

Each nation is responsible for making sure that the Internationally agreed rules are applied in their territory. There are many rules and regulations covering not only what can be done but also who is allowed to have the privilege of operating equipment which can potentially embarrass the host nation far beyond its own borders. This is why Radio Officers and Radio Hams have to pass such rigorous examinations before being allowed such freedoms.

The same is true for the equipment. Badly made equipment or obsolete types can ruin the whole game for more conscientious users and so only 'Type approved' equipment is allowed to be used, guaranteeing compatibility with existing or future services.

The seemingly obstructive bureaucrats perform for our benefit this very important service, they deserve our respect and support but are usually badly misunderstood by understandably pressured and frustrated disaster workers who need vital equipment and need it NOW.⁶⁴ They want to help us and are actively looking for ways around regulations that were intended to facilitate international co-operation not hinder it.

The whole business is very delicate indeed and needs handling in a mature and utterly responsible way. Work is always in progress on this subject and so the situation is always changing from country to country and even day to day. What follows is what I hope is a useful overview of the problems and solution faced by disaster communicators.

First, let us introduce the players in our drama.

5.2 The ITU

The International Telecommunications Union (ITU) is an international organisation, based in Geneva. Its main job is to make international telecommunications possible by setting standards. 'Working groups' of experts on a particular question or technology produce declarations stating what in their opinion is the best way of standardising communications. For example they decide how much and what frequencies are designated to each service who would use the radio spectrum. They also set standards in signalling so that a computer in one country can talk to one on another country and thus set up long distance telephone calls.

Periodically there are conferences where nations send a representative of their telecommunications organisation or ministry, in order to sign such agreement. However no country is obliged by law to keep to the resolutions, they do so because everyone agrees that it is in the best interest of international communications to standardise some things.

5.3 WGET

The Working Group on Emergency Telecommunications (WGET) is a group of experts in disaster communications. They meet regularly in order to make recommendations to be included in 'The International Convention on Emergency Telecommunications' to be held in the first half of 1996. They are subdivided into two groups:-

Group A is responsible for legal and regulatory issues to do with the definition of the format and structure of the forthcoming convention on emergency telecommunications. The facilitator of this group is the UNDHA.

Group B are responsible for Operations and system aspects of emergency telecommunications. This is the more technical stuff. Their job is to review what technology there is, what there will be, how it is used now and how it ought to be used in the future. the facilitators of this are the Committee International of the Red Cross (CIRC), and the Swiss Disaster Relief organisation (SDR).

5.4 UNDHA, DMT and UNDAC

To define the role of the United Nations Department of Humanitarian Affairs (UNDHA), also known as DHA, I could do no better than to quote a speech at the opening of the WGET's first meeting, made by the Director of the DHA himself, Martin Griffiths.

He says,- *"The mandate of the DHA... includes...the collection and dissemination of information related to humanitarian emergencies, the mobilization, co-ordination and facilitation of international response to natural and man-made disasters and the provision of support to national and regional efforts towards disaster mitigation preparedness and prevention"*. He goes on to make the important statement. ***"Non of these tasks can be accomplished without the extensive use of telecommunication!"***

To provide on the spot practical help, the United Nations Disaster Assessment and Co-ordination team (UNDAC) is a team of experts in various disaster management related fields. They can be ready to give advice, and help with the co-ordination of international relief teams.

Apart from a permanent communications system within the UN, UNDHA has also developed a concept for disaster communications. The On Site Operations Co-ordination Center (OSOCC), is a field unit, flown out by the operators as hand baggage, and situated at or near to the disaster site. It is equipped with Satellite, VHF and HF Radio for communicating with local rescue teams and authorities, and is manned round the clock by expert communicators. It then uses these facilities to pass information to and from another unit in the capital of the affected country. When not in use the equipment is stored in Geneva.

The Disaster Management Team (DMT) is an ad-hoc group formed in the capital of a country affected by a disaster and consists of the representatives of all UN agencies and other major partners in humanitarian relief based in the capital. It is normally convened and chaired by the Resident representative of the United Nations Development Programme (UNDP) in his function as Resident Co-Ordinator of the UN System. The DMT is the main link to the national government of the affected country and to the Headquarters of the agencies concerned.

5.5 NGO's

The Non-Governmental Organisations (NGOs) are usually charities, not funded by any government, but by voluntary contributions from the public. For example the Red Cross and the DRCF are both NGO's, but of very different size! The Royal Signals Regiment of the British Army, for instance, is obviously not an NGO. The fact that NGO's are not funded by governments is both their strength and weakness. On the one hand they do not pose a political problem to the host government where the disaster has occurred. On the other hand they are often very small and poorly sponsored. Communicating with NGOs is sometimes difficult because the important figures of these organisations are often private individuals operating from their own homes. Some have pagers and callout systems but some do not.

Now that the stage is set, let's see the action.

5.6 Tampere Declaration, 1991

You should obtain your own copy of this very important work directly from the ITU. (see appendix) However, it is so important that I am now going to paraphrase it, adding my own comments. *The paraphrased sections will be in italics*, my comments in normal text.

The Tampere declaration on disaster communications, 22 May 1991, Tampere Finland, was the result of the considerations of a '*group of experts in communications and disaster management*'.

After the acknowledgement that each country has responsibility for disaster communications in its own territory, the group went on to look into early warning systems by satellite, and methods of quickly disseminating the information, by for example the use of broadcasting.

Paragraph 7 recognises that *communication links are almost always disabled and disrupted during the first few hours of a major disaster, whereas there is an urgent need to establish comprehensive communications.*

The Tampere conference called for *a convention on disaster communications to be developed not later than 1993.* (This has not yet happened at the time of writing, in 1996 but is expected in 1996). *The proposed convention should produce a comprehensive accord on disaster management.*

Interestingly, the conference recognises *the needs both of short term disaster relief organisations, and long-term needs of disaster mitigation.*

Under the heading ' Communications in disaster relief', para 11 recognises at least four present limitations to disaster communications. *Organisational barriers which impede the flow of information, uncertainty over what equipment is available and where, regulatory barriers both radio and importation, and rather refreshingly, the high cost of the most effective equipment (such as satellite), which inhibit their use by hard-up NGO's.*

Tampere urged that the proposed convention on disaster communications *should at minimum, set up a framework for all organisations to work together in a more co-ordinated way. The convention should also make sure that existing networks are utilised to the maximum.*

Significantly, the convention *should encourage the development of the Amateur Radio Services and their application to disaster communications.*

A further recommendation was that all organisations *should disclose the whereabouts and availability of their equipment so that a central database could be established detailing what is available and where.*

Tampere also *encouraged improved and enhanced national and international training programmes to develop the necessary expertise in the rapidly evolving field of disaster communications and the further consideration of the communications issues in disaster management training programmes.*

Paragraph 12 subsections G, H and I are of very great interest to us. G urges the proposed conference to *facilitate the rapid dissemination and effective use of communication equipment and resources by limiting, reducing and, where possible, removing regulatory barriers such as customs duties, restrictions on possession, technical information and rules concerning the temporary assignment of appropriate radio frequencies.*

Subsection H urges the *establishment of rules relating to entry exit and transit of men and equipment and other privileges.* This is not under ITU responsibility and the UN is dealing with it separately. It is a matter of customs facilitation for relief equipment in general.

Section I urges the *establishment of the basis for an appropriate tariff structure for domestic and international communications carriers including waiver of charge where appropriate and the necessary philosophy and approach to payment for communications services required in disaster relief efforts.* WGET is working on this with the individual operators.

