

**1st International Conference
for the follow-up of the Framework
Convention on Civil Defence Assistance**
Geneva, 03 October 2002

MODEL BILATERAL AGREEMENT IN THE MATTER OF CIVIL DEFENCE

Initiated by the International Civil Protection Organisation (ICDO) furthering and encouraging solidarity between the national services of civil defence, the convention concerned with assistance in the matter of civil defence of May 22nd 2000 came into effect on 23 September 2001.

The object of this convention is to define, for all areas covered by civil defence, the general principles that must prevail during all international collaboration concerned with assistance.

In as much, in order to promote a full and complete collaboration, the state parties at the convention may specify, by means of agreements, technical means and other working procedures inherent in assistance operations on an international scale.

This is why ICDO has decided to propose a model bilateral agreement, specifying the conditions under which the party states offer each other mutual assistance, such as terms for crossing borders, coordination and operational management, costs of intervention and compensation.

Whilst taking account of the specific nature of each collaboration in this matter, this model bilateral agreement must be used as a working instrument through which each of the party states may be able to negotiate an agreement, which responds to their needs and expectations.

To this end, ICDO remains at the disposition of party states that wish to benefit from their advice in drawing up such agreements.

AGREEMENT BETWEEN THE GOVERNMENT OF () AND THE GOVERNMENT OF () OVER MUTUAL ASSISTANCE IN THE MATTER OF CIVIL DEFENCE

The Government of () and the Government of ();

Aspiring to facilitate and reinforce the enactment of international cooperation in the matter of civil defence, conforming to the convention concerned with assistance in the matter of civil defence of 22 May 2000;

The following outlines have been agreed upon:

Article 1: Definitions

At the outcome of the present agreement:

“Assistance” designates all action undertaken by the civil defence service by one state for the benefit of another state, with the aim of preventing catastrophes or mitigating the consequences. It includes all missions allotted to the service of civil defence by the party states and which are accepted by the beneficiary states, possibly with the aid of any other partner.

“Civil defence services” signifies a structure, on any other state – controlled body; set up in order to prevent catastrophes and to mitigate their consequences upon peoples, goods and the environment.

“A beneficiary state” is a party state of which the territory is threatened or affected by a catastrophe, and who asks for outside assistance, or who consents to it.

“A supporting state” is a party state providing assistance to a beneficiary state, at its request, or with its consent.

“A civil defence unit” includes persons, materials and emergency equipment belonging to the service of civil defence of the supporting state, and identified by the national or international emblem of civil defence (blue equilateral triangle on an orange background).

Article 2: Object

The present agreement defines the conditions under which the concerned parties offer each other mutual assistance in the matter of civil defence within the limits of their respective possibilities, in the domains of prevention, foresight and prevention, of intervention and post crisis management.

Article 3: Competences

- 1) For the implementation of the present agreement, the concerned parties designate as competent authorities:
For (name of country): the (Minister/Lady Minister/ Department)
For (name of country): the (Minister/Lady Minister/ Department)
of whom the details are noted in an appendix.
- 2) The concerned parties communicate, through diplomatic means, the addresses and telephone numbers of the above-mentioned authorities, as well as any modifications concerning the designation of competent authorities.

Article 4: Methods of engagement

- 1) The demand for assistance must be addressed by the beneficiary state through diplomatic means, to a competent authority within the supporting state. It must define the nature and extent of the envisaged mission, as well as the characteristics of the aid, which is being requested. The supporting state must analyse the demand, and inform as to its decision within the shortest possible time.
- 2) The supporting state can spontaneously put forward an offer of assistance to the beneficiary state. The beneficiary state must analyse the offer of the supporting state, and inform as to its decision, within the shortest possible time.
- 3) The beneficiary state can accept or refuse all, or part of the offer put forward by the supporting state. In the case of acceptance of the offer, the beneficiary state must indicate to the supporting state which unit of civil defence it will allow to penetrate its territory, as well as the authorised area(s) where the border may be crossed.

Article 5: Crossing of borders

- 1) In order to insure the efficiency of international cooperation in the matter of civil defence, and especially in the case of assistance missions, the concerned parties promise to limit to the indispensable minimum formalities concerned with crossing borders. To this effect, the beneficiary state must present all useful information to the concerned police and customs authorities.
- 2) At the authorised border crossing point, the head of the civil defence unit must be the sole bearer of a mission order, delivered by the authority to which the unit is attached, containing a list of persons and materials which make up the unit, and testifying as to the nature of the assistance operation.
The persons making up the civil defence unit are not obliged to present

passports, visas or permits, but must be present their professional civil defence cards to the customs authorities.

