

Report:

Regional Seminar on the Role of Customs in Natural Disaster Relief



Santo Domingo, Dominican Republic

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Supported by:

Contents

Acknowledgements.....	2
Introduction	2
Welcome remarks	2
Introduction to the challenges faced by customs during disaster response	3
International regulatory framework	5
International coordination systems	7
Haiti earthquake 2010.....	9
Coordinated border management and regional preparedness	11
Experiences with national laws and procedures.....	13
Model Act	14
Plans of action per country	16
Conclusions	21
Participants	22

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Introduction

The Regional Seminar on the Role of Customs in Natural Disaster Relief took place in the Dominican Republic, with the objective of contributing to the exchange of experience concerning the management of humanitarian operations during disasters and, at the same time, raising awareness among governments and the private sector about the need for national legislations for the facilitation and regulation of international relief operations.

Sixty-eight participants, among them customs officials, people responsible for disaster management and Civil Defence, members of the Red Cross National Societies, sub-regional organizations, NGOs and international agencies of the Americas and the Caribbean, participated in the workshop organized by the World Customs Organization (WCO), the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the International Federation of Red Cross and Red Crescent Societies (IFRC) from November 13 to 15.

Day 1

Welcome remarks

The introductory session was initially chaired by **Georges Cantone** in representation of the World Customs Organization who, on behalf of the organizers (WCO, OCHA, and IFRC), expressed his gratitude to all those present for the meeting. He also thanked the director of Customs in the Dominican Republic for allowing the seminar to be held in this country.

Gregorio Lora Arias, advisor to the general director of Customs in the Dominican Republic, welcomed participants and, at the same time, thanked organizers for having chosen his country and the Training Centre of the National Customs Authority for carrying out the event.

He expressed the view that the Dominican Republic has been in need of humanitarian solidarity on numerous occasions and that in 2010 it offered its assistance to people in Haiti following the earthquake that struck them. For this purpose, the Dominican Republic Customs Department developed a document that served as a “visa” to immediately dispatch vessels and aircrafts carrying foreign assistance. This document, which was acknowledged by the Dominican and Haitian Customs Departments through an e-mail, ensured the flow of humanitarian goods hours after the catastrophe. Lora Arias also stated: “We must enable effectively the receipt of timely humanitarian aid, since the lives of many depend on the timeliness of humanitarian assistance, created by combining good will and good deeds.”

In his introductory speech, the Director of the Dominican Red Cross **Gustavo Lara** spoke about the regrettable earthquake in Haiti which enabled a humanitarian bridge from the Dominican Republic for the mobilization of international humanitarian aid. He also highlighted the importance of having laws for international response to disasters, which facilitate actions conducted by those who provide humanitarian aid.

“We seek to encourage countries to adopt laws that facilitate the entry of international humanitarian aid,” said **Valerie Julliard**, resident coordinator of the UN, in her welcoming speech. Additionally, she gave testimony to the extraordinary collaboration provided by the Dominican Republic in the Haiti operation in 2010. She mentioned that OCHA has worked for many years with the WCO and the IFRC to facilitate customs and disaster response procedures globally. Two workshops of this nature were developed in 2012— one in Asia and the current one in the Americas and the Caribbean; another workshop is expected to be developed in Africa next year. The following workshop objectives were established by the resident coordinator: the discussion and exchange of experience about the role of Customs in disaster response, and the creation of incentives for countries to sign agreements and adopt new laws to facilitate the entry of international humanitarian aid. Finally, she encouraged countries to sign agreements with the United Nations for the import and export of humanitarian goods and participate in simulation exercises to verify disaster preparedness.

Virginie Bohl of OCHA presented the workshop agenda, as well as its methodology and objectives.

Introduction to the challenges faced by customs during disaster response

Luis Luna Paulino, of the Civil Defence of the Dominican Republic, introduced the second session, which included the identification of the challenges faced by customs in disaster response. He emphasized that the willingness to act during an emergency is often

hindered by poor coordination, difficulty for the registration of NGOs, as well as short periods of tax exemptions.

David Fisher, the global coordinator for the IFRC Disaster Law Programme, talked about the operational challenges faced by international humanitarian aid providers. He highlighted the importance of legal disaster preparedness due to the fact that, today, the Earth is more vulnerable to natural disasters. Apparently due to the effects of climate change, the incidence of disasters from 1980 to 2010 practically doubled.

Among the most common customs challenges in disasters are: delays in customs clearance, lack of flexibility in working hours, complex requirements for the entry of humanitarian goods, requirements for payment of customs duties and taxes, difficulties with the export of articles that have not been used, problems in the entry of search-and-rescue dogs.

