and exemptions that are made available to Assisting International Actors under Article 21 of these Guidelines.

“**Transit Facilities Period**” means the period following a Disaster in another country, as described in Article 21 of these Guidelines, during which the relevant Legal Facilities described in this Article are made available to Assisting Actors for the purpose of providing Disaster Relief or Initial Recovery Assistance.

“**Transport**” means the land, air or water vehicles operated by or on behalf of Assisting Actors to transport International Personnel, Goods and Equipment across an international border for the purpose of providing Disaster Relief or Initial Recovery Assistance.

“**Unsolicited Bilateral Donations (UBDs)**” are donations of goods from non-Eligible Actors that have not been approved by the *[disaster management authority]*. UBDs can be identified by the following characteristics: Unannounced arrival in the country or arrival with very short notice; Faulty or incomplete paperwork; No clearly defined consignee; Non priority types of relief goods, and/or non-standard items; Incorrect packaging and/or unsuitable conditions of items

Article Three: Activation

3.1 These Guidelines will come into force upon notice by the *[insert relevant authority]* and will remain in force until such a time as determined by the *[insert relevant authority]*.

Article Four: Assessment of the Need for International Disaster Assistance

4.1 Immediately *[or within timeline prescribed by relevant national authority]* after the onset of a major Disaster, and in consultation with relevant *[provincial/district]* and local authorities, the *[disaster management authority]* shall make a determination, based on rapid assessments, to whether domestic capacities are likely to be sufficient to attend to the needs of affected persons for Disaster Relief and Initial Recovery Assistance. This determination may also be made, at the discretion of the *[disaster management authority]*, prior to the onset of an imminent major Disaster.

4.2 In the event of a determination that domestic response capacities are not likely to be sufficient due to the scale of the Disaster, the *[disaster management authority]* shall advise the *[President/Prime Minister]* and recommend that an immediate request be made for international Disaster Assistance.

4.3 If such a recommendation is made, the *[relevant disaster management authority]* shall, after consultation with relevant Line Ministries and *[provincial/district/ state]* and local authorities, develop a preliminary list of Goods, Equipment and Services required. The *[relevant disaster management authority]* shall make this list available to potential Assisting International Actors immediately upon the commencement of an International Disaster Relief Period pursuant to Article 7. The list shall be updated as needed to reflect new information and changing circumstances.

4.4 A determination that domestic capacities are likely to be sufficient and that International Disaster Assistance is therefore unnecessary may be reviewed and rescinded by the *[disaster management authority]* at any time, in light of updated information

Article Five: Requests for International Disaster Assistance

5.1 Upon the advice of the *[disaster management authority]*, the *[President/Prime Minister]* may make a request for International Disaster Assistance. That request may be specifically directed to particular Pacific Island Countries, Pacific Regional Organisations and / or International Actors, or it may be a general request directed to the international community as a whole. *[In the latter case, the request shall be directed to the [relevant regional organization and] the United Nations Emergency Relief Coordinator for assistance in dissemination to potential Assisting International Actors.]*

5.2 The request for International Disaster Assistance may be made whether or not there has been a formal declaration of a State of Emergency.

5.3 The request shall be accompanied by:

(i) information as to the extent and type of assistance required, based on the list prepared by the *[relevant disaster management authority]* pursuant to Article 4.3 unless this would lead to undo delay; and

(ii) information on the procedures for Assisting International Actors to make offers or provide assistance pursuant to Article 6.

5.4 The *[country name]* Red Cross Society may request assistance from the Foreign Components of the International Red Cross and Red Crescent Movement to supplement its disaster relief and recovery work at any time [pursuant to the rules, regulations and procedures previously approved by *[country name]* at the International Conference of the Red Cross and Red Crescent].

Article Six: Offers and Acceptance of International Disaster Assistance

6.1 Offers of International Disaster Assistance by states and intergovernmental organisations shall be directed to the *(relevant government ministry and / or the Ministry of Foreign Affairs [through the appropriate embassy or diplomatic mission])*. The Ministry of Foreign Affairs shall promptly respond to all offers, after conferring with the *[disaster management authority]*.

6.2 Offers of International disaster assistance by International Non-Governmental Organisations (INGOS) shall be directed to the *[disaster management authority / or relevant authority]* no less than *[** hours/days in advance of the planned shipment of goods or equipment or arrival of personnel]* in order to be considered for eligibility for legal facilities under the terms of these Guidelines.

