

Caribbean Model Regulations on International Disaster Response



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INTERNATIONAL



FEDERATION



Model IDR Regulations for the Caribbean

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Preliminary Provisions

[Insert name of Primary Legislation]

Long Title

Regulations for the Facilitation, Coordination and Monitoring of International Humanitarian Assistance (IHA), under the [insert name of DRM Act].

OR

Regulations for the Facilitation, Coordination and Monitoring of International Disaster Response (IDR under the [insert name of DRM Act].

Short Title

These regulations will be known as the International Humanitarian Assistance (IHA) Regulations.

OR

These regulations will be known as International Disaster Response (IDR) Regulations.

1. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the Comprehensive Disaster Management Act [or other name of the DRM Act];

“Approved IHA [or IDR] Actor” means an entity described under regulation 7;

“initial recovery period” means the period following a disaster [substitute: *‘the declaration of a disaster’* or *‘the declaration of a state of disaster’* for country’s whose laws include a

formal declaration after a disaster event] during which the relevant legal facilities described in these regulations are made available;

“International Assisting Actor” means any domestic or international entity providing international disaster relief or recovery aid and related humanitarian interventions in [insert name of country], including those registered as Approved IHA [or IDR] Actors, as well as those who are not registered;

“International Humanitarian Assistance [or International Disaster] Response” means any goods, services, personnel or equipment that originates from another jurisdiction and enters or is brought into the country for the purposes of disaster-related humanitarian assistance and related interventions, whether entering the country before, during or after a disaster emergency or humanitarian crisis;

“legal facilities” means the special entitlements, expedited procedures, exemptions, waivers and other amendments to existing legal, policy and procedural requirements that are made available to eligible entities to support IHA [or IDR] activities.

2. Purpose

The purpose of these regulations is to—

- a) Set out roles and responsibilities for the facilitation and regulation of international humanitarian assistance (IHA) [or international disaster response (IDR)] by selected ministries, departments and agencies during, before and after a disaster event.
- b) Establish procedures for initiating, coordinating, and terminating IHA [IDR].
- c) Establish procedures for the registration, facilitation and coordination of Approved IHA [IDR] Actors;
- d) Set out the legal facilities available to support Approved IHA [IDR] Actors and the steps to be used to institute these legal facilities.
- e) Establish legal facilities to facilitate the provision of IHA [IDR] from [insert name of country] to beneficiaries in the wider Caribbean.

Part 1: IHA [IDR] Coordination

3. Designation of IHA [IDR] Coordinator

The role and functions of the IHA [IDR] Coordinator will be carried out by the Director, or their designee [or such other official designated by the Minister].

4. Role and Functions of IHA [IDR] Coordinator

(1) The IHA [IDR] Coordinator will carry out the following roles and responsibilities:

- a) Subject to section 73 of the Act, establish coordination and collaboration systems for international assisting actors before, during and after the occurrence of disasters.
- b) Serve as the central focal point for liaison between the government of [insert name of country] and international assisting actors.
- c) Establish and support the implementation of coordination groups and other partnership arrangements that are necessary to facilitate collaboration between and among local and international assisting actors.
- d) Develop and maintain electronically accessible communication systems to provide information to international assisting actors on their roles, rights and obligations under national laws and policies.
- e) Circulate up to date information to international assisting actors on the humanitarian needs of the affected population, including:
 - i. the scope of damage to disaster-affected communities, institutions or infrastructure;
 - ii. a list of goods, services and equipment required for the disaster response or recovery operation; and
 - iii. any special protection measures applicable to vulnerable groups.
- f) Coordinate the provision of administrative and technical support to the IHA [or IDR] Coordination Sub-Committee of the National Disaster Committee.
- g) Lead the development of a National IHA [IDR] Coordination Plan that establishes protocols and procedures for the facilitation and coordination of IHA [IDR] in accordance with these regulations.

5. IHA [IDR] Coordination Sub-Committee

- (1) The Prime Minister will appoint a National IHA Coordination [Sub-] Committee of the National Disaster Committee.
- (2) The National IHA [or IDR] Coordination [Sub-] Committee will include the following members:
 - a. The Permanent Secretary or other appointee of the Ministry of Foreign Affairs, who will co-chair the committee.
 - b. The Director or other appointee of the [insert name of National Disaster Office], who will co-chair the committee.
 - c. Representatives of [insert names of customs, immigration and other permit granting entities].
 - d. The Director of the National Red Cross Society
 - e. The head of delegation of any United Nations coordinating body or joint resident representative, or their appointee.
 - f. Other members of the [insert name of National Disaster Committee] that are international assisting actors or engage in the provision of international disaster assistance.
- (3) The [Sub-] Committee will implement the following roles and responsibilities:
 - a. Make recommendations to the National Disaster Committee and the Prime Minister on the need for initiating and, subsequently, terminating an International Disaster Response Period and issuing a Request for International Assistance as provided in these regulations.
 - b. Guide the procedures and practices of Single Window International Facilitation Teams assigned to ports to support the entry and processing of international disaster relief goods, personnel and equipment.
 - c. Coordinate with other Disaster [Sub-] Committees as required to guide the activities of international assisting actors and identify and troubleshoot any issues that arise.
 - d. Maintain a directory of international assisting actors as well as updated information on existing bilateral, regional and multilateral arrangements and coordination mechanisms related to IHA/IDR.
 - e. Develop and disseminate informational materials for international assisting actors on IHA [IDR] standards and recommended procedures, as well as national laws, policies and safeguarding measures applicable to their activities.
 - f. Work with the IHA [IDR] Coordinator to develop, keep under review and oversee the implementation of the National IHA [IDR] Coordination Plan. This includes hosting

