

UNITED NATIONS

DHA-GENEVA

PROJECT DPR 213/3 MCDA

**GUIDELINES
ON THE USE OF MILITARY
AND CIVIL DEFENCE ASSETS
IN DISASTER RELIEF**

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ABBREVIATIONS

AFCENT	Allied Forces Central Europe
AFDRU	Austrian Forces Disaster Relief Unit
DHA	United Nations Department of Humanitarian Affairs
ECHO	European Commission Humanitarian Office
IAEA	International Atomic Energy Agency
ICDO	International Civil Defence Organization
ICRC	International Committee of the Red Cross
IDRA	International disaster relief assistance
IFRC	International Federation of Red Cross and Red Crescent Societies
INSARAG	International Search and Rescue Advisory Group
LEMA	Local Emergency Management Authority
MCDA	Military and civil defence assets
NATO	North Atlantic Treaty Organization
NERS	National Emergency Relief Services
OSOCC	On-site Operations Coordination Centre
RCB	Relief Coordination Branch
SAR	Search and rescue
SCG	Standing Coordinating Group
SHAPE	Supreme Headquarters Allied Powers Europe
SOP	Standing operating procedures
UNDAC	United Nations Disaster Assessment and Coordination Stand-by Team

UNDRO	Office of the United Nations Disaster Relief Coordinator (now DHA)
UNHCR	Office of the United Nations High Commissioner for Refugees
WHO	World Health Organization

Definitions

One of the preconditions for the effective use of MCDA in disaster relief operations is a common understanding of the terminology used in preparing and executing such operations.

International disaster relief assistance

In the context of the present Guidelines, International disaster relief assistance (IDRA) means material, personnel and services provided by the international community to a Receiving State to meet the needs of those affected by a disaster. It includes all actions necessary to grant and facilitate movement over the territory, including the territorial waters and the airspace, of a Transit State. It is exclusively humanitarian and impartial in character. It is based on the respect of the principle of the sovereignty of States and is executed without discrimination of any kind based on race, colour, sex, language or political or religious convictions.

Assisting State or organization

Assisting State or organization means the State or organization providing IDRA.

Receiving State

Receiving State means a State which has requested or concurred with the offer of IDRA.

Transit State

Transit State means any State whose territory, including its airspace and/or territorial waters, are traversed for the delivery of IDRA.

Military and civil defence assets

MCDA comprises relief personnel, equipment, supplies and services provided by foreign military and civil defence organizations for IDRA. Further, for the purpose of this project, civil defence organization means any organization that, under the control of a Government, performs the functions enumerated in paragraph 61 of Additional Protocol I to the Geneva Conventions of 1949.

Relief personnel

Relief personnel comprise those individuals, groups of individuals, teams and constituted units executing IDRA.

Relief supplies

Relief supplies comprise goods, such as survival items, temporary shelter, foodstuffs, medical supplies, clothing and other *matériel* required for IDRA.

Relief services

Relief services are capabilities, arrangements and systems required to support and facilitate IDRA. They include, *inter-alia*, logistics, telecommunications and air-traffic control.

PART I - DHA AND THE MCDA PROJECT

A. DHA

1. General Assembly resolution 46/182 adopted in 1991, on the strengthening of the coordination of humanitarian assistance of the United Nations, set out the basic principles for humanitarian assistance to be provided by the Organization and its Member States, and recommended specific measures to ensure a prompt and coordinated response to major crises and complex emergencies, as well as natural and technological disasters.
2. In accordance with General Assembly resolution 46/182, the Secretary-General established a new Department of Humanitarian Affairs (DHA) in April 1992, which has, *inter-alia*, the responsibility for providing leadership and coordination for a rapid and well-coordinated response to major emergencies, to save lives and contribute to rehabilitation and development for the affected populations. DHA, the legal successor of UNDRO, incorporates the International Decade for National Disaster Reduction (IDNDR), as well as former emergency units for Africa, Iraq, South-East Asia, Afghanistan and Chernobyl.
3. DHA operates in the grey zone where security, political and humanitarian concerns converge. Policy coordination and planning and early warning functions are performed in New York, where DHA works closely with the deliberative organs of the United Nations Secretariat. DHA-Geneva, on the other hand, acts as the focal point for emergency operational support and relief coordination, as well as for disaster prevention and mitigation. The Relief Coordination Branch (RCB) of DHA-Geneva continues to handle the response to all sudden onset disasters within the United Nations system.

B. DHA - Disaster Relief Coordination

4. The main task of RCB is the **mobilization** and **co-ordination** of international relief assistance following natural disasters and other emergencies. The **monitoring** of such disasters worldwide, **dissemination of information** and **situation reports**, **preparation of appeals** and **field missions for assessment**, and **co-ordination** are integral parts of RCB activities. An **alert system** on sudden disasters is maintained in Geneva, as well as a **duty system** with **24-hour coverage** and **stand-by arrangements** for **field missions**. In case of need, a modern operations **Coordination Centre** is activated to support RCB missions from Headquarters. Several **mobile satellite communications terminals** and **VHF/HF radio** sets are at the disposal of RCB staff to ensure field communications during missions.

5. In order to support international emergency actions and to ensure efficient and prompt response. RCB fulfils a range of key emergency functions such as operating the DHA emergency supplies **Warehouse** based at Pisa Airport in Italy.

6. In addition to it's day-to-day efforts to assist countries that have been affected by disaster and to maintain and expand an effective response capacity, RCB is engaged in a number of medium-to long-term projects that are being pursued in conformity with the provisions of General Assembly resolution 46/182. They introduce innovative approaches to international disaster management and aim essentially at improving the international community's capacity for rapid assessment and effective and concerted mobilization, development and utilization of resources for emergency response through:

**Operational Coordination Programme;
United Nations Disaster Assessment and Coordination Stand-by
Team (UNDAC);
On-Site Operations Coordination Centre (OSOCC);
Use of military and civil defence assets (MCDA) in disaster relief;
Central Register of Disaster Management Capacities.**

7. In co-operation with eight Governments and INSARAG, DHA established UNDAC, which, in major sudden onset disasters, can be dispatched immediately to the disaster site. The task of the team is to register the event and its consequences and, when required, assist local authorities in determining the need for international assistance and on-site monitoring, as well as to coordinate such assistance in the immediate aftermath of a major disaster. All members of the UNDAC, which already includes military and civil defence officers, are also trained in the establishment, organization and procedures of an OSOCC, aimed at assisting, when required, the authorities of a disaster affected country in meeting increased management requirements posed by the arrival of international assistance.

8. A Central Register of Disaster Management Capacities is being completed as an operational tool to support the United Nations system and the international community in their efforts to improve the effectiveness of emergency humanitarian aid. Three parts of the Central Register are already in existence, namely Directories of International Search and Rescue Teams; National Emergency Response Offices and National Emergency Relief Services of Major Donor Governments. Three additional parts will be finalized by the end of 1994 regarding Stockpiles of Disaster Relief Items, Disaster Management Expertise and Military and Civil Defense Assets.

C. MCDA-project: an innovative tool in DHA's Emergency Response System

Introduction

9. The growing dimensions, frequency and complexity of disasters necessitate a continued search for new and varied resources with which to respond. In large-scale emergencies, where the magnitude of the disaster is enormous and destruction extremely heavy, the limits of national and traditional foreign relief capacity to respond are soon reached and exceeded. Though response from the international community has been rapid and efficient in most cases, the challenges ahead are great, as is the scope for improvement.

10. In pursuance of United Nations General Assembly resolution 46/182, DHA is currently developing appropriate arrangements with interested Governments and inter-governmental and non-governmental organizations in order to ensure expeditious access, when necessary, to their emergency relief capacities, including food reserves, emergency stockpiles, personnel and logistic support. DHA is achieving this in part through its project DPR 213/3 on the use of MCDA in disaster relief, which seeks to formalize the employment of these assets through standardized facilitation measures, guidelines and procedures.

11. Although the existing humanitarian organizations are well suited to assist in coping with the effects of disasters, due to the increasing demand for international assistance, the use of MCDA has nevertheless contributed to the success in dealing with such disasters.

12. Therefore, DHA developed the MCDA project as one of the complementary responses to the acknowledged "humanitarian gap" between the disaster needs that the international community is being asked to satisfy and the resources available to meet them.

Background

13. The concept of making more systematic use of MCDA started in 1990, following an evaluation of relief activities carried out by the military in humanitarian missions. In 1991, at the Fourth Meeting of Officials in Charge of National Emergency Relief Services (NERS IV), UNDRO was asked to evaluate the possibility of formalizing the practice of using foreign MCDA in emergency operations. It was with this objective that in early 1992 DHA-Geneva launched Project DPR 213/3 on the use of MCDA in IDRA operations.

The Brussels Workshop

14. On 14 and 15 December 1992, DHA and IFRC sponsored a major international workshop hosted by NATO. At this workshop, diplomatic, military and civil defence officials of Member States, the United Nations, IFRC and international and non-governmental organizations discussed the criteria, conditions and prospects for the use of MCDA in IDRA operations. DHA was requested to coordinate the development of guidelines for the use of MCDA in such operations, the establishment of an MCDA-related data bank, the setting of operational standards and the identification of training requirements with Member States and relevant institutions.

The Standing Coordinating Group

15. To implement the Brussels recommendations, a Standing Coordinating Group (SCG), chaired by Gen. G. Greindl of Austria, was established to assist DHA in the management of the programme and in the elaboration of the guidelines. The following States and organizations participated in and supported the work of SCG: Argentina, Austria, Belgium, Germany, Indonesia, Italy, Japan, Kenya, the Netherlands, Norway, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, AFCENT, AFDRU, Brown University's Watson Institute, European Union/ECHO, ICDO, ICRC, IFRC, INSARAG, NATO, SHAPE, Steering Committee for Humanitarian Response, UNHCR, UN Legal Liaison Office, University of Naples, University of Ruhr, WHO and Western European Union.

The Oslo International Conference

16. On 20 and 21 January 1994 the Government of Norway hosted, at the request of DHA and IFRC, an international high-level conference on the use of MCDA in disaster relief operations in times of peace. Over 180 delegates from 45 States and 25 organizations attended the conference. The aim of the conference, chaired by Mr. Jorgen Kosmo, Norwegian Minister of Defence, was to review and further develop a set of proposed guidelines elaborated by SCG. The draft document received full support at Oslo as to its main thrust and contents. A number of constructive comments were made by the participating delegations, which further enhanced the guideline's clarity and acceptability. Therefore, the present document represents an updated version of the draft based on those comments.

MCDA capabilities

17. As a result of being trained and ready to perform their traditional defence tasks, MCDA of any country are well organized and manage to provide, when required, support to a full range of relief services in the fields of, *inter-alia*, public works, communications, transport, health and emergency medical services, search and rescue, and support activities. Their structures are intended to react quickly and respond rapidly in a fully self-contained, self-sufficient and highly mobile fashion.

Furthermore, the consideration that MCDA fixed costs (e.g. personnel salaries and equipment) are also covered by their national regular budgets, makes this a viable option compared to any available alternatives. In this regard, it is clear that national military, civil defence and civil protection personnel and expertise have enormous potential to assist DHA in the implementation of its humanitarian mandate and to serve as an additional instrument for the effective delivery of IDRA.

18. The following are typical examples of MCDA capabilities in disaster relief operations:

(a) Air, land and sea survey and assessment to ascertain the extent of casualties and damage;

(b) Reconnaissance in the disaster zone and of the routes within and leading towards it;

(c) Organized and mobile manpower (directly employed and/or seconded to DHA Relief Coordination Branch) to assist in search, rescue, evacuation, coordination and provision of relief services (e.g. medical aid, water, logistics, food and shelter);

(d) Engineering;

(e) Communications facilities/expertise;

(f) Ground logistics support (land);

(g) Medical support to civilian services;

(h) Helicopters and aircraft for airlift/airdrop missions;

(i) Provision by naval resources, for coordination, transport support, medical assistance, power, engineering, water purification and feeding facilities;

(j) Nuclear, biological and chemical contamination and environmental emergencies;

(k) Explosive ordnance disposal, removal and deactivation.

PART II - PRINCIPLES AND CONDITIONS

A. General principles

Aim

19. The aim of the present Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief (hereinafter referred to as "Oslo Guidelines") is to establish the basic framework for formalizing and improving the effectiveness and efficiency of the use of foreign military and civil defence teams and expertise in international disaster relief operations. From the vast range of possible questions concerning the use of MCDA, the present Guidelines focus on the principles which will allow the fast and effective deployment of MCDA in disaster relief operations. The Oslo Guidelines seek to ensure the highest possible standards of readiness, effectiveness and efficiency of a "victims' demand led" IDRA.

Complementarity

20. Military and civil defence assets should be seen as a tool complementing existing relief mechanisms in order to provide specific support to specific requirements, in response to the acknowledged "humanitarian gap" between the disaster needs that the relief community is being asked to satisfy and the resources available to meet them.

Scope

21. The Oslo Guidelines address the use of MCDA following natural, technological and environmental emergencies in times of peace. The principles, mechanisms and procedures concerning military forces participating in peace-keeping operations or the delivery of humanitarian assistance in situations of armed conflict are not encompassed by this document.