Or

- 3) The members of the civil defence unit cross the borders of the beneficiary state at the border crossing point(s) where passports are checked. They can enter and remain upon the territory of the beneficiary state without visas or permits. The head of the civil defence unit must be the sole bearer of a mission order, delivered by the authority to which the unit is attached, which testifies as to the nature of the assistance operation, and contains a list of persons and materials taking part in this operation.
- 4) Goods belonging to the civil defence unit imported or re-exported from the territory of the concerned parties for assistance purposes are exonerated from all custom's duties and taxes, within the limits and conditions already laid down by the legislation and reglementation of each of the contracted parties.
- 5) The civil defence unit must not bring goods other than equipment and rescue materials necessary for the success of the civil protection mission. On no account may, guns, weapons or other explosives be introduced into the territory of the beneficiary state by the members of the civil protection unit.
- 6) The crossing of borders by foreign groups (cynophiles) and their permission to stay on the territory of the beneficiary state are determined by the reglementation enforced within the beneficiary state.
- 7) Within the framework of the present agreement the importation of narcotics into the beneficiary state in the case of medical emergency and their re-exportation into the territory of the supporting state of the unused quantity, are not considered as "importation" and "exportation" within the sense of existing international agreements covering narcotics. Narcotics must only be imported to meet the needs of medical emergencies and must be used solely by medical personnel qualified, according to the norms laid down within the beneficiary state. The head of the civil defence unit must present to the customs authorities of the beneficiary state, a declaration itemizing the type and quantity of these drugs.
- 8) During their stay on the territory of the beneficiary state, the members of the civil defence unit are called upon to respect the laws and regulations enforced within this land. They remain bound by the work legislation enforced within the supporting state. Military personnel attached to the civil defence unit remain under the military laws laid down by the supporting state. Members of the civil defence unit may wear their uniform on the territory of the beneficiary state.
- 9) At the end of its mission, the civil defence unit must return to the supporting state through the authorized point(s) of passage.

Article 6: The use of aircraft

- 1) Aircraft may be used to accomplish a requested civil defence mission.
- 2) The intervention to use aircraft must be communicated immediately to the competent authority of the beneficiary state, with as precise an indication as possible as to the type and immatriculation of aircraft, the composition of the team of persons on board, of equipment, time of take off, the route to be taken, and the place of landing.
- 3) The beneficiary state authorises a flight to a precise point on its territory. The flights are carried out conforming to the regulation established by the international civil aviation organisation, and by the two parties.

Article 7 Management Coordination and Maintenance

- 1) The coordination and management of operations carried out by civil defence are the responsibility of the authorities of the beneficiary state in every case.
- 2) All directives addressed to the civil defence unit are presented to the sole leader of the aforesaid unit, who gives the necessary orders to his subordinates, in order to carry out the mission.
- 3) The authorities of the beneficiary state offer their protection and assistance to the civil defence unit, and will do all in their power to facilitate the mission.

Article 8: Intervention Expenses

- 1) Except for contrary arrangements decided upon in a mutual agreement between the parties, the expenses related to assistance are charged to the supporting state.
- 2) The beneficiary state can, at any point, withdraw its demand for assistance. In this case, the supporting state has the right to obtain compensation for the costs incurred.
- 3) During the time of the operation on the territory of the beneficiary state, the personnel of the civil defence unit are fed, housed and provided with supplies by the authorities of the beneficiary state, according to their needs: Furthermore, the aforesaid personnel receive all necessary medical aid.
- 4) The supporting state is exempted from payment of taxes and dues concerned with the flying over, landing, stationing and taking off of aircraft, and likewise are exempted from the payment of air navigation services.

- 5) The question of responsibility of the beneficiary state for the cost of carburant and the technical maintenance of the aircraft belonging to the supporting state must be resolved case by case.
- 6) The supporting state can, at any point, decide to withdraw its assistance; it must immediately inform the beneficiary state. In this case, expenses incurred by the supporting state before deciding to withdraw its decision to assist, must remain its own responsibility.

Article 9: Compensation

- 1) The beneficiary state promises to take responsibility for damages resulting from interventions undertaken, according to the present agreement, and notably to material and vehicles of the supporting state, which may be destroyed or damaged.
- 2) Whilst on the territory of the beneficiary state, if damage is caused to a third party by a member of the civil defence unit, during the course of its mission, the beneficiary state takes responsibility for the repair of the damage following the same arrangements as it would for damage incurred by personnel of its own civil defence unit.
- 3) Damage caused intentionally, or through gross negligence, on the part of a member of the civil defence unit is paid for by the supporting state.
- 4) In the case of death, bodily harm or any other undermining of health suffered by personnel of the civil defence unit of the supporting state, the aforesaid renounces all right to claim compensation from the beneficiary state, on condition that this death, bodily harm or undermining of health is directly associated with the accomplishment of the mission.

Article 10: Disputes

All disputes relating to the interpretation or application of the present agreement are dealt with by means of negotiations between the contracted parties.

Article 11: Rupture

The present agreement is concluded for an unlimited period of time. It remains viable up until the time when one of the parties ruptures it, having given six months notice. Rupture of the present agreement does not affect actions already being undertaken, except in the case of contrary arrangements decided upon by common accord between the contracted parties.

Article 12: Enforcement of the Agreement

Each contracted party notifies the other as to the accomplishment of the constitutional formalities required of it, in order to enforce the present agreement, which will take effect on the first day of the second month following the date of the last notification.

Signed at (name of town) on the (date), in two examples, each one in languages () and (), both texts being equally valid.