



International Federation
of Red Cross and Red Crescent Societies

International Disaster Response Law Project

**International legal mechanisms regulating disaster
response in countries of the Mediterranean region**

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On behalf of the French Red Cross**

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INTRODUCTION

The study on **International Disaster Response Law (IDRL)** was led by the French Red Cross over a two-month period in June and July 2003. The research covered 7 countries in the Mediterranean region: Portugal, Spain, Italy, Greece, Turkey, Egypt and Tunisia. The work of the French Red Cross was to gather all the documents concerning the IDRL Project in each country and to coordinate the research.

A study of IDRL in France had already been undertaken in 2002 and the collected were delivered to the International Federation.

I. Methodology

The different means to achieve this work included:

- Contacting each National Society to establish the relevant contact person in charge of the project. (see the list attached in annex 1);
- Sending a general questionnaire to give the main research objectives to the National Societies (see annex 2);
- Undertaking internet research, which resulted in a specific questionnaire for each country, with more precise questions about the existing international texts relating to natural or technological disasters;
- Undertaking follow-up phone calls, faxes and mails to encourage the correspondents to achieve this research within the short time available;
- One visit to Tunisia to collect the texts and conduct interviews;
- Writing a report on the information collected during the research process.

II. Result of this survey

The limited time available made it difficult to collect specific documents from all the countries included in the study. Whilst the study was by no means exhaustive, many of the National Societies provided detailed answers to the questionnaires, and two of seven provided an extensive collection of documents.

III. Overview on the five countries

➤ **ITALY, GREECE, PORTUGAL**

No specific texts could be provided within the time available.

➤ **EGYPT**

Dr Tomoum of the Egyptian Red Crescent undertook substantial research on IDRL which resulted in a number of findings:

- Much of the information relating to **international agreements** between Egypt and other countries or international organizations is not publicly available or accessible;
- International cooperation in times of disaster depends on the particular the events and circumstances. For example, in the past the government has requested support from the Islamic Solidarity Fund (**Organization of Islamic Conferences**).
- There is no pre-existing agreement between government and **UN agencies** such as UN OCHA.

- The **1998 Tampere Convention** has been signed by the Egyptian government but is yet to be ratified.
- On a multilateral level, Egypt is a member of the **International Organization of Civil Defence** but no agreement has been ratified between Egypt and other countries regarding cooperation in disaster response.
- The **Egyptian Red Crescent** has not concluded any **special agreements** with other NGOs or International Organizations. However, it has cooperated with **UNDP** and **UNHCR** in some cases of disasters.
- The **International Federation of Red Cross and Red Crescent Societies**’ has made some financial assistance to the Egyptian Red Crescent through the Disaster Relief Emergency Fund.
- **Governmental administrative organs** in charge of responding to national or technological disasters include:
 - The Supreme Board of Civil Defence presided by Prime Minister
 - The Center of Crisis Management attached to the Office of the Prime Minister
 - The Civil Defence Department (Ministry of the Interior)
 - The Ministries of Public Health, Social Affairs and Defence, local authorities and specialized institutes like the Atomic Energy Commission, the Geophysical Institute of Research.

➤ **TURKEY**

Mr. Ergünay was in charge of the IDRL Project research for the Turkish Red Crescent and provided full answers to the questionnaire.

Two main sources of information were provided by the Turkish Red Crescent

- A document entitled “*Disaster Profile of Turkey and Activities of the Turkish Red Crescent Society on Disaster Management*” which provides an overview on national practice in responding to natural or technological disasters.
- The second source of information was provided in response to the questionnaire, which included a list of international texts about relief operations. (See Annex 3).



LEGAL RESEARCH IN TUNISIA AND SPAIN
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The most extensive research was conducted in Tunisia and Spain. The following section analyzes the information provided by the Tunisian and Spanish National Societies and details each text dealing with relief operations in response to natural or technological disasters.

I. Common Agreements between Spain and Tunisia

In the Mediterranean region, the only registered agreements linking these countries are the convention and protocols signed under the auspices of the **United Nations Environment Programme**, on 16 February 1976 in Barcelona: the *Convention for the Protection of the Mediterranean Sea against Pollution* (entry into force on 18 February 1978). It gives the guidelines to prevent from, and respond to the different kind of pollution.

It was ratified by Spain on 17 December 1976 and its *1995 amendments* were accepted on 17 February 1999.

The Tunisian government ratified it by the *law n°77-29, 25 May 1977* and the country accepted the amendments on 1 June 1998.

This convention was followed by different Protocols:

- *The Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency* concluded on 16 February 1976 (entry into force on 12 February 1978) It favours the cooperation between States in the implementation of emergency plans and the exchange of information on the existing national measures to face a pollution situation.

Ratification by Spain: 17 December 1976.

Ratification by Tunisia: *law n°77-29, 25 May 1977*.

A new protocol entitled *Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea* was signed by these two countries on 25 January 2002. It is not yet entered into force. This protocol insists on the prevention activities.

- *The Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft* concluded on 16 February 1976.

Ratification by Spain: 17 December 1976 for the protocol and 17 February 1999 for the amendments.

Ratification by Tunisia: *law n°77-29, 25 May 1977* for the protocol and 1 June 1998 for the amendments.

- *The Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil* concluded in 1994. It is not yet entered into force but it was ratified on 1 June 1998 by the Tunisian government. The *section IV and annex VII* contain details on emergency plan.



II. Spanish Legal Research

Spain faces many natural disasters such as floods but it is also exposed to technological disasters like explosions or shipwrecks of tankers (for example, “Le Prestige”, the oil from which soiled the Spanish coasts at the end of 2002). The organization of relief in case of such disasters is ruled on a very dense national and international legislation.

