



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

Standards on Transport in International Disaster Operations

In many cases, international assistance in disaster relief is limited to the financial support of domestic players. However, when direct international intervention is required, legal issues concerning the transport of relief personnel, goods and equipment frequently arise. These include regulation of the transport itself, including the type, condition and registration of vehicles, restrictions on the use of roads, airspace and waterways, regulation of landing and berthing, and tolls, taxes and other charges. Closely related to these are issues concerning the regulation of the entry of relief personnel, goods and equipment being transported. While not comprehensive, there is an existing framework of international instruments responding to most of these issues.



Photo: Ralph Douglass/British Red Cross

General provisions facilitating disaster relief transport

As noted in the IDRL Background Information Sheets on Visas and Customs, there are a number of instruments that provide that member-states should facilitate the transit and entry of relief personnel, goods and equipment. By implication, these provisions should also apply to issues of transport. For example, United Nations [General Assembly Resolution 46/182](#) of 1991 calls on receiving states to facilitate the work of humanitarian organizations and for neighbouring states to facilitate transit for humanitarian assistance. Similarly, [General Assembly Resolution 57/150](#) of 2002 calls on receiving states to “simplify and reduce” procedures for the entry of urban search and rescue teams and the [Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency](#) of 1986 (art. 8(5)) requires receiving states to “facilitate the entry into, stay in and departure from its national territory” of government and intergovernmental relief personnel, equipment and property responding to nuclear or radiological disasters.

There are also a number of instruments with more specific provisions about facilitating disaster transport, but which do not distinguish between the various modes (that is, land, air and water) discussed below. For example, the [Inter-American Convention to Facilitate Disaster Assistance](#) of 1991 (art. V), provides that “transport vehicles, equipment and supplies fully identified and sent by states parties for assistance purposes may enter, move about in, and leave the territory” of both the assisted states and transit states, exempt from taxes, fees and charges and with reduced customs formalities. Similarly, the [Agreement among the Governments of the Participating States of the Black Sea](#)

[Economic Cooperation on Collaboration in Emergency Assistance and Emergency Response to Natural and Man-Made Disasters](#) of 1998 (art. 9) provides that “for the purposes of transportation of Assistance teams, their Equipment and Foods of assistance any suitable vehicles can be used in order to reach the destination as soon as possible”. The [Agreement between Denmark, Finland, Norway and Sweden on Cooperation across State Frontiers to Prevent or Limit Damage to Persons or Property or to the Environment in the Case of Accidents](#) of 1989 (art. 3) provides that rescue vehicles will be allowed to cross borders without excessive formalities, free of import or export and of duties, taxes and charges and without special permission. While the [ASEAN Agreement on Disaster Management and Emergency Response](#) of 2005 (art. 14) calls for the exemption from “taxation, duties and other charges” relating to the importation of equipment, “including vehicles”.

At the global level, the International Convention on the Simplification and Harmonization of Customs Procedures of 1973 (Kyoto Convention) (annex F.5) (and as updated in 1999, [specific annex J.5](#)), calls on states to take a number of measures to facilitate the entry of “relief consignments” which includes “vehicles and other means of transport”.

Addressing another important issue, the [Convention on the Safety of United Nations and Associated Personnel](#) of 1994 (art. 9) provides that attacks on humanitarian transport should be punished as a crime by member-states. The provisions of that convention will be made applicable to disasters by the recently-adopted [Optional Protocol](#) of 2005.

Land transport

In their bilateral agreements on disaster assistance, states have sometimes made specific provision for the waiver or reduction of existing rules concerning land transport. For example, in the separate 1992 Memoranda of Understanding between [South Africa and Zambia](#) and [South Africa and Zimbabwe](#) concerning transportation by road of commodities related to drought relief, the parties agreed to recognize transport permits issued by the other party, harmonize rules on axle-mass loading and reduce applicable fees for the transport of drought-relief goods. Similarly, in the [Agreement between Sweden and Norway concerning the Improvement of Rescue Services in Frontier Areas](#) of 1974 (art. 1), the parties agreed to allow the entry of snow and motor vehicles for rescue purposes even if they do not meet the requirements applicable in the country for use of such vehicles.

