



# SELF-ASSESSMENT TOOL FOR NATIONS TO INCREASE PREPAREDNESS FOR CROSS-BORDER IMPLICATIONS OF CRISES

OSCE Secretariat

Transnational Threats Department

Borders Unit

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**SELF-ASSESSMENT TOOL  
FOR NATIONS TO INCREASE  
PREPAREDNESS FOR CROSS-BORDER  
IMPLICATIONS OF CRISES**

This document was drafted by the Organization for Security and Co-operation in Europe (OSCE), and is a compilation of mainly existing materials from the European Commission Directorate-General for Humanitarian Aid and Civil Protection (EC ECHO), the European Commission Directorate-General for Health and Consumers (EC SANCO), the International Federation of Red Cross and Red Crescent Societies (IFRC), the North-Atlantic Treaty Organization (NATO), the United Nations Development Programme (UNDP), the United Nations Economic Commission for Europe (UNECE), the United Nations Office for the Co-ordination of Humanitarian Affairs (UN OCHA), the World Customs Organization (WCO), and the World Health Organization (WHO). The contents were reviewed and supplemented by representatives of these and other regional/international organizations as well as the OSCE participating States and Partners for Co-operation

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## **1. Introduction**

Preparedness for cross-border implications is vital to facilitate a speedy and effective response to humanitarian emergencies and to deal with cross-border movements resulting from crises. Borders are vulnerable in times of crises as they are increasingly under pressure by a number of cross-border movements. Different types of crises - natural disasters, environmental emergencies, man-made crises, cross-border health emergencies or conflict situations- may all result in a sudden influx of relief goods and personnel, while at the same time people may decide or have to flee across the border, or emergencies may threaten to spill over to neighbouring countries. Officials at the border are the first to be confronted with these dynamics and border security can become affected.

The challenges for border-related agencies during crises are numerous. Often, procedures and legislation for cross-border aspects are drafted for non-emergency situations which results in uncertainty and ad-hoc procedures. Complicated bureaucratic procedures and a lack of co-ordination among national agencies may slow down the delivery of assistance to those in need. The capacity of border officials themselves may be affected by the crisis, whereas the situation demands unusual and speedy processing of people, goods and equipment. Furthermore, priorities for border security change which alters the co-ordination structures and working culture of border-related agencies.

As crises rarely respect international borders, cross-border co-operation is of utmost importance to adequately prepare, and effectively and efficiently respond. Some events may be of such magnitude, that a country is unable to deal with the consequences independently. Especially when it comes to health or environmental emergencies, only well-developed cross-border co-operation may be capable of halting further proliferation. Cross-border co-operation is needed to promote free and secure movement of persons, goods and services across borders as well as dignified treatment of all individuals wanting to cross borders.

The need for better preparedness at the country level - national, regional and local - and at the international level has been acknowledged by a number of recent initiatives and projects. For example, the on-going Transformative Agenda<sup>1</sup>, reviewing the current approach to humanitarian response, includes continuous support to build capacities for preparedness. As such, humanitarian organizations undertake working with national governments and civil society on preparedness programmes in order to strengthen resilience and enhance response capacities.

### **1.1. Justification**

The Organization for Security and Co-operation in Europe (OSCE) is a regional security organization under Chapter VIII of the United Nations Charter. It is the largest regional security organization in the world, with fifty-seven participating States and an area stretching from Vancouver to Vladivostok. It thus spans the Euro-Atlantic and Eurasian security community, linking a diverse geographic space, a varied group of States and their societies, as well as different cultures, regions and national identities. The OSCE also has a number of Partners for Co-operation in the Mediterranean and Asian regions. Since its beginnings in the 1970s, the OSCE adopted a broad and comprehensive approach to security in which the

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<sup>1</sup> More information at <http://www.humanitarianinfo.org/iasc/>

politico-military, the economic and environmental, and the human dimensions are seen as inter-linked and equally relevant.

The OSCE aims to enhance national preparedness levels and capacities of its participating States and Partners for Co-operation to maximize effective cross-border co-operation and responses to natural or man-made disasters and crises. At its 13<sup>th</sup> Ministerial Council in 2005, the OSCE participating States adopted the OSCE Border Security and Management Concept (MC 2/05). One of the contributions that the OSCE may make to assist its participating States to apply the Concept is the “facilitation of cross-border co-operation in the case of natural disasters or serious accidents in border zones”.

The Border Security and Management Concept states that the OSCE should continue political and operational co-ordination with other international organizations and institutions in promoting open and secure borders. Therefore and in line with good practices, this project explicitly intends to build on existing materials and expertise to avoid duplication. The role of the OSCE should be seen as a facilitating one, bringing together disparate information, allowing States to have an overview of related resources and pointing them to the right framework for further assistance.

## **1.2. Overview**

This document contributes to overall response preparedness by promoting existing tools and pointing national authorities to international and regional assistance frameworks. The tool compiles expertise from various organizations working on different aspects of crisis response, and thus offers participating States and Partners for Co-operation a comprehensive overview of relevant aspects when preparing for cross-border implications of crises. Using this tool will allow participating States and Partners for Co-operation to identify potential gaps or ambiguities that could benefit from contingency planning on a national, regional and international level, and from better compliance with existing international frameworks.

The structure of the tool follows different cross-border movements and lists, for each, a number of issues and aspects that should be considered in order to prepare appropriately. The document is designed to be used in advance of emergency situations.

## **1.3. Why undertake a self-assessment?**

An affected State has the primary responsibility to respond to emergencies and to co-ordinate its assistance. Should a crisis situation exceed national capacities, the affected State should seek international and/or regional assistance to address the needs of the affected persons, and should co-ordinate, regulate and monitor disaster relief and recovery assistance provided by assisting actors on their territory.

A variety of tools, guidelines and documents already exist to support national capacity building in the field of response preparedness and a number of international and regional organizations assist States to prepare for crises. The problem is thus not substance of existing frameworks, but rather a lack of communication and awareness about it at the operational, policy and donor levels. Often, it is only during or after emergencies, that these tools are discovered by national agencies or that the evaluation of disaster response concludes that an enhanced implementation of international guidelines could have avoided unnecessary problems. National agencies would benefit from a consideration of the available materials in advance of crises, by including these in training for and capacity building of border officials, and where possible, by a harmonization of these standards into national laws and practices.



States are encouraged to undertake a self-assessment to evaluate their level of preparedness for crises with a special focus on cross-border implications. Greater preparedness at all levels can facilitate expedited and orderly responses, stabilization and reconstruction. Conducting an internal review of national legislation and procedures will assist with the identification of potential gaps or ambiguities where preparedness can be strengthened and could also promote greater interagency understanding of and co-operation on crisis management issues. Another benefit of using this tool would be to identify specific assistance that could be requested from regional and international organizations of which countries are Members, if so desired.

#### **1.4. Who is this guide for?**

This self-assessment guide is aimed for national agencies of, in the first place, OSCE Participating States and Partners for Co-operation who would deal with cross-border movements following a crisis. Since these movements are of different types, they affect various governmental agencies, depending on national structures and specificities:

- Emergency Management Officials or the agency/Ministry responsible for co-ordinating disaster response/crisis management efforts;
- Borders Officials, Customs Officials, Border Guards/Police and Ministries of Foreign Affairs, Interior and Homeland Security/Affairs and associated legal advisors; and
- Ministries that address border issues, such as Health, Environment, Agriculture and Trade Ministries.

#### **1.5. Selected terms and terminology (as used in this document)**

*“Affected State”*: The State upon whose territory persons or property are affected by a disaster. (IFRC)

*“Assisting actor”*: Any assisting humanitarian organization, assisting State, foreign individual, foreign private company providing charitable relief or other foreign entity responding to a disaster on the territory of the affected State or sending in-kind or cash donations. (IFRC)

*“Assisting humanitarian organization”*: A foreign, regional, intergovernmental or international non-profit entity whose mandate and activities are primarily focused on humanitarian relief, recovery or development. (IFRC)

*“Assisting State”*: A State providing disaster relief or initial recovery assistance, whether through civil or military components. (IFRC)

*“Crisis”*: An unexpected breakdown in a society following a natural or man-made disaster, an environmental emergency, a cross-border health emergency or a conflict situation.<sup>2</sup>

*“Disaster”*: A serious disruption of the functioning of the society, causing widespread human, material, or environmental losses which exceed the ability of the affected society to cope using only its own resources. The term covers all disasters irrespective of their cause (i.e. both natural and manmade). (UN OCHA/WCO)

*“Disaster relief”*: Goods and services provided to meet the immediate needs of disaster-affected communities. (IFRC)

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<sup>2</sup> This is a working definition for this document only. Different organizations may have other definitions.

*“Early recovery”*: Early recovery is a multi-dimensional process of recovery that begins in a humanitarian setting. It is guided by development principles that seek to build on humanitarian programmes and catalyze sustainable development opportunities. It aims to generate self-sustaining, nationally owned, resilient processes for post-crisis recovery. It encompasses the restoration of basic services, livelihoods, shelter, governance, security and rule of law, environment and social dimensions, including the reintegration of displaced populations. (UNDP)

*“Initial recovery assistance”*: Goods and services intended to restore or improve the pre-disaster living conditions of disaster-affected communities, including initiatives to increase resilience and reduce risk, provided for an initial period of time, as determined by the affected State, after the immediate needs of disaster-affected communities have been met. (IFRC)

*“Eligible assisting humanitarian organization”*: An assisting humanitarian organization determined to be eligible to receive legal facilities by the originating, transit or affected State, as applicable. (IFRC)

*“Emergency”*: A sudden and usually unforeseen event that calls for immediate measures to minimize its adverse consequences. (UN OCHA/WCO)

*“Environmental emergency”*: A sudden-onset disaster or accident resulting from natural, technological or human-induced factors, or a combination of these, that cause or threaten to cause severe environmental damage as well as harm to human health and/or livelihoods. (UNEP/OCHA)

*“Equipment”*: Physical items, other than goods, that are necessary for disaster relief or initial recovery assistance, such as vehicles and radios. (IFRC)

*“Goods”*: Supplies intended to be provided to disaster-affected communities for their relief or initial recovery. (IFRC)

*“Hazardous activity”*: Any activity in which one or more hazardous substances are present or may be present in quantities at or in excess of the threshold quantities<sup>3</sup>, and which is capable of causing transboundary effects. (UNECE)

*“Industrial accident”*: An event resulting from an uncontrolled development in the course of any activity involving hazardous substances either: (i) in an installation, for example during manufacture, use, storage, handling, or disposal; or (ii) during transportation. (UNECE)

*“Operator”*: Any natural or legal person, including public authorities, in charge of an activity, e.g. supervising, planning to carry out or carrying out an activity. (UNECE)

*“Personnel”*: Staff and volunteers providing disaster relief or initial recovery assistance. (IFRC)

*“Public health emergency of international concern”*: An extraordinary event which is determined: (i) to constitute a public health risk to other States through the international spread of disease and (ii) to potentially require a co-ordinated international response. (WHO)

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<sup>3</sup> The threshold quantities can be found in annex I to the UNECE Convention on the Transboundary Effects of Industrial Accidents

*“Possessions of disaster relief personnel”*: All equipment, provisions, supplies, personal effects and other goods brought for and/or by disaster relief personnel in order to perform their duties and to otherwise support them in living and working in the country of the disaster throughout the duration of their mission. (UN OCHA/WCO)

*“Relief consignment”*: Goods, such as vehicles and other means of transport, foodstuffs, medicaments, clothing, blankets, tents, pre-fabricated houses, water purifying and water storage items, or other goods of prime necessity, forwarded as aid to those affected by disaster. (UN OCHA/WCO)

*“Services”*: Activities (such as rescue and medical care) undertaken by disaster relief and initial recovery personnel to assist disaster-affected communities. (IFRC)

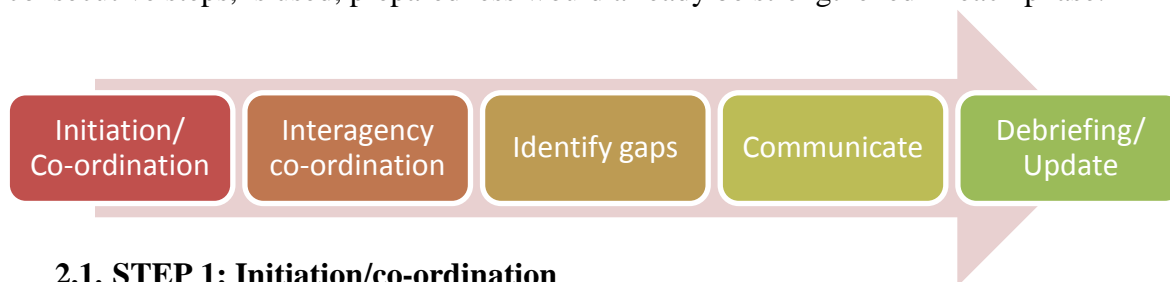
*“Transboundary effects”*: Serious effects within the jurisdiction of a Party as a result of an industrial accident occurring within the jurisdiction of another Party. (UNECE) For this document, transboundary effects can also refer to effects that cross from one national jurisdiction to another as a result of a natural disaster or other type of crisis.

*“Transit State”*: The State through whose territorial jurisdiction disaster relief or initial recovery assistance has received permission to pass on its way to or from the affected State in connection with disaster relief or initial recovery assistance. (IFRC)

*“Vital civil transport”*: Transport, including transit, of relief personnel and material from the sending Party to the requesting Party by water, land or air, which are necessary to meet the vital requirements of the affected population in order to cope with the consequences of a disaster. (NATO)

## 2. How to carry out the self-assessment

A self-assessment should lead to better response preparedness, and merely conducting the exercise contributes to that aim. When the following methodology, divided into five consecutive steps, is used, preparedness would already be strengthened in each phase.



