

UNITED NATIONS

DHA-GENEVA

PROJECT DPR 213/3 MCDA

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

May 1994



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## **ABBREVIATIONS**

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

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

## **Definitions**

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

### **International disaster relief assistance**

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

### **Assisting State or organization**

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

### **Receiving State**

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

### **Transit State**

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

### **Military and civil defence assets**

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

### **Relief personnel**

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

### **Relief supplies**

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

### **Relief services**

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

# PART I - DHA AND THE MCDA PROJECT

## A. DHA

1. General Assembly resolution 46/182 adopted in 1991, on the strengthening of the coordination of humanitarian assistance of the United Nations, set out the basic principles for humanitarian assistance to be provided by the Organization and its Member States, and recommended specific measures to ensure a prompt and coordinated response to major crises and complex emergencies, as well as natural and technological disasters.

2. In accordance with General Assembly resolution 46/182, the Secretary-General established a new Department of Humanitarian Affairs (DHA) in April 1992, which has, *inter-alia*, the responsibility for providing leadership and coordination for a rapid and well-coordinated response to major emergencies, to save lives and contribute to rehabilitation and development for the affected populations. DHA, the legal successor of UNDRO, incorporates the International Decade for National Disaster Reduction (IDNDR), as well as former emergency units for Africa, Iraq, South-East Asia, Afghanistan and Chernobyl.

3. DHA operates in the grey zone where security, political and humanitarian concerns converge. Policy coordination and planning and early warning functions are performed in New York, where DHA works closely with the deliberative organs of the United Nations Secretariat. DHA-Geneva, on the other hand, acts as the focal point for emergency operational support and relief coordination, as well as for disaster prevention and mitigation. The Relief Coordination Branch (RCB) of DHA-Geneva continues to handle the response to all sudden onset disasters within the United Nations system.

## B. DHA - Disaster Relief Coordination

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

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

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

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

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

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

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

### **Introduction**

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

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

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

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

### **Background**

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



## **The Brussels Workshop**

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

## **The Standing Coordinating Group**

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

## **The Oslo International Conference**

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

## **MCDA capabilities**

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

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

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

- (a) Air, land and sea survey and assessment to ascertain the extent of casualties and damage;
- (b) Reconnaissance in the disaster zone and of the routes within and leading towards it;
- (c) Organized and mobile manpower (directly employed and/or seconded to DHA Relief Coordination Branch) to assist in search, rescue, evacuation, coordination and provision of relief services (e.g. medical aid, water, logistics, food and shelter);
- (d) Engineering;
- (e) Communications facilities/expertise;
- (f) Ground logistics support (land),
- (g) Medical support to civilian services;
- (h) Helicopters and aircraft for airlift/airdrop missions;
- (i) Provision by naval resources, for coordination, transport support, medical assistance, power, engineering, water purification and feeding facilities;
- (j) Nuclear, biological and chemical contamination and environmental emergencies;
- (k) Explosive ordnance disposal, removal and deactivation.

## **PART II - PRINCIPLES AND CONDITIONS**

### **A. General principles**

#### **Aim**

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

#### **Complementarity**

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

#### **Scope**

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

#### **Non-binding nature of the Oslo Guidelines**

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

#### **Assumptions**

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

## **Responsibility and management**

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

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

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

## **Costing and funding**

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

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

## **Identification and security**

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

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

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

## **Legal status**

30. On the basis of Article 105 of the Charter of the United Nations, MCDA personnel, alerted, mobilized and deployed at the request of DHA and coordinating its activities with UNDAC and OSOCC, may be granted the status of experts on mission for the United Nations according to article VI of the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly on 13 February 1946.<sup>3</sup>

## **Facilitation measures**

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

## **MCDA - a dynamic process**

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

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

## B. Tasks of States

### Introduction

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

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

TASKS OF STATES	
ASSISTING AND TRANSIT STATES	DISASTER-PRONE STATES
<p align="center"><b>Contingency plans</b></p>	
<p>36. In order to deploy its MCDA in IDRA, the responsible institutions of the Assisting State are to prepare comprehensive emergency contingency plans addressing all functional disciplines of disaster management, including inter-ministerial financial arrangements, if necessary.</p>	<p>37. The competent authorities of the disaster-prone State should prepare comprehensive emergency contingency plans to facilitate, <i>inter alia</i>, the delivery of relief assistance from foreign MCDA teams. These plans should address all functional aspects related to the establishment of a local emergency management agency and the use of foreign MCDA.</p>
<p align="center"><b>Declaration of competent authority</b></p>	
<p>38. All States should identify a single national focal point to be responsible for all aspects of disaster relief missions.</p>	
<p align="center"><b>Training of personnel</b></p>	
<p>39. All States should provide adequate training to their military and civil defence personnel to be employed in IDRA</p>	

TASKS OF STATES	
ASSISTING AND TRANSIT STATES	DISASTER-PRONE STATES
<b>Preparedness phase (internationally)</b>	
<p style="text-align: center;"><b>Standardization<sup>4</sup></b></p> <p>40. A standardized movement certificate(s), recognized and accepted by all Assisting, Transit and Receiving States, should be adopted to facilitate the speedy deployment of personnel, equipment and goods.</p>	
<p style="text-align: center;"><b>Development of national disaster response capacities</b></p> <p>41. Assisting States and Disaster-prone States should cooperate in an effort to develop the latter's national disaster response capacities.</p>	
<p style="text-align: center;"><b>International standards</b></p> <p>42. States should apply existing international standards appropriate to disaster relief operations (e.g. speedy delivery of relief supplies or marking of relief goods)</p>	
<p style="text-align: center;"><b>Simplification and notification of rules relevant for transit</b></p> <p>43. States should do their utmost to facilitate the transit of MCDA in IDRA as necessary through simplification of national regulations for overflight, customs, etc and should notify concerned States and DHA accordingly.</p>	

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



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

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

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

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

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

## **PART III - FRAMEWORK AND PROCEDURES**

### **A. Legal background**

#### **Overview**

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

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

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

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

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

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

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

#### **Bilateral assistance - suggested legal model**

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

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

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

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

### **Legal framework of MCDA operations within the DHA field coordination mechanism**

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

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

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

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

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

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

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<sup>6</sup> See footnote 3 above

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

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

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

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

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

## **B. Key procedures and mechanisms**

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

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

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<sup>7</sup> See footnote 2 above.

## **Need for and levels of coordination**

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

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

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

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

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

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



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

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

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

## **Management**

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

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

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

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

### **DHA database**

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

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

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

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

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

### **Funding**

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

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

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

## **Training**

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

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

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

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

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

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