For the most part, the major international road transport instruments do not make specific reference to disaster relief situations.¹ However, a number of general purpose conventions might be relevant to relief transport. These include the [Customs Convention on the Temporary Importation of Private Road Vehicles](#) of 1954, the [Customs Convention on Temporary Importation of Commercial Road Vehicles](#) of 1956, and the [Convention on Customs Treatment of Pool Containers Used in International Transport](#) of 1994, all of which provide for duty-free entry of vehicles or containers subject to the assurance that they will be re-exported, as well as the [Customs Convention on the International Transport of Goods under Cover of TIR Carnets](#) (TIR Convention) of 1975, which provides for the waiver of frontier checks in transit states for goods in international road transit crossing several countries.

Sea transport

¹ One exception is European [Council Regulation \(EEC\) No. 881/92](#) of 1992, which specifically exempts transport of “medicinal products appliances, equipment and other articles required for medical care in emergency relief, in particular for natural disasters” from requirements of carriage authorization (annex II).

Questions concerning marine safety, search and rescue at sea and the general regulation of shipping are well covered in international maritime law (see www.imo.org). However, the specific case of sea transport of disaster relief supplies has received less attention. One exception is the [Convention on Facilitation of International Maritime Traffic](#) of 1965 (annex 1, sections 5.11-5.12) which, in addition to general provisions aimed at reducing the paperwork and other formalities required for international shipping, requires member-states to facilitate the entry and exit of vessels involved in “disaster relief work” as well as the entry and clearance of the persons and cargo they transport.

Air transport

Most of the provisions in international aviation law instruments concerning emergencies focus on assistance to – or search and rescue of – aircraft in distress. However, [Annex 9](#) to the Convention on International Civil Aviation of 1944 (Chicago Convention) (sec. 8.8) requires member-states to “facilitate the entry into, departure from and transit through their territories engaged in relief flights performed by or on behalf of international organizations recognized by the UN or by or on behalf of States themselves and shall take all possible measures to ensure their safe operation”. It also calls on states to “ensure that personnel and articles arriving on relief flights . . . are cleared without delay” (sec. 8.9).

A number of disaster-specific instruments also make direct reference to issues concerning the use of airspace, landing rights and priority access to air transport for disaster relief operations. For example, in 1977, both the International Conference of the Red Cross and Red Crescent and the United Nations Economic and Social Council adopted a set of [‘Measures to expedite international relief’](#), including the recommendations that governments:

- relax limitations on carriers not possessing traffic rights to allow the transport of relief personnel, goods or equipment (Recommendation K)
- accord overflight permission and landing rights for aircraft transporting international relief for the duration of relief operations (Recommendation L)
- authorize national airlines to accord free transportation for relief and instruct them to accord boarding priority to relief personnel and equipment (Recommendation J)²

[General Assembly Resolution 57/150](#) of 2002 similarly calls on states to take measures to facilitate the utilization of their airspace for international urban search and rescue teams. A number of bilateral agreements also provide for rights of overflight and landing for relief flights.³

² On this point see also [Resolution 23](#) of the XXIst International Conference of the Red Cross, calling upon airline companies “to transport relief supplies under conditions in no way prejudicial to the conveyance of such supplies and in particular to reduce freight charges.”

³ See, for example, the [Agreement between the Republic of Austria and the Federal Republic of Germany Concerning Mutual Assistance in the Event of Disasters or Serious Accidents](#) of 1988 (art. 8), [Agreement between Denmark and the Federal Republic of Germany on Mutual Assistance in the Event of Disasters or Serious Accidents \(with Exchange of Notes\)](#) of 1985 (art. 6), and the [Protocol between the Kingdom of Spain and the Portuguese Republic on Technical Cooperation and Mutual Assistance in the Field of Civil Defense](#) of 1992 (art. 3(5)).

For more information

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

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