### 2.1. STEP 1: Initiation/co-ordination

The national agency or ministry that ideally should initiate the conduct of this self-assessment would be the one responsible for disaster/crisis management, depending on the specific organizational structure of a government. Already before the onset of an emergency, the roles and responsibilities of all relevant ministries and agencies supporting disaster/crisis management and response should be clearly defined and its mechanisms should be outlined in national laws and procedures.

The leading agency/ministry is expected to co-ordinate with other national structures during a response to a crisis. If this agency also takes a guiding role in response preparedness it may facilitate a more effective and efficient response. In particular, the assessment questions in the first chapter of this guide would be of relevance for general preparedness efforts and strengthening national capacities and the subsequent chapters address specific topics. An interagency self-assessment would provide an overview of existing national capacities and also highlight requirements where further development and/or assistance might be needed. Given the collaborative nature of the development of this tool, the sources of information as indicated throughout the document and the identification of the key regional and international organizations that specialize in certain areas, the agencies/ministries leading national efforts in disaster/crisis management will be able to target their efforts and any requests for assistance in a timely and an effective manner.

### 2.2. STEP 2: Interagency co-ordination

The seeds of good interagency co-ordination need to be planted in the preparedness phase. Therefore, the self-assessment requires that all relevant border-related agencies would jointly conduct the assessment. In some countries, it may be the first time that a meeting of this kind would be held in advance of a crisis. It is an opportunity not only for the national lead for disaster/crisis management to establish contact *with* border-related agencies, but also to promote contact *between* Customs and Immigration officials, Border Guards/Police and officials of Ministries of Health, Agriculture, Foreign Affairs, Interior, Environment, Civil Protection and others. Regional and local authorities or civil society could equally be included to promote an even better preparedness effort.

Co-operation between different agencies is the only way for the self-assessment to result in complete and coherent findings. In addition, this working method is an awareness exercise of its own. Officials from various backgrounds would be able to learn how colleagues from different agencies/ministries operate, what their challenges are and how they could contribute to a response or recovery effort following a disaster/crisis. Overall national preparedness would be enhanced through networking and sharing of information. To take the effort once step further transboundary co-ordination could also be pursued if deemed helpful.

### **2.3. STEP 3: Identify outstanding gaps in preparedness**

It is anticipated that the answers to the questions in the tool will initiate discussion between national agencies and ministries, encouraging an exchange of capabilities, experiences and requirements between them. The questions are drafted in such a way that with a positive answer, the issues would not necessarily be further explored. However, should the answer to any of the questions be negative, it can be assumed that there is room for improvement and it would be recommended to make adjustments for the future. The tool is not designed to give an overall score to States on their preparedness for cross-border implications, but merely indicates the gaps in national legislation, procedures and practice and what organization specializes in each specific area that could provide expertise, if States desire to increase their capabilities.

The first chapter on general response preparedness is a snapshot of a comprehensive preparation check in all sectors of disaster response. The list serves as an indicator of basic preparation in place, but at the same time it raises awareness on the variety of issues to take into account. The other chapters focus on several cross-border implications in more detail. Related issues to the topics that are of a more general nature, but that are not linked to cross-border co-operation are excluded. However, a list of sources is added to allow users to easily find more information on a particular question. It is important to note that where there is no reference to existing materials, the questions originated out of the current project development.

### **2.4. STEP 4: Communicate with relevant international and regional frameworks**

After conducting the assessment, interested States are invited to explore the reference tools further or to contact international or regional organizations for more in-depth assessments and information. The activities and publications of some expert organizations on the different topics are summarized at the end of this document for States to have an overview of assistance that could be provided. The organization may be contacted directly for further information or to discuss possible co-operation, for example the drafting of a specific action plan for a border-related sector in a region, assistance with relevant legislation and advice on how to implement national and international guidelines.

There is no obligation to report back in any international or other forum after the self-assessment. However, States are strongly recommended to do so, for example in the OSCE Security Committee, in order to foster cross-border co-operation and to continue the undertaking of strengthening national and international preparedness for and crises. Should the assessment identify the need for more transboundary co-operation, States are advised to contact their neighbours directly for follow-up actions.

### **2.5. STEP 5: Interagency follow-up**

Following the conduct of the self-assessment tool and activities undertaken in some of the areas that required efforts to increase capabilities, it would be beneficial to meet again in the interagency co-ordination setting used for the self-assessment to continue the momentum of joining efforts, the exchange of information and to provide new staff with the possibility of networking. Shared learning processes and joint simulation events could be organized to allow even better response preparedness. Regional meetings, or the self-assessment of preparedness levels at the regional or local level, could equally be considered. Moreover, the tool may be re-conducted again in the future to document improvements made on previous gaps that were identified and also determine any outstanding areas of the national processes and practices that could require attention.

### 3. Self-assessment questions

#### 3.1. General disaster preparedness at the national level

*Primary authorities involved: structures responsible for national disaster management with assistance of border-related agencies*

According to the United Nations General Assembly Resolution 46/182, the responsibility to take care of the victims of emergencies occurring on its territory falls first and foremost to each State. The State should do so by initiating, organizing, co-ordinating and implementing humanitarian assistance. The State can take a number of preparedness measures in this respect.

The same resolution underlines that humanitarian assistance should be provided with the consent of, and in principle, on the basis of an appeal by the affected country, and that the sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations. UN General Assembly Resolution 46/182 also calls upon the States, whose populations are in need of humanitarian assistance, to facilitate the work of intergovernmental and non-governmental organizations in implementing this assistance. In order to speed up the request for international assistance, a number of procedures and structures could be established well before an emergency breaks out.

Overall Assessment	Yes	No
1) Is an assessment made of vulnerabilities at borders and are contingency plans prepared accordingly? (10)		

Legal framework	Yes	No
1) Does the national legal framework for disaster management outline a clear division of roles and responsibilities of the various levels of government? (10) a) Does this legal framework include mechanisms to ensure intra-governmental co-operation during disasters and crises? (10) b) Does this legal framework include a holistic understanding of preparedness including recovery? (10)		
2) Are criteria established for declaring an emergency? (8)		
3) Are criteria established for issuing early warnings of imminent disasters to the population, including in the local language? a) Does this include plans for alternative ways of communication, in case the usual communication channels are disrupted?		
4) Does the law or policy specify a procedure to report to other governments/regional organizations/United Nations about disasters and/or crises, including emerging hazards, that could lead to disasters and/or crises in the country and/or in a neighbouring country? (5)		
5) Does a central overview of existing bilateral, multilateral and international agreements that are relevant to emergency management exist at the governmental level? (2) a) Does this include an overview of possible cost implications as a result of each agreement?		
6) Is a legal framework in place covering liability and security and safety aspects of providing international assistance (e.g. rules for compensation of damage caused by assisting teams either to property of or and /or service		

staff of affected State or to the third party)? (1)		
7) Is disaster risk reduction appropriately integrated into national policies, planning and programming? (3)		

National co-ordination	Yes	No
1) Is a clear governmental focal point identified for preparing for and managing disasters and crises? (10)		
2) Is a national platform/co-ordination mechanism for preparing for and managing disasters and crises established, that includes border-related agencies, such as customs and immigration officials? (10) a) Does this include the preparation of an up-to-date contact list of government counterparts (technical and political) at the national and local level? (9)		
3) Are all relevant governmental agencies familiar with international humanitarian law, humanitarian principles, relevant UN General Assembly resolutions and other key instruments related to humanitarian assistance? (9) a) Do government staffs, in particular key border officials, receive orientation and /or training in emergency preparedness and recovery? b) Are legal frameworks distributed, up-to-date and binding for the appropriate governmental agencies?		
4) Are emergency funds available and are procedures in place so they can be quickly allocated? (10)		
5) Does a functioning regional emergency operations centre exist to co-ordinate emergency relief with neighbouring States when appropriate, both for incoming and outgoing assistance? (10)		

Request for International Assistance	Yes	No
1) Are criteria established for requesting and accepting international assistance? (10)		
2) Are criteria established for justifying the rejection of international assistance?		
3) What Ministry/Agency is in charge of requesting international assistance? (5)		
4) Does the law, a plan or policy establish a timeframe for making this request? (10)		
5) Is there any requirement that has to be met before making an official request, such as a declaration of a state of emergency? (5)		
6) Are there specific provisions for requesting assistance from the humanitarian community, non-state actors and appropriate regional, sub regional or local organizations? (5)		
7) Are there prior conditions to accepting foreign offers? (5) a) Is the intent to request for military assistance, or the acceptability of the type of assistance delivered by the military identified? <sup>4</sup> (9)		
8) Are there rules about the type of information that providers of international assistance must provide? (5)		
9) Are standardised forms for requesting and offering international assistance in place?		

<sup>4</sup> Consult the *Guidelines on the Use of Foreign Military and Civil Defence Assets In Disaster Relief* ("Oslo Guidelines"), and the *Guidelines On The Use of Military and Civil Defence Assets To Support United Nations Humanitarian Activities in Complex Emergencies* for more information on this topic.

a) Are they easily available to assisting States? (1)		
b) Are there existing forms from regional or international organizations that could be used?		

Co-ordination of international humanitarian assistance	Yes	No
1) Is there a comprehensive plan for the management of international assistance in the event that such a request is made? a) If so, does the plan identify which governmental agencies are responsible for what aspects in the receipt of international assistance and how international assistance will be incorporated into the national disaster response effort? (7)		
2) Is a clear government focal point identified to co-ordinate with assisting States and intergovernmental organizations offers that have indicated an ability to provide relief assistance? (10) a) Is this governmental focal point able to request any other relevant governmental body to undertake actions or make available assets or premises required to facilitate the work of international actors that are providing relief assistance? (6) b) Is this governmental focal point familiar with humanitarian co-ordination systems, such as the humanitarian cluster approach? (9)		
3) Is a co-ordination structure established with the United Nations Emergency Relief Coordinator as the central focal point for States and assisting humanitarian organizations concerning United Nations emergency relief operations? (9)		
4) Is it straightforward for international actors to gain access to information on international assistance enshrined in domestic laws? (5)		
5) Are there pre-established agreements that outline mechanisms to share information with international assistance organisations to facilitate the response?		
6) Is there a registration system for assisting organizations that would prevent foreign humanitarian organizations from having to register with several agencies (such as local, provincial, national agencies, Ministry of Health, Ministry of Labour, etc)? (5)		
7) Are there domestic institutions specifically aimed to ensure the security of the assistance staff, facilities, transportation, equipment and supplies? (5)		
8) Is a sufficient number of staff pre-identified and pre-trained to liaise with incoming assisting teams? (1)		
9) Are arrangements in place to ensure customs officials have access to the list of needed assistance goods in order to be able to give priority treatment to the required assistance?		

Eligibility of assisting organizations	Yes	No
1) Are criteria established for assisting humanitarian organizations seeking eligibility for legal facilities for entry and operations with respect to disaster relief or initial recovery assistance? (4)		
2) Is it possible to determine the eligibility of assisting organizations in advance of a disaster or crisis, or as soon as possible after its onset? (4)		
3) Are the applicable procedures and mechanisms as simple and expeditious as possible; are they clearly described and is information about them freely available? (4)		



4) Have the use of a national roster, bilateral agreements or reliance upon international or regional systems of accreditation been considered? (5)		
5) Is a specified period from the date of issue defined for which this special recognition of assisting humanitarian organizations remains valid? (11) a) Is there a process for submitting a new request and has a government focal point been established for this purpose?		

Transition from relief to recovery	Yes	No
1) Is a clear government focal point identified who is responsible for providing appropriate notification to terminate international assistance? (5)		
2) Does national law or policy provide for a period of notification to international actors prior to termination of the legal facilities connected to the disaster/crisis? (4)		
3) Are mechanisms in place to arrange for the handover from international to domestic actors?		
4) Are procedures in place for forecasting the impact that termination would have on beneficiaries? (5)		

### **Sources**

- (1) EU Civil Protection Mechanism – DG ECHO
- (2) EC ECHO – EU Host nation support (HNS) guidelines
- (3) IASC - Handbook for RCs and HCs on emergency preparedness and response
- (4) IFRC - Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance
- (5) IFRC - Questionnaire - Regional compendium of regulatory instruments for the management of international humanitarian assistance in emergencies<sup>5</sup>
- (6) IFRC/OCHA/Inter-Parliamentary Union - Model act for the facilitation and regulation of international disaster assistance
- (7) NATO - Checklist and non-binding guidelines for the request, reception and provision of international disaster assistance in the event of a CBRN incident or natural disasters
- (8) UN OCHA - Disaster response preparedness toolkit
- (9) UN OCHA - Minimum preparedness package
- (10) UN OCHA - Strategic partnership for preparedness
- (11) WCO - SAFE Framework of standards in further facilitating the process of clearing relief consignments

<sup>5</sup> The questionnaire for the “Regional compendium of regulatory instruments” was developed by a taskforce including IFRC, UN OCHA and the governments of Argentina, Brazil, Ecuador and Mexico, at the request of States at annual meetings on “Enhancing International Humanitarian Partnerships”. The questionnaire is designed to help States develop chapters in what will eventually be the Regional Compendium.