David Fisher also stated that some common problems in emergency operations can also be attributed to suppliers of international humanitarian aid themselves when they send inappropriate “relief” goods, poor-quality goods, or when there is a lack of documentation and coordination, as well as an abuse in procedures.

This meeting was also enriched by the presence of **Jorge Humberto Álvarez** of the National Directorate of Taxes and Customs of Colombia, who presented Customs-related regulations implemented in his country, and stated that this legislation is currently being reviewed for modification.

Jorge Humberto Álvarez spoke about the existence of urgent deliveries, which do not involve prior process and are geared towards the victims of disasters, and which are exempt from the payment of customs duties. This classification covers: goods donated to governmental entities by foreign government entities; imports from accredited diplomatic missions, which will be delivered on loan to governmental entities; and goods intended for official entities, imported as part of project development or cooperation agreements or as international humanitarian aid. When goods enter with relief purposes, those who receive them must submit a detailed list of goods admitted and an import declaration two months after the delivery.

At the end of this session, **Isabelle Granger**, Disaster Law Programme coordinator for the Americas, called on participants to congregate in roundtables with the objective of sharing the most important challenges that they have faced regarding international relief operations.

Among the challenges discussed by the participants were:

- The lack of special procedures during emergencies;
- The fact that only NGOs registered in the country receive legal facilities.

- The lack of communication between donors and the government;
- The fact that work must be done on lessons learned.
- The lack of clarity and procedures when it comes to medium-size disasters;
- The fact that aid needs to be requested by the government and that the assistance offered has to avoid becoming a burden for the country.
- The poor quality of some donations;
- The fact that some NGOs take advantage of disaster situations to operate in an unlawful manner.

International regulatory framework

Martín Acosta, from OCHA, introduced the speakers of the third session--the panel on international law.

The first speaker was **Oluimo da Silva** of WCO, who presented the instruments and tools of the WCO related to disaster relief. He began with the revised Kyoto Convention, which entered into force in 2006 and is intended to simplify and harmonize customs procedures. Within its main provisions, it states that goods intended for relief should be granted priority entry and should be exempt from the payment of taxes.

Oluimo da Silva spoke about Annex B9 of the Istanbul Convention, which urges the simplification and harmonization of procedures for temporary admission. This includes imported goods for humanitarian purposes, as well as medical and technological equipment for emergency operations.

The Recommendation of June 8, 1970 of the Customs Cooperation Council for the expeditious clearance of disaster relief goods is also a tool promoted by WCO. Its objective is to facilitate the entry, exit and transit of staff and goods for relief purposes. It also seeks to accelerate customs clearance to ensure that goods reach victims promptly.

Virginie Bohl presented the model agreement on the means of improving the importation, exportation and transit of relief and personal effects of the members of relief teams in case of disasters or emergencies. This document was developed by OCHA and WCO to facilitate customs processes. This document serves as a reference for governments on practical means of bilateral cooperation. It has various characteristics that make it suitable for such a goal, particularly: (a) the text includes customs facilitation measures recommended internationally; (b) the objective of the agreement is to simplify and accelerate existing national customs processes; (c) new privileges and/or immunities are not foreseen and/or requested for any of the participants in emergency humanitarian aid operations directed by the United Nations, and their complete respect for national standards is expected. The provisions of the agreement will apply, especially, to United

Nations delegates, experts on United Nations missions, emergency intervention personnel to help refugees and internally displaced people, international search-and-rescue teams, medical teams, specialized teams provided by the military, foreign civil defense and civil protection (teams of military and civil defense assets, MCDA), government service personnel requested by the United Nations, and United Nations disaster-evaluation-and-coordination teams.

Following this talk, **Isabelle Granger** introduced the guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance, known as the “IDRL Guidelines.”

As Isabelle Granger explained, this document is a list of recommendations to governments on how to develop their legal framework and disaster plans to address the common regulatory problems faced in international relief operations. The most common regulatory problems can be classified into two main areas: bureaucratic barriers to entry and operations of actors in international aid, and problems in quality and coordination due to deficiencies in the monitoring and regulation of international relief. “These two types of problems are interrelated and it is common to find both overregulation in some areas and underregulation in others in a single relief operation,” said Isabelle Granger.

The guidelines encourage governments to link the responsibilities of international relief actors and the legal facilities to be granted, in order to guarantee an effective and coordinated response. This link can be made through a registration process for eligible humanitarian actors, to enable them with the facilities they need to provide an effective response.

