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OFFICE OF THE UNITED NATIONS DISASTER RELIEF CO-ORDINATOR

Report of the Secretary-General

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION	1 - 14	2
II. DISASTER PREVENTION AND PREPAREDNESS	15 - 32	4
A. General	15 - 17	4
B. Research and development activities	18 - 27	5
C. Technical co-operation activities	28 - 32	7
III. MOBILIZATION AND CO-ORDINATION OF RELIEF	33 - 74	9
A. General	33 - 37	9
B. Disaster relief activities	38 - 74	10

ANNEXES

- I. Relief directly mobilized by the Office of the United Nations Disaster Relief Co-ordinator
- II. Measures to expedite international relief

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ANNEX II

Measures to expedite international relief

I. INTRODUCTION

1. The following proposals have been prepared jointly by the Office of the United Nations Disaster Relief Co-ordinator (UNDRO) and the League of Red Cross, Red Crescent, and Red Lion and Sun Societies (LICROSS). In October 1976 both bodies decided to undertake a joint survey of measures that might be taken to expedite international relief assistance. It was felt that the most fruitful way to approach these problems would be to circulate a draft working paper which would seek to identify obstacles and impediments to delivery of emergency relief to consignees within disaster-stricken countries; make recommendations on measures for surmounting these obstacles; and suggest means of facilitating relief consignments and the movement of relief personnel.

2. A first working paper was submitted to those organizations involved in disaster relief who participate in the monthly information meetings convened by the League of Red Cross Societies. Comments made on this working paper were then incorporated in a revised draft which was sent to a wider circle, including a number of Governments and National Red Cross Societies. The comments subsequently received proved most helpful in the revision of the earlier drafts and have led to the preparation of the present paper which is submitted for the consideration of the Economic and Social Council and the General Assembly.

3. The proposals made here thus represent the accumulated experience of a number of Governments and intergovernmental and non-governmental agencies concerned with relief activities. They are jointly sponsored by the Office of the United Nations Disaster Relief Co-ordinator and by the League of Red Cross Societies and the same proposals will be submitted by the Red Cross to the participants at the XXIIIrd International Conference of the Red Cross in October 1977. It is hoped that from consideration at the Economic and Social Council and the General Assembly on the one hand, and at the Red Cross Conference on the other, resolutions will emerge in each body concerned which will gain sufficient endorsement to constitute useful guidance for both Governments and other agencies in their future relief operations, will help to surmount certain obstacles to relief which are here identified, and will expedite the provision of international relief to the victims of disasters.

II. DEFINITION OF INTERNATIONAL RELIEF

4. For the purpose of this paper, the term "international relief" is intended to include urgently-required supplies, personnel and other services provided from external sources, which have been requested and recognized by appropriate relief authorities to be of prime necessity, and which are destined for relief of the victims of natural and other disasters, and not intended for resale or other commercial purposes.

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A/32/64
 English
 Annex II
 Page 2

5. The Annex to the International Convention on the Simplification and Harmonization of Customs Procedures concerning "Urgent Consignments", as adopted by the Customs Co-operation Council in June 1976, recognizes that:

"Certain goods ... need to be conveyed rapidly from one country to another and cleared through Customs with a minimum of delay. This applies, for example, to relief consignments sent in the event of disasters ..."

As examples of relief consignments, the Annex mentions:

"goods, such as vehicles and other means of transport, foodstuffs, medicaments, clothing, blankets, tents, pre-fabricated houses or other goods of prime necessity, forwarded as aid to those affected by natural disasters and similar catastrophes ..." a/

III. RECOMMENDATIONS

6. It is believed that in order to facilitate relief, Governments may wish to consider adopting, where required, the following specific measures set forth below.

National relief authority

7. The first and general proposal is the following:

Recommendation A: It is recommended in accordance with paragraph 8 (b) of General Assembly resolution 2816 (XXVI) that potential recipient Governments, if they have not already done so, designate one single national relief authority to co-ordinate all domestic relief activities; this authority will collaborate with appropriate government departments and with domestic and international relief agencies in defining and quantifying those relief items required from abroad.