Non-binding nature of the Oslo Guidelines

22. The Oslo Guidelines are of a non-binding nature.

Assumptions

23. The framework for the use of MCDA in internationally coordinated disaster relief operations is based on the assumption that such operations observe the fundamental principles of the relevant resolutions of the General Assembly of the United Nations, in particular resolution 46/182 of 19 December 1991, which is reproduced in annex III. In this regard, MCDA support is to be used with full transparency, neutrality and impartiality in the context of relief efforts.

Responsibility and management

24. MCDA can be mobilized and deployed bilaterally or as part of a DHA internationally coordinated effort. In this context, IDRA should be **provided at the request of, or with the consent of the Receiving State** and, in principle, on the basis of an appeal for international assistance addressed to DHA.

25. All relief actions remain the overall responsibility of the Receiving State and are complemented by foreign MCDA operating within an international relief effort.

26. The nature and extent of MCDA assistance will depend upon political will, funds and other resources available.

Costing and funding

27. MCDA assistance should be provided at no cost to the Receiving State, unless otherwise agreed between concerned States or regulated by international agreements.¹

28. A State deciding to employ its MCDA in IDRA should bear in mind the cost/benefit ratio of such operations as compared to other alternatives, if available. In principle, the costs involved in using national MCDA on disaster relief missions abroad should be covered by funds other than those available for international development activities.

Identification and security

29. In principle, military and civil defence personnel deploying on disaster relief missions will do so unarmed and in national uniforms. The overall responsibility for providing adequate security for MCDA support remains with the Receiving State.²

¹ For example, IAEA draft agreements on mutual emergency assistance in connection with nuclear accidents (1966) document GOV/1144.

² However, in exceptional circumstances the internal situation of the Receiving State may call for military and civil defence personnel to carry weapons for self-protection. Under such conditions, prior agreement between the Receiving and Assisting States is necessary and should first be reported to DHA.

Legal status

30. On the basis of Article 105 of the Charter of the United Nations, MCDA personnel, alerted, mobilized and deployed at the request of DHA and coordinating its activities with UNDAC and OSOCC, may be granted the status of experts on mission for the United Nations according to article VI of the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly on 13 February 1946.³

Facilitation measures

31. MCDA coordination will be enhanced by adopting as many existing standardized procedures as possible. Particular heed should be given to the request for and the provision of assistance, funding, accounting, identification of personnel and equipment, information gathering, legal matters and reporting. In this regard, DHA has elaborated a comprehensive emergency management system. This system comprises the series of actions that should be taken when a State requests, concurs with or offers international assistance. The DHA Emergency Management System and the proposed forms applicable to the MCDA projects, in the framework of the present Guidelines, appear in annex I.

MCDA - a dynamic process

32. The MCDA process and the Oslo Guidelines are of a dynamic character and will reflect the continuous evolution in this field and will be refined accordingly.

³ United Nations, *Treaty Series*, vol. 1, p. 15 and vol. 90, p. 327 (corrigendum to vol. 1):

B. Tasks of States

Introduction

33. To provide a brief, comprehensive overview of the tasks of States in the use of MCDA in IDRA, a table has been prepared which summarizes the main rules that should be observed by States, and relevant international organizations, as applicable, in the course of the various phases of disaster preparedness and response, necessary for an effective delivery of IDRA. It must be recalled that the present Guidelines are of a non-binding nature and are intended to facilitate the use of MCDA in IDRA operations in an attempt to avoid fatal delays and the duplication of efforts and to maximize the use of existing resources.

TASKS OF STATES	
ASSISTING AND TRANSIT STATES	DISASTER-PRONE STATES
Preparedness phase (nationally)	
<p style="text-align: center;">Declaration of MCDA availability</p> <p>34. All States should declare on the DHA questionnaires, their MCDA which could be made available for IDRA, in particular:</p> <ul style="list-style-type: none"> (a) National points of contact; (b) The type and quantity of resources and services that may be made available; (c) Criteria, preconditions and limitations (cost, deployment time, geographical range of action, etc.) for the use of its MCDA; (d) The readiness for using its MCDA to operate in the field in cooperation with DHA emergency coordination instruments. 	<p style="text-align: center;">Declaration of national disaster response capacity</p> <p>35. Disaster-prone States should declare their disaster response capabilities. Furthermore, they should notify DHA of the areas in which foreign disaster relief assistance may be needed.</p>

TASKS OF STATES

ASSISTING AND TRANSIT STATES

DISASTER-PRONE STATES

Contingency plans

36. In order to deploy its MCDA in IDRA, the responsible institutions of the Assisting State are to prepare comprehensive emergency contingency plans addressing all functional disciplines of disaster management, including inter-ministerial financial arrangements, if necessary.

37. The competent authorities of the disaster-prone State should prepare comprehensive emergency contingency plans to facilitate, *inter alia*, the delivery of relief assistance from foreign MCDA teams. These plans should address all functional aspects related to the establishment of a local emergency management agency and the use of foreign MCDA.

Declaration of competent authority

38. All States should identify a single national focal point to be responsible for all aspects of disaster relief missions.

Training of personnel

39. All States should provide adequate training to their military and civil defence personnel to be employed in IDRA.

TASKS OF STATES	
ASSISTING AND TRANSIT STATES	DISASTER-PRONE STATES
Preparedness phase (internationally)	
Standardization⁴	
<p>40. A standardized movement certificate(s), recognized and accepted by all Assisting, Transit and Receiving States, should be adopted to facilitate the speedy deployment of personnel, equipment and goods.</p>	
Development of national disaster response capacities	
<p>41. Assisting States and Disaster-prone States should cooperate in an effort to develop the latter's national disaster response capacities.</p>	
International standards	
<p>42. States should apply existing international standards appropriate to disaster relief operations (e.g. speedy delivery of relief supplies or marking of relief goods).</p>	
Simplification and notification of rules relevant for transit	
<p>43. States should do their utmost to facilitate the transit of MCDA in IDRA as necessary through simplification of national regulations for overflight, customs, etc. and should notify concerned States and DHA accordingly.</p>	

⁴ ATA Carnets for Temporary Admission of Goods and the *Carnet de Passage en Douane* (CPD) for the Transit of Means of Transport contained in appendices 1 and 2 to annex A to the Convention on Temporary Admission (Istanbul, 1990) may be used for this purpose.

TASKS OF STATES	
ASSISTING AND TRANSIT STATES	RECEIVING STATES
Emergency phase	
Exchange of information	
<p>44. States should immediately contact DHA for exchange of information about the nature, magnitude and effects of the disaster.</p>	<p>45. The Receiving State should provide to the international community timely and accurate information on the nature and magnitude of the disaster, in order to enhance the effectiveness of external assistance. [If necessary, DHA can assist the Receiving State in this task through its UNDAC programme]</p>
<p>Confirmation of MCDA availability</p> <p>46. States should, immediately after receiving a request for assistance, indicate to DHA their capacity to assist. Preconditions and operational requirements for IDRA should also be reported.</p>	<p>Request for international assistance</p> <p>47. If international assistance is necessary, it should be requested or consented to by the Receiving State as soon after the disaster as possible to maximize its effectiveness. It should also provide Assisting States with information on how to tailor international assistance to its particular customs and traditions. [DHA can assist the Receiving State through the dissemination of Situation Reports and emergency appeals]</p>
	<p>Declaration of competent authority</p> <p>48. The Receiving State should confirm to DHA, Assisting States and the local United Nations Representative its national point of contact for IDRA as soon as possible.</p>
Management of IDRA	
<p>49. The Receiving State retains the overall authority and responsibility for the management of relief operations.</p> <p>50. In the execution of specific relief activities, it will be the responsibility of each MCDA team leader to decide the most appropriate procedures and techniques to be applied.</p>	

TASKS OF STATES

ASSISTING AND TRANSIT STATES	RECEIVING STATES
Cooperation and coordination / LEMA	
<p>51. The Assisting State should ensure that its MCDA participate in any coordinating structure established for the IDRA operation.</p>	<p>52. As soon as possible, the Receiving State should establish a LEMA. [DHA is ready and able to assist in this regard, if necessary, through its OSOCC concept.]</p>
Background briefing	National cooperation
<p>53. The Assisting State should provide timely and comprehensive briefings to its military and civil defence personnel regarding the Receiving State. Particular attention must be given to national laws, customs and traditions.</p>	<p>54. The Receiving State should take all appropriate steps to ensure that all of its relevant national authorities are informed of the request and/or consent to international assistance and be prepared to facilitate it. It should also adhere, when the operation is carried out in cooperation with DHA, to the basic legal elements as specified in the general framework and provide a cooperative environment to facilitate the task of foreign MCDA teams providing assistance.</p>
Quality of relief supplies	
<p>55. The Assisting State should ensure that international standards for the quality, packaging and marking of relief supplies are met, bearing in mind the needs, customs and traditions of the Receiving State.</p>	
Conduct	
<p>56. The Assisting State should ensure that its military and civil defence personnel act in accordance with the status agreed upon with the Receiving State. MCDA deployed at the request of and cooperating with DHA will conform to the provisions of article IV of the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly on 13 february 1946. In addition, the military and civil defence personnel should always be sensitive to the customs and traditions of the Receiving State.</p>	

TASKS OF STATES

ASSISTING AND TRANSIT STATES	RECEIVING STATES
<p style="text-align: center;">Assisting State support</p> <p>57. The Assisting State should provide, in respect of its MCDA contribution, appropriate information to the receiving State and DHA, if appropriate, in accordance with the standard movement certificate proposed in the Istanbul Convention.</p>	<p style="text-align: center;">Receiving State support</p> <p>58. The Receiving State should take all appropriate steps to facilitate foreign MCDA in their execution of IDRA, bearing in mind their facilities, privileges and immunities. This includes, <i>inter alia</i>:</p> <ul style="list-style-type: none"> (a) Overflight and landing permission; (b) Waiver of commercial documentation; (c) Exemption from customs duties; (d) Waiver of visa requirements; (e) Free access to the disaster zone; (f) Recognition of certificates; (g) Authorization of transport and communication usage;⁵ (h) Security of MCDA.
<p style="text-align: center;">Transit States support</p> <p>59. Transit States should facilitate MCDA in the execution of IDRA in a timely and appropriate manner, e.g. automatic granting of overflight and landing permission. Immediately after the request for assistance is received, Transit States should confirm to DHA and concerned States the transit facilities and assistance available, as well as possible preconditions.</p> <p>60. The Transit State should confirm to States involved the governmental organ having the responsibility for the monitoring, facilitation and coordination of IDRA in transit and notify DHA immediately.</p> <p>61. The Transit State should be responsible for the safety of the MCDA while in transit. It should fully recognize their status as given in the present document and grant appropriate privileges and immunities contained therein.</p>	

⁵ As stated in the resolution on disaster communications, (document DT/12(Rev.2)-E) unanimously adopted by the 129 States participating in the World Telecommunication Development Conference organized by the International Telecommunication Union (ITU), Buenos Aires, 21-29 March 1994.

TASKS OF STATES	
ASSISTING AND TRANSIT STATES	RECEIVING STATES
Post-disaster phase	
Termination of IDRA	
<p>62. The Assisting State should notify in due time the Receiving State, DHA and other assisting parties of the duration of its assistance and withdrawal plans for its MCDA.</p>	<p>63. The Receiving State should notify the Assisting State(s), DHA and other assisting parties when IDRA is to cease and facilitate the withdrawal plans for the foreign MCDA and other assisting organizations.</p>
Claims and settlement of disputes	
<p>64. Claims and disputes should be settled in accordance with the legal framework given in the Oslo Guidelines. States should notify DHA of results.</p>	

PART III - FRAMEWORK AND PROCEDURES

A. Legal background

Overview

65. The presence of foreign MCDA in IDRA requires the regulation of their legal status, immunities and facilities granted during their presence on the territory of Receiving and Transit States. Customary international law recognizes only certain diplomatic immunities from the jurisdiction of these States. Therefore, specific regulations are necessary.

66. Several resolutions of the General Assembly of the United Nations have referred to the responsibility of Member States and organizations with regard to IDRA. Nevertheless, the use of MCDA in IDRA operations, under the fundamental principles of Assembly resolution 46/182, may still lead to legal questions which require evaluation and solutions concerning:

(a) The status of foreign military and civil defence personnel, equipment and facilities, including their privileges and immunities;

(b) The identification and markings of military and civil defence personnel, equipment and facilities;

(c) The definition of the MCDA mission, including its duration, scope, geographical area and access/transit parameters;

(d) The freedom of movement and access to or from and within the disaster zone;

(e) The consent to operate and use all MCDA equipment and resources made available by the Assisting State/Organization for the duration of the IDRA mission.

Bilateral assistance - suggested legal model

67. Unlike visits of foreign MCDA personnel to the territory of a State or the stationing of foreign troops, IDRA usually requires quick decisions and actions. Due to the suddenness of most disasters, there is generally no time for extensive ad hoc negotiations concerning legal details of the operation. To respond to the needs of such a situation, States should apply pre-negotiated agreements for the use of MCDA in IDRA. If such agreements have not been concluded, it is recommended that States, wishing to act bilaterally, should make use of the Model Agreement covering the Status of MCDA teams set out in annex II.