simulation exercises from time to time and working with partners to update IHA [IDR] procedures annually.

- (4) In addition to the above, the [Sub-] Committee will provide an oversight role in relation to Approved IHA [IDR] Actors. The [Sub-] Committee will:
- a. Develop procedural guidelines for disciplinary measures and other decision-making in relation to the suspension or removal of any Approved IHA [IDR] Actors; and
 - b. Ensure that any Approved IHA [IDR] Actor that is being considered for disciplinary measures is provided with the opportunity to be heard.
- (5) The Sub-Committee will meet:
- a. Prior to the start of the hurricane season;
 - b. During an emergency warning period;
 - c. Following an emergency for which international disaster relief has been requested; and
 - d. At such other times as necessary for the coordination of their activities.

6. IHA [IDR] Coordination Plan

- (1) The National IHA Coordinator will, in coordination with the National IHA [IDR] Coordination [Sub-] Committee, develop and implement a National IHA [IDR] Coordination Plan (“the Plan”). The Plan will build on these regulations by establishing more detailed protocols, procedures, guidelines and standards for the facilitation and coordination of international assistance
- (2) The National IHA [IDR] Plan will be submitted to the National Disaster Committee for approval. Once approved, the National IHA [IDR] Plan forms part of the National Disaster Management governance and operational framework, and functions as a subset of the National Disaster Plan.

Part 2: Registration of Approved IHA [IDR] Actors

7. Designation of Approved IHA [IDR] Actors

(1) An **Approved IHA [IDR] Actor** means an international assisting actor that is approved to provide humanitarian or disaster relief assistance in partnership with the National Disaster Office and falls within one of the categories outlined in section (2).

(2) An entity will not be considered an **Approved IHA [IDR] Actor** unless the entity is:

- a) A state or intergovernmental organization whose offers of assistance have been formally accepted by the government [*or National Disaster Office or Minister of Foreign Affairs*];
- b) The [*insert name of country*] Red Cross Society;
- c) An entity within the International Red Cross and Red Crescent Movement that is acting in partnership with the [*insert name of country*] Red Cross Society;
- d) An entity registered on the Regional Register of Approved IHA [IDR] Actors of the Caribbean Disaster and Emergency Management Agency;
- e) An entity registered on the National Register of Approved IHA [IDR] Actors; or
- f) A foreign or domestic non-governmental organization that:
 - i. has a named role or responsibility in the National Disaster Plan that requires the importation and free distribution of disaster relief goods, equipment or services, or
 - ii. has been deemed appropriate by the Director on the basis of its experience and capacity to provide effective humanitarian assistance.

8. Register of Approved IHA [IDR] Actors

(1) The Director [*or Minister of Foreign Affairs or Registrar of Companies or Registrar of Charities*] will keep a register of Approved IHA [IDR] Actors. The register must indicate:

- (1) The name of the entity;
- (2) The country in which the entity is registered or incorporated;
- (3) The period of registration; and
- (4) Any conditions or limitations placed on registration.

(2) An entity applying for registration as an Approved [IDR] IHA Actor must:

- (1) Submit the following:
 - a. A completed application form;

- b. A certified copy of their articles of incorporation or equivalent documentary proof of their legal status;
- c. A proposal outlining their planned humanitarian and disaster response activities, source of funding and plans for sustainable partnerships with [insert name of National Disaster Organisation]; and
- d. Such other documentation required by the Director [*or Minister or Registrar*] from time to time.

(2) Satisfy the Director [*or Minister of Foreign Affairs or Registrar of Companies or Registrar of Charities*] that:

- a. It is an entity registered in [insert name of country] or another country to provide humanitarian or disaster assistance;
- b. It has internal accountability procedures and quality control standards required to maintain compliance with these regulations; and
- c. It meets other relevant criteria established by law or Ministerial Order, from time to time.

