



International Disaster Response Law Fact Sheet: Bangladesh

This document has been prepared to assist Red Cross Red Crescent Movement partners to better understand Bangladesh's legal preparedness for international assistance, identifying and explaining relevant legal provisions for international assistance providers. It is a non-exhaustive desk-based research yet to go through national verification process, and is not intended to be a definitive analysis of Bangladesh's disaster risk management system.

National Governance Framework for Disaster Risk Management

National disaster-related legislation, policies and procedures

Disaster Management Act 2012 is the legal basis for disaster management, definition organisational structure of disaster management at national and local levels, as well as assigning responsibilities of government departments and committees.

Disaster Management Policy is currently being drafted, a strategic policy document describing the broad national objectives and strategies for disaster management.

Bangladesh Standing Orders on Disaster 2010 outlines the roles and responsibilities of each government body engaged in disaster management. It is currently being revised

National Plan for Disaster Management 2015-2020 is in progress of implementation. The **National Plan for Disaster Management 2010-15** contains the systematic and institutional mechanisms for DRR and ERM. It specifically includes multi-sectoral response plans to address particular hazards, for example earthquakes and tsunamis.

Institutional Arrangements

National Disaster Management Council has two arms sitting beneath it:

- Inter Ministerial Disaster Management Coordination Committee (IMDCC)
- National Disaster Management Advisory Council (NDMAC)

The **Ministry of Disaster Management and Relief** is responsible for disaster management issues and advising the NDMAC and IMDCC.

The **Ministry of Home Affairs** has a key role in tasks of search and rescue, security, relief operations and disaster information management. It operates through law and order protection forces, including the Fire Service, Civil Defence, Police etc.

Cluster System engagement (including assignment of ministry/department roles and responsibility)

For available information, see [2014 Bangladesh Response Preparedness Plan](#) and [website](#) for Humanitarian Coordination Task Team (HCTT) in Bangladesh.

Red Cross Red Crescent Movement

Bangladesh Red Crescent Society

Bangladesh Red Crescent Society is recognized as auxiliary to the public authorities and mandated to provide for aid to the sick, wounded and people affected by natural disasters, civil disturbances or the like in the **1973 Bangladesh Red Crescent Society Order**.



Secretary General of BDRCS sits on the IMDMCC (Section 4, SOD) and BDRCS is part of the NDMAC (Section 4, SOD).

Article 38 of the SOD outlines BDRCS's role in disaster risk management, including search and rescue, shelter, first aid, food and NFI relief item distribution during the disaster phase. It further recognising the role of IFRC to complement efforts based on the requests from BDRCS during disaster and recovery phase (38(g)).

IFRC Status Agreement

IFRC has a Status Agreement in Bangladesh which gives the delegation special privileges including exemption from all taxes and vat. This agreement has also extended exemption to all members of the Federation working or visiting.

Red Cross Red Crescent National Society mandate

ICRC

ICRC has a delegation based in Dhaka.

Requests/Accept offer for international assistance and relief

Request for international assistance

There is currently no formalised process for initiating and terminating requests for international assistance, nor any criteria for the level of detail to be included in such requests.

Article 23(a)(b) of the SOD: Ministry of Foreign Affairs is responsible for submitting requests for international assistance to foreign governments/agencies as directed by Government of Bangladesh and in close coordination with NDMC

Article 5.6 of the SOD: BDRCS may send request for requirement of relief and rehabilitation operation after informing about loss and damage due to disaster to the IFRC

Article 53 of the Disaster Management Act: the Government can receive and cooperate with international entities in disaster relief operations, including exchange of disaster management related data, analysis, research and use of geo-satellite and can formalise agreements with international entities under this objective.

Any foreign disaster relief organization must be registered by the NGO Affairs Bureau (Prime Minister's Office) and compliant with the 2016 Foreign Donations (Voluntary Activities) Regulation Act in order to carry out relief activities. There does not appear to be any expedited processes in place for disasters or temporary legal identity of foreign humanitarian organizations.

Article 53, 2012 Disaster Management Act: the government may receive cooperation from any foreign state, government, and international and regional organizations and may provide them cooperation to conduct relief operation during disaster period including exchange of disaster management related information data, analysis and research and uses of geo- satellite.