1) **National structure and legislation**

Under *law 2 of 21 May 1985*, civil protection is a public service requiring the participation of the citizens, as well as the cooperation of the different administrations at the local, regional (provinces and Comunidades Autónomas) and state levels. Civil protection is meant to take necessary action in order to avoid, reduce or repair the potential effects on people, property and the environment, of situations of disaster or major collective risks. The structure of the Central Administration of Civil Protection is in the 2/85 Law on Civil Protection.

Hence, public administrations must undertake the main civil protection tasks. They are responsible for the measures of planning, prevision, prevention, warning, information, intervention and rehabilitation.

However, the law permits the participation of any citizen in the implementation of such measures. In many Spanish cities, there are a great number of civil protection voluntary organizations. Some volunteers are in the health sector (SAMUR volunteers) or in specific areas (dog handlers, rescue workers).

The **Dirección General de Protección Civil** (DGPC) is the State administrative unit in charge of the preparedness and response in case of natural and technological disasters.

The public civil protection system follows a legal mechanism called the Civil Protection Emergency Plans (*Planes de Emergencia de Protección Civil*). These plans determine the infrastructures and services necessary to the protection of the affected persons and goods. They are meant to cope with natural and technological disasters at the regional (Comunidades Autónomas) level, in accordance with the basic state directives. The DGPC has a specific set of State Coordination and Support Plans (*Planes Estatales de Coordinación y Apoyo*) to support the Comunidades Autónomas if necessary. The organisations coping with specific risks are managed by Special Plans (for chemical disasters, floods, seisms, forest fires, volcanic eruptions).

At the international level, the DGPC is a member of:

- the *Euro-Mediterranean Forum on Disaster* which organizes the *II Euro-Mediterranean Conference on Disaster Prevention* to be held in Madrid from 6 to 8 October 2003.
- the Iberoamerican Association of Governmental Defense and Civil Protection Organs (*Asociación Iberoamericana de Organismos Gubernamentales de Defensa y Protección Civil*, AIOGDPC). In order to improve the cooperation, the AIOGDPC has established a working group which is developing a draft multilateral agreement on technical cooperation and mutual assistance. At its IV Conference (held in Azores, Portugal, in September 2000), the AIOGDPC agreed to design a mechanism to facilitate those cooperation and mutual assistance activities.

Procedures to request and provide assistance

In case of emergency, Spain decides upon **offering assistance** through the Interministerial Commission for the Coordination of Humanitarian Aid Plans Overseas (*Comisión Interministerial para Coordinar Planes de Ayuda Humanitaria en el Exterior*). This Commission may decide the deployment of the Disaster Support Units (*Unidades de Apoyo ante Desastres*, UAD). Established in 2000, the UADs are volunteers specially trained and equipped for the protection of the people affected by national and international disasters.

Spain **requests international humanitarian assistance** through the standard procedures of the UN and the EU. According to the different treaties, the DGPC is the organization requesting support from other Parties. Similarly, in the case of the activation of the EU Mechanism, the DGPC is the contact point for Spain (the EU mechanism can only be activated through the contact point of the Central Administration in each EU Member Country).

The *December 1998 Framework Cooperation Convention* (*Convenio Marco de Cooperación*) between Spain and the Spanish Red Cross includes provisions on the use of the latter's resources

when a disaster takes place on Spanish territory. International assistance requested by the Spanish Red Cross are channeled through the Spanish Ministry of Foreign Affairs and, specifically, the Spanish Agency for International Cooperation (*Agencia Española de Cooperación Internacional*). The Interministerial Commission - mentioned above - coordinates the international humanitarian assistance.

2) Agreements binding the Spanish Red Cross

In case of air accidents, two agreements about the management of the psychosocial needs have been concluded with the two main Spanish airline companies:

- The agreement of collaboration between Iberia and the Spanish Red Cross (*Convenio Marco de Colaboración entre Iberia L.A.E., S.A. y Cruz Roja Española*),
- The agreement of collaboration between AECA (Spanish Association of Airline Companies) and the Spanish Red Cross (*Convenio Marco de Colaboración entre Asociación Española de Compañías Aéreas y Cruz Roja Española*).

No other official agreements have been concluded to facilitate international relief operations.

Relevant coordination with other organizations is undertaken with the International Federation through the *Field Assessment Coordination Teams* (FACT) and the standard *Emergency Response Units* (ERUs) (Health, Logistics, Telecommunications, Water and Sanitation Units).

The *French Red Cross and the Spanish Red Cross* are preparing an *agreement of cooperation*. It specially concerns transboundary cooperation. It plans to set up several commissions, particularly a special commission on relief operations when disasters occur. The main commission will be composed of people from the headquarters and from the delegations concerned. It is still in discussion.

3) International texts binding the Spanish government

WORLDWIDE TREATIES

The World Custom Organization

- *The 1961 Customs Convention on the ATA Carnet for the Temporary Admission of Goods (ATA Convention)* entered into force on 30 July 1963.

Signature by the Spanish government: 20 July 1962. Ratification or acceptance: 4 June 1964.

Only one document is necessary for the goods involved in the delivery of humanitarian assistance to facilitate their transborder movement.

- *The International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention)*, signed on 18 May 1973, entered into force on 25th September 1974.

Ratification or accession by Spain: 4 December 1979.

Spain is party to 18 of the Convention's 31 annexes, which include the number *B2 concerning relief from import duties and taxes in respect of goods declared for home use*. But Spain isn't party to the specific annex F5 concerning urgent consignments.

- *The convention on Temporary Admission (Istanbul Convention)*, signed on 26 June 1990, entered into force on 27 November 1993. More precisely the *annex B9 deals with goods imported for a humanitarian purpose*.

Signature by the Spanish government: 28 June 1990. Ratification or accession: 18 June 1997.
Just one remark: few States members to this convention.

The International Atomic Energy Agency

- *The Convention on Early Notification of a Nuclear Accident* signed in Vienna on 26 September 1986 (entry into force on 27 October 1986).