Paragraph 18 again recommends the *development of a proposed convention on disaster communications to be co-ordinated by UNDRRO (now the UNDHA) in co-operation with the ITU.*

Para 19 is another one of interest to us. It recognises that it may take time for development of such a conference so the Tampere conference called *upon all states to consider urgent measures to give effect to the provisions of this declaration on an interim unilateral or bilateral basis for general humanitarian reasons.* This conference is now scheduled for first half of 1996.

Remembering that the conference has no actual power, why is this so important?⁶⁵ Well the rules that actually apply depend not upon the august bodies of international law, but rather on the administration of the state whose sovereign territory you are in. In fact they can give the nod or turn the blind eye as they will. What is stopping them from doing this? Perhaps the official you meet thinks he does not have the authority to do so. In which case, showing this may give him a graceful way out of his dilemma if he wants it.

However the conference needed recognising by a higher body, and this happened at the ITU World Telecommunications Development Conference, Buenos Aires march 1994, which we will discuss next

5.7 ITU Buenos Aires 1994

The ITU World Telecommunications Development Conference Buenos Aires march 1994 has useful information for us in Resolution 7 'Disaster Communications', which was unanimously adopted.

The ITU notes the Tampere declaration and further notes several other sources all agreeing heartily with Tampere. ITU recognises that disasters are bad and is convinced that telecommunications are good, but is concerned that they will not be working when needed.

They resolve to study the problem further, *and include in the agenda of a competent World Radiocommunications Conference the relevant provisions*, in other words, to make it happen. Interestingly for us, the ITU is *invited to study charging and accounting in domestic and international disaster communications including waiver of charges where appropriate and a suitable tariff structure.*

The best immediate paragraph is that the ITU urges administrations *to take all practicable steps for facilitation the rapid deployment and the effective use of telecommunication equipment for disaster relief by reducing and where possible removing regulation barriers and strengthening transboundary co-operation between states.* Again, this is something you can invoke if you find that an official is confused as to whether he has the right or authority to 'turn a blind eye' to what you are doing. If he can say that you have invoked this, perhaps he will feel less exposed.

5.8 ITU Plenipotentiary Conference, Kyoto 1994

The Final Acts of the Plenipotentiary Conference Kyoto, 1994 in its resolution 36, headed 'Telecommunications for Disaster Mitigation and Disaster Relief Operations' endorsed resolution 7 of the World Telecommunications Development Conference Buenos Aires 1994 *and instructs the secretary general to report to the council at its 1995 session on the measures taken pursuant to WTDC resolution 7.*

ITU ends by directly quoting resolution 7 *urging administrations to reduce or remove barriers etc.* Here is the **so far most powerful argument** you can use to persuade sluggish officials of your credentials.

5.9 ITU Resolution 640

An important Resolution affecting Amateur Radio operations is Resolution 640 of the International Telecommunications Union (ITU) World Administrative Radio Conference (WARC), Geneva, 1979. Its proper title is, "Resolution No. 640, Relating to the international use of Radiocommunications in the event of natural disaster, in frequency bands allocated to the Amateur Service".

It is readily available as part of the ITU Radio Regulations edition of 1990 revised 1994, directly from the ITU.

The ITU considers that *in the event of a natural disaster, normal communication systems*, such as the 'phone system, TELEX, mobile phones etc. are frequently badly damaged by the disaster, for example by destruction of the telephone exchanges (on which so much depends), or the mains electricity (which powers electronic communications systems). Even if this is not so, then the system may become overloaded. This will happen because in a normal situation, much less than 5% of the users of a certain telephone exchange will normally be using it at the same time. Therefore the exchange, for reasons of economy, only has enough circuits to carry about 5% of the theoretical maximum calls. As not everyone making a call will be calling outside their town, there are only about 10% of the lines leaving a town as there are circuits provided in the exchange.

Now visualise the situation when every user tried to use the phone at the same time. Only 5% will get through. This situation is called Blocking, or overload. The situation is the same or worse for the mobile phone system, so you can see that you can't depend on the normally dependable phone system in a disaster.

Against this, *rapid establishment of communication is essential to facilitate world-wide relief actions.* As we shall see, arranging communications by radio is hardly rapid, it can take weeks to get the licences, frequencies, type approvals etc.

On the other hand, *the Amateur bands are not bound by international plans or notification procedures, and are therefore well adapted for short term use in emergency cases.* ITU considers that *international disaster communications would be facilitated by temporary use of certain frequency bands allocated to the amateur service. Under those circumstances the stations of the Amateur service, because of their widespread distribution and their demonstrated capacity in such cases can assist in meeting essential communications needs. In fact there exists national and regional Amateur emergency networks using frequencies throughout the bands allocated to the Amateur service.*

ITU considers that *in the event of a natural disaster, direct communication between Amateur stations and other stations might enable vital communications to be carried out until normal communications are restored.* The significance of this is that normally, a radio Amateur would refuse to talk to a non Amateur station because his licence prohibits this by law. Amateurs know the law because one of the two theory papers he

must sit to get his licence is on radio law. By this resolution, the Amateur is allowed to work you and traffic messages for you and from you, this is called 'Third Party Traffic'. However he may need reassuring of this because all of his transmissions must be entered into a log book, which will be inspected by a government official. Therefore you should state clearly that you are invoking Resolution 640 for the traffic, this should put his mind at rest. **It is however assumed that you do have some or other licence from the host government for the Radio equipment you are using.**

ITU is pragmatic enough to realise that *The rights and responsibilities for communications in the event of a natural disaster rest with the administrations involved.* This means that you should get permission from someone to use resolution 640 on their territory.

On the other hand, if no government exists, then they are hardly likely to send radio inspectors around to check you equipment, so in that case you can probably safely go ahead until such authority appears. The subject of 'Spectrum use in a political vacuum' is on the agenda for future conferences, but in the mean time, what you get away with depends upon how mature you are about your privileges.

ITU resolved that *the bands allocated to the Amateur service which are specified in Radio Resolution 510 may be used by administrations to meet the needs of international disaster communications.* Note that it is the government that has this permission not you. You don't have an absolute right to demand these privileges from the government, so you must use diplomatic language when urging them to get on with giving some kind of 'nod'.

The Resolution also states that *such use of the bands shall be only for communications in relation to relief operations in connection with natural disaster.* In theory this means that you can't invoke it in a war zone, but in practice that will depend as usual on the administration (or lack of it).

The Resolution goes further to state *that the use of specified bands allocated to the Amateur service by non-Amateur stations for disaster communications, shall be limited to the duration of the emergency and to the specific geographical areas as defined by the responsible authority of the affected country.* This seems obvious and fair. The amateur bands are highly overloaded normally, and so can't handle unnecessary traffic that could or should go by 'phone once the normal services are restored. Don't use it to save money, only if it is the only alternative.

ITU state that *disaster communications shall take place within the disaster area and between the disaster area and the permanent headquarters of the organisation providing relief.* This means that you can contact Amateurs in for example the UK, and ask them to relay messages to your HQ. You can even set up a station in your HQ if you can find an Amateur to operate it. Again, a reminder that *such communication shall be carried out only with the consent of the administration of the county in which the disaster occurred.* And that of the country where your HQ is situated.

There may already be existing networks of Amateurs to traffic information out of the disaster area, and they will be using up much of the spectrum for this. For you to duplicate this effort is very wasteful of your resources and spectrum so the Resolution makes the proviso that *relief communication provided from outside the country in which the disaster has occurred shall not replace existing national or international Amateur emergency networks.* The point is also made that *close co-operation is desirable between Amateur stations and stations of other radio services which may find it necessary to use Amateur frequencies in disaster communications.*

We disaster Relief service users may feel that we have righteousness on our side and that we should have right of way, but not so. Para 8 states *'that such international relief communications shall avoid, as far as possible interference to the amateur service networks'*. Therefore you have no right to demand that another station gets off your channel. You could though ask him to move off explaining the reason by saying "QRT (stop sending) or QSY (change frequency), we are a disaster Relief service working to Resolution 640", (which he should have heard of).

