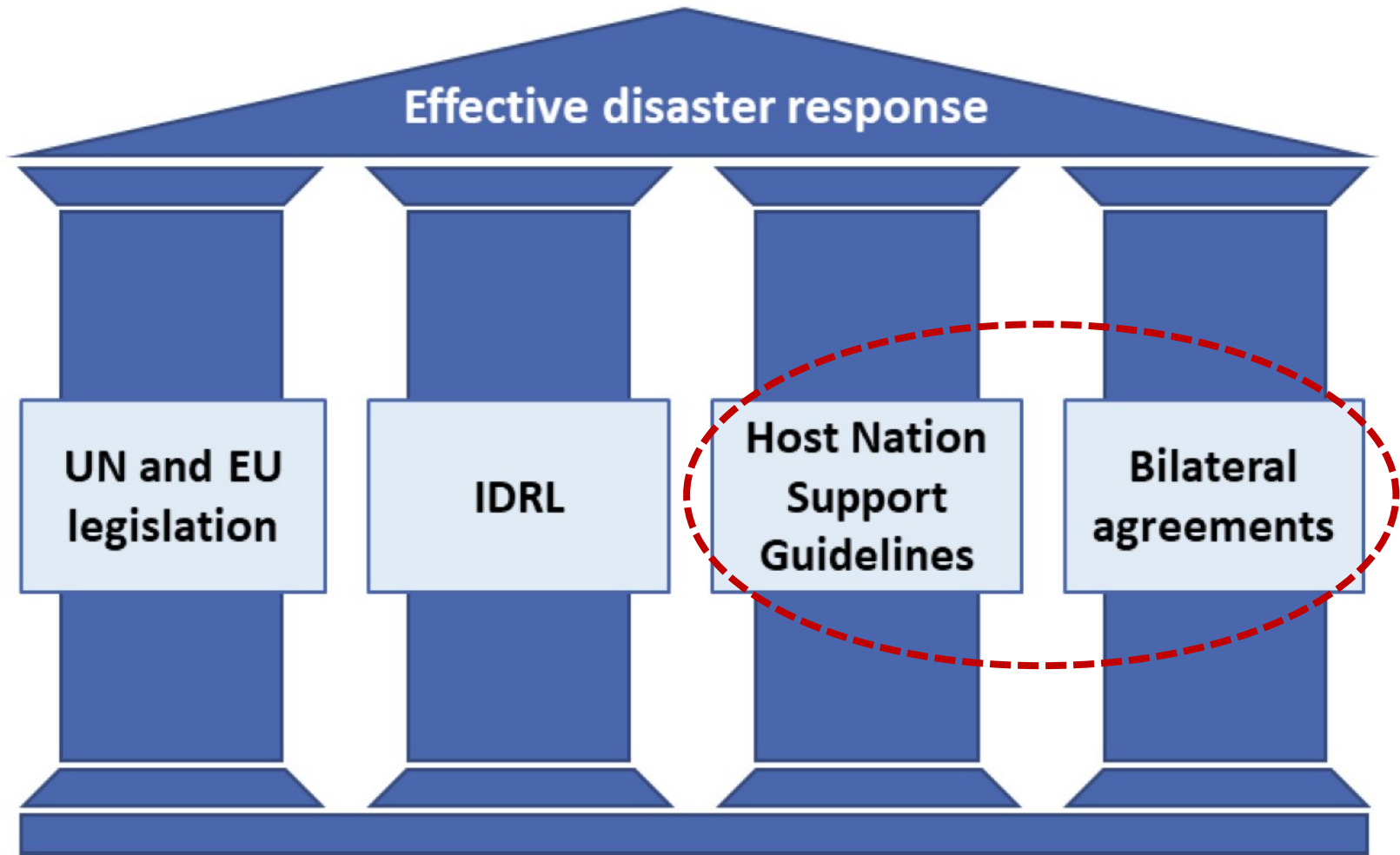


EU HOST NATION SUPPORT (HNS)



Legal Aspects

Legal Aspects in DRM:



Mandate

“ To provide ... assistance and relief and protection for people in third countries ... victims of natural or man-made disasters ...
(Treaty on the Functioning of the European Union - Article 214) ”

Humanitarian aid
→ **shared competence**

Civil protection
→ **support competence**

“ ... encourage cooperation between Member States for preventing and protecting against natural or man-made disasters.
(Treaty on the Functioning of the European Union - Article 196) ”

