

DEPARTMENT OF HUMANITARIAN AFFAIRS
DHA-GENEVA

**Recommended measures
in
international transport
which can facilitate
delivery of international emergency
humanitarian assistance**

(Information paper)



UNITED NATIONS

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DHA - Geneva

**RECOMMENDED MEASURES
IN INTERNATIONAL TRANSPORT
WHICH CAN
FACILITATE DELIVERY OF INTERNATIONAL
EMERGENCY HUMANITARIAN ASSISTANCE**

Background

At the present time the world is facing, on the one hand, a massive increase in the number of natural and complex disasters and, on the other, growing limitations on the amount of financial and material resources which donor countries and organizations can devote to emergency humanitarian assistance. Under these circumstances the need to use existing disaster relief capacities, in particular emergency stockpiles and specialized teams, for international assistance in the most effective way has become imperative, and is recognized by the United Nations and the international community.

The United Nations General Assembly has adopted resolutions 46/182 and 47/168 which set out guiding principles for humanitarian assistance to be provided by the United Nations and recommend specific measures to strengthen further and make more effective the collective efforts of the international community, in particular the United Nations system, in providing such assistance in cases of disaster and emergency situations.

In compliance with these resolutions the Geneva Office of the United Nations Department of Humanitarian Affairs (DHA-Geneva) has conducted a number of meetings and consultations with interested national and international organizations, during which various proposals were considered and measures recommended for the arrangements between the United Nations and interested Governments and intergovernmental and non-governmental organizations to ensure more expeditious access to and delivery of international emergency humanitarian assistance.

In particular, the Workshop for Organizations Operating Stockpiles of Disaster Relief Items Available for International Assistance and/or Involved in Disaster Relief Operations was held at the Palais des Nations, Geneva, Switzerland, on 4-5 March 1993. It was attended by 34 delegates representing Governments or governmental organizations of ten countries, six United Nations agencies, one inter-governmental and four non-governmental organizations.



During the discussions it was mentioned that recommendations for providing transportation on favourable conditions for humanitarian purposes had already been adopted by the International Air Transport Association (IATA) in its Resolution 788 and by some other carrier federations. However, many humanitarian organizations had only sketchy information on these recommendations. Therefore the meeting considered that, as a first step, DHA-Geneva should approach international federations of carriers and forwarders with a view to discovering what recommendations (rules, regulations, etc.) already existed concerning delivery of humanitarian assistance on favourable terms and conditions.

Following this, DHA-Geneva contacted the Central Office for

International Railway Transport (OCTI), Comité International des Transports Ferroviaires (CIT), International Air Transport Association (IATA), International Association of Dry Cargo Shipowners (INTERCARGO), International Chamber of Shipping (ICS), International Civil Aviation Organization (ICAO), International Express Carriers Conference (IECC), International Federation of Freight Forwarders Associations (FIATA), International Maritime Organization (IMO), International Road Transport Union (IRU), International Union of Railways (UIC) and the United Nations Economic Commission for Europe (UN/ECE).

The replies received by DHA-Geneva served as a basis for the preparation of this information paper.

Existing recommended measures

According to the information provided by the respondents to DHA-Geneva, four organizations, namely CIT, IATA, ICAO and IMO, have included in their international documents special provisions which are intended or can be applied to facilitate the transborder movement of disaster relief items and of disaster management teams and equipment

by air, sea or rail. There are no such provisions in road transport conventions. However, the TIR Convention of 1975, aimed at reducing the time spent on transportation of goods in international trade, may also offer certain advantages to the movement of disaster relief items.



AIR TRANSPORT

International Civil Aviation Organization (ICAO)

A specialized UN Agency which creates standards and recommendations at the international governmental level for the world's civil aviation

Chapter 8 "Other facilitation provisions" of Annex 9 "Facilitation" to the **Convention on International Civil Aviation, 1944** contains, in particular, the following provisions:

.....