(3) Upon the directive of the Prime Minister [*or upon the declaration of a state of disaster emergency*], the Director [*or Minister*] may waive the registration requirements and procedures outlined in sections (1) and (2) for a period not exceeding 6 months and grant temporary registered status to any international humanitarian or disaster response actor that is deemed to have the experience and capacity to provide effective humanitarian assistance.

9. [Temporary] Legal Capacity of Approved IHA [IDR] Actors

(1) For the purposes of [insert name of relevant tax, customs or other laws], an entity registered on the Register of Approved IHA [IDR] Actors will be considered a registered legal entity for the purpose of importing goods and equipment during the International Disaster Response Period.

or

(1) An Approved IHA [IDR] Actor seeking to be recognised as a legal entity for the purpose of doing business in [insert name of country] may register under [insert section] of the Companies Act [*or insert name of relevant law*] as a foreign company doing business in [insert name of country].

or

- (1) The Registrar of Companies [*or Registrar of Charities or insert name of regulator*] may issue a certificate of authorization to do business in [*insert name of country*] to an Approved IHA [IDR] Actor that meets the criteria outlined in section (2).
- (2) An Approved IHA Actor seeking to be recognised temporarily as a legal entity for the purpose of doing business in [*insert name of country*] may submit the following to the Registrar of Companies [*or Registrar of Charities or insert name of regulator*]:
 - a. A completed application form;
 - b. A certified copy of their articles of incorporation or equivalent documentary proof of their legal status;
 - c. For each director and the secretary of the organisation, certified copies of national passport or government-issued picture identification from their country of residence; and
 - d. Such other documentation required by the Registrar from time to time.
- (3) A certificate of authorization issued under section (1) will be valid for a period of two (2) years, renewable for a maximum period of one (1) additional year.

10. Guidelines for Approved IHA [IDR] Actors

- (1) The Director [*or Minister of Foreign Affairs*] will issue Guidelines for Approved IHA [IDR] Actors and update these Guidelines from time to time. Guidelines will be published in the gazette [*or are set out in the **First Schedule***] and will include provisions for:
 - a. The coordination of Approved IHA [IDR] Actors in national, sectoral or thematic groups.
 - b. The implementation of programmes that are gender-responsive and protect the rights of children, indigenous communities (where applicable), persons with disabilities and other vulnerable or at-risk groups.
 - c. Accessing disaster affected areas, provided this is done in compliance with Disaster or Emergency Orders and other directives issued from time to time by the National Disaster Office.
 - d. The integration of principles of sustainability and resilience in the operations of Approved IHA [IDR] Actors and to align their activities to relevant national development policies.
 - e. Requiring Approved IHA [IDR] Actors to act in accordance with the terms of the National Disaster Plan, the National Disaster Policy and any other relevant guidelines issued by the government of [*insert name of country*] from time to time.

11. Duties of Approved IHA [IDR] Actors

- (1) It will be the responsibility of each Approved IHA [IDR] Actor to:
 - (a) Comply with the principles outlined in the Guidelines for Approved IHA [IDR] Actors, the Code of Conduct for IHA Actors as well as the standards set out in **Part 5** of these regulations.
 - (b) Ensure that all goods and services they provide are appropriate to the needs and circumstances of the affected population, as outlined in needs lists issued by the Government of [insert name of country] and comply with the requirements of these regulations and all applicable laws and standards.
 - (c) Ensure that the goods and services they provide conform to standards and guidelines for international disaster relief goods and services, as established from time to time by the Caribbean Disaster Emergency Management Agency and adopted by [insert name of National Disaster Office].
 - (d) Provide reports to the National IHA Coordinator, in the formats required [*or* using **Form 1** of the **Second Schedule**].

12. Code of Ethical Conduct

- (1) The Director [*or* Minister of Foreign Affairs] will put in place a Code of Ethical Conduct for International Humanitarian Actors [*or* International Disaster Response Actors] [*or* as set out in the **Third Schedule**]. This Code will apply to all international assisting actors, including those that are designated Approved IHA [IDR] Actors, and those that are not.

13. Benefits Applicable to Approved IHA [IDR] Actors

- (1) Once registered and for the duration of the registration period, Approved IHA [IDR] Actors will access legal facilities outlined in Part 4. This will include access to legal facilities before, during and after an International Disaster Response Period.

14. Privileges and Immunities

- (1) Employees, agents and volunteers of Approved IHA [IDR] Actors will enjoy immunity from legal action for all acts reasonably done in the course of their duties.
- (2) Nothing in these regulations will exempt Approved IHA [IDR] Actors or their employees, agents and volunteers from liability and sanctions applicable to breaches of regulations.

Part 3: Initiation and Termination of IHA [IDR]

15. Initiation of International Disaster Response Period

- (1) Once a declaration of emergency [or disaster or insert name of other disaster-related order under the DRM Act] has been issued, the Prime Minister, upon consultation with the National Disaster Committee [or insert name of disaster council], may issue an Executive Order initiating an International Disaster Response Period during which the legal facilities set out in Parts 4 and 5 will be accessible.
- (2) The Executive Order initiating the International Disaster Response Period will be published in the gazette, circulated among Approved IHA [IDR] Actors and communicated to the wider public.