6.3 Assisting States planning to provide aid through military actors shall make such offers according to *[regulations to be made under these Guidelines between [country name] and the Assisting States / relevant regional agreement]*. They may be accepted, in whole or in part, with the specific conditions set out in *[the aforementioned regulations / agreement]*.

6.4 In the absence of a general request for International Disaster Assistance, Assisting International Actors may make unsolicited offers to the Ministry of Foreign Affairs *[through, the appropriate [country name] embassy]*. The Ministry of Foreign Affairs shall consult with the

[disaster management authority] and, upon its direction, may accept such offers, in whole or in part.

6.5 The *[relevant disaster management authority]* shall determine whether to accept or reject offers of International Disaster Assistance with urgency appropriate to the circumstances.

6.6 Foreign Components of the Red Cross and Red Crescent Movement may direct their offers of support at any time to the country name National Red Cross / Red Crescent Society, which may accept them in whole or in part. The country name National Red Cross / Red Crescent Society shall inform and consult with the *[relevant disaster management authority]* of any offers it accepts.]

Article Seven: International Disaster Relief and Initial Recovery Periods

7.1 The International Disaster Relief and Initial Recovery Periods shall both commence simultaneously upon the issuance of a request for International Disaster Assistance under Article 5, or upon acceptance of an offer under Article 6, and shall continue until terminated pursuant to Articles 8 or 9, as appropriate.

7.2 The Legal Facilities described in Article 14 shall only be effective during the International Disaster Relief and Initial Recovery Periods.

Article Eight: Termination of the International Disaster Relief Period

8.1 When, on the basis of updated needs assessments and other information, and in consultation with Assisting Actors, the *[relevant disaster management authority]* is satisfied that the need for Disaster Relief is coming to an end, it shall advise the *[President/Prime Minister/ high level committee or council on national disaster management]* to approve a termination date for the International Disaster Relief Period, with due consideration for the impact on ongoing relief activities. This termination shall not affect the ongoing validity of the International Initial Recovery Period.

8.2 The termination date shall be announced to Assisting Actors no later than *[timeline to be set by relevant national authority]* prior to the proposed date. The announcement shall also include information about the anticipated ongoing needs for Goods and Services related to Initial Recovery Assistance, if any.

8.3 Upon the issuance of an announcement pursuant to this Article the *[relevant disaster management authority]* shall consult with Assisting Actors actively involved in Disaster Relief work in order to reduce any negative impact from the termination and, where necessary, to ensure an adequate handover of responsibilities.

Article Nine: Termination of the International Initial Recovery Period

9.1 When, on the basis of updated needs assessments and other information, and in consultation with Assisting Actors, the *[relevant disaster management authority]* is satisfied that the need for International Initial Recovery Assistance is coming to an end, it shall advise the *[President/Prime Minister/ high level committee or council on national disaster management]* to approve a termination date for the International Initial Recovery Period, with due consideration for the impact on ongoing initial recovery activities.

9.2 The termination date shall be announced to Assisting Actors no later than *[dates to be set by the disaster management authority]* days prior to the proposed termination date.

9.3 Upon the issuance of an announcement pursuant to this Article, [*the disaster management authority*] shall consult with Assisting Actors actively involved in Initial Recovery Assistance work in order to reduce any negative impact from the termination and, where necessary, to ensure an adequate handover of responsibilities.

Article Ten: Coordination of International Disaster Assistance

10.1 The [*disaster management authority*] shall serve as the central focal point agency in-country for liaison between the government and assisting international actors, in order to promote the effective facilitation, coordination and oversight of international disaster assistance. The [*disaster management authority*] shall also serve as the main counterpart in-country for any applicable regional or international coordination mechanisms, including those of the United Nations.

10.2 The [*disaster management authority*] shall maintain and make public a regularly updated list of Goods, Services and Equipment required for the disaster operation.

Article 11: Responsibilities of Assisting International Actors

11.1 Assisting International Actors shall cooperate and coordinate in support of national [*regional, provincial/district*] and local authorities. In particular, these actors shall provide these authorities with such information as is available to them on the needs of the affected population, and on the location, type and extent of their disaster relief [and initial recovery] activities, as required for a coordinated and effective response. [They shall also cooperate with the [*regional and*] international coordination mechanisms activated for the disaster relief [and initial recovery] operation by the [*regional organization*] and the United Nations.

11.2 Assisting Actors shall comply with national law and respect the culture and customs of [*country*] when engaging with the relevant national and local authorities and the communities they assist.