### 3.2. Cross-border implications of crises for affected countries

A request for international assistance will usually lead to offers of humanitarian support from a variety of actors: States, international and regional organizations, non-governmental organizations and private actors. When it comes to incoming relief assistance, both goods and personnel, a State can consider to grant a number of legal facilities to assisting States and eligible assisting humanitarian organizations to enable the delivery of incoming assistance in the emergency and initial recovery phase to expedite the delivery of relief assistance.

#### 3.2.1. Population movements

*Primary authorities involved: structures responsible for interior, immigration, security*

#### Cross-border movement

States have the primary responsibility to provide protection and assistance to their citizens and habitual residents. In the context of natural disasters, this duty requires States to prepare for foreseeable disasters and to do what is possible to prevent threats to the lives and property of their people, including preventing displacement. Disaster risk reduction activities, contingency planning exercises, infrastructure improvements, relocating people at risk of displacement to safer areas, land reform, and other measures to improve resiliency are all potential actions to prevent displacement. However, in the event of a natural disaster that overwhelms a State's capacity to protect its citizens and habitual residents, State responsibility could also mean that States have a duty to try to secure legal means for their citizens and habitual residents to seek protection and assistance in another country. Furthermore, State responsibility may also require the government to mobilize relevant regional and international organizations, arrangements and resources. More detailed questions regarding finding durable solutions for displaced persons are included below in section 3.5.1.

#### Assessment questions for externally displaced persons resulting from natural disasters

Overall preparedness	Yes	No
1) Have the appropriate authorities undertaken an assessment to determine which populations are at risk of displacement by natural hazards and to identify individuals that may need special assistance to move?		
2) Have the appropriate authorities consulted with potential receiving States to discuss contingency planning in the event of cross-border displacement? a) Does the contingency plan include an outline of the rights and responsibilities of the displaced while they are in the other country? b) Does the contingency plan include an inter-governmental mechanism for finding durable solutions for the displacement, such as determining when the displaced may return and clarifying logistical arrangements for facilitating an informed, voluntary and safe return? c) Does the contingency plan address potential financing mechanisms to assist a receiving State with the reception and assistance of displaced persons?		
3) Within the country, is a system in place to facilitate the return of the displaced, including accepting identity documents that may have been issued abroad in the absence of national documentation?		
4) Are appropriate measures in place to protect displaced persons' land and property, to the extent possible, against looting, destruction, arbitrary or illegal appropriation, occupation or use during the period of displacement?		

5) Have the appropriate authorities consulted communities at risk of displacement to inform them about the possibility to seek protection in another country when national capacity is overwhelmed or to preserve their life, physical integrity or health? a) Have at-risk communities been informed about their rights and responsibilities during the displacement, as well as when and under what conditions they could expect to return home after the disaster?		
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### **Sources**

(1) IASC – Operational guidelines on the protection of persons in situations of natural disasters

### **3.2.2. Incoming relief goods**

*Primary authorities involved: structures responsible for customs, health and transport*

### **Cross-border movement**

Customs authorities could be faced with logistical and legal challenges of how to manage incoming relief goods in a time where their own capacities may be affected, especially in natural disaster situations. Although the delivery of relief consignments is limited in time, usually as long as the emergency and/or recovery phase is valid, the time pressure to deliver humanitarian goods to beneficiaries as quickly as possible implies a substantial burden for customs authorities that can be partly overcome by considering a number of preparedness measures.

### **Assessment questions**

<b>Overall preparedness</b>	<b>Yes</b>	<b>No</b>
1) Do customs administrations participate/contribute in national governments' overall planning and preparation of disasters as necessary and appropriate? (13)		
2) Is a clear legal framework and effective customs clearance procedures pre-established in order to manage the movements of priority goods and the co-ordination of international humanitarian assistance? (11) (12) a) If the pre-established legal framework anticipates from the United Nations, has an agreement been signed between the United Nations and the relevant government authorities? (6)		
3) Are these legal and customs clearance procedures (mentioned in question 2) incorporated into national legislation and/or regulations and, wherever possible, in the national emergency plan? (13) a) If yes, do they refer to or comply with any WCO instruments and tools? b) If yes, which of the following: Revised Kyoto Convention Annex J, chapter 5 of June 1999; Istanbul Convention Annex B.9 of June 1990; SAFE Framework of Standards?		
4) Are diagnostics carried out on the procedures introduced for the customs processing of emergency humanitarian assistance and their capacity to put those procedures into operation in the event of a disaster? (13)		

5) Do simulation exercises take place to test the level of preparedness and capacity of customs authorities to manage emergency situations and possibly to verify the quality of national emergency plans? (13)		
6) Is a training plan drawn up and implemented to ensure that customs staff is qualified and able to manage emergencies involving cross-border movement of goods? (13)		
7) Are customs clearance procedures for humanitarian assistance, including a list of operational border entry and exit points, available to the public, using tools such as national web sites and /or the directory managed by the United Nations Office for the Coordination of Humanitarian Affairs? (13)		
8) Are procedures for receiving international urban search and rescue assistance teams been implemented and maintained? (8)		
9) Is an overview made of national laws and constraints relevant to the entry of international relief goods and equipment so that they can be communicated to other States in the event of an international request for assistance in order to facilitate the nature and quality of assistance provided? (4)		
10) Have potential bottlenecks at border crossings been identified? (7)		
11) Have bilateral, mutual administrative assistance arrangements between customs administrations been reviewed and, where necessary, updated in order to manage emergencies? (13)		
12) If other ministries are involved in the procedures for receiving relief goods, for example telecommunications, transport, health and police services, is a co-ordination structure established?(4) a) Have the respective responsibilities been defined for each entity involved?		

Export of relief goods	Yes	No
6) Are any export duty and tax waivers granted with respect to goods contained in relief consignments destined to affected countries? (10)		
7) Are any simplified declaration procedures implemented with respect to goods contained in relief consignments destined to affected countries? (10)		

Import and temporary admission of relief goods	Yes	No
1) Is free admission allowed of import duties and taxes or charges having an equivalent effect and free of economic import prohibitions or restrictions in respect of: a) Relief consignments imported by assisting States and eligible assisting humanitarian organizations for distribution free of charge by them or under their control to victims of disaster in the affected territory, in particular where such consignments consist of foodstuffs, medication, <i>women's hygiene articles</i> <sup>6</sup> , clothing, blankets, tents, pre-fabricated houses or other goods of prime necessity (12); b) Possessions of disaster relief personnel delivering humanitarian assistance? (6)		
2) Can temporary admission be facilitated, with conditional relief from import duties and taxes of any equipment required by assisting States and eligible assisting humanitarian organizations, and used by them or under their control in actions undertaken to alleviate the effects of a disaster; and whenever		

<sup>6</sup> Added to original text during review process

<p>possible not to require security but accept a commitment by an assisting State or humanitarian organization to re-export such equipment? (11)</p> <p>This equipment covers <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>a) transmission and communication equipment;</li> <li>b) water purifying and water storage items;</li> <li>c) all equipment, machinery, tools, electronic devices and substances (i.e. medications) required by technical specialists, such as doctors, engineers, communications technicians, logisticians, community workers, etc. to perform their duties;</li> <li>d) equipment not directly involved in relief operations but used to fight and eliminate the consequences of natural and similar disasters, e.g. for elimination of pollution of all types, decontamination of buildings and territories, inspection of industrial structures, etc.;</li> <li>e) administrative support items such as office equipment, e.g. computers, photocopiers and typewriters, expendable supplies, staff security items and administrative manuals and documents;</li> <li>f) tents, pre-fabricated and mobile staff accommodation units and associated materials including cooking and dining equipment and supplies, sanitation requirements and compound safety/security items;</li> <li>g) possessions of disaster relief personnel;</li> <li>h) means of transport and spare parts and equipment for their repair;</li> <li>i) animals for rescue operations, e.g. specially trained dogs.(6)</li> </ul>		
<p>3) Can economic prohibitions and restrictions be waived for consignments of these goods and equipment by assisting States and eligible assisting humanitarian organizations? (3)</p>		
<p>4) Are arrangements considered to entry and use restrictions for telecommunications equipment without restriction, except as required for purposes of national security or public order? (3)</p> <ul style="list-style-type: none"> <li>a) Can the granting of any applicable licenses be waived or expedited and any other barriers to the use, import or export of telecommunications and information technology equipment by initial recovery assistance be reduced? (2)</li> <li>b) Without discrimination against or negative impact to domestic relief actors, is it possible to grant (or where, appropriate, encourage other domestic actors to grant) assisting States and eligible assisting humanitarian organizations priority access to bandwidth, frequencies and satellite use for telecommunications and data transfer associated with disaster relief operations?(2)</li> </ul>		
<p>5) Are arrangements considered for entry and use restrictions for medications and medical equipment, possibly on condition of the following requirements:</p> <ul style="list-style-type: none"> <li>a) Appropriate to the needs <i>and gender</i><sup>7</sup> of the disaster-affected persons.</li> <li>b) Legal for use in the country of origin according to its laws as in the disaster-affected country according to the appropriate law on pharmaceuticals.</li> <li>c) Medications intended for use directly by assisting humanitarian organizations in providing medical services transported and maintained by the eligible actor in appropriate conditions at all times to ensure their quality, and guarded against misappropriation and abuse.</li> </ul>		

<sup>7</sup> Added to original text during review process

d) Medications intended for donation for the use of others that are: i) At least twelve months from their expiry date upon arrival, unless otherwise specifically agreed by the relevant health authority ii) Transported and maintained by the eligible actor in appropriate conditions at all times to ensure their quality until they reach their intended domestic recipients; and iii) Appropriately labelled in a language understood in the affected State with the international non-proprietary name or generic name, batch number, dosage form, strength, name of manufacturer, quantity in the container, storage conditions and expiry date. (3)		
6) Can legal and administrative barriers be reduced on the import of medications and medical equipment by assisting States and eligible assisting humanitarian organizations or on their behalf in disaster relief and initial recovery assistance, to the extent consistent with public safety and international law? (2) a) Are there any regulations relating to donations of health and medical items? (16)		
7) Has it been considered to modify or to reduce normal requirements regarding fumigation and prohibitions and restrictions on food imports by assisting States and eligible assisting humanitarian organizations in disaster relief operations? a) Are specific regulations in place to clarify expedited procedures to import food? (2)		
8) Are specific regulations in place to clarify the conditions and requirements to import search dogs imported by assisting States and eligible assisting humanitarian organizations without the need to quarantine? (3)		
9) Can vehicles imported by assisting States and eligible assisting humanitarian organizations be granted temporary recognition of foreign registration and plates, pending the provision of local registration and plates? (3)		
10) In case of an environmental emergency, are arrangements made to facilitate the arrival of specific environmental assessment equipment? (9)		
11) Can the transport, entry, processing and disposal of biological substances and diagnostic specimens, reagents and other diagnostic materials for verification and public health response purposes be facilitated? (15)		
12) If applicable, has a prohibited relief good list been established? a) Can this be communicated to assisting States and eligible assisting humanitarian organizations? (5) b) Do customs officials have a copy of this list?		

Clearance procedures	Yes	No
1) Are operators and importers allowed to submit manifest and entry details to customs prior to arrival of the relief consignments in order to facilitate immediate release? (12) a) Has a customs point of contact with operating times be designated and is there a plan to communicate this information with assisting States and humanitarian organizations?		
2) Can customs control be restricted to the absolute minimum necessary to ensure compliance with the laws and regulations which customs are responsible for enforcing? (12)		
3) Can the documents that must accompany any humanitarian consignment be		



reduced to the minimum and can a list of required customs clearance documents be communicated to assisting States and eligible assisting humanitarian organizations? (12)		
4) Are arrangements made whereby the maximum number of relief consignments can be released promptly after arrival upon presentation of a provisional entry document or a legally acceptable electronic equivalent, subject to complete fulfilment of customs and other requirements within a specified time limit? (12)		
5) Is the lodging of a simplified goods declaration or of a provisional or incomplete goods declaration subject to completion of the declaration within a specified period possible; and is the goods declaration and any supporting documents relating to consignments of goods and equipment sent by or on behalf of eligible actors to be lodged, preferably electronically, and without a fee, allowed?(12)		
6) Can any requirements of translation of details in documents relating to consignments of goods and equipment sent by or on behalf assisting States and eligible assisting humanitarian organizations be waived unless it is absolutely necessary for the purposes of release or clearance? (3)		
7) Have possible language barriers been taken into consideration and have assisting States and eligible assisting humanitarian organizations been informed about the languages that can be used? (4)		
8) Can the clearance of relief consignments be granted without regard to the country of origin, the country from which arrived or country of destination, subject to monitoring for reasons of public health and security? (3)		
9) Are customs agencies prepared with the required equipment to manage incoming relief assistance, or can they be provided with these in case of need? (7)		
10) Are customs authorities in a position to waive, as feasible, any customs security that would normally be required with respect of consignments to goods and equipment imported by or on behalf of assisting States and eligible assisting humanitarian organizations? (3)		

Inspection procedures	Yes	No
1) Is risk analysis foreseen as the basis to take only such action as it deems essential to ensure compliance with customs and related laws for the purpose of checking the goods declaration of a consignment sent by or on behalf of assisting States and eligible assisting humanitarian organizations, and to determine which consignments of goods and equipment imported by or on behalf of eligible actors shall be inspected and the extent of that inspection? (3)		
2) Can physical examination of cargo be accomplished, when required, on a sampling or selective basis, and can such examination be carried out as rapidly as possible? (12)		
3) If the goods must be inspected by other competent authorities and customs also would schedule an examination, is the customs in a position to ensure that the inspections are co-ordinated and, if possible, carried out at the same time? (3)		
4) Has mutual recognition of customs controls been considered requiring customs to agree on common control and management standards, the sharing of intelligence as well as the routine exchange of customs data? (14)		