16. Request for IHA [IDR]

- (1) Where the Prime Minister, in consultation with the Director and the National Disaster Committee [or insert name of disaster council] deems the nature of the impact or the scope of damage or loss emerging from a disaster to exceed the response capacity of the government, the Prime Minister may direct the Ministry of Foreign Affairs to issue a request for IHA [IDR].
- (2) The Request for IHA [IDR] will include the following minimum information:
 - a. The extent and type of assistance required;
 - b. Guidelines, principles and procedures for the provision of IHA [IDR] by international assisting actors;
 - c. The option of providing support through the donation of funds to approved accounts and/or cash assistance programmes; and
 - d. Options for coordinating activity among international assistance actors, in order to reduce the potential cost and time incurred in importing disaster relief goods.
- (3) The Request for IHA [IDR] will be circulated:
 - a. To the sub-regional response mechanism established by CDEMA member states, or, where the scope of damage or loss exceeds sub-regional capacity, to the regional response mechanism;
 - b. To Approved IHA [IDR] Actors; and
 - c. To bilateral partners, multilateral organisations and other international groups, using diplomatic channels as well as its network of embassies and consulates.

17. Termination of IHA [IDR]

- (1) The Prime Minister, at the advice of the Minister of Foreign Affairs and the Director, will issue a Notice of Termination of IHA [IDR], providing a minimum period of one month, following which the International Disaster Response Period will close and the legal facilities under Part 5 will be terminated.
- (2) Nothing in this section will apply to restrict the activities of Approved IHA [IDR] Actors, which may continue to implement activities for the duration of their registration period.

18. Exit Plans

- (1) Following the termination of the International Disaster Response Period, international assisting actors will have an additional period of three months within which to exit the country or establish long term operations.
- (2) International assisting actors seeking to establish long term operations will apply for Approved IHA [IDR] Actor status.
- (3) International assisting actors will therefore be required to submit to the National IHA [IDR] Coordinator an exit plan outlining:
 - a. Proposals for distributing remaining relief items and implementing remaining activities. Any goods brought into the country as duty free relief items must be freely distributed as humanitarian relief and may be donated for this purpose to any Approved IHA [IDR] Actor, to the [insert name of National Disaster Office] or to such state or non-profit entity as is approved by the National IHA [IDR] Actor;
 - b. A waste management plan outlining steps to be taken to dispose of all solid waste generated from their activities and unusable goods brought into the country; and
 - c. A final report of activities implemented.

Part 4: Legal Facilities and Expedited Measures

19. Implementation of Legal Facilities for IHA [IDR]

- (1) Upon the initiation of the International Disaster Response Period as set out in Part 3, the National IHA [IDR] [Sub-]Committee will:
 - a. Activate the National IHA/IDR Coordination Plan developed under regulation 4; and
 - b. Coordinate the implementation and monitoring of legal facilities and expedited measures to support the entry of disaster goods, personnel and equipment, as set out in this Part.

20. Legal Facilities to Support the Entry of Goods and Supplies

- (1) During the International Disaster Response Period, the Prime Minister and National Disaster Committee will [use Executive Orders *or* Disaster Orders *or* orders under the [insert names of relevant laws] to] approve exemptions from taxes, customs duties, levies and other fees ordinarily applicable to disaster goods, equipment and supplies.
- (2) Nothing done under this regulation will operate to limit or reduce any tax exemptions already enjoyed by humanitarian organizations, charitable organisations, Approved IHA [IDR] Actors or other local or international assisting actors, under other laws or policies.

21. Legal Facilities to Support the Entry and Operations of Personnel and Volunteers

- (1) During the International Disaster Response Period, the Prime Minister and National Disaster Committee will [use Executive Orders *or* Disaster Orders *or* orders under the [insert names of relevant laws] to] implement any of the following:
 - (a) Waivers [*or* expedited application and approval procedures] of visa requirements [under the Immigration Act] for disaster response workers;
 - (b) Waivers [*or* expedited application and approval procedures] of work permit requirements [under the Labour Act] for disaster response workers;
 - (c) Conditional waivers [*or* expedited application and approval procedures] of requirements for professional licences for [select relevant licenced professions from: doctors, nurses, engineers, electricians, and other medical and building professions] under the [insert names of relevant laws or regulations] for disaster response workers, provided that:

- i. copies of international licences and proof of qualifications are provided to [insert names of relevant local authority];
 - ii. conditions may include the requirement to work in tandem or under the supervision of a locally licenced professional in a relevant field of expertise, to ensure compliance with local standards; and
 - iii. conditional waivers are issued temporarily for a period not exceeding three months;
 - (d) Temporary recognition of professional licences issued in other jurisdictions;
 - (e) Temporary recognition of licences issued in other jurisdictions to drive cars or operate specialized vehicles or equipment;
 - (f) Waiver of fees ordinarily required in the processing of applications for the permits, approvals and licences set out herein, or for the completion of registration procedures;
 - (g) Waiver of any income-related taxes applicable to the work of international technical personnel;
 - (h) Provisions for emergency and immediate access by Search and Rescue Teams, as well as their specialized equipment and dogs, including waiver of quarantine requirements under [insert name of relevant act or regulations]; and
 - (i) Such other waivers, exemptions and expedited measures as may be required to support the movement of international disaster response personnel and volunteers.
- (2) Nothing done under this regulation will operate to limit or reduce any exemptions already enjoyed by humanitarian organizations, charitable organisations, Approved IHA [IDR] Actors or other local or international assisting actors, under other laws or policies.

22. Legal Facilities to Support the Entry and Export of Equipment

- (1) During the International Disaster Response Period, the Prime Minister and National Disaster Committee will [use Executive Orders *or* Disaster Orders *or* orders under the [insert names of relevant laws] to] implement any of the following:
- a. specialised, expedited procedures for the importation of motor vehicles, heavy duty equipment, search and rescue equipment, solar batteries, generators and related equipment, satellite and radio equipment and other disaster response equipment;
 - b. exemptions from taxes, levies and other fees ordinarily applicable to imported equipment, provided that these exemptions will be contingent on the following:

- i. The resale, hireage or use of tax exempt equipment for commercial purposes is prohibited;
 - ii. At the end of their use for disaster response purposes, equipment may be recommissioned for other humanitarian or charitable purposes, including through donations to charitable, non-profit, state-run or humanitarian organisations.
 - iii. International assisting actors may export equipment to their country of origin or another location, free from any taxes or fee ordinarily applicable to exported goods;
 - c. Temporary waivers or expedited procedures for the registration of specialized equipment, including [insert all that apply from: motor vehicles, ham radios, satellite equipment, agricultural equipment] under [insert names of relevant laws or regulations].
- (2) The procedures for accessing legal facilities under this Part are subject to the guidelines and standards for disaster relief goods as set out in Part 5.
- (3) Nothing done under this regulation will operate to limit or reduce any exemptions or specialised procedures already applicable to the importation of equipment by humanitarian organizations, charitable organisations, Approved IHA [IDR] Actors or other local or international assisting actors, under other laws or policies.

23. Expedited Measures

- (1) During the International Disaster Response Period, the Prime Minister and National Disaster Committee will [use Executive Orders or Disaster Orders or orders under the [insert names of relevant laws] to] implement expedited measures and one-stop facilities for the swift importation of disaster response goods, supplies and equipment, including any of the following:
- a. Emergency facilitation of importation of approved disaster relief items;
 - b. Extended hours and other special arrangements to support expedited customs clearance;
 - c. One-stop services and single window international facilitation teams, including:
 - i. combined and expanded facilitation teams; and
 - ii. combined and abridged forms; and
 - iii. other simplified systems;

- d. Priority landing and clearance procedures for a period of up to one month immediately following a disaster event.

24. Other Facilitation and Support Systems

- (1) During the International Disaster Response Period, the Prime Minister and National Disaster Committee will [use Executive Orders *or* Disaster Orders *or* orders under the [insert names of relevant laws] to] implement support systems for international assisting actors, to the best of available resources, including any of the following:
- a. Security support through [insert name of local police force and/or defence force];
 - b. Transportation support or guidance in navigating local terrain and accessing disaster-affected communities;
 - c. Support in storing, warehousing and distributing disaster relief goods; and
 - d. Such other support as may be appropriate, based on available resources.

Part 5: Procedures, Standards and Guidelines Applicable to Disaster Relief Goods

25. Definition of Terms Under this Part

(1) In this section:

- a. 'disaster relief goods' means all goods imported in the wake of a disaster event that are included in Disaster Relief Lists issued by the government of [insert name of country], including the items on the Pre-approved Disaster Relief Items List developed under regulation [insert number of relevant regulation below], whether imported by international or local assisting actors, other public or private entities, or individuals.
- b. 'disaster relief shipment' means a shipment consigned to [insert name of National Disaster Office] or to an Approved IHA [IDR] Actor, or a shipment identified as exclusively containing disaster relief goods.

26. Priority Treatment of Disaster Relief Shipments

- (1) Upon the declaration of a disaster [or the issuance of a Declaration of Disaster or Emergency], the [insert name of Customs Authority] will put procedures in place to facilitate expedited entry and priority treatment of disaster relief shipments through the country's official ports.
- (2) As part of its disaster planning and preparedness activities, the [insert name of Customs Authority] will establish preset codes and facilitation procedures to support expedited entry, priority treatment and rapid clearance of disaster relief shipments, and disaster relief goods.
- (3) Any special procedures and special exemptions put in place by [insert the name of the Customs Authority] as part of a disaster response will be published in the gazette, circulated among Approved IHA [IDR] Actors, and communicated to the wider public.