Consular certificates of origin

8. Some Governments require the issuance of such certificates by their consulates within sending countries, presumably to attest to the identity of the consignor, the manufacturer, or the country of origin. The necessity of obtaining these certificates sometimes delays dispatch of urgently-needed relief consignments, and it is doubtful whether such certificates serve any useful purpose when applied to emergency relief for humanitarian purposes.

a/ See extracts from the Customs Co-operation Council's Annex (F.5) concerning Urgent Consignments, reproduced at the end of this paper.

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Consular invoices

9. These too are required by some Governments and entail translation into the language of the receiving country of packing lists, bills of lading, and completion of sometimes lengthy questionnaires which are rarely relevant to relief shipments. It is doubtful whether such papers are necessary in cases of relief assistance as distinct from normal commercial transactions.

Recommendation B: It is recommended that potential recipient Governments waive requirements for consular certificates of origin and invoices, with respect to relief consignments (as distinct from normal commercial imports), on condition that adequate documentation from recognized relief agencies accompany such consignments. Examples of such documentation are provided in the LICROSS Recommended Procedures for Packaging and Labelling, or Marking Consignments of Supplies for International Disaster Relief Operations, b/ UNICEF shipping lists, and similar documents from other recognized relief agencies.

Customs documentation

10. Provisions 17 to 27 of the Customs Co-operation Council's Annex concerning Urgent Consignments (which are attached), illustrate the problems encountered under this heading and propose remedies.

Recommendation C: It is recommended that potential recipient Governments waive requirements for import and/or export licences, possibly through extending the scope of the Annex to the Convention of the Customs Co-operation Council (Provisions 3 to 28) to apply to relief shipments destined for any kind of disaster.

Fumigation certificates

11. These are required by some Governments as a condition prior to importation of clothing, blankets and shelter materials. The need for such certificates in emergency situations has been questioned where health hazards from exposure may be greater than those arising from any other possible risk.

Prohibitions on food imports

12. Restrictions on importation of certain food items based on protection of human and animal health are common to the domestic legislation of most countries. However, some relief agencies have reported hold-ups and even rejection of vital emergency food shipments in circumstances where it was felt that undue adherence was being paid to the strict letter of the law, at the expense of overriding relief needs. Without wishing to question the general justification for such

b/ "Conclusions of the Working Group on Standardisation of Packaging and Labelling of Relief Supplies" (Geneva, 1973) adopted by the LICROSS Disaster Relief Advisory Committee, Teheran, 1973.

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A/32/64
 English
 Annex II
 Page 4

restrictions, it is nevertheless felt that some flexibility should be permitted in cases of prime necessity.

Recommendation D: It is recommended that potential recipient Governments waive - to the extent compatible with minimum standards of hygiene and animal protection - normal requirements regarding fumigation certificates and restrictions on food imports where these would impede the admission of relief items essential for the protection of disaster victims.

Visas for relief personnel

13. Resolution No. 13 adopted at the 33rd Session of the Board of Governors of the League of Red Cross Societies, states:

"The Board of Governors ... regretting that experience indicates that the obtaining of visas for disaster relief delegates and teams remains a time-consuming procedure which often delays the despatch of such delegates and teams and, in too many cases, is the limiting factor when 'fire-brigade' members are called for;

"Urges National Societies to make representations to their Governments with a view to achieving an easing of governmental formalities for the entry of official League delegates or official national teams provided by other Societies in response to a League appeal;

"Recommends that, when appealing for assistance in time of disaster, the appealing National Society obtain assurances from its Government and so advise the League that, in the case of official League delegates or national Red Cross teams despatched on request from the League every consideration will be given by the Government of the recipient country, to easing the problem of entry by waiving the need for visas for the League delegate(s) or members of national teams, by agreeing to the provision of visas at the point of entry, or by the institution of such other procedures as will permit the League delegate(s) or national teams to commence operation without delay and consistent with local legislation." c/

Recommendation E: It is recommended that all Governments waive requirements for transit, entry and exit visas for relief personnel acting in their official capacity as representatives of internationally-recognized relief agencies. In this connexion, attention is drawn to resolution No. 13 adopted by the Board of Governors of the League of Red Cross Societies at their 33rd Session, and Governments are urged to approve its adoption at the forthcoming

c/ Resolution of the LICROSS Board of Governors, adopted at the 33rd Session, Geneva, 28 October-1 November 1975.