Priority treatment	Yes	No
1) Are arrangements made so that the rapid importation of consignments of goods and equipment by assisting States and eligible assisting humanitarian organizations is facilitated and a priority treatment in handling is accorded? (12)		
2) Can offices and services essential to the timely delivery of international disaster relief function outside of normal business hours? (12)		
3) Are suitable arrangements authorized and in place for relief consignments, including those in containers and on pallets and the possessions of disaster relief personnel to be examined and/or released outside normal working hours and regular border crossing points? a) In addition, are arrangements in place to waive any charges for customs attendance? (6)		
4) Are procedures in place to co-ordinate, when appropriate, with other relevant departments/ministries involved in the approval of incoming consignments (business hours and competencies) and, whenever possible carry out joint operations, such as joint customs controls? (3)		
5) Would it be possible to make a distinction (through simplified/accelerated procedures) for those organizations that operate appropriately, this means having sufficient capacity and operating according to humanitarian principles and established quality standards? (14)		
6) Can, without undue delay, permission be granted and ideally, applicable fees be waived for the speedy passage of land, marine and air vehicles operated by an assisting State or eligible assisting humanitarian organizations or on its behalf, for the purpose of transporting disaster relief or initial recovery assistance? (2)		
7) Are arrangements in place to give vital civil transport of assisting countries all the necessary logistics and administrative facilities and grant the same priority for vital civil transport as for national civil transport? (4)		

Transport and logistics	Yes	No
1) Are border-related agencies aware that the ground, air and water transport vehicles operated by or on behalf of an assisting State or eligible assisting humanitarian organization to transport international and locally engaged personnel, goods or equipment for the purposes of disaster relief or initial recovery assistance shall be accorded priority treatment for passage, including, as appropriate, priority in air traffic routing and landing permissions? (3)		
2) What government, ministry or agency can grant permission for overflight, landing and departure of aircraft, authorized to operate within the territory of the affected State as required for the delivery of assistance? (2) a) Are the necessary procedures in place to facilitate these permissions?		
3) Are mechanisms in place to ensure rapid grant of lading and overflight permission for relief flights? (4)		
4) Are procedures in place to exempt from any prohibitions, limitations or restrictions in respect of their arrival, overflight, landing, stay and departure, other than those necessary to guarantee national security, public safety or public health? (3)		



5) Can exit, transit and entry visas for the operating personnel of such transport vehicles be promptly issued? (2)		
6) Are procedures in place to exempt from any applicable taxes, levies, duties, fees or charges normally imposed by governmental entities, including, but not limited to overflight, landing, parking, taking off and navigation service fees; demurrage and docking fees; and road tolls? (3)		
7) Are road authorities and police aware of the special status of incoming assistance goods, equipment and personnel, and the waiver of taxation (e.g. road tax toll) and provision of escort, security and clearing of the roads? (4)		
8) Is there a proper logistic chain in place to ensure fast and effective off-loading, warehousing and forward distribution of relief assistance? (1) a) What ministry/agency would take the lead in the receipt of assistance? b) What ministry would conduct the handover of the assistance to the respective units for the forward distribution?		
9) Are arrangements in place to assess what support the host nation is or is not able to provide to assisting teams when affected by a major emergency? (1)		
10) Is a procedure in place which allows communicating the level of host nation support to the assisting teams? (1)		
11) Can any existing limitations on truck movement (ban during weekends and public holidays) and daily driving hours for truck drivers be waived?		

## **Sources**

- (1) EU Civil Protection Mechanism – DG ECHO
- (2) IFRC - Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance
- (3) IFRC/OCHA/Inter-Parliamentary Union - Model act for the facilitation and regulation of international disaster assistance
- (4) NATO - Memorandum of understanding on the facilitation of vital civil cross border transport
- (5) UN OCHA - Concept for the concrete implementation of the customs agreement (Feb 2011)
- (6) UN OCHA - Model agreement concerning measures to expedite the import, export and transit of relief consignments and possessions of relief personnel in the event of disasters and emergencies
- (7) UN OCHA - Strategic partnership for preparedness
- (8) UN OCHA/INSARAG – INSARAG Guidelines
- (9) UN OCHA/UNEP - Environmental emergencies guidelines
- (10) WCO - Recommendation of the Customs Co-operation Council to expedite the forwarding of relief consignments in the event of disasters, June 1970
- (11) WCO - Recommendation of the Customs Co-operation Council to expedite the forwarding of relief consignments in the event of disasters, June 1970, Istanbul Convention on Temporary admission Annex B.9 of June 1990
- (12) WCO - Recommendation of the Customs Co-operation Council to expedite the forwarding of relief consignments in the event of disasters, June 1970, Revised Kyoto Convention, Annex J, chapter 5, June 1999
- (13) WCO, Resolution of the Customs Co-operation Council on the role of customs in natural disaster relief, June 2011
- (14) WCO - SAFE Framework of standards in further facilitating the process of clearing relief consignments
- (15) WHO - International health regulations
- (16) WHO Europe- Toolkit for assessing health-system capacity for crisis management

### 3.2.3. Outgoing assessment material

*Primary authorities involved: structures responsible for customs, environment and health*

#### Cross-border movement

In specific cases, in particular for environmental emergencies, experts will need to conduct an in-depth assessment of the affected area to define the type of disaster and allow them to recommend the appropriate response to and/or mitigation of its consequences. This assessment will include the taking of samples and subsequent analysis. It may require having these samples analysed in specialized laboratories abroad, should the necessary facilities not be available in the affected country. Given the time pressure in industrial or chemical incidents, having in place procedures that anticipate these hurdles is of greatest importance to protect the population and the environment of further risks.

#### Assessment questions

Technical preparedness	Yes	No
1) Are procedures in place to facilitate the transport, entry, exit, processing and disposal of biological substances and diagnostic specimens, reagents and other diagnostic materials for verification and public health response purposes? (2)		
2) Are procedures in place to assure the safe transport and export of biological and environmental specimens for testing and/or confirmation by national and international reference laboratories? (3)		
3) Can samples in function of an environmental assessment, be exported to be analysed, including when the substance is not determined? (1) a) Are procedures in place to register the samples in advance of export, such as radioactive sources?		
4) Can liquids and equipment as part of portable labs be exempt of some travel restrictions, such as limited amount of liquid allowed on the plane according to civil aviation standards? a) What are the procedures to facilitate such transport? b) Is there a mechanism to announce such a transport to civil aviation authorities and airline personnel?		
5) What are the relevant procedures to re-export vehicles and equipment if they may have been contaminated?		

#### Sources

- (1) Joint UNEP/OCHA Environment Unit
- (2) WHO - International health regulations
- (3) WHO Europe- Toolkit for assessing health-system capacity for crisis management

### 3.2.4. Incoming relief personnel

*Primary authorities involved: structures responsible for immigration, foreign affairs*

#### Cross-border movement

Too often, immigration laws ill-suited to emergency situations result in delays in entry of international relief personnel which affects the efficiency of the delivery of humanitarian assistance. Immigration officials thus have a role to play in preparing for cross-border implications by putting procedures and legislation in place that allow a fast processing of incoming foreigners to assist in the aftermath of a crisis.

#### Assessment questions

Legal preparedness	Yes	No
1) Does the law on immigration or the law on disaster management have any specific provisions on visas for relief personnel? a) If so, what are the ministries/departments involved in these special processes? (2) b) Is a special type of visa prepared? c) If there are no special provisions for visa to be granted to relief personnel, what are the types of existing visas that would be commonly used and what would be their limitations? (2)		
2) Does the law provide for specific procedures to recognize privileges and immunity to diplomats and consular officials, consistent with the Vienna conventions? (2)		
3) Does the law provide for specific procedures to recognize privileges and immunity for relevant international and regional organizations, consistent with the United Nations conventions? (2)		
4) Does the law on disaster management or mutual assistance agreements provide for protection from liability for foreign government humanitarian staff involved in relief operations? (2) a) Are there different national laws and procedures that vary based on the nationality of the foreign humanitarian staff? b) Are there national laws and procedures in place that apply only to international civil servants?		
5) Does the law provide for other specific procedures regarding the migration status of international humanitarian staff? (2)		
6) Does the law provide for any regulations relating to the entry of foreign health workers to provide emergency relief services? (4)		
7) Does the law provide for expedited procedures for the temporary recognition of professional qualifications of foreign medical personnel, architects, and engineers, drivers licences and other types of licenses and certificates that are necessary for the performance of disaster relief or initial recovery functions and that have been certified as genuine by the concerned assisting State or eligible assisting humanitarian organization, for the time necessary to carry out disaster relief or initial recovery activities? (1)		
Technical preparedness	Yes	No
1) Are arrangements in place to grant visas and any necessary work permits to relief personnel of an assisting State or eligible assisting humanitarian organizations, ideally without cost, renewable within the territory of the		

affected State, for the time necessary to carry out disaster relief or initial recovery activities? (1)		
2)	Are arrangements in place to waive or significantly expedite the provision of such visas and work permits? (1)	
3)	Are arrangements in place to facilitate freedom of access to and freedom of movement in and from the disaster-affected area, bearing in mind the safety of disaster relief and initial recovery personnel? (1)	
4)	Are arrangements in place so that international personnel of assisting States or eligible assisting humanitarian organizations undertaking disaster relief and initial recovery work are entitled to remain in or re-enter the territory as often as necessary throughout the relief and recovery period, and that after that time, they may apply for a relevant visa from within the country? (3)	
5)	Are arrangements in place to grant relevant entities of assisting States and eligible assisting humanitarian organizations, upon entry or as soon as possible thereafter, at least a temporary authorization to legally operate on their territory so as to enjoy the rights, inter alia, to open bank accounts, enter into contracts and leases, acquire and dispose of property and instigate legal proceedings, for the purpose of providing disaster relief and initial recovery assistance? (1)	
6)	Are arrangements in place to grant assisting States and eligible assisting humanitarian organizations the right to freely bring the necessary funds and currencies in or out of the country through legal means and to obtain legal exchange rates in connection with their disaster relief or initial recovery assistance? (1)	
a)	Is there a limit on the amount of currency that disaster relief and initial recovery personnel can bring into the country?	
7)	Are arrangements in place to allow assisting States and eligible assisting humanitarian organizations to legally hire and terminate contracts of local personnel? (1)	
8)	Are arrangements in place to provide exemptions to assisting States and eligible assisting humanitarian organizations from value-added and other taxes or duties directly associated with disaster relief and initial recovery assistance? (1)	
9)	Are arrangements in place to reduce and expedite any procedures for the entry of drivers, pilots and crew of transport vehicles operated by or on behalf of eligible actors? (3)	
10)	Are plans and procedures in place to identify a point of contact for the disaster response and to communicate with the incoming relief personnel in order to efficiently and effectively incorporate them into the on-going national disaster response effort?	

### **Sources**

- (1) IFRC - Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance
- (2) IFRC - Questionnaire - Regional compendium of regulatory instruments for the management of international humanitarian assistance in emergencies
- (3) IFRC/OCHA/Inter-Parliamentary Union - Model act for the facilitation and regulation of international disaster assistance
- (4) WHO Europe- Toolkit for assessing health-system capacity for crisis management

### 3.2.5. Evacuation of foreign nationals

*Primary authorities involved: structures responsible for security, foreign affairs, immigration*

#### Cross-border movement

Any crisis, be it a natural or man-made disaster or a conflict situation, can result in the need for foreign States to evacuate its citizens from the affected area as quickly as possible. The State, where the crisis takes place, may be confronted with the request of foreign States to assist to locate foreign nationals, and possibly in their speedy evacuation. This means an extra difficulty for the affected State on top of the provision of assistance for its own citizens, whereas the foreign State is forced to rely on the affected State in respect of sovereignty. In addition, travellers may become blocked in a country because their continuing journey has become impossible due to the crisis. As a result, these persons are forced to overstay in countries, unprepared for this delay, both in practical and legal terms. They may not possess the necessary visa to stay longer than the foreseen lay-over in the transit country, or they may not have the necessary practical arrangements in place. In-depth preparedness by all States to tackle these challenge and a cross-border co-operation, before an emergency occurs, would facilitate this cross-border movement.

#### Assessment questions

The affected State where the evacuation takes place from	Yes	No
1) Is a clear point of contact assigned to assist foreign States in their request for information on their citizens present in the affected area?		
2) Is a structure in place for representations of foreign States to access their citizens in the country?		
3) Are Standard Operating Procedures/contingency plans in place for the evacuation of foreign nationals during a crisis? a) If yes, are these procedures and plans flexible enough to overcome unexpected challenges? b) Do contingency plans include which governmental, provincial or local authority has the responsibility to co-ordinate the evacuation of international citizens?		
4) Are employers of foreign nationals wishing to be evacuated during a crisis, obliged to release them of their duties?		
5) Can exceptional procedures at the border be facilitated for foreign nationals taking part in the evacuation? a) If not, are alternatives, such as building a temporary border posts, feasible?		
6) Can exit visas be waived for foreign nationals taking part in the evacuation?		
7) Can belongings of foreign nationals taking part in the evacuation be exported without taxes?		
8) Is it possible for stranded persons who, due to circumstances resulting from the crisis, entered the country irregularly, to depart legally?		
9) Does the system foresee the registration of women and children, not only men as head of the family?		
10) Are contingency plans in place to evacuate foreign nationals from alternative locations in case of closure of the main port of departure, e.g .international airport?		

a) Should contingency plans require transport of stranded persons to neighbouring countries, would it be possible to waive a transit visa?		
11) Do contingency plans exist to provide stranded persons with basic needs, such as food, shelter, medical care, protection and hygiene?		