ITU then concludes by inviting administrations to *provide for the needs of international disaster communications and provide for the needs of emergency communications within their national regulations.* In the UK the Radiocommunications Agency (RA) does this by encouraging radio Amateurs to set up and practice emergency networks.

5.10 Reservations

Note that all of this assumes that you have got some sort of licence already valid in the host country. This means that foreign rescue teams do not automatically benefit from Resolution 640.

There is very much to be gained by the use of Amateur Radio by disaster relief organisations. It solves the problem of Type approval (as there isn't any), frequency allocation, as the frequencies are already allocated and inter working with other groups.

However it must be only a first fix. Resolution 640 is strictly for the acute phase of the emergency, about the first 4 weeks. If the operation is intended to for say longer than 4 weeks, then the usual procedures should be used to become properly established with a permanent licence. Inter working is often a problem as you may not be allocated the same frequency as another group you need to work with, and may not even know their frequency.

Using the Amateur bands is part of the solution during the acute phase, the other part is to agree to common calling channels, which everyone listens to, once a frequency allocation has been set by the host country. This requires you to remember to move to a separate working frequency (if one has been allocated) when you have the person you need, otherwise congestion could occur.

Obtain your own copy of the resolution and take it with you. You may come across an official who is reluctant to allow your equipment in to his

Sometimes the government prefers to work with a single voluntary body or consultant firm rather than any individual. Try asking around for who seems to have the most success.

5.14 Licence fee

Licence fees are renewable annually. The amount varies, but is around 100USD per set per year.

5.15 Type Approval

When you ask your salesman, 'does this have type approval?' he will say 'yes'. Of course it does or they would never sell any. A better question is 'is it type approved in the country where it will be used, for this purpose as defined in my licence conditions?'. The rules for type approval vary according to time, country, and use. It is not the dealers responsibility to know that, so you should show him your licence as a spec for the equipment. Get a second opinion also, there are lots of bad stories about this.

5.16 Import Licences

You will be viewed as an importer if you bring equipment in to the country. Therefore you may be required to pay import taxes on it. You should find out about all this long before the stuff is shipped out and make sure the paperwork is along with the equipment, to prevent delays in customs. There are provisions occasionally for aid agencies not to pay import charges, if so, the relevant paperwork must be prepared. If the equipment is a gift from another organisation, then proof of this is also needed. The UNDHA is actively working of improving this situation.

5.17 TIR

If you are intending a short stay, then a TIR carnet will enable you to bring the equipment into the country without paying any dues. However you must remember to take it out of the country when you say you are going to, or else you will have to forfeit the bond that you put up to guarantee this. Even if it is destroyed, scrape up the bits and re-export them or you will lose your bond. One problem is that not all countries offer TIR service.

5.18 Pro-forma Invoice

At the customs officer's discretion, he may decide to allow you to import the equipment as 'personal', provided that you and only you re-export the equipment. A ticket is added to your immigration card and added into your passport, stating that you cannot leave without the equipment in your possession. You need to help customs by providing realistic estimates of the value of the equipment, by a document called a **pro-forma invoice**. This states the purchased or current value of the equipment. It goes without saying that you must fly out with the equipment that is mentioned in you passport or you will suffer delays and even heavy fines and penalties.

5.19 Draft of 'Disaster Telecoms' convention

At the time of publishing this edition of the book, the draft of the future convention was taking shape. Likely by the time you read this it will look different from this early draft, but I hope that its general shape will give you an idea of what the other work has been leading up to. This time, my comments are in italics and the text is in normal text. By the way, the drafters of the convention have very kindly checked over my comments and agreed that they are within the spirit of the convention.

If you have the hard bound version of the book then you will find the whole text in the appendix. I will now give a simplified commentary on some of its parts that caught my eye. It is not enough just to read my simplified commentary in order to understand its provisions. You can read it yourself and see what catches your eye. For an electronic copy, try, <http://www.law.indiana.edu/law/disaster/disconv4.html>

CONVENTION ON THE PROVISION OF TELECOMMUNICATION RESOURCES FOR DISASTER

MITIGATION AND RELIEF OPERATIONS

WORKING DRAFT/3/18-4-96

Drafter's Note

Telecommunication resources are increasingly recognized as essential to preventing, predicting, preparing for, responding to, and providing relief during and following disasters and other humanitarian emergencies, irrespective of their cause or duration. The effective use of such resources has been repeatedly demonstrated to reduce loss of life, human suffering, and damage to property and the environment otherwise caused by disasters. Moreover, telecommunications plays a central role in all humanitarian relief and assistance operations, especially those requiring international coordination.

Recognizing the critical importance of telecommunication resources in disaster mitigation and relief operations, representatives of States, United Nations entities, inter-governmental and non-governmental organizations, humanitarian agencies, and many other communication- and disaster-related organizations have

called for improved, systematic international cooperation to facilitate the rapid deployment and the effective use of such resources for disaster mitigation and relief. Most recently, in 1994, the International Telecommunication Union World Telecommunication Development Conference adopted Resolution 7, on Disaster Communications, which the International Telecommunication Union Plenipotentiary Conference endorsed in Resolution 36, on Telecommunications for Disaster Mitigation and Disaster Relief Operations.

In response to these activities, the Working Group on Emergency Telecommunications—a forum through which international, governmental, and non-governmental humanitarian organizations work to increase their effectiveness by addressing regulatory, operational, and technical aspects of emergency telecommunications—has developed this Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations. The Convention is designed to be effective and pragmatic. Although it is necessarily an agreement among States, the drafters have, where possible, crafted its provisions to facilitate the vital humanitarian efforts of inter-governmental and non-governmental organizations as well. The Convention reflects many compromises and therefore does not necessarily reflect the views of any single participant in the Working Group.

Comments regarding this draft are welcome and should be directed to the Working Group's Secretariat, to the attention of Hans Zimmermann, United Nations Department of Humanitarian Affairs, Palais des Nations, CH-1211 Geneva 10, telephone +41 22 917-3516, facsimile +41 22 917-0023, e-mail hans.zimmermann@itu.ch. To contact the drafters directly e-mail fcate@indiana.edu.

The notes start off by again explaining the importance of telecommunications in disaster situations, and then explain the 'history' of the previously mentioned documents. An interesting paragraph explains that though the convention will be among States, that is sovereign governments (countries), the principles will also apply to non governmental organisation (NGOs) as well.

The document opens with the statement 'The state parties to this convention'. What they mean is that they wish representatives of governments to sign up to agree to the convention that follows. This means as usual that governments not agreeing to this convention are not obliged to offer you the privileges that the convention requires, if they are not signatories. It is always the case that you are under the authority of the sovereign government who's territory you are in. However it is in the interest of all NGO's and especially those involved with telecommunications, to see that states sign this convention.