23rd International Red Cross Conference as well as to generalize its provisions so as to apply them to all relief personnel representing internationally-recognized relief agencies.

Irrelevant goods shipped as relief

14. Often at considerable expense but with subsequent disillusionment, well-intentioned relief agencies have shipped many tons of unnecessary goods to disaster-stricken countries. Such consignments overtax customs and relief authorities and create congestion. Vital manpower resources often have to be diverted within the receiving countries to sort, identify and otherwise handle such shipments, and entry of high priority relief shipments is inevitably impeded. Notwithstanding the best of intentions on the part of donors, many additional problems can be created through their disregarding indications from competent national and international relief authorities as to the kinds of material required for emergency relief.

Recommendation F: It is recommended that all donors restrict their relief contributions to those high-priority relief needs identified by appropriate relief authorities and agencies, with a view to more efficient utilization of resources and more rapid fulfilment of essential relief needs.

Recommendation G: It is recommended that all Governments, intergovernmental agencies and non-governmental organizations concerned with relief operations undertake programmes to educate donors on the importance of avoiding contributions of non-essential items for relief purposes.

Failure to notify consignees

15. Lengthy delays often occur after arrival of relief consignments in ports of entry. This is sometimes due to failure on the part of donors to notify consignees in time.

Recommendation H: It is recommended that all donors ensure that prompt notification is given to consignees of impending relief shipments; that they review procedures for consigning relief shipments; that they include detailed manifests with each consignment; and that they seek to secure prompt acknowledgement of arrival by the consignee. In this connexion, donors are encouraged to refer to the Recommended Procedures for Packaging and Labelling, or Marking Consignments of Supplies for International Disaster Relief Operations, prepared by the League of Red Cross Societies.

Customs delays

16. In some cases, a serious cause of delay in the delivery of urgently-required relief supplies is failure on the part of customs authorities in transit countries

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A/32/64
 English
 Annex II
 Page 6

as well as in recipient countries to take prompt action to release emergency consignments from their custody.

Recommendation I: It is recommended that Governments of transit and recipient countries ensure that their customs authorities receive standing instructions to expedite processing of relief shipments in their custody. In this connexion, Governments are urged to consider acceding to Annex F.5 concerning Urgent Consignments adopted in Brussels in 1976 as an annex to the International Convention on the Simplification and Harmonization of Customs Procedures adopted by the Customs Co-operation Council at Kyoto (1973).

17. The following facilities, when granted to relief consignments and personnel, can significantly increase the capacity of relief agencies to respond to emergency needs.

Free or concessional air freight

18. Resolution 200 of the International Air Transport Association, paragraph 2 (b), provides that transportation free or at reduced rates may be granted to:

"... 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".

This authorization for IATA members to depart from agreed tariff schedules is discretionary. In the experience of UNDRO and LICROSS, most IATA air carriers have shown great consideration towards emergency requests, although capacity has often been limited to space available after commercial air cargo has been loaded.

Recommendation J: It is recommended that all Governments authorize their national - airlines - whether members of IATA or not - to accord free transportation or, if this is not possible, transportation at minimal rates to relief consignments and relief personnel wherever reasonably possible. Potential recipient Governments in particular should instruct their national airlines to accord such treatment to incoming relief personnel and relief shipments, even to the extent of deferring transport of regular passengers and commercial cargo.

Non-traffic rights

19. The Convention on International Civil Aviation (Chicago 1944) and subsequent bilateral agreements limit the capacity of third-country carriers not possessing traffic rights to take on passengers and cargo. Relief personnel have lost time through not being able to board flights of these carriers during their transit or refuelling stops.

Recommendation K: It is recommended that all Governments relax limitations imposed on carriers not possessing traffic rights where this action would facilitate the travel of relief personnel or the transport of relief equipment and supplies.