The foreign State looking into evacuating its citizens	Yes	No
1) Are repatriation plans prepared for countries of concern?		
2) Is it clear which governmental agency takes the decision to initiate the evacuation?		
3) Are contingency plans in place to keep track of citizens with particular attention to the number of nationals present in a given country and the presence of fellow-national companies and employees?		
4) Are contingency plans in place to contact citizens, also in cases where normal communication systems fail, with particular attention to maintaining contact to deployed personnel?		
5) Are means in place to make clear to the stranded persons in the affected country who to contact in case of a necessary evacuation?		
6) Where national representations are located in another country, is that representation capable to organize an evacuation, when needed, taking into account distance, resources, and limited transportation means?		
7) Where national representations are absent in a country affected by a crisis, is it possible and are there plans to ask another State or a regional/international organization for assistance, when needed?		
8) Are there pre-agreed procedures that in case of an evacuation, it would be possible to evacuate unregistered citizens, citizens not able to show their travel documents, citizens of other nationalities or relatives of citizens who have another nationality, avoiding the need for family separation but at the same time attempting to confirm identity?		
9) For States that would have the capacity to evacuate stranded citizens by their own means, are contingency plans based on calculations considering the expected number of citizens present in a given country, the possible circumstances and the type of the crisis, and the distance to home or the next secure location? a) Are alternative means than air transport foreseen? b) Has the need for special provisions, such as security, decontamination or medical assistance/quarantine been considered? c) Can citizens with special needs, such as the elderly, sick, wounded, pregnant women be evacuated as well? d) Are evacuation exercises organized on a regular basis for countries of concern? e) Are there provisions to evacuate pets? Do the contingency plans include countries that have quarantine procedures that would preclude the evacuation of pets with their owners?		
10) For States that would not have the capacity to evacuate stranded citizens by own their means, are contingency plans in place to join international evacuation efforts, or request other States and organizations located in the affected area to assist in the evacuation of citizens? a) If no, would national laws and procedures allow an option to rent the necessary capacities? Would it be possible to send personnel, a deployable emergency team for example, along to assist with those		

transport assets?		
11) Are measures in place to control who is coming on board the means of transport?		
12) Are procedures in place to inform the public back home about the location of stranded persons in affected areas, and when needed, the progress of the evacuation? a) Are there plans to establish a call centre, for example in the Ministry of Foreign Affairs, to assist relatives and friends at home looking for stranded persons?		

### THE LAW OF ARMED CONFLICT

International Humanitarian Law (IHL) is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or no longer participating in the hostilities and restricts the means and methods of warfare. The International Committee of the Red Cross (ICRC) plays a key role in the national implementation and enforcement of IHL. Its Advisory Service assists States in enacting domestic legislation, through the provision of technical assistance as well as the provision of publications, including ratification kits and model laws.



### 3.3. Cross-border implications of crises for neighbouring countries

Even when a State is not directly affected by a crisis, it may still be influenced by indirect impacts, for example as a refuge for people fleeing the affected area or through receiving unwanted spill over effects in various types. These outgoing movements will thus form a different challenge for border officials, and may attract the involvement of additional departments or ministries, such as health, environment, agriculture and others.

#### 3.3.1. Population movements

*Primary authorities involved: structures responsible for interior affairs and immigration*

#### Cross-border movement

A natural disaster, industrial accident or conflict situation often leads to population movements inside and outside the country. When people cross borders, border-related agencies, such as immigration officials, will be confronted with a number of challenges about how to respond to an influx of people crossing a border. Once admitted, the overall responsibility for people displaced across borders lies with the host government. To the extent that the displaced persons are not refugees (*definition in the text box below*), the legal basis for action is domestic law, international human rights law and humanitarian principles. In order for border officials to respond to these population movements in the most efficient way that respects the rights of people affected, a receiving State should ideally have a national protection and assistance policy for people displaced across borders other than refugees before a crisis occurs. In order to facilitate greater regional co-operation, this policy should be shared and discussed with neighbouring countries, particularly those that are likely to be affected by crises. A national policy on the protection of and assistance to people displaced across international boundaries in the context of natural disasters could address the issues included within the assessment questions that follow, and in section 3.5.1, which addresses durable solutions for displaced persons.

#### Refugee

A refugee is any person who, "...owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [or her] nationality and is unable or, owing to such fear, is unwilling to avail him [or her]self of the protection of that country; or who, not having a nationality and being outside the country of his [or her] former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it." Article 1A(2) of the 1951 Convention or who is outside his/her country of origin or habitual and is unable to return there because of serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order. As stipulated in the OAU Convention and Cartagena Declaration.



## UNHCR

The Office of the United Nations High Commissioner for Refugees was established on December 14, 1950 by the United Nations General Assembly. The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.

Generally, UNHCR seeks to reduce situations of forced displacement by encouraging States and other Institutions to create conditions which are conducive to the protection of human rights and the peaceful resolution of disputes. In pursuit of the same objective, UNHCR actively seeks to consolidate the reintegration of persons of concern, thereby averting the recurrence of displacement producing situations. In its efforts to protect persons of concern, the organization works in partnership with governments, regional organizations, IGOs and NGOs. By virtue of its activities, UNHCR strives to promote the purpose and principles of the United Nations Charter: mainly by contributing to activities which promote international peace and security, developing among nations and encouraging respect for human rights and fundamental freedoms.

### Assessment questions for externally displaced persons resulting from natural disasters

Admission to the territory	Yes	No
1) Are clear criteria and procedures in place to identify people who are displaced as a consequence natural disasters, industrial accidents and crises and thus in need of protection and assistance in your country? a) Are there legal provisions, such as temporary protection regimes, that allow receiving and hosting people displaced from other countries as a consequence of natural disasters, industrial accidents and crises to stay until return to their country in safety and dignity becomes possible?		
2) In the absence of such provisions: are arrangements in place to ensure that such people can access your territory in safety and not be rejected at the border, such as by granting a right to stay on an <i>ad hoc</i> basis?		
3) Are arrangements in place to receive persons in cases of a mass influx triggered by a natural disaster, industrial accident or crisis in a neighbouring country or elsewhere?		
4) Is it ensured that such people are not returned to areas where their life, limb or health would be in danger, or in situations where adequate protection and assistance are absent or cannot be accessed by them in their country of origin?		
5) Are measures in place to register or provide temporary legal documents to displaced persons, particularly those who may have fled without identity documents?		
6) In the event of admission, are adequate measures in place to inform displaced persons, in a way that is accessible and in a language they understand, about their rights and responsibilities during their stay in the country?		
7) Are border-related agencies and other relevant authorities aware of their duties and trained to identify and assist such persons?		
8) Are adequate arrangements in place to receive and facilitate, if necessary, the movement of (single) women, female/child heads of household, unaccompanied and separated children, wounded or sick people, older persons and persons with disabilities? a) Do procedures recognize not only heads of households (usually men), but also women or women who may come without male family members?		
9) Is computer equipment available to computerize relevant information as soon as possible to facilitate programme delivery and beneficiary analysis?		

Protection during admission	Yes	No
1) Has a focal point been designated to co-ordinate the protection and assistance response for people displaced across international borders in the context of natural disasters, industrial accidents or crises?		
2) Can it be ensured that displaced people receive humanitarian assistance, in particular adequate shelter or housing, food, access to education, and health services, including reproductive and specialized health services? a) In situations of prolonged displacement, do displaced people have access to labor and livelihood opportunities, and if not, can they access alternative means of livelihood support necessary to sustain a life in dignity in accordance with human rights standards?		
3) Can it be ensured that the human rights of such persons, including the right to life, liberty and security will be protected? Do relevant laws and policies include protection against arbitrary detention and physical violence such as rape and other forms of sexual- and gender-based violence? a) Are displaced persons' right to non-discrimination adequately protected and measures in place to prevent violations?		
4) Can it be ensured that international humanitarian organizations have access, where appropriate, to such people, in particular those with special needs and vulnerabilities?		
5) Are measures in place to trace and reunite family members separated in the course of the natural disaster, industrial accident or crisis and the ensuing displacement?		
6) Are information and communication policies in place to ensure that displaced people are informed and consulted, in a way that is accessible and in a language they understand, about how to access assistance and plans for durable solutions? If relevant, are host communities also informed and consulted?		
7) Are there mechanisms in place to establish mobile teams that operate outside the existing health facilities where needed to address the health needs of displaced populations? (2)		
8) Are mechanisms in place to ensure efficient monitoring of the health status of displaced people living in temporary settlements and at ad hoc sites, taking into account the importance of a gender analysis of the health status? (2)		
9) Has a gender sensitive analysis of what the right to protection means from a female and male perspective been conducted?		
<b>Sources</b> (1) IASC – Operational guidelines on the protection of persons in situations of natural disasters (2) WHO Europe - Toolkit for assessing health-system capacity for crisis management		

### 3.3.2. Environmental spill over

*Primary authorities involved: structures responsible for environment affairs, civil protection, economics and agriculture*

#### Cross-border movement

Environmental emergencies, caused by industrial accidents, natural disasters or crises, do not respect international borders, since they can spread through air, water or soil. It can be expected that neighbouring countries become affected when such an emergency occurs close to borders. Cross-border co-operation is thus essential to prepare for such events and to deal with its aftermath. Furthermore, since environmental emergencies cover a wide variety of aspects; health, environment, security, agriculture, etc., these departments and ministries will also need to consider contingency planning for similar events.

#### Assessment questions

Identification of hazardous activities	Yes	No
1) Is a comprehensive mechanism in place and implemented for the identification of hazardous activities? The mechanism should include hazardous activities that take place within your borders but could have an effect abroad if an accident were to occur. The mechanism should be based on the definition of clear responsibilities between the different actors/stakeholders and on a methodology for the process of identifying hazardous activities, which allows to: <ul style="list-style-type: none"> <li>a) Elaborate and validate a list with hazardous activities</li> <li>b) Ensure that it functions over time independently from staff changes within the responsible authority/ies (1)</li> </ul>		
2) Are tailings management facilities, which in the event of an accident could cause transboundary effects, included in the list of hazardous activities above? (7)		

Notification of hazardous activities	Yes	No
1) Is a comprehensive mechanism in place and implemented for notification of hazardous activities to neighbouring countries, ensuring that the notification functions over time independently from staff changes within the responsible authority? (1)		
2) Is the list of hazardous activities that take place within your borders but could have an effect abroad if an accident were to occur, shared with the States that could be affected and are they consulted on preparedness and response activities and plans? (3)		
3) Is a competent authority designated to notify any potentially affected State of any existing or proposed hazardous activity? (3) <ul style="list-style-type: none"> <li>a) Is a system in place for this designated authority to always have up-to-date knowledge on hazardous activities? (5)</li> </ul>		
4) Are counterparts in neighbouring States notified for tailings management facilities which in the event of an accident could cause transboundary effects? (7)		
5) Are plans in place to notify about and consult with governments of neighbouring States on projects for the construction of tailing management facilities which have the potential to cause adverse environmental impacts		

across borders?		
a) Is the provision to perform an environmental impact assessment under the UNECE Espoo Convention included in national plans and procedures? (7)		

Prevention	Yes	No
1) Is specific legislation in place that regulates chemical/industrial accidents and cross-border obligations? (4)		
2) Is a comprehensive mechanism in place and implemented to ensure that appropriate preventive measures are in place and which: <ul style="list-style-type: none"> <li>a) Impose on the operators of hazardous activities full responsibility for safe operation;</li> <li>b) Impose on the operators of hazardous activities an obligation to demonstrate to the competent authorities and to the public the safe operation of those activities;</li> <li>c) Give to the authorities an effective control regime over hazardous activity operators; and</li> <li>d) Allow for updating the prevention system to take new trends into account? (1)</li> </ul>		
3) Are concrete terms of reference established that ensure that hazardous activities are carried out safely by the operators and do the terms of reference provide an estimate of the personnel available and of the personnel needed to fulfil this task? (1)		
4) Do you have policies for the safe transport of hazardous substances in pipelines, aimed at limiting accidental consequences for human health and the environment? (6)		

Emergency preparedness	Yes	No
1) Is a comprehensive mechanism in place and implemented to ensure adequate emergency preparedness for industrial accidents? Does this mechanism impose the responsibility: <ul style="list-style-type: none"> <li>a) On hazardous activity operators to establish, maintain and test on-site emergency plans and to ensure their capacity to be able to respond to emergencies in accordance with the provisions of those plans;</li> <li>b) On the competent authorities to establish, maintain and test off-site emergency plans, to ensure their capacity to be able to respond to emergencies in accordance with the provisions of emergency plans, to ensure that hazardous activities operators comply with their responsibilities, and that off-site plans are compatible with on-site plans;</li> <li>c) On the competent authorities to ensure, where relevant, compatible emergency plans in a transboundary context? (1)</li> </ul>		
2) Do emergency plans include contact details to allow proper notification of any emergencies that might occur? (7)		
3) Based on national risk analysis, is it assessed that the equipment and personnel of the emergency services are adequate? (5)		
4) Is there co-operation with the health sector in the development of emergency preparedness, prevention or response plans for chemical or industrial accidents at the border? (4)		
5) Are obligations under the International Health Regulations included in your emergency plans? (4)		

6) Are exercises planned and carried out with neighbouring States? a) If yes, have these exercises been evaluated with the States concerned? (4)		
7) Is a special notification system in place when an industrial accident takes place to notify all the other States that could be affected and to give them information they need to fight its possible effects? <sup>8</sup> (1)		
8) Has the co-operation in case of transboundary accidents been evaluated with the States concerned after an accident took place? (4)		
9) Is national legislation clear, enforceable and consistent among different countries in order to facilitate international co-operation in, for example, the development and implementation of emergency plans?(6)		