Article 1-Definitions

Article 2-General Provisions

Article 3-Provision of Telecommunication Assistance

Article 4-Direction and Control of Telecommunication Assistance

Article 5-Privileges, Immunities, and Facilities

Article 6-Termination of Assistance

Article 7-Payment or Reimbursement of Costs or Fees

Article 8-Transit of Personnel, Equipment, Materials, and Information

Article 9-Telecommunication Resources Inventory

Article 10-Telecommunication Assistance Action Plan

Article 11-Regulatory Barriers

Article 12-Competent Authorities and Points of Contact

Article 13-Relationship to Other International Agreements

Article 14-Dispute Settlement

Article 15-Entry Into Force

Article 16-Provisional Application

Article 17-Amendments

Article 18-Reservations

Article 19-Denunciation

Article 20-Depositary

Article 21-Operational Coordinator

Article 22-Technical Coordinator

Article 23-Authentic Texts and Certified Copies

THE STATES PARTIES TO THIS CONVENTION,

RECOGNIZING that the magnitude, complexity, frequency, and impact of disasters are increasing at a dramatic rate, with particularly severe consequences in developing

countries,

RECALLING that humanitarian relief and assistance agencies require reliable, flexible telecommunication resources to perform their vital tasks,

CONVINCED that the effective, timely deployment of telecommunication resources and that rapid, efficient information flows are essential to reducing loss of life, human suffering, and damage to property and the environment caused by disasters,

CONCERNED about the impact of disasters on communication facilities and information flows,

REAFFIRMING the absolute priority accorded emergency life-saving communications in more than fifty international regulatory instruments, including the Constitution of the International Telecommunication Union,

NOTING the history of international cooperation and coordination in disaster mitigation and relief, including the demonstrated life-saving role played by the timely deployment and use of telecommunication resources,

FURTHER NOTING the Proceedings of the International Conference on Disaster Communications, Geneva, 1990, addressing the power of telecommunication systems in disaster recovery and response,

FURTHER NOTING the urgent call found in the Tampere Declaration on Disaster Communications, Tampere, 1991, for reliable telecommunication systems for disaster mitigation and disaster relief operations, and for an international Convention on Disaster Communications to facilitate such systems,

FURTHER NOTING United Nations General Assembly Resolution 44/236, designating 1990-2000 the International Decade for Natural Disaster Reduction, and Resolution 46/182, calling for strengthened international coordination of humanitarian emergency assistance,

FURTHER NOTING the prominent role given to communication resources in the Yokohama Strategy and Plan of Action for a Safer World, adopted by the World Conference on Natural Disaster Reduction, Yokohama, 1994,

FURTHER NOTING Resolution 7 of the first World Telecommunication Development Conference, Buenos Aires, 1994, endorsed by Resolution 36 of the Plenipotentiary Conference of the International Telecommunication Union, Kyoto, 1994, urging administrations to take all practical steps for facilitating the rapid deployment and the effective use of telecommunication equipment for disaster mitigation and relief operations by reducing and, where possible, removing regulatory barriers and strengthening cooperation among States,

WITH REFERENCE to the conclusions of the Working Group on Emergency Telecommunications regarding the critical role of telecommunications in disaster mitigation and relief, SUPPORTED by the work of many States, United Nations entities, governmental, inter-governmental, and non-governmental organizations, humanitarian agencies, telecommunication equipment and service providers, media, universities, and communication- and disaster-related organizations to improve and facilitate disaster-related communications,

DESIRING to ensure the reliable, rapid availability of telecommunication resources for disaster mitigation and relief operations, and >

FURTHER DESIRING to facilitate international cooperation to mitigate the impact of disasters,

HAVE AGREED as follows:

ARTICLE 1

Definitions

Unless otherwise indicated, the terms set out below shall have the following meanings:

1. "Disaster" means a serious disruption of the functioning of the society, posing a significant, widespread threat to human life, health, property, or the environment, whether caused by accident, nature, or human activity, and whether developing suddenly or as the result of complex, long-term processes.
2. "Natural hazard" means a naturally occurring event or process, such as an earthquake, flood, wind, landslide, avalanche, cyclone, tsunami, insect infestation, drought, or volcanic eruption, which has the potential for triggering a disaster.
3. "Health hazard" means a sudden outbreak of infectious disease, such as an epidemic or pandemic, or other event posing a significant threat to human life or health, which has the potential for triggering a disaster.
4. "Disaster mitigation" means measures designed to prevent, predict, prepare for, respond to, and/or mitigate the impact of, disasters.
5. "Telecommunications" means any transmission, emission, or reception of signs, signals, writing, images, sounds, or intelligence of any nature, by wire, radio, optical fiber, or other electromagnetic system.
6. "Telecommunication resources" means personnel, equipment, materials, information, radio frequency spectrum, network or transmission capacity, or other resources necessary to telecommunications.
7. "Telecommunication assistance" means the provision of telecommunication resources or other resources or support intended to facilitate the use of telecommunication resources.
8. "Requesting State Party" means a State Party to this Convention requesting telecommunication assistance pursuant hereto.
9. "Assisting State Party" means a State Party to this Convention providing telecommunication assistance pursuant hereto.
10. "This Convention" means the Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations.
11. "The depositary" means the depositary for this Convention, as set forth in Article 20.
12. The "operational coordinator" means the entity which will coordinate requests for telecommunication assistance, as set forth in Article 21.

13. The "technical coordinator" means the entity which is responsible for maintaining and disseminating information related to telecommunication resources for disaster mitigation and relief, as set forth in Article 22.

This contains the definitions of the terms used in the document. An interesting move is that the term 'telecommunications resources' will mean the people as well as the equipment used in the assistance. This is a most reassuring move for those carrying the stuff about.

There are two interesting definitions. The 'Operational Co-ordinator', will co-ordinate the telecommunications resources as they are sent to the field. And the 'Technical Co-ordinator' who is supposed to know where the required equipment is and how to get it on site quickly. This implies management of some kind of data base. These person will need much good will and practical support from all NGO's. This function will be done by some or other institution rather than an individual person, and at this time the identity of that institution has not been decided. However preliminary discussions indicate that the operational co-ordinator may be the UN Department of Humanitarian Affairs (DHA) and the technical co-ordinator may be the International Telecommunications Union (ITU). This has not been settled yet and so the WGET are inviting comments from interested parties.

ARTICLE 2

General Provisions

1. The States Parties shall cooperate among themselves and with governmental, inter-governmental, and non-governmental organizations, in accordance with the provisions of this Convention, to facilitate the use of telecommunication resources for disaster mitigation and relief.

2. Such use may include, but is not limited to:

- a. The deployment of terrestrial and satellite telecommunication equipment to predict, monitor, and provide early warning of natural hazards, health hazards, and disasters;
- b. The sharing of information about natural hazards, health hazards, and disasters among the States Parties and with other States and governmental, inter-governmental, and non-governmental organizations, and the dissemination of such information to the public, particularly to at-risk communities;
- c. The provision of prompt telecommunication assistance to mitigate the impact of a disaster; and
- d. The installation and operation of reliable, flexible telecommunication services to be used by humanitarian relief and assistance organizations.

3. To facilitate such use, the States Parties may conclude additional multinational or bilateral agreements or arrangements.

4. The States Parties request the United Nations [organization], with the collaboration of the International Telecommunication Union and other relevant United Nations entities, to use its best efforts, in accordance with the provisions of this Convention, to:

- a. Develop, in consultation with the States Parties, model agreements that may be used to provide a foundation for multinational or bilateral agreements facilitating the provision of telecommunication resources for disaster mitigation and relief;
- b. Develop, operate, and maintain information collection and dissemination procedures and systems necessary for the implementation of the Convention; and
- c. Inform States of the terms of this Convention, and to facilitate and support the cooperation among States Parties provided for herein.

5. The States Parties shall cooperate among themselves to improve the ability of governmental, inter-governmental, and non-governmental organizations concerned with disaster mitigation and relief to support the objectives of this Convention.