11.3 Assisting Actors shall comply with the principles of humanity, neutrality and impartiality in providing International Disaster Assistance. In particular, they shall establish their aid priorities on the basis of need alone and they shall not:

- (i) engage in any adverse distinctions, exclusions or preferences based on status, such as nationality, race, ethnicity, religion, class, gender, sexual orientation, disability, age or political opinion;
- (ii) seek to further a particular political or religious standpoint or interfere in internal matters irrelevant to the Disaster response;
- (iii) seek to obtain commercial gain from their assistance; or
- (iv) gather sensitive information of a political, economic or military nature that is irrelevant to Disaster Relief or Initial Recovery Assistance.

11.4 Assisting Actors shall ensure that any goods or equipment they import for the disaster operation, which are or which become unusable, as well as any other waste products produced by them in the course of the disaster operation, are destroyed, recycled or otherwise disposed of in a safe, environmentally sensitive and effective manner and in compliance with [*country*] law.

11.5 In addition, non-governmental organisations shall comply with the principle of independence. In particular, they shall not act as instruments of the foreign policy of any government.

11.6 Assisting Actors providing International Disaster Assistance shall respect the dignity of persons affected by a Disaster. In particular, they shall consult with the beneficiaries of their assistance in the design, implementation, monitoring and evaluation of the Disaster Relief and Initial Recovery Assistance they provide.

11.7 Assisting Actors shall respect the privacy of persons affected by a Disaster in their data management. They shall share personally-identifiable information about their beneficiaries only when essential to provide humanitarian assistance, avoid duplication in aid, or prevent fraud.

Article 12: Eligibility for facilities

12.1 For the purposes of these Guidelines and the facilities granted herein, the following assisting actors shall be deemed “Eligible Actors”:

- i. states and intergovernmental organizations whose offers have been formally accepted by the Ministry of Foreign Affairs,
- ii. the [*Country Red Cross Society*] and any components of the International Red Cross and Red Crescent Movement acting in support of the [*Country Red Cross Society*],
- iii. International and domestic non-governmental organisations that are declared eligible by the [*disaster management authority*], on the basis of their experience, reputation and capacity for providing effective relief.
- iv. any other Assisting Actor that the [*relevant disaster management authority*] wishes to deem eligible.

12.2 In order to facilitate access to the Legal Facilities, the [*relevant disaster management authority*] shall provide Assisting Actors described in subsection (a) a certificate of eligibility, upon their request.

12.3 Criteria for eligibility should be developed by the [*relevant national authority*] and be made public

12.4 A regularly updated list of all Eligible Actors pursuant to these Guidelines shall be maintained and published by the [*disaster management authority*].

Article 13: Application for Eligibility for Legal Facilities by Assisting Actors

13.1 A Eligible Actors must be recognised as a legal entity in their countries of domicile.

13.2 The eligibility of private businesses for Legal Facilities shall be limited to assistance from which they make no profit or other commercial gain.

13.3 Applications for eligibility may be made in advance of any Disaster, or after the onset of a Disaster. In the event that eligibility for Legal Facilities is granted in advance of a Disaster, it will remain valid for [*X years to be determined by relevant authorities*] after which a new application is required. *The* Legal Facilities will enter into effect only during an International Disaster Relief or Initial Recovery Period.

13.4 All Assisting Actors seeking eligibility shall submit:

- i. certified copies of recognition of their legal entity in their countries of domicile
- ii. the name and full contact details of the authorised representative of the organisation and the address of its headquarters, if any, in *[country name]*;
- iii. documentation relating to their previous experience and current capacity in providing effective Disaster Relief or Initial Recovery Assistance in the Pacific
- iv. documentation of adequate liability insurance; and
- v. an undertaking relating to their organisational commitment and practices concerning the responsibilities set out in Article 11.

Article 14: International Relief [and Initial Recovery] Goods and Equipment

14.1 All Relief and Initial Recovery Goods and Equipment by Eligible Actors], shall be clearly labelled as such and facilitated by the *[customs and/or other border authority]*, which shall accord priority treatment and handling. The *[customs and/or other border authority]* shall clear or release consignments of Relief and Initial Recovery Goods and Equipment on the basis of the following simplified documentation requirements:

- i. bill of lading or waybill (accepted *[electronically]* in advance to facilitate immediate release)
- ii. pro forma invoice
- iii. packing list] The importation of Relief and Initial Recovery Goods and Equipment by on behalf of Eligible Actors that are clearly labelled as such in conformity with the requirements published by the *[customs and/or other border authority]* shall benefit from exemption from all customs duties, taxes, tariffs, or governmental fees as well as a waiver of economic prohibitions, geographic and other restrictions, except as required for reasons of public health or security.