Response and mutual assistance	Yes	No
1) Is a comprehensive mechanism in place for response and mutual assistance and implemented ensuring that: a) Industrial accidents or an immediate threat thereof are recognized as such on time, enabling the activation of preparedness procedures as well as transboundary co-operation; b) Procedures to request assistance are in place; c) Procedures to provide assistance to another country which might be affected by an industrial accident are in place? (1)		
2) Is it possible to take effective steps to minimize effects of transboundary nature and to work together with other States affected by the accident to ease its effects? (5)		
3) Are arrangements in place to render, to the extent possible assistance to a neighbouring State requesting it in the event of an industrial accident? a) To this effect, can you ensure that your points of contact are fully operational to receive and reply to such requests? (5) b) To this effect, do your national laws, plans and procedures provide for response units that could be available immediately or on a short notice, at the request of the affected State?		
4) Are there arrangements on international collaboration in case of a major chemical incident? (4)		
5) Are there plans and procedures in place that would allow mobile laboratories (available in country) to support the international response to chemical incidents? (4)		
6) Does a risk mapping (GIS mapping) system exist which shows receptors (potentially affected persons) in neighbouring States in case of chemical incidents that is used as a planning tool for national response procedures? (4)		
7) Are dispersion models available, also for neighbouring States, in case of chemical incidents? (4)		

<sup>8</sup> For example, the UN/ECE Industrial Accident Notification System

Information to public	Yes	No
1) Is a comprehensive mechanism in place and implemented to ensure that the public receives adequate information and can easily participate in the decision-making process either in their country of origin or in a neighbouring State in the areas of prevention and preparedness relating to industrial accidents? (1)		
2) Are local residents, <i>including vulnerable groups</i> <sup>9</sup> , informed of the presence of hazardous operations, do they have a say in the setting-up of prevention and preparedness measures, and do they have access to administrative and judicial proceedings of its views are disregarded? (2)		
3) Are the local communities and competent authorities of neighbouring States given the same rights to participate in preparation and revision of the compatible external emergency plan of tailings management facilities? (7)		

### **Sources**

- (1) UNECE - Benchmarks for the implementation of the convention on the transboundary effects of industrial accidents
- (2) UNECE - Convention on access to information, public participation in decision-making and access to justice in environmental matters
- (3) UNECE - Convention on environmental impact assessment in a transboundary context
- (4) UNECE- RIECO project (Development of guidelines on transboundary risk assessment, possibly including the characterization of exposure risks)
- (5) UNECE - The assistance programme: Convention on transboundary effects of industrial accidents
- (6) UNECE - The safety guidelines and good practices for pipelines
- (7) UNECE - The safety guidelines and good practices for tailings management facilities (mining waste)

<sup>9</sup> Added to original text during review process



### 3.3.3. Health spill over

*Primary authorities involved: structures responsible for health issues*

#### Cross-border movement

Today's globalized world implies that public health threats, diseases and epidemics can spread quickly across borders. Although States are responsible to manage public health crises at a national level, epidemics or pandemics can spread to proportions that no country alone can tackle a cross-border public health crisis on its own. The strengthening of co-ordination between several national agencies, health, transport, customs, etc, to promote cross-border co-operation is advised to halt and overcome such crises.

#### Assessment questions

Travellers' health	Yes	No
<p>1) At all times, are the following capacities in place at designated airports, ports and ground :</p> <ul style="list-style-type: none"> <li>a) to provide access to (i) an appropriate medical service including diagnostic facilities so as to allow the prompt assessment and care of ill travellers, and (ii) adequate staff, equipment and premises, <i>considering gender needs</i><sup>10</sup>;</li> <li>b) to provide access to equipment and personnel for the transport of ill travellers to an appropriate medical facility;</li> <li>c) to provide trained personnel for the inspection of conveyances;</li> <li>d) to ensure a safe environment for travellers using point of entry facilities, including potable water supplies, eating establishments, flight catering facilities, public washrooms <i>with appropriate security measures</i><sup>11</sup>, appropriate solid and liquid waste disposal services and other potential risk areas, by conducting inspection programmes, as appropriate; and</li> <li>e) to provide as far as practicable a programme and trained personnel for the control of vectors and reservoirs in and near points of entry? (3)</li> </ul>		
<p>2) For responding to events that may constitute a public health emergency of international concern, are the following capacities in place at designated airports, ports and ground crossings:</p> <ul style="list-style-type: none"> <li>a) to provide appropriate public health emergency response by establishing and maintaining a public health emergency contingency plan, including the nomination of a co-ordinator and contact points for relevant points of entry, public health and other agencies and services;</li> <li>b) to provide assessment of and care for affected travellers or animals by establishing arrangements with local medical and veterinary facilities for their isolation, treatment and other support services that may be required;</li> <li>c) to provide appropriate space, separate from other travellers, to interview suspect or affected persons;</li> <li>d) to provide for the assessment and, if required, quarantine of suspect travellers, preferably in facilities away from the point of entry;</li> <li>e) to apply recommended measures to disinsect, derat, disinfect, decontaminate or otherwise treat baggage, cargo, containers,</li> </ul>		

<sup>10</sup> Added to original text during review process

<sup>11</sup> Added to original text during review process

<p>conveyances, goods or postal parcels including, when appropriate, at locations specially designated and equipped for this purpose;</p> <p>f) to apply entry or exit controls for arriving and departing travellers; and</p> <p>g) to provide access to specially designated equipment, and to trained personnel with appropriate personal protection, for the transfer of travellers who may carry infection or contamination? (3)</p>		
<p>3) At points of entry, are competent authorities in a position to:</p> <p>a) be responsible for monitoring baggage, cargo, containers, conveyances, goods, postal parcels and human remains departing and arriving from affected areas, so that they are maintained in such a condition that they are free of sources of infection or contamination, including vectors and reservoirs;</p> <p>b) ensure, as far as practicable, that facilities used by travellers at points of entry are maintained in a sanitary condition and are kept free of sources of infection or contamination, including vectors and reservoirs;</p> <p>c) be responsible for the supervision of any deratting, disinfection, disinsection or decontamination of baggage, cargo, containers, conveyances, goods, postal parcels and human remains or sanitary measures for persons, as appropriate under the International Health Regulations;</p> <p>d) advise conveyance operators, as far in advance as possible, of their intent to apply control measures to a conveyance, and provide, where available, written information concerning the methods to be employed;</p> <p>e) be responsible for the supervision of the removal and safe disposal of any contaminated water or food, human or animal dejecta, wastewater and any other contaminated matter from a conveyance;</p> <p>f) take all practicable measures consistent with the International Health Regulations to monitor and control the discharge by ships of sewage, refuse, ballast water and other potentially disease-causing matter which might contaminate the waters of a port, river, canal, strait, lake or other international waterway;</p> <p>g) be responsible for supervision of service providers for services concerning travellers, baggage, cargo, containers, conveyances, goods, postal parcels and human remains at points of entry, including the conduct of inspections and medical examinations as necessary; and</p> <p>h) have effective contingency arrangements to deal with an unexpected public health event? (3)</p>		
<p>4) Are arrangements in place to treat travellers with respect for their dignity, human rights and fundamental freedoms and minimize any discomfort or distress associated with such measures, including by:</p> <p>a) treating all travellers with courtesy and respect;</p> <p>b) taking into consideration the gender, sociocultural, ethnic or religious concerns of travellers; and</p>		



c) providing or arranging for adequate food and water, appropriate accommodation and clothing, <i>hygienic considerations</i> <sup>12</sup> , protection for baggage and other possessions, appropriate medical treatment, means of necessary communication if possible in a language that they can understand and other appropriate assistance for travellers who are quarantined, isolated or subject to medical examinations or other procedures for public health purposes? (3)		
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Cross-border threats to health	Yes	No
1) Is a legal framework in place for preparedness for and response to public health events or events with impact on public health? <sup>13</sup> (2)		
2) Is capacity in place to respond promptly and effectively to public health risks and public health emergencies of international concern? (3)		
3) Are efforts co-ordinated to develop, strengthen and maintain capacities for the monitoring, early warning and assessment of and response to serious cross-border threats to health? (1)		
4) Are gender indicators included in monitoring, early warning and assessment to get a comprehensive result and is female staff included for all steps?		
5) Are specific mechanisms established at national level for the interoperability between the health sector and other critical sectors of society and among other critical sectors? (1)		
6) Are arrangements in place to efficiently notify international actors about events which may constitute a public health emergency of international concern and the health measures taken in response, through national focal points and within 24 hours after relevant information has been assessed? (1) (3)		
7) Are international agreements implemented and protocols established with national and reference laboratories or structures on the rapid sharing of information and specimens, including cross-border transport to international reference laboratories? (2) (4)		
8) Are police, customs and other border officials involved in cross-border health exercises and training (bridging security and health events)? (2)		

Cross-border health co-operation	Yes	No
1) Are bilateral agreements or arrangements with countries sharing common borders concerning prevention or control of international transmission of disease at ground crossings part of your national laws, plans and procedures? a) In particular, with regard to the direct and rapid exchange of public health information between neighbouring territories of different States? (3)		

<sup>12</sup> Added to original text during review process

<sup>13</sup> EU co-ordinated response to the emergence of serious cross-border threats to health including biological (epidemics and pandemics), chemical and environmental threats, and through the co-ordination of measures between Member States, including the supply or sharing of medical countermeasures, for example as a basis for vaccination campaigns, travel advice or restrictions, protocols for prevention and treatment including hygiene measures, or coherent communication to the public, on the basis of unbiased, sound, timely, legally validated and institutionalised scientific advice and risk assessment in coherence and synergy with, building on and adding to the policies of key supra-national regional or global partner organisations such as WHO.

2) Are mutual assistance agreements with neighbouring States to improve health-related crisis preparedness and management part of your national laws, plans and procedures? (4)		
3) Are international co-operation agreements (protocols) on emergency medical care established with other States, at least for reciprocal cross-border co-operation? (2)		
4) Have hospitals in border areas developed collaboration with neighbouring health authorities? (2)		
5) Do plans for collaborative management of major events exist in border areas? (2)		
6) Are procedures for patient movements between States established (with data on the numbers involved) considering financial support by the national health insurance systems? (2) a) Are there mechanisms to protect personal data of the affected persons?		
7) Is information about treatment capacities offered part of your national plans and procedures to be shared between States? (2)		
8) Are procedures for international transfers established with a focus on acute transfers? (2)		
9) Are possibilities for sharing resources and clinical data in defined scenarios especially in cross-border events evaluated? (2)		

#### **Sources**

- 1) SANCO - New decision on serious cross border threats to health (will be adopted by EU Parliament in June 2013, and by Council in September 2013)
- 2) SANCO - Strategy for generic preparedness planning technical guidance on generic preparedness planning for public health emergencies
- 3) WHO - International health regulations
- 4) WHO Europe - Toolkit for assessing health-system capacity for crisis management

### 3.4 Cross-border implications of crises for transit countries

#### 3.4.1 Transiting relief assistance

*Primary authorities involved: structures responsible for customs, transport and immigration*

#### Cross-border movement

Not only will the border officials of affected or sending States be confronted with handling relief assistance, but also transit countries can expect to be involved. UN General Assembly Resolution 46/182 urges the States in proximity to emergencies to participate closely with the affected countries in international efforts, with a view to facilitate, to the extent possible the transit of humanitarian assistance. Laws and procedures of States should be prepared to fulfil that responsibility.

#### Assessment questions

Legal preparedness for a country serving as a transit State	Yes	No
1) Are procedures in place to declare the beginning of a transit facilities period when, after seeking the views of the relevant authorities of the disaster affected country, the relevant authority is satisfied that international disaster relief or initial recovery assistance is likely to be required? (2)		
2) Are operators, under supervision of the public authorities concerned, allowed to disassemble transshipment cargo including shipments in containers and on pallets, so that they may sort and reassemble shipments for onward carriage without examination, except for reasons of security or in special circumstances, and subject only to simple documentation where required ? (4)		
3) Are procedures in place to facilitate the transit of relief consignments and possessions in non-transport times, such as during weekends when travel for trucks in some countries is usually prohibited?		
4) Is it possible to, upon request, waive or promptly issue, ideally without cost, exit or transit visas, as appropriate, for the disaster relief and initial recovery personnel of eligible assisting humanitarian organizations? (1)		
5) Can legal and administrative barriers be reduced to the transit of medications and medical equipment by assisting States and eligible assisting humanitarian organizations or on their behalf in disaster relief and initial recovery assistance, to the extent consistent with public safety and international law? (1)		
6) Do international agreements affect the possibility to grant/expedite support?		
7) Are procedures in place to declare the termination date of transit facilities when it is satisfied that transit facilities are no longer required and to announce a termination date to assisting States and eligible assisting humanitarian organizations? (2)		

Technical preparedness for a country serving as a transit State	Yes	No
1) Are arrangements in place to facilitate the speedy transit or transshipment across national territory of international disaster assistance by assisting international actors including international personnel, goods, equipment, including communications equipment <sup>14</sup> , and transport, in order to reach the affected country? (2) a) Are arrangements in place to avoid as much as possible delays in the entry and exit humanitarian personnel in transit countries? (5) b) Do assisting States and eligible assisting humanitarian organizations have the right to use emergency lights? (e.g. blue lights)		
2) Can the carriage of relief consignments and possessions effects of disaster relief personnel in customs transit be facilitated as far as possible, with due regard to take such steps as may be necessary in order that the customs authorities where the exports are made are in a position to: a) Expeditiously examine, only when necessary for security or narcotics/contraband control purposes and where appropriate by applying sampling or selective techniques against the summary declaration, the contents of the relief consignments and possessions of disaster relief personnel, and certify the results of this examination on that declaration? b) Where possible, place such consignments under customs seals where such action is likely to avoid delays in the forwarding of the goods at later stages in their journey? c) Permit such consignments to be presented for export clearance at any approved customs office and, in stockpile States, in advance of the need for actual export? d) Permit such consignments to be placed in a customs warehouse for subsequent export, for providing humanitarian assistance? (4)		
3) Do you have procedures that would allow samples as part of an environmental assessment, to be transited for analysis, including when the substance is not determined yet? (3)		
4) Are there arrangements to receive international assistance for another State, in particular when the infrastructure in the affected State is destroyed?		