Multilateral assistance - United Nations expert on mission status for military and civil defence personnel in IDRA

68. In the absence of bilateral or regional agreements and due to the humanitarian nature of MCDA in IDRA, the elements of relief operations justify the application of the fundamental principles set out in article VI, "Experts on Mission for the United Nations" of the Convention on the Privileges and Immunities of the United Nations.⁶

69. The military and civil defence personnel alerted, mobilized and deployed at the request of DHA and operating within its field coordinating mechanisms may be granted that status, in accordance with the procedures indicated in the DHA Emergency Management System on the basis of the model exchange of letters set out in annex I.

Legal framework of MCDA operations within the DHA field coordination mechanism

70. The application of expert on mission status facilitates the execution of IDRA, by granting the military and civil defence personnel those basic privileges and immunities necessary for the fulfilment of their functions within their humanitarian mission. These include the following elements, as already stated in the above mentioned Convention:

(a) Immunity from legal process in respect of all acts performed by them in their official capacity in the delivery of IDRA, with retention of criminal jurisdiction by the competent organs of the Assisting State;

(b) Exemption from all direct and indirect taxation and customs charges.

Practical legal measures to facilitate the deployment of MCDA teams in IDRA

71. All immunities should be granted automatically on entering the Receiving State, provided that the agreed procedures for deployment, as described in annex I, have been observed based on the DHA Emergency Management System. This shall be applied as long as the personnel are engaged in IDRA. The Receiving State has the right to ask the Assisting State to withdraw any of its individuals, equipment or resources.

72. Organs of the Receiving State may take any military and civil defence personnel into custody when apprehended in the commission or attempted commission of a criminal offense. Such persons should be handed over to the commander of the unit, the competent diplomatic authorities of the Assisting State or the official responsible for the management of the team.

⁶ See footnote 3 above.

73. All military and civil defence personnel, equipment and resources in IDRA, remain the legal responsibility of the Assisting State. Search, visits and entry by officials of the organs of the Receiving State are not allowed without the consent of the Assisting State.

74. Military and civil defence personnel shall normally operate in their national uniforms except in situations in which the circumstances of IDRA demand different clothing, for example in a contaminated environment. In any case, all military and civil defence personnel should be clearly identified as members of the IDRA operation and the Assisting State. Those military and civil defence personnel deployed under the provisions of the DHA Emergency Management System and holding expert on mission status for the United Nations should be identified by an appropriate marking (e.g. blue helmet/beret and/or an armband with the United Nations logo).

75. Similarly, all means of transport and all facilities used by MCDA in IDRA should be clearly identifiable.

76. In principle, military and civil defence personnel should be unarmed.⁷ They may be equipped with the explosives necessary to fulfil their IDRA mission.

77. The Organization of the United Nations will not bear responsibility for the settlement of claims and disputes, which may arise as a consequence of relief operations carried out by foreign MCDA in IDRA. The States concerned will settle those disputes and claims according to existing international law and practice.

B. Key procedures and mechanisms

78. There are a number of fundamental issues which are being addressed by DHA to facilitate Receiving and Assisting States and Organizations in the timely deployment and employment of MCDA in IDRA operations. These elements have been identified by DHA in the following categories:

- Coordination;
- Management and procedures;
- Funding;
- Training.

⁷ See footnote 2 above.

Need for and levels of coordination

79. Examples abound of uncoordinated assistance compounding the difficulties of dealing with the effects of a disaster. Often States and international and non-governmental organizations have dispatched assistance without the benefit of a consolidated assessment of the disaster requirements. This has led to some inefficiency and ineffective use of the limited disaster relief resources available.

80. In an attempt to strengthen the coordination of humanitarian assistance, the General Assembly adopted resolution 46/182 which, in addition to establishing DHA as the United Nations coordinating body, sets out the basic principles for the provision of humanitarian assistance. The resolution recommends specific measures to ensure a prompt and coordinated response to disasters.

81. The need for coordination of international assistance exists primary at three levels: at international centres for humanitarian work, such as Geneva and New York; in the capital of the affected State; and at the field level where relief activities take place among the victims and within the chaotic environment of the disaster site.

82. Coordination at the third level requires operational coordination which includes systems for:

- (a) Immediate assessment of damage and relief needs at the occurrence of an emergency;
- (b) Rapid initiation of field coordination of international relief efforts;
- (c) Development of relief procedures and coordination systems;
- (d) Exchange of know how and techniques, with emphasis on strengthening the capabilities of disaster prone States to respond to emergencies.

83. DHA operates at the international level by disseminating information to the international community on disaster developments and also by consulting with representatives of States and organizations when clarifying the priorities and distribution of responsibilities in responding to emergencies. DHA can disseminate instantaneously, by means of computerized communications, information and situation reports to emergency relief services of donor countries, the United Nations system and intergovernmental and non-governmental organizations.

84. It is at the Government level that the request for, or the consent to, the use of foreign MCDA, their acceptance, legal status and overall plan of action are confirmed. Operational priorities and objectives are set by the national authorities in accordance with their overall disaster relief strategy. DHA is represented at the national level by the United Nations resident coordinator, who is assisted by the United Nations Disaster Management Team, which is composed of all specialized agencies and other organizations of the United Nations system present in the country. As required, DHA may field a delegate to the capital to complement the United Nations representation.

85. At the local level, the direction of relief operations is the responsibility of the Government, normally carried out by the local emergency management authority (LEMA). It is at this level that DHA, through UNDAC and OSOCC, complemented by MCDA, provides a new management tool to assist LEMA in the coordination of the international segment of assistance.

86. To avoid uncoordinated initiatives or competition, it is important that the concerned organizations recognize the coordinating role of DHA and focus on their specific capability and expertise in supporting humanitarian operations.

Management

87. Effective management, including coordination and leadership, represents the key element to ensure the best possible quality in the delivery of assistance. This is aimed at reducing risks of duplication and maximizing the use of the available assets.

88. Different tiers of management, similarly to coordination, have been identified for disaster relief operations. They characterize the degree of authority and competence of the various parties involved.

89. At the international level and in the context of the present Guidelines, management consists of, *inter alia*, the mandate and capacity to organize the alert, deployment, use and withdrawal of MCDA, in accordance with the priorities and objectives set by the Receiving State. To this end, DHA has elaborated a set of MCDA Standing Operating Procedures to ensure and expedite passage through, as well as execution of, the various phases of the relief process.

90. At the national and local levels, the Receiving State retains overall authority and responsibility throughout the operation. However, a combined national-international managerial effort is also required to facilitate field coordination among the concerned national institutions and humanitarian partners. In this respect, DHA OSOCC acts as an interface between LEMA and international assistance being provided. The internal management (command and control) of each international team, including foreign MCDA, remains the sole responsibility of the team leader or unit commander.

DHA database

91. General Assembly resolution 46/182 mandates DHA to establish and maintain a central register of all specialized personnel and teams of technical specialists, as well as relief supplies, equipment and services available within the United Nations system and from Governments and intergovernmental and non-governmental organizations, that can be called upon at short notice by the United Nations.

92. The first steps to satisfy this task with regard to the MCDA project have already been taken by the issuing of the DHA questionnaires to United Nations Member States and appropriate organizations.

93. Basically, the questionnaires seek to establish national and international points of contact, the type and quantity of resources and services available, the criteria, preconditions and limitations (cost, deployment time, readiness to operate within an IMCO, geographical range of action, etc.) for the use of MCDA in IDRA.

94. The information gathered will form part of the core database. Its primary purpose will be to enable DHA to match resources and assets to the needs of specific disasters. In effect, DHA will be acting as a coordinating broker for the use of the available resources.

95. In particular, with reference to the operational aspects of the MCDA project, States and organizations owning military-related disaster relief capabilities, will be contacted on the basis of the information provided in their answers to the questionnaires and included in the DHA database. The notification, mobilization and deployment of MCDA, at the request of DHA, will be carried out in accordance with the procedures indicated in annex I, which can be fine tuned to meet the specific requirements of States and organizations.

Funding

96. The financial aspects concerning the use of MCDA are crucial to the success of any IDRA operation. Since the costing mechanisms for the use of MCDA may well differ from State to State, it is vital that these mechanisms are clearly indicated and understood before the commencement of any operation. In this regard, the DHA questionnaires also seek to establish in broad terms, the financial/costing mechanisms used in each State and organization that would support MCDA operations.

97. In an attempt to ensure the timely deployment of MCDA and reduce the number of ad hoc arrangements, DHA requests potential MCDA-Assisting States, which may require reimbursement for operating costs, to anticipate their likely MCDA tariffs. This will allow for a quick decision-making process in DHA and by the Governments of Assisting States and will enable national and international contingency funds for that specific use to be established.

98. Furthermore, DHA recommends that any MCDA-related cost which the relevant national ministry may seek to recover from external funding sources, should only cover direct operating costs (e.g. per diem, fuel costs, etc.), while any other capital cost (e.g. maintenance, fixed costs) should be born by its regular budget.

Training

99. The effectiveness of MCDA to deliver IDRA will be greatly enhanced by thorough training. Training should not be confined to MCDA at the operational level alone but should comprise "complete system" training (i.e. training at international, national and MCDA unit levels).

100. DHA may assist in this regard, through its MCDA training modules, elaborated on the basis of existing material and practical experience.

101. Furthermore, DHA organizes specialized training courses opened to all concerned States and organizations. Such courses cover topics related to:

(a) The international level: the role and operating procedures of Assisting and Receiving States and international and non-governmental organizations; international law, participation in multilateral exercises; confirmation and development of guidelines and contingency plans; unit inter-operability and exchange training; participation in the United Nations Disaster Management Training Programme (refined to accommodate MCDA);

(b) The national level: testing of alerting and requesting procedures; confirmation of national disaster contingency plans; interregional coordination and cooperation; testing of reception and deployment procedures; preparatory training for key representatives from civil authorities, relief agencies and MCDA; participation in national disaster exercises, including UNDAC/OSOCC procedures.

102. In addition, DHA organizes in cooperation with Member States and relevant organizations realistic field exercises building on existing experience and through training institutions.

Annex I

DHA EMERGENCY MANAGEMENT SYSTEM

Need for an Emergency Management System

1. Senior officials and experts at all levels of responsibility need timely and accurate information to effectively manage emergency operations following natural disasters, technological accidents, environmental catastrophes, and other crises requiring assistance by the international community. The first few hours after the occurrence of a crisis event are critical. Decision makers and managers must immediately focus their energy and intellect on the crisis itself, avoiding ad hoc arrangements for dealing with it. This implies the need for developing contingency plans and standing operating procedures at all levels of action well in advance of the onset of the crisis situation.

2. A basic pre-crisis preparedness element is constituted by the setting up and continuous updating of contingency plans addressing various possible scenarios and elaborating modular approaches tailored to the scope of the event and the available resources. Contingency planning, at the national and international levels, will allow the definition of adequate preparedness and readiness status necessary for quick decision-making and fast deployment, when required.

3. The table below gives a brief overview of the rational links existing between decision-makers at all levels (and locations) and the information they need in order to react to all kinds of emergency situations:

PEOPLE	INFORMATION
<p style="text-align: center;">Leadership</p> <p>Set and disseminate policy Authorize resource commitment Monitor crisis situation Manage media</p>	<p>Planning meetings Status briefings Signatory authority</p>
<p style="text-align: center;">Crisis managers</p> <p>Direct action teams and experts Manage resources Monitor status Inform leadership Coordinate emergency services</p>	<p>Current situation parameters Current environmental conditions Capabilities, location, and availability of crisis action teams Geographic information Historical information Standard procedures/guidelines</p>
<p style="text-align: center;">Crisis action teams</p> <p>Rapid deployment to crisis location Minimize impact on affected population On site assessment Report status Delivery of assistance Facilitate coordination emergency response</p>	<p>Crisis locale, geography and population concentrations Availability of emergency resources Current and forecasted weather conditions Current situation and possible developments</p>
<p style="text-align: center;">Experts</p> <p>Bring specific knowledge and skills to bear Advise crisis managers and leadership Enhance crisis action teams</p>	<p>Crisis locale, geography and population concentrations Building plans Prevailing, current and forecasted situation/weather</p>

Outlook of DHA Emergency Management System

Background

4. In accordance with the provisions of General Assembly resolution 46/182, DHA-Geneva is mandated to act as the focal point for crisis management at the international level and, as required, foster coordination at national and local levels. In particular, as far as the MCDA option for immediate response is concerned, DHA-Geneva is able to provide a coordinated response through the Standing Operating Procedures of its Project DPR 213/3 MCDA in accordance with the present Guidelines.

5. Within the framework of the MCDA project and the Oslo Guidelines, a description of DHA's Emergency Management System may be summarized in terms of a number of functional activities, to be executed in cooperation with the competent national authorities and relevant intergovernmental organizations:

(a) To serve as focal point for collection, analysis, and dissemination of emergency-related information, to be recognized and accessible to all States, its role being understood by the Governments and organizations it serves;

(b) To facilitate rapid transition from a routine to a crisis-decision-making environment;

(c) To streamline provisions for maintaining the readiness of participating States and organizations, including contingency planning, training and the means to conduct realistic exercises;

(d) To direct and coordinate resources and actions to effectively manage crises.