C. Relief Flights Following Natural and Man-made Disasters Which Seriously Endanger Human Health or the Environment and Similar Emergency Situations Where United Nations (UN) Assistance is Required

- 8.8 Contracting States shall facilitate the entry into, departure from and transit through their territories of aircraft engaged in relief flights performed by or on behalf of international organizations recognized by the UN or by or on behalf of States themselves and shall take all possible measures to ensure their safe operation. Such relief flights are those undertaken in response to natural and man-made disasters which seriously endanger human health or the environment, as well as similar emergency situations where UN assistance is required. Such flights shall be commenced after obtaining agreement with the recipient State as quickly as possible.
- 8.9 Contracting States shall ensure that personnel and articles arriving on relief flights referred to in 8.8 are cleared without delay.

Note. - With respect to the application of measures to ensure the safe operation of relief flights attention is drawn to Annex II - Air Traffic Services (paragraphs 2 15 and 2 16), the Manual concerning Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations (Doc 9554) and the Manual concerning Interception of Civil Aircraft (Doc 9433).

The provisions of the Convention are considered to be Standards which Contracting States are obliged to comply with. They have an obligation to notify ICAO if they are unable to follow certain Standards and to provide ICAO with details of any consequent differences in States' practices and procedures.



All responses received by ICAO so far have indicated that all Contracting States are in compliance with the provisions concerned.

International Air Transport Association (IATA)

A voluntary non-exclusive non-governmental world trade organization of scheduled airlines whose operational task is to ensure that the aircraft, used to carry the world's passengers and goods, are able to operate with maximum safety and efficiency under clearly defined and universally understood regulations. It functions also as the international air transport industry's link with governments (directly and/or through ICAO), many third parties involved in the industry, and the public.

Resolution 788 "Free and reduced fare or rate transportation", which regulates the number of cases in which an air carrier may grant free or reduced fare or rate transportation on revenue earning flights, and which is binding upon all Members of the Passenger and Cargo Agency and Services Conferences, contains the following provisions:

"

2. A Member may issue a pass for transportation over its own lines or over the lines of another Member if so authorized by the other Member for:

.

2.2 any person or supplies to provide relief in case of general epidemic, disaster or other calamitous visitation but not transportation to or from zones of military operation:

.

5. Nothing herein shall be construed as requiring a Member to offer free or reduced fare or rate transportation.

."

Like all IATA's resolutions and regulations, Resolution 788 was submitted to the governments concerned for consideration before adoption. None of the governments voiced an objection to the resolution. Eleven governments communicated their reservations concerning the application of the entire resolution or of certain provisions therein. However, only one government (Canada) made reservations which make reference *inter alia* to the provisions in question.

Canada has stated that "nothing in said Resolution or acceptance thereof shall be construed as limiting in any way the statutory power and duty of the National Transportation Agency of Canada to approve the issue of any and all free and reduced rate transportation by air carriers".



SEA TRANSPORT

International Maritime Organization (IMO)

A specialized agency of the United Nations whose principal objectives are the improvement of safety at sea and the prevention of pollution from ships. It also deals with international aspects of liability and compensation and the facilitation of maritime traffic.

The Convention on Facilitation of International Maritime Traffic (FAL), 1965 contains the following provisions under the heading "Emergency Assistance":

"

5.11 Standard

Public authorities shall facilitate the arrival and departure of ships engaged in disaster relief work, the combating or prevention of marine pollution, or other emergency operations necessary to ensure maritime safety, the safety of the population of the maritime environment.

5.12 Standard

Public authorities shall, to the greatest extent possible, facilitate the entry and clearance of persons, cargo, material and equipment required to deal with the situations described in Standard 5.11.

."

RAIL TRANSPORT

Intergovernmental Organization for International Carriage by Rail (OTIF)

Constituted by the Contracting Parties (Member States) to the Convention Concerning International Carriage by Rail (COTIF) of 9 May 1980 with the aim of establishing a uniform system of law applicable to the carriage of passengers, luggage and goods in international through traffic by rail between Member States, and to facilitate the application and development of this system.