Different forms of agreements for assistance:

- ❑ **Informal Arrangements:** These informal arrangements are made both at the strategic and operational levels.
- ❑ **Multilateral Agreements:** Many EU member states have entered into additional multilateral agreements with other EU member states or non-EU member states specifically for cooperation in disaster response. Assistance sought from other states through such arrangements is particularly valued because of the **simplicity of the procedures and the rapid response time** of the other party.
- ❑ **Bilateral Agreements:** Many EU member states have also entered into bilateral agreements for cooperation in disaster response, in particular with neighboring countries. EU member states have also entered bilateral agreements with non-EU member states. Such agreements are generally made with countries with **which EU member states share border**. (ECHO, 2012, 32p)

***“According to the HNS Guidelines, member states should ensure that they have a framework in place for emergency planning and management.”
(ECHO, 2012, 37)***

Guidelines:

3.a Availability of Legal Facilities and Domestic Legal Status

IDRL Guidelines

Part IV Section 14 of the IDRL Guidelines recommends that affected states should be prepared to grant special legal facilities to foreign humanitarian organizations, as well as their relief personnel, goods and equipment when their assistance is needed to respond to a disaster. This should be based on eligibility criteria consistent with internationally agreed quality standards.

Part V Section 20 of the IDRL Guidelines provides that the affected states should grant assisting organizations and their personnel temporary domestic legal status, allowing them to enjoy certain private rights while they are in the affected state.

EU Host Nation Support Guidelines

Section 9.4.2 of the EU Guidelines is devoted to advising states to consider granting legal exemptions in relation to things such as tax, customs and visas, which will be discussed below in more detail.

The EU Guidelines also suggest that the host nation should be prepared to provide assisting countries and relevant international organisations with temporary authorisation to operate on the host nation's territory legally. This will ensure that these actors can enjoy rights necessary to provide assistance, such as opening bank accounts, acquiring or disposing of property, or instituting legal proceedings.

More regulations:

- ❑ **Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, 1988** (“**Tampere Convention**”)
- ❑ **United Nations General Assembly Resolution 57/150** on “strengthening the effectiveness and coordination of international urban search and rescue assistance”
- ❑ **Convention on Temporary Admission** (“**Istanbul Convention**”) was adopted to consolidate the provisions of a number of conventions concerning “temporary admission”, i.e., the waiver of import duties and taxes and simplification of documentation for the temporary import of specific types of items. Annex B.9 to the Istanbul Convention provides that relief equipment and items (such as medical, surgical and laboratory equipment, vehicles, blankets, tents) may be imported free of customs duties or charges, provided that:
 - ❑ they are intended to be re-exported;
 - ❑ they are “owned by a person outside the territory of temporary admission” and are “loaned free of charge;” and
 - ❑ they are “dispatched to persons approved by the competent authorities in the territory of temporary admission.”
- ❑ **INSARAG Guidelines**

EU Mechanism and Host Nation Support Guidelines

Natural or man-made **disaster** inside or outside the EU



Affected country requests assistance from the Mechanism through the **Emergency Response Coordination Centre (ERCC)**

Once the affected country has **accepted the offers...**

Participating states offer assistance, such as personnel and equipment



EU Civil Protection Mechanism is activated

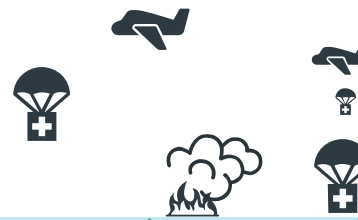
...ERCC coordinates the deployment and delivery of assistance



ERCC may deploy a team of **EU Civil Protection** experts

HNS R

Assistance delivered, experts return.