Border control requirements

Customs Procedures including fee exemptions/waivers and expedited processes

Standing Order no. 47/98/Customs, National Board of Revenue has introduced 'Rapid Clearance Procedure' for certain goods which includes relief materials. Therefore, in case of emergencies, simplified paperwork requirement for imported relief materials without any physical examination is in place. (see here [http://bangladeshcustoms.gov.bd/beta/orders/10_STANDINGORDER47-98-Cus_1998_IntroductionOfRapidClearanceProcedureForImportConsignments .pdf](http://bangladeshcustoms.gov.bd/beta/orders/10_STANDINGORDER47-98-Cus_1998_IntroductionOfRapidClearanceProcedureForImportConsignments.pdf))

SRO No. 61-Law/92/1444/Customs appears to have a list of relief items which are exempted from all sorts of duties, tariffs and fees, provided that they are imported either by Bangladesh Red Crescent Societies or by any foreign/local



NGOs registered under the NGO Affairs Bureau or by any other unregistered foreign or local organisations. The list reportedly does not include many communication equipment, vehicles etc.

Section 19(e) SOD: in times of disaster, the Ministry of Shipping shall direct the concerned port authority for speedy delivery of relief and food materials received as grant or imported from foreign countries.

Privileged Persons (Customs Procedures) Rules, 2003: Government through notification in the official gazette, can declare any international organization as privileged person or Development Partner.

For motor vehicles, there are exemptions for registration of foreign vehicles for humanitarian purposes outlined in rule 62 of **1984 Motor Vehicle Rules**. Rule 23 of the **Motor Vehicle Tax Rules** of 1966, vehicles of diplomats, UN, recognized international agencies etc. shall be exempted from Tax. The 1932 Motor Vehicles Tax Act allows Government to exempt a class of motor vehicle from tax or make regulate the manner in which exemptions may be claimed.

Telecommunications

License from the **Bangladesh Telecommunications Regulatory Commission** is mandatory for establishment or use of any such telecommunication equipment as per the **2001 Bangladesh Telecommunication Control Act**. There appears to be no provision for expediting licensing or waiver of license requirements in disaster.

Article 97, 2001 Telecommunications Act: in the event of the President declaring an emergency, the Government may suspend or amend any license, certificate or permit. During this time, Government may also have preference compared to other operators or users of the telecommunications system.

Biosecurity including food

Section 16. Applicable conditions for import of food for human consumption of the Bangladesh **Import Policy Order 2012-2015** requires a radiation certificate for milk products (including baby formula, powdered milk), vegetable seeds, edible oils and cereal products, the certificate subsequently being presented to Customs Authorities and included in the Bill of Lading. Direct import of rice, wheat, other cereals and food stuff from SAARC, South-East Asia and Asia-Pacific Ocean countries, shall included a certificate, issued by the Government/ Approved Agency of the exporting country, declaring that the standard & quality are fit for human consumption and free from all harmful germs, to be submitted to the Customs Authority (16(16)(b)).

Search dogs

Reportedly, the **2005 Animal and Animal Product Quarantine Act** allows the government to make exceptional provisions for any kind of animal by official gazette notification. However, no such notification is available as yet for rescue dogs.

Medicines

Section 5, 1982 Drugs (Control) Ordinance: no medicine of any kind shall be manufactured for sale or be imported, distributed, stocked, exhibited or sold unless it is registered with the licensing authority. The Directorate of Drug Administration is the national drug regulatory authority, sitting with the Ministry of Health and Family Welfare, regulating the manufacture, import and quality control of drugs in Bangladesh.

Article 12. (1) 1940 Drugs Act: Government may, after consultation with the Board and after previous publication by notification in the official Gazette, make rules for the purpose of giving effect to the provisions on importation of drug. This includes rules around labelling, which shall include date of manufacture, expiry, potency and scientific name.

Reportedly the list of relief materials under SRO No. 61-Law/92/1444/Customs exempted from custom duties includes medicine and medical equipment.

Entry of Relief Personnel

Article 4.2.32 of Standing Orders on Disaster, 2010, Ministry of Foreign Affairs is supposed to keep in close touch with the Ministry of Home Affairs and Ministry of Disaster Management and Relief for making issuance of visa easier to persons who are likely to come from abroad for relief work. However, no specific procedure of granting or facilitating visas to the relief personnel have been codified anywhere in the legal system of Bangladesh

In the Visa Policy issued on 04 April 2007, no special category of visa has been assigned to disaster response personnel.¹ Moreover, in the Notification No.- Sho Mo (Bohi-2/1P-7/2006/1434, issued by the Home Ministry (Departure Branch – 2) regarding issuance of ‘Visa on Arrival’, disaster response personnel has not been added as a category entitled to such visa.

