



International Federation of Red Cross and Red Crescent Societies
Fédération internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge
Federación Internacional de Sociedades de la Cruz Roja y de la Media Luna Roja
الاتحاد الدولي لجمعيات الصليب الأحمر والهلال الأحمر

BACKGROUND INFORMATION SHEET

International regulation of telecommunications in disaster relief

Effective telecommunications are an undoubted necessity for a well-coordinated international disaster relief operation. This frequently requires the assignment of dedicated radio frequencies, satellite and internet access, and other means of communication, as well as special facilities for importing and using relevant equipment from abroad. There are a number of international instruments addressing these questions, including a new global treaty specifically focused on this sector of relief.

Historical Precedents

The importance of emergency use of telecommunications has been recognized from the early days of the technology (e.g., Convention Télégraphique Internationale de Paris of 1865, art. 11, providing that an emergency may justify the interruption of transmission). International instruments regulating telecommunications have often made special provisions for emergency communications, such as priority transmission and responses to distress calls (e.g., International Radio Telegraph Convention of 1906, art. 9), particularly with regard to ships (e.g., International Radiotelegraph Convention of 1927, art. 5) and airplanes (e.g., Règlement de service télégraphique international of 1928, art. 35), and the reservation of wavelengths for such calls (e.g., General Radiocommunication Regulations of 1932, art.7).



Photo: Yoshi Shimizu/International Federation

Development of Law on International Disaster Operations

International law specifically focused on facilitating the use of telecommunications in international disaster relief operations is more recent. In 1965, the XXth International Conference of the Red Cross adopted a resolution encouraging the development of an international radio communication network for Red Cross societies (Res. XV). In 1977, the XXIIIrd International Conference noted progress in such a network and called on the World Administrative Radiocommunications Conference to be held in 1979 to take practical measures along these lines. That same year, the XXIIIrd International Conference adopted the ["Measures to expedite international relief"](#) (subsequently also

adopted by the United Nations Economic and Social Council), which includes a recommendation 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 circumstances require, for their internal and external communications” (Recommendation M).

Various bodies associated with the International Telecommunications Union (ITU) (a specialized agency of the United Nations) and its predecessor organizations have been very active in promoting special telecommunication facilities for humanitarian assistance, both in conflict and disaster settings. Thus, for example, the World Administrative Radio Conference of 1979 adopted Resolution 10, responding to the call of the XXIIIrd International Conference of the Red Cross discussed above, by urging governments to take account of Red Cross/Red Crescent needs for radio communications and to assign them specific frequencies for disaster work.

The Tampere Convention

Among the most important developments from the ITU in this area is the [Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations](#), which was adopted at an international conference in 1998 and entered into force in January 2005. The Tampere Convention is the first global treaty to provide a comprehensive regulatory framework for international cooperation in disasters with respect to telecommunications. It is notable in that it makes provision not only for state-to-state assistance but also assistance by inter-governmental, non-governmental and other non-state actors (including the components of the Red Cross/Red Crescent movement).

The Convention provides that parties should reduce regulatory barriers to the use of telecommunications resources for disaster mitigation and relief, including restrictions on import or export, the use of particular types of equipment, and the use of particular radio-frequency spectrums (art. 9). It also expressly calls for addressing “delays in the administration of such regulations” (art. 9(2)(e)). Moreover, it recommends a non-exhaustive list of possible measures to achieve these ends, such as pre-clearance of particular telecommunication resources, recognition of foreign type-approval of equipment, and temporary waiver of regulations (art. 9(3)).

While reserving to receiving states the prerogative to decide whether, and from which states or organizations, to request assistance (art. 4), the Convention obliges signatories (“to the extent permitted by [their] national law”) to provide certain privileges and immunities to organizations and individuals providing telecommunications assistance under its terms, including immunity from local court jurisdiction, exemption from taxation, duties and other charges, and immunity from seizure (art. 5). It also calls on receiving states to provide local facilities and services, expedited or waived licensing procedures and measures to ensure the security of relief personnel, equipment and materials. The Convention aims to increase cooperation by assigning a leadership role to the United Nations Emergency Relief Coordinator, in particular in the development of model agreements subsidiary to the Convention and inventories of existing resources and providers.

The Convention is open to all UN and ITU member states for ratification or accession. As of the date of this background sheet, thirty-six states had become parties. The United Nations General Assembly (e.g., Resolution 54/233 of 1999), the World Telecommunication Development Conference (ITU-D Res. 32 of 2002), the World Radiocommunication Conference (WRC Res. 644 of 2000), and the International

Conference of the Red Cross and Red Crescent (Final Goal 3.2 of 2003), among others, have called upon states to ratify or accede to the Tampere Convention.

Other Relevant Legal Instruments

There are also a number of other instruments, both within and outside the ITU framework, that are relevant to questions of telecommunications in disasters (including for states not party to the Tampere Convention).

Within the ITU framework, these include: Resolution 7 of the World Telecommunication Development Conference of 1994, which called on all governments to remove national regulatory barriers to the use of telecommunications in disaster relief; Resolution 10 of the World Radiocommunications Conference of 2000 calling on states to assign working frequencies for two way wireless communication to the components of the International Red Cross/Red Crescent movement; and Resolution 645 of that same conference, calling on states to move toward the creation of harmonized spectrums for disaster communications. Study groups of the Radiocommunications and Telecommunication Standardization sectors of the ITU have also issued a number relevant recommendations to states concerning telecommunications in disaster operations, including to facilitate the use of fixed-satellite service (ITU-R Recommendation S.1001), facilitate global cross-border circulation of radiocommunications equipment (ITU-R M.1637), institute an international emergency preference scheme (ITU-T Recommendation E.106), and facilitate the operation of amateur radio (ITU-R M.1041.2).

A number of other international instruments not directly focused on telecommunications are also relevant. For example, the United Nations General Assembly has emphasized the importance of facilitating emergency communications with regard to importing telecommunications equipment in the context of international urban search and rescue operations (see e.g., [Resolution 57/150](#) of 2002, para. 3), and has highlighted the role of telecommunications in ensuring the security of humanitarian personnel (res. 56/217 of 2002, para. 28). Likewise, the recently-adopted [ASEAN Agreement on Disaster Management and Emergency Response](#) of 2005 called on states to exempt relief equipment, including telecommunications, (art. 14(a)).

With regard to importing telecommunications equipment, general provisions concerning the reduction of formalities in customs may be applicable (see the IDRL Customs Background Information Sheet). Likewise, for international organizations, status-related privileges and immunities guarantee access to the means of communication and special rights with regard to the import and export of necessary equipment (e.g, [Convention on the Privileges and Immunities of the United Nations](#) of 1946, sections 7 & 9) (see the IDRL Privileges and Immunities Background Information Sheet).

For More Information

See the IDRL website and online legal database at www.ifrc.org/idrl or contact us at:

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LAST UPDATE OF THIS PAGE: 25 April 2006

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