### **Sources**

- (1) IFRC - Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance
- (2) IFRC/OCHA/Inter-Parliamentary Union - Model act for the facilitation and regulation of international disaster assistance
- (3) Joint UNEP/OCHA Environment Unit
- (4) UN OCHA/WCO - Customs model agreement on facilitation measures for the importation of emergency relief consignments
- (5) WCO - SAFE Framework of standards in further facilitating the process of clearing relief consignments

<sup>14</sup> Added to original text during review process

### 3.5 Cross-border implications of crises in the recovery phase

#### 3.5.1 Population movements

*Primary authorities involved: structures responsible for immigration, border police/border guards, and customs*

#### Cross-border movement

When the emergency phase of a crisis is over, it can be expected that most people displaced across borders will want to return to their country. If possible, others may choose to integrate in the host country or to resettle to a third country. While voluntarily repatriation is the best solution and is to be encouraged, it should be based on a free and informed decision and take place in safety and dignity. Immigration and customs officials, together with national disaster management authorities and international relief organizations, such as the International Organization for Migration (IOM) and development agencies in the country of origin are best to prepare for this movement.

#### Assessment questions for externally displaced persons resulting from natural disasters

Durable solutions	Yes	No
1) Are there mechanisms in place to work with neighbouring countries and international organizations including development actors to identify and provide durable solutions for people displaced to your country as a consequence of natural disasters, industrial accidents and crises?		
2) Are mechanisms in place to ensure that return to the country of origin is voluntary as long as the danger lasts, or when levels of protection, assistance and recovery support are insufficient?		
3) Are mechanisms in place to ensure that where return takes places, the return is implemented in accordance with the questions set out in section 3.5.1 below?		

Country of refuge	Yes	No
1) Will your national plans and procedures facilitate and ensure the safety and dignity of returnees and respect of international human rights standards?		
2) If return and sustainable re-integration in the country of origin as the preferred solution is not possible, is it possible to admit and integrate such persons within your country on a prolonged or permanent basis? a) Is it possible for the displaced people to be integrated?		
3) Are gender perspectives included in any policy for return, considering what women and men need?		

Country of origin	Yes	No
1) Would it be possible, at a minimum, to stipulate that returnees are not to be subjected to any punitive or discriminatory action on account of their having fled their country?		
2) Are information and communication policies in place to ensure that displaced people are informed and consulted, in a way that is accessible and in a language they understand, about plans for durable solutions, including conditions in potential return or relocation areas within their country of origin?		

3) Do legal provisions exclude the need for individual or family clearance to repatriate before movements, to avoid possible major practical problems and delays?		
4) Should individual travel documentation be required under national law, would immigration officials be able to accept documents issued by the host country or other relevant body?		
5) Are arrangements in place to waive or simplify customs formalities in repatriation operations?		
6) Are measures in place to address issues related to lost documentation, such as identity papers, deeds, marriage certificates, and birth certificates, to ensure that returnees can access assistance and social services upon their return and assert their housing, land and property rights?		
7) Are adequate arrangements in place to receive and, if necessary facilitate, the movement of (single) women, female/child heads of household, unaccompanied and separated children, wounded or sick people, older persons and persons with disabilities?		
8) Are special arrangements considered where displaced people wishing to repatriate with personal possessions such as vehicles or livestock?		
9) Do legal provisions foresee to have health requirements (vaccination certificates, etc) not exceeding those required for normal travellers? Should extra vaccinations be required on the grounds that the returnees would pose special health hazards, would it be possible to accept them to be conveniently recorded on the registration form if the returnees are not already in possession of individual vaccination cards?		
10) Can arrangements be made to identify return routes and potentially dangerous areas of return, including landmine survey, taking into account the differences of what a dangerous area means to both men and women?		
11) In the event that areas have been designated no longer fit for habitation, are measures in place to ensure that returnees have adequate access to protection, assistance and compensation upon their return to their country of origin, pending the identification of a durable solution, such as a government designated relocation site with adequate social services and livelihood opportunities?		

### 3.5.2 Outgoing relief assistance

*Primary authorities involved: structures responsible for customs, immigration, transport*

#### Cross-border movement

At the end of an emergency response phase, and on a lesser degree of the subsequent initial recovery phase, assisting States and eligible assisting humanitarian organizations will extract their personnel, equipment and relief goods that was unused or not donated, from the country. This movement will take place throughout the humanitarian response and is not defined to one exact moment. Some humanitarian actors, for example urban search and rescue teams after earthquakes, will leave the country after a few days or weeks, while other agencies may operate in the affected country for a number of years after the crisis took place. Usually, legal facilities for export will only be valid during the emergency phase, however, some humanitarian actors would benefit from these legal facilities during a longer time frame.

#### Assessment questions

Preparedness	Yes	No
1) Is a policy established on how assisting States and eligible humanitarian organizations can re-export relief materials, including formalized re-exportation procedures for temporarily imported items? (4)		
2) Are arrangements in place for assisting States and eligible humanitarian organizations to re-export any equipment or unused goods without the imposition of any taxes, export duties, or similar charges, provided that a) a time period in which assisting States and eligible humanitarian organizations can do so after the termination of the initial recovery period is established? and b) assisting States and eligible humanitarian organizations provide documentation that the equipment and goods in question were originally imported for the purpose of disaster relief or initial recovery assistance (3)		
3) Is re-exportation permitted for any equipment or unused goods which the assisting State or assisting humanitarian organization owns and wishes to retain? (1)		
4) Are there procedures to reduce inspection requirements for supplies and equipment being taken out of the country? (2)		
5) Are there procedures to reduce restrictions on exports, duties and fees applicable to assistance supplies and equipment (especially telecommunications, food, medicines)? (2)		
6) Are specific regulations in place to clarify the conditions and requirements to export search dogs imported by assisting States and eligible assisting humanitarian organizations?		
7) Are there procedures to reduce legal and administrative barriers on the re-exportation of medications and medical equipment by assisting States and eligible assisting humanitarian organizations or entities on their behalf in disaster relief and initial recovery assistance, to the extent consistent with public safety and international law? (1)		
8) Regarding the re-export of unused supplies and equipment are there other provisions regarding humanitarian assets? (2)		
9) Regarding the export restrictions on the disasters sites, are there provisions		



for monitoring international assistance to make sure it complies with applicable international quality standards? (2)		
10) Are there procedures stipulated in the law for the exit of humanitarian staff? (2)		
11) Does the law provide for reducing any restriction on the exit of humanitarian assistance staff? (2)		
12) Are procedures in place to reduce restrictions on the departure of humanitarian assistance flights, trucks or ships? (2)		
13) Is a plan in place to manage the implications for customs duties after an end to the relief phase is declared, in order to support activities of assistance providers taking place in the recovery phase? (5)		

### **Sources**

- (1) IFRC - Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance
- (2) IFRC - Questionnaire - Regional compendium of regulatory instruments for the management of international humanitarian assistance in emergencies
- (3) IFRC/OCHA/Inter-Parliamentary Union - Model act for the facilitation and regulation of international disaster assistance
- (4) UN OCHA - Concept for the concrete implementation of the customs agreement (Feb 2011)
- (5) WCO - The key principles of the SAFE Framework of standards for further facilitating clearing relief consignments



#### 4. Early recovery

Early recovery is a vital element of an effective humanitarian crisis response as a foundation for building resilience in post-crisis settings. Just as emergency relief activities are crucial to saving lives by responding to the most urgent human needs, integrating an early recovery approach within humanitarian operations is crucial to the first efforts of a community to recover. It prepares the ground for an effective ‘exit strategy’ for humanitarian actors and contributes to ‘durable solutions’ by establishing the base on which nationally-led development occurs after a crisis.

At the country level, the United Nations Development Programme (UNDP) helps Resident and Humanitarian Coordinators (RC/HC) and the Humanitarian Country Team to integrate early recovery approaches into the humanitarian response, amongst other through the deployment of Early Recovery Advisors (ERAs). ERAs work across the humanitarian community, and help develop common strategies to strengthen the links between relief, recovery and development – including in needs assessments, appeals and the work of all clusters.

UNDP also works with the affected country and its humanitarian and development partners (e.g. local authorities, civil society organizations and the private sector) to design and implement programmes needed to help people move from humanitarian assistance to development. Ideally such work commences ‘early’ during the humanitarian response. Based on experience, UNDP has developed a series of ‘signature products,’ or programmes, that can be deployed quickly to support early, short and medium-term recovery:

- **Emergency employment** - including cash for work and start up grants to recapitalize small enterprises;
- **Community infrastructure rehabilitation** - to improve access to basic services as well as revitalize the local economy during and after crises;
- **Debris management** - to ease access and rebuild infrastructure; and
- **Local governance support** - to strengthen local government capacity for relief and recovery planning, co-ordination and implementation; and improve capacities for local level risk management and beneficiary tracking systems.

UNDP also supports:

- **Aid co-ordination** - including the establishment of aid management mechanisms and systems, such as development assistance databases, aimed at reinforcing national ownership and streamlining national systems/budgets; and increased transparency and accountability for fund allocation and reporting;
- **Recovery planning and co-ordination** - to support the capacity of key State institutions to assess the impact of the crisis and co-ordinate and fulfil their immediate response and recovery functions where they are lacking.

In addition to early recovery programmes that are part of the response to a crisis, UNDP can help ensure that early recovery as part of the humanitarian response contributes to an **efficient transition to recovery and development**. This transition includes capacity building efforts – a UNDP core activity – to enable national and local authorities to assume the co-ordination of programmes from humanitarian actors, many of whom are international agencies and organizations.

UNDP has a special role to play in assisting countries and their people to **prevent crises** (or at least the worst impact of crises) and as well as recover from them. This includes supporting

disaster risk reduction (DRR) interventions, particularly in countries affected by recurrent crises. UNDP maintains expertise in this area, both as an implementing agency, and as a central figure in supporting national DRR co-ordination efforts. UNDP is well positioned to align the DRR interventions of humanitarian actors with development actors to complement larger scale, multi-year DRR programmes and ensure that humanitarian interventions are contributing to longer-term development programmes.

### **Support following population movements**

UNDP supports countries and the humanitarian community to address the impact of population movements on host communities and to help find durable solutions for displaced persons.

**During the crisis response**, and depending on the needs and available capacity, the Cluster Working Group on Early Recovery (CWGER), through the deployment of Early Recovery Advisors assists the RC/HC and the humanitarian community to support displaced communities and host communities to better address the impact of the displacement for the displaced people as well as for the displacement affected communities. Where possible, this involves the national and /or local authorities as well.

**In the aftermath of a crisis**, the CWGER intervenes, amongst others, in the framework of the UN Secretary-General's Policy Committee decision (October 2011) that endorsed the Preliminary Framework on "Ending Displacement in the Aftermath of Conflict"<sup>15</sup>. The Framework was developed to improve the clarity and predictability of the UN responses in the post-conflict period, including in the areas of public administration, transitional governance, early employment, rehabilitation of basic infrastructure, and "reintegration of returnees".

The decision calls on RC/HC, to lead the development of a Strategy for Durable Solutions for IDPs and returning refugees, determining the most appropriate division of roles and responsibilities based on the Framework and the mandates of the respective agencies, and in consultation with national authorities and partners.

The UNDP-led global CWGER, working with the UNHCR-led Global Protection Cluster, supports the co-ordination mechanisms established at the country level. UNDP and UNHCR, in their capacities as global cluster lead agencies for Early Recovery and Protection, provide technical expertise to the RC through existing resources or surge capacity to support the development of the Strategies.