6. In this context, the Oslo Guidelines attempt to provide Member States and intergovernmental organizations with an "off-the-shelf" instrument to facilitate the decision-making process at the Government level for the deployment of MCDA in disaster relief missions, within a framework of agreed principles and standardized procedures.

The system

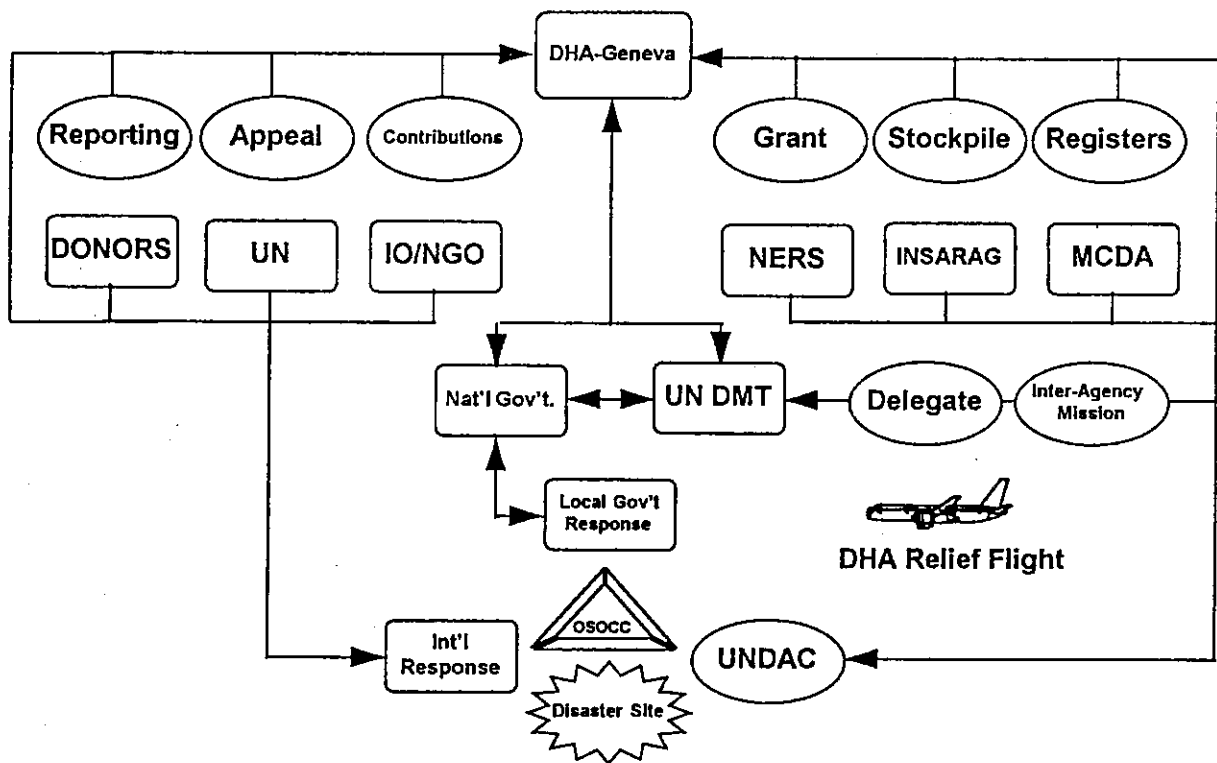
7. In Geneva, through the DHA 24-hour duty system, the development of disaster situations is continuously monitored and the occurrence of a sudden emergency is quickly detected.

8. Following a disaster, at the request of the Government of the Affected State, or with its concurrence, DHA can mobilize international assistance by activating networks of operators of relief resources such as: the International Search and Rescue Advisory Group (INSARAG), Military and Civil Defence/Protection Organizations within MCDA and National Emergency Relief Services (NERS).

9. DHA has established the UNDAC to meet the need for qualified information on the situation at a disaster site and, when necessary, to assist the local emergency management authority in coordinating international assistance. UNDAC consists of DHA-RCB officers together with United Nations communication specialists and other qualified persons made available by their respective Governments on a stand-by basis. All team members have been specially trained and equipped for this purpose. As necessary, the UNDAC can be reinforced with MCDA expertise to carry out specific tasks.

10. At the on-site level, UNDAC can also provide support to the local authorities responsible for coordinating the response to an emergency situation. In fact, experience has shown that, often at such time local authorities, stretched to the limit, may not be able to meet the added coordination requirements posed by the arrival of more national response and, in addition, international assistance. DHA has developed the concept of OSOCC to assist the local authorities in facilitating the coordination with international teams. All members of UNDAC are trained in the organization and procedures of an OSOCC and can, if necessary, activate the centre and provide its core staff, working together with local authorities and representatives of international aid, including MCDA.

Response Coordination



Definition of phases

11. The DHA Emergency Management System is based on a division into stages of the sequence of decisions/actions to be taken following a sudden emergency which requires external assistance:

(a) **The monitoring phase** is the period of continuous observation, measurement and evaluation of the progress of a catastrophic process or phenomenon in a country or a region with a view to taking appropriate corrective measures;

(b) **The warning phase** is the period after receiving an emergency alert message requiring immediate action for foreseeable disasters to provide a certain degree of readiness (e.g. cyclone/tropical storm warning). It may include action taken in the alert and mobilization phase;

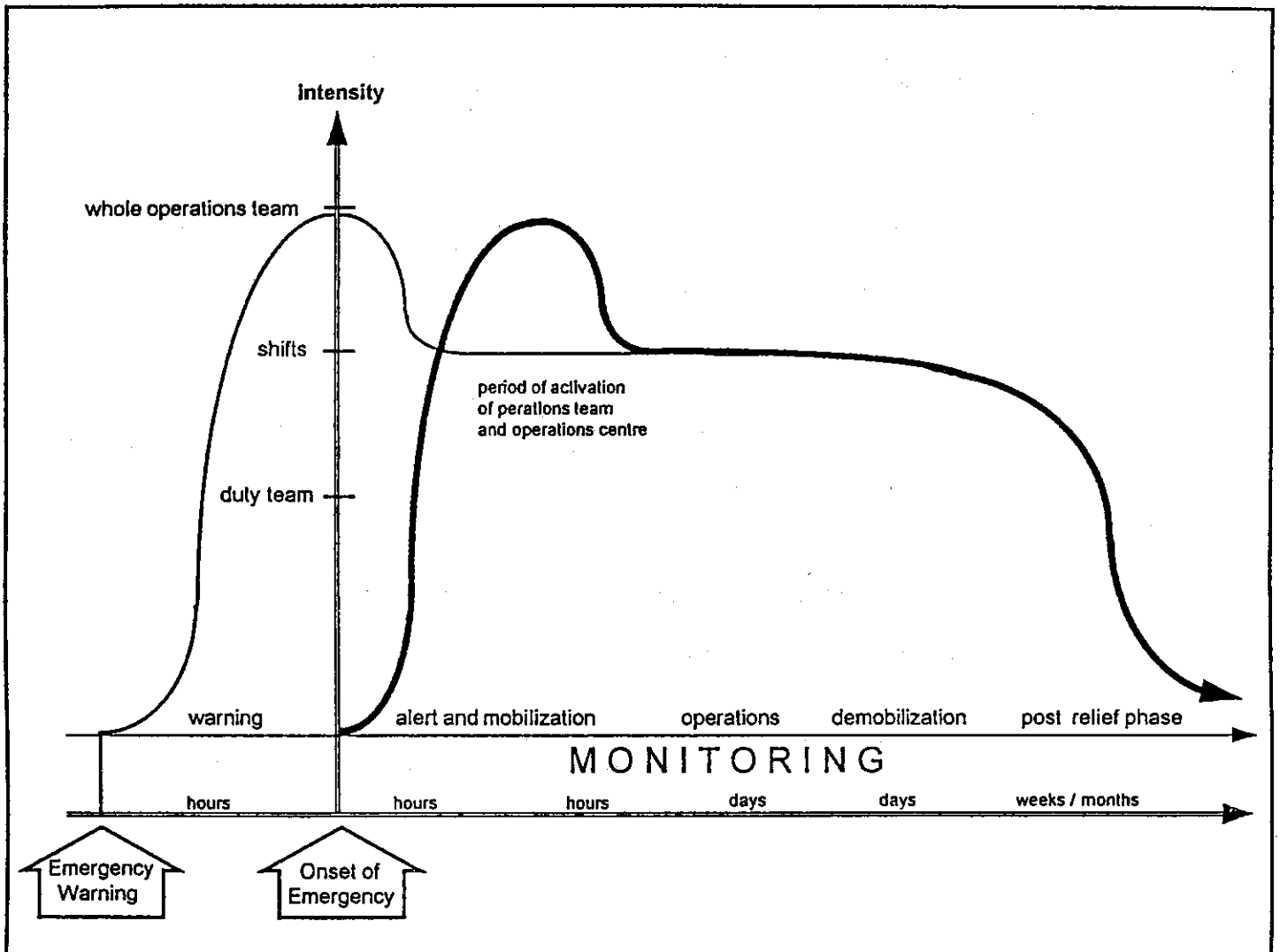
(c) **The alert and mobilization phase** is the period after receiving a new disaster-related message which requires immediate action, mobilizing relief assistance. It leads into the period when, in Geneva, the RCB operations team is fully operational and the DHA-Geneva Coordination Centre is activated. UNDAC is mobilized and deployed, if required. MCDA are alerted, put on stand-by and deployed, if necessary;

(d) **The operations phase** is the period where, in Geneva - at the international level of coordination - the RCB operations team continues the identification and mobilization of resources, and the tracking of contributions. In the field - at the local level - UNDAC and OSOCC provide coordination support and a pre-set management system for international relief assistance, complemented by MCDA expertise, if required;

(e) **The demobilization phase** is the period, in Geneva, of reducing the manning of the operations team and deactivating the coordination centre. In the field, UNDAC and international relief teams withdraw, while the OSOCC is terminated;

(f) **The post-disaster phase** is the period of transition from relief to rehabilitation and reconstruction. It includes the "follow up activities" which are usually carried out by the regular DHA Desk Officer.

PHASES OF THE EMERGENCY RESPONSE SYSTEM



12. For each stage corresponding to the main phases of international response to emergencies, a logical/chronological progression of activities is given. For those specific activities requiring relay of messages, notification, acknowledgments, etc. (e.g. customs, visas, exchange of letters), appropriate forms have been elaborated by DHA in cooperation with relevant international institutions. Additional facilitation measures are being carefully evaluated and further developed in the ongoing process of standardization of procedures to expedite the timely delivery of emergency assistance.

13. In particular, as far as the MCDA component of the DHA Emergency Management System is concerned, consequent to the activation of the Standing Operating Procedures and their provisions in the immediate aftermath of a disaster, the list below indicates the standard actions to be taken, in accordance with the Oslo Guidelines:

For alert and mobilization

DHA - RCB issues:	Information Reports;	
	Alert Message;	(Form 1)
	Request for Assistance;	(Form 2)
	Notification to Receiving State.	(Form 3)
and only if required:	DHA assists in the Exchange of Letters	(Form 4)
	Concerned States' model replies	(Form 5)

For deployment

DHA notifies Receiving State and United Nations Resident Coordinator	(Form 6)
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FORM 1

NATIONS UNIES
DEPARTEMENT
DES AFFAIRES HUMANITAIRES



DHA-Geneva

UNITED NATIONS
DEPARTMENT
OF HUMANITARIAN AFFAIRS

FACSIMILE

A - TO: [Assisting State]
[Focal Point]
[Permanent Mission, Geneva]

Facsimile No:

DE - FROM: Chief, Relief Coordination
Branch

OBJET - SUBJECT: Alert Message

Palais des Nations
CH-1211 GENÈVE 10

Facsimile: + (4122) 917-0023
Telex: 414242 DHA CH
Cables: DHAGVA GENEVA
E-mail: .. UNIENET-Dialcom141:DHAGVA
Internet DHAGVA@UNICC.bitnet
Telephone: + (4122) 917-1234

In case of emergency ONLY: + (4122) 917-2010

Date:

Ref.:DHAGVA FX - _____

Account: _____

Total No. of pages: __

File(s): DPR 213/3

ALERT MESSAGE

Preliminary description of event:

Preliminary information on damage:

Sources:

Action under way:

FORM 2

**NATIONS UNIES
DEPARTEMENT
DES AFFAIRES HUMANITAIRES**



DHA-Geneva

**UNITED NATIONS
DEPARTMENT
OF HUMANITARIAN AFFAIRS**

FACSIMILE

A - TO: [Assisting State]
[Focal point]
[Permanent Mission, Geneva]

Facsimile No:

DE - FROM: Chief, Relief Coordination Branch

Palais des Nations
CH-1211 GENÈVE 10

Facsimile: + (4122) 917-0023
Telex: 414242 DHA CH
Cables: DHAGVA GENEVA
E-mail: .. UNIENET-Dialcom141:DHAGVA
Internet DHAGVA@UNICC.bitnet
Telephone: + (4122) 917-1234

In case of emergency ONLY: + (4122) 917-2010

Date:

OBJET - SUBJECT: Request for Assistance

Ref.:DHAGVA FX - _____

Account: _____

Total No. of pages: __

File(s): DPR 213/3

MOST URGENT

Request for assistance

With reference to the requirements for international assistance, (see DHA/RCB Alert Message on this emergency and DHA-Geneva SITREP No. XXX of DDMMYY Country/Disaster), DHA-Geneva is activating the emergency assistance Standing Operating Procedures foreseen by DHA Project DPR 213/3 on the use of Military and Civil Defence Assets in Disaster Relief Operations.