14.2 Ground, air and water transport of Disaster Relief and Initial Recovery goods and equipment by or on behalf of Eligible Actors shall be accorded priority of passage as determined by the *[disaster management authority]*, including at any checkpoints and in air-traffic routing and landing permissions, and shall be exempt from all fees and tolls.

14.3 The *[telecommunications authority]* shall temporarily waive any licensing requirements or fees for the use by Eligible Actors of telecommunications equipment that is necessary for their disaster relief [and initial recovery] operations. The *[telecommunications authority]* shall grant Eligible Actors priority access to bandwidth, frequencies and satellite use for telecommunications and data transfer for the disaster operations, except over security forces, ambulance services and other domestic emergency responders.

14.4 Medications may be imported for direct medical use by Eligible Actors' medical professional personnel provided they are:

- i. requested and approved by the Ministry of Health, or other relevant Ministry

- ii. legal for use in the country of origin according to its laws as well as in [*country name*] according to [*appropriate law on pharmaceuticals*],
- iii. transported and maintained by the Eligible Actor in appropriate conditions at all times to ensure their quality; and
- iv. guarded against misappropriation and abuse.

14.5 Medications imported by Eligible Actors intended for donation for the use by others shall fulfil the conditions of paragraph 13 and shall also:

- i. have no less than 12 months remaining before their expiration date unless otherwise specifically agreed by the [*health authority*], and
- ii. be accurately labelled in [*official or widely understood language(s) in the country*] with the international non-proprietary or generic name, batch number, dosage, concentration, manufacturer, quantity, storage conditions and expiry date.

14.6 Quarantine requirements shall be waived for search and rescue dogs, provided that the assisting actor responsible for the dog teams in country guarantees compliance with the applicable sections of the INSARAG Guidelines [2012 version]

14.7 The [*relevant transportation authority*] shall expedite the granting of local registration and [temporary] plates for vehicles imported by Eligible Actors, based on simplified documentation

14.8 Relief goods and equipment that have been dispatched before the termination of the Disaster Relief and Initial Recovery Periods, but that have not yet reached [*country*] shall also be entitled to the exemption from all customs duties, taxes, tariffs, or governmental fees as well as a waiver of economic prohibitions, geographic and other restrictions, except as required for reasons of public health or security, regardless of whether it has reached [*country*]

Article 15: Agreements on Pre-Positioning of Stock

15.1 The [*relevant authority*] may enter into an agreement with an Eligible Actor to extend the relevant Legal Facilities of this Part to pre-positioning of stocks in [*country name*], in preparation for potential Disaster, or after a specific Disaster warning.

Article 16: Unsolicited Bilateral Donations

16.1 Unsolicited donations are strongly discouraged by [*country*] and such donations will not benefit from any of the exemptions, waivers and expedited processes contained in these Guidelines. [*The relevant authority*] shall clearly communicate its position on UBDS in writing and ensure it is publically available

16.2 All International Assisting Actors should actively encourage members of the public interested in contributing to international disaster relief of initial recovery to make financial donations where possible or otherwise donate only those types of relief goods expressed requested by the affected State.

Article 17: Legal status and facilities for Eligible Actors

17.1 The status of eligibility for Legal Facilities of an Assisting International Actor includes such legal capacity as may be relevant for the exercise of its functions and the fulfilment of its purposes in providing Disaster Relief or Initial Recovery Assistance in accordance with the laws of [*country*]

name] during the International Disaster Relief and Initial Recovery Periods, in particular the capacity to:

- i. open bank accounts;
- ii. enter into contracts and leases;
- iii. acquire and dispose of immovable and movable property;
- iv. receive and disburse private and public funds;
- v. instigate legal proceedings; and
- vi. engage and terminate Locally Engaged Personnel

17.2 In coordination with the *[disaster management authority]*, Eligible Actors and their personnel shall be permitted freedom of access to disaster-affected areas and populations, subject only to limitations based on national security, public order or public health, weighed in the context of the disaster needs..

Article 18: International Disaster Personnel of Eligible Actors

18.1 The International Personnel of Eligible Actors shall be entitled to a waiver of entry visa, work permit or residence permit requirements *[by the relevant national authority in coordination with the disaster management authority]* [for the duration of the state of emergency or up to ** weeks/months].