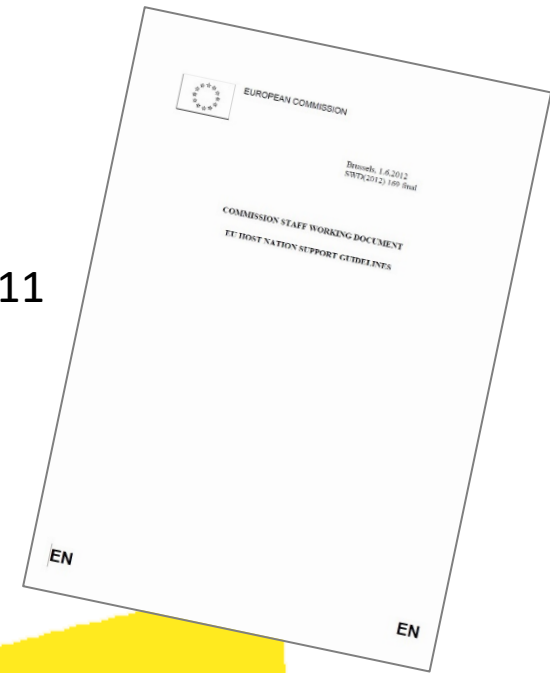
End of the emergency response

HNS A

HNS C

EU Host Nation Support Guidelines

- 2011: after finalization of a draft version for HNS Guidelines further discussion at the meeting of the Civil Protection Committee,
- 18th January 2012 adoption of the guidelines together with 11 annexes by the CPC.
- **NO consensus on**
 - role/position of on-site coordination centre
 - role/position of HNS liaison officer
 - liability for damages suffered by third parties as a result of assistance interventions***
 - composition and structure of the Annex 8 Country briefing and its use

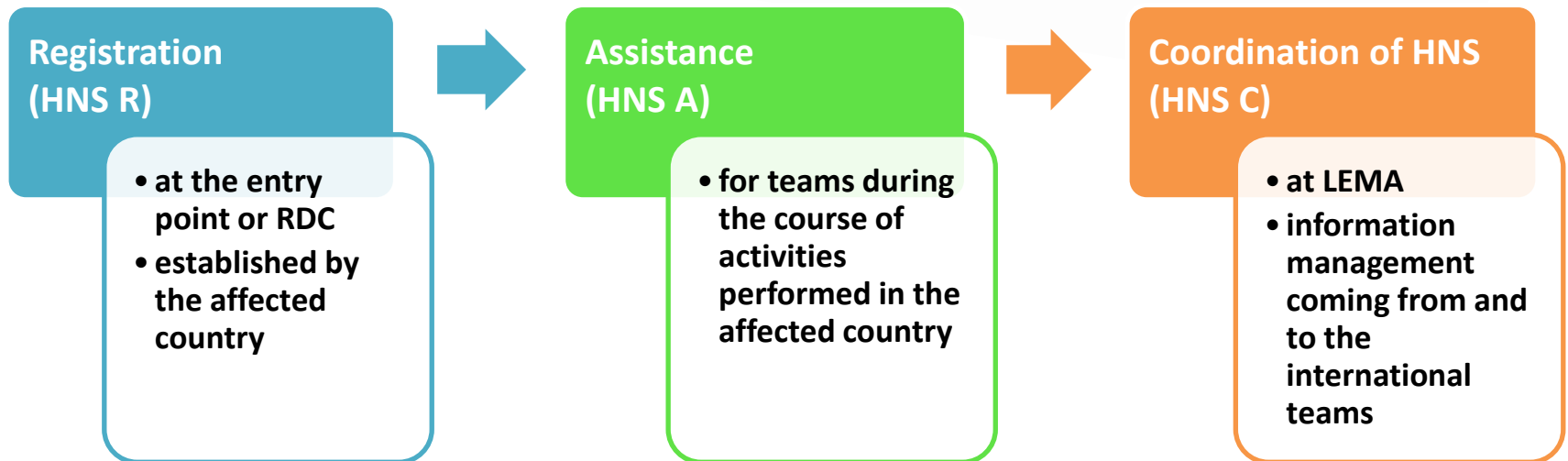


Division into 4 topics:

- ❖ Emergency planning
- ❖ Emergency management and co-ordination on site
- ❖ Logistics and Transport
- ❖ **Legal/financial issues**