Signature by Spain: 26 September 1986. Ratification: 13 September 1989.

- *The Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency* signed in Vienna on 26 September 1986 (entry into force on 26 February 1987).

Signature by Spain: 26 September 1986. Ratification: 13 September 1989.

The cooperation between States is recommended by those two conventions to prevent and minimize injuries resulting from nuclear accident. There are provisions on the alert, the procedure of assistance request, the immunities of the relief staff and the privileges on goods delivered during the operations. The Agency coordinates assistance operations.

- *The Convention on Nuclear Safety*, signed in Vienna on 17 June 1994 (entry into force on 24 October 1996).

Signature by Spain: 15 November 1994. Ratification: 4 July 1995.

This convention contains provisions leading States to take national preventive measures of nuclear accidents in order to achieve a high-level of nuclear safety worldwide.

COSPAS-SARSAT International Satellite System for Search and Rescue

The International COSPAS-SARSAT Programme Agreement concluded in Paris on 1 July 1988 (entry into force on 30 August 1988).

Spain participates as one of the 24 Ground Segment Providers (letter of notification of association: 8 June 1992).

The International Cospas-Sarsat Programme Agreement between Canada, France, the former USSR and the USA was signed in Paris on 1 July 1988 and entered into force on 30 August 1988.

The objective of the Cospas-Sarsat system is to reduce delays in the provision of distress alerts to Search And Rescue services, and the time required to locate a distress and provide assistance. Indeed, those elements have a direct impact on the probability of survival of a person in distress at sea or on land. States non-Party to the International Cospas-Sarsat Programme Agreement can participate in the System by notifying of their association with the Program either as Ground Segment Providers or as User-States.

The 1998 TAMPERE CONVENTION on the provision of telecommunication resources for disaster, mitigation and relief.

Spain is not a Party to the Tampere Convention. Therefore, on March 2003, the Spanish Red Cross presented to the Spanish Ministry of Foreign Affairs a document highlighting Spain's active participation in response to worldwide disasters. Spain is also an important sponsor (with other Member States) of UN General Assembly Resolutions A/57/150, A/57/153 and A/57/155 adopted 16 December 2002. Consequently, the signature and ratification by Spain of the Tampere Convention is considered to be very important.

REGIONAL TREATIES

The Council of Europe

- *Import Duty Exemption for Medical Goods* UNTS 1960 Vol. 376 p.0048-0049.
Ratification by Spain: 18 April 1974.

- *Resolution 87(2): Open Partial Agreement on the Prevention of, Protection against, and Organisation of relief in Major Natural and Technological Disasters* (EUR-OPA major hazards agreement).
Ratification by Spain: 20 March 1987.

Spain was one of the funding members of the EUR-OPA Agreement, “a platform for cooperation in the field of major natural and technological disasters between Eastern Europe, the South of the Mediterranean and Western Europe concerning knowledge, prevention, risk management, post-crisis analysis and rehabilitation.”

Spain has no specific agreements or procedures under this Agreement, but there are certain areas of work and participation within the *Network of Specialized Euro-Mediterranean Centres*.

Established in 2000 in Madrid, the European Centre on Social Research In Emergencies Situations (*Centro Europeo de Investigación Social de Situaciones de Emergencia*, CEISE) is a part of the DGPC. Its main purpose is the development of research and studies on the sociological, legal and economical aspects of civil protection. The DGPC has issued a directive on chemical risks that reflects the European Union Directive on major industrial risks.

There are a few Council Resolutions in the civil protection area. Two of them deal with the establishment of a *Plan of Action for Civil Protection*, related to research activities, among others (disaster medicine, training, seminars and exercises). By definition these activities should not affect the regulatory aspects of civil protection. Nevertheless, everyone will benefit from the exchange of experiences.

The Council Decision establishing the mechanism is only for special disaster intervention units and has made no changes to specific planning provisions in Spain.

The European Union

- The European Commission

The Cooperation agreement for the Protection of the Coasts and Waters of the North East Atlantic against Pollution (Lisbon agreement) was concluded in Lisbon on 17th October 1990, but it has not yet entered into force.

- The European Parliament

Resolution on the floods in Portugal, in its autonomous region of Madeira and in Spain, the 18th January 1996.

The Resolution reminded “the Commission and the Member State authorities, in line with the positions previously adopted by Parliament on this subject, of the need, as a matter of urgency, to take global logistic and technical action and to provide operational technical and human resources for the services and infrastructures whose role is to prevent and alleviate emergencies and disasters, with a view to their effective anticipation and prevention or the minimization of their consequences.”

But the Spanish Legislation had already established such measures before this date. Specific procedures give different kinds of supports (economic, psychological, etc.) to the affected population.

The Spanish Government's response consists of the standardization of the DGPC's Special Emergency Plans set up by the Comunidades Autónomas, in accordance with the DGPC's main risk directives.

- The Council of the European Union

The *Seveso Directives (I and II)* are environmental Directives that have an influence on civil protection issues. They are differently implemented in each EU countries: for instance, the responsibility can be undertaken by the Environment Department (e.g. France), or by the civil protection (e.g. Spain and Belgium).

The Seveso II Directive has enabled the Spanish planning for chemical accidents to comply with the UE legislation.

- The European Council

The DGPCs Disaster Response Units (*Unidades de Respuesta ante Desastres*) are allowed to intervene in the non-military crisis management mechanism established by the *Helsinki European Council* on 10 and 11 December 1999. The aim is "to coordinate and make more effective the various civilian means and resources, in parallel with the military ones, at the disposal of the Union and the Member States" (paragraph 28 of the text of this Council).

The United Nations Economic Commission for Europe

- *The European Agreement concerning the International Carriage of Dangerous Goods by road (ADR) and Annex A and B*, concluded in Geneva on 30 September 1957 (entry into force on 29th June 1968).