The guidelines urge governments to grant eligible international providers legal facilities for the entry of personnel, goods and equipment for relief and initial recovery. It also establishes that such providers must always meet the national and international legislation, coordinate with national authorities and comply with the universally accepted humanitarian principles.

Isabelle Granger states that in order to support governments in the use of the IDRL Guidelines, the IFRC and National Societies have provided technical assistance to governments to review their domestic legislation on international relief. Projects are under way or in development in over 20 countries, including Colombia, Haiti, Peru, Jamaica, Ecuador, among others.

Subsequent to the presentation on the IDRL Guidelines, **David Fisher** spoke about other relevant instruments, both at global and regional levels. He highlighted the fact that there are several instruments, but little coherence, as each of them regulates specific topics.

Some of these international treaties are: the Framework Convention on Civil Defence Assistance (2000), the Convention on Facilitation of International Maritime Traffic (1965),

Annex 9 to the Chicago Convention (2004), and the Tampere Convention (2008). At the regional level, he made reference to the Inter-American Convention to facilitate disaster assistance, which has not yet entered into force for lack of signatory states.

Sub-regional organizations and their respective instruments were also mentioned, as is the case of CDEMA and the agreement on mutual assistance in cases of disaster in the Caribbean region. CEPREDENAC in Central America has developed the Mechanisms for Coordinated Cooperation, in addition to the Manual of the Ministries of Foreign Affairs, which were being updated at the time of the seminar. Finally CAPRADE has elaborated the Operational Guidance for Mutual Assistance in the Andean region. In addition, there are OAS resolutions and declarations of sub-regional organizations and countries in the region on the topic.

Later, **María Martínez** of the IFRC divided participants into groups of 20 people to analyse a disaster scenario consisting of a great-scale earthquake; she encouraged them to discuss and exchange views using the instruments presented as reference, in order to answer all the questions raised in the exercise.

Day 2

The second day of the seminar started with a general revision of the scenario exercise analysed the previous day. David Fisher shared the lessons learned and identified the international and regional instruments applicable to each of the situations under analysis.

Subsequently, a select panel of experts talked about the various international coordination systems in international response to disasters.

International coordination systems

Eun Jung Yi of OCHA began the presentation by introducing to UN Global Coordination System. She explained that OCHA is responsible for the coordination of humanitarian actors to ensure a coherent response to emergencies. She highlighted that the coordination is vital to obtain the best collective results in an operation.

She explained that UNDAC corresponds to the disaster assessment and coordination team, which is deployed around the world in 12 to 48 hours and is also responsible for coordinating international search-and-rescue teams. It should be noted that when the international community provides humanitarian assistance in an emergency, it must be guided by the UN General Assembly Resolution 46/182 for the coordination of humanitarian emergencies in the United Nations. This resolution is comprised of 12 principles for humanitarian assistance.

REDLAC is a regional mechanism created in 2003 with the purpose of bringing together its members and international humanitarian actors, to provide collective and coordinated assistance in an emergency. For this purpose, working groups have been set up in various areas such as: health, food security, housing and education, among others.

“The consolidated appeals are a reflection of UN’s consolidated plan, its humanitarian action and the strategic planning coordination during complex emergencies or for rehabilitation activities,” said Eun Jung Yi.

Finally, she stated that, based on an analysis of the challenges faced by leadership and coordination, in December 2011 the main agencies had agreed to implement a set of actions, collectively known as the Transformation Agenda, with the objective of achieving a substantial improvement in the current humanitarian response model.

The second panelist, **Benoit Porte**, coordinator of the Pan-American Disaster Response Unit (PADRU) of the IFRC, presented the Red Cross and Red Crescent international response system.

He stated that the success of the Red Cross Movement lies in the fact that it works from the local to the global level, resulting in complementarity between levels and ensuring an efficient answer. He explained that this is the reason why if national level blocked the entry of humanitarian aid, the effectiveness of the Movement would fail completely.

IFRC’s disaster preparedness and response global system is composed of three phases: disaster preparedness, disaster response and disaster recovery. In order to provide effective response to an emergency and expert staff, the system has created a set of tools for continuous training.

According to its scope or area of action, the disaster response structure is divided into national, regional and global tools which are coordinated by the regional representatives, PADRU and the IFRC Secretariat, respectively. The national intervention teams (NITs) operate at the national level, the regional intervention teams (RITs) operate at the regional level, and at global level there are emergency response units (ERUs) and the field assessment coordination teams (FACTs).

It should be noted that within the referred structure, teams can specialize in areas such as water and sanitation, livelihood and health, among others.