Your assistance is requested in the identification and mobilization of the following resources/services:

EXAMPLES:

Logistics (air-transport, information on airports, trucks, convoy specialists, landing-craft, etc.)

Communications (radio operators, radio equipment, satellite communication facilities/assistance, etc.)

Technical assistance (engineering, medical, water and sanitation, camp planning, disposal of unexploded ordnance, etc.)

Technological accidents, i.e. environmental, nuclear, bacteriological, chemical decontamination

Other

An Operations Team at DHA HQ has been established and Mr./Mrs. XXXX will act as the liaison officer with XXX for this emergency. He/She can be contacted on the following telephone numbers:

+ 41-22-917 XXXX Operation Centre

+ 41-77 XXXX Mobile Telephone

Regards,

**NATIONS UNIES
DEPARTEMENT
DES AFFAIRES HUMANITAIRES**



DHA-Geneva

**UNITED NATIONS
DEPARTMENT
OF HUMANITARIAN AFFAIRS**

FACSIMILE

A - TO: [Receiving State]
[Focal Point]
[cc. DHA Resident Coordinator]

Facsimile No: _____

DE - FROM: Chief, Relief Coordination Branch

**Palais des Nations
CH-1211 GENÈVE 10**

**Facsimile: + (4122) 917-0023
Telex: 414242 DHA CH
Cables: DHAGVA GENEVA
E-mail: .. UNIENET-Dialcom141:DHAGVA
Internet DHAGVA@UNICC.bitnet
Telephone: + (4122) 917-1234**

In case of emergency ONLY: + (4122) 917-2010

Date: _____

OBJET - SUBJECT: Offer of Assistance

Ref.:DHAGVA FX - _____

Account: _____

Total No. of pages: _____

File(s): DPR 213/3

Further to the [disaster] which struck your country on DDMMYY and your request for international assistance, DHA is pleased to inform [Receiving State] that the Government of [Assisting State] has expressed its willingness to assist your authorities in coping with the effects of the [disaster] by providing the following assistance:

-
-

This assistance will be provided, free of charge, through DHA, in accordance with General Assembly resolution 46/182 and the Oslo Guidelines. The relief personnel, who will act under overall responsibility of your Government, will be granted the status of expert on mission for the United Nations according to the Convention on the Privileges and Immunities of the United Nations of 13 February 1946.

To facilitate and speed up the delivery of assistance we suggest the Oslo Guidelines be followed as the operation model.

* if appropriate:

[To facilitate and speed up this humanitarian mission, we propose to proceed with an exchange of letters as per the enclosed model].

Please acknowledge immediately by return facsimile, indicating your concurrence, as appropriate.

FORM 4

MODEL

**Exchange of letters constituting an
agreement between the
United Nations, the Government of
[Receiving State] and the Government of
[Assisting State] for the provision of MCDA-personnel
and equipment for United Nations assistance
in [description of task] in [Receiving State] following
[description of disaster] which occurred on
[date of disaster]**

Whereas paragraph 28 of the annex to General Assembly resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations provides, *inter alia*, that the United Nations should make appropriate arrangements with interested Governments and intergovernmental and non-governmental organizations to enable it to have more expeditious access, when necessary, to their emergency relief capacities,

Whereas the United Nations, through the Geneva Office of the Department of Humanitarian Affairs, in pursuance of General Assembly resolution 46/182, launched Project DPR 213/3 MCDA on the use of military and civil defence assets (hereinafter referred to as "MCDA") in disaster relief aimed at facilitating the international response to a request for assistance following a sudden emergency through the deployment and services of MCDA, as well as the application of the Oslo Guidelines,

Whereas through the United Nations the Government of [Receiving State] has requested assistance to cope with the effects of [disaster XXX],

Whereas the Government of [Assisting State] has offered to provide, in response to a request from the Department of Humanitarian Affairs, the services of its MCDA to [Receiving State] stricken by a disaster,

Now, therefore,

The United Nations,

Proposes the following agreement in order to provide the conditions which will best enable MCDA of [Assisting State] to carry out their tasks of assisting the Government of [Receiving State] in [description of task].

Article 1

DURATION AND RESPONSIBILITIES

MCDA of [Assisting State] will be made available through the intermediary of the United Nations Department of Humanitarian Affairs (hereinafter referred to as "DHA") for an initial period of up to [3 weeks] to assist in [description of task]. Activities of MCDA will be carried out in coordination with DHA's field coordination mechanisms and within the general plan and under the overall responsibility of the Government of [Receiving State]. The parties may agree to extensions of the period of service as may be required.

Article 2

LEGAL STATUS

The Government of [Receiving State] will assure to MCDA the conditions necessary to facilitate the performance of their functions on the basis of the Oslo Guidelines. It is agreed that the Government of [Receiving State] will extend the provisions of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 to MCDA. The Secretary-General of the United Nations shall have the right and duty to waive the immunity of the expert in the case, where, in his opinion, the immunity would impede the course of justice. The Government of [Receiving State] has the right to ask the Government of [Assisting State] to withdraw any of its MCDA individuals, equipment or resources.

Article 3

OBLIGATIONS OF EXPERTS

MCDA personnel will conduct themselves at all times in a manner consistent with their status under the present Agreement and the aims and purpose of the IDRA operation. Members of MCDA will be responsible for the exercise of their functions solely to the team leader designated by their national authorities to operate within DHA's integrated field coordination mechanisms. The team leader will submit reports on the operations to DHA and as appropriate to the Government of [Receiving State] and the Government of [Assisting State].

Article 4

IDENTIFICATION OF EXPERTS

Members of MCDA in international disaster relief assistance (IDRA) may wear their national uniforms. Suitable United Nations identification, as described in the Oslo Guidelines, may be authorized in accordance with the procedures of the DHA-MCDA Emergency Management System.

Article 5

COSTS

All costs pertaining to the deployment of MCDA will be borne by the Government of [Assisting State] unless otherwise agreed.

Article 6

LIABILITY

The Governments of the States concerned will indemnify (secure) the United Nations and its employees against all liability resulting from any claims brought by third parties on account of damage, injuries or death resulting from or related to any act or omission by MCDA during the performance of services under the Agreement. The United Nations does not accept any liability for claims for compensation in respect of illness, injury or death arising out of or related to the provision of services under the Agreement.

Article 7

ARBITRATION

Any dispute, controversy or claim arising out of or relating to this Agreement which is not settled by negotiation or any other mutually agreed mode shall be referred for final settlement to an arbitration body. Each party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the chairman. If within a period of sixty days the arbitration body is not constituted, the parties may request the President of the International Court of Justice to appoint an arbitrator. The arbitration process shall be fixed by the arbitrators. The cost of the arbitration shall be borne by the parties. If a party to the Agreement is not a party to the dispute, it may nevertheless be represented before the arbitration tribunal for the purposes of presenting its position on any matter affecting its interest under the Agreement.

Article 8

ADDITIONAL AGREEMENTS

Further provisions for the detailed implementation of the present Agreement, not inconsistent with the provisions hereof, may be set forth in a supplementary agreement or agreements to be concluded between the parties concerned, including transit States.

Article 9

ENTRY INTO FORCE

The present Agreement shall enter into force upon DHA's receipt of notice of agreement by the Assisting and Receiving States. It shall remain in force until the departure of the last element of MCDA from [Receiving State] or at the end of the period mentioned in Article 1. The provisions of Article 6 shall remain in force until all disputes arising prior to the termination of the Agreement and notified to the other party or parties within three months following the date of termination have been settled.

FORM 5

As far as the practical modalities for a timely exchange of letters are concerned, the following model facsimiles could be used as cover pages for their speedy transmission:

Facsimile

From the Assisting State

To: DHA-Geneva

I am pleased to refer to your fax communication of [date] Ref. [number], on the disaster which affected [location in the Receiving State].

I wish to inform you that the Government of [Assisting State] agrees with the terms contained in the Agreement for the provision of international assistance.

Facsimile from the Receiving State

To: DHA-Geneva

I am pleased to refer to your fax communication of [date] Ref. [number], on the international assistance sought to cope with the effects of the disaster which occurred on [date].

I wish to inform you that the Government of [Receiving State] agrees with the terms contained in the Agreement.

FORM 6

**NATIONS UNIES
DEPARTEMENT
DES AFFAIRES HUMANITAIRES**



DHA-Geneva

**UNITED NATIONS
DEPARTMENT
OF HUMANITARIAN AFFAIRS**

FACSIMILE

A - TO: United Nations Resident Coordinator
[city, Receiving State]

Emergency Authority
[Receiving State]

Permanent Mission of
[Receiving State]

Palais des Nations
CH-1211 GENÈVE 10

Facsimile: + (4122) 917-0023
Telex: 414242 DHA CH
Cables: DHAGVA GENEVA
E-mail: .. UNINET-Dialcom141:DHAGVA
Internet DHAGVA@UNICC.bitnet
Telephone: + (4122) 917-1234

In case of emergency ONLY: + (4122) 917-2010

Facsimile No:

Date:

DE - FROM: Director and Deputy to the
Under-Secretary-General
for Humanitarian Affairs

OBJET - SUBJECT: [Disaster Event]

Ref.:DHAGVA FX - _____

Account: _____

Total No. of pages: __

File(s): DPR 213/3

IMMEDIATE - ETAT PRIORITE - IMMEDIATE - ETAT PRIORITE

United Nations DHA-MCDA relief team

Further to appeal for international assistance launched by the Government of [Receiving State], at DHA's request, the Government of [Assisting State] has made available a relief team, composed of military and civil defence/protection staff, to support the humanitarian activities, under the overall responsibility of [Receiving State].

Your assistance is requested to facilitate the deployment of this team in the disaster zone and I would be grateful if you could provide the following in-country support to the team in accordance with the standing agreement between DHA and [UNIO and/or UNDP].

Team members hold the status of experts on mission for the United Nations according to article IV of the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly on 13 February 1946, which is based on the Article 105 of the Charter of the United Nations.

The personal details of the team members including their travel itinerary are attached.

DHA delegate is [Mr./Ms.] [full name], DHA-Geneva relief coordination officer.

Team leader is [Mr./Ms.] [full name and rank]

The team should travel to the disaster site as early as possible. Any delay in the capital of the country or at the first point of entry, if not the same as the disaster affected location, should be avoided.

The team is self-sufficient in communications and food for [xx] weeks following arrival.

Your specific assistance is required for the items listed below.

Entry

Necessary arrangements to ensure speedy entry of the team through immigration, including issuing of visas at the airport, as required, and customs. For your information, the team is carrying satellite communications equipment to secure communications from the disaster site.

In-country transport

Transport, with fastest means available, from the first point of entry to the disaster affected area and at the disaster site, vehicle(s) suitable for the disaster affected area (four-wheel drive as necessary) with driver(s).

Liaison with national and local officials

Necessary clearance for the team to move to and in the affected area.

A national officer from your office who can accompany the team and assist liaison with local officials.

Accommodation

Accommodation for the team members at a hotel or other facility close to the disaster site and the local emergency management authority as appropriate. Should all accommodation facilities be damaged by the disaster event, the team members are carrying tents for emergency accommodation.

Finance

You are hereby authorized to incur expenditures to the limit of US\$ XXX on behalf of DHA-Geneva for team support for:

Cost of in-country transport (including rental of vehicle(s) if no UNDP vehicle(s) is(are) available or can be moved to the disaster site) for MCDA team members and support staff accompanying the team;

Cost of hiring local staff (driver(s) and interpreter(s) as necessary).

All costs incurred for the above should be charged to DHA-Geneva by IOV with reference MCDA and account no. DTB XXXXXXXXXXXXX.

Best regards,

**TEAM DATA AND TRAVEL ARRANGEMENTS
(FOR EACH TEAM)**

Departing

From (airport):

At (local time):

With (flight No. ... and airline):

Team marshalling/transit point (if required)

City:

Location (e.g. airport, hotel, etc.):

Arriving

In (city/airport):

At (local time):

With (flight No. ... and airline):

Composition and Equipment

Team

Nationality:

No. of personnel:

No. of animals:

No. of vehicles:

No. of trailers:

Miscellaneous (pallets/containers):

Cargo

Load dimensions:

Length:

Breadth:

Height:

Weight:

Volume (CUM):

Nature (General description of load including hazardous/sensitive items, e.g. explosives or drugs):

Remarks (e.g. single, layer storage, special equipment, hazardous nature, etc.):

This would be given the following exemptions (check as required):

Visa(s);
Consular or other certificates of origin;
Consular invoice requirements (translations, questionnaires, etc.);
Export/import licences;
Fumigation certificates;
Conformity certification procedures;
Import restrictions on food or drugs;
Animal import restrictions (in the case of search dogs for which appropriate veterinary certificates are provided).