Accession by Spain: 22nd November 1972.

- *The Protocol amending article 1 (a), article 14 (1) and 14 (3) (b) of the European agreement of 30 September 1957 (ADR)* concluded in Geneva on 28th October 1993.

Accession by Spain: 21st December 1994.

This agreement contains provisions on the specific conditions concerning the carriage of dangerous goods during relief operations - their safety is organized by the transporter.

- *The Convention on the Transboundary Effects of Industrial Accidents*, signed in Helsinki on 17th March 1992 (entry into force on 19th April 2000).

Signature by Spain: 18th March 1992. Ratification: 16th May 1997.

Lots of provisions on the prevention and response to industrial accidents.

- *The Convention on the Protection and Use of Transboundary Watercourses and International Lakes* signed in Helsinki on 17th March 1992. (entry into force on 6th October 1996)

Signature by Spain: 18th March 1992. Ratification: 16th February 2000.

Lots of provisions on the prevention but *Article 15 "Mutual assistance"* specially concerns the intervention in case of pollution and contains special provisions on the facilities of the assistance staff and on the indemnities.

The North Atlantic Treaty Organization

Spain participates in the *Civil Protection Committee* (CPC) and is a member of the *Euro-Atlantic Partnership Council* (EAPC), “a multilateral forum where NATO member and partner countries meet on a regular basis to discuss political and security-related issues and develop cooperation in a wide range of areas”.

There is an EAPC document entitled *Policy on Enhanced Practical Cooperation in the Field of International Disaster Relief*, approved by the EAPC Ministers of Foreign Affairs on 29th May 1998. The ministers decided “to establish at NATO Headquarters, within the Alliance’s Civil Emergency Planning Directorate, a small Euro-Atlantic Disaster Response Coordination Centre (EADRCC); and to activate, where appropriate in the event of an emergency in an EAPC member country, a non-standing Euro-Atlantic Disaster Response Unit (EADRU), comprising a mix of national elements provided by EAPC members.”

BILATERAL AGREEMENTS

1. Agreements between France and Spain

- *The Convention on Mutual Assistance between French and Spanish Fire and Emergency Services* signed in Madrid on 14 July 1959. (entry into force on 8 March 1960)
- *The Additional Agreement to the Convention on Mutual Assistance between French and Spanish Fire and Emergency Services* concluded in Madrid on 8 February 1973. (entry into force on 1st March 1974)
- *The Convention on Civil Defence* signed in Perpignan on 11 October 2001. (entry into force on 1 March 2003)

The objective of this convention is cooperation between the two States about prevention, training and mutual assistance to respond to natural or technological disasters. It also includes special provisions on the facilities to enter the territory for the staff, the materials and on the use of planes.

2. Agreements between Spain and Portugal

- *The Agreement on Mutual Assistance between Portuguese and Spanish Fire and Emergency Services* concluded in Lisbon on 31 March 1980 and entered into force on the same date.
- *The Protocol on Technical Cooperation and Mutual Assistance in the Field of Civil Defence* concluded in Evora on 9 March 1992. (entry into force on 2 July 1993)

3. Agreement between Spain and Ecuador

The Supplementary Agreement on Technical Cooperation in Irrigation, Drainage and Flood Control (with Annex) concluded in Quito on 17 September 1981.

4. Agreement between Spain and Morocco

The Agreement on Technical Cooperation and Mutual Assistance in the Field of Civil Defence, concluded in Rabat on 21 January 1987. (entry into force on 28 December 1992)

5. Agreement between Spain and Argentina

The Agreement on Cooperation on disaster Preparedness and Prevention, and Mutual Assistance in the Event of Disasters concluded in Madrid on 3 June 1988 (entry into force provisionally on 3rd June 1988 and definitively on 1 September 1992) BOE 181, 30 July 1991.

Lots of precise provisions concerning the status of staff, materials, transports in emergency situation.

6. Agreement between Spain-Mexico and Spain-Uruguay

- Spain-Mexico: *The Agreement on Cooperation on disaster Preparedness and Prevention, and Mutual Assistance in the Event of Disasters* concluded in Mexico on 6 November 1997.

- Spain-Uruguay: *The Agreement on Cooperation on disaster Preparedness and Prevention, and Mutual Assistance in the Event of Disasters* concluded in Madrid on 25 September 1997.

The two agreements contain the same provisions. They are setting up a bi-national team of civil protection. They detail the measures to prevent disasters and develop the status of the staff working in the scientific and technological cooperation (insurance, etc.)

7. Agreement between Spain and Russian Federation

The Agreement on Cooperation on disaster Preparedness and Prevention, and Mutual Assistance in the Event of Disasters concluded in Madrid on 14th June 2000. (entry into force on 30 June 2001)
Specific provisions on the status of the staff, the materials.

4) Doctrines

In the framework of the **Organization for Economic Cooperation and Development (OECD)**, Spain participates in the *Chemical Accidents Programme* which "provides opportunities for experts from governments, industry, labour, international organisations and other interested parties to exchange information and experience, in order to help prevent chemical accidents and to respond appropriately if one does occur."

Since June 1999, the *Revista de Protección Civil* (<http://www.proteccioncivil.org/boletrevispc.htm>) publishes technical articles in the field of civil protection.



III. Tunisian Legal Research

Tunisia is more exposed to natural disasters than to technological disasters. Indeed, the country often faces earthquakes, forest fires and floods (the January 2003 flood was particularly dramatic). Floods can be considered as a cyclic phenomenon in Tunisia. Since they occur in average every ten years (1969, 1983, 1990, and 2003). How are relief operations organized under such conditions? First, the national procedures are important. Secondly, following the census of the texts binding Tunisia as regards relief operations, the international legislations are rare.