The "Uniform Rules concerning the Contract for International Carriage of Passengers and Luggage by Rail (CIV)", forming Appendix A to COTIF, contain the following provisions in paragraph 3 of Article 5 "Tariffs. Private agreements":

"Railways may enter into private agreements for reduced fares or charges or other concessions, provided that comparable conditions are afforded to passengers in comparable circumstances



Reductions in fares or charges or other concessions may be granted for the purpose of the railway or public services, or for charitable, educational or instructional purposes.

Publication of the measures taken under the first and second subparagraphs shall not be compulsory."

The "Uniform Rules concerning the Contract for International Carriage of Goods by Rail (CIM)", forming Appendix B to COTIF, contain the following provisions in paragraph 4 of Article 6 "Tariffs. Private agreements":

"Railways may enter into private agreements for reduced charges or other concessions, provided that comparable conditions are afforded to users in comparable circumstances.

Reductions in charges or other concessions may be granted for the purpose of the railway or public services, or for charitable purposes

Publication of the measures taken under the first and second subparagraphs shall not be compulsory."

The CIV and CIM Uniform Rules, including their Annexes, constitute an integral part of the Convention Concerning International Carriage by Rail (COTIF) of 9 May 1980

According to paragraph 2 in Article 2 of the Convention, the system of law provided for in it, including the provisions cited above, may also be applied to international through traffic using in addition to services on railway lines, land and sea services and inland waterways.

ROAD TRANSPORT

There is no international instrument concerning international road transport which would contain provisions similar to those described above for air, sea and rail transport.

However, while considering shipment of disaster relief items by road, one should be aware of the existence of the **TIR Convention of 1975** elaborated under the auspices of the **United Nations Economic Commission for Europe**. The Contracting Parties to this Convention are Member States.

This convention provides for a Customs transit system which minimises Customs control procedures at frontiers during exit, transit and entry. Consequently, it reduces delays in transit and enables significant economies to be made in transport costs when goods are carried by an operator under the TIR System.



As of 24 September 1994, the TIR Convention of 1975 has 56 Contracting Parties, including the European Economic Community (see Annex). It covers the European region entirely, reaching also to North Africa and the Near and Middle East. In Americas, the United States of America and Canada in the North, and Chile and Uruguay in the South, are Contracting Parties.

Currently work is under way to develop a TIR or similar system in Latin America between Argentina, Brazil, Chile and Uruguay. A number of countries in Western and Central Africa are also considering the establishment of a TIR system adjusted to their specific needs. The multimodal TIR carnet might also soon be used for container transport between North America and Europe and between Europe and Japan.

Application environment

The conventions described above provide a legal structure for the application of certain rules and procedures described in them, including the provisions concerning delivery of international humanitarian assistance.

The provisions addressed to the public authorities (e.g. ICAO or IMO conventions) are considered to be Standards which Contracting States are obliged to comply with. However the modalities of their application are a prerogative of these States and may substantially differ from country to country and even from place to place in the same country.

The provisions addressed to the carriers, and allowing them to grant free or reduced fare or rate transportation for relief shipments, are not obligatory

Therefore, as a matter of preparedness, it would be advisable to check beforehand with prospective authorities and/or carrier(s) to what extent and in which form they would be willing to apply the provisions, referred to above in the document, when the need arises.

DHA-Geneva would be ready to assist a relief actor in this exercise as required.

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ANNEX

CONTRACTING PARTIES TO THE TIR CONVENTION, 1975**(as of 24 September 1994)**

Afghanistan	Italy
Albania	Jordan
Algeria	Kuwait
Armenia	Latvia
Austria	Lithuania
Belarus	Luxembourg
Belgium	Malta
Bosnia and Herzegovina	Moldova
Bulgaria	Morocco
Canada	Netherlands
Chile	Norway
Croatia	Poland
Cyprus	Portugal
Czech Republic	Republic of Korea
Denmark	Romania
Estonia	Russian Federation
Finland	Slovakia
France	Slovenia
Former Yugoslav Republic of Macedonia	Spain
Georgia	Sweden
Germany	Switzerland
Greece	Tunisia
Hungary	Turkey
Indonesia	United Kingdom
Iran (Islamic Republic of)	United States of America
Ireland	Uruguay
Israel	Yugoslavia
European Economic Community	