→ Main document of the Guidelines to be used at headquarters-level

→ Annexes mainly the checklists to be used at technical and operational level



Legal/financial issues

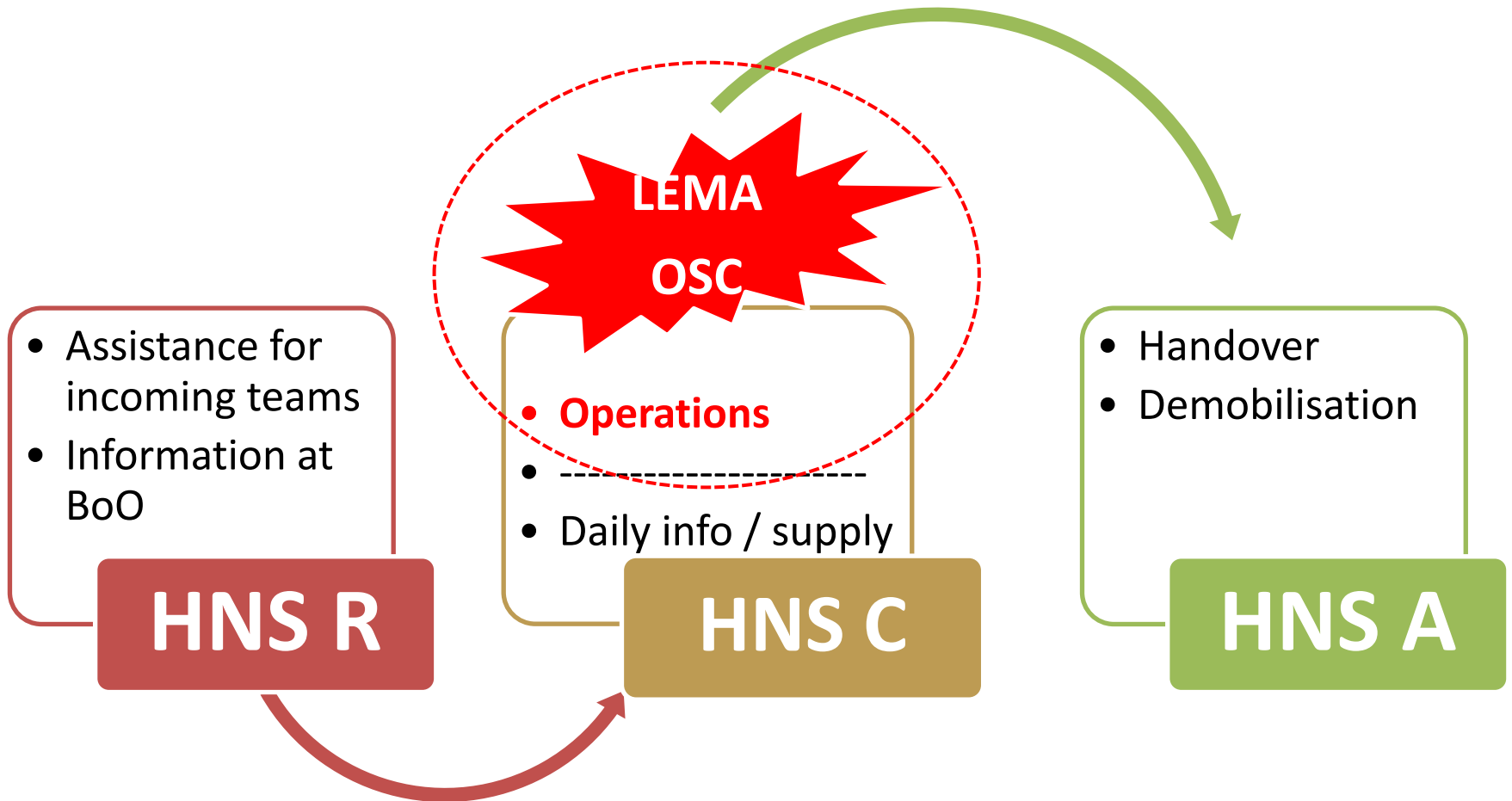
- ✓ Inside EU in general: **NO** restrictions and therefore “freedom of travel”



BUT

- Relevant for „Host Nations“ and „Transit Countries“ as regards
 - **Customs procedures** (dangerous goods, pharmacies...)
 - to reduce the administrative burden as far as possible
 - **Re-Export of equipment and in-kind assistance/goods if necessary**
 - Availability of respective Authorities out of regular working hours if required as well
 - **Temporary licenses for activities on foreign territory**
 - **Temporary recognition of professional qualifications**
 - Visa exemptions or at least accelerated proceedings
- **NO** legal obligation for MS/PS to implement the „HNS-Guidelines“

HOST NATION SUPPORT (HNS) Process



Annexes/Forms

Annex 2:

Request for international assistance – modules/teams

- ✓ MoU?
- ✓ Contracts?
- ✓ Permissions?
- ✓ Exemption's?
- ✓ Radio frequencies?
- ✓ Pharmacies?
- ✓ Rescue dogs?
- ✓ UAV use?
- ✓ Liabilities?
- ✓ Self-sufficiency?

