

No. 29123

**SPAIN
and
ARGENTINA**

**Agreement on cooperation on disaster preparedness and prevention, and mutual assistance in the event of disasters.
Signed at Madrid on 3 June 1988**

Authentic text: Spanish.

Registered by Spain on 15 September 1992.

**ESPAGNE
et
ARGENTINE**

Accord de coopération pour la prévision, la prévention et l'assistance mutuelle en cas de catastrophes. Signé à Madrid le 3 juin 1988

Texte authentique : espagnol.

Enregistré par l'Espagne le 15 septembre 1992.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON COOPERATION BETWEEN THE KINGDOM OF SPAIN AND THE ARGENTINE REPUBLIC ON DISASTER PREPAREDNESS AND PREVENTION, AND MUTUAL ASSISTANCE IN THE EVENT OF DISASTERS

The Kingdom of Spain and the Argentine Republic,

In the context of the ties of friendship and cooperation between the two States and with a view to enhancing cooperation between the competent authorities in matters relating to disaster preparedness and prevention, and mutual assistance in the event of natural, man-made and technological disasters, have agreed as follows:

Article I

For the purposes of this Agreement:

The term “requesting State” means the State Party to the present Agreement which requests the other State to dispatch emergency teams or means of emergency aid;

The term “requested State” means the State Party to the present Agreement which dispatches emergency teams or means of assistance to the other State;

The term “emergency team” means one or more specialists trained by the requested State to prepare and conduct emergency operations;

The term “means of emergency aid” means the material, vehicles and any other means or equipment of the emergency team.

Article II

The competent authorities in each of the two States shall be determined by the relevant ordinances and for the purposes of the implementation of this Agreement the coordinating bodies shall be:

In Spain:

- The Secretariat of State for International Cooperation and for Ibero-America of the Ministry of Foreign Affairs;
- The Department of Civil Protection of the Ministry of the Interior.

In Argentina:

- The Department of Civil Protection of the Ministry of Defence, which is responsible for preparedness and prevention activities and emergency operations;
- The Department for Western Europe of the Ministry of Foreign Affairs and Worship, which is responsible for the dispatch and receipt of requests for emergency aid;
- The Office of the Assistant Secretary for International Cooperation.

¹ Came into force provisionally on 3 June 1988, the date of signature, and definitively on 1 September 1992, i.e., the first day of the third month following the date of the last of the notifications (of 10 March and 2 June 1992) by which the Parties had informed each other of the completion of the required internal procedures, in accordance with article XXIII.

The Contracting States shall notify each other of any changes pertaining to the coordinating bodies or their designation. The Parties shall inform each other through the diplomatic channel of the address and telephone, telex and facsimile numbers of the above-mentioned authorities and of any other authority deemed relevant to the implementation of this Agreement.

Article III

The two States shall cooperate in the following areas:

- Disaster preparedness and prevention;
- Mutual assistance in case of natural, man-made and technological disasters.

CHAPTER I

COOPERATION FOR DISASTER PREPAREDNESS AND PREVENTION

Article IV

The Contracting Parties shall prepare and implement by mutual agreement joint or coordinated activities under technical cooperation programmes and projects in the area of civil defence and protection.

Cooperation with a view to disaster preparedness and prevention in connection with natural, man-made or technological incidents that threaten or harm people, property and the environment involves:

- Exchanging information, documentation, publications and teaching materials of a scientific and technical nature;
- Training specialists in disaster preparedness and prevention and the provision of emergency aid;

Providing assistance with respect to the organization, planning and operation of bodies responsible for coordinating activities in the field of disaster preparedness and prevention and emergency aid;

Taking part in the design and implementation of exercises in the other State;

- Transferring state-of-the art technology;
- Organizing meetings, encounters, courses, congresses and seminars;

Awarding fellowships for professional and technical development in the institutions of each Party;

- Dispatching experts to provide consultancy or advisory services;

Jointly preparing and implementing specific programmes and projects, which should state, *inter alia*, the objectives of the said programmes and projects, their duration, the obligations of each Party and the most appropriate form of financing;

The exchange of information covers:

- a.* Research and studies undertaken;

- b.* Jointly drafted publications dealing with the areas of cooperation;
- c.* National experiences relating to the use of advanced technologies, including computer systems, for the preparation and administration of emergency operations;
- d.* Information concerning activities undertaken in connection with incidents in the respective territories;
- e.* Utilizable means and materials and their possible standardization;
- f.* Programmes for training specialists in disaster preparedness and prevention and emergency aid;
- g.* Any other information deemed relevant for the purposes of cooperation.

The dissemination of the information referred to in this article or any other information obtained in the course of the implementation of the present Agreement may be barred, restricted or limited should the other Party so request.

Article V

Joint basic training and skills upgrading courses for disaster preparedness and prevention and emergency aid specialists and for exchanges of instructors and trainees shall be organized in ways to be established by the Joint Commission referred to in article XXI below.