18.2 Eligible Actors whose international personnel require legal recognition of their foreign professional qualifications (such as medical professionals, architects, engineers, etc.) shall certify to the *[relevant authority]* the validity of the foreign qualifications and the competence of such personnel for their work. On the basis of this certification, these personnel shall be exempt from registration [and/or compulsory membership requirements] and all associated fees or charges [for the duration of the state of emergency or up to ** weeks/months]. This temporary waiver will be revoked at any time upon any finding of misconduct sufficient to bar the individual from professional practice in *[country]*.

18.3 The *[relevant authority]* shall grant temporary recognition of foreign driving licenses for the international personnel of Eligible Actors for the duration of the disaster period.

18.4 These Guidelines do not limit or reduce any existing rights, privileges or immunities of any assisting actor as separately determined by other laws or agreements, including the *[international organisations act and the diplomatic/consular relations act]* and any status or headquarters agreement in force in *[country]*.

Article 19: Oversight

19.1 The *[disaster management authority or designated authority]* shall monitor the compliance of Eligible Actors with their responsibilities under these Guidelines. To facilitate this oversight, the *[disaster management authority]* may require Eligible Actors to submit periodic reports about their activities and the assistance they have provided. These reports shall be consolidated and made public

19.2 If the [*disaster management authority*] suspects that any Eligible Actor has failed to materially comply with its obligations as set out by these Guidelines, it shall consult with the actor to seek clarification or explanation and, where appropriate, may provide an opportunity to come into compliance. If, following consultation, the [*disaster management authority*] determines that an Eligible Actor has failed to materially comply, it may suspend or revoke the entity's entitlement to the facilities granted by these Guidelines and remove its name from the list of Eligible Actors. Such revocation shall take effect after a reasonable period of notice and shall not be applied retroactively. Decisions to suspend or revoke legal facilities may be appealed to [*appropriate authority*].

19.3 The [*disaster management authority*] may refer suspected cases of fraud or other criminal conduct by Eligible Actors or their personnel to the appropriate authorities. Nothing in this decree precludes prosecution for criminal offense or the imposition of civil liability under the laws of [*country*].

Article 20: Transparency as to international donations

20.1 International donations to the Government of [*country*] as assistance for the disaster response operation shall be directed to and received by the [*relevant governmental body*] for deposit to the [*special disaster fund established for this purpose*]. The [*fund*] shall be audited by the [*relevant authority*] no later than [*1 year*] from the date of these Guidelines, and the audit report shall be made public.

20.2 International donations received by domestic assisting actors for the disaster response operation shall be maintained in a dedicated account for this disaster operation. All such dedicated accounts shall be audited by a nationally-recognised independent auditor no later than [*1 year*] from the date of these Guidelines and all such audit reports shall be made public.

Article 21: Transit of International Disaster

21.1 In the event a Disaster occurs in another country for which International Disaster Assistance is required the [*relevant customs, immigration, and transport authorities*] shall facilitate the speedy transit or transshipment across national territory of International Disaster Assistance by Assisting International Actors, including International Personnel, Goods, Equipment and Transport, in order to reach the affected country, as further described in this Part.

21.2 In the event of national shipping capacities being overwhelmed, [*relevant transport authorities*] should also facilitate and widen the scope for *cabotage* ([right of a company from one country to trade in another country]) to ensure there are sufficient transport capacities for goods or passengers in order to deliver relief assistance.

21.3 When, after seeking the views of the relevant authorities of a Disaster-affected country, the [*relevant authority*] is satisfied that Disaster Relief or Initial Recovery Assistance is likely to be required and that the transit or transshipment of International Personnel, Goods or Equipment through its territory is likely to be helpful, the [*relevant authority*] may declare the beginning of a Transit Facilities Period.

21.4 The Transit Facilities Period shall continue until terminated by the [*relevant authority*], when it is satisfied that Transit Facilities are no longer required.

21.5 The termination of a Transit Facilities Period shall be announced to Assisting International Actors no later than [*time period*] prior to the proposed date.

21.6 The Transit Facilities described in this Article shall be effective only during the Transit Facilities Period.

21.7 The *[relevant authority]* may deny Transit Facilities to any Assisting International Actor, in case of actual or suspected fraud or if necessary to safeguard national security or public health.

21.8 International Personnel entering *[country name]* for the purpose of transit to a Disaster-affected country shall be entitled to waiver of entry visa requirements, including any associated fees or charges [on the condition that they exit the territory of *[country name]* within a period of *[number of days]*.