27. Temporary Waiver of Selected Standards, Quotas and Restrictions

- (1) Upon the declaration of a disaster [or the issuance of a Declaration of Disaster or Emergency], the Prime Minister, in consultation with [insert name of the National Disaster Committee] will [use Executive Orders or Disaster Orders or orders under the [insert names of relevant laws] to] implement temporary waivers of selected standards, quotas and restrictions ordinarily applied to disaster relief goods.

- (2) The waivers outlined in section (1) issued for a period of up to three months from the date of the Order, in the first instance, and extendable in one-month increments for up to three additional months thereafter.
- (3) The waivers outlined in section (1) will include:
- a. Temporary waiver of selected food labelling requirements, including [insert all that apply: requirements for front of package labelling, and sugar content or trans fatty acids declarations, under [insert names of laws, regulations or standards] for food items intended for free distribution, provided that nothing in this section will have the effect of removing the need for food labels that identify the contents of each package, their ingredients and expiration dates, in English [and insert name of other official language].
 - b. Temporary waiver of restrictions and quotas on agricultural imports, including food items intended for commercial and retail purposes, provided that these waivers are restricted to the shortest period necessary for the restoration of ordinary agricultural production and supply chains.
 - c. Temporary waiver of any trade restrictions or quotas ordinarily imposed on the importation of alternatives to products that are manufactured locally, provided that this will only be applied to disaster relief goods, and only for the shortest period necessary for the restoration of ordinary supply chains.

28. Pre-Approved Disaster Relief Items List

- (1) As part of its disaster preparedness activities, the National IHA [IDR] Coordinator, under the advice of members of the National IHA [IDR] Committee will develop a proposed Pre-Approved Disaster Relief Item Lists that include essential items likely to be required in response to different types of disaster incidents, as set out in the **Fourth Schedule**. This will include goods within the following categories:
- a. Shelf stable food items, no less than three months from expiration;
 - b. Water purification tablets, and water purification equipment, up to a stated maximum value;
 - c. Over the counter pharmaceutical items, no less than six months from the expiration date;
 - d. Emergency medical supplies;
 - e. Personal care, hygiene and sanitary supplies;
 - f. Personal protective equipment;
 - g. Batteries;
 - h. Generators and related supplies, up to a stated maximum value;

- i. Solar-powered items, up to a stated maximum value;
 - j. Candles, flashlights and lanterns;
 - k. Tools, equipment and supplies to be used in debris clearing and reconstruction efforts, up to a stated maximum value;
 - l. Tarpaulins;
 - m. Tents, up to a stated maximum value;
 - n. Blankets and emergency bedding supplies;
 - o. Vector control and disease prevention supplies; and
 - p. Other categories of items, as needed, based on the nature of the disaster and its ensuing damage.
- (2) Upon the declaration of a disaster [*or the issuance of a Declaration of Disaster or Emergency*] and using information from initial damage assessment and needs analysis processes, the National IHA [IDR] Coordinator will update and publish the Pre-Approved Disaster Relief Item Lists. This List will be circulated to international assisting actors through the Ministry of Foreign Affairs.
- (3) Upon the declaration of a disaster [*or the issuance of a Declaration of Disaster or Emergency*], the Prime Minister, in consultation with [insert name of the National Disaster Committee] will [use Executive Orders *or* Disaster Orders *or* orders under the [insert names of relevant laws] to] implement waivers of taxes, customs duties and related fees levied upon the importation of any items on the Pre-Approved Disaster Relief Items List during a stated time period. This exemption will apply to all importers whether importing for disaster relief, other non-profit, commercial or personal use.
- (4) Waivers on disaster relief goods will be issued for a period of up to three months from the date of the Order, in the first instance, and may be extended in one-month increments for up to three additional months thereafter.

29. Procedures for Importing Pre-Approved Disaster Relief Items

- (1) The National IHA Coordinator will publish and disseminate any special procedures required for the importation of goods on the Pre-Approved Disaster Relief Items List.

30. Specially Regulated Disaster Relief Items List

- (1) The National IHA Coordinator, under the advice of members of the National IHA [IDR] Committee, will develop a Specially Regulated Disaster Relief Items List that includes all disaster relief goods for which special permits and approvals are ordinarily

required during the process of implementation. This will include all items in the **Fifth Schedule**, including the following categories of items:

- a. Foods
 - b. Pharmaceutical supplies
 - c. Pesticides, fertilizers and other controlled agricultural products
 - d. Motor vehicles
 - e. Bottled water
 - f. Telecommunications equipment, and any satellite, radio or other restricted equipment)
 - g. Any other specially regulated item that is likely to be imported for the purposes of disaster relief and humanitarian assistance.
- (2) The [insert name of Customs Authority] will work with other Ministries, Departments and Agencies to institute simplified procedures for accessing permits and approvals for the importation of selected specially regulated goods. This will include expedited procedures for the approval, issuance or waiver of permits that are ordinarily required for the importation of goods included in the **Fifth Schedule**.