Annex II

MODEL AGREEMENT COVERING THE STATUS OF MCDA TEAMS IN IDRA OPERATIONS

Basing itself upon established practice, the MCDA Standing Coordinating Group has prepared a model agreement covering the status of MCDA teams which appears below. The model is intended to serve as a basis for the drafting of individual agreements to be concluded between States or the United Nations and States on whose territory MCDA in IDRA operations are deployed. As such it is subject to modifications that may be agreed upon between the parties in each case.

The model, *mutatis mutandis*, may also serve as the basis for an agreement with a Receiving State in operations where no DHA personnel are deployed.

I. DEFINITIONS

1. For the purpose of the present Agreement the definitions contained in the United Nations Oslo Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief shall apply. Also for the purpose of this Agreement the employment of every single military and civil defence/protection team, unit and or expertise in IDRA, will be referred to as the "MCDA operation".

II. APPLICATION OF THE PRESENT AGREEMENT

2. Unless specifically provided otherwise, the provisions of the present Agreement apply only in the territory of the Receiving State.

III. APPLICATION OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS⁸

3. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 shall apply to the MCDA operation if the military and civil defence personnel are alerted, mobilized and deployed at the request of DHA and operating within the field coordination mechanisms subject to the provisions specified in the present Agreement.

or

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United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1).

4. The Receiving State grants to the MCDA operation, including its property, funds, assets and members, the privileges and immunities specified in the present Agreement, as well as those provided for in the Convention to which the Receiving State and the Assisting State are Parties.

IV. STATUS OF THE MCDA OPERATION

5. The MCDA operation and its members shall refrain from any action or activity incompatible with the humanitarian nature of their duties or inconsistent with the spirit of the present arrangements. The MCDA operation and its members shall respect all local laws and regulations. The Head of the MCDA operation shall take all appropriate measures to ensure the observance of these obligations.

A. Identification and vehicle markings

6. The Government of the Receiving State grants to the MCDA operation the right to display within [host country/territory] the national flag or other suitable identification at its headquarters, camps or other premises, and on its vehicles and vessels. Military and civil defence personnel deployed under the provisions of the DHA Emergency Management System and holding the status of experts on mission for the United Nations will wear an appropriate marking.

B. Communications⁹

7. The Government of the Receiving State grants to the MCDA operation the right to use the facilities with respect to communications provided for in article III of the Convention as may be required for the performance of its task. Issues with respect to communications which may arise and which are not specifically provided for in the present Agreement shall be dealt with pursuant to the relevant provisions of the Convention.

8. Subject to the provisions of article III, section 10, of the Convention:

(a) The MCDA operation is given the right to install and operate radio sending and receiving stations as well as satellite systems to connect appropriate points within the territory of the Receiving State, with each other and with its national telecommunications network. The telecommunication services shall be operated in accordance with the International Telecommunication Convention and Regulations and the frequencies on which such stations may operate shall be decided upon in cooperation with the Government of the Receiving State.

⁹ As stated in the resolution on disaster communications, (document DT/12(Rev.2)-E) unanimously adopted by the 129 States participating in the World Telecommunication Development Conference organized by the International Telecommunication Union (ITU), Buenos Aires, 21-29 March 1994.

(b) The MCDA operation is given, within the territory of [host country/territory], the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, telegraph, facsimile or any other means, and of establishing the necessary facilities for maintaining such communications within and between premises of the MCDA operation, including the laying of cable and land lines and the establishment of fixed and mobile radio sending, receiving and repeater stations. The frequencies on which the radio will operate shall be decided upon in cooperation with the Government of the Receiving State.

(c) The MCDA operation is allowed to make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of the MCDA operation. The Government of the Receiving State shall be informed of the nature of such arrangements and undertakes not to interfere with or apply censorship to the mail of the MCDA operation or its members. In the event that postal arrangements applying to private mail of members of the MCDA operation are extended to transfer of currency or the transport of packages and parcels, the conditions under which such operations are conducted shall be agreed with the Government of the Receiving State.

C. Travel and transport

9. The Government of the Receiving State grants to the MCDA operation and its members together with its vehicles, vessels, aircraft and equipment, freedom of movement within the disaster zone of the Receiving State and any other area necessary for the fulfilment of its task. The Government undertakes to supply the MCDA operation with any information which may be useful in facilitating its movements.

10. Vehicles, including all military vehicles, vessels and aircraft of the MCDA operation shall not be subject to registration or licensing by the Government of the Receiving State provided that all such vehicles shall carry third-party insurance required by the relevant legislations.

11. The MCDA operation may use roads, bridges, tunnels, canals and other waterways, port facilities and airfields without the payment of dues, tolls or charges.

D. Privileges and immunities of the MCDA-operation

12. The Government of the Receiving State grants the MCDA operation the status, privileges and immunities as provided for in the present Agreement and in particular grants to the MCDA operation the right:

(a) To import, free of duty or other restrictions, equipment, provisions, supplies and other goods which are for the exclusive and official use of the MCDA operation;

(b) To clear ex customs and excise warehouse, free of duty or other restrictions, equipment, provisions, supplies and other goods which are for the exclusive and official use of the MCDA operation;

(c) To re-export or otherwise dispose of equipment as far as it is still usable, all unconsumed supplies, and other goods so imported or cleared ex customs and excise warehouse which are not transferred or otherwise disposed of, on terms and conditions to be agreed upon, to the competent local authorities of the Receiving State or to an entity nominated by them.

13. To the end that such importation, clearances, transfer or exportation may be effected with the least possible delay, a mutually satisfactory procedure along the lines recommended by the Oslo Guidelines, including documentation, shall be agreed between the MCDA operation and the Government of the Receiving State at the earliest possible date.

V. FACILITIES FOR THE MCDA OPERATION

14. The Government of the Receiving State undertakes to provide without cost to the MCDA operation and in agreement with the Head of the MCDA operation such areas for headquarters, camps or other premises as may be necessary for the conduct of the operational and administrative activities of the MCDA operation and for the accommodation of its members. Without prejudice to the fact that all such premises remain the territory of the Receiving State, the Government of the Receiving State undertakes to treat them as being subject to the exclusive control and authority of the Head of the MCDA-operation.

15. The Government of the Receiving State undertakes to assist the MCDA operation as far as possible in obtaining and making available, where applicable, water, electricity and other facilities free of charge, or, where this is not possible, at the most favourable rate, and in the case of interruption or threatened interruption of service, to give as far as possible within its powers the same priority to the needs of the MCDA operation as to essential government services. Where such utilities or facilities are not provided free of charge, payment shall be made by the MCDA operation on terms to be agreed upon with the competent authority. The MCDA operation shall be responsible for the maintenance and upkeep of facilities so provided.

16. The MCDA operation shall be given the right, where necessary, to generate electricity for its use and to transmit and distribute such electricity.

A. Provisions, supplies, services and sanitary arrangements

17. The Government of the Receiving State undertakes to assist the MCDA operation as far as possible in obtaining equipment, provisions, supplies and other goods and services from local sources required for its subsistence and operations. In making purchases on the local market, the MCDA operation shall, on the basis of observations made and information provided by the Government of the Receiving State in that respect, avoid any adverse effect on the local economy. The Government of the Receiving State shall exempt the MCDA operation from sales taxes in respect of all official local purchases.

18. The MCDA operation shall cooperate with the Government of the Receiving State with respect to sanitary services and matters concerning health, particularly with respect to the control of communicable diseases, in accordance with international conventions.

B. Recruitment of local personnel

19. The MCDA operation may recruit locally such personnel as it requires. Upon the request of the Head of the MCDA operation, the Government of the Receiving State undertakes to facilitate the recruitment of qualified local staff by the MCDA operation and to accelerate the process of such recruitment.

VI. STATUS OF THE MEMBERS OF THE MCDA operation

A. Privileges and immunities

20. The Head of the MCDA operation and other members, as may be agreed upon with the Government of the Receiving State, shall be accorded the privileges and immunities, in accordance with sections 19 and 27 of the Convention, provided that the privileges and immunities referred therein shall be those accorded to diplomatic envoys by national or international law.

21. If MCDA operate within the DHA field coordination mechanism, as provided for in the Oslo Guidelines, members of the MCDA operation shall be considered as experts on mission within the meaning of article VI of the Convention.

22. In any other case, members of the MCDA operation shall enjoy the privileges and immunities specifically provided for in the present Agreement.

23. Unless otherwise specified in the present Agreement, locally recruited members of the MCDA operation shall enjoy the immunities concerning official acts carried out within the MCDA operation.

24. Members of the MCDA operation shall be exempt from taxation on the pay and emoluments received from an Assisting State and any income received from outside the Receiving State. They shall also be exempt from all other direct taxes and from all registration fees and charges.

25. Members of the MCDA operation shall be granted the right to import free of duty their personal effects in connection with their arrival in the Receiving State. Special facilities will be granted by the Government of the Receiving State for the speedy processing of entry and exit formalities for all members of the MCDA operation, according to the recommendations in the Oslo Guidelines.

26. On departure from the Receiving State, members of the MCDA operation may, notwithstanding the above-mentioned exchange regulations, take with them such funds as the Head of the MCDA operation certifies were received or represent a reasonable residue thereof.

27. The Head of the MCDA operation shall cooperate with the Government of the Receiving State and shall render all assistance within his power to ensure the observance of the customs and fiscal laws and regulations of the Receiving State by the members of the MCDA operation, in accordance with the present Agreement.

B. Entry, residence and departure

28. The Government of the Receiving State grants to the members of the MCDA operation the right to enter, reside in and depart from the Receiving State.

29. The Government of the Receiving State undertakes to facilitate the entry into and departure from its territory of the members of the MCDA operation and shall be kept informed of such movements. For that purpose, the members of the MCDA operation shall be exempt from passport and visa regulations and immigration inspection and restrictions on entering or departing from the Receiving State. They shall also be exempt from any regulation governing the residence of aliens in the Receiving State, including registration, but shall not acquire any right to permanent residence or domicile in the Receiving State.

30. For the purpose of such entry and departure, members of the MCDA operation shall be required to have:

(a) An individual or collective movement order issued by or under the authority of the Head of the MCDA operation or any appropriate authority of the Assisting State;

(b) A personal identity card issued by the appropriate authorities of the Assisting State.

C. Identification

31. The Head of the MCDA operation shall issue to all locally recruited personnel an identity card, which shall contain the following information: full name; date of birth; service (if appropriate); and a photograph.

32. Members of the MCDA operation, as well as locally recruitment personnel, shall be required to present, but not to surrender, their identity cards upon demand by an appropriate official of the Government of the Receiving State.

D. Uniforms and arms

33. Members of the MCDA operation shall be permitted to wear the national military or civil defence uniforms of their State. Those military and civil defence personnel deployed under the provisions of the DHA Emergency Management System according to paragraph 74 of the Oslo Guidelines shall be identified by an appropriate marking with the United Nations logo.

34. Members of the MCDA operation may carry arms for their own protection, while performing official duties.

or

Members of the MCDA operation may not carry arms.

E. Permits and licences

35. The Government of the Receiving State agrees to accept as valid, without tax or fee, a certificate provided on request by the Head of the MCDA operation in respect of the technical and professional qualifications of any of its members practising a profession or similar occupation in connection with the MCDA operation.

F. Maintenance of discipline and mutual assistance

36. The Head of the MCDA operation shall take all appropriate measures to ensure the maintenance of discipline and good order among its members, as well as locally recruited personnel. To this end personnel may be designated by the Head of the MCDA operation to police its premises as well as such areas where its members are deployed. Elsewhere such personnel shall be employed only subject to arrangements with the Government of the Receiving State and in liaison with it in so far as such employment is necessary to maintain discipline and order among members of the MCDA operation.

37. The personnel mentioned in paragraph 36 above may take into custody any unauthorized person found on the premises of the MCDA operation. Such a person shall be delivered immediately to the nearest appropriate official of the Government of the Receiving State responsible for dealing with any offence or disturbance on such premises.

38. Subject to the provisions of paragraphs 20 and 21 above, officials of the Government of the Receiving State may take into custody any member of the MCDA operation:

(a) When so requested by the Head of the MCDA operation;

(b) When such a member of the MCDA operation is apprehended in the commission or attempted commission of a criminal offence. Such a person shall be delivered immediately, together with any weapons or other items seized, to the Head of the MCDA operation.

39. The MCDA operation and the Government of the Receiving State shall assist each other in carrying out all necessary investigations into offenses in respect of which either or both have an interest.

40. The Government of the Receiving State shall ensure the prosecution of persons subject to its criminal jurisdiction who are accused of acts in relation to the MCDA operation or its members which, if committed in relation to the officials of the Government of the Receiving State, would have rendered such acts liable to prosecution.

VII. JURISDICTION

41. The Government of the Receiving State grants to all members of the MCDA operation, including locally recruited personnel, immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue even after they cease to be members of, or employed by, the MCDA operation and after the expiration of the other provisions of the present Agreement.

42. Should the Government of the Receiving State consider that any member of the MCDA operation has committed a criminal offence, it shall promptly inform the Head of the MCDA operation and present to him any evidence available.

43. The Government of the Assisting State gives its assurance to the Government of the Receiving State that it will exercise jurisdiction with respect to crimes or offences which may be committed by members of the MCDA operation.