1. HN requesting authority and contact details:
2. General description of requested assistance:
3. Type of requested assistance (please specify as far as possible):
4. Estimated duration of the deployment:
5. Location of entry points (GPS coordinates):
 - Land transport:
 - Air transport:
 - Maritime transport
6. Name, location and GPS coordinates of base of operation (BoO) (if already available):
7. Availability of host nation support²:

Commodity /service	YES		NO
	free of charge		
	YES	NO	
food			
drinking water			
fuel			
accommodation			
in-country transport			
medical support			
liaison officer			
interpreters			

Additional remarks:

7. The HN will:

¹ To be attached to each CECIS request for assistance.

Legal aspects of HNS

Legal clarifications:

- ✓ MoU?
- ✓ Contracts?
- ✓ Permissions?
- ✓ Exemption's?
- ✓ Liability for damages?

Technical clarifications:

- ✓ Radio frequencies?
- ✓ Pharmacies?
- ✓ Rescue dogs?
- ✓ UAV use?
- ✓ ADR?

Logistic clarifications:

- ✓ logistic needs?
- ✓ Transportation?
- ✓ food and water supply?
- ✓ Accommodation?
- ✓ Liaison?
- ✓ Interpretation?
- ✓

Legal aspects of HNS

Sending state:

- ✓ Waive of tolls and other fees?
- ✓ Vaccinations?
- ✓ Insurances?
- ✓ Technical standards?

Transit state:

- ✓ Establish a route and decide arrangements?
- ✓ Transportation?
- ✓ Police escort?
- ✓ Waive of tolls and other fees?
- ✓ Waive or shortcut visa procedures?
- ✓ Clarify customs status?
- ✓ ...

Host state:

- ✓ Logistic needs?
- ✓ Waive of tolls and other fees?
- ✓ Interoperability?
- ✓ Liability for damages?
- ✓ Liaison persons?
- ✓ Interpretation?
- ✓



What are your experiences?

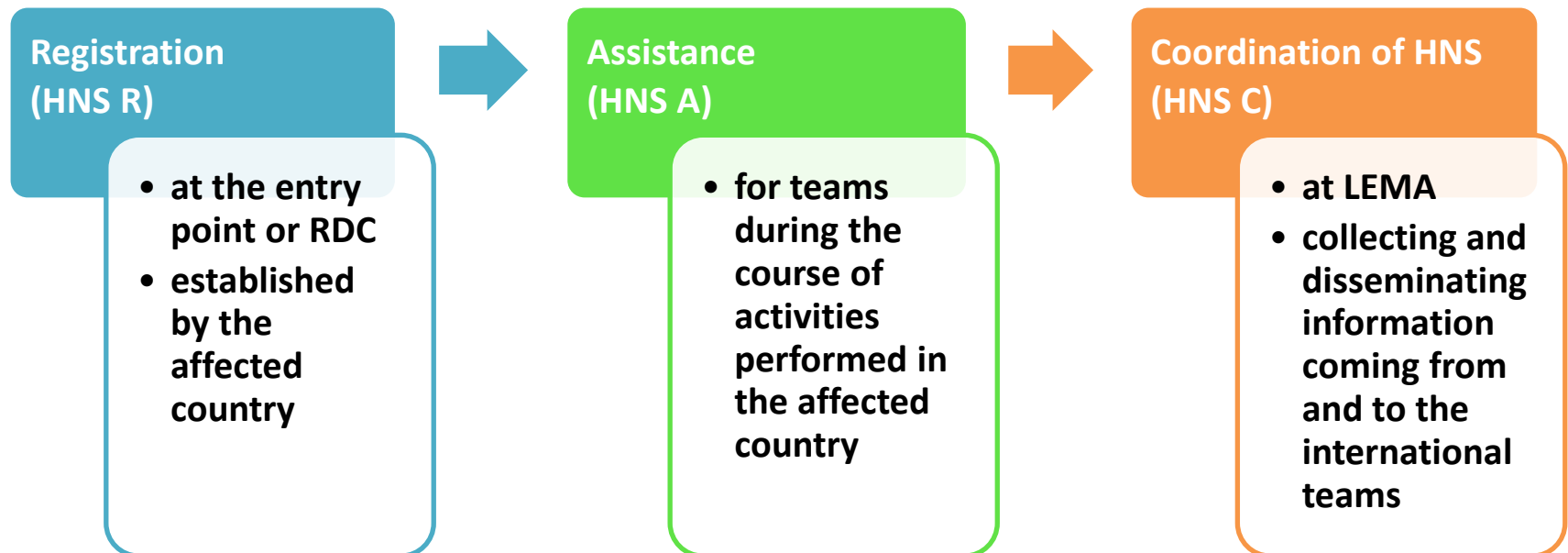
HNS Cell Organisation:

The HN cell should be established by the LEMA as part of the overall Host Nation Support.