31. Procedures for Importing Specially Regulated Disaster Relief Items

- (1) The National IHA [IDR] Coordinator will publish and disseminate any special procedures required for the importation of goods on the Specially Regulated Disaster Relief Items List.

32. Procedures for Operating Specially Regulated Equipment

- (1) The National IHA [IDR] Committee will work with the National IHA [IDR] Coordinator to implement special privileges for Approved IHA/IDR Actors in relation to the use of specially regulated equipment. The National IHA [IDR] Committee will recommend to the Prime Minister and the Prime Minister may [use Executive Orders *or* Disaster Orders *or* orders under the [insert names of relevant laws] to] implement waivers and special permits for Approved IHA/IDR Actors, as set out in this Part.
- (2) Waivers and special permits related to the use of telecommunications equipment, including:
- (a) Access to bandwidth, frequencies and satellite use for telecommunications and data transfer associated with disaster relief assistance; and

- (b) Waiver of licensing fees and related requirements for the use of specialized telecommunications equipment.
- (3) Waivers and special permits related to the use of vehicles, including:
- a. Temporary recognition of foreign-issued permits, vehicular licences and other official documentation issued in their country of origin;
 - b. Temporary recognition of drivers' and operators' licences or other certifications required under [insert name of laws or regulations]; and
 - c. Expedited procedures for attaining local licences, permits and certifications related to the use of vehicles and other equipment.
- (4) Waivers and special permits related to the use of medical equipment, will include the following, provided all medical missions are implemented under the supervision of locally licenced medical professionals to ensure adherence to local standards:
- a. Temporary recognition of foreign-issued certifications and qualifications for the use of medical equipment; and
 - b. Expedited procedures for attaining local certifications related to the use of medical equipment.
- (5) Waivers and special permits related to the use of search and rescue equipment and canine teams, including quarantine free entry of search and rescue dogs, provided that importers:
- a. undertake to restrict the use and exposure of the animals to disaster operations;
 - b. warrant that the animals are duly vaccinated against high-risk diseases; and
 - c. commit to removing the animals from the country within 90 days of entry.

33. Guidelines and Standards Applicable to Disaster Relief Goods

All disaster relief goods or goods benefiting from disaster-related waivers and exemptions will be required to meet general quality requirements, as set out in the **Sixth Schedule**. The National IHA [IDR] [Sub-] Committee will update this schedule from time to time, ensuring that it meets with international humanitarian standards for the quality of relief goods. At minimum, these standards will include the following:

- a. All commercially packaged items must be labelled in English [*or insert other official language*];
- b. Labels for food item should include the following information, in English [*or insert other official language*]:
 - i. The contents of each package, their ingredients and expiration dates;
 - ii. The manufacturer or source of each item;
 - iii. The country in which the item was manufactured.
- c. Labels for pharmaceutical items must include minimum required information, in English (or other official language), including:
 - i. The International Non-proprietary Name or generic name;
 - ii. The batch number;
 - iii. Dosage and strength information;
 - iv. The quantity in the package or container;
 - v. Active and inactive ingredients;
 - vi. Contraindications;
 - vii. Directions for use;
 - viii. Any special instructions for storage;
 - ix. Expiration date; and
 - x. Name of manufacturer or source.
- d. Items having an expiration date should be no less than six months from expiration at the date of entry, unless a different period is set for selected goods by Executive Order.

34. Exclusion of Unlawful Drugs and Restricted Chemicals

- (1) Nothing in these regulations will permit the use or importation of drugs, restricted chemicals or other substances, where the importation or use of those substances is prohibited in any other law.

35. Prepositioning Stock

- (1) The National IHA [IDR] Committee, as part of its disaster preparedness activities, will recommend to the Prime Minister the issue of special waivers to facilitate the tax-free importation of disaster relief goods to be imported prior to a disaster as pre-positioned stock. This will include the following strategies:
- a. Duty free importation of disaster relief goods by all Approved IHA/IDR Actors year-round, provided these goods are restricted for disaster-related uses;

- b. Special partnership agreements may be made with selected international assisting actors entering into agreements with [insert name of the National Disaster Office] to import or purchase goods locally – free of taxes and duties – to be stored in official or approved warehouses as prepositioned-stock.
- c. [For countries with provisions for Disaster Warning Declarations included in their DRM Act] Once a Disaster Warning Declaration has been issued, all international and local assisting actors may be permitted to import approved disaster goods free of taxes and duties, provided items may only be used in a disaster response operation or as pre-positioned stock for future events.