This article stresses the cooperation between states and NGOs and also while mentioning some of the things that need to be done, makes the interesting point that the cooperation is not limited to the things mentioned in the convention. This is good because technology moves along rather quickly and sometimes legislation does not keep up. If you need something not covered by the convention, you could point to this to see if the state party you are dealing with is as flexible as this convention was meant to be.

The convention also says that the UN and the ITU will work to format model agreements that can be used to formulate agreements with state parties, and that they will work to make the provision of the convention better understood and practical. They will also have the huge task of working out the information data bases needed to find equipment and get it moved to the field quickly. I have done this on a small scale for the DRCF and I can assure you that it is a huge task. Again we will need to cooperate to the utmost with this work if it is to succeed as well as we would all want.

ARTICLE 3

Provision of Telecommunication Assistance

1. A State Party requiring telecommunication assistance for disaster mitigation and relief may request such assistance from any other State Party, either directly or through the operational coordinator. Upon receipt of a request for telecommunication assistance, the operational coordinator shall immediately disseminate such request to all other appropriate States Parties.

2. A State Party requesting telecommunication assistance shall specify the scope and type of assistance required and, where practicable, provide the State Party to which the request is directed and/or the operational coordinator with such information as may be necessary to determine the extent to which such State Party is able to meet the request.

3. Each State Party to which a request for telecommunication assistance is directed, either directly or through the operational coordinator, shall promptly determine and notify the requesting State Party whether it will render the assistance requested—directly or through a governmental, inter-governmental, non-governmental, or private organization—and the scope of, and terms, conditions, restrictions, and cost, if any, applicable to such assistance.

4. No telecommunication assistance shall be provided by any State Party pursuant to this Convention without the consent of the requesting State Party. The requesting State Party shall retain the authority to reject all or part of any telecommunication assistance offered by another State Party in accordance with the requesting State Party's existing

national law and policy.

To avoid confusion, the state requesting the telecommunications assistance can do so through an 'operational co-ordinator' (it has not been decided who this will be at time of writing). This is good because deploying technical equipment needs technical and logistical skills which are highly specific. It is best done by someone who really understands the technology, the needs of the field personnel and also the limitations as to what is practical. Another obvious need is for the 'requesting state party', (that is the one having the disaster and needing help), to explain how much and of what they need. This is so that the right amount of the right equipment can be provided and unnecessary equipment is not sent out.

If someone has been asked to help, they must say if they can or not as soon as possible, so that alternative help can be provided if they cannot help. If they plan to help but have some conditions, (for example about how much the help will cost), then they must state them at the start, to avoid bitter arguments after the event.

Also, any state or NGO should only send help if they have been asked for that help by the 'requesting state party'. Unwanted 'disaster tourists', (as some see them), can cause more work than they achieve. The 'requesting state party' has the right to refuse to accept any help they don't need, which is fair as uncoordinated foreigners who don't speak the language, charging about in a disaster zone will need protecting and feeding. They may be more trouble than they are worth, despite the obvious good-will they show. I don't know of any fire chief who lets passers-by rush into burning buildings to throw random buckets of water willy nilly, so you can see why we NGO's must demonstrate our maturity before we will be trusted.

You should always remember that no matter what the situation is, you are a guest in that country and must behave as such. You are still subject to their laws, and must obey their directions. Don't become full of your own importance and try to 'lord it' over the local people. Apart from the fact that this is illegal it is also bad form, you will give other NGO's a bad name, and undo years of good work by those who have spent a lifetime building up fragile co-operation. Disaster operations give you a powerful charge of adrenaline, you must understand what is happening to your body and control yourself.

ARTICLE 4

Direction and Control of Telecommunication Assistance

Unless otherwise agreed:

1. The overall direction, control, coordination, and supervision of telecommunication assistance shall be the responsibility, within its territory, of the requesting State Party.
2. The requesting State Party shall provide, to the extent of its capabilities, local facilities and services for the proper and effective administration of the telecommunication assistance, including ensuring that telecommunication equipment brought into its territory pursuant to this Convention shall be expeditiously licensed or shall be exempt from licensing in accordance with its domestic laws and regulations.
3. The requesting State Party shall ensure the protection of personnel, equipment, and materials brought into its territory by or on behalf of the assisting State Party under the terms of this Convention.
4. The requesting State Party shall not, in exercising direction and control of telecommunication assistance provided for under this Article, direct the deployment or use of any telecommunication resources provided pursuant to this Convention for purposes not directly related to predicting, preparing for, responding to, mitigating the impact of, or providing relief during and following disasters.
5. Ownership of equipment and materials provided by any State Party pursuant to this Convention shall be unaffected by their use under the terms of this Convention, and their prompt return to the proper assisting State Party shall be guaranteed.
6. This Article shall apply to any requesting State Party, in whose territory telecommunication assistance is provided for disaster mitigation and relief, irrespective of whether such assistance is provided by a State not a party to this Convention, governmental, inter-governmental, or non-governmental organization, provided that:
 - a. The requesting State Party has consented to, and has not terminated, such provision of telecommunication assistance for disaster mitigation and relief;
 - b. The State, governmental, inter-governmental, or non-governmental organization providing such telecommunication assistance acts in accordance with this Article and Articles 3 and 5; and
 - c. The application of this Article is not inconsistent with any other agreement between the requesting State Party and the State, governmental, inter-governmental, or non-governmental organization providing such telecommunication assistance.

The 'requesting state party' will be in control of the operation and so they are required to see to several needs of the helpers. For example that the people and their equipment can pass through the airport without being arrested and impounded for illegally 'importing' equipment without a licence (which does happen). They are also required to 'protect' the equipment and persons.

However in deploying the telecommunications assistance, they may use it only for the purpose of providing relief as specified when they asked for the help. Therefore you are not obliged to act as a private message service for the government or any other agency if you feel that what you are doing is not related to the disaster, (as sometimes happens to relief resources).

You still retain ownership of any equipment that is yours, at all stages of the operation. The requesting state party are obliged to make sure that it is returned to you at the end of the operation or at any time that you request. This means that you must thoroughly mark all of your equipment so that there can be no misunderstanding. Paint it your colours or paint your logo all

over it. Put your name and address and the international inventory number prominently somewhere on it. Clearly mark it as something like 'Humanitarian Assistance' or 'Disaster/Emergency equipment' so that it does not get swept into the store with the other commercial stuff at the airport and gather dust or worse for months.

These rules will apply to the property and personnel of any genuine helpers regardless of whether they have signed the convention or not, (or are eligible to sign this convention, for example NGO's), provided that they have not been asked to leave, or some special arrangement exists between the requesting state party and the helpers.

ARTICLE 5

Privileges, Immunities, and Facilities

1. The requesting State Party shall afford to persons, other than its nationals, and to organizations, other than those domiciled within its territory, who act pursuant to this Convention and who have been duly notified to, and accepted by, the requesting State Party, the necessary privileges, immunities, and facilities for the performance of their proper functions, including, but not limited to:

a. Immunity from arrest, detention, and legal process, including criminal, civil, and administrative jurisdiction of the requesting State Party, in respect of acts or omissions in the performance of their duties; and

b. Exemption from taxation, duties, or other charges, except for those which are normally incorporated in the price of goods or services, in respect of the performance of their duties.

2. The requesting State Party shall:

a. Afford the assisting State Party exemption from taxation, duties, or other charges on the equipment, materials, and other property brought into the territory of the requesting State Party by the assisting State Party for the purpose of providing telecommunication assistance under this Convention; and

b. Provide immunity from seizure, attachment, or requisition of such equipment, materials, and property.

3. The requesting State Party shall ensure the prompt return of such equipment, material, and property to the proper assisting State Party.

