

THE TAMPERE CONVENTION on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations[1]

Guidelines for Accession to the Convention

The Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations was adopted by the Intergovernmental Conference on Emergency Telecommunications (ICET-98), Tampere, Finland, 1998. Sixty States signed[2] the Convention on 18 June 1998 or during the subsequent period of 5 years, and, with the ratification of such signatures or by direct accession by 30 States, the Tampere Convention entered into force on 8 January 2005.

While the Tampere Convention covers the activities of all partners in international disaster mitigation and response, international and national institutions and organizations as well as non-governmental organizations and private sector entities, the Convention is open for accession and approval only by States member of the United Nations or its specialized agencies. Recent developments underlined once more the need for un-hindered application of all available means of telecommunication in the service of disaster preparedness, early warning and response, and today the accession of the largest possible number of States potentially requiring international humanitarian assistance as well as of all the States providing such assistance is more vital than ever before.

The delay of more than 5 years from adoption to entry into force of the treaty was mostly caused by the often time consuming national processes of implementing its content into national legislation.

Considerations in respect to a possible conflict between a State's obligations under the Convention and its membership in an international body such as a regional organization have in some cases led to a delay in such a State joining the Convention. While article 10 of the Convention stipulates that rights and obligations of States Parties deriving from other international agreements or international law shall not be affected by the Convention, several States have in addition made use of the provisions of article 14 by making a respective reservation[3]. The same applies for declarations in the sense of article 11, paragraph 6, by which a State may declare that it does not consider itself bound by either or both of the dispute settlement procedure provided for in paragraph 3 of this article[4].

The principles of the Convention are being applied also by many States not yet parties to the treaty, mostly by reference in cases where telecommunications are to be included in bilateral or multilateral agreements governing the provision of disaster relief and humanitarian assistance. The entry into force of the Tampere Convention on 8 January 2005 ensures a further facilitation and acceleration in providing the regulatory framework necessary for timely assistance. The United Nations Economic and Social Council (ECOSOC) as well as other international and intergovernmental fora have repeatedly urged States to take the necessary action for accession and for incorporation of the principles of the Convention into their national legislation.

Proper full powers are required for the deposition of an instrument of accession to a treaty deposited with the Secretary-General of the United Nations except if such deposition is done by a Head of State or Government, or Ministers of Foreign Affairs[5]. Further information on depositary matters is available from The United Nations Treaty Section[6]. Information on operational matters such as application and implementation of the Convention is available from the office of the Operational Coordinator for the Convention[7].

The main Implications for States Party to the Convention

Depending on applicable national legislation, the accession to an international treaty may require consultations with and/or approval by various legislative and executive bodies. The same applies to an adjustment of national laws, rules and regulations, which might be necessary to comply with the substantive articles of the treaty. In the course of these procedures the following aspects might deserve special consideration:

The Convention has the purpose to expedite and facilitate the use of emergency telecommunications within the framework of international humanitarian assistance. Such telecommunication assistance can be provided as a direct assistance, provided to national institutions and / or a location or region affected by a disaster, and / or as part or in support of other disaster mitigation and relief activities.

The Convention defines the status of the personnel of the various partners in international humanitarian assistance, including that of government entities, international organizations, non-governmental organizations and other non-state entities, and defines their privileges and immunities.

The Convention fully protects the interests of the States requesting and receiving assistance. The host government retains the right to supervise the assistance.

The Convention foresees the establishment of bilateral agreements between the provider(s) of assistance and the State requesting/receiving such assistance. Standard frameworks for such agreements will be developed by the WGET. To avoid delay in the delivery of assistance, "best practices" will be codified into common implementing language and made available to all States and partners in international disaster mitigation and relief operations.

* * *

F/HB9AQS
06JAN05

[1] The full text of the Convention in the six official languages of the United Nations is available for free download at <http://www.reliefweb.int/telecoms/tampere>

[2] Signature subject to subsequent ratification pursuant to Article 12, paragraph 1 of the Convention.

[3] After consideration of the matter by the respective legal services, some Member States of the European Union have recently made such a reservation, using the following or a similar text: "In connection with [country]'s ratification of the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations ("the Convention"), [country] declares that to the extent to which certain provisions of the Convention fall under the responsibility of the European Community, the full implementation of the Convention by [country] has to be done in accordance with the procedures of this international Organization."

[4] In one case such a declaration was made with the following text: "[country] makes a specific reservation to paragraph 3 of article 11. It therefore does not consider itself bound by arbitration as a means of dispute settlement, nor does it recognize the binding jurisdiction of the International Court of Justice."

[5] The following text can serve as a sample for a ratification: "I [name and title of Head of State or Government or Minister of Foreign Affairs] hereby authorize [name and title] to ratify the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations on behalf of the Government of [country]. Done at [place] on [date], [signature]"

[6] United Nations, Office of Legal Affairs (OLA), Treaty Section, New York NY 10017, phone +1 212 963-3918/5047, Fax +1 212 963-3693, e-mail treaty@un.org

[7] The respective activities are being implemented in the United Nations, Office for the Coordination of Humanitarian Affairs (OCHA), ICT Section, CH-1211 Geneva, phone +41 22 917-2184, Fax +41 212 917-0440, e-mail wget-secretariat@un.org.