Overflight authorization and landing rights

20. Governments normally require advance requests before considering whether or not to give permission for non-scheduled aircraft to overfly or to land in their territory whilst in transit to a disaster-stricken country. Considerable delay can sometimes occur for relief consignments while aircraft await permission of this nature; and failure to authorize overflight or transit landing facilities often necessitates time-consuming alternative arrangements for re-routing and/or refuelling. In this connexion, it is recalled that Annex 9 (seventh edition, April 1974), to the Convention on International Civil Aviation states that:

"D. - Natural Disaster Relief Flights

8.10 Contracting States shall facilitate the entry into and departure from their territories of aircraft engaged in natural disaster relief flights when performed by recognized international organizations or by States themselves. Such flights shall be commenced after obtaining agreement with the recipient State as quickly as possible.

8.11 Contracting States shall ensure that personnel and articles arriving on the relief flights referred to in 8.10 are cleared without unnecessary delay."

Recommendation L: It is recommended that all Governments explore the possibility of according overflight permission and landing rights for aircraft transporting international relief at the outset of disaster emergency operations. It would be desirable for such authorizations to be valid for the duration of the emergency relief phase, thereby obviating the need for subsequent time-consuming ad hoc overflight and landing requests.

Access to communications facilities

21. The ability of relief personnel to send and receive messages is often hampered by problems of access to communications facilities.

Recommendation M: It is recommended that potential recipient Governments take advance measures to authorize recognized relief agency personnel to have access to all available telex, cable, wire, telephone and radio facilities, as disaster relief circumstances require, for their internal and external communications.

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A/32/64
 English
 Annex II
 Page 8

APPENDIX

(The following provisions, which have a particular bearing on emergency relief consignments, have been extracted from the Annex concerning Urgent Consignments (Annex F.5), adopted by the Customs Co-operation Council in June 1976, to the International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention).)

ANNEX F.5

ANNEX
 CONCERNING URGENT CONSIGNMENTS

INTRODUCTION

Certain goods, either because of their nature or because of the special circumstances surrounding their shipment, need to be conveyed rapidly from one country to another and cleared through customs with a minimum of delay. This applies, for example, to relief consignments sent in the event of disasters ...

While, in principle, customs controls and formalities apply equally to urgent consignments and to ordinary shipments of goods, many customs administrations have provided greater facilities in connexion with the clearance of urgent consignments, subject to the necessary revenue safeguards and any prohibitions and restrictions.

The provisions of this Annex apply to the customs formalities involved in the clearance of urgent consignments, at any stage of their transportation, be it at exportation, during transit or at importation. Generally, however, the Annex deals only with greater facilities provided for urgent consignments as compared with the provisions relating to the customs treatment of other goods where no urgency is involved.

The Annex contains a number of special provisions concerning relief consignments forwarded as aid to those affected by natural disasters (e.g. earthquakes) and similar catastrophes (e.g. dam failures). However, these provisions do not apply to consignments forwarded in the event of catastrophes resulting from wars and similar conflicts ...

DEFINITIONS

For the purposes of this Annex:

(a) the term "urgent consignments" means goods which require rapid clearance as a matter of priority due to:

- their nature;
- their being relief consignments;
- their meeting a fully justified urgent need;

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(b) the term "relief consignments" means goods, such as vehicles and other means of transport, food-stuffs, medicaments, clothing, blankets, tents, prefabricated houses or other goods of prime necessity, forwarded as aid to those affected by natural disaster and similar catastrophes ...

3. FIELD OF APPLICATION ... Standard

Clearance of urgent consignments shall be carried out rapidly as a matter of priority, and customs control shall be restricted to the minimum necessary to ensure compliance with the laws and regulations which the customs are responsible for enforcing.

4. Standard

When clearing urgent consignments customs authorities shall take into account such factors as the degree of urgency with which a consignment is needed, the nature and value of the consignment, and the particular circumstances relating to it. In any event absolute priority shall be granted to relief consignments.

5. Standard

The provisions relating to the clearance of urgent consignments shall also be applicable where such consignments consist of goods ex customs transit, ex customs warehouse or from a free zone.

GENERAL PROVISIONS

(a) Time for lodgement of the goods declaration

6. Standard

At the request of the declarant, and for reasons deemed valid by the customs authorities, the latter shall, in so far as their administrative organization permits, allow the goods declaration to be lodged outside the business hours of customs offices ... In the case of relief consignments or consignments of a humanitarian nature the customs authorities shall always endeavour to grant this facility.

(b) Lodgement of the goods declaration before the arrival of urgent consignments

7. Standard

The declarant shall be authorized to lodge the goods declaration before the arrival of urgent consignments at the customs office.