Issues relating to the entry of response personnel to Bangladesh during disaster emergencies including the procedure for granting visas, types of visas, requirement of work permit etc. are dealt with on *ad hoc* basis through the official gazette notification

Recognition of qualifications

Reportedly, the **Bangladesh Medical and Dental Council Act of 2010**, states that no medical qualifications can be used in Bangladesh without being recognized by the Medical and Dental Council, which has to go through a process of written examinations and completion of internship by the applicant. It appears that similar provisions for recognition of the nursing qualification are in place for nurses under section 14 of the 2016 **Bangladesh Nursing and Midwifery Council Act**, which establishes the *Bangladesh Nursing and Midwifery Council* (BNMC) as the Regulatory Body.

However, on the Bangladesh Medical and Dental Council’s [website](#), there appears to be allowances for temporary or provisional registration. The applicant must submit copies of medical degrees, fees for registration, clearance from government to work in Bangladesh and up to date bio-data and photos.

Military/Defense Force involvement

Mandated role of military

Section 6, SOD: Ministry of Disaster Management and Relief can request the Armed Forces Division (coordinated through Ministry of Defense) and Civil authorities to assist in relief, rescue and response operations on the basis of need. Section 15, SOD sets out the role of the Armed Forces.

Section 15(1)(j) SOD: In the rehabilitation stage, the Bangladesh Army shall designate one liaison officer to coordinate relief materials provided by foreign military and as necessary participate jointly in relief work.

Article 30, 2012 Disaster Management Act: Government may direct Armed Forces to provide necessary assistance to civil administration in pre-disaster or emergency response activities during a disaster accordingly.

International DRM Commitments

TREATY/CONVENTION	YEAR RATIFIED
Tampere Telecoms Convention	Not yet signed/ratified
Kyoto Customs Annex J.5	Not yet signed/ratified
Istanbul Customs Annex B.9	Not yet signed/ratified

¹ Visit for details, http://www.immi.gov.bd/docs/visa_policy.pdf

Chicago Aviation Convention	1950
Marine Traffic Convention	Not yet signed/ratified
UN Staff Safety Protocol	Not yet signed/ratified
Framework Convention on Civil Defense	Not yet signed/ratified
Food assistance Convention	Not yet signed/ratified
Nuclear Assistance Convention	1993
Nuclear Warning Convention	1993
Oil Pollution Convention	Not yet signed/ratified
Desertification Convention	1998
Hyogo Framework for Action 2005-2015	Not yet signed/ratified
United Nations (Privileges and Immunities) Act	1948

Regional frameworks

Bangladesh has signed the SAARC's Comprehensive Framework on Disaster Management (2006-2015) including risk reduction strategies and establishing response mechanisms at regional and national levels.

SAARC Agreement on Rapid Response to Natural Disaster, ratified by Bangladesh but has not yet come into force, but may provide guidance in seeking regional assistance from member states. According to Article VIII, if a member state needs assistance in disaster emergency, it may request assistance from any member state directly under intimation to or through Secretary General of SAARC.

Bangladesh is a candidate for observer status to ASEAN.

Further information related to Disaster Law in Bangladesh contact
Gabrielle Emery, IFRC Asia Pacific Disaster Law Coordinator
Gabrielle.emery@ifrc.org

Acronyms	References
BDRCS: Bangladesh Red Crescent Society	2012 Disaster Management Act
MoDMR: Ministry of Disaster Management and Relief	2010 Standing Orders on Disaster
IFRC: International Federation of Red Cross Red Crescent National Societies	1973 Bangladesh Red Crescent Society Order
ICRC: International Committee of Red Cross	2016 Foreign Donations (Voluntary Activities) Regulation Act
NS: National Society	2003 Privileged Persons (Customs Procedures) Rules
UBDs: unsolicited bilateral donations	Standing Order no. 47/98/Customs (Bengali)
IMDMCC: Inter Ministerial Disaster Management Coordination Committee	SRO No. 61-Law/92/1444/Customs (Bengali)
NGO: non-government organisation	2001 Bangladesh Telecommunication Control Act
NDMAC: National Disaster Management Advisory Council	2012-2015 Bangladesh Import Policy Order
SOD: Standing Orders on Disaster	SRO No. 178 – Law/2012/2406/Customs (Bengali)
SAARC: South Asian Association for Regional Cooperation's	1940 Drugs Act
	1982 Drugs (Control) Ordinance
	1984 Motor Vehicle Rules
	2005 Animal and Animal Product Quarantine Act (Bengali)
	2001 Telecommunications Act