This panel was concluded with the presentation of **Edmundo Perrone** of the World Food Programme, who spoke about the project to support the governments of Central America in strengthening the free transit of humanitarian aid during emergencies.

“We need to expedite logistical processes through mechanisms of mutual assistance in order to mobilize humanitarian goods, according to the needs of the population affected and in need of immediate relief,” expressed Perrone.

On June 29, 2012, the heads of state and government of the member countries of the Central American Integration System (SICA, for its acronym in Spanish) met regarding the integrated climate change and disaster risk management, adopting the Tegucigalpa Action Plan. In article 19 of this action plan, governments agreed to “strengthen the Regional Mechanism for Mutual Support in Case of Disasters of the Central American Policy for Integrated Risk Management for the Prevention of Natural Disasters in Central America (CEPREDENAC), for which the customs and migratory facilities to expedite the transit of humanitarian aid at the land border crossings and airports between the countries of the SICA must be ensured.”

In 2001, the Regional Mechanism for Mutual Support in Case of Disasters in Central America (MecReg-SICA, for its acronym in Spanish), which is related to the operation of CEPREDENAC, thereby guarantees a timely and swift response to emergencies in aspects related to the free transit of humanitarian aid, goods and equipment during an emergency. Within the activities of the MecReg-SICA, the development of various workshops was considered to optimize the free transit of humanitarian aid, the development of simulations of disasters at regional level, as well as the development of training and capacity-building workshops at national level.

The Haiti earthquake 2010

Edmundo Perrone from WFP introduced an important group of presenters, among them Martin Acosta of OCHA, Luis Luna Paulino from the Department of Civil Defense of the Dominican Republic, Guetson Lamour of the Haitian Red Cross, Eduardo Rodriguez of the Dominican Customs Office and Michel Ange Germain of the Haitian Customs Office, to share their experiences during the 2010 earthquake in Haiti.

Michel Ange Germain, the representative of Haitian Customs Office, stated that the Customs Office was the first Haitian institution to open its doors following the 7.3-magnitude earthquake in 2010. Among the measures taken by the institution he mentioned that employees were invited to return to their jobs in the Customs Office and that special procedures for the entry and exit of goods were adopted. It should be noted that the border between the Dominican Republic and Haiti remained completely open for a month and a half.

He stated that many difficulties were faced during the emergency, among which he identified: the fact that the border is very small, the lack of training, as well as the lack of coordination with the civil society. This experience provided many lessons, among which was the creation of a special unit including members of the different ministries and of public finance and Customs, to grant temporary authorization in case of disasters to non-recognized international agencies.

Eduardo Rodríguez, deputy technical director of the General Directorate of Customs of the Dominican Republic, recognized the role played by his country in response to the Haiti earthquake, where the Dominican Republic granted all the facilities to allow the entry and transit of humanitarian goods, equipment and personnel. Among the most noteworthy facilities granted were the logistical collaboration for the receipt of the aid provided, free transit to Haiti, and airlift from the airport of Barahona. Similarly, in the case of relief, Customs control was reduced to its minimum, eliminating document requirements and increasing the hours that the checkpoints remained open.

He also shared the breakthrough that the Dominican Republic is promoting with the creation of a Draft Law on Customs that encodes mechanisms implemented in the Haiti operation, for example, Title Seven on urgent shipments present in articles 338 and 339.

Guetson Lamour of the Haitian Red Cross shared that some of the problems encountered during customs clearance in the aftermath of the earthquake had to do with: vehicle registration, the lack of legal facilities during the initial recovery phase, and delays to examine anticipated requests before the Ministry of Finance and Customs.

The Haitian Red Cross proposed some solutions to avoid similar problems in the future, for example: the existence of an efficient structure for customs management and clearance during emergencies; granting special permission for rapid customs clearance of vehicles and ambulances belonging to international agencies; and granting exemptions from customs taxes for office supplies and humanitarian equipment.

General **Luis Luna Paulino** of the Dominican Republic Civil Defence stated that an estimated three million people, or 33% of the Haitian population, were affected by the 2010 earthquake, leaving approximately 700,000 displaced persons. This catastrophe caused a serious impact on the institutional framework of the Haitian Government due to the loss of many government officials and social leaders, in addition to the destruction of government infrastructure.

Among the measures taken, General Paulino highlighted that the recommendations of OCHA and WCO to facilitate the delivery of relief in the event of disasters were implemented. In addition, Annex J.5 of the revised Kyoto Convention, which will be formally adopted by the Dominican Republic in the next few months, and the Istanbul Convention were implemented.