4. Nothing in this Article shall require any State Party to provide its nationals or permanent residents, or organizations domiciled within its territory, with privileges and immunities.

5. Without prejudice to their privileges and immunities in accordance with this Article, all persons entering the territory of a State Party for the purpose of providing telecommunication assistance or otherwise facilitating the use of telecommunication resources pursuant to this Convention, and all organizations providing telecommunication assistance or otherwise facilitating the use of telecommunication resources pursuant to this Convention, have a duty to respect the laws and regulations of that State Party. Such persons and organizations also shall have a duty not to interfere in the domestic affairs of the State Party into whose territory they have entered.

6. Nothing in this Article shall prejudice the rights and obligations with respect to privileges and immunities afforded to persons and organizations participating directly or indirectly in telecommunication assistance, pursuant to other international agreements (including the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on February 13, 1946, and the Convention on the Privileges and Immunities of the Specialized Agencies, adopted by the General Assembly on November 21, 1947), or the rules of customary international law.

7. This Article shall apply to any requesting State Party, in whose territory telecommunication assistance is provided for disaster mitigation and relief, irrespective of whether such assistance is provided by a State not a party to this Convention, governmental, inter-governmental, or non-governmental organization, provided that:

a. the requesting State Party has consented to, and has not terminated, such provision of telecommunication assistance for disaster mitigation and relief;

b. the State, governmental, inter-governmental, or non-governmental organization providing such telecommunication assistance acts in accordance with this Article and Articles 3 and 4; and

c. the application of this Article is not inconsistent with any other agreement between the requesting State Party and the State, governmental, inter-governmental, or non-governmental organization providing such telecommunication assistance.

Any host is obliged to take care of the invited guests, and this is also the case with this convention. Helpers must be immune from arrest, detention and legal processes connected with doing their job. However don't think that you are some kind of VIP with diplomatic immunity, this is not so. This provision only relates to the actual work functions. What you are doing, operating a telecommunications system without a licence and with equipment upon which no excise duty has been paid, is absolutely illegal! This provision is only to offer privileges to do what is necessary to do the job at hand, nothing more.

Para 5 reminds guests that they are obliged not to interfere with the internal matters of the requesting state party. This includes not even giving the impression that you are attempting to do so. Many come from states where free expression is normal. It is easy to pass the time by moaning and complaining about the government. In the west, many popular forms of entertainment have made an industry of it. However in some cultures, the host is expected to apologise for the kitchen, the guest must vigorously contradict and declare the food delicious, to do anything else would be a big faux pas.

It has happened that journalists and other agents take 'off the record' remarks out of context and this has caused big problems. Your hosts may be excited to meet such an exotic foreigner as you and ask questions out of curiosity, but you must avoid the temptation to put the world to rights, or tell officials "you know what is wrong with this, don't you? You should..."

ARTICLE 6

Termination of Assistance

1. The requesting State Party or the assisting State Party may, at any time, after appropriate consultations and by notification in writing, request the termination of telecommunication assistance received or provided under Article 3. Upon such a request, the States Parties involved shall consult with each other to provide for the proper and

expeditious conclusion of the assistance.

2. Any State Party requesting termination of telecommunication assistance shall notify the operational coordinator of such request. The operational coordinator shall provide such assistance as is requested and necessary to facilitate the conclusion of the telecommunication assistance.

Either the requesting state party or the assisting state party (or NGO) can decide when to go home. However it has to be done decently. There must be consultation and a written notification that the assistance is terminated. You must go home when the requesting state party says so, even if you disagree with them. If it is time to go, the operational co-ordinator and the requesting state party will help you to get your equipment and people back home. They should not abandon you to fend for yourself (which has happened to DRCF).

ARTICLE 7

Payment or Reimbursement of Costs or Fees

1. The States Parties may condition the provision of telecommunication assistance or other telecommunication resources for disaster mitigation and relief, upon agreement to pay or reimburse specified costs or fees.

2. Where such condition exists, the States Parties shall set forth in writing, prior to the provision of telecommunication assistance or other telecommunication resources:

a. The requirement for payment or reimbursement;

b. The amount of such payment or reimbursement or terms under which it shall be calculated; and

c. Any other terms, conditions, or restrictions applicable to such payment or reimbursement, including, but not limited to, the currency in which such payment or reimbursement shall be made.

3. The requirements of paragraphs 2(b) and 2(c) of this Article may be satisfied by reference to published tariffs, rates, or prices

4. In order that the negotiation of payment and reimbursement agreements does not unduly delay the provision of telecommunication assistance, the operational coordinator shall develop, in consultation with the States Parties, a model payment and reimbursement agreement that may provide a foundation for the negotiation of payment and reimbursement obligations under this Article.

5. No State Party shall be obligated to make payment or reimbursement of costs or fees under this Convention without having first expressed its consent to the terms provided by an assisting State Party pursuant to paragraph 2 of this Article.

6. Where the provision of telecommunication assistance or other telecommunication resources is properly conditioned upon payment or reimbursement of costs or fees under this Article, such payment or reimbursement shall be provided promptly after the assisting State Party has presented its request for payment or reimbursement.

7. Funds paid or reimbursed by a requesting State Party in association with the provision of telecommunication assistance shall be freely transferrable out of the jurisdiction of the requesting State Party and shall not be delayed or withheld.

8. A State Party properly entitled to receive payment or reimbursement of costs or fees associated with the provision of telecommunication assistance under this Article, may freely transfer such entitlement, unless such State Party has previously agreed otherwise.

9. In determining whether to condition the provision of telecommunication assistance or other telecommunication resources upon an agreement to pay or reimburse specified costs or fees, the amount of such costs or fees, and the terms, conditions, and restrictions associated with their payment or reimbursement, the States Parties shall take into account, among other relevant factors:

a. The nature of the disaster, natural hazard, or health hazard;

b. The impact, or potential impact, of the disaster;

c. The place of origin of the disaster;

d. The area affected, or potentially affected, by the disaster;

e. The occurrence of previous disasters and the likelihood of future disasters in the affected area;

f. The capacity of each State affected by the disaster, natural hazard, or health hazard to prepare for, or respond to, such event; and

g. The needs of developing countries.

This is a major sore point with small NGO's, who do not have the budgets to absorb even one telecommunications bill. The excitement of the field operations is soon replaced by a dreaded sword of Damocles hanging over your head upon return to base. There are lots of bad stories of heartbreak and severe stress about this.

In fact if you are going to ask for payment in any form for the services you expect to render, you must clearly say so in advance of providing any services. If you are confident (or have a sponsor who will underwrite the costs), you may not make pre-conditions to the offer of help. However if you do decide to set conditions, such as that all cost must be paid in full before the next monthly bill is due, then you should clearly state what the conditions are when you make your offer of help. However you may decide to make the condition on the basis of the tariffs in force at the time of the operation.

The last thing that anyone wants is to waste time haggling over bills when emergency help is needed at once. Accordingly the operational co-ordinator will develop model agreements so that you can just choose one 'off the shelf' that suits how your NGO operates. The requesting state party is then obliged to make sure that you can be paid promptly, by removing red tape delays.

The prospect of huge bills may cause some states to feel reluctant to have to find large sums for hi-tech communications that

they can ill afford, leading to the non-application of telecommunications resources. The assisting states (and NGO's) should bear that in mind when billing, and take into account factors that may indicate that help or part help is appropriate.

ARTICLE 8

Transit of Personnel, Equipment, Materials, and Information

Each State Party shall, at the request of any other State Party, facilitate the transit into, out of, and through its territory of personnel, equipment, materials, and information involved in the use of telecommunication resources for disaster mitigation and relief.