36. Unsolicited and Unusable Goods

- (1) The National IHA [IDR] Committee will develop and disseminate guidelines for avoiding the importation of unsolicited and unusable disaster relief goods. These guidelines will be included in information packages circulated to international and local assisting actors and through the Ministry of Foreign Affairs’ diplomatic channels and network of consulates and embassies.
- (2) The National IHA [IDR] Committee will develop and disseminate procedures for the identification and disposal of unsolicited and unusable goods, including items that are deemed inappropriate for cultural, public health, environmental, legal or quality control reasons.
- (3) The National IHA [IDR] Committee will work with [insert name of Customs Authority] to develop a procedure for formally marking disaster relief items as unusable. Once goods are deemed unusable, importers and persons to whom the goods are consigned will be required safely destroy or export the items.
- (4) Where destruction is the selected option, the importer or consignee will develop a waste disposal plan for approval by [insert name of solid waste authority] and the Ministry of Health. The plan should reflect national laws and international best practices in waste disposal, particularly as regards any medical or chemical waste included in the unusable goods.
- (5) The importer or consignee will assume all costs related to the implementation of the solid waste plan or the exportation of the goods, as well as any costs incurred in the inspection or storage of these goods.

37. Disposition of Unused Goods or Equipment

- (1) Upon the termination of their period of international assistance for any reason, international assisting actors will be required to utilise or dispose of all unused goods or equipment within a 3-month period.
- (2) Disaster relief goods brought into the country under tax exemptions can only be donated or disposed of in the following ways:
 - a. Donation to a local assisting actor, non-profit or charitable organisation engaged in disaster relief, public welfare or humanitarian assistance.
 - b. Donation to a school, health facility, community center, state agency or other organisation approved by the National IHA [IDR] Committee, provided the items are to be used solely for public benefit.
 - c. Donation to [insert the name of the National Disaster Office] or another National Disaster Office in another CDEMA participating member state, for use in disaster relief and recovery activities.
 - d. Storage in a warehouse owned by the government or an Approved IHA/IDR Actor, for exclusive use as pre-positioned disaster relief stock.
 - e. For items that are expired or otherwise unusable, a solid waste disposal plan will be developed for approval by the [insert name of solid waste authority] and the Ministry of Health. The plan will be reviewed for compliance with national laws and policies and international best practices in waste disposal, particularly as regards medical or chemical waste. The importer will assume all costs related to the implementation of the exit plan.

Part 7: Miscellaneous Provisions

38. Visiting Forces and Uniformed Groups

- (1) All visiting uniformed groups and disciplined forces will be coordinated through [insert the name of the Ministry or agency with responsibility for defence or the national police force or the Regional Security System or in accordance with the [insert the name of the Visiting Forces Act]].

39. Safeguarding Measures

- (1) All international assisting actors must comply with the laws and policies of the government of [insert name of country]. In particular, international assisting actors will be responsible for ensuring that their personnel and volunteers are informed of provisions, guidelines and requirements required to protect, fulfill and safeguard the rights of the people of [insert name of country]. These include the following:
 - a. Child protection protocols established by the [insert name of child protection Ministry or Agency], including special coordination, reporting and safeguarding measures for international assisting actors working with children and families.
 - b. Protocols established by [insert name of disability rights or social service Ministry or agency or National IHA [IDR] Committee] for interactions with displaced populations, including integrating international assisting actors with national social security systems.
 - c. Building codes and protocols established by [insert name of Ministry or agency with responsibility for establishing or monitoring building codes] to ensure resilient reconstruction, including the adoption of regional resilient building standards.

- d. Measures established by [insert name of police force or social service Ministry or agency or National IHA [IDR] Committee] to prevent sexual abuse and exploitation of displaced persons and disaster relief beneficiaries.
- e. Data protection protocols established by [insert name of data protection Ministry or agency or National IHA [IDR] Committee], including prohibitions against the use of personal information in fundraising and the requirement for informed consent for the use of photographs.
- f. Guidelines established or adopted by the National IHA [IDR] Committee for safeguarding the rights of vulnerable groups, which may include [insert all that apply: persons with disabilities, elderly persons, indigenous groups, migrant communities and other groups specific to a country's socio-demographic profile].

40. Prohibitions and Sanctions

- (1) An international assisting actor who contravenes regulations [insert reference to relevant regulations here or in a Schedule], whether directly or through their agents, employees or representatives, will be in breach of the terms of their registration (if Approved IHA [IDR] Actors) and their permission to remain in [insert name of country].

41. Savings Clause

- (1) Nothing in these regulations will serve to limit or decrease benefits and privileges that were applicable to any assisting actor before the regulations are promulgated.
- (2) A duty imposed under these regulations is in addition to, and does not detract from, other duties imposed by another written law, the common law or customary law.