To conclude panel discussion, **Martin Acosta** from OCHA presented the measures taken by his office as a response to the earthquake: the activation of the UNETE and PIREDE, along with the installation of a situation room; communications between OCHA and the REDLAC group; the transfer of the Head of the Regional Office; and the coordination with government authorities, the private sector and international agencies to provide a quick and efficient response.

In addition, OCHA prepared a CERF to respond to the needs of the displaced population in border areas, as well as to provide response by sectors.

Within the challenges identified, he highlighted: the lack of human resources within the agencies of the system; proper coordination between the various actors; the management of information; the lack of a model customs agreement; and the lack of security.

Coordinated border management and regional preparedness

Isabelle Granger of the IFRC introduced the discussion on coordinated border control and regional preparedness, as well as two speakers: Georges Cantone of WCO and Gerardo Quirós of CEPREDENAC.

Georges Cantone spoke about the principles of coordinated border management, which implies several challenges for both customs operators and humanitarian aid providers. In many cases, humanitarian aid providers see their entry processes delayed, as the customs authority is obliged to inspect the goods, gather documentation and taxes, and ask for the implementation of procedures for their re-exportation. However, following regular procedures during an emergency can cause a delay in the entry of humanitarian aid necessary in the event of a disaster. For this reason, Georges Cantone recommended identifying common areas for better coordination and management of resources, eliminating areas subject to redundancy, promoting cooperation between actors, defining the priority humanitarian goods and simplifying procedures using instruments proposed by the WCO, as well as other national or international tools.

During his presentation, **Gerardo Quirós** talked about the tools proposed by CEPREDENAC for coordinated response to disasters. He began by presenting the *Manual for the Coordination of International Assistance*, which establishes coordination principles for the country that is subject to assistance, the assisting and the transit countries. Also, this document establishes that the ministries of foreign affairs are responsible for the management of the call for international assistance, the negotiation of international cooperation, and the disabling mechanisms once response has concluded.

CEPREDENAC also has also designed operational preparedness and response procedures among Central American countries, composed of an activation protocol and operating procedures for mutual assistance and an array of capabilities available for each country.

Some of the challenges of the mechanisms identified by Quirós were: the mobilization of specialized material and personnel of different nature between borders; disclosure, implementation and update to ensure sustainability; and the lack of capability and logistical skills development.

The second day was enriched by a round table activity, which was called upon by Isabelle Granger, who requested participants to gather in groups and comment on the existing legal and coordination frameworks, as well as to exchange points of view on what should be done at the regional or international level to facilitate the entry of relief goods in the event of a disaster.

Once participants discussed the questions raised, Eun Jung Yi of OCHA consolidated the answers from each group and presented them in a plenary meeting.

With regard to the existing legal and coordination frameworks concerning the role of customs in disaster response, the groups presented the following considerations:

- The ratification of international agreements and the incorporation of their guidelines within the national legislation are required, by including all the entities involved.
- The political willingness of the countries is required to make changes to the existing legislation in order to incorporate the principles presented in the international agreements.
- There is a lack of inter-agency coordination.
- The promotion of training and simulations to analyse the effectiveness of the current legal framework is necessary.
- There is a lack of knowledge of the existing international conventions.

The following recommendations were made with regard to what needs to be done on a regional or international level to facilitate the entry of relief goods:

- Existing response mechanisms should be disseminated.
- The national actors need to be trained.
- Simulation exercises have to be carried out.
- The terminology used in customs matters has to be unified.
- Governments need to be equipped with tools for the practical application of the international and regional instruments.
- Regional forums for the exchange of ideas regarding the handling of customs during disasters have to be organized.
- Contingency planning in case of natural disasters has to be established.
- All actors have to work on lessons learned.

Day 3

The third and last day of the seminar started with a selected panel of experts who shared their experiences with national laws and procedures to facilitate the entry of goods and equipment for international relief operations.

Experiences with national laws and procedures

Mayra Vásquez from the Guatemalan National Coordination Office for Disaster Reduction (CONRED, for its acronym in Spanish) chaired the panel and led the discussion.

Olemar Hoffmeister from the Peruvian Customs spoke about the General Law on Customs and Article 131 of Legislative Decree No. 1053 which establishes anticipated, urgent and exceptional clearance. This provision also states that urgent clearance will entitle urgent relief delivery and its clearance process can begin prior to the arrival of the means of transportation or after the discharge period. This type of clearance is undertaken by limiting the control of the Customs authority to the minimum required, without exempting compliance to mandatory requirements and documentation.