Such courses and such exchanges shall be subject to the approval and financing of the competent authorities of each State.

Article VI

The Joint Commission referred to in article XXI shall establish the projects relating to assistance that one State shall provide to the other for the organization and functioning of the disaster preparedness and prevention and emergency aid coordination body.

The implementation of such programmes shall be subject to the grant of approval and financing by the competent authorities of each State.

Article VII

Participation in the preparation and implementation of exercises in the other State and the related arrangements shall be worked out by mutual agreement between the coordination bodies of the two States.

Each Party undertakes to provide for the benefit of the other Party all necessary facilities for the implementation of actions undertaken pursuant to this Agreement, in particular with regard to the travel and stay of persons carrying out activities under the Agreement and their immediate families, in conformity with the relevant provisions of the respective legislation.

Article VIII

The two States may, by mutual agreement, seek and avail themselves of the participation of international organizations, agencies and institutions in the development of joint programmes and projects.

CHAPTER II

MUTUAL ASSISTANCE IN THE EVENT OF DISASTERS

Article IX

The Contracting States undertake to provide, upon request, any assistance which the requested State considers feasible and available in the event of a serious natural, man-made or technological incident in the territory of the requesting State which has harmed or threatens to harm people, property of the environment.

Requests shall be directed to:

In Spain: The Secretariat of State for International Cooperation and for Ibero-America of the Ministry of Foreign Affairs;

In Argentina: The Department for Western Europe of the Ministry of Foreign Affairs and Worship, referred to in article II.

Assistance shall be provided in the first instance by appropriately equipped emergency teams. The coordinating bodies of the two States shall agree on the formation of the emergency teams and the means to be put at their disposal on the basis of the exchange of lists of specialists and means available for dispatch to the territory of the other State, as provided for under the present Agreement.

Emergency teams which are specially trained in fighting forest fires, radiological, chemical and biological hazards control, and earthquake and flood assistance shall be dispatched to the site of the disaster.

Similarly, the assistance of specially trained teams with the requisite specialized equipment shall be requested for first aid, search and rescue, clearing and other similar activities.

Article X

Assistance shall consist in the immediate dispatch of appropriately equipped emergency teams established pursuant to article IX and specialized in various techniques for protecting people, property and the environment.

Emergency teams shall, to the extent possible, be endowed with logistical autonomy and operational self-sufficiency for at least 48 hours. Thereafter, the requesting State shall, where necessary, be responsible for providing full supplies for the maintenance of the emergency teams and routine supplies for the operation of their equipment.

Article XI

The coordinating body of the requesting State shall be responsible for directing the operations. It shall establish guidelines for and possible limits of the operations assigned to the emergency teams of the other State without, however, intervening in operational arrangements.

To that end, the coordinating body shall directly contact the leader of the emergency team of the requested State who, under the supervision of the coordinating body of the requesting State, will give orders, set goals and determine what operations the team will undertake.

Article XII

In order to ensure the effectiveness and speed necessary for emergency operations, the Contracting States undertake not to subject the entry and stay in the requesting State of emergency teams of the requested State and their equipment to formalities other than those provided for in this Agreement.

Article XIII

The entry and stay for the duration of the operation in the requesting State of the members of the emergency team of the other State shall be permitted upon presentation by the leader of the emergency team of a certificate, exempt from visa, authentication or translation requirements, and issued by the coordinating body of the State concerned, which shall indicate the emergency operation, and the list of persons comprising the team, who must be in possession of an identity document that is valid in the requested State; if the emergency or the type of transport so requires, the frontier crossing may take place at points other than the authorized crossing points. The competent authorities shall be given prior notice by the requesting State.

Article XIV

Prior notification of the introduction of the means of emergency aid into the requesting State, including at points other than the authorized frontier crossing points, shall be given by the requesting State to the customs service nearest to the crossing point and shall be acknowledged without delay.

The means of emergency aid referred to in the preceding paragraph shall be subject to a regime of temporary admission. No import or export documents shall be required or issued. When crossing the frontier, the leader of the emergency team shall submit or have submitted as soon as possible, to the customs service a complete list of the means of emergency aid drawn up by the coordinating body concerned.

The means of emergency aid shall be exempt from any import and export duties and taxes and shall, unless otherwise agreed between the competent authorities of the two States, be re-exported at the end of emergency operation. Re-export shall be effected in accordance with the provisions of this article and shall not be subject to delay.

For the purposes of this Agreement, the import and re-export of narcotic drugs by the emergency team shall not be regarded as import and export within the meaning of the international agreements on the subject. Such substances and their respective quantities shall be included in a list prepared and signed by the coordinating body of the requested State and must be used in the requesting State for the sole purpose of meeting urgent medical needs and may be administered only by qualified medical personnel of the emergency team acting in accordance with the legal provisions of the requested State. For the purposes of export and re-export, the leader of the emergency team shall note the unused narcotic drugs in the above-mentioned list.