The most recent floods provide a good example of the basic scheme of a relief operation. In this instance the Tunisian government did not launch any international appeal because it believed it could manage on its own. Instead, the government used the national mutual aid fund: the "26/26", which had been established for ten years to reduce social differences. The government also used the Tunisian mutual aid Bank for micro credit. Only the Tunisian Red Crescent launched a "small" appeal. The DREF (Disaster Relief Emergency Fund from the Federation) and 15 National societies answered this appeal.

1) Relief operations at the national level

These operations are ruled by two main laws:

- *The Law n°91-39, 8 June 1991*
- *The Decree n°93-942, 26 April 1993*

An ORSEC plan has been established which consists in a partnership between the civil protection national office and the other ministries (national defence, public health, equipment, telecommunications, agriculture, social affairs and solidarity).

Two organizations of assistance intervened during these disasters relief operations:

- The Tunisian Red Crescent.
- “L’Union tunisienne de solidarité sociale” (the Tunisian Union of social solidarity) which is an official organization of the Ministry of social affairs.

The government privileges the preventive measures through technical plans of prevention: cartography of the risks, plan to protect cities, current liability of a permit building in town and in the countryside. It also develops an efficient alert system able to work as soon as a disaster begins.

2) International agreements about relief operations

There are few international texts about relief operations in Tunisia.

- No registered **agreement binding the Tunisian Red Crescent with other National Societies** or other organizations.
- No registered **bilateral agreement** binding the Tunisian government to other States concerning natural or technological disasters relief operations.
- Concerning **regional agreements**, only one convention has been found:

The Arab Convention of Assistance in the Field of the Organization and the Implementation of the Relief Operations (Council resolution of the Arab League n°4740) signed in Tunis, 23rd September 1987.

Ratification by Tunisia: *law n° 89-63, 7th July 1989.*

- **The international texts** are the most important for Tunisia. But most of the time they do not contain specific provisions on the organizations of such operations, they just give general principles. As the majority of these texts are connected with Maritime Law, they essentially deal with rescue at sea.

The International Civil Defence Organization

The Framework Convention on Civil Defence Assistance, 2000.

Ratification by Tunisia: *law n°2001-53, 22nd May 2001.*

The United Nations Environment Programme

- *The Convention on Biological Diversity, 1992.*

The objective is the conservation of the biological diversity and the sustainable use of its elements.

Article 14 “Impact assessment and Minimizing Adverse impacts” encourages States cooperation in taking measures to face emergency situations and protect biodiversity.

Ratification by Tunisia: *law n° 93-45, 3 May 1993.*

The analyze of the Tunisian national strategy on biological diversity reveals that the government tries to draft an emergency plan for the protected areas, privileging the preventive actions, rather than the curative ones.

- *The Cartagena Protocol on Biosafety to the Convention on Biological Diversity, 2000* (will enter into force on 11 September 2003).

Ratification by Tunisia on 22 January 2003.

This Protocol aims at ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms resulting from modern biotechnology.

Article 17 “Unintentional transboundary movements and emergency measures” insists on the cooperation in the field of information on risks and accidents. It also encourages States to elaborate emergency measures.

The International Maritime Organization

- 1) - *The International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties*, 1969.

Adhesion of Tunisia: *law n°76-14, 21 January 1976* (entry into force: 2 August 1976)

This convention gives principles on relief operations and no details.

Article 1 encourages States to take measures to prevent, mitigate and eliminate pollution danger in their coastlines.

- *The Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil*, 1973.

Adhesion of Tunisia: *law n°76-14, 21 January 1976* (entry into force: 30 March 1983)

It contains the same provisions as the convention.

- 2) - *International Convention on Maritime Search and Rescue*, (SAR), 1979. (entry into force: 22 June 1985).

Adhesion of Tunisia: *law n°98-35, 25 May 1998*.

Setting up of security, search and rescue services by a coastal State. A color code to recognize relief equipment. Encouraging the cooperation to establish common rescue team and to facilitate the entry of foreign teams into territorial sea.

Preparatory measures: having fuel in advance for relief transport, and quick means of communication, establishment of emergency plans.

- *The 1998 Amendments to the SAR Convention*.

Automatic adhesion.

Few modifications of the convention.

- 3) - *The International Salvage Convention*, 1989 (entry into force: 14 July 1996) concerning the salvage of a ship in danger by an other one.

Ratification by Tunisia: 5 May 1999. (entry into force: 5 May 2000)

It deals with the assistance operations for the safety of the ships and other goods in danger.

Article 10: it is an obligation for a captain to carry assistance to any ship in danger.

Article 11: cooperation in assistance operations (access facilities to ports for a ship in danger, facilities offered by States to the assistants).

Article 16: contrary to the salvage of ship or cargo, no remuneration is granted for human salvage.

Article 25-26: cargo's status during assistance operations.

- 4) - *The International Convention for the Safety of Life at Sea* (SOLAS), 1974. (entry into force: 1980).

Ratification by Tunisia: *law n°80-22, 23 May 1980*.

Ships engaged in international trips are concerned.

Certificates are delivered to every ship respecting the preventive security measures.

Provisions concerning lifeboat, life rafts, life jackets, radiotelegraph installations, distress messages, emergency procedures, are specific to each category of boats.

Chapter 5, Regulations 15 and 16 concerns specifically relief operations.

- *The Protocol of 1988 relating to the International Convention for the Safety of Life at Sea.*
Ratification by Tunisia: *law n°98-68, 4 August 1998.*
Updating of the security certificates.



For the Tunisian Red Crescent, that low number of texts could be explained by the importance given to the *de facto* cooperations.

To reduce these difficulties, the TRC suggests the development of the victims' rights, rather than an International Disaster Response Law.