It often happens that you have to pass through one country to get to another, or that you have a stop off on the way. This article requests that the state party that you are transiting through, helps you get along as quickly and smoothly as possible. This includes all the effort needed to move the people as well as the equipment through the country.

ARTICLE 9

Telecommunication Resources Inventory

1. Each State Party shall maintain a current inventory identifying those resources which could be made available to facilitate the use of telecommunication resources for disaster mitigation and relief, including the provision of telecommunication assistance.

2. Such inventory may include, at the discretion of the State Party, resources available from governmental, non-governmental, and private organizations.

3. Each State Party shall endeavour to identify specifically those resources that are potentially available for the provision of telecommunication assistance and the cost and other terms, conditions, and restrictions, if any, associated with their provision.

4. Each State Party shall provide a copy of its inventory to the technical coordinator, and shall endeavour to revise that inventory as necessary.

5. The technical coordinator shall maintain copies of all telecommunication resources inventories received from States Parties, and shall expeditiously disseminate such inventories to the States Parties, to other States, and to governmental, inter-governmental, non-governmental, and private organizations with a legitimate interest in disaster preparedness and response, unless a State Party has previously specified, in writing, that distribution of its telecommunication resources inventory be restricted.

Before we can offer help with people and equipment, we obviously need to know who and what is available and where. therefore each state party and NGO needs to make an inventory, and importantly, keep it up to date. This information then needs to be passed along to the technical co-ordinator. Among information you should provide is what are the conditions and restrictions applying to the help, such as how long someone or something is available and what the cost will be of borrowing something. The technical co-ordinator will then pass along the information to anyone with a legitimate interest in disaster communications, (unless you say not).

ARTICLE 10

Telecommunication Assistance Action Plan

1. Each State Party shall endeavour to create a telecommunication assistance action plan that identifies and coordinates those steps necessary to deploy the telecommunication resources identified on that State Party's telecommunication resources inventory upon receipt and acceptance of a request for telecommunication assistance from a requesting State Party.

2. Each State Party shall provide a copy of its action plan to the technical coordinator, and shall endeavour to revise that plan as necessary.

3. The technical coordinator shall maintain copies of all telecommunication assistance action plans received from States Parties, and shall expeditiously disseminate such action plans to the States Parties, to other States, and to governmental, inter-governmental, non-governmental, and private organizations with a legitimate interest in disaster preparedness and response, unless a State Party has previously specified, in writing, that distribution of its telecommunication assistance action plan is be restricted.

Having equipment in store somewhere is no good at all unless we know who has the key and how to get it to the airport. Therefore state parties and NGOs must also file an action plan with the technical co-ordinator specifying how to deploy the men and equipment quickly. I find that this is the kind of thing that changes most rapidly, so again it is important to keep this revised regularly.

ARTICLE 11

Regulatory Barriers

1. The States Parties shall, where possible, reduce, or remove regulatory barriers to the use of telecommunication resources for disaster mitigation and relief, including to the provision of telecommunication assistance.

2. Regulatory barriers may include, but are not limited to:

- a. Regulations restricting the import or export of telecommunication equipment;
- b. Regulations restricting the use of telecommunication equipment or of radio frequency spectrum;
- c. Regulations restricting the movement of personnel who operate telecommunication equipment or who are essential to its effective use;
- d. Regulations restricting the transit of telecommunication resources into, out of, and through the territory of a State Party; and
- e. Delays in the administration of such regulations.

3. Reduction of regulatory barriers may take the form of, but shall not be limited to:

- a. Revising regulations;
- b. Exempting specified telecommunication resources from the application of those regulations during the use of such resources for disaster mitigation and relief;
- c. Pre-clearance of telecommunication resources for use in disaster mitigation and relief, in compliance with those regulations;
- d. Expedited review of telecommunication resources for use in disaster mitigation and relief, in compliance with those regulations; and

e. Temporary waiver of those regulations for the use of telecommunication resources for disaster mitigation and relief.

4. Each State Party shall notify the technical coordinator and the other States Parties, directly or through the technical coordinator, of:

a. Measures taken, pursuant to this Convention, for reducing or removing such regulatory barriers:

b. Procedures available, pursuant to this Convention, to States Parties, States, and/or governmental, inter-governmental, non-governmental, and private organizations, for the exemption of specified telecommunication resources used for disaster mitigation and relief from the application of such regulations, pre-clearance or expedited review of such resources in compliance with applicable regulations, or temporary waiver of such regulations otherwise applicable to such resources; and

c. The terms, conditions, and restrictions, if any, associated with the use of such procedures.

5. The technical coordinator shall regularly and expeditiously make available to the States Parties, to other States, and to governmental, inter-governmental, non-governmental, and private organizations with a legitimate interest in disaster preparedness and response, an up-to-date listing of such measures, their scope, and the terms, conditions, and restrictions, if any, associated with their use.

You may think that when they hear of a huge disaster affecting millions of lives, authorities would be eager to rush through any help that would speed along assistance but not so. In fact when an emergency communicator arrives at the airport in the requesting state, he will be met by immigration, and customs officials who work to strict orders from their government. These are toughened people and are quite used to hearing all sorts of 'stories' from professional 'travellers', the more wild your story, the less they will believe you. (they are usually quite right!).

These men will not risk their careers by exceeding their authority, so they will insist on the letter of the law, and finding that you have no licence to import the equipment, will impound the equipment. They may also detain you (without air conditioning) for importing equipment illegally and for trying to set up an illegal telecommunications network without a permit.

Even if you 'smuggle' the equipment in some how, If you are caught using, for example, VHF radio, without having a licence for the frequency you are using, you will get into very big trouble. In many states you need to have clearance from the security services at the very highest level in order just to be in possession of a radio transmitter. You may be accused of spying, misjudging this matter will put you in severe distress.

The purpose of article 11 is to urge states to reduce or remove these barriers. In other words to make it possible for customs and immigration to let you pass without breaking any local laws. It is worth saying that international law does not apply in this kind of case, only national law does, so no matter what the officials of the requesting state order you to do or not do, you must comply (if you agree or not).

ARTICLE 12

Competent Authorities and Points of Contact

1. Each State Party shall notify the technical coordinator of its competent authorities and point(s) of contact responsible for complying with the terms of this Convention and authorized to request, offer, accept, and terminate telecommunication assistance.

2. Each State Party shall promptly inform the technical coordinator of any changes in the competent authorities and point(s) of contact provided pursuant to paragraph 1 of this Article.

3. The technical coordinator shall regularly and expeditiously make available to the States Parties, to other States, and to governmental, inter-governmental, non-governmental, and private organizations with a legitimate interest in disaster preparedness and response, an up-to-date listing of all States Parties' competent authorities and point(s) of contact under this Convention.

In order that the operational co-ordinator and technical co-ordinator know that they are working with people in the requesting state who understand what to do and how, each state party must say who the contact people are in their state, and keep this up to date. The technical co-ordinator will have to keep this information up to date and pass it on to everyone.

ARTICLE 13

Relationship to Other International Agreements

This Convention shall not affect the rights and obligations of States Parties under existing international agreements, future international agreements concluded in accordance with the object and purpose of this Convention, or the rules of customary international law.

This convention does not overrule or replace any existing international bilateral or multilateral agreement.

ARTICLE 14

Dispute Settlement

1. In the event of a dispute between States Parties concerning the interpretation or application of this Convention, the States Parties to the dispute shall consult for the purpose of settling the dispute by any peaceful means acceptable to them. Such consultation shall begin promptly upon the written declaration, delivered by one State Party to another State Party, of the existence of a dispute under this Convention. The State Party making such a written declaration of the existence of a dispute shall promptly deliver a copy of such declaration to the depositary.