With regard to urgent deliveries, Olemar Hoffmeister explained that there are goods that, due to their nature, are subject to a special procedure, e.g. organs, blood, plasma and perishable items susceptible to decomposition. Relief sent corresponds to merchandise designated to help victims of natural catastrophes, epidemics and disasters.

Law No. 29077 states that “The entry of humanitarian assistance should be the result of the declaration of a state of emergency due to a natural disaster and only for the period of its duration.” Additionally, it establishes that the supreme decree that declares the state of emergency should list the goods needed to address the catastrophe.

Law No. 29081 establishes tax exemptions on the import of goods for humanitarian assistance “as the result of the declaration of state of emergency.” Additionally, it exempts from the payment of customs duties, General Sales Tax (IGV, for its acronym in Spanish), Municipal Promotion Tax (IPM, for its acronym in Spanish) and Selective Consumption Tax (ISC, for its acronym in Spanish) on imports coming from Diplomatic Missions, Consular Offices, and organizations and institutional entities registered in Peru. Moreover, the exemption will be valid for the duration of the state of emergency and will apply to the goods listed in the supreme decree.

Carmen Sandoval from the Honduran Permanent Contingency Commission presented a video of the work performed by the commission regarding natural disaster operations. Furthermore, she mentioned the Law of SINAGER, which created the National Risk Management System. This law and its regulations constitute the Honduran legal framework for the prevention, response and recovery from natural disasters and human activity.

Mario Roa Tapia, director of the Nicaraguan Red Cross, explained that the Minister of Foreign Affairs of Nicaragua made use of the faculties granted to him by Law No. 337, which created the National System for Disaster Prevention, Mitigation and Response (SINAPRED), and approved the *Manual of the Ministry of Foreign Affairs for Disaster*

Situations in March 2010. This instrument addresses all the actions on the management of international assistance in the event of a disaster.

With regard to SINPARED, Mario Roa Tapia explained that it has designed a national disaster response plan which is the supreme reference for the development of policies, strategies and instruments for efficient response plans at institutional, sectoral and territorial level.

Selina Clarke-Graham, of the Jamaican Customs Authority, explained that her country has established the Office for Emergency Preparedness and Management (ODPEM, for its acronym in Spanish) in 1980. The office is responsible for the coordination of relief and emergency operations and the Law on Customs sets the parameters for its operation. In the event of disasters, the Ministry of Finance authorizes the Customs Office the exemption of taxes and duties for the clearance of goods for certain departments, ministries and charitable organizations. For this purpose, a relief form specifying the content of the shipment must be completed, which will then be examined for its clearance.

The Model Act

Following the presentations made by the panel, **David Fisher** from IFRC made a presentation on the Model Act for the Facilitation and Regulation of International Disaster Relief Operations and Initial Recovery Assistance. He stated that the Model Act was developed by IFRC, UN OCHA and the Inter-Parliamentary Union, with support from WCO, some international law firms (Allen and Overy, CMS Cameron McKenna, Baker and McKenzie) and Microsoft's legal department.

The Model Act constitutes a reference tool for the domestic legislation based on the IDRL Guidelines, including comments with examples of laws from different countries around the world; its format allows for the content to be used entirely or in part when creating or modifying a law for the facilitation of international operations, in light of the guidelines.

The pilot version of the Model Act was released at the 30th International Conference of the Red Cross and Red Crescent. This version has been subject to multiple consultations at the global level in order to present, in 2013, a new version containing some of the recommendations made.

The main ideas of the Model Act include a clear identification of the initiation of international assistance, with international relief and initial recovery periods. Additionally, it emphasizes institutional mechanisms that allow inter-ministerial work and the existence of a special window for the entry of international relief goods and equipment. This instrument also encourages the eligibility of international providers to be

granted legal facilities if they comply with the minimum standards for international assistance.

After the presentation of the Model Act, participants were requested to gather in small groups to discuss the following questions:

-How detailed should the national legislation be regarding the facilitation and regulation of customs for disaster relief?

The groups discussed several points:

- The need of having an all-in-one law was evident.
- The national legislation should have common language and a standardized process at regional level.
- The national legislation should complement current laws, and amend regulations such as those related to customs and international relief.
- The national legislation should have a broad content to avoid omissions.
- It should be a broad legislation containing a provision establishing that the law will be developed based on the IDRL Guidelines.

-Where do you think it would be appropriate to establish relevant provisions on this matter in your respective legal systems? Some examples included:

- The Law on Customs and National Emergency Plan;
- The Customs Code;
- In CAUCA for Central American states;
- In the Customs Code for MERCOSUR;
- International agreements.