ANNEX I : IDRL CORRESPONDENTS

1. Croix-rouge portugaise :

**Campo grande, 28-6th
1700-093 LISBOA**

Correspondant : M. Nuno Albuquerque (conseiller juridique)

Tél : (00) 351 21 7822400

Ou 241

Ou 242

e-mail : internacional@cruzvermelha.org.pt

2. Croissant-Rouge égyptien:

**Abd El Razek Al Sanhoury Street, Nasr City
7516 CAIRO**

Correspondant : Dr Yahya Tomoum (conseiller)

Tél : (0020) 2 670 3983

Fax : (0020) 2 670 3967

Tél portable : 20 10 15 28 786

e-mail : erc@brainy1.ie-eg.com

3. Croix-rouge espagnole:

**Rafael Villa, s/n (Vuelta Ginés Navarro)
28023 El Plantio
MADRID**

Correspondant : M. Joaquin Lopez Sanchez (secrétaire du centre d'étude du droit international humanitaire de la Croix-rouge espagnole)

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**Via Toscana, 12
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Tél : (0039) 06 4759291

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**Atac Sokak 1 No 32
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Correspondant : M. Oktay Ergünay (directeur général adjoint)

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**19, rue d'Angleterre
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ANNEX II: QUESTIONNAIRES

GENERAL QUESTIONNAIRE

Dear....

In response to a letter of Mr. Jean-Pierre CABOUAT, Adviser for the international relations of the French Red Cross, we were told by Mr. that you would be my correspondent in your national Society for the current study on the international texts concerning the natural or technological disasters.

We carry out this survey in close cooperation with the International Federation in order to collect more information, as well as the international texts having a relation with natural or technological disasters response operations, including prevention, relief and rehabilitation activities.

Taking into account the very short time available (this study must be presented at the next international Conference of the Red Cross and the Red Crescent in December 2003), I submit to you the attached questionnaire which refers to the regional or international response operations following natural or technological disasters. What interests us in these relief operations, is their organization and their coordination as well as the status of the humanitarian actors. It is indeed a question of knowing which facilities are granted to them in matters of entry, stay and exit of the territory or even which tax exemptions can be granted to importation and exportation of goods and relief equipment. The privileges and immunities which can be granted to this personnel interest us as well as the question of their civil and penal liabilities likely to be involved in the operations. We also include the facilities granted by the affected country in matter of technical assistance (telecommunication, logistics, road networks, water, fuel, airports, hospitals...). It can also concern all the measures taken as regards formation, information exchange on the management of disasters.

QUESTIONS

1. Can you send me the list of the **international treaties** (worldwide, regional or bilateral) binding your country and including clauses relating to the natural or technological disasters response operations?

Can you forward these texts to us(preferably in English or French version) ?

2. Have your national Society concluded any **agreements** to facilitate the international relief operations following these sinisters? How is organised the coordination with other relief organisations(International Federation, NGO, International Organisations ...)?
3. Can you forward to me the list of the **NGO** present on your territory, undertaking an activity in the management of disasters, food security?
4. Are you able to inform me of the **decisions, resolutions, recommendations or official statements**, issued during the last five years, by the international or regional organisations' delegations and offices in your country (UNHCR, UNICEF, WFP, WHO, UNDP, etc.) or on matters concerning disaster response operations?

5. Do you know people, **within your State's administration**, more especially in charge of the natural or technological disasters? Which are the **infrastructures and services** qualified in this field? Which are the procedures used by your government to request international assistance or your national Society's assistance when catastrophes occurred?
6. Which are, in your opinion, **the research** carried out on this topic?

I thank you for your quick answer so that I can present my report to the Federation at the end of June 2003.

Expecting your answer, please accept, Sir, my best regards.

Lauriane Tenon
International Relations Department
French Red Cross Paris
Mail to : affint1@croix-rouge.net

ANNEX III : TURKEY

1) *At the international level,*

Turkey is a member of UN system, NATO, Council of Europe, World Bank, International Monetary Fund etc. since the years. So that, there are a lot of international, regional and bilateral agreements with these organizations. **Most relevant organizations** are given below.

- Black-Sea Cooperation
- Council of Europe
- European Investment Bank
- European Union
- European Seismology Commission
- Federal Emergency Management Agency (FEMA)
- Global Disaster Information Network
- International Atomic Energy Agency (IAEA)
- International Bank for Reconstruction and Development (IBRD-World Bank)
- International Committee of the Red Cross (ICRC)
- International Committee on Earthquake Engineering
- International Federation of the Red Cross and Red Crescent Societies (IFRC)
- International Union on Geodesy and Geophysics
- Japan International Cooperation Agency (JICA)
- North Atlantic Treaty Organization (NATO)
- Stability Past for South Eastern Europe
- UN Children's Fund (UNICEF)
- UN Development Program (UNDP)
- UN Environmental Program (UNEP)
- UN Food and Agriculture Organizations (FAO)
- UN High Commissioner for Refugees (UNHCR)
- UN Industrial Development Organization (UNIDO)
- UN Office for the Coordination of Humanitarian Affairs (UNOCHA)
- World Food Program
- World Health Organizations
- World Meteorological Organization

Some of **international and bilateral cooperative projects** have been undertaken between 1990-1999 are given below.

- Flood Prediction Control and Warning System For Seyhan River Basin.
- The Turkish-German Project on Earthquake Prediction Research in Mudurnu Valley.
- Disaster Rehabilitation and Reconstruction Project for Erzincan Earthquake in 1992.
- Snow Avalanche Prediction System.
- Establishment an Earthquake Disaster Prevention Research Center Project.
- Improvement of Turkey's Disaster Management System.
- Turkey Emergency Flood and Earthquake Recovers Project.

A **bilateral protocol** signed by Turkish and Hellenic authorities in November 2001, established a Turkish-Greek joint unit to intervene in case of natural or technological disasters. On 16 September 2002, a new Memorandum of Understanding was signed between United Nations, Hellenic and Turkish Republic.