All personnel involved in the HNS cell are officers of the LEMA, they should be EU CP Mechanism trained, and should have appropriate language skills, with good skill in negotiation and coordination management, possibly with previous experience within international operations context.

The HNS cell is organised in three main areas of activities:

- **Registration (HNS R)**
- **Assistance (HNS A)**
- **Coordination of HNS (HNS C)**



Terms of reference for Host Nation Support (HNS) Cell

HNS Cell Tasks

HNS cell represents the direct link between the Local Emergency Management Agency (LEMA) and the international teams for the duration of their mission in the country and is designed to:

- ensure the better use of the capabilities of the teams from their arrival;
- integrate teams' operations with the ongoing response effort;
- **support the teams in all logistic needs including fuel, transport, food and accommodation;**
- assist the teams in all contacts/relations with population and/or administrations;
- facilitate the liaison between the teams and local/national operational centres.

HNS cell has to be considered apart from the local incident commander and it is not responsible for:

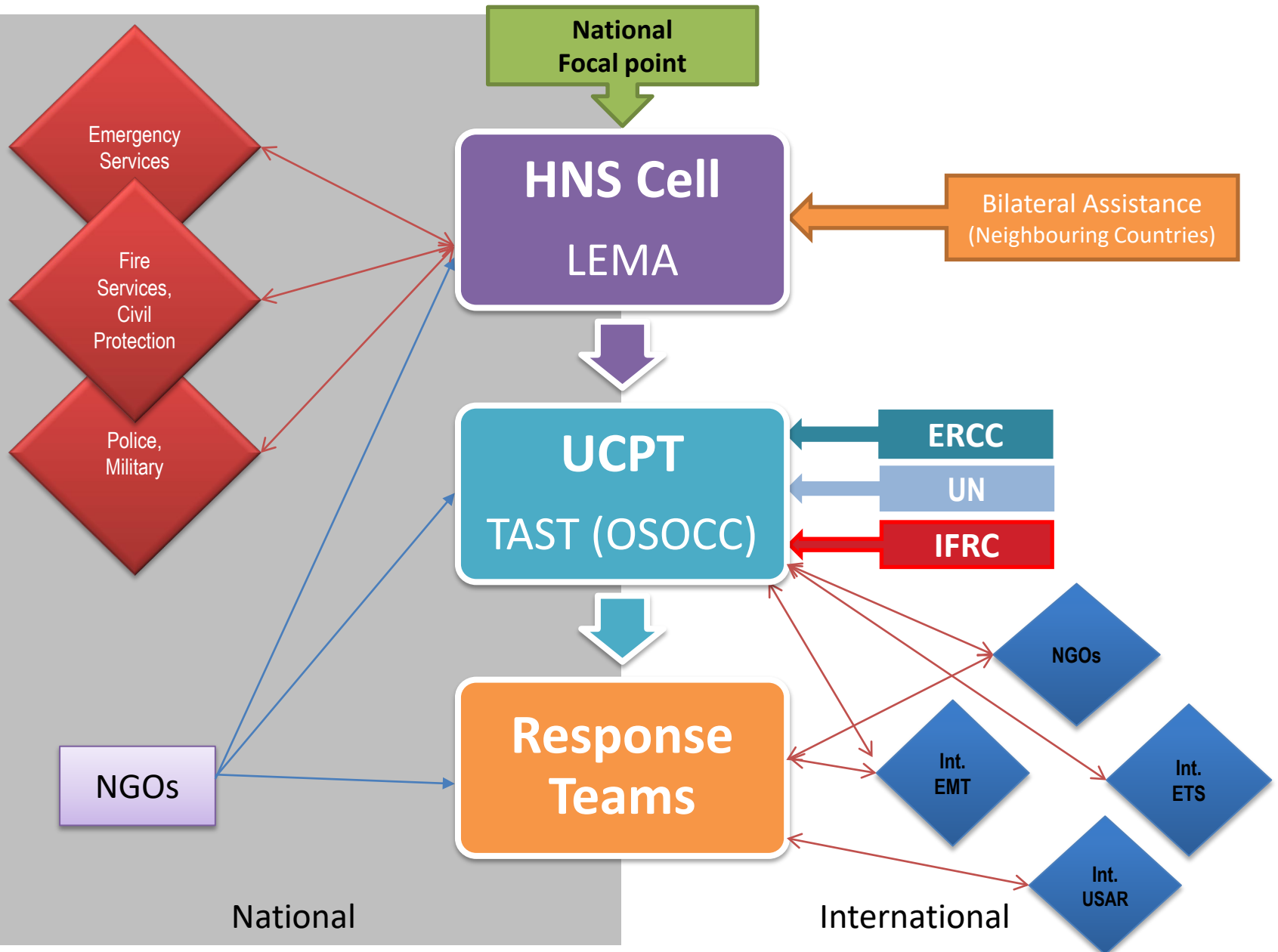
- **operational coordination of the team**
- **technical advise during the rescue/relief operations**