-Which are the strongest aspects of the pilot version of the Model Act? The points discussed were:

- The fact that it considers all the necessary steps for international response.
- The fact that it facilitates the drafting of a strong law on international assistance.
- The fact that it defines how to initiate and finalize international assistance.
- The fact that it constitutes an important achievement for the right application of the IDRL Guidelines.

-What could be improved in the pilot version of the Model Act? Some suggestions were:

- It should mention the Customs agent.

- It should replace the term “dignity” with “fundamental rights”.
- It should propose the unification of terminology.
- Due to the fact that each country has its legislation in place, it is very difficult to adopt the Model Act as a whole; however, it would be very useful to have a model decree or protocol that contains the IDRL Guidelines and promotes its implementation after a catastrophe.

Plans of action per country

Participants were divided by country delegation and were asked to develop elements of a potential plan of action to improve preparedness for the most common problems faced by customs during disasters in their country of origin. The plans of action were subsequently shared in a plenary meeting.

Argentina proposed to:

- Implement the Regional Plan of Action approved by the OAS General Assembly in June 2012.
- Involve regional organizations such as MERCOSUR and CAPRADE.
- Support inter-agency simulation exercises, such as customs, migration and civil defense.

Bahamas proposed to:

- Establish communication with agencies and authorities in charge of the disaster response, with the purpose of establishing a timely and effective coordination.

Barbados proposed to:

- Complete and comply with the plan of action presented.
- Share challenges and concerns with the entities in charge of disaster response.
- Develop standard operational procedures for the entry of relief supplies.

Belize proposed to:

- Share information from NEMO with the rest of authorities.
- Amend the legislation in order to adopt acknowledged international instruments.
- Develop a list of NGOs.
- Prepare a general list of items needed in an emergency.

Bermuda proposed to:

- Establish dialogue with the organization in charge of emergencies in Bermuda in order to have a customs representative in this organization who supports the role of Customs in national emergency plans.
- Draft a simplified customs clearance procedure to facilitate the entry of humanitarian aid items in case of disasters.

- Take the necessary steps to regulate customs tax exemptions during natural disasters.
- Draft and publish a guide with practical information on the import of relief goods and their use.
- Update the disaster response strategy accordingly.
- Consult with relevant entities, such as the Ministry of Finance, on the most appropriate manner to deal with the import and export of humanitarian goods and humanitarian personnel that arrives to the country to provide assistance.
- Promote the adoption of the Model Act to effectively regulate the most common problems related to international assistance during disasters.

Bolivia proposed to:

- Organize sub-regional seminars on this matter.
- Promote the dissemination of disaster response legislation.

Brazil proposed to:

- Discuss the plan of action presented by each country with relevant authorities.
- Enhance the mechanisms to facilitate the entry of humanitarian assistance.

Chile proposed to:

- Disseminate the contingency protocol in case of disasters at the national level and to international organizations through WCO.
- Formalize the customs plan with the rest of national entities that have their own powers and procedures in case of disasters.
- Improve the communications protocol at national and inter-agency levels to ensure permanent communication and coordination.
- Revise the Model Act proposal in order to:
 - 1) Propose improvements taking into consideration the best practices included in the Chilean Plan.
 - 2) Determine the aspects subject to improvements within the Chilean procedures.

Colombia proposed to:

- Share the topics discussed in the workshop with its entities.
- Hold a meeting with the Customs Office, the National Unit for Disaster Risk Management and other relevant entities to present existing customs regulations that deal with disasters.
- Participate in simulation exercises conducted in the region.
- Elaborate effectiveness indicators for the different actors that participate in a disaster operation.

Costa Rica proposed to:

- Strengthen the national technical advisory committee so that member institutions develop procedures for international assistance management.
- At regional level, encourage representatives from CEPREDENAC to organize meetings with their Central American Customs directors.
- Propose simulation exercises at the borders.

Cuba proposed to:

- Commit on behalf of the Cuban Customs Office to promote collaboration with Civil Defence in case of disasters.
- Raise awareness of Cuban Customs authorities on the issues and concerns discussed in the seminar.
- Improve cooperation at the regional level, the Caribbean and Latin America, with regard to natural disaster response.
- Request that UN, IFRC and NGOs share the detailed list of products available to be provided at the request of countries in case of disasters.

Dominican Republic proposed to:

- Promote a law to regulate and facilitate the IDRL Guidelines, the Model Act and the international legal framework.
- Develop a programme for capacity building, contingency planning in the country and the development of simulation exercises.
- Develop a programme to strengthen the knowledge of authorities regarding disaster response.
- Improve coordination mechanisms among the actors involved in disaster response.
- Promote advocacy on the subject and the creation of an advocacy network in the Dominican Republic.
- Raise awareness among decision-makers on the most common problems faced during international relief operations.
- Promote an active role of the institutions, with the collaboration of Customs and entities from the public and private sector.