Some relevant **International Assistance Projects** after the 1999 Marmara Earthquake are summarized below.

- UNDP projects.
- Provision of Emergency Relief and Establishment of a Tent City.
- Comprehensive shelter and Sanitation in the Earthquake affected areas-Turkey.
- Development of a regional management plan for Rubble.
- Improving the Solid Waste Management System in the Earthquake region.
- Support to Civil Society participation in recovery related activities.
- Micro enterprise Recover Project.
- Post Earthquake Technical Consultancies and disaster mitigation capacity building Program of Turkey.
- Emergency Relief and Response to the Bolu Region of 12 November 1999.
- Strengthening coping Capacities of populations affected by the Marmara Earthquake.

EU projects

EU has financed 32 projects totaling 50 million euros in relation to emergency relief, recovery and reconstruction of the region.

The World Bank

This US\$ 737 million project recover;

- Disaster Response System and Risk Mitigation
- Trauma Program for Adults
- Construction of Permanent Housing
- Repair of Hanging and Health Care facilities
- Rebuilding and repair of roads, wastewater, water and electricity Distribution Network.

FEMA project

The main aim of this project was to establish a Disaster management training Programs in turkey. Now a new disaster management Education Canter is established in Istanbul Technical University (ITU). Since 2001, the center is implementing certificate and master programs on disaster management.

Japan International Cooperation Agency (JICA) Projects:

The aim of this project was to implement a study on a disaster prevention/mitigation basic plan in Istanbul including seismic microzonation.

International Federation of Red Cross and Red Crescent Societies and the Participating National Societies Projects:

As it is well Known, Federation made an appeal totaling 65 million Swiss Francs after the Marmara Earthquake. Approximately 60 National Societies responded to the Federation's appeal and other National Societies provided independent funding for relief activities and longer-term, recovery activities. Some activities are still continuing, as American, British, Italian and Spanish Red Crosses.

The 1998 Tampere Convention is signed by the Turkish government but is waiting for Parliament decisions.

2) *At the national level,*

Kizilay (Turkish Red Crescent) is one of the important partner of the Disaster Management System of Turkey both central and local level. Kizilay's representatives are responsible for coordination of relief activities during an emergency.

Official appeal of the country is the responsibility of Ministry of Foreign Affairs. This Ministry has a special disaster management coordinating units for this reason.

The coordination of NGO's relief activities is the responsibility of Kizilay. Those are clearly define in disaster management laws and regulations of Turkey.

3) NGOs

Few NGO's were actively involved in disaster activities until 1999, but after the Marmara Earthquake, about 1200 of them became involved in disaster relief activities. But today very few of them are still active. (see Annex 4)

4) National structure

The Tunisian Red Crescent is very important partner of the National Disaster Management System in Turkey both national and local levels, according to existing laws and regulations.

When a disaster occurs in turkey, local governorate ask directly to Kizilay about relief material such as tents, blankets, etc. according to their needs assessments.

During the big disasters events, Prime Minister declares a state of emergency and Central Crisis Management System will be activated. During this period appeal for international assistance via UN system will be implement by Ministry of Foreign Affairs in coordination with UNDP resident office in Turkey.

There are five governmental organizations in Turkey responsible for natural or technological disasters:

- **Turkey Emergency Management General Directorate**, attached to the Prime Ministry which is responsible for coordination of activities of different organizations and management of the Crisis Management Centers.

Tel: +90 312 425 17 29 or 425 21 82

Fax: +90 312 419 99 48 or 419 99 58

- **General Directorate of Disaster affairs (GDDA)**, attached to the Ministry of Public Works and Settlement which is responsible for mitigation, preparedness and reconstruction activities.

Tel: +90 312 287 89 45 or 287 89 54

Fax: +90 312 287 26 89

- **General Directorate of Civil Defense (GDCD)** attached to the Ministry of Interior which is responsible for search and rescue activities.

Tel: +90 312 426 61 15

Fax: +90 312 427 75 43

- **General Directorate of Basic Health Services** attached to the Ministry of Health which is responsible for first-aid and basic health activities.

Tel: +90 312 431 48 27

Fax: +90 312 434 44 49

- **International disaster Management Coordination office** attached to the Ministry of Foreign Affairs which is responsible for request international assistance and coordination of international relief activities.

Tel: +90 312 284 02 90

Fax: +90 312 292 11 01

ANNEX IV : LIST OF NGOs

- **Spanish** NGOs, leading relief operations when natural or technological disasters occur, are:

AGENCIA ADVENTISTA PARA EL DESARROLLO Y RECURSOS ASISTENCIALES (ADRA),
AYUDA EN ACCION,
CARITAS ESPAÑOLA,
FARMACÉUTICOS MUNDI,
FUNDACIÓN JUAN CIUDAD,
INTERMON OXFAM,
MEDICOS DEL MUNDO,
MEDICOS MUNDI,
MEDICOS SIN FRONTERAS,
MOVIMIENTO POR LA PAZ EL DESARME Y LA LIBERTAD (MPDL),
SOLIDARIDAD INTERNACIONAL,
UNICEF (Spanish Committee).

- The following are some of the NGOs in **Egypt**, which perform in disaster situation:

Medical Syndicate of Egypt.
CEOS (Coptic Evangelican Organization for Social Service
KARITAS
ROTARY Clubs

- **Turkish** NGOs :

Acil İhtiyaç Projesi Vakfı (AIP)
Emergency Need Project
Acil Tıp Derneği (ATD)
Emergency Medicine Association
Açık Radyo
Open Radio
Afet Radio
Afete Karşı Sivil Koordinasyonu Destekleme Derneği (ASK)
Civic Coordination Against Disasters
Ag 17 Yardım Gönüllüleri Derneği (AG17)
Aug. 17th Association
Ak Sigorta Eğitim ve Yangın Simülasyon Merkezi
AK Insurance, Education and fire Simulation Center
Anne-Baba Destek Grubu (ABDG)
Mother-Father Support Group
Anne-Çocuk Vakfı (ACEV)
Mother Child Ed. Found. (MOCEF)
An Hareketi
Bee Movement
Aydınlık İçin Yurtias Girişimi Destekleme Derneği
Citizen Initiative for Light

Bekirpasa Depremzedeler Derneği (Kocaeli-Izmit)
Bekirpasa Earthquake survivor's Association

Beyaz Nokta Vakfı (BNV)
White Point Foundation (WPF)

Bizim Ülke Derneği (BÜD)
Association of our country

Çağdaş Eğitim Vakfı (CEV)
Contemporary Education Found.

