

Facilitator's Notes

Situation 1:

For consideration: Can and should the Minister of Foreign Affairs refuse assistance?

Issue	Relevant Instrument	Summary of relevant provision
Refusing assistance	<p>IDRL Guidelines para 3 –</p> <p>AAMDER Art 3 –</p> <p>Note: Often confusion about the effect of a declaration of emergency and what the implications are, so law should clearly spell out process of requesting and/or accepting assistance to avoid confusion and delay.</p>	<p>governments have the primary responsibility, but should seek outside assistance if they are unable to meet the needs of their population.</p> <p>assistance should only be provided upon the request or with the consent of the affected state.</p>

Situation 2:

For consideration: Is the USAR leader right?

Issue	Relevant Instrument	Summary of relevant provision
Visa restrictions	<p>IDRL Guidelines para 16.1</p> <p>AADMER Art 14.b</p>	<p>quickly grant visas and work permits to approved humanitarian organizations, for time necessary to carry out relief operations.</p> <p>The receiving party shall facilitate 'the entry into, stay in and departure from its territory of personnel and equipment'.</p>

Customs duties on the radio equipment	IDRL Guideline para 17 ASEAN AADMER art 14 a.	Relief goods and equipment should be exempted from all customs duties, taxes, tariffs or governmental fees/ and restrictions. Calls for “exemptions from taxation, duties and other charges of similar nature on the importation and use of equipment including vehicles and telecommunications...”
Licensing requirements on the radio equipment	IDRL Guidelines, para18(2)	Affected States should reduce barriers to the import or export of telecommunications and information technology equipment. Affected States should also waive or expedite the granting of any applicable licenses and grant priority access to bandwidth, frequencies and satellite use for telecommunications and data transfer.

Situation 3

For consideration:

In light of the IDRL Guidelines:

- Should this convoy be given priority treatment?
- Should it be exempted from customs duties?

Issue	Instrument	Summary of relevant provision
Priority treatment and customs duty release for the church group <ul style="list-style-type: none"> ▪ Problem that the goods are clearly not related to a needs assessment ▪ Poorly packaged ▪ May not be appropriate for the circumstances 	<ul style="list-style-type: none"> • IDRL Guidelines Part IV • IDRL Guidelines para 4 • ASEAN AADMER, art 9(4) 	<p>Legal facilities should only be provided to approved organizations</p> <p>Relief goods should respond to real needs and be of appropriate quality</p> <p>Relief goods provided by the assisting party should meet the quality requirements of the parties concerned for consumption and utilization.</p>
Random medicines, labelled in foreign language	<ul style="list-style-type: none"> • IDRL Guideline 18(3)(c)(iii) 	Medicines for donation should be labelled in the local language

Question 4:

For consideration: Is the Ark government violating provisions contained in the IDRL Guidelines by ceasing the special customs regime?

Issue	Instrument	Argument
Customs duties/facilitation	IDRL Guidelines para. 17	Clearance as matter of priority
Licence plate issues for the vehicles	IDRL Guidelines, 17(1)(b) (customs clearance) and 18.2 (foreign plates)	Relief equipment (argued to include the vehicles) should be exempted from all import restrictions and cleared rapidly and as a matter of priority. Foreign registration and plates should be temporarily recognized.