44. If any civil proceeding is instituted against a member of the MCDA operation before any court of the Receiving State, the Head of the MCDA operation shall be notified immediately, and he shall certify to the court whether or not the proceeding is related to the official duties of the member:

(a) If the Head of the MCDA operation certifies that the proceeding is related to official duties, such proceedings shall be discontinued and the provisions of paragraph 41 of the present Agreement shall apply.

(b) If the Head of the MCDA operation certifies that the proceeding is not related to official duties, the proceeding may continue. If the Head of the MCDA operation certifies that a member of the MCDA operation is unable because of official duties or authorized absence to protect his interests in the proceeding, the court shall, at the defendant's request, suspend the proceeding until the elimination of the disability, but for not more than ninety days. Property of a member of the MCDA operation that is certified by the Head of the MCDA operation as necessary for the fulfilment of the member's official functions shall be free from seizure for the satisfaction of a judgement, decision or order. The personal liberty of a member of the MCDA operation shall not be restricted in a civil proceeding, whether to enforce a judgement, decision or order, to compel an oath or for any other reason.

VIII. SETTLEMENT OF DISPUTES

45. Except as provided in paragraph 47, any dispute or claim of a private law character to which the MCDA operation or any member thereof is a party and over which the court of the Receiving State does not have jurisdiction because of any provision of the present Agreement, shall be settled by a Claims Commission to be established for that purpose. One member of the commission shall be appointed by each Government and a chairman shall be appointed jointly by the Secretary-General of the United Nations and the Governments (or the Governments only if the MCDA operation is not deployed under the provisions of the DHA Emergency Management System). If no agreement as to the chairman is reached within thirty days of the appointment of the first member of the commission, the President of the International Court of Justice may, at the request of either the Secretary-General of the United Nations, if appropriate, or of any of the Governments, appoint the chairman. Any vacancy on the commission shall be filled by the same method prescribed for the original appointment, provided that the thirty-day period there prescribed shall start as soon as a vacancy occurs. The Commission shall determine its own procedures, provided that any two members shall constitute a quorum for all purposes (except for a period of thirty days after the occurrence of a vacancy) and all decisions shall require the approval of any two members. The awards of the commission shall be final and binding, unless the Governments permit an appeal to a tribunal established in accordance with paragraph 47. The awards of the commission shall be notified to the parties and, if against a member of the MCDA operation, the Head of the MCDA operation or the Government of the Assisting State shall use its best endeavours to ensure compliance.

46. Disputes concerning the terms of employment and conditions of service of locally recruited personnel shall be settled by the administrative procedures to be established by the Head of the MCDA operation.

47. Any other dispute between the MCDA operation and the Government of the Receiving State, and any appeal that both of them agree to allow from the award of the claims commission established pursuant to paragraph 45 shall, unless otherwise agreed by the parties, be submitted to a tribunal of three arbitrators. The provision relating to the establishment and procedures of the claims commission shall apply, *mutatis mutandis*, to the establishment and procedures of the tribunal. The decisions of the tribunal shall be final and binding on both parties.

48. All differences between the Government of the Assisting State and the Government of the Receiving State arising out of the interpretation or application of the present Agreement which involve a question of principle concerning the Convention¹⁰ shall be dealt with in accordance with section 30 of the Convention.

IX. SUPPLEMENTAL ARRANGEMENTS

49. The Head of the MCDA operation and the Government may conclude supplemental arrangements to the present Agreement.

X. LIAISON

50. The Head of the MCDA operation and the Government of the Receiving State shall take appropriate measures to ensure close and reciprocal liaison at every appropriate level.

XI. MISCELLANEOUS PROVISIONS

51. Wherever the present Agreement refers to the privileges, immunities and rights granted to the MCDA operation, the Government of the Receiving State shall have the ultimate responsibility for the implementation and fulfilment of such privileges, immunities, rights and facilities by the appropriate local authorities.

52. The present Agreement shall enter into force on [date].

53. The present Agreement shall remain in force until the departure of the final element of the MCDA operation from the Receiving State excepting paragraphs 41, 43, 44 in section VII, paragraphs 45, 46, 47, 48 in section VIII and paragraph 50 in section X which shall remain in force until all claims have been settled that had arisen prior to the termination of the present Agreement and had been submitted prior to or within three months of such termination.

¹⁰ See footnote 8.

Annex III



General Assembly

Distr.
GENERAL

A/RES/46/182
14 April 1992

Forty-sixth session
Agenda item 143

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[without reference to a Main Committee (A/46/L.55 and Corr.1)]

46/182. Strengthening of the coordination of humanitarian emergency assistance of the United Nations

The General Assembly,

Recalling its resolution 2816 (XXVI) of 14 December 1971 and its subsequent resolutions and decisions on humanitarian assistance, including its resolution 45/100 of 14 December 1990,

Recalling also its resolution 44/236 of 22 December 1989, the annex to which contains the International Framework of Action for the International Decade for Natural Disaster Reduction,

Deeply concerned about the suffering of the victims of disasters and emergency situations, the loss in human lives, the flow of refugees, the mass displacement of people and the material destruction,

Mindful of the need to strengthen further and make more effective the collective efforts of the international community, in particular the United Nations system, in providing humanitarian assistance,

Taking note with satisfaction of the report of the Secretary-General on the review of the capacity, experience and coordination arrangements in the United Nations system for humanitarian assistance, 1/

1/ A/46/568.

/...

1. Adopts the text contained in the annex to the present resolution for the strengthening of the coordination of emergency humanitarian assistance of the United Nations system;
2. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on the implementation of the present resolution.

78th plenary meeting
19 December 1991

ANNEX

I. GUIDING PRINCIPLES

1. Humanitarian assistance is of cardinal importance for the victims of natural disasters and other emergencies.
2. Humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality.
3. The sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations. In this context, humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country.
4. Each State has the responsibility first and foremost to take care of the victims of natural disasters and other emergencies occurring on its territory. Hence, the affected State has the primary role in the initiation, organization, coordination, and implementation of humanitarian assistance within its territory.
5. The magnitude and duration of many emergencies may be beyond the response capacity of many affected countries. International cooperation to address emergency situations and to strengthen the response capacity of affected countries is thus of great importance. Such cooperation should be provided in accordance with international law and national laws. Intergovernmental and non-governmental organizations working impartially and with strictly humanitarian motives should continue to make a significant contribution in supplementing national efforts.
6. States whose populations are in need of humanitarian assistance are called upon to facilitate the work of these organizations in implementing humanitarian assistance, in particular the supply of food, medicines, shelter and health care, for which access to victims is essential.
7. States in proximity to emergencies are urged to participate closely with the affected countries in international efforts, with a view to facilitating, to the extent possible, the transit of humanitarian assistance.
8. Special attention should be given to disaster prevention and preparedness by the Governments concerned, as well as by the international community.
9. There is a clear relationship between emergency, rehabilitation and development. In order to ensure a smooth transition from relief to

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rehabilitation and development, emergency assistance should be provided in ways that will be supportive of recovery and long-term development. Thus, emergency measures should be seen as a step towards long-term development.

10. Economic growth and sustainable development are essential for prevention of and preparedness against natural disasters and other emergencies. Many emergencies reflect the underlying crisis in development facing developing countries. Humanitarian assistance should therefore be accompanied by a renewal of commitment to economic growth and sustainable development of developing countries. In this context, adequate resources must be made available to address their development problems.

11. Contributions for humanitarian assistance should be provided in a way which is not to the detriment of resources made available for international cooperation for development.

12. The United Nations has a central and unique role to play in providing leadership and coordinating the efforts of the international community to support the affected countries. The United Nations should ensure the prompt and smooth delivery of relief assistance in full respect of the above-mentioned principles, bearing in mind also relevant General Assembly resolutions, including resolutions 2816 (XXVI) of 14 December 1971 and 45/100 of 14 December 1990. The United Nations system needs to be adapted and strengthened to meet present and future challenges in an effective and coherent manner. It should be provided with resources commensurate with future requirements. The inadequacy of such resources has been one of the major constraints in the effective response of the United Nations to emergencies.

II. PREVENTION

13. The international community should adequately assist developing countries in strengthening their capacity in disaster prevention and mitigation, both at the national and regional levels, for example, in establishing and enhancing integrated programmes in this regard.

14. In order to reduce the impact of disasters there should be increased awareness of the need for establishing disaster mitigation strategies, particularly in disaster-prone countries. There should be greater exchange and dissemination of existing and new technical information related to the assessment, prediction and mitigation of disasters. As called for in the International Decade for Natural Disaster Reduction, efforts should be intensified to develop measures for prevention and mitigation of natural disasters and similar emergencies through programmes of technical assistance and modalities for favourable access to, and transfer of, relevant technology.

15. The disaster management training programme recently initiated by the Office of the United Nations Disaster Relief Coordinator and the United Nations Development Programme should be strengthened and broadened.

16. Organizations of the United Nations system involved in the funding and the provision of assistance relevant to the prevention of emergencies should be provided with sufficient and readily available resources.

17. The international community is urged to provide the necessary support and resources to programmes and activities undertaken to further the goals and objectives of the Decade.

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III. PREPAREDNESS

18. International relief assistance should supplement national efforts to improve the capacities of developing countries to mitigate the effects of natural disasters expeditiously and effectively and to cope efficiently with all emergencies. The United Nations should enhance its efforts to assist developing countries to strengthen their capacity to respond to disasters, at the national and regional levels, as appropriate.

Early warning

19. On the basis of existing mandates and drawing upon monitoring arrangements available within the system, the United Nations should intensify efforts, building upon the existing capacities of relevant organizations and entities of the United Nations, for the systematic pooling, analysis and dissemination of early-warning information on natural disasters and other emergencies. In this context, the United Nations should consider making use as appropriate of the early-warning capacities of Governments and intergovernmental and non-governmental organizations.

20. Early-warning information should be made available in an unrestricted and timely manner to all interested Governments and concerned authorities, in particular of affected or disaster-prone countries. The capacity of disaster-prone countries to receive, use and disseminate this information should be strengthened. In this connection, the international community is urged to assist these countries upon request with the establishment and enhancement of national early-warning systems.

IV. STAND-BY CAPACITY

(a) Contingency funding arrangements

21. Organizations and entities of the United Nations system should continue to respond to requests for emergency assistance within their respective mandates. Reserve and other contingency funding arrangements of these organizations and entities should be examined by their respective governing bodies to strengthen further their operational capacities for rapid and coordinated response to emergencies.

22. In addition, there is a need for a complementary central funding mechanism to ensure the provision of adequate resources for use in the initial phase of emergencies that require a system-wide response.

23. To that end, the Secretary-General should establish under his authority a central emergency revolving fund as a cash-flow mechanism to ensure the rapid and coordinated response of the organizations of the system.

24. This fund should be put into operation with an amount of 50 million United States dollars. The fund should be financed by voluntary contributions. Consultations among potential donors should be held to this end. To achieve this target, the Secretary-General should launch an appeal to potential donors and convene a meeting of those donors in the first quarter of 1992 to secure contributions to the fund on an assured, broad-based and additional basis.

25. Resources should be advanced to the operational organizations of the system on the understanding that they would reimburse the fund in the first

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instance from the voluntary contributions received in response to consolidated appeals.

26. The operation of the fund should be reviewed after two years.

(b) Additional measures for rapid response

27. The United Nations should, building upon the existing capacities of relevant organizations, establish a central register of all specialized personnel and teams of technical specialists, as well as relief supplies, equipment and services available within the United Nations system and from Governments and intergovernmental and non-governmental organizations, that can be called upon at short notice by the United Nations.

28. The United Nations should continue to make appropriate arrangements with interested Governments and intergovernmental and non-governmental organizations to enable it to have more expeditious access, when necessary, to their emergency relief capacities, including food reserves, emergency stockpiles and personnel, as well as logistic support. In the context of the annual report to the General Assembly mentioned in paragraph 35 (i) below, the Secretary-General is requested to report on progress in this regard.

29. Special emergency rules and procedures should be developed by the United Nations to enable all organizations to disburse quickly emergency funds, and to procure emergency supplies and equipment, as well as to recruit emergency staff.

30. Disaster-prone countries should develop special emergency procedures to expedite the rapid procurement and deployment of equipment and relief supplies.

V. CONSOLIDATED APPEALS

31. For emergencies requiring a coordinated response, the Secretary-General should ensure that an initial consolidated appeal covering all concerned organizations of the system, prepared in consultation with the affected State, is issued within the shortest possible time and in any event not longer than one week. In the case of prolonged emergencies, this initial appeal should be updated and elaborated within four weeks, as more information becomes available.

32. Potential donors should adopt necessary measures to increase and expedite their contributions, including setting aside, on a stand-by basis, financial and other resources that can be disbursed quickly to the United Nations system in response to the consolidated appeals of the Secretary-General.

VI. COORDINATION, COOPERATION AND LEADERSHIP

(a) Leadership of the Secretary-General

33. The leadership role of the Secretary-General is critical and must be strengthened to ensure better preparation for, as well as rapid and coherent response to, natural disasters and other emergencies. This should be achieved through coordinated support for prevention and preparedness measures and the

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optimal utilization of, inter alia, an inter-agency standing committee, consolidated appeals, a central emergency revolving fund and a register of stand-by capacities.