Host Nation Support Guidelines and interventions based on bilateral agreement:

The HN will:

- ✓ Waive any visa and/or immigration requirements,
- ✓ Issue any visa and/or immigration documents,
- ✓ Accept regulated professions:
doctors/nurses/paramedics/engineers/others (quote),
- ✓ Exempt equipment/goods of the modules/teams from all customs duties, taxes, tariffs, fees, and from all export and import restrictions,
- ✓ Provide temporary authorisation to the assisting module(s)/team(s) to legally operate on our territory, including rights to open bank accounts, enter into contract and leases, acquire and dispose of property and instigate legal proceedings,
- ✓ Provide security services in case of need and/or upon a request of assisting.

HOST NATION SUPPORT (HNS) Process



Registration

At entering into the country, the team will be welcomed by HNS R at entry point or RDC (in any case in a safe area away from the emergency) in order to receive a general briefing and to arrange its transfer to the BoO assigned.

HNS R will provide:

- General information on the event and on the national command and control structure
- Information on the HNS structure

HNS R will facilitate:

- The filling of all relevant documentation about the team.
- Delivery of demobilisation forms to be returned after completion to the HNS Cell upon arrival at BoO.
- Delivery of mission summary report to be returned after its completion to the HNS Cell at the BoO
- Escorting to the BoO

Assistance

As the team arrives at BoO the assigned NHS A will provide a series of vital information

- general briefing on the situation at local (provincial) level;
- command and control structure;
- role of HNS cell;
- communication system;

- maps (BoO and work sites) ;
- information regarding the area and the population;
- security aspects;
- media (possible procedures for interacting with the media) ;
- safety and security plan for the team (agreement on possible plans) ;
- coordination of activities and management of BoO ;
- general Notices (ordinances/decrees established by the Mayors or other Authorities) ;
- request of team needs;
- request by HNS for daily briefing and daily SitRep.

HNS A

During all operations phase HNS A will ensure to the team:

- logistic support;
- communication between local incident commander and LEMA;
- facilitate relations with all civil protections actors involved;
- support team leader/deputy team leader/liaison officer during coordination meetings;
- liaise any request coming from mayor or other local authorities;
- updates LEMA regarding the activities carried out by the team.

At the end of operations HNS A will support the team in order to

- facilitate hand over procedure;
- assist the demobilisation operation;
- provide necessary logistic support (e.g.: transportation) ;
- facilitate customs procedures if requested.
- finalizing the mission report;

HNS C

Coordination

During the whole emergency HNS C at LEMA will ensure a daily contact with all teams operating in the area through the HNS A.

Annexes/Forms

Annex 1:	HNS check list
Annex 2:	Request for international assistance – modules/teams
Annex 3:	Offer of international assistance – modules/teams
Annex 4:	Request for international assistance – in-kind assistance
Annex 5:	Offer of international assistance – in-kind assistance
Annex 6:	Request for transit assistance through the territory of:
Annex 7:	Terms of reference for HNS cell
Annex 8:	Country briefing
Annex 9:	Glossary of terms
Annex 10:	Relief items check list
Annex 11:	Documents relevant for the EU HNS guidelines