Çağdaş Yasami Destekleme Derneği (CYDD)
The organization for support for Contemporary life

Canakkale Deprem İçin Sivil Koordinasyon
Canakkale Civil Coordination for Earthquake

Cevre Kozası
Environmental Caucus

Cevre ve Kültür Değerlerini Koruma ve Tanıtma Vakfı (CEKÜL)
The Found. For the protection and preservation of environmental and cultural value

Cocuk Sağlığı Derneği
Children's Health Association

Cocuk Vakfı
Children's foundation

Dayanışma Gönüllüleri Derneği
The organization of Solidarity volunteers

Doğal Hayati Koruma Derneği (DHKD)
Society for the protection of Nature

Doğa ile Bars (DİB)
Society of peace with Nature

Dünya Yerel Yönetim ve Demokrasi Akademisi
World Academy for Local Democracy (WALD)

Fiziksel Engelliler Vakfı (FEV)
Handicapped Foundation

Genç Yönetici ve İşadamları Derneği (GYİAD)
The Young executives and businessmen's association

Gökkuşagi İstanbul Kadın Platformu (GİKAP)
Rainbow İstanbul Women's Platform

Helsinki Yurttaşlar Derneği
Helsinki Watch Association

İnsan Goga Oluşumu (İDO)
Human and Nature Formation

İnsan Hakları ve Mazlumlar İçin Dayanışma Derneği (MAZLUM-DER)
Organization of human rights Solidarity for oppressed people

İnsan Kaynagını Geliştirme Vakfı (İKGV)
Human Resources Development Foundation (HRDF)

İnsan Sağlık ve Eğitim Vakfı (İNSEV)
Foundation for Human Health and Education

İnsani Yardım Vakfı
Humanitarian Aid foundation

International Women of İstanbul (IWI)

İstanbul Afet Derneği
İstanbul disaster Association

İstanbul Avrupa Gençlik Forumu Derneği (Aegee)
İstanbul-European Youth Forum Foundation

İstanbul Çevre Gönüllüleri Platformu (SOS)

Istanbul environmental Volunteers
Istanbul Cevre Konseyi (ICK)
Istanbul environmental Council
Istanbul Fotograf Sinema Amatörleri Kurulusu (IFSAK)
Istanbul Photograph Cinema Amateurs foundation
Istanbul Yardım Grubu
Istanbul Help Group
Izmit Kent Kurultayı- Yerel Gündem 21
Izmit General Assembly- Local Agenda 21
Kadim Emegini Değerlendirme Vakfı (KEDV)
Foundation for Support of Women's Work
Kadınlarla Dayanışma Vakfı (KADAV)
Women's Solidarity foundation (WSF)
Karamürsel Depremzedeler derneği
Karamürsel earthquake Victims Association
Klavuz İzci Kurtarma ve Yasatma Grubu
Pioneer Scouts Rescue and Live Group
Lions (Uluslararası Lions Yönetim Cevresi
Lions Club
Lokman Hekim Sağlık Vakfı (LHSV)
Lokman Hekim Health foundation
Mavi Hilal
Blue Crescent
Mavi Kalem Sosyal Yardım İlaşma ve Dayanışma Derneği (Mavi Kalem)
Mavi Kalem Social Assistance and Charity
ODTU mezunlar Derneği- İstanbul şubesi
METU Alumni Associatio-Istanbul Branch
Reklamcılar Derneği (RD)
Advertising Association
Rotaract
Sivil İletişim Ağı
Civic Communication Network
Sosyal Demokrat Vakfı (SODEV)
Social Democracy foundation
Sosyal Hizmetler Araştırma, Belgeleme Eğitim Vakfı (SABEV)
Foundation for Socialwork Research, Documentation and Education
Sosyal Kültürel Yaşamı Geliştirme Derneği
Development of Social and cultural life association
Tarih Vakfı
Economic and Social History Foundation of Turkey
T.C Marmara ve Boğazlar Belediyeler Birliği (MBBB)
Union of Municipalities of the Marmara region (UMMR)
Telsiz ve Radyo Amatörleri Cemiyeti (TRAC)
Foundation of Wireless and Radio Amateurs
Toplum Sağlığı Vakfı (TOSAV)
Public Health foundation
Türkiye Deprem Vakfı (TDV)
Turkish Earthquake Foundation (TEF)
Türkiye Eğitim Gönüllüleri Vakfı (TEGV)
Turkish Education Volunteers foundation
Türkiye Halk Sağlığı Kurumu Derneği
Turkish Public Health Organization

Türkiye Korunmaya Muhtaç Çocuklar Vakfı (TKMCV)

Turkish Society for the Protection of children

Türk Psikologlar Derneği

Turkish Psychological Association

Türkiye Yangından Koruma Vakfı (TÜYAK)

Turkish Foundation for Fire protection

Yalova Depremzedeler Derneği

Yalova Earthquake survivor's Organization

Yesil Adamlar Çevre Eğitim Derneği

Greensteps for environmental Literacy

Yüksek Öğretimde Rehber Yetistirme Vakfı (YÖRET)

Foundation for the Advancement of Counseling in Education-FACE