#### **Sources**

UNDP and Early Recovery: <http://www.undp.org/content/undp/en/home/librarypage/crisis-prevention-and-recovery/undp-in-early-recovery/>

Inter-Agency Standing Committee Guidance Note on Early Recovery:  
<http://www.undp.org/content/undp/en/home/librarypage/crisis-prevention-and-recovery/guidance-note-on-early-recovery-cwger-april-2008/>

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<sup>15</sup> [http://www.internal-displacement.org/8025708F004CFA06/\(httpKeyDocumentsByCategory\)/D3152FA6C910768EC125799500425ABB/\\$file/UN%20framework%20ending%20displacement.pdf](http://www.internal-displacement.org/8025708F004CFA06/(httpKeyDocumentsByCategory)/D3152FA6C910768EC125799500425ABB/$file/UN%20framework%20ending%20displacement.pdf)

## 5. Relevant international and regional assistance frameworks

Should a national self-assessment result in the identification of gaps in national legislation, procedures or protocols, States are encouraged to contact the following project partners who have expertise in strengthening national capacities for preparing for specific cross-border implications:

### General disaster preparedness at the national level

The Inter-Agency Standing Committee (IASC) Sub Working Group on Preparedness has developed the *Interagency emergency response preparedness* (ERP) concept. The ERP is an action-oriented approach to enhance readiness for humanitarian response. The ERP approach seeks to improve effectiveness by reducing both time and effort and enhancing predictability through establishing predefined roles, responsibilities and co-ordination mechanisms. The ultimate objective is an effective response to those in need. ERP is particularly focused on the country level. The ERP process can be applied to any emergency management/humanitarian co-ordination mechanism/structure. (<http://www.humanitarianinfo.org/iasc/>)

The United Nations Development Programme has been mandated by the UN General Assembly to assist Member States in developing their capacity to better prepare for responding to disasters, acknowledging that disasters can erase decades of development achievement and the potential for preparedness to save lives and resources. Taking advantage of its presence in 177 countries, UNDP has been specifically mandated to undertake operational activities for disaster mitigation, prevention and preparedness. Working under the auspices of the *Hyogo Framework for Action*, which aims to substantially reduce disaster losses by 2015, UNDP works with partner agencies, such as UN OCHA, to support nationally and locally driven initiatives. Specifically, UNDP works with governments to ensure that laws, policies and institutions are developed so as to facilitate disaster preparedness, while at the same time build capacity for early warning and assessing risk. In communities, UNDP helps to raise awareness and develop skills and capacity to respond to local threats. ([http://www.undp.org/content/undp/en/home/ourwork/crisispreventionandrecovery/focus\\_areas](http://www.undp.org/content/undp/en/home/ourwork/crisispreventionandrecovery/focus_areas))

UNDP helps States to respond to disasters and mitigate their effects. A Post Disaster Needs Assessment (PDNA) assesses the impact of disasters and identifies key recovery needs in a country emerging from disasters. The PDNA is an inter-agency initiative co-ordinated by the UN, the World Bank, and EU in support of the national governments. The UNDP Bureau for Crisis Prevention and Recovery as the co-ordinator of the UN system participation in a PDNA is the first contact point on the issue. A Post-Disaster Needs Assessment provides all actors in a recovery process – including national and local authorities, international agencies, donors and local communities – with a multi-sectoral, technical overview of the damage and loss patterns and the principal recovery needs and priorities to be addressed to help with reconstruction, sustainable development and post-disaster risk reduction

The United Nations Office for the Coordination of Humanitarian Affairs has developed a number of tools to assist States who intend to improve their emergency preparedness. The *Strategic partnership for preparedness*, in collaboration with the Capacity for Disaster Reduction Initiative (CADRI)<sup>16</sup> and the Inter-Agency Standing Committee (IASC) Sub

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<sup>16</sup> Led by UNDP and supported by UN OCHA, UNICEF, WFP, ISDR and FAO.

Working Group on Preparedness, contributes to a unified approach in conducting emergency preparedness and response capacity assessment of a country, enabling a clear definition of roles and responsibilities of actors toward the goal of strengthening the national response capacity. The *Disaster response preparedness toolkit* is a resource that has been set up to provide essential and practical information, checklists, guides, presentations and other tools to assist OCHA staff and partners to prepare for disaster situations. The *Minimum preparedness package* is a framework that includes a checklist of preparedness actions and end states, to provide a more coherent approach to preparedness and support to national disaster management authorities, Resident/Humanitarian Coordinators and Humanitarian Country Teams. While, the *Handbook for RCs and HCs on emergency preparedness and response* is not targeted to national agencies, it could be of interest to learn the functions and expectations of the international humanitarian community. ([www.unocha.org](http://www.unocha.org))

The EU Civil Protection Mechanism (European Commission DG ECHO) offers a series of activities aimed at enhancing national preparedness including trainings, exercises, exchange of experts, preparedness projects, work on prevention etc. The European Commission Directorate-General for Humanitarian Aid and Civil Protection together with States participating in the EU Civil Protection Mechanism developed the EU Host Nation Support (HNS) Guidelines. The HNS Guidelines aim at assisting the affected States to receive international assistance in the most effective and efficient manner. They imply all actions undertaken in the preparedness phase and the disaster response management by a State, receiving or sending assistance in order to remove as much as possible any foreseeable obstacle to international assistance so as to ensure that disaster response operations proceed smoothly. It also includes the support that States can provide to facilitate international assistance transiting through their territory by land, sea or air. The HNS Guidelines also provide a check list for the host (affected), sending and transiting States, templates for requesting and offering international assistance for both teams and in-kind, terms of reference for HNS Support Cell, template for country briefing, etc. ([http://ec.europa.eu/echo/index\\_en.htm](http://ec.europa.eu/echo/index_en.htm))

### **Cross-border implications of natural disasters and crises for affected countries**

The United Nations Office for the Coordination of Humanitarian Affairs has developed a *Customs Model Agreement on facilitation measures for the importation of emergency relief consignments*. States who wish to contribute to the expeditious delivery of international humanitarian assistance to the disaster-affected population, may sign such an agreement concerning measures to expedite the import, export and transit of relief consignments and possessions of relief personnel in the event of disasters and emergencies. Based on the Customs Agreement, UN OCHA, together with the World Customs Organization, could assist States to develop a related action plan and/or an emergency response plan, and to provide relevant authorities with the necessary skills and competencies to apply the exceptional measures that the government has decided to implement in case of emergency. For additional information, please contact the Logistics Support Unit of the Emergency Services Branch of UN OCHA. (<http://ochaonline.un.org/lisu>)

The International Federation of Red Cross/Red Crescent Societies led negotiations on the *Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance*, which were adopted by the State parties to the Geneva Conventions in 2007. These are a set of recommendations to governments on how to prepare

national disaster laws and plans for the common regulatory problems in international disaster relief operations.

The *Model act for the facilitation and regulation of international disaster relief and initial recovery assistance*, jointly developed by the IFRC, OCHA and the Inter-Parliamentary Union, intends to assist States with the implementation of these Guidelines. The IFRC also collaborated with OCHA and the governments of Argentina, Brazil, Ecuador and Mexico to develop the questionnaire intended to develop a “Regional Compendium of regulatory instruments for the management of international humanitarian assistance in emergencies” for the Americas. For additional information, please contact The International Federation of Red Cross and Red Crescent Societies’ Disaster Law Programme. ([www.ifrc.org/dl](http://www.ifrc.org/dl))

The World Customs Organization (WCO) has developed *Guidelines for Customs administrations on humanitarian assistance and emergency measures*, building on the following conventions: *Kyoto Convention*, *Guidelines to Specific Annex J, Chapter 5*; *WCO Resolution on the role of customs in natural disaster relief*, June 2011; *Convention on temporary admission*, Istanbul, 1990 and *Recommendation of the customs co-operation council to expedite the forwarding of relief consignments in the event of disasters* (1970). Also, the key principles of the *SAFE Framework of standards* for further facilitating clearing relief consignments are a useful source for States wishing to improve their preparedness for challenges of incoming relief goods after natural disasters. (<http://www.wcoomd.org/>)

As requested in the June 2011 Resolution of the WCO’s Customs Co-operation Council on the role of customs in natural disaster relief, the World Customs Organization, the United Nations Office for the Coordination of Humanitarian Affairs and the International Federation of Red Cross and Red Crescent Societies organized a series of regional seminars on the role of customs in natural disaster relief.

The North-Atlantic Treaty Organization has developed a *Checklist and non-binding guidelines for the request, reception and provision of international disaster assistance in the event of a CBRN incident or natural disaster* and a *Memorandum of understanding on the facilitation of vital civil cross border transport* to assist Allies’ national preparedness in requesting and receiving international assistance. NATO’s Advisory Support Team consists of Civil Experts to support nations in assessing and developing national preparedness, response and recovery capabilities. The CBRN Inventory provides an overview of capabilities that nations might be willing to make available to mitigate the consequences of a CBRN incident. The Euro-Atlantic Disaster Response Coordination Centre is NATO’s focal point for Disaster Response. (<http://www.nato.int/eadrcc/>)

The EU Civil Protection Mechanism offers the possibility for Member States, when overwhelmed, to request assistance through the Mechanism and to receive transport funding for assistance deployed through the Mechanism. The Mechanism monitors the situation and transmits relevant information on the situation, co-ordinates deployment, assessments and provides technical expertise along with the *Host nation support guidelines*. ([http://ec.europa.eu/echo/civil\\_protection/civil/index.htm](http://ec.europa.eu/echo/civil_protection/civil/index.htm))

## Cross-border implications of natural disasters and crises for neighbouring countries

The United Nations Economic Commission for Europe Convention on the transboundary effects of industrial accidents, promotes active international co-operation between countries, before, during and after an industrial accident. Through its Assistance Programme, UNECE supports countries from Eastern Europe, Caucasus, Central Asia and South Eastern Europe in implementing the Convention. In addition, tools are designed<sup>17</sup> to enhance efforts of participating countries in the implementation phase of the Assistance Programme and to grant sustainability in the countries of the activities organized. UNECE has equally developed or is developing a number of guidelines of facilities, such as pipelines, tailing mining facilities and oil terminals. It has drafted a *Sectoral checklist for preparation and inspection of a safety report (for hazardous installations)* and are preparing *Safety guidelines and good practices for crisis management on transboundary waters*. (<http://www.unece.org/env/teia.html>)

The United Nations Office for the Coordination of Humanitarian Affairs, together with the United Nations Environment Programme (UNEP), has developed *Environmental emergencies guidelines*. The Guidelines aim to advise both providing and potential recipient countries on how to mobilize, receive and/or provide international assistance in the event of an environmental emergency. The *Environmental Emergencies Centre* (EEC) is an online tool designed to strengthen the capacity of national responders to environmental emergencies by building on their own mechanisms and drawing on the resources and services of EEC partners. It offers tools and guidelines, including several online trainings to enhance preparedness activities and response action. ([www.eecentre.org](http://www.eecentre.org))

The World Health Organization has developed the *International health regulations (IHR)* (<http://www.who.int/ihr/>) to prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade. The IHR also provide the legal basis for important health documents applicable to international travel and transport and sanitary protections for the users of international airports, ports and ground crossings. The WHO Lyon Office (<http://www.who.int/ihr/lyon/en/index.html>) assists States to implement the Regulations. WHO Global Alert and Response Unit support Member States for the implementation of national capacities for epidemic preparedness and response in the context of the IHR, including laboratory capacities and early warning alert and response systems. The WHO Regional Office for Europe (<http://www.euro.who.int>) is working with its Member States towards strengthening health-system capacity by providing technical assistance in developing and implementing crisis preparedness and management programmes, and has developed a *Toolkit for assessing health-system capacity for crisis management*.

The European Commission Directorate-General for Health and Consumers has developed a Strategy for Generic Preparedness Planning Technical guidance on generic preparedness planning for public health emergencies. The European Parliament and the Council have recently reached an agreement on a new *Decision on serious cross-border threats to health* will be adopted by EU Parliament in June 2013 and by Council in September 2013. ([http://ec.europa.eu/dgs/health\\_consumer/index\\_en.htm](http://ec.europa.eu/dgs/health_consumer/index_en.htm))

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<sup>17</sup> For instance the Benchmarks, containing indicators and criteria developed for the implementation of the Strategic Approach.



Other EU instruments in place:

- An EU action plan on chemical, biological, radiological and nuclear (CBRN) security provides an all-hazard approach focusing on the prevention and detection of, as well as preparedness and response to, CBRN threats.
- The internal security strategy sets out the challenges, principles and guidelines for dealing with security threats relating to organised crime, terrorism and natural and man-made disasters. Its objective 5 addresses more particularly cross-sectoral threats posed by natural and man-made crises and disasters. This necessitates improvements to long-standing crisis and disaster management practices in terms of efficiency and coherence.
- The Instrument for Stability is an EU instrument, under which the EU helps third countries in preventing conflicts or in responding to actual crises as they unfold. The instrument also includes a component that allows the EU to help a wide range of global actors build their capacities to perform work in the field of peace-building. It includes the response to natural or man-made disasters and threats to public health, and the mitigation of risks connected to chemical, biological, radiological or nuclear material or agents.
- The Solidarity clause, introduced by Article 222 of the Treaty on the Functioning of the European Union, provides the option for the Union and its Member States to provide assistance to another Member State which is the victim of a terrorist attack or a natural or man-made disaster.

### **Cross-border implications of natural disasters and crises for transit countries**

*For assistance in strengthening national capacities to act as transit country for relief assistance, the tools on importing relief assistance refer also to preparedness for transiting relief goods, personnel and equipment.*

### **Cross-border movements in the recovery phase**

*For assistance in strengthening national capacities export relief assistance, the tools on importing relief assistance refer to preparedness for re-exporting relief goods, personnel and equipment after the end of an emergency phase.*







The OSCE aims to enhance national preparedness levels and capacities of its participating States and Partners for Co-operation to maximize effective cross-border co-operation and responses to natural or man-made disasters and crises. At its 13<sup>th</sup> Ministerial Council in 2005, the OSCE participating States adopted the OSCE Border Security and Management Concept (MC 2/05). One of the contributions that the OSCE may make to assist its participating States to apply the Concept is the *“facilitation of cross-border co-operation in the case of natural disasters or serious accidents in border zones”*.

This tool prepared by the Borders Unit of the OSCE Secretariat’s Transnational Threats Department compiles expertise from various international and regional organizations working on different aspects of crisis response, and thus offers a comprehensive overview of relevant aspects when preparing for cross-border implications of crises. It will allow participating States and Partners for Co-operation to identify potential gaps or ambiguities that could benefit from contingency planning on a national, regional and international level, and from better compliance with existing international frameworks.

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