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A/32/64
 English
 Annex II
 Page 10

(c) Periodic lodgement of goods declaration

8. Standard

Where urgent consignments are cleared frequently by the same person, the customs authorities shall allow a single goods declaration to cover all such consignments cleared by that person in a given period ...

(d) Requirements concerning the goods declaration

9. Standard

Provision shall be made for a simplified goods declaration procedure for the clearance of urgent consignments ...

(e) Clearance of urgent consignments outside the business hours of the customs office

10. Standard

At the request of the declarant, and for reasons deemed valid by the customs authorities, the latter shall, in so far as their administrative organization permits, allow urgent consignments to be cleared outside the business hours of customs offices ... In the case of relief consignments or consignments of a humanitarian nature the customs authorities shall always endeavour to grant these facilities.

(f) Examination of urgent consignments

11. Standard

Where the customs authorities exercise their right to examine urgent consignments, they shall limit the extent of the examination to that deemed necessary to ensure compliance with the laws and regulations which the customs are responsible for enforcing ...

(g) Release of urgent consignments

12. Standard

If the customs authorities are satisfied that the declarant will subsequently accomplish all the formalities in respect of the clearance of urgent consignments they shall release such consignments prior to the lodgement of the goods declaration, provided that the declarant produces a commercial or official document giving the main particulars of the consignment concerned and acceptable to the customs ...

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- (h) Examination and release of urgent consignments at a place other than the customs office

13. Standard

At the request of the declarant, and for reasons deemed valid by the customs authorities, the latter shall, in so far as their administrative organization permits, allow urgent consignments to be examined and released at a place other than the customs office ... In the case of relief consignments or consignments of a humanitarian nature the customs authorities shall always endeavour to grant these facilities ...

SPECIAL PROVISIONS CONCERNING RELIEF CONSIGNMENTS

- (a) Clearance

17. Standard

When clearing relief consignments regard shall not be had to the country of origin of the goods, the country whence they arrived or their country of destination.

- (b) Exportation

18. Standard

Where an export declaration is required for a relief consignment the customs shall, as a general rule, accept that declaration as evidence of the contents and intended use of the consignment.

19. Recommended practice

In the case of relief consignments any economic export prohibitions or restrictions and any export duties or taxes otherwise payable should be waived.

20. Standard

In order to avoid delays in the forwarding of relief consignments at later stages in their journey, the customs authorities of the exporting country shall, on application being made by the person concerned:

(a) examine, where appropriate by random checks, the contents of relief consignments against a detailed list and certify the results of this examination on that list; and

(b) where possible and appropriate, place such consignments under customs seal.

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A/32/64
English
Annex II
Page 12

(c) Transit

21. Standard

The customs transit of relief consignments shall, as far as possible, be authorized without the requirement of security in respect of duties and taxes and take place under cover of minimum documentation.

22. Standard

Relief consignments under customs transit shall not be examined by the customs authorities except where there are exceptional circumstances in which examination is deemed indispensable.

(d) Importation

23. Standard

Relief consignments shall be released prior to the lodgement of the goods declaration where the customs authorities are satisfied that the declarant will subsequently accomplish all the formalities in respect of clearance of the goods.

24. Standard

The customs authorities of the importing country shall, as a rule, accept as evidence of the contents of a relief consignment, a detailed list certified by the customs authorities of the exporting country as provided for in standard 20 above.

25. Recommended practice

Relief consignments received as gifts by approved organizations for use by or under the control of such organizations or for distribution free of charge by them or under their control should be admitted free of import duties and taxes and free of economic import prohibitions or restrictions ...

26. Standard

Relief consignments consisting of equipment loaned free of charge to approved organizations shall be granted temporary admission without the requirement of security and with minimum documentation ...

27. Standard

Any charges which would normally be made by the customs authorities in respect of expenses entailed by clearance outside the business hours of the customs office or examination and release at a place other than the customs office shall, as far as possible, be waived in the case of relief consignments.

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INFORMATION CONCERNING URGENT CONSIGNMENTS

28.

Standard

The customs authorities shall ensure that all relevant information concerning facilities related to urgent consignments is readily available to any person interested.
