

## International and European Disaster Law Course – Jean Monnet Module

### Group exercises

#### Scenario: Earthquake in “Incognita”

The following group exercises will draw on this fictional scenario.

On 13 June 2016, a severe earthquake registering 7.8 on the Richter scale struck the country of Incognita at 4:48 a.m. It was centred about 28 km south from its capital, Incognitaville, in Ovni Province. The earthquake was preceded by massive ground movements in the vicinity of Incognitaville and closely followed by numerous aftershocks, the largest of which was a 5.7 magnitude jolt at 7:36 the same morning.



The marine barrage, built to keep out seawater, was seriously affected, letting the sea flood penetrate deeply inland and causing further damage and losses in the coastal areas. The earthquake also affected more remote communities while landslides from the earthquake have made it difficult to reach those areas.

The quake resulted in widespread destruction of buildings in the capital, killing an estimated 8,000 people and injuring some 49,000. Many Incognitans have left their damaged houses and are sleeping outside. According to Incognitan local news, hundreds of thousands may have been displaced by the earthquake.

The Incognitan Army is only able to reach areas outside the capital in a limited number of off-road vehicles, because more than 2000 kilometres of road have been affected. The few hospitals in the coast and capital area that are still operating, are completely overwhelmed and cannot cope with the number of casualties being brought in. Because of damage to sewers and the flooding along the coast, authorities are worried about water-borne diseases. The Incognitaville International Airport has suffered major damage, and only a single runway is usable.

## Question 1 (40 minutes)

### Reference documents:

- UN General Assembly Resolution 46/182
- ILC Draft Articles on the Protection of persons in the event of Disasters - 2016
- ASEAN Agreement - 2005
- Statutes of the International Red Cross and Red Crescent Movement

International media are carrying more and more reports about the ravages of the Incognita earthquake. Images of thousands of families camping in the open near their ruined homes are leading to calls of alarm in the international humanitarian community. However, the Incognita government has publicly refused to accept international assistance. In a televised statement, the Minister of Foreign Affairs insists that: *“We are not interested in handouts. Self-reliance and dignity are Incognita’s most precious national resources.”*

Later in the afternoon, Incognita civil defense officials also contact the Secretary-General of the Incognita Red Cross informing her that the government expects that she will not undermine its position by making its own external appeal.

- Has the Incognita government violated any international norms by refusing external assistance?
- What if the ILC Draft Articles would have been a binding treaty ratified by Incognita?
- What if Incognita would have been a party of the ASEAN Agreement of 2005?
- Has the Incognita government violated any existing international norms by insisting that the Incognita Red Cross not make its own appeal?

## Question 2 (40 minutes)

### Reference documents:

- Kyoto Convention on the Harmonization and Simplification of Customs Procedures
- Istanbul Convention on Temporary Admission
- IFRC - Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (IDRL Guidelines)

Incognita reconsiders its decision and decides to make an appeal for international assistance. Several church groups in Incognita’s neighboring country of Eastland decide to partner with local companies to gather relief items to send to Incognita. After a donation initiative announced on local radio, a convoy of 20 trucks, vans and 4x4s is piled high with the various miscellaneous items collected, including packaged snacks, used clothes, bottled water, religious texts and medications.

However, the road to Incognita has only just reopened and they find themselves at the end of a very long line of stalled traffic, including anxious extended family members of Incognitaville residents as well as previously trapped commercial trucks, which customs officials are hurriedly trying to

process. The leader of the convoy calls ahead to the border office and asks to be escorted to the head of the line and quickly waived through without payment of customs duties because he is bringing humanitarian relief. He apologizes for not having any documentation concerning the contents of his trucks but argues that the urgency of the situation required quick action.

The group is divided in two for a debate drawing on the relevant documents:

- Group 1 will argue that the church convoy should be given priority treatment and exemptions from customs duties
- Group 2 will argue that they should not.

Each side is given 15 minutes to prepare a consolidated argument.

### **Question 3 (40 minutes)**

#### Reference documents:

- Kyoto Convention on the Harmonization and Simplification of Customs Procedures
- IFRC Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance
- WHO Guidelines for Drug Donations
- WHO Model Guidelines for the International Provision of Controlled Medications for Emergency Medical Care
- UN General Assembly Resolution 57/150

In response to Incognita's appeal, an Eastland urban search and rescue team, arranges a special charter flight to take them to Incognitaville airport. Upon arrival, the team's medical officer is told that she will not be allowed to bring in her supply of ketamine, used for anesthesia and sedation of injured persons, because it has not received a prior import license and the drug is labelled only in the Eastlandish language. Even worse, veterinary officials insist that the team's four sniffer dogs cannot be allowed into the country until they have gone through a mandatory month-long quarantine. "We are a rabies-free country," the official explains, "and I have no discretion here."

"This is just outrageous," the team leader remarks, "I am sure it violates international law."

- Do you agree with the team leader?
- How do you think this situation should be handled?