2. If a dispute between States Parties cannot be settled within [six months] of the date of delivery of the written declaration to a State Party to the dispute, the States Parties to the dispute may request any other State Party or organization to use its good offices to facilitate settlement of the dispute.

3. If neither State Party seeks the good offices of another State Party, State, or organization, or if the exercise of good offices fails to facilitate a settlement of the dispute within [six months] of the request for such good offices being made, then either State Party to the dispute may:

a. Request that the dispute be submitted to binding arbitration; or

b. Submit the dispute to the International Court of Justice for decision, provided that both States Parties to the dispute are subject

to the jurisdiction of the International Court of Justice.

4. In the event that the respective States Parties to the dispute request that the dispute be submitted to binding arbitration and submit the dispute to the International Court of Justice for decision, the submission to the International Court of Justice shall have priority.

In the case of disagreement between state parties, the two parties may resolve their argument peacefully by various means, ranging from arbitration to the international court of justice.

ARTICLE 15

Entry Into Force

1. This Convention shall be open for signature by all States at the offices of the depositary, beginning [date].
2. A State may express its consent to be bound by this Convention by signature, by signature made subject to ratification, acceptance, or approval, by deposit of an instrument of ratification, or by deposit of an instrument of accession.
3. The Convention shall enter into force thirty days after consent to be bound has been expressed by [six] States.
4. For each State expressing consent to be bound by this Convention after its entry into force, this Convention shall enter into force for such State thirty days after the date of expression of consent.

The convention is really only 'live' if six or more state parties sign up for it. Then it becomes binding on the state that has signed up thirty days after the signing. The number of state parties that trigger the convention coming into effect is still being debated. Six seems a likely compromise.

ARTICLE 16

Provisional Application

A State may, upon signature or at any later date before this Convention enters into force for such State, declare that it will apply this Convention provisionally.

ARTICLE 17

Amendments

1. A State Party may propose amendments to this Convention by submitting such amendments to the depositary, who shall circulate them to the other States Parties.
2. Any amendment approved by two-thirds of all States Parties shall be laid down in a protocol which is open for signature at the depositary by all States Parties.
3. The protocol shall enter into force thirty days after [six] States Parties have indicated their consent to be bound thereby. For each State Party expressing consent to be bound by the protocol after its entry into force, the protocol shall enter into force for that State Party thirty days after the date of expression of consent.
4. Upon the motion of any State Party and with the approval of a majority of States Parties, a conference shall be convened to review the operation of this Convention and to evaluate the need for modifications or amendments hereto. Such conferences shall begin not sooner than thirty days after the invitations are issued. Amendments recommended at such conferences shall be considered for adoption in accordance with paragraphs 2 and 3 of this Article.

A state party can propose an amendment and then leave the amendment open for discussion. The amendment can be a new idea to speed things up, or perhaps more ifs and buts that could slow things down. In any case, if the amendment has the support of two thirds of the states, then it can become a formal 'protocol' defining some new understanding. Once more than six states have signed the protocol, it becomes binding to them thirty days later.

At any time, any state party can call for a conference reviewing the operation of the convention and this will be called if the majority of the states agree. The conference must then take place thirty days after the invitations have been issued.

ARTICLE 18

Reservations

1. When signing, accepting, ratifying, approving, or acceding to this Convention or any amendment hereto, a State Party may make reservations to paragraph 6 of Article 4, to paragraphs 1, 2, and 7 of Article 5, and to Article 14.

2. A State Party may at any time withdraw its prior reservation by written notification to the depositary. Such withdrawal of a reservation becomes effective immediately upon notification to the depositary.

If any state party signing up has second thoughts about certain parts of the convention, those mentioned in the draft, they can say so when they sign, but if they change their minds and decide to go the whole hog after all, they can notify the depositary, (the people who keep the convention and administer it). Actually state parties can only reserve against certain specific provision (primarily those dealing with sovereignty and the extension of the convention to non-states). The rest of the convention is take-it-or-leave-it.

ARTICLE 19

Denunciation

1. A State Party may denounce this Convention by written notification to the depositary.
2. Denunciation shall take effect thirty days following the date on which the notification is received by the depositary.
3. All copies of the telecommunication resources inventory, telecommunication assistance action plan, and list of measures adopted and procedures available for reducing regulatory measures provided by any State Party denouncing this Convention shall be deleted by the effective date of such denunciation.

A state party may decide to pull out of the agreement at any time by notifying the depositary. If so they have to delete the information about resources and people that they gained while they were signatories.

ARTICLE 20

Depositary

1. The Secretary-General of the [to be decided] shall be the depositary of this Convention.
2. [Upon its being opened for signature, the depositary shall forward a copy of this Convention to the Secretary-General of the United Nations.]

3. The depositary shall promptly notify the States Parties, all other States[[], and the Secretary-General of the United Nations] of:

- a. Each signatory of this Convention and of any protocol or amendment thereof;
- b. Each deposit of an instrument of ratification, acceptance, approval, or accession concerning this Convention and any protocol or amendment thereof;
- c. Any declaration of provisional application of this Convention in accordance with Article 16;
- d. Any reservation to this Convention notified to the depositary in accordance with Article 18;
- e. The entry into force of this Convention and of any protocol or amendment thereof; and
- f. Any denunciation of this Convention made under Article 19.

Someone has to be responsible for holding the 'master' copy of the convention, and knowing who has signed and who has not. They also let everyone know who is in and who is out of the 'club'. It is not yet decided who this will be at the time of writing. However, usually the UN secretary general is the depositary of agreements like this, but that is being discussed.

ARTICLE 21

Operational Coordinator

1. The [to be decided] shall be the operational coordinator for this Convention.
2. The operational coordinator shall cooperate closely with the technical coordinator in carrying out its responsibilities under this Convention.

ARTICLE 22

Technical Coordinator

1. The [to be decided] shall be the technical coordinator for this Convention.
2. The technical coordinator shall cooperate closely with the operational coordinator in carrying out its responsibilities under this Convention.

It is not yet decided who the Operational coordinator and the technical coordinator will be at time of writing, but the point is clear that these two must work closely together. It is suggested that the operational coordinator should be the UN Department of Humanitarian Affairs (DHA) and the technical coordinator should be the International Telecommunications Union (ITU). Both are based in Geneva, Switzerland and are within walking distance, so the two staffs could regularly lunch together, (which is a very good thing).

ARTICLE 23

Authentic Texts and Certified Copies

The original of this Convention, of which the Arabic, Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the depositary, who shall send certified copies to the States Parties and to all other States.

The depositary will keep master copies in various languages but each copy is equally valid as a master regardless of the language that it is in. The depositary then circulates copies of the master to the interested states.

5.20 Summary and remarks

I think that this is a most admirable convention, and it will go a long way to making sense of the problems of disaster communications, at last! However the road will probably not be smooth and many struggles could lie ahead. It is certainly in the interest of NGOs to support this work and co-operate fully with the convention. We should all take an active interest in promoting it, and in particular, interesting state parties to sign up for it. It is also going to be important for everyone to keep the operational co-ordinator informed as to how the arrangements are working out in the field, so that the convention can be fine tuned to avoid problems.

⁶³*In some countries 'radio' is synonymous with 'spy', so possession of one without clearance from the state security services will get you in to a lot of trouble.*

⁶⁴*Disaster teams must be on the scene no later than 24HRS after first alert, including callout and travel time. Therefore there may be only a few hours to arrange for paperwork to be in order.*

⁶⁵*The declaration is now annexed to WTDC Nr7*