Article XV

The vehicles, aircraft and vessels dispatched to deliver assistance shall be weaponless and shall not carry fixed or portable apparatus for conducting surveys

of any kind or any sensors, with the exception of devices for measuring radioactivity and other harmful substances, equipment for use on land and to locate people in need of assistance and navigational aids for aircraft and ships.

The above-mentioned means of transport may be used not only for the speedy conveyance of emergency teams but also for relief operations.

Each Contracting State shall authorize aircraft operating from the territory of the other State to overfly its territory and to land in and take off from its territory even at points outside airports.

The intention to use aircraft in providing aid shall be reported without delay to the coordinating body of the requesting State with information on the type and registration mark of the aircraft and on its crew, cargo, departure time and scheduled route.

Flights shall follow existing flight paths, corridors and routes, from which they may depart in order to proceed along an established route segment connecting such flight paths, corridors or routes with the landing site used. The flight plan shall include the following information:

- The purpose of the flight;
- The geographical coordinates of the landing site at destination or, failing that, the geographical coordinates of the barycentre of the most narrowly defined area in which the landing site at destination is located.

Any exceptions or additions to the above mentioned procedure and their dissemination shall be the responsibility of the Joint Commission referred to in article XXI, in agreement with the air traffic agency in Spain and the air traffic department of Argentina.

Article XVI

The cost of the operations effected by the requested State and the expenses arising from the destruction or loss of means of emergency aid as a result of such operations shall be borne by that State.

If the requesting State recovers from the individual or legal entity responsible for the incident which necessitated the operation some or all of the expenses borne by the requested State, such funds shall be used to reimburse the requested State.

Article XVII

If damage is caused to a third party as a result of an operation effected pursuant to the present Agreement, the requesting State undertakes to be responsible for such damage in accordance with the provisions which would have applied if the damage had been caused by its own emergency team.

In the event of the death, injury or other physical impairment of a member of the emergency team, the requested State shall waive any claim for compensation against the other State, provided that such death, injury or impairment is directly related to the implementation of this Agreement.

The coordinating bodies shall exchange all available information relating to the relief activities during which the events referred to in this article occurred.

Article XVIII

Members of emergency teams shall be immune from the administrative, civilian and criminal jurisdiction of the requesting State with respect to activities implemented in the performance of their duties in the territory of that State.

Article XIX

Members of the emergency teams shall retain the social welfare and social security coverage provided for in the laws of the requested State throughout their stay in the requesting State.

Such personnel shall be entitled, in the requesting State, to all the appropriate emergency benefits, the expenses being born by the requested State as if the insured event had occurred in the territory of that State.

CHAPTER III

GENERAL AND FINAL PROVISIONS

Article XX

Both Parties shall involve the Spanish Red Cross and the Argentine Red Cross in assistance or relief activities and in emergency assistance plans as appropriate.

Article XXI

In order to regulate the organizational and technical aspects of the cooperation provided for in the present Agreement, a Joint Commission made up of representatives of both Parties shall be established and shall fulfil the obligations provided for in this article and in other articles of this Agreement. It shall meet periodically or as requested by one of the States.

The coordinating bodies and competent authorities within the framework of the Joint Commission shall exchange information with respect to:

- The specialists and means available for dispatch to the territory of the other State;
- The conditions of service of the emergency teams;
- The procedures for requesting emergency measures;

On the basis of the experience gained from the implementation of the present Agreement, the Joint Commission may propose to the authorities of the two States amendments and additions to this Agreement or agreements supplementary thereto.

It shall also consider and propose the programming of technical cooperation activities to be implemented, shall follow up and evaluate the development of such activities and of the mutual assistance activities carried out and shall establish guidelines for the execution of the activities, suggesting such changes and adjustments as it deems relevant in each specific case.

The coordinating bodies shall be responsible in the respective States for the administrative work relating to the operation of the Joint Commission.

The chairmanship of the Commission shall alternate between the two coordinating bodies.

Article XXII

Any dispute relating to the interpretation and implementation of this Agreement which cannot be settled by the coordinating bodies shall be settled through the diplomatic channel.

Article XXIII

Each of the Contracting Parties shall notify the other of the completion of the respective internal procedures required for the entry into force of the present Agreement, which shall take effect on the first day of the third month after the latter of these notifications but shall apply provisionally from the date of its signature.

Article XXIV

This Agreement shall be concluded for an indefinite period. Either of the Contracting States may denounce it at any time; such denunciation shall take effect six months after its notification and, unless either State stipulates otherwise, shall not affect the execution of ongoing programmes and projects.

DONE at Madrid on 3 June 1988, in duplicate in the Spanish language, both texts being equally authentic.

For the Kingdom of Spain

[Signed]

FRANCISCO FERNÁNDEZ ORDÓÑEZ
Minister for Foreign Affairs

For the Argentine Republic:

[Signed]

DANTE CAPUTO
Minister for Foreign Affairs
and Worship