34. To this end, and on the understanding that the requisite resources envisaged in paragraph 24 above would be provided, a high-level official (emergency relief coordinator) would be designated by the Secretary-General to work closely with and with direct access to him, in cooperation with the relevant organizations and entities of the system dealing with humanitarian assistance and in full respect of their mandates, without prejudice to any decisions to be taken by the General Assembly on the overall restructuring of the Secretariat of the United Nations. This high-level official should combine the functions at present carried out in the coordination of United Nations response by representatives of the Secretary-General for major and complex emergencies, as well as by the United Nations Disaster Relief Coordinator.

35. Under the aegis of the General Assembly and working under the direction of the Secretary-General, the high-level official would have the following responsibilities:

(a) Processing requests from affected Member States for emergency assistance requiring a coordinated response;

(b) Maintaining an overview of all emergencies through, inter alia, the systematic pooling and analysis of early-warning information as envisaged in paragraph 19 above, with a view to coordinating and facilitating the humanitarian assistance of the United Nations system to those emergencies that require a coordinated response;

(c) Organizing, in consultation with the Government of the affected country, a joint inter-agency needs-assessment mission and preparing a consolidated appeal to be issued by the Secretary-General, to be followed by periodic situation reports including information on all sources of external assistance;

(d) Actively facilitating, including through negotiation if needed, the access by the operational organizations to emergency areas for the rapid provision of emergency assistance by obtaining the consent of all parties concerned, through modalities such as the establishment of temporary relief corridors where needed, days and zones of tranquility and other forms;

(e) Managing, in consultation with the operational organizations concerned, the central emergency revolving fund and assisting in the mobilization of resources;

(f) Serving as a central focal point with Governments and intergovernmental and non-governmental organizations concerning United Nations emergency relief operations and, when appropriate and necessary, mobilizing their emergency relief capacities, including through consultations in his capacity as Chairman of the Inter-Agency Standing Committee;

(g) Providing consolidated information, including early warning on emergencies, to all interested Governments and concerned authorities, particularly affected and disaster-prone countries, drawing on the capacities of the organizations of the system and other available sources;

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(h) Actively promoting, in close collaboration with concerned organizations, the smooth transition from relief to rehabilitation and reconstruction as relief operations under his aegis are phased out;

(i) Preparing an annual report for the Secretary-General on the coordination of humanitarian emergency assistance, including information on the central emergency revolving fund, to be submitted to the General Assembly through the Economic and Social Council.

36. The high-level official should be supported by a secretariat based on a strengthened Office of the United Nations Disaster Relief Coordinator and the consolidation of existing offices that deal with complex emergencies. This secretariat could be supplemented by staff seconded from concerned organizations of the system. The high-level official should work closely with organizations and entities of the United Nations system, as well as the International Committee of the Red Cross, the League of Red Cross and Red Crescent Societies, the International Organization for Migration and relevant non-governmental organizations. At the country level, the high-level official would maintain close contact with and provide leadership to the resident coordinators on matters relating to humanitarian assistance.

37. The Secretary-General should ensure that arrangements between the high-level official and all relevant organizations are set in place, establishing responsibilities for prompt and coordinated action in the event of emergency.

(b) Inter-Agency Standing Committee

38. An Inter-Agency Standing Committee serviced by a strengthened Office of the United Nations Disaster Relief Coordinator should be established under the chairmanship of the high-level official with the participation of all operational organizations and with a standing invitation to the International Committee of the Red Cross, the League of Red Cross and Red Crescent Societies, and the International Organization for Migration. Relevant non-governmental organizations can be invited to participate on an ad hoc basis. The Committee should meet as soon as possible in response to emergencies.

(c) Country-level coordination

39. Within the overall framework described above and in support of the efforts of the affected countries, the resident coordinator should normally coordinate the humanitarian assistance of the United Nations system at the country level. He/She should facilitate the preparedness of the United Nations system and assist in a speedy transition from relief to development. He/She should promote the use of all locally or regionally available relief capacities. The resident coordinator should chair an emergency operations group of field representatives and experts from the system.

VII. CONTINUUM FROM RELIEF TO REHABILITATION AND DEVELOPMENT

40. Emergency assistance must be provided in ways that will be supportive of recovery and long-term development. Development assistance organizations of the United Nations system should be involved at an early stage and should collaborate closely with those responsible for emergency relief and recovery, within their existing mandates.

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41. International cooperation and support for rehabilitation and reconstruction should continue with sustained intensity after the initial relief stage. The rehabilitation phase should be used as an opportunity to restructure and improve facilities and services destroyed by emergencies in order to enable them to withstand the impact of future emergencies.

42. International cooperation should be accelerated for the development of developing countries, thereby contributing to reducing the occurrence and impact of future disasters and emergencies.

Addendum

PRINCIPLES OF HUMANITARIAN AID AND RECOMMENDED CODE OF BEHAVIOUR FOR MILITARY AND CIVIL DEFENCE PERSONNEL IN INTERNATIONAL DISASTER RELIEF ASSISTANCE IN TIMES OF PEACE

prepared by the International Federation of Red Cross
and Red Crescent Societies (IFRC)

I. INTRODUCTION

1. When operating outside of their country of origin, military and civil defence personnel are usually considered by those around them as welcome guests and representatives of their country. As such, just as with all international relief workers, the highest standards of professional behaviour are called for.
2. The following principles provide practical advice and a basic code of behaviour for MCDA personnel engaged in international disaster relief.
3. The present addendum should be considered as a supplement to and not a substitute for the normal rules of conduct for military and civil-defence personnel.

A. Disaster relief

4. In any disaster there are two sets of needs to be met. The first set concerns the immediate life supporting needs and the second concerns more long-term rehabilitation needs.

Six immediate needs

5. Although the degree and importance of the basic needs may vary in magnitude and priority from one disaster to another, they are often the same:

- Search and rescue;
- Sufficient shelter (including "mobile shelter": clothing);
- Adequate food;
- Safe and adequate water supply and disposal;
- Health and social care;
- Protection from violence and harassment.

6. Major types of disasters have similar needs on which the emphasis varies. Earthquakes create a special need for search and rescue as well as for water, medical care and shelter, but rarely affect food supply. Floods very quickly create a scarcity of safe drinking water and problems of food supply. Refugees and internally displaced persons almost always need some degree of protection from violence and harassment.

7. The way in which relief is delivered often has a profound effect on a community's ability to recover from the disaster. For instance, the supply of large scale free food aid may solve the immediate food supply problem, but leave a community more vulnerable to future food crises because it disrupts normal food marketing and production systems.

Rehabilitation

8. Rehabilitation refers to the actions taken in the aftermath of a disaster to enable basic services to resume functioning, to assist victims' self-help efforts to repair physical damage and community facilities, to revive economic activities and provide support for the psychological and social well being of the survivors. While it initially focuses on enabling the affected population to resume more-or-less normal (pre-disaster) patterns of life it should always strive to reduce vulnerability and create an improvement in living standards.

9. With every relief action, aid providers have to ask if the intervention will leave behind a community more able, or less able to cope with future disasters.

10. In meeting the relief and rehabilitation needs of disaster victims, the manner in which the relief is delivered and the way the providers of relief act have a critical effect upon the success of the relief operation.

II. HUMANITARIAN ASSISTANCE

11. Disaster relief is part of a larger spectrum of humanitarian assistance. There is no formal definition of humanitarian assistance, but the following description encompasses the key elements which set it apart from other forms of international assistance (e.g. economic, scientific, military).

12. Humanitarian assistance is assistance that is willingly given, without requiring reciprocal financial or political gain, for the purpose of alleviating human suffering amongst those least able to withstand the stress and suffering caused by disaster.

13. It encompasses both the provision of basic life supporting services and rehabilitation activities as described above. It is given in the spirit of humanity and in partnership with the afflicted population in a manner which recognizes their fundamental human rights.

14. The right to receive or offer humanitarian assistance is a basic humanitarian principle which should be enjoyed by all human beings. Hence the need for unimpeded access to disaster affected populations is of fundamental importance in providing humanitarian assistance.

15. When foreign military and civil-defence units are involved in humanitarian operations, their actions should always be humanitarian and should never be partisan or political.

III. THE GUIDING PRINCIPLES OF HUMANITARIAN ASSISTANCE

16. There are three basic principles behind all humanitarian actions. These principles should be adhered to by all those involved in humanitarian operations, be they local, international or military and civil defence personnel.

Humanity

17. All persons are entitled to fundamental human rights as embodied in the Universal Declaration of Human Rights. In humanitarian crises, the dignity and rights of all persons, in particular those of the victims of disaster and those of the individuals providing assistance, must be respected. Human suffering must be prevented and alleviated wherever it may be found so as to protect human life and health and ensure respect for the human being. It is the responsibility of every individual involved in humanitarian assistance to ensure that the principle of humanity is respected.

Impartiality

18. Humanitarian assistance makes no discrimination as to nationality, race, religious beliefs, sex, class or political opinions in its endeavours to relieve the suffering of individuals, but is guided solely by their needs, giving priority to the most urgent cases of distress. The promise, delivery or distribution of assistance should not be tied to the embracing or acceptance of any religious or other creed by the intended beneficiaries.

Neutrality

19. When providing humanitarian assistance, foreign military and civil-defence units should not engage at any time in controversies of a political, racial, religious or ideological nature.

20. Foreign military and civil-defence units should not, through their actions, words or attitude do anything to undermine the impartiality and neutrality of the humanitarian assistance being provided.

IV. BEHAVIOUR OF MILITARY AND CIVIL DEFENCE PERSONNEL

21. Bearing in mind these three guiding principles the following more specific guidelines should be observed.

Respect for culture and customs

22. All foreign military and civil-defence units should endeavour to respect the culture, structures and customs of the community and country in which they are working. In this context the wearing of excessive combat-related or military or civil defence uniforms may, at times, be inappropriate and counterproductive to effective operations. Military or civil defence uniforms and insignia should be used for the purpose of identification and operational discipline.

Building disaster response on local capacities

23. People in all communities - even in a disaster - possess capacities, resources and skills as well as have needs, problems and vulnerabilities. Foreign military and civil-defence units should attempt to support these capacities by employing local personnel, purchasing local materials and trading with local companies where appropriate.

Involving programme beneficiaries in the management of relief aid

24. Disaster relief assistance should never be imposed upon the beneficiaries. Effective relief and lasting rehabilitation can best be achieved where the intended beneficiaries are involved in the planning, management and implementation of the assistance programme. Foreign military and civil defence personnel should strive to involve the affected community and its leaders in all aspects of the relief and rehabilitation programme.

Relations with local authorities

25. The overall planning and coordination of relief efforts are ultimately the responsibility of the host government. Planning and co-ordination can be greatly enhanced if all operational units, including foreign military units, work through the local relief command structure. To facilitate this, local authorities should be expected to provide information on relief needs and government systems for planning and implementing relief efforts, as well as information on potential security risks that may be encountered. Foreign military and civil-defence units should work in close co-operation with the local government relief operation.

V. ORGANIZATIONS INVOLVED IN DISASTER RELIEF

United Nations Department of Humanitarian Affairs

26. The annex to General Assembly resolution 46/182 of 19 December 1991, on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, sets out the guiding principles for humanitarian assistance to be provided by the Organization.

27. In accordance with paragraph 36 of the annex to General Assembly resolution 46/182, in April 1992, the Secretary-General established the Department of Humanitarian Affairs (DHA) and appointed an Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. DHA has the responsibility for providing a rapid and well coordinated response to major and complex emergencies and natural disasters in order to save lives and contribute to the rehabilitation and development of the affected populations.

28. The Department of Humanitarian Affairs has offices in New York and Geneva. The Relief Coordination Branch forms part of DHA-Geneva.

Red Cross and Red Crescent Societies

29. The Red Cross and Red Crescent Societies are part of the worldwide Red Cross and Red Crescent Movement, which comprises National Red Cross or Red Crescent Societies, the International Federation of Red Cross and Red Crescent Societies (the Federation), which is the permanent liaison body of the National Societies and acts as their representative internationally, and the International Committee of the Red Cross (ICRC).

30. National Red Cross and Red Crescent Societies exist in almost every country in the world. They provide a range of services, including emergency relief, health services and social assistance to those most vulnerable and most in need.

31. The Red Cross and the Red Crescent emblems are the internationally agreed symbols of protection during armed conflicts. Their use is restricted by international and national laws primarily to officially recognized and authorized medical personnel and to Red Cross and Red Crescent personnel. Neither emblem should be displayed as a general sign of humanitarian assistance, whether by armed forces personnel, non-governmental organizations or others.

Non-governmental organizations

32. Non-governmental organizations (NGOs), both national and international, are constituted separate from the Government of the country in which they are founded. They range from multimillion-dollar organizations with decades of worldwide experience in disaster relief to newly created small organizations, dedicated to the particular disaster in question. NGOs and their workers may operate under a different organizational culture to the military but like the military they are for the most part professionals in their field.

International news media

33. The media, including television, radio and newspaper journalists, play a critical role today in humanitarian aid operations. They are the eyes and ears of the world and have a strong impact on shaping the world's perception of relief operations and the conduct and competence of all relief workers.

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