Ecuador proposed to:

- Create a special unit to work in collaboration with all the institutions involved in disaster response (Civil Protection, Red Cross, as well as the departments of Health, Customs, Foreign Affairs and Migration) for a coordinated response.
- Participate in simulation exercises, gain knowledge about the experiences of other countries and assess their results.
- Promote unified disaster response criteria with neighbouring countries.

El Salvador proposed to:

- Strengthen prevention plans and, at the same time, disaster response plans so that they are integrated with relevant institutions.
- Incorporate the gender perspective in both plans.

Guatemala proposed to:

- Promote actions so that institutions in charge of the coordination and implementation of disaster response actions, such as CONRED and the Red Cross, are tax exempted for humanitarian assistance goods.
- Enhance mechanisms for the entry of humanitarian aid items.
- Promote the coordination of different actors (national and international) involved in disaster relief operations.

Haiti proposed to:

- Advocate for the inclusion of special disaster response legislation.
- Create a special unit for the facilitation of customs procedures during crises for non-registered NGOs, so that they are able to coordinate their assistance with various institutions.
- Develop a procedure for the temporary acknowledgement of NGOs.
- The special unit should have office equipment for air and land borders and with sole entry only during emergencies.
- Promote the creation of a law to regulate customs procedures.

Honduras proposed to:

- Share the information discussed in the seminar with the Customs departments.
- Share the current legislation with NGOs.
- Supervise current procedures and regulations regarding customs clearance during emergencies.
- Hold periodic meetings with authorities from the departments of Health, Agriculture, as well as with the Red Cross.

Jamaica proposed to:

- Update forms and requirements to facilitate their compliance during customs clearance in emergencies.
- Share lesson learned.
- Execute simulation exercises with entities in charge of disaster response, customs offices and other relevant actors.

Nicaragua proposed to:

- Actively integrate the Customs Authority in meetings of the inter-sectoral committees of SINAPRED.
- Train all customs employees on the existing national and international legal instruments for disaster mitigation and response.
- Coordinate among the institutions that participate in entry and exit control of persons, goods and means of transportation for an effective and integrated management of borders during disaster relief operations.

- Study and analyse the content of the Model Act in order to incorporate the aspects that are not contemplated in the current legislation and present them for the consideration of the relevant authorities.

Regional Organizations proposed to:

- Request NGOs and international organizations to provide the list of items that are available in case of emergencies so that these types of articles can be pre-approved by customs in order to facilitate their entry.
- Encourage NGOs and international organizations to get registered in different countries so they can operate without problems in case of disasters.
- Standardize customs procedures.

Panama proposed to:

- Organize a seminar with all the relevant actors, in order to share existing tools on the subject, including the role of customs in disaster response.
- Following the seminar, to draft an agreement among entities to expedite assistance in case of emergencies and disasters.
- Promote simulation exercises regarding the use of available tools.

Paraguay proposed to:

- Disseminate knowledge within country-level institutions.
- Conduct forums and seminars at the Customs Office to reaffirm the importance of customs during emergencies and disasters.
- Promote an agreement between the Paraguayan Red Cross and the Customs Office.
- Include the conclusions and recommendations from the IDRL Guidelines that make reference to the role of Customs in disaster response within the draft law.
- Approve the updated version of the Model Act, as well as its new recommendations.
- Unify criteria on the application of the IDRL Guidelines in all the countries.

Peru proposed to:

- Request WCO to ask for contingency plans from all the customs offices in the region.
- Request Civil Defence to review and harmonize the contingency plans from all the institutions.
- Request that the UN and Red Cross act as liaison among other institutions.

Uruguay proposed to:

- Share the knowledge acquired during the seminar with relevant authorities.
- Standardize procedures for disaster management.
- Take into consideration the best practices, background and lessons learned from the organizations that work in integrated disaster management.

Conclusions

Once the plans of action were shared, WCO, OCHA and the IFRC expressed their gratitude to the guests for their valuable participation throughout the seminar. Moreover, they thanked the staff from the Training Centre for giving them the opportunity to conduct this activity on their premises and for their support throughout the three-day event.

The Regional Seminar on the Role of Customs in Natural Disaster Relief provided an interactive space for the exchange of experience, opinions and recommendations about Customs best practices regarding disaster response, in addition to the identification of gaps that can be overcome through a solid national legal